

**Minutes of Board of Adjustment Meeting  
held Tuesday, November 19, 2013, at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Vice-Chairman Buck.

**Roll Call**

Tom Buck, Vice-Chairman  
Joseph Loretta, Chairman *Absent*  
John Moreland  
Sylvia Osewalt

Alternates:

Mike Gallimore  
Scott Cummings *Absent*

**Purpose and Ex-Parte Statement**

Mr. Buck 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

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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. Moreland stated for the record that he had a conversation with Penny Christianson regarding BOA Case number 13-100212.

### **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 13-100210**

**Name of Applicant:** Joseph & Jennifer Indriolo

**Property Address:** 3842 Tropical Terrace

**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for 52% lot coverage in lieu of 40% maximum to allow for a swimming pool addition to a single-family dwelling.

#### **Applicant:**

The applicant, Joseph Indriolo, 3842 Tropical Terrace, stated that he would like to construct a swimming pool addition in the rear of his home. He noted that he purchased this house in June and has not added to the lot existing lot coverage.

Mr. Moreland asked the applicant if there would be a way to reduce his request to less than 50%. Mr. Indriolo replied that his pool contractor said that if that was the case, he would have to remove the concrete walkway.

Ms. Osewalt asked the applicant if he was aware of the variance that had been granted in 2005 for 40% lot coverage. Mr. Indriolo replied that he did not own the house then.

Mr. Gallimore asked the applicant how much concrete would be added. Mr. Indriolo replied approximately 550 square feet.

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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:**

A brief discussion ensued about the lot being substandard due to lot size.

**Amended Motion:** An amended motion was made by Mr. Moreland to approve a request for 49.9% lot coverage in lieu of 40% maximum to allow for a swimming pool addition to a single-family dwelling.

The amended motion failed due to lack of a second.

**Roll call vote on the original motion:** Ayes – Buck, Gallimore  
Nays – Osewalt, Moreland  
Motion failed by a vote of 2 to 2.

**(B) Case Number: BOA 13-100212**

**Name of Applicant:** Mission House, Inc.

**Property Address:** 800 Shetter Avenue

**Motion to Approve:** It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for no additional parking spaces in lieu of three spaces required to allow for 900 square foot addition to an existing non-conforming building.

**Applicant:**

The applicant, Laurie Anderson, Executive Director of the Mission House, stated that the Mission House is the only homeless service facility at the beaches. The building was built in 1952 and in order to expand services, additional space is required. The expansion will be at the rear of the structure.

Mr. Moreland asked the applicant if there would be an increase in volunteers. Ms. Anderson replied no.

Mr. Moreland asked the applicant if more parking spaces would be needed to accommodate the clients that will be there due the expansion of services. Ms. Anderson replied no.

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Ms. Osewalt asked the applicant how many staff and volunteers are there currently. Ms. Anderson replied that there are 7 staff members and 400 volunteers.

Ms. Osewalt asked how many staff and volunteers are there at one time. Ms. Anderson replied twelve.

Ms. Osewalt asked if there are two doctors that volunteer currently. Ms. Anderson replied there is a general doctor as well as a specialist.

Ms. Osewalt asked how many parking spaces are there currently. Ms. Anderson replied six.

Ms. Osewalt stated that there were not enough parking spaces for the staff that exists. Ms. Anderson replied that the operational staff has varied schedules.

**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:

- Donald Boothe, Jacksonville Beach.
- Pastor Quinn Parman, 1217 7<sup>th</sup> Street North, Jacksonville Beach
- Cindy Funkhouser, 1352 Plantation Oaks Drive, Jacksonville Beach
- Joe Mittrick, 1350 13<sup>th</sup> Avenue South, Jacksonville Beach
- Pastor Harry Divido, 13723 Atlantic Blvd., Atlantic Beach

The following people spoke in opposition:

- Christopher Brown, 820 Shetter Avenue, Jacksonville Beach
- Alan Winter, 310 3<sup>rd</sup> Street, Neptune Beach
- Fred Fair, 1060 Plantation Oaks Drive East, Jacksonville Beach

**Rebuttal:**

Ms. Anderson stated that she was not aware of any issues with her staff parking at Fred Fair's place of business; she stated they will no longer park in front of his establishment.

As for the photographs that Mr. Brown provided, Ms. Anderson stated that he purchased his property knowing that there was an existing homeless service facility adjacent to his property. The photographs show that parking is being utilized at the HUD facility that was arranged during the designated hours in the morning and afternoon. Regarding the parking attendant, there is an attendant that is on staff during times with higher volume of clients, such as meal times.

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Ms. Anderson stated that the bowling alley has agreed to allow two parking lanes to be used for overflow parking from her facility. She added that there is no guarantee this agreement will always be in place.

Mr. Anderson also noted that she has a licensed contractor handling all the building issues. He has assured compliance with the ADA requirements.

Mr. Gallimore asked Ms. Anderson about the people that populate the area on 8<sup>th</sup> Street. If the variance is approved, will that bring them inside the facility? Ms. Anderson responded yes.

Ms. Osewalt asked Mr. Hays how many parking spaces are required for the structure as it stands today. Mr. Hays replied that 17 parking spaces are required.

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

**Discussion:**

Mr. Buck stated that the pictures presented during opposition are very telling of the parking situation. Mr. Buck expressed concern for the surrounding businesses that are affected by the overflow parking by the staff and volunteers.

Ms. Osewalt noted that the property is already short eleven required parking spaces and the facility is having issues with the neighbors.

Mr. Moreland stated there may be no increase in automobile traffic. The Mission House does have a responsibility to address the parking situation.

Discussion ensued resulting with a suggestion to table the item until the next meeting. The Board requested Ms. Anderson obtain written parking agreements for confirmation that her staff and volunteers have parking accommodations that will not interfere with the surrounding businesses.

**Substitute motion:** It was moved by Mr. Moreland, seconded by Mr. Gallimore, to table the request until the next meeting, December 3, 2013.

**Roll call vote on Substitute motion:** Ayes – Buck, Moreland, Gallimore  
Nay - Osewalt  
Motion carried by a vote of 3 to 1.

**Building Department Report:** The next scheduled meeting is Tuesday, December 3, 2013.  
There are currently four (4) scheduled cases.

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**Adjournment**

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

Submitted by: Amber Maria Lehman  
Senior Secretary

Approval:

/s/Joseph Loretta

Chair

Date: December 17, 2013