

**Minutes of Board of Adjustment Meeting
held Tuesday, June 18, 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 Vice-Chairman Buck.

Roll Call

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

Alternates: 1st: Sylvia Osewalt *Absent*
2nd: Mike 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

Minutes of the Board of Adjustment Meeting
Held June 18, 2013

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

There were no minutes to approve.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

- (A) **Case Number: BOA 13-100100**
Name of Applicant: Corner Lot Custom Homes
Property Address: 669 Upper 8th Avenue South

Motion to Approve: It was moved by Mr. Corey, 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 South DuPont Station Court, 32217, stated that he has a hardship due to the substandard size of the lot. He would like to construct a single-family home.

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. Loretta closed the public hearing.

Discussion:

The Board members discussed the application briefly, stating that the applicant has a hardship due to the lot size. In keeping with the rules of proportionality, approving the variance would still be less than the maximum of 35% lot coverage.

Minutes of the Board of Adjustment Meeting
Held June 18, 2013

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

(B) Case Number:BOA 13-100101

Name of Applicant: William and Virginia Reynolds

Property Address: 440 32nd Avenue South

Motion to Approve: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for 45% lot coverage in lieu of 38% maximum to allow for a swimming pool addition to a single-family dwelling.

Applicant:

The applicant, Virginia Reynolds, 440 32nd Avenue South, stated that she would like to install a pool in the rear of her home. There will be 3 feet of pavers around the pool, which is why she is requesting a variance.

Mr. Moreland asked her for the size of the lot. Ms. Reynolds replied that the lot size is 8,437 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. Loretta closed the public hearing.

Discussion:

There was very brief discussion about the applicant having a hardship that would warrant approval. Mr. Moreland wished to amend the motion to include the verbiage “as described and discussed”.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Jolley, to approve request for 45% lot coverage in lieu of 38% maximum to allow for a swimming pool addition to a single-family dwelling, as described and discussed.

Roll call vote on Amended Motion: Ayes – Jolley, Buck, Corey, Moreland, and Gallimore; motion passed unanimously.

(C) Case Number:BOA 13-100102

Name of Applicant: Janet Wylie

Property Address: 1014 Penman Road

Motion to Approve: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a corner side yard of 10 feet in lieu of 14 feet, and for a rear yard of 22 feet in lieu of 30 feet required to allow for a new single-family dwelling.

Minutes of the Board of Adjustment Meeting
Held June 18, 2013

Applicant:

The applicant, Janet Wylie, 1902 Ocean Drive South, stated that she would like to construct a single family home on this lot. Ms. Wylie stated that the lot is rather small, substandard for the RS-1 zoning.

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:

A very brief discussion ensued that resulted in Mr. Moreland stating that he wished to amend the motion to include the verbiage “as presented and described”.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a corner side yard of 10 feet in lieu of 14 feet, and for a rear yard of 22 feet in lieu of 30 feet required to allow for a new single family dwelling, as presented and described.

Roll call vote on Amended Motion: Ayes – Jolley, Buck, Corey, Moreland, and Gallimore; motion passed unanimously.

(D) Case Number:BOA 13-100103

Name of Applicant: H & H Seaside Development

Property Address: 508 9th Avenue North

Motion to Approve: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for total side yards of 11 feet in lieu of 15 feet required and for 43% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Applicant:

The agent for the applicant, Tim Millard, 230 15th Street South, stated that he would like to build a single family home. The lot size does present a hardship due the size being only 6,250 square feet.

Mr. Millard stated that he will not need a variance for the side yard setbacks and requested that part be removed from the motion. Also, he stated he would only need 40% lot coverage, as he will be building a different house.

Public Hearing:

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

Minutes of the Board of Adjustment Meeting
Held June 18, 2013

The following person spoke in neither for nor against the application:

- Jim Sorrell, 1410 Pinewood Road, Jacksonville Beach

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

Discussion:

The Board concurred that the applicant clearly has a hardship due the substandard size of the lot. Mr. Moreland wished to amend the motion by removing the total side yard request and include the verbiage “as submitted and discussed”.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 40% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling, as submitted and discussed.

Roll call vote on Amended Motion: Ayes – Jolley, Buck, Corey, Moreland, and Gallimore; motion passed unanimously.

Building Department Report: The next scheduled meeting is Tuesday, July 2, 2013.
There are currently three (3) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 7:30 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/Thomas Buck
Vice Chair

Date: 07/16/2013