

**Minutes of Board of Adjustment Meeting
held Tuesday, June 4, 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
Josh Corey *Absent*
Bobby Jolley
Joseph Loretta, Chairman
John Moreland *Absent*

Alternates:

1st: Sylvia Osewalt
2nd: Mike Gallimore

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

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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. Buck, seconded by Mr. Jolley, and passed, to approve the minutes for the May 7, 2013 meeting, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA 13-10093

Name of Applicant: Brent Hutchison

Property Address: 844 15th Avenue North

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for a westerly side yard of 8 feet in lieu of 10 feet required to allow for a garage addition to a single-family dwelling.

Applicant:

The applicant, Brent Hutchinson, 844 15th Avenue North, stated that he would like to construct a single-family garage. The construction of the structure will not extend beyond the existing house line.

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:

- Rick Knight, 827th 8th Avneue North, Jacksonville Beach

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

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Discussion:

A brief discussion ensued about the applicant having a hardship. Construction of the garage will enhance the surrounding neighborhood and will prevent on street parking.

Roll call vote: Ayes – Buck, Jolley, Loretta, Gallimore, and Osewalt; motion passed unanimously.

(B) Case Number:BOA 13-100094

Name of Applicant: Bottom Line Ventures, Inc.

Property Address: 520 and 411 1st Street South

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for side yards of 5 feet in lieu of 10 feet required, for a rear yard of 25 feet in lieu of 30 feet required, and for 55% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

Applicant:

The applicant was not present.

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:

- John Keiser, 590 1st Street South, Jacksonville Beach

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

Discussion:

There was very brief discussion about the applicant not presenting a hardship.

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

(C) Case Number:BOA 13-100095

Name of Applicant: Richard Johnston/RJF Land Trust

Property Address: 3528 Ocean Drive South

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a front yard of 17.5 feet in lieu of 25 feet required, for a northerly side yard of 7.5 feet in lieu of 10 feet required, for a rear yard of 7.08 feet in lieu of 30 feet

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required, and for 48% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Applicant:

The agent for the applicant, Richard Johnston, stated that he is requesting 48% lot coverage to construct a single family home.

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 discussion about the applicant having a hardship due to the substandard size of the lot.

Roll call vote: Ayes – Buck, Moreland, Jolley, and Loretta. Nays – Osewalt. The motion passed by a vote of 4 to 1.

Building Department Report: The next scheduled meeting is Tuesday, June 18, 2013.
There are currently four (4) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:25 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/Thomas Buck
Vice Chair

Date: July 16, 2013