

**Minutes of Board of Adjustment Meeting
held Tuesday, June 19, 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 Vice-Chairman Loretta.

Roll Call

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

Purpose and Ex-Parte Statement

Mr. Loretta 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

Minutes of the Board of Adjustment
Meeting held June 19, 2012

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. Moreland, seconded by Mr. Jolley, to approve the March 20, 2012, minutes, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: BOA 12-100067

Name of Applicant: H. J. McGovern

Property Address: 2517 Ocean Drive South

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a southerly side yard of 4.45 feet in lieu of 10 feet required to allow for improvements to a single-family dwelling.

Applicant:

The agent and brother for the applicant, Paul McGovern, 509 4th Avenue South, asked the Board to grant him a variance to allow for the construction of a covered walkway with a staircase on the side of his home.

Mr. Loretta asked Mr. McGovern if the stairwell will be fully enclosed or remain open-air.

Mr. McGovern replied that the stairwell would be fully enclosed.

Public Hearing:

Mr. Loretta 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:

Minutes of the Board of Adjustment
Meeting held June 19, 2012

John McGovern, 2517 Ocean Drive South

The following person spoke in opposition to the application:

Terry Simmons, 1510 South 2nd Street

Seeing no one else who wished to address the Board, Mr. Loretta closed the public hearing.

Discussion:

Mr. Moreland spoke briefly about the request and understood the need of the applicant to have an enclosed stairwell; however, the applicant can accomplish the construction of a stairwell without enclosing it and obstructing the views of the surrounding neighbors. The Board members concurred with Mr. Moorland.

Roll call vote: Nays – Moreland, Corey, Jolley, Loretta, and Osewalt; motion denied unanimously.

Case Number: BOA 12-100069

Name of Applicant: Bottom Line Ventures

Property Address: 1155 12th Street North

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 38% maximum lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Applicant:

Applicant, Tim Millard, 2301 11th Avenue North, asked the Board to grant him a variance for lot coverage due to the substandard size of his lot. The lot size is 52 X 102 square feet.

Public Hearing:

Mr. Loretta 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:

Terry Simmons, 1510 South 2nd Street

Seeing no one else who wished to address the Board, Mr. Loretta closed the public hearing.

Discussion:

A brief discussion ensued about the substandard lot size.

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

Case Number: BOA 12-100070

Name of Applicant: Matt Fitzwater

Property Address: 1873 Kings Court

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

Applicant:

Applicant, Matt Fitzwater, 1873 Kings Court, stated that he was not aware of the permitting and the variance requirements and erroneously hired a company to construct a backyard paver patio. The City of Jacksonville Beach cited him for failure to have a permit. Mr. Fitzwater asked for a variance; the work is already completed.

Public Hearing:

Mr. Loretta 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. Loretta closed the public hearing.

Discussion:

There was a brief discussion about the hardship being created by the applicant, however, there were not any neighbors opposing the variance request. Mr. Moreland did state that he wanted to amend the motion to include the verbiage “for an open-air deck as shown and submitted”.

Amended Motion:

An amended motion was made by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling for an open-air deck as shown and submitted.

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

Case Number: BOA 12-100074

Name of Applicant: Corner Lot Custom Homes

Property Address: 111 8th Avenue South

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for front yards of 15 feet each in lieu of 20 feet required to allow for construction of a two-home zero lot development.

Applicant:

The agent for the applicant, Shawn Budd, 6058 San Jose Blvd., stated that this parcel was previously going to be a six-apartment complex. Now the parcel will be divided and will have a single-family

Minutes of the Board of Adjustment
Meeting held June 19, 2012

home on each lot. In order to construct single-family homes, Mr. Budd is requesting a variance for these lots of 15 feet front yard setbacks due the shape of the lots.

Public Hearing:

Mr. Loretta 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 opposition to the application:

Roy Lion, 117 8th Avenue South, Jacksonville Beach

Seeing no one else who wished to address the Board, Mr. Loretta closed the public hearing.

Discussion:

A brief discussion ensued about there being an 80-foot right-of-way on 8th Avenue and therefore, the neighbors should not be affected.

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

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:50 P.M.

Submitted by: Amber Maria Lehman
City Clerk's Office

Approval:

/s/Joseph Loretta
Chairman

Date: August 7, 2012