

**Minutes of Board of Adjustment Meeting
held Tuesday, March 20, 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
Bobby Jolley
Joseph Loretta *Vice-Chairman* Absent
John Moreland
Tom Buck *Chairman*
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 exparte communications disclosed by the board members.

Approval of Minutes

It was moved by Mr. Corey, seconded by Mr. Moreland, to approve the meeting minutes for March 6, 2012 as presented. Motion carried unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 11-100186**

Name of Applicant: Beaches Area Historical Society, Inc.

Property Address: 505 Beach Boulevard

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a northerly side yard of 5 feet and a southerly side yard of 8 feet in lieu of 10 feet required to allow for a new and relocated buildings, on the condition that the project is approved by the City Council of Jacksonville Beach.

Applicant:

The applicant, Peggy Cornelius, 381 Beach Boulevard, Jacksonville Beach, stated that the property that the building will be moved to is currently vacant. The historical society received the historical chapel for \$1.00. The proposed plan for the new portion of the building will include an annex that will facilitate a bathroom and dressing area. The relocation and the addition should all be completed by the end of July. It was also stated that a separate church entity has agreed to lease the chapel for one full year.

Public Hearing:

Mr. Buck 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 favor of the application:

Jim Overby, 21 Burling Way, Jacksonville Beach.

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

Discussion:

A very brief discussion ensued about the relocation of this chapel and how it will be a tremendous asset to Jacksonville Beach. However, Mr. Moreland requested to amend the motion to include the verbiage "as shown and submitted".

Amended Motion:

An amended motion was made by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a northerly side yard of 5 feet and a southerly side yard of 8 feet in lieu of 10 feet required to allow for a new and relocated buildings, on the condition that the project is approved by the City Council of Jacksonville Beach, as shown and submitted.

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

Case Number: BOA 12-100013

Name of Applicant: Pat Lemoine

Property Address: 938 18th Avenue North

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for 47% lot coverage in lieu of 35% maximum to allow for a new swimming pool addition.

Applicant:

The applicant, Patrick Lemoine, 938 18th Avenue North, Jacksonville Beach, stated that he would like to increase his lot coverage to allow for new pavers to be installed around the pool area. Mr. Lemoine informed the Board that his current lot coverage is 42%.

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 discussion about the lot being substandard, however, the Board wished to modify the original motion with a reduction of lot coverage to 45.5%.

Amended Motion:

An amended motion was made by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 45.5% lot coverage in lieu of 35% maximum to allow for a new swimming pool addition.

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

Case Number: BOA 12-100014

Name of Applicant: Donald and Erin Podany, Jr.

Property Address: 983 Theodore Avenue

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a front yard of 18 feet in lieu of 20 feet required, for a corner side yard of 10 feet in lieu of 10.5 feet required, and for 48% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant:

The applicant, Donald Podany, 4300 Southbeach Parkway, Unit 2, Jacksonville Beach, stated that the lot that he purchased is only 52 feet wide, hence, the variance request.

Mr. Corey asked the applicant about the size of the proposed home.

Mr. Podany replied that the home will be approximately 2300 square feet.

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:

A discussion ensued about the substandard size of the lot being a hardship, however, the Board wished to amend the motion to include the verbiage "as presented and as discussed".

Amended Motion:

An amended motion was made by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a front yard of 18 feet in lieu of 20 feet required, for a corner side yard of 10 feet in lieu of 10.5 feet required, and for 48% lot coverage in lieu of 35% maximum to allow for a new single family dwelling as presented and as discussed.

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

The following cases were read into the record as one application:

Case Number: **BOA 12-100015, BOA 12-100016,**
 BOA 12-100017, and BOA 12-100018

Name of Applicant: H & H Seaside Development, LLC

Property Address: 1009 16th Street North
 1021 16th Street North
 937 20th Street North
 955 20th Street North

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a 44% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Applicant:

The applicant, Tim Mallard, stated that the above-mentioned properties are all requiring the same variance due to the lots being substandard in size. Mr. Mallard informed the Board that all of the homes will remain within the building restriction line.

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.

Roll call vote: Ayes – Corey, Buck, Jolley, Moreland and Osewalt
Motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 7:40 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/ Tom Buck

Chairman

Date: May 1, 2012