

**Minutes of Board of Adjustment Meeting
held Tuesday, May 15, 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 *Absent*
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 both the April 3, 2012 and April 17, 2012 minutes as presented. Motion carried unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: BOA 12-10040

Name of Applicant: Margo Castro and Robert O’Hara

Property Address: 602 13th Avenue North

Motion: It was moved by Mr. Corey, seconded by Mr. Moreland, to approve a request for a front yard of 16 feet in lieu of 25 feet required and for an easterly side yard of 3 feet in lieu of 10 feet required to allow for improvements to a two-family dwelling.

Applicant:

The applicant, Margo Castro, 602 13th Avenue North, stated that she and her husband are seeking a variance so that they will be able to have a driveway and a concrete walkway that will lead to their front door. Mrs. Castro also stated that she would like to extend her front porch slightly so that there is covering for people to stand under and not be exposed to the weather elements. Currently there isn’t any overhang.

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:

Frank Wright, 525 13th Avenue North, Jacksonville Beach

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

Discussion:

A brief discussion took place about the lot being substandard, creating a hardship for the applicant. However, Mr. Corey stated that he wanted to amend the motion to include the verbiage “as shown and submitted”.

Amended Motion:

An amended motion was made by Mr. Corey, seconded by Mr. Moreland, to approve a request for a front yard of 16 feet in lieu of 25 feet required and for an easterly side yard of 3 feet in lieu of 10 feet required to allow for improvements to a two-family dwelling as shown and submitted.

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

Case Number: BOA 12-100041

Name of Applicant: Douglas Sellers

Property Address: 3604 Isabella Boulevard

Motion: It was moved by Mr. Corey, seconded by Mr. Moreland, to approve a request for 48% lot coverage in lieu of 35% maximum to allow for a new swimming pool addition to a single family dwelling.

Applicant:

The applicant, Douglas Sellers, 3604 Isabella Blvd., stated that his lot size is 50’ X 120’ and is currently at the maximum lot coverage. Mr. Sellers requested that he be allowed to put in a reasonably sized pool for his growing family.

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:

Barbara Dawson, Jacksonville Beach

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

Discussion:

A brief discussion ensued about the lot size being severely undersized for this particular zoning. This creates a hardship for the applicant and, by granting the variance, should not impact the surrounding neighbors.

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

Case Number: BOA 12-100042
Name of Applicant: Laura and Bernie Farris

Property Address: 85 Oakwood Road

Motion: It was moved by Mr. Corey, seconded by Mr. Moreland, to approve a request for an easterly side yard of 6.7 feet in lieu of 10 feet required to allow for improvements to a single family dwelling.

Applicant:

The applicant, Bernie Farris, 85 Oakwood Road, stated that he would like to add an addition to the easterly side of his home to accommodate his handicapped mother. The addition will be a mini-suite with wheelchair access.

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:

Dean Vaughn, Vaughn Builders, Jacksonville Beach

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

Discussion:

There was a brief discussion amongst the Board members regarding hardships, noting that medical reasons are not hardships. However, Mr. Moreland stated that the structure itself can be seen as presenting a hardship and wished to amend the motion to include the verbiage “as described and discussed”.

Amended Motion:

An amended motion was made by Mr. Moreland, seconded by Mr. Corey, to approve a request for an easterly side yard of 6.7 feet in lieu of 10 feet required to allow for improvements to a single family dwelling, as described and discussed.

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

Adjournment

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

Submitted by: Amber Maria Lehman
Office of the City Clerk

Approval:

/s/Tom Buck
Chairman

Date: 07/17/2012