

**Minutes of Board of Adjustment Meeting
held Tuesday, August 6, 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*
Joseph Loretta, Chairman
John Moreland
Sylvia Osewalt

Alternates:
Mike Gallimore
Scott Cummings

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.”

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“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 - communications disclosed by the board members.

Approval of Minutes

It was moved by Mr. Buck, seconded by Mr. Osewalt, and passed, to approve the July 2, 2013 minutes as presented.

Correspondence

There was correspondence submitted for Case Number BOA 13-100139 and will be presented when that case is heard.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA 13-100136

Name of Applicant: Susan Wiggins

Property Address: 23 Oakwood Road

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for a rear yard of 17.6 feet in lieu of 30 feet required, and for 56% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Applicant:

The applicant, Susan Wiggins, 23 Oakwood Road, stated that she is requesting a variance to construct an addition on the rear of her home so that she can have an extra bedroom. The proposed addition will be 14 ft. X 22 ft. Ms. Wiggins stated that she will be removing 178 feet of concrete to reduce the amount of lot coverage. In addition, Ms. Wiggins reported that her home is adjacent to a 50 foot right of way.

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:

A brief discussion ensued about the request having less impact due to the home butting-up against the right-of-way; however, concern was expressed about the amount of lot coverage requested. Mr. Moreland stated that he wished to amend the motion by reducing the amount of lot coverage.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Gallimore, to approve a request for a rear yard of 17.6 feet in lieu of 30 feet required, and for 49.9% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Roll call vote: Ayes - Buck, Moreland, Loretta, Gallimore
Nays - Osewalt
Amended motion carried with a vote of 4 to 1.

(B) Case Number: BOA 13-100137

Name of Applicant: Pat Lemoine

Property Address: 938 18th Avenue North

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for a northerly side yard of 7.9 feet in lieu of 10 feet required to allow for improvements to a single family dwelling.

Applicant:

The agent for the applicant, John Leynes, 1257 Willows Drives West, stated that he is requesting a variance to construct a 2nd story addition, for a master bedroom. Mr. Leynes reported to the Board that the variance is supposed to be for the “westerly” side yard and not the “northerly” side yard that was read by Mr. Buck.

Mr. Buck asked the applicant if the footprint of the home will be changing with the construction.

Mr. Leynes replied that the house footprint will not be changing.

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:

Joy Lemoine, 938 18th Avenue North, Jacksonville Beach

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

Discussion:

A brief discussion ensued. Mr. Moreland stated that he wanted to amend the motion to change the request from northerly to westerly side yard, as corrected by the agent for the applicant.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for a westerly side yard of 7.9 feet in lieu of 10 feet required to allow for improvements to a single family dwelling.

Roll call vote: Ayes- Loretta, Moreland, Osewalt, Gallimore, and Buck.
Amended motion carried unanimously.

(C) Case Number: BOA 13-100139

Name of Applicant: Mid Channel, LLC

Property Address: 562 19th Street North and 590 19th Street North

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for 60 feet at the building line in lieu of 90 feet minimum in order to replat 2 lots into 3 lots.

Applicant:

The agent for the applicant, Robert Barnes, stated that he has 2 large lots that he would like to subdivide into 3 lots. Mr. Barnes reported that when the lots are subdivided, each lot will be more than 18,000 square feet. These lots are consistent with the surrounding neighborhood.

Mr. Loretta asked the applicant if Lot 1 is developed. Mr. Barnes replied yes.

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Mr. Moreland asked the applicant what hardship exists. Mr. Barnes replied that by creating 3 lots, each lot will be in excess of 18,000 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.

The following people spoke in opposition to the application:

- Curtis Vanderhoning, 1710 6th Avenue North, Jacksonville Beach
- Jim Lewis, 522 19th Street North, Jacksonville Beach
- Darrell Shields, 315 18th Street North, Jacksonville Beach

Mr. Buck read correspondence into the record. This was an Opposition Statement submitted by Tim Franklin, Esq.

Rebuttal:

Mr. Barnes stated that the homes that he is proposing to be built will be more than \$600,000 dollars in value and will only increase the surrounding home values.

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

Discussion:

There was very brief discussion about the request not having a hardship.

Roll call vote: Nays - Moreland, Loretta, Osewalt, Buck
Ayes - Gallimore
Motion denied with a vote of 4 to 1.

(D) Case Number: BOA 13-100140

Name of Applicant: Jax Beach Cottages, LLC.

Property Address: 1012, 1016, 1020, 1028 and 1034 North 1st Street

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for 50% lot coverage in lieu of 42% for three lots facing 10th Avenue North and 46.6% for three lots facing 1st Street North to allow for the development of a single family dwelling and swimming pools on each of the six lots.

Applicant:

The agent for the applicant, Jason Sessions, 4385 Tradewinds Drive, Jacksonville, stated that these lots were approved for 60 units of multifamily high density use. Mr. Session stated that with this site plan being presented, the lots would accommodate 6 single family homes with pools.

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 neither in favor nor against the application:

- Keith Blankenship, 115 9th Avenue North, Jacksonville Beach

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

Discussion:

A discussion ensued about the application being in-line with the surrounding neighborhood and less density than what could be built – 60 unit multi-family structure. Mr. Moreland stated that he wished to amend the motion for additional lot coverage to be solely for pool decking.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Buck, to approve a request for 50% lot coverage in lieu of 42% for three lots facing 10th Avenue North, and 46.6% for three lots facing 1st Street North, to allow for the development of a single family dwelling and swimming pools on each of the six lots, with 4% lot coverage solely for the purpose of grade level decking for lots facing 1st Street North, and 8% lot coverage, solely for lots facing 10th Avenue North.

Roll call vote: Ayes - Loretta, Moreland, Osewalt, Gallimore, and Buck; amended motion carried unanimously.

(E) Case Number: BOA 13-100141

Name of Applicant: K & G Construction Co., Inc.

Property Address: 1803 Kings Road

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for a rear yard of 15 feet in lieu of 30 feet required to allow for a new single family dwelling.

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Applicant:

The agent for the applicant, Aaron Galley, 751 Wilson Blvd., Jacksonville, stated that the proposed home will encroach into the rear yard setback.

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 brief discussion about the applicant having a hardship with the substandard size of the lot. Mr. Buck 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. Buck, seconded by Mr. Moreland, to approve a request for a rear yard of 15 feet in lieu of 30 feet required to allow for a new single family dwelling, as shown and submitted.

Roll call vote: Ayes– Loretta, Moreland, Osewalt, Gallimore, Buck
Amended motion carried unanimously.

(F) Case Number: BOA 13-100142

Name of Applicant: Alexander Sifakis

Property Address: 440 7th Avenue South

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for a rear yard of 22 feet in lieu of 30 feet required, and for 50% lot coverage in lieu of 35% maximum to allow for a new single family dwelling and swimming pool.

Applicant:

The applicant, Alexander Sifakis, 348 Ahern Street, Atlantic Beach, stated that he is requesting a variance to build a 2300 sq. ft. single family home, with a pool on the lot. The lot is only 5000 square feet, which is substandard.

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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:

A discussion ensued about the substandard lot size creating a hardship for the applicant. Mr. Moreland wished to amend the motion to reduce the lot coverage request of 50% to 49% lot coverage.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Buck, to approve a request for a rear yard of 22 feet in lieu of 30 feet required, and for 49% lot coverage in lieu of 35% maximum to allow for a new single family dwelling and swimming pool.

Roll call vote: Ayes - Loretta, Moreland, Gallimore, Buck
Nays - Osewalt
Amended motion carried with a vote of 4 to 1.

Building Department Report: The next scheduled meeting is Tuesday, August 20, 2013.
There are currently five (5) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 8:20 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/Joseph Loretta
Chairman

Date: September 4, 2013