

Minutes of Board of Adjustment Meeting
held Tuesday, May 7, 2013, 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 Loretta.

Roll Call

Tom Buck, Vice-Chairman *Absent*
Josh Corey
Bobby Jolley
Joseph Loretta, Chairman
John Moreland

Alternates:

Mike Gallimore *Absent*
Sylvia Osewalt *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 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.

Approval of Minutes

It was moved by Mr. Corey, seconded by Mr. Mr. Moreland, and passed, to approve the minutes for the March 19, 2013, April 2, 2013, and April 16, 2013 meetings as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA 13-100059

Name of Applicant: Coastal Living Properties, LLC

Property Address: 202 37th Avenue South

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a front yard of 15 feet for enclosed portions of habitable space, 18 feet for garage walls in lieu of 25 feet required, for a rear yard of 20 feet in lieu of 30 feet required, and for 46% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant:

The agent for the applicant, Paul Hoffman, P.O. Box 1206 , Ponte Vera Beach, stated that with the required two-car garage, building a new home has presented some challenges in complying with the 35% maximum lot coverage and staying within the rear yard setbacks. Mr. Hoffman also stated that the home will be consistent with what has been previously approved by the Board.

Mr. Loretta asked Mr. Hoffman about the size of his lot.

Mr. Hoffman replied that, according to the survey, the lot size is 8,560 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.

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

Discussion:

Mr. Jolley stated that with the lot being so close to A1A, it does present a challenge to the applicant. Mr. Moreland agreed and also pointed out that the lot is substandard, therefore creating a hardship for the applicant.

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

(B) Case Number: BOA 13-10062

Name of Applicant: Corner Lot Custom Homes

Property Address: 623 Upper 8th Avenue South

Motion to Approve: 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 a new single family dwelling.

Applicant:

The agent for the applicant, Shawn Budd, 3721 Dupont Station Court, Jacksonville, stated that he is asking for a variance for lot coverage because he would like to construct a single-story family dwelling. The lot presents a hardship because it is only 5,000 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.

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

Discussion:

There was a very brief discussion about the lot being substandard which creates a hardship for the applicant.

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

(C) Case Number: BOA 13-100063

Name of Applicant: Corner Lot Custom Homes

Property Address: 651 Upper 8th Avenue South

Motion to Approve: 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 a new single family dwelling.

Applicant:

The agent for the applicant, Shawn Budd, 3721 Dupont Station Court, Jacksonville, stated that this request is exactly the same as the previous request, because the lot is only 5,000 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.

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

Discussion:

There was a very brief discussion about the lot being substandard which creates a hardship for the applicant.

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

(D) Case Number: BOA 13-100064

Name of Applicant: Surebrook LLC (Sean Shapiro)

Property Address: 603 2nd Street South

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a front yard of 15 feet in lieu of 20 feet required, for a northerly corner side yard of 10 feet in lieu of 30 feet required, and for a rear yard of 11 feet in lieu of 30 feet required to allow for a new three-unit townhouse dwelling project.

Applicant:

The applicant, Sean Shapiro, stated that he would like to construct three two-story town homes on this lot. He stated his request is very similar to the project that the Board approved for Tim Millard, which is diagonal to this lot.

Mr. Loretta asked the applicant if there was any room for the garages to be set back 2 to 3 feet.

Mr. Shapiro stated that he believes there is a little room to do so.

Mr. Moreland stated that this lot is in excess of the minimum requirements of RM-2 zoning.

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 people spoke in opposition to the application:

Johnny Feedby, 151 2nd Avenue South, Jacksonville Beach
Albert Aranao, 178 6th Avenue South, Jacksonville Beach
Nick Campbell, 608 2nd Street South, Jacksonville Beach
Pam Fillenbaum, 117 7th Avenue South, Jacksonville Beach

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

Discussion:

Discussion ensued and Mr. Jolley stated that this lot was previously approved in 2005 for a 7 unit condo; this application is a much better fit for the neighborhood. Mr. Moreland concurred, however he did wish to amend the motion to include verbiage about the garages.

Amended Motion:

An amended motion was made by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a front yard of 15 feet in lieu of 20 feet required except garage area which is 18 feet, for a northerly corner side yard of 10 feet in lieu of 20 feet required, and for a rear yard of 15 feet on the 1st floor and 11 feet on additional floors in lieu of 30 feet required, to allow for a new three-unit townhouse dwelling project.

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

(E) Case Number: BOA 13-100065

Name of Applicant: Mid Channel LLC c/o Robert Barnes

Property Address: 440 9th Avenue South

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a rear yard of 27 feet in lieu of 30 feet required, and for 41% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant:

The applicant, Robert Barnes, 3317 Royal Palm Drive, stated that he is asking for a variance because the lot is non-conforming, lot size is only 5,000 square feet.

Mr. Moreland stated that this lot is significantly smaller than the minimum lot size required for this zoning.

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 people spoke in opposition to the application:

Margaret Zinn, 438 9th Avenue South, Jacksonville Beach
Steve Sherman, 475 9th Avenue South, Jacksonville Beach

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

Discussion:

There was a very brief discussion about the lot being substandard, creating a hardship for the applicant.

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

(F) Case Number: BOA 13-100065

Name of Applicant: Sharon Brower and Bob Cheek

Property Address: 16 Quail Lane

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a rear yard of 17.5 feet in lieu of 30 feet required, and for 43% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Applicant:

The applicant, Sharon Brower, 16 Quail Lane, Jacksonville Beach, stated that she and her husband own the property and wish to expand their home so that they can accommodate her mother moving in with them.

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 very brief discussion about the application. Mr. Moreland stated that he wished to amend the motion to include the verbiage "as shown and submitted".

Amended Motion:

An amended motion was made by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a rear yard of 17.5 feet in lieu of 30 feet required, and for 43% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling as shown and submitted.

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

Building Department Report: The next scheduled meeting is Tuesday, May 21, 2013.
There are currently eight (8) scheduled cases.

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
Senior Secretary

Approval:

/s/Joseph Loretta
Chairman

Date: May 7, 2013