

Minutes of Board of Adjustment Meeting
held Tuesday, September 17, 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
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.”

“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.”

Mr. Loretta stated that he spoke with Mr. Wyman Duggan regarding BOA Case #13-10066.

Mr. Moreland stated that he spoke with David Zuckerman regarding BOA Case #13-100158 through BOA 13-100161.

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 13-100158 through BOA 13-100161

Name of Applicant: Corner Lot Customs Homes, LLC.

Property Address: 1801 South Ocean Drive

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for total side yards of 10 feet in lieu of 15 feet required, for a rear yard of 10 feet in lieu of 20 feet required, for a building separation open space of 10 feet in lieu of 15 feet required, and for 50% lot coverage in lieu of 35% maximum, to allow for a new zero lot line detached single family home.

Applicant:

The agent for the applicant, Shawn Budd, 3721 South Dupont Station Court, Jacksonville, stated that his client is currently under contract to purchase the four lots.

There is an existing home on Lot 1 that is not in the best condition and will be demolished. Mr. Budd explained that his client would like to build homes on each of these lots as they were originally platted; unfortunately, the lot sizes are substandard, causing a hardship.

Mr. Loretta asked the applicant if he could tell the Board what is in proximity to the lots. Mr. Budd replied that the area is mixed-use with a single family home to the south and a multi-family unit across Ocean Drive.

Mr. Buck asked the applicant about the driveways. Mr. Budd replied that there will be ribbon driveways, so that the lot coverage will be below 50%.

Mr. Moreland asked the applicant if there will be 10 feet between the two structures. Mr. Budd replied yes.

Mr. Loretta asked the applicant if he had considered having access from 18th Avenue for Lot 12. Mr. Budd replied that he had not considered it, but would be willing.

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 favor of the application:

Janet Wyle, 1902 Ocean Drive, Jacksonville Beach
Karen Mason, 1724 1st Street South, Jacksonville Beach

The following people spoke in opposition to the application:

Joyce Arnold, 1805 1st Street South, Jacksonville Beach
Paige French, 12060 Megan Court, Jacksonville
David Zuckerman, 1794A Ocean Drive South, Jacksonville Beach

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

Rebuttal:

Mr. Budd stated, regarding the trees to be removed, that will be mitigated with new trees. Regarding comments about the breezes and light being diminished due to building structures, Mr. Budd stated that he can develop up to 35 feet in height. Mr. Budd also referenced a comment made regarding the proposed structure not being in character with surrounding neighborhood. He stated that there are at least a dozen structures that are three story homes around these 4 lots.

Discussion:

Mr. Moreland stated that the he would like to see the developer construct 2 homes on the lots, however, the developer does have a right to build 4 structures. Mr. Loretta stated that the developer could build a multi-family structure that would allow him to have 65% lot coverage. This is a less intensive use for the properties. Mr. Moreland stated that he would like to see more than 10 feet of building separation between the structures.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Buck, to approve a request for total side yards of 10 feet in lieu of 15 feet required, for a rear yard of 10 feet in lieu of 20 feet required, for a building separation open space of 12 feet in lieu of 15 feet required, and for 50% lot coverage in lieu of 35% maximum, to allow for a new zero lot line detached single family home.

Roll call vote: Ayes – Loretta, Moreland, Osewalt
Nays – Buck, Gallimore.
Amended motion carried with a 3 to 2 vote.

(B) Case Number: BOA 13-100165

Name of Applicant: Gregory Stanford

Property Address: 22/24 North 10th Avenue

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for a front yard of 2 feet in lieu of 20 feet required, for an easterly side yard of 2 feet and a westerly side yard of 0 feet in lieu of 10 feet required, for a rear yard of 0 feet in lieu of 10 feet required, and for 91% lot coverage in lieu of 72% maximum to ratify existing non-conformities and allow for an addition to a multi-family dwelling.

Applicant:

The applicant, Gregory Stanford, stated that he has had this duplex since 2006 and would like to add a garage and to ratify the existing non-conformities.

Mr. Loretta asked the applicant if the garage is built, will it touch the neighbors' property line. Mr. Stafford replied yes.

Mr. Buck asked the applicant if he resided in one of the units. Mr. Stafford replied yes, the upper unit.

Mr. Buck asked the applicant if the proposed garage will be enclosed. Mr. Stafford replied yes, it will be a two-car garage and have additional living space above the garage.

Mr. Buck asked if the garage will be attached. Mr. Stafford replied yes.

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

Discussion ensued about the hardship for this property and that the setbacks requested being too excessive for the property.

Mr. Hays informed the Board that part of the motion is to ratify existing non-conformities, and if the non-conformities do not get ratified, the applicant can only improve 15% of the value of the structure.

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

(C) Case Number: BOA 13-100166

Name of Applicant: Tribridge Residential, Inc.

Property Address: 711 Beach Boulevard

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for 314 off-street parking spaces, in lieu of 340 spaces required, to allow for development of a 170 unit multi-family apartment project.

Applicant:

The agent for the applicant, Wyman Duggan, stated that he is representing TriBridge Residential and is seeking a variance for relief of 26 parking spaces. Mr. Duggan further explained, that while the project is seeking relief for the 26 parking spaces, the developer has agreed to develop and maintain 47 off-street parking spaces.

Mr. Moreland asked if the 47 parking spaces will be on City property. Mr. Duggan replied yes.

Mr. Moreland asked if the parking spaces will be public and open to anyone. Mr. Duggan replied yes.

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 submitted correspondence in opposition to the application:

Robert and Jacqueline Poland, 24 Hopson Road, Jacksonville Beach

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

Rebuttal:

Mr. Duggan stated that regarding the Mr. and Mrs. Poland's concerns for overflow parking, this will be obsolete now that 47 extra parking spaces will be created to accommodate parking.

Discussion:

There was a brief discussion about the project and the developers agreement to maintain and develop the parking spaces.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Buck, to approve a request for 314 off-street parking spaces in lieu of 340 spaces required to allow for development of a 170 unit multi-family apartment project, with the condition that the developer provide off-site parking as presented and discussed and shall maintain the off-street parking in perpetuity.

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

(D) Case Number: BOA 13-100167

Name of Applicant: Vicki Griffis

Property Address: 2567 Merrill Boulevard

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for a rear yard of 19.9 feet in lieu of 30 feet required, and for 49% lot coverage in lieu of 35% maximum, to allow for improvement to a single family dwelling.

Applicant:

The applicant, Vicki Griffis, stated that she purchased this home early in the summer and would like to extend the paver patio in the rear of her home to accommodate an extra 5 feet of space, allowing for a small table and chairs.

Mr. Loretta asked the applicant if the extension will be enclosed. Ms. Griffis replied no, it will only be paved.

Discussion:

Discussion ensued and the Board agreed that the request is minimal. Mr. Moreland stated that he wanted to amend the motion to include the verbiage “as discussed and presented”.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Buck, to approve a request for a rear yard of 19.9 feet in lieu of 30 feet required, and for 49% lot coverage in lieu of 35% maximum, to allow for improvement to a single family dwelling, as discussed and presented.

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

(E) Case Number: BOA 13-100168

Name of Applicant: Tim Thompson

Property Address: 936 5th Avenue North

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for 48% lot coverage in lieu of 35% maximum, and for a rear yard of 12.6 feet in lieu of 30 feet required, to ratify existing non-conformities and to allow for improvements to a single family dwelling.

Applicant:

The applicant, Tim Thomson, stated that he would like to construct a concrete driveway. Mr. Loretta asked the applicant if the 20 ft. X 20 ft. concrete pad currently exists or will it be new. Mr. Thompson replied that it exists.

Mr. Loretta asked the applicant if any of the concrete pad could be removed. The applicant replied that he does not want to remove it.

Mr. Buck asked the applicant if the driveway will be ribbon strips or all concrete. Mr. Thompson replied that it will be a completely solid concrete driveway.

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 submitted correspondence in opposition to the application:

Keith Schemenauer, 909 5th Avenue North, Jacksonville Beach

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

Rebuttal:

Mr. Thompson addressed the concerns stated in the correspondence from Mr. Schemenauer. He stated that his property is landscaped very nicely and will remain intact with the construction of the concrete driveway.

Discussion:

A brief discussion ensued about the request and the Board concurred that the lot coverage request was in excess for the property size.

Roll call vote: Ayes – Buck, Gallimore
Nays – Osewalt, Moreland, Loretta
Motion denied with a vote of 3 to 2.

(F) Case Number: BOA 13-100169

Name of Applicant: Andrew Sodl

Property Address: 107 North 14th Avenue

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for side yards of 6.83 feet in lieu of 10 feet required, for a rear yard of 6.67 feet in lieu of 30 feet required, for 56% lot coverage in lieu of 35% maximum and for accessory walks 0 feet in lieu of 5 feet minimum to property line, all to allow for a new two-family dwelling.

The applicant, Andrew Sodl, 2143 Saint Johns Avenue, Jacksonville, stated that he owns the property and plans to demolish the existing house. Mr. Sodl explained that the setbacks and lot coverage requested is less than what currently exists.

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:

Janet Wyle, 1902 Ocean Drive South, 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 property being undersized, therefore creating a hardship for the applicant. 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 side yards of 6.83 feet in lieu of 10 feet required, for a rear yard of 6.67 feet in lieu of 30 feet required, for 56% lot coverage in lieu of 35% maximum, and for accessory walks 0 feet in lieu of 5 feet minimum to property line, all to allow for a new two-family dwelling, as shown and submitted.

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

Building Department Report: The next scheduled meeting is Tuesday, October 1, 2013.
There are currently two (2) scheduled cases.

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
Chairman

Date: October 15, 2013