

**Minutes of Board of Adjustment Meeting  
held Tuesday, March 6, 2012 at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairman Buck.

**Roll Call**

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

Alternates:  
Sylvia Osewalt  
Michael Gallimore

**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 ex parte 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 the October 19, 2010, November 3, 2010, November 16, 2010, and January 18, 2012 meetings as presented and with amendments. Motion approved unanimously.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**Case Number: BOA 12-100010**

**Name of Applicant:** Jacksonville’s Finest Homes

**Property Address:** 111 8<sup>th</sup> Avenue South

**Applicant:** The applicant, Anthony Sifakis, addressed the Board stating he wished to withdraw his request.

**Case Number: BOA 12-100004**

**Name of Applicant:** Nickolas Dambrose

**Property Address:** 2228 Ocean Drive South

**Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a southerly side yard of 4.33 feet and a northerly side yard of 5.58 feet in lieu of 10 feet required; and for a rear yard of 17.75 feet in lieu of 30 feet required to allow for improvements to a multi-family dwelling.

**Applicant:**

The agent for the applicant, Bryan Green, stated that this is a substandard lot size and the goal is to increase the living space.

**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 southerly side yard of 4.33 feet and a northerly side yard of 5.58 feet in lieu of 10 feet required; and for a rear yard of 17.75 feet in lieu of 30 feet required to allow for improvements to a multi-family dwelling, as shown and submitted.

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

**Case Number: BOA 12-100006**

**Name of Applicant:** Tim Shea

**Property Address:** 4217 South 2<sup>nd</sup> Street

**Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for side yards of 7.5 feet in lieu of 10 feet required; and for 47% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

**Applicant:**

The applicant, Tim Shea, stated that this is a substandard lot size, 8,400 square feet, in the Avalon subdivision. The plan is to build a two story home with a two-car garage (footprint 3,151 sq.ft), driveway, lanai and a swimming pool. Mr. Shea submitted a drawing for the record.

**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 ensued about the requested lot coverage.

**Amended Motion:**

An amended motion was made by Mr. Jolley, seconded by Mr. Buck, to approve a request for side yards of 7.5 feet in lieu of 10 feet required; and for 45% lot coverage in lieu of 35% maximum to allow for a new single family dwelling, including the swimming pool, as shown and submitted.

**Roll call vote:** Ayes – Jolley, Moreland, Corey, Buck.  
No – Loretta  
Amended motion carried with a 4 to 1 vote.

**Case Number: BOA 12-100008**

**Name of Applicant:** Richard and Keren Rosberg

**Property Address:** 2514 South 1<sup>st</sup> Street

**Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a southerly side yard of 7.5 feet in lieu of 10 feet required to allow for improvements to a single-family dwelling.

**Applicant:**

The applicant, Richard Rosberg, stated that the lot sits at an angle and the house sits perpendicular to the street, making the side yard unequal to the length of the house. The plan is to build a 25.5 ft. X 14 ft. Florida room along the back of the house.

**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 southerly side yard of 7.5 feet in lieu of 10 feet required to allow for improvements to a single family dwelling, as shown and submitted.

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

**Adjournment**

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 7:45 P.M.

Submitted by: Nancy J. Pyatte  
City Clerk's Office

Approval:

Thomas Buck  
Chairman

Date: March 6, 2012