

**Minutes of Board of Adjustment Meeting
held Tuesday, November 5, 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 *Absent*

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

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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 for the record that he had a conversation with the applicant, Matt Reimer, regarding BOA 13-100196.

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Buck, and passed, to approve the October 1, 2013 minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA 13-100196
Name of Applicant: Matthew & Kathleen Reimer

Property Address: 1020 Theodore Avenue

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 maximum required, and for 51% lot coverage in lieu of 46% maximum to allow for a covered patio and swimming pool addition to a single family dwelling.

Applicant:

The applicant, Matthew Reimer, 1020 Theodore Avenue, stated he is requesting the additional lot coverage and setback variance to construct a swimming pool in the rear of his home. He stated that there is an existing patio that he would like to have covered, remaining open on both sides.

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Mr. Moreland asked the applicant about the 22 feet rear yard variance and if that was due to the extension of the roof only. Mr. Reimer replied yes.

Mr. Buck asked the applicant if the lot was undersized. Mr. Reimer 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:

A brief discussion ensued about the lot being substandard due to the lot size, therefore creating a hardship.

Roll call vote: Ayes – Buck, Loretta, Moreland and Cummings
Motion carried unanimously.

(B) Case Number: BOA 13-100198
Name of Applicant: Beaches Gymnastics

Property Address: 922 8th Avenue South

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for no parking spaces in lieu of 57 spaces required to allow for a gymnastics studio in an existing building.

Applicant:

The applicant, Olivia Gill, 1358 Beach Blvd, Jacksonville Beach, stated that she is requesting this variance because she is moving locations from Penman Road to 8th Avenue South. She noted that there is ample parking on both the North and West sides of the building, however, it is not paved.

Mr. Buck asked Ms. Gill how many instructors she had on staff. Ms. Gill replied that she has 7 instructors that are employed at her facility.

Mr. Buck asked Mr. Hays if the parking spaces have to be marked. Mr. Hayes replied no.

Public Hearing:

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

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The following people spoke in favor of the application:

Rick Knight, 517 8th Avenue North, Jacksonville Beach
Brian Davey, 13182 White Herron Place, Jacksonville
Missy Pluming, Jacksonville

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

Discussion:

Mr. Loretta stated that he certainly does not want to hold the applicant to 57 parking spaces that are required, however, he does feel that there needs to be a designated parking area. Mr. Moreland concurred and stated that he wished to amend the motion.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Buck, to approve a request for 12 on-site designated areas to park vehicles in lieu of 57 required, limited to this use only.

Roll call vote: Ayes – Buck, Loretta, Moreland and Cummings
Motion carried unanimously.

(C) Case Number: BOA 13-100201

Name of Applicant: Bottom Line Ventures, Inc.

Property Address: 226 6th Avenue South

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request side yards of 5 feet in lieu of 10 feet required, and for 43% 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 previously a variance was requested for a three-unit dwelling, which was granted in 2005. Mr. Millard would like to build the structure as a two-family dwelling. In doing so, the building will encroach on the side yard setbacks.

Mr. Moreland asked how much farther the building will extend beyond the house to the east of the property. Mr. Millard replied it will be the same.

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 else wished to address the Board, Mr. Loretta closed the public hearing.

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Discussion:

A brief discussion ensued about this request having less impact than what was approved in 2005. The lot is substandard, thus creating a hardship.

Roll call vote: Ayes – Buck, Loretta, Moreland and Cummings
Motion carried unanimously.

(D) Case Number: BOA 13-100202
Name of Applicant: Bruce Floyd

Property Address: 1009 North 24th Street

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Moreland, to approve a request for 42% 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, Jacksonville Beach, stated that this property's hardship is the substandard lot size. The lot is 5,100 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.

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

Discussion:

A brief discussion ensued about the lot being non-conforming, therefore creating a hardship.

Roll call vote: Ayes – Buck, Loretta, Moreland and Cummings
Motion carried unanimously.

Building Department Report: The next scheduled meeting is Tuesday, November 19, 2013.
There are currently two (2) scheduled cases.

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Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:45 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/Joseph Loretta
Chairman

Date: December 17, 2013