

**Minutes of Board of Adjustment Meeting
held Tuesday, November 15, 2011 at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order by Chairman Moreland.

Roll Call

Josh Corey
Bobby Jolley
Joseph Loretta
John Moreland *Chairman*
Tom Buck *Vice Chairman*
Scott Chesnut
Sylvia Osewalt *Absent*

Purpose and Ex-Parte Statement

Mr. Moreland read the following statement into the record:

“These variance applications are before the Board of Adjustment for public hearing and consideration. A variance is an approved deviation from the terms of the LDC that will not be contrary to the public interest when owing to special circumstances or conditions where the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

Under the laws of the State of Florida, a public hearing for a zoning variance application is handled as a “*quasi-judicial*” proceeding. A quasi-judicial proceeding means that the decision-making group is functioning in a manner similar to a court with the voting members sitting as impartial decision makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue under consideration. It is the duty of the Board of Adjustment to arrive at sound decisions. This includes receiving citizen input regarding the effect of the variance on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant’s burden to demonstrate that their application is consistent with the Land Development Code and Comprehensive Plan. If the applicant is successful in showing consistence, then it is up to the Board of Adjustment to produce competent, substantial evidence of record to the contrary, if the application is to be denied. The Board of Adjustment’s decision on a variance application is to be based on the criteria contained in Section 34-286 of the Land Development Code. Each member of the Board of Adjustment has been provided a copy of the criteria. In addition, the Board of Adjustment has received a copy of the application being presented.”

“Before opening the meeting and requesting a motion on any of the applications before us this evening, beginning with myself, each of the members is requested to indicate for the record both the names of the persons and the substance of any ex-parte communications regarding any of the applications.

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An ex-parte communication refers to any meeting or discussion with person or citizen who may have an interest in this decision, which occurred outside of public hearing process.”

There were no exparte communications disclosed by the board members.

Approval of Minutes

It was moved by Mr. Jolley, seconded by Mr. Corey, to approve the meeting minutes for June 21, 2011, August 2, 2011, August 16, 2011, September 20, 2011 and October 4, 2011 as presented. Motion carried unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 11-100156**

Name of Applicant: Scott Lewis, Trustee

Property Address: 3528 Ocean Drive South

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta, to approve a request for a front yard of 17.5 feet in lieu of 25 feet required, for a southerly side yard of 9 feet and a northerly side of 6.5 feet in lieu of 12 feet and 10 feet respectively, and for a rear yard of 7.1 feet in lieu of 30 feet required, and for 48% lot coverage in lieu of 35% maximum to allow for a substantial improvement or a new single family dwelling.

Applicant:

The applicant, Scott Lewis, 214 San Juan Drive, Ponte Vedra, stated that he would like to remodel the existing structure. The existing lot coverage is 44% and he would like to increase it to 48%. Mr. Lewis further explained that the reason for his request was that the lot is substandard in size and is odd shaped.

Mr. Moreland asked the applicant how big the remodeled structure will be. Mr. Lewis replied that the house will be a two story with a small 3rd story tower to view the ocean.

Mr. Moreland then asked the applicant if he would be able to remodel the structure with less than the requested lot percentage amount. Mr. Lewis replied yes, but not too much less than was requested.

Public Hearing:

Mr. Moreland opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

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Seeing no one who wished to address the board, Mr. Moreland closed the public hearing.

Discussion:

A brief discussion ensued about the substandard lot creating the hardship for the applicant. However, the Board felt that the requested 48% lot coverage was too excessive. Mr. Loretta stated that he wanted to amend the motion to reduce the lot coverage requested with additional language.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a front yard of 17.5 feet in lieu of 25 feet required, for a southerly side yard of 10 feet and a northerly side of 7.5 feet in lieu of 12 feet and 10 feet respectively, and for a rear yard of 7.1 feet in lieu of 30 feet required, and for 45% lot coverage in lieu of 35% maximum to allow for a substantial improvement or a new single family dwelling as shown and submitted. Variance is to be valid for one year during which time the applicant must submit applications for permitting.

Roll call vote: Ayes –Corey, Buck, Jolley, Loretta, and Moreland; amended motion carried unanimously.

Case Number: BOA 11-100157

Name of Applicant: Leandro Rodriguez

Property Address: 3911 Poinciana Boulevard

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta, to approve a request for 44% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling.

Applicant:

The applicant, Leandro Rodriguez, 3991 Poincianna Blvd, Jacksonville Beach stated that he would like to build a swimming pool in his back yard. However, due to the lot being very narrow, he is unable to do so without seeking a variance.

Public Hearing:

Mr. Moreland opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Moreland closed the public hearing.

Discussion:

There was a very brief discussion about the lot being undersized, therefore creating a hardship.

Roll call vote: Ayes –Corey, Buck, Jolley, Loretta, and Moreland; motion carried unanimously.

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Case Number: BOA 11-100161

Name of Applicant: Alan Dickinson

Property Address: 1315 2nd Avenue North

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta, to approve a request for a rear yard of 10 feet in lieu of 30 feet required, and for 69% lot coverage in lieu of 65% maximum to allow for a new assisted living facility.

Applicant:

The applicant, Alan Dickinson, 416 South 3rd Street, Suite 1, Jacksonville Beach, stated that the reason for the request is due to the lack of adequate depth in the rear yard. The use of the property will be for an assisted living facility.

Public Hearing:

Mr. Moreland opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Moreland closed the public hearing.

Discussion:

Mr. Jolley stated that he did not see any problem with the request and this facility will only be an asset to the community. Mr. Loretta and the other Board members agreed. However, Mr. Loretta amended the motion to include the language "as shown and submitted".

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a rear yard of 10 feet in lieu of 30 feet required, and for 69% lot coverage in lieu of 65% maximum to allow for a new assisted living facility, as shown and submitted.

Roll call vote: Ayes –Corey, Buck, Jolley, Loretta, and Moreland; amended motion carried unanimously.

Case Number: BOA 11-100162

Name of Applicant: Donella Perdue

Property Address: 3318 Ocean Drive South

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta, to approve a request for 49% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Applicant:

The applicant, Donella Perdue, 3341 St. Johns Blvd, Jacksonville Beach, stated that the existing lot coverage has created a hardship for her to construct her future home with the maximum lot coverage,

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due to the lot being subdivided in 2007. The additional lot coverage will be used to install a concrete driveway.

Public Hearing:

Mr. Moreland opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

Seeing no one who wished to address the board, Mr. Moreland closed the public hearing.

Discussion:

There was a brief discussion about the request being minimal, however, Mr. Loretta wanted to add “as shown and submitted” to the motion.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 49% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling, as shown and submitted.

Roll call vote: Ayes –Corey, Buck, Jolley, Loretta, and Moreland; amended motion carried unanimously.

Case Number: **BOA 11-100164**

Name of Applicant: Caleb and Shama Dudley

Property Address: 421 33rd Avenue South

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta to approve a request for an easterly side yard of 5.75 and a westerly side yard of 5.25 feet in lieu of 10 feet required and for 44% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Applicant:

The applicants, Caleb and Shama Dudley, 2115 Marsh Point Road, Neptune Beach, stated that they would like to build a home on their lot that they purchased, however, the lot is undersized.

Mr. Jolley asked the applicant how big the home will be. Mr. Dudley replied that the home will be approximately 1800 square feet.

Mr. Loretta asked the applicant if they will be requesting a variance for a pool at a later time.

Mr. Dudley replied no.

Public Hearing:

Mr. Moreland opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

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The following person spoke in opposition:

Randy DeLoach, 59 33rd Avenue South, Jacksonville Beach.

Seeing no one else who wished to address the board, Mr. Moreland closed the public hearing.

Discussion:

The Board briefly discussed the hardship. With the applicant's agreement to increase the easterly side yard setback to 7 feet, the Board felt that the request was minimal and changed the motion.

Amended Motion: An amended motion was made by Mr. Jolley, seconded by Mr. Loretta, to approve a request for an easterly side yard of 7 feet, and a westerly side yard of 5.25 feet, in lieu of 10 feet required, and for 44% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Roll call vote: Ayes –Corey, Buck, Jolley, Loretta, and Moreland; amended motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:05 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/John Moreland

Chairman

Date: 12/20/2011