

**Minutes of Board of Adjustment Meeting
held Tuesday, October 1, 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 *Absent*
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 ex-parte communications disclosed by the board members.

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Buck, to approve the September 4, 2013 minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) **Case Number: BOA 13-100173**

Name of Applicant: Salt Marsh I, LLC.

Property Address: 2600 Beach Boulevard (approximately 350 feet west of Hopson 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, for 75% lot coverage in lieu of 65% maximum, and for turf block in lieu of required concrete or asphalt paving of required vehicular use area, to allow for a five building, 30-unit townhouse development.

Applicant:

Agent for the applicant, Richard Johnston, 6384 Philips Highway, Jacksonville, stated that his client would be constructing a new 30-unit townhome development at the site of the former Lighthouse Grill Restaurant. However, in order to construct the units, the development will require variances for the rear yard setback, lot coverage and pervious land covering. Mr. Johnston further explained that the depth of the land is shallow, creating difficulty to conform to the rear yard setbacks. Mr. Johnston informed the board that the land was previously approved to construct a 45 unit townhome development and with this new plan, the use will be less intensive.

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Mr. Loretta asked the applicant how stormwater runoff would be handled.

Mr. Johnston replied that there would be vaults underneath the land to accommodate the stormwater runoff.

Mr. Moreland asked if each unit will have a two-car garage. Mr. Johnston replied in the affirmative.

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 regarding the request and the board concurred that this was a good use of the property and would be less intensive than previously approved.

Roll call vote: Ayes – Buck, Loretta, Moreland, and Cummings
Nays – Osewalt
Motion carried with a 4 to 1 vote.

(B) Case Number: BOA 13-100183

Name of Applicant: Barbara Glickstein

Property Address: 1291 3rd Avenue North

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve request for a rear yard of 25 feet in lieu of 30 feet required, to allow for improvements to a single-family dwelling.

Applicant:

The applicant, Barbara Glickstein, 1291 3rd Avenue North, Jacksonville Beach, stated that she would like to cover her existing patio. The patio will remain open-air.

Mr. Moreland asked about the size of the concrete area that will be covered.

Ms. Glickstein introduced Mr. Tony Blanko with Preferred Aluminum of Florida, Inc. as her agent for the application.

Mr. Blanko replied that the concrete area that will be covered is 12 ft. X 26 ft.

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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:

There was a brief discussion about the request being minimal. Mr. Moreland 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. Moreland, seconded by Mr. Buck, to approve a request for a rear yard of 25 feet in lieu of 30 feet required, to allow for improvements to a single family dwelling as shown and submitted.

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

Building Department Report: The next scheduled meeting is Tuesday, October 15, 2013. There are currently seven (7) scheduled cases.

Adjournment

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

Submitted by: Amber Maria Lehman
City Clerk's Office

Approval:

/s/Joseph Loretta

Chair

Date: November 5, 2013