



**Minutes of Board of Adjustment Meeting
Held Tuesday, September 18, 2012 at 7:00 PM
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

Thomas 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.”

Josh Corey disclosed he had spoken with Steve Jarrett regarding case #12-100106.

There were no ex-parte communications disclosed by the other Board members.

Approval of Minutes

There were no minutes for approval.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA 12-100106

Name of Applicant: William P. Kilgannon

Name of Owner: Deborah VonDolteren, Trustee of the Nora Hobbs Holt Trust

Property Address: 202 25th Avenue South

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for Lots 21,22: 34-336(e)(1)c.1, for a front yard of 20 feet in lieu of 25 feet; 34-336(e)(1)c.2, for side yards of 7.5 feet each in lieu of 10 feet required; 34-336(e)(1)e, for 48.8% lot coverage in lieu of 35% maximum to allow construction of two single family homes. For Lot A: 34-336(e)(1)c.1, for a front yard of 0 feet in lieu of 25 feet required; 34-336(e)(1)c.2, for a southerly side yard of 3 feet in lieu of 10 feet required; and 34-336(e)(1)c.3, for a rear yard of 20 feet in lieu of 25 feet required (dual frontage lot); and 34-336(e)(1)e, for 53.2 % lot coverage in lieu of 35% maximum to allow for expansion of an existing non-conforming single family home.

Mr. Kilgannon, applicant, introduced Steve Jarrett, 2002 Seagate Avenue, as his agent to speak on his behalf.

Mr. Jarrett submitted a drawing, for the record, to all the Board members. Mr. Jarrett stated this shows the plan to maintain the footprint of the existing lot ‘A’ and he also stated that there are plenty of storm drains in this neighborhood.

Discussion ensued amongst the Board members about the garage location and whether or not it should be a

single-car or two-car garage, as proposed. Discussion continued about the proposed swimming pool and the deck and the corner sight-line being obstructed, and the option of building two structures instead of three.

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 people spoke in opposition:

Nancy Barrett, 2601 S. 2nd Street, spoke against the application and submitted, for the record, a petition signed by other residents in the neighborhood who are not in favor of this application.

Bill Scott, 2605 Madrid Street, spoke against the application and submitted, for the record, an affidavit with his reasons for opposing the application, along with photographs showing the flooding conditions in the neighborhood. Mr. Scott stated the photos were taken two years ago, but after the stormwater system was built.

There was no one else who wished to address the Board; Mr. Buck closed the public hearing.

Mr. Jarrett addressed the drainage issues in the neighborhood and stated that flooding (after heavy rains) has always been a problem all over the beach area.

Discussion ensued leading to an amended motion.

Amended motion:

An amended motion was made by Mr. Loretta, seconded by Mr. Corey, for Lots 21 and 22, for a front yard of 20 ft. in lieu of 25 ft.; for side yards of 7.5 ft. each in lieu of 10 ft. required; for 42% lot coverage in lieu of 35% maximum to allow construction of two single family homes.

For Lot A, for a front yard of 8 ft. in lieu of 25 ft. required and facing 25th Avenue South; for a southerly side yard of 7.5 ft. in lieu of 10 ft. required, on the west side of property; for a rear yard of 20 ft. in lieu of 25 ft. required (Madrid, dual frontage lot); and for 45% lot coverage in lieu of 35% maximum to allow for construction of a new single family home.

Roll call vote:

Ayes – Loretta

Nays – Moreland, Corey, Jolley, Buck

Amended motion failed with a 4 to 1 vote; request denied.

Original motion:

Roll call vote:

Ayes –

Nays – Corey, Jolley, Loretta, Buck, Moreland

Original motion failed with a unanimous vote; request denied.

(B) Case Number: BOA 12-100110

Name of Applicant: Mark William Macco AIA, NCARB
Name of Owner: Sam H. Hall
Property Address: 51 36th Avenue South
Current Zoning: RS-1

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for **City of Jacksonville Beach Land Development Code Section: 34-336(e)(1)c.2**, for a side yard and corner side yard of 6 feet in lieu of 10 feet required; and 34-336(e)(1)e, for 47% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Mark Macco addressed the Board stating that this will be approximately an 1800 sq. ft. two-story home, with a roof top deck and a specific drainage system, and with solar panels. Mr. Macco stated the plan is to live in the home, not to sell.

Public Hearing:

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the Application. There was no one who wished to address the Board; Mr. Buck closed the public hearing.

Discussion ensued leading to an amended motion.

Amended motion:

An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, for a side yard and corner side yard of 7.5 ft. in lieu of 10 ft. required; for 42% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Roll call vote:

Ayes – Loretta, Buck, Moreland, Corey

Nays – Jolley

Amended motion passed with a 4 to 1 vote.

(C) Case Number: BOA 12-100111

Name of Applicant: J. E. Holland Properties, Inc.
Name of Agent: Woodard M. Holland
Property Address: 1125 1st Street South
Current Zoning: RM-2

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for **City of Jacksonville Beach Land Development Code Section: 34-340(e)(3)c.2**, for a northerly side yard of 6.9 feet in lieu of 10 feet required to allow for improvements to a multi-family dwelling.

The agent for the applicant, Woodard Holland, addressed the Board stating that the applicant wishes to extend the existing deck to have 10 ft. of deck along the width of the building.

Public Hearing:

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the Application.

There was correspondence from Mr. S. Jarrell who stated he was opposed to the variance.

The following people spoke in opposition to the variance:

Cynthia Hood, 1107 South 1st Street, unit F
Kevin Sloey, 1107 South 1st Street, unit B
Willie Avilla, 1107 South 1st Street, unit G

They all stated the deck would block more of their already limited view of the ocean.

There was no one else who wished to address the Board; Mr. Buck closed the public hearing.

A brief discussion ensued about no hardship presented for this variance.

Roll call vote:

Ayes – Buck

Nays – Loretta, Moreland, Corey, Jolley

Motion failed with a 4 to 1 vote; request denied.

(D) Case Number: BOA 12-100112 to 12-100119

Name of Applicant: S H Design, LLC
Name of Owner: Medjax Associates, LTD
Property Address: RE# 180508-0000 (Parcels A to H)
Current Zoning: RS-1

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for **City of Jacksonville Beach Land Development Code Section:** 34-336(e)(1)c.2, for side yards of 7.5 feet in lieu of 10 feet each; and 34-336(e)(1)e, for 45% lot coverage in lieu of 35% maximum to allow for a new single family dwelling on each of the eight lots specified.

BOA 12-100112	388 33 rd Avenue South	Parcel D, Block 4, <i>Atlantic Shores Unit No. 1 Replat</i>
BOA 12-100113	393 34 th Avenue South	Parcel E, Block 4, <i>Atlantic Shores Unit No. 1 Replat</i>
BOA 12-100114	414 33 rd Avenue South	Parcel C, Block 4, <i>Atlantic Shores Unit No. 1 Replat</i>
BOA 12-100115	415 34 th Avenue South	Parcel F, Block 4, <i>Atlantic Shores Unit No. 1 Replat</i>
BOA 12-100116	420 33 rd Avenue South	Parcel B, Block 4, <i>Atlantic Shores Unit No. 1 Replat</i>
BOA 12-100117	437 34 th Avenue South	Parcel G, Block 4, <i>Atlantic Shores Unit No. 1 Replat</i>
BOA 12-100118	428 33 rd Avenue South	Parcel A, Block 4, <i>Atlantic Shores Unit No. 1 Replat</i>
BOA 12-100119	459 34 th Avenue South	Parcel H, Block 4, <i>Atlantic Shores Unit No. 1 Replat</i>

The applicant, Jason Huntley of SH Design, addressed the Board stating that the variance request is to allow for construction of eight homes, each with a driveway and pool, and in line with the surrounding neighborhood.

Public Hearing:

Mr. Buck opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the Application.

Barbara Galvin, 3594 Isabella Blvd., spoke in favor of the request.

There was no one else who wished to address the Board; Mr. Buck closed the public hearing.

A brief discussion ensued resulting in an amended motion.

Amended motion:

An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, for side yards of 7.5 ft. in lieu of 10 ft. required; and for 45% lot coverage in lieu of 35% maximum to allow for a new single family dwelling on each of the eight lots specified, as shown and submitted.

Roll call vote:

Ayes – Buck, Moreland, Corey, Jolley, Loretta

Amended motion passed with a unanimous vote.

BUILDING DEPARTMENT REPORT: The next scheduled meeting is **Tuesday, October 2, 2012**.
There are currently seven (7) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 8:55 PM.

Submitted by: Nancy J. Pyatte
Assistant City Clerk

Approval:

/s/Tom Buck
Chairman

Date: November 7, 2012