

**Minutes of Board of Adjustment Meeting
held Wednesday, January 18, 2012 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 Buck.

Roll Call

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

Purpose and Ex-Parte Statement

Mr. Buck 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. 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, and passed, to approve the meeting minutes for both the December 20, 2011 and January 3, 2012 meetings as presented. Motion approved unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 11-100185**
Name of Applicant: Corner Lot Custom Homes, LLC

Property Address: 215 38th Avenue South

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a 10 foot front yard limited to open porches, 15 feet for enclosed portions of habitable space, and 18 feet for garage walls in lieu of 25 feet required, for 15 feet in total for both side yards provided that no side yard is less than 5 feet, in lieu of 10 feet required, except when the lot is a corner lot. For a corner lot side yard on the corner shall be 10 feet in lieu of 20 percent of the lot width or 10 feet whichever is greater, for 20 foot rear yards in lieu of 30 feet required, and for 50% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant:

The applicant, Shawn Budd, 2548 Chetts Creek Drive North, Jacksonville, stated that this particular lot in the Avalon Subdivision is in the extreme northwestern portion of the subdivision and is also the smallest. The request is taken from a previous request for the subdivision that had been approved a couple of months ago.

Public Hearing:

Mr. Buck 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. Buck closed the public hearing.

Discussion:

There was a very brief discussion about the application being similar to previous approved requests in that subdivision. However, Mr. Loretta did want to amend the motion for 49% lot coverage instead of the requested 50%.

Amended Motion:

An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a 10 foot front yard limited to open porches, 15 feet for enclosed portions of habitable space, and 18 feet for garage walls in lieu of 25 feet required, for 15 feet in total for both side yards provided that no side yard is less than 5 feet, in lieu of 10 feet required, except when the lot is a corner lot. For a corner lot side yard on the corner shall be 10 feet in lieu of 20 percent of the lot width or 10 feet whichever is greater, for 20 foot rear yards in lieu of 30 feet required, and for 49% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

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

Case Number: BOA 11-100187

Name of Applicant: Chuck and Marti Wade

Property Address: 537 14th Avenue South

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a front yard of 18.8 feet in lieu of 20 feet required, and for 47% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Applicant:

The applicant Chuck and Marti Wade, 537 14th Avenue South, Jacksonville Beach, stated that they would like to construct a front porch on their home. The deck will be wooden and open with a roof.

Public Hearing:

Mr. Buck 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. Buck closed the public hearing.

Amended Motion:

An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a front yard of 18.8 feet in lieu of 20 feet required, and for 47% lot coverage in lieu of 35% maximum to allow for a 6 X 16 open air covered porch.

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

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 7:20 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Thomas Buck
Chairman

Date: 03/06/2012