

**Minutes of Board of Adjustment Meeting
held Tuesday, October 2, 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

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 ex-parte communications disclosed by the board members.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Mr. Moreland, and passed, to approve the minutes for both the August 7, 2012 and September 5, 2012 meetings as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: BOA 12-100122
Name of Applicant: Shandy Williams

Property Address: 522 3rd Avenue South

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

Applicant:

The applicant, Shandy Williams, stated that she is requesting additional lot coverage so that she can have a pool constructed with paver decking.

Mr. Moreland asked the applicant about the approximate size of the pool decking. Ms. Williams replied that it will be 300 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 ensued and Mr. Moreland stated that he felt the request was minimal and, if approved, will be a very minimal impact to the surrounding neighborhood; Mr. Jolley agreed. However, Mr. Moreland stated that he did not feel as though there was a hardship.

Roll call vote: Ayes – Moreland, Corey, Jolley and Loretta
Nays – Buck
Motion carried by a vote of 4 to 1.

Case Number: BOA 12-100125
Name of Applicant: James and Phoebe Howard

Property Address: 2698 Madrid Street

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 47% lot coverage in lieu 35% maximum to allow for a new single-family dwelling.

Applicant:

The agent for the applicant, Steve Diebenow, stated that Mr. & Mrs. Howard purchased this property and it is below the current minimal standards for residential building with only 6000 square feet. Mr. Diebenow further explained to the board that this property is adjacent to the PUD that was granted a variance of 65% lot coverage; therefore this request for lot coverage will be in line with the surrounding residential properties. The HOA requires that each property have a free standing garage, which also hinders Mr. & Mrs. Howard to build a home meeting the 35% maximum lot coverage.

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:

Leland Management, South Beach ARB, Jacksonville Beach

The following person spoke in opposition to the application:

Bill Scott, 2605 Madrid Street, Jacksonville Beach.

Eileen Blocker, 245 Cayman Ct., Jacksonville Beach, submitted a letter (opposing) entered into the record.

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

A brief discussion ensued about whether or not the parcel belonging to Mr. & Mrs. Howard was included in the St. Johns Water Management permit for the PUD. Mr. Loretta wished to amend the motion to address the SJWM permit for approval.

Amended Motion:

An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for 47% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling, provided that the applicant demonstrate their parcel was included in the SJWMD permit for the PUD. An exemption letter from the district will suffice as evidence, which should be provided to the Building Department.

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

Case Number: BOA 12-100126
Name of Applicant: Progressive Home Buyers

Property Address: 215 9th Street

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a front yard of 16.33 feet in lieu of 20 feet required, for a side yard/corner side yard of 7 feet in lieu of 10 feet required, for a rear yard of 10 feet in lieu of 30 feet required, for 57% lot coverage in lieu of 35% maximum, and for parking spaces of 7 feet by 16 feet in lieu of 9 feet by 17 feet to allow for a new two-family dwelling.

Applicant:

The applicant, Alex Sifakis, stated that he and his partners purchased this property and would like to construct a duplex on the property. However, the property in its current condition is too small to develop with the land use development codes as they are currently applied.

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. Moreland closed the public hearing.

A brief discussion ensued about the lot being substandard. However, Mr. Moreland stated that he wished to amend the motion.

Amended Motion:

An amended motion was made by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a front yard of 18 feet in lieu of 20 feet required on the 1st floor, and 16.33 feet for the 2nd and 3rd floor in lieu of 20 feet required, for a side yard/corner side yard of 7 feet in lieu of 10 feet required, for a rear yard of 10 feet in lieu of 30 feet required, for 57% lot coverage in lieu of 35% maximum, and for parking spaces of 7 feet by 18 feet in lieu of 9 feet by 17 feet to allow for a new two-family dwelling.

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

Case Number: BOA 12-100127

Name of Applicant: Progressive Home Buyers

Property Address: 822 4th Avenue South

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for side yards of 5 feet in lieu of 10 feet required, and for 48.6 % lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

Applicant:

The applicant, Alex Sifakis, stated that this application is similar to the previous request that was submitted. However, the lot is a little different in that the request is for side yards and lot coverage only.

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.

A brief discussion ensued about the lot being substandard, therefore, creating a hardship for the applicant.

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

Case Number: BOA 12-100128

Name of Applicant: Bottom Line Ventures, Inc.

Property Address: 1006 22nd Street North

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

Applicant:

The applicant, Tim Millard, 2301 11th Avenue North, stated he would like to construct a single family home. The lot size is 50 ft. X 102 ft., which is considerably substandard.

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.

A brief discussion ensued about the lot being substandard. However, Mr. Loretta wished to amend the motion to include the verbiage "as submitted and discussed".

Amended Motion:

An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for 44% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling as submitted and discussed.

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

Mr. Loretta, the applicant for the next case, excused himself from the dais.

Case Number: BOA 12-100121

Name of Applicant: Joe Loretta

Property Address: 930 1st Avenue South

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a front yard of 9 feet in lieu of 20 feet required, for side yards of 5 feet in lieu of 10 feet required, for a rear yard of 15 feet in lieu of 30 feet required, and for 618 square feet of conditioned living space in lieu of 700 square feet minimum to allow for a multi-family use development.

Applicant:

The applicant, Joe Loretta, 930 1st Avenue South, stated he would like to construct a 618 sq.ft. detached 2-story structure. Mr. Loretta stated this will be for a two car garage with a one bedroom unit on the second floor. The grassed courtyard between the existing single family home and the addition will be maintained. Mr. Loretta stated this addition is consistent with the neighborhood.

Public Hearing:

Mr. Moreland 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. Moreland closed the public hearing.

There was a brief discussion about the application having very minimal impact on the surrounding neighbors.

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

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 8:15 P.M.

Submitted by: Amber Maria Lehman
Office of the City Clerk

Approval:

/s/Joseph Loretta
Chairman

Date: December 14, 2012