

**Minutes of Board of Adjustment Meeting
held Tuesday, April 3, 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*
John Moreland
Tom Buck *Chairman*
Sylvia Osewalt
Michael Gallimore *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.”

Minutes of Board of Adjustment Meeting
held on April 3, 2012

“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

There were no minutes to approve.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS

Case Number: **BOA 12-100023**

Name of Applicant: Coastal Realty, LLC

Property Address: 4400 Marsh Landing Boulevard

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a parking area setback of 0 feet from property line in lieu of 5 feet minimum to allow for construction of five new parking spaces.

Applicant:

Agent for the applicant, Paul Nichols, stated that the request is for paving up to the property line to allow for the additional parking spaces on the easterly side of the property.

Public Hearing:

Mr. Buck opened a 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.

Minutes of Board of Adjustment Meeting
held on April 3, 2012

Discussion:

There was a brief discussion about the request being minimal, and that it would enhance the parking area.

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

Case Number: BOA 12-100024

Name of Applicant: John and Pamela Molyneaux

Property Address: 147 32nd Avenue South

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 40% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Applicant:

Agent for the applicant, Alan Almand, stated that the proposed home will be approximately 3,000 square feet, with a 2nd level. Mr. Almand also stated that the boundary setbacks will not be encroached upon with this request.

Public Hearing:

Mr. Buck opened a 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 regarding the hardship being the substandard size of the lot.

Additionally, Mr. Moreland amended the motion to include the verbiage “as presented as discussed”.

Amended Motion:

An amended motion was made by Mr. Moreland, seconded by Mr. Loretta, to approve a request for 40% lot coverage in lieu of 35% maximum to allow for a new single family dwelling as presented and discussed.

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

Minutes of Board of Adjustment Meeting
held on April 3, 2012

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 7:15 P.M.

Submitted by: Amber Maria Lehman
Office of the City Clerk

Approval:

/s/Tom Buck

Chairman

Date: May 15, 2012