

**Minutes of Board of Adjustment Meeting
held Wednesday, September 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
Joseph Loretta, Chairman
John Moreland *Absent*
Sylvia Osewalt *Absent*

Alternates:

1st: Mike Gallimore
2nd: Scott Cummings *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

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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. Buck, seconded by Mr. Gallimore, and passed, to approve both August 6, 2013 and August 20, 2013 minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA 13-100153

Name of Applicant: Gregory Dixon

Property Address: 1218 Seabreeze Avenue

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Gallimore, to approve a request for 61% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling.

Applicant:

The applicant, Gregory Dixon, 1218 Seabreeze Avenue, stated that his home was built in 1961 and when he purchased the home in 1997, it was at 47% lot coverage.

Mr. Loretta asked the applicant if he would be willing to remove some of the concrete that already exists on the property.

Mr. Dixon replied that his property does not have any drainage issues, but would be willing to remove concrete if required.

Mr. Loretta stated that the minimum lot size in RS-2 zoning is 7,500 square feet and Mr. Dixon's lot size is 8,625 square feet; more than the minimum required amount.

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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:

The Board members discussed the application and concluded that since the lot exceeded the minimum required amount of 7,500 square feet, there clearly was not a hardship associated with the property.

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

(B) Case Number: BOA 13-100154

Name of Applicant: Julie Culhane

Property Address: 404 9th Avenue South

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

Applicant:

The agent for the applicant, Sara Johanns, stated the variance request is for construction of a sunroom on the rear of the home.

Mr. Buck asked if additional lot coverage would be added.

Ms. Johanns replied no, the sunroom would be erected on the existing concrete slab.

Mr. Buck asked if the sunroom would be one-story or two-story.

Ms. Johanns replied the sunroom would be a one-story.

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 due the substandard size of the lot. Mr. Buck 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. Gallimore, to approve a request for a rear yard of 15 feet in lieu of 30 feet required to allow for improvements to a single family dwelling, as shown and submitted.

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

(C) Case Number: BOA 13-100155

Name of Applicant: Bottom Line Ventures, Inc.

Property Address: 127 9th Avenue North

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Gallimore, to approve a request for a front yard of 17 feet in lieu of 20 feet required, for an easterly side yard of 5 feet and a westerly side yard of 7 feet in lieu of 10 feet required, for a rear yard of 13 feet in lieu of 30 feet required, and for 61% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

Applicant:

The applicant, Tim Millard, 230 15th Street South, Jacksonville Beach, stated that he would like to construct a two-family attached duplex. The lot is substandard for the current zoning, which does create a hardship.

Mr. Loretta asked the applicant if he could reduce the lot coverage that is being requested.

Mr. Millard replied that he will be required to have a garage, but might be able to reduce the request to 54% lot coverage.

Mr. Gallimore asked the applicant how much concrete would be removed for the project.

Mr. Millard replied that he would be removing 52% lot coverage of existing concrete, which equates to 2,600 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.

The following people spoke in opposition to the application:

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- Deborah Hill, 1003 2nd Street North, Jacksonville Beach
- Juanita DeLoach, 121 and 123 9th Avenue North, Jacksonville Beach

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

Rebuttal:

Mr. Millard spoke about the drainage concerns of the neighbors. He stated that the current structure does not have gutters and the proposed structure will have gutters. The water will drain underground in accordance with public works. Mr. Millard also stated that he would be willing to reduce the setbacks to accommodate the neighbors' concerns.

Discussion:

There was a discussion about amending the motion to reduce the request for the setbacks and lot coverage.

Amended Motion: An amended motion was made by Mr. Buck, seconded by Mr. Gallimore, to approve a request for a front yard of 17 feet in lieu of 20 feet required, for an easterly side yard of 5 feet and a westerly side yard of 7.5 feet in lieu of 10 feet required, for a rear yard of 16 feet in lieu of 30 feet required, and for 53% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

Roll call vote: Ayes – Buck, Gallimore
Nays – Loretta
Amended motion failed with a vote of 2 to 1.

The amended motion failed so the original motion was voted on.

Roll call vote on Original Motion: Nays – Gallimore, Loretta, and Buck; motion denied unanimously.

(D) Case Number: BOA 13-100156

Name of Applicant: Ty Gordon
Property Address: 2 Hopson Road
Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Gallimore, to approve a request for side yard of 0.5 feet in lieu of 10 feet required to allow for a carport addition to a single-family dwelling.

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Applicant:

The applicant, Ty Gordon, 2 Hopson Road, Jacksonville Beach stated that he is requesting a variance to erect a carport on the side of his home. The carport, once finished, will be within 1 foot of the residence.

Mr. Buck asked if the applicant if he had shown his neighbors the example of the carport that was presented by the applicant.

Mr. Gordon replied yes and the neighbors agree to the change.

Mr. Buck asked the applicant if he would be removing any trees.

Mr. Gordon stated that the current structure would not be removed.

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:

- Patrick Stinson, 4 Hopson Road, Jacksonville Beach

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

Discussion:

A brief discussion ensued about the structure that the applicant has chosen to use as the carport. The carport will be well camouflaged and the neighbors are in support, however, Mr. Buck stated that he wanted to amend the motion to include the verbiage “as shown and submitted”.

Amended Motion: An amended motion was made by Mr. Mr. Buck, seconded by Mr. Gallimore, to approve a request for side yard of 0.5 feet in lieu of 10 feet required to allow for a carport addition to a single family dwelling, as shown and submitted.

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

(E) Case Number: BOA 13-100157

Name of Applicant: Mike and Cheston Kozlowski
Property Address: 1951 Pullian Street

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Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Gallimore, to approve a request for 54% lot coverage in lieu of 42% maximum to allow for a swimming pool addition to a single-family dwelling.

Applicant:

The applicant, Mike Kozlowski, 1951 Pullian Street, Jacksonville Beach, stated that he and his family have lived in this house for 8 years and would like to construct a pool in the rear of the home. He added that he does have a hardship due to the substandard size of the lot.

Mr. Loretta informed the applicant that he has a 7,600 square foot lot, which exceeds the minimum lot size for RS-2 zoning. He asked the applicant if he was willing to reduce his request to 50% lot coverage.

Mr. Kozlowski replied that 50% lot coverage would be acceptable.

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 people spoke in favor of the application:

- Heidi Anderson, 234 South Beach Parkway, Jacksonville Beach
- Don Paney, 983 Feeder Avenue, Jacksonville Beach

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

Discussion:

Since the applicant stated that he would accept 50% lot coverage, Mr. Buck stated that he wanted to amend the motion to change in lot coverage from 54% to 50%.

Amended Motion: An amended motion was made by Mr. Buck, seconded by Mr. Gallimore, to approve a request for 50% lot coverage in lieu of 42% maximum to allow for a swimming pool addition to a single-family dwelling.

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

Building Department Report: The next scheduled meeting is Tuesday, September 17, 2013.
There are currently nine (9) scheduled cases.

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Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 8:10 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/Joseph Loretta

Chair

Date: October 1, 2013