

**Minutes of Board of Adjustment Meeting
held Tuesday, December 20, 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 *Absent*
Bobby Jolley
Joseph Loretta
John Moreland *Chairman*
Tom Buck *Vice Chairman*
Scott Chestnut
Sylvia Osewalt

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.”

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“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. 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. Loretta, seconded by Mr. Jolley, to approve the meeting minutes for November 15, 2011 as presented. Motion carried unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: BOA 11-100174
Name of Applicant: Craig Sommers
Property Address: 1505 1st Street South

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta, to approve a request for an accessory structure setback of 1 foot in lieu of 5 feet required for an emergency generator replacement with a weatherproof enclosure.

Applicant:

The applicant, Craig Sommers, 310 15th Street South, Jacksonville Beach stated that he currently has a generator onsite that is over 7 years old. Due to the inclement weather Mr. Sommers stated that it has severely eroded. The owner of the property will be removing the generator to be extensively repaired. Once repaired the generator will need to be housed, hence the request for the accessory structure. The proposed structure will be in line with what currently exists.

Mr. Loretta asked if the applicant knew the pitch of the roof.

Mr. Sommers replied that it will be a hip roof and will have gutters.

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Public Hearing:

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

The following person spoke in opposition to the application:

John Nunn, 1551 1st Street South, Unit 102, Jacksonville Beach

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

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for an accessory structure setback of 1 foot in lieu of 5 feet required for an emergency generator replacement with a weatherproof enclosure to include a gutter system, as shown and submitted.

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

Case Number: BOA 11-100174

Name of Applicant: Bottom Line Ventures, Inc.

Property Address: 1004 2nd Street South

Motion: It was moved by Mr. Buck, seconded by Mr. Loretta, to approve a request for a southerly side yard of 5 feet in lieu of 10 feet required, and a northerly corner side yard of 10 feet in lieu of 15 feet maximum, and for 50% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

Applicant:

The applicant, Tim Millard, 2301 11th Avenue South, Jacksonville Beach, stated that he would like to construct a duplex on the property; each unit will be approximately 1900 square feet.

Public Hearing:

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

The following person spoke in opposition to the application:

Gary Lindros, 12937 Summerwind Lane, Jacksonville, FL 32224

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

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Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a southerly side yard of 5 feet in lieu of 10 feet required, and a northerly corner side yard of 10 feet in lieu of 15 feet maximum, and for 50% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling, as shown and discussed.

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

Board Nominations

Chair

It was moved by Mr. Jolley, seconded by Mr. Loretta, to nominate Mr. Buck as Chairman of the Board of Adjustment.

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

Vice-Chair

It was moved by Mr. Jolley, seconded by Mr. Chesnut, to nominate Mr. Loretta as Vice-Chairman of the Board of Adjustment Committee.

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

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 7:35 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary, Office of the City Clerk

Approval:

/s/John Moreland
Chairman

Date: January 18, 2012