

**Minutes of Board of Adjustment Meeting
held Tuesday, January 7, 2014, 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 Buck.

Roll Call

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

Alternates:

Michael Gallimore *Absent*
Scott Cummings

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

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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.”

Mr. Moreland stated that he spoke with a resident regarding Case #BOA 13-100244.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Ms. Osewalt, and passed, to approve the meeting minutes of December 3, 2013, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) **Case Number:** **BOA 13-1002220**
Name of Applicant: Angela Sparks
Property Address: 122 South 30th Avenue

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for a westerly side yard of 5 feet in lieu of 10 feet required and for 45% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Applicant:

Applicant, Bryan Green, 1120 Tropical Terrace, stated that he is the architect and agent for the property. Mr. Green reported that this property is 8400 square feet and is substandard.

Mr. Buck asked Mr. Green if this was the minimum request.

Mr. Green replied yes, the plan that has been submitted has been reworked so that the minimum would be requested, but if it would please the Board, the side yard request could be reduced to 7 feet as opposed to the 5 feet that was requested.

Mr. Loretta stated that he has concerns that the applicant could construct a huge deck or patio with the lot coverage that is requested.

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Mr. Green replied that he would be willing to reduce the lot coverage to 41% or 42% and could use driveway strips to help further reduction.

Mr. Buck asked how much square footage of concrete was being used for the pool deck.

Mr. Green replied that it is approximately 70 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:

- Charles Stevens, 112 30th Avenue South, Jacksonville Beach
- Debbie Cunningham, 3001 1st Street South, Jacksonville Beach

The following correspondence was received in favor of the application:

- Barry Cronin, Jacksonville Beach

Rebuttal:

Mr. Green stated that he understands the concerns voiced by the surrounding neighbors, but assures the Board that tests have been completed and all requirements mandated by the City will be met.

Mr. Buck asked Mr. Green the square footage of the detached garage.

Mr. Green replied that the garage would not exceed 625 square feet.

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

Discussion:

A brief discussion ensued regarding the lot being substandard and with the applicant's reduction in request, the Board concurred that they would be in favor of the request with changes.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a westerly side yard of 7 feet in lieu of 10 feet required, and for 41% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling, as presented and discussed.

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

(B) **Case Number:** BOA 13-100239
Name of Applicant: Joseph and Jennifer Indriolo
Property Address: 3842 Tropical Terrace

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for 48% lot coverage in lieu of 40% maximum to allow for a swimming pool addition to a single-family dwelling.

Applicant:

The applicant, Jennifer Indriolo, 3842 Tropical Terrace, stated that she and her husband appeared before the Board previously and had asked for 52% lot coverage for the swimming pool addition. Since the application was denied, the pool contractor reduced the lot coverage significantly from 52% to 48% by lessening the concrete for the surrounding deck.

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:

There was a brief discussion about the lot being undersized; therefore creating a hardship for the applicant and Board members concurred that the request was reasonable.

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

(C) **Case Number:** BOA 13-100240
Name of Applicant: Anthony Nettuno
Property Address: 1975 South 1st Street

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for a corner side yard of 1 foot in lieu of 12 feet required, and for a rear yard of 10 feet in lieu of 30 feet required to allow for a new single-family dwelling.

Applicant:

The agent for the applicant, William Smith, 2107 9th Avenue North, stated that this lot is a non-conforming with 3900 square feet. With the variance the applicant will be able to build a 32 X 32 home, which will be consistent with the surrounding neighborhood.

Mr. Loretta asked if the front door would be positioned on 1st Street.

Mr. Smith replied yes.

Mr. Loretta asked why the home was so far south on the property.

Mr. Smith replied this was for the applicants view.

Mr. Cummings asked if the driveway was 11 feet.

Mr. Smith replied yes.

Mr. Cummings stated that it would be difficult to accommodate cars in an 11 feet driveway.

Mr. Buck concurred with Mr. Cummings comment and stated that a driveway needs to be at least 17 or 18 feet.

Mr. Smith replied that he would be willing to move the house north a bit to accommodate parking.

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:

- Rob Ford, 29 20th Avenue South, Jacksonville Beach

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

Discussion:

Discussion ensued about the substandard lot size for this zoning. Noted was the agent's testimony that he would be willing to move the structure to the north, therefore eliminating the need to for the corner side yard. Mr. Moreland remarked that by moving the structure to the north, more space would be created to accommodate parking. Mr. Loretta stated that he wanted to amend the motion.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Moreland, to approve a request for a ground floor corner side yard that meets code, for a second and/or third floor corner side yard of 5 feet in lieu of 12 feet required, and a for a rear yard of 10 feet in lieu of 30 feet required to allow for a new single-family dwelling.

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

(D) **Case Number:** BOA 13-10044
Name of Applicant: Wade P. Olszewski
Property Address: 124 28th Avenue South

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for a front yard of 20 feet in lieu of 25 feet required, for 44.7 % lot coverage in lieu of 35% maximum, and for a combination paver and gravel driveway, in lieu of concrete or asphalt paving, to allow for construction of a new single-family dwelling.

Applicant:

The applicant, Wade Olszewski, 124 28th Avenue South, stated that he is requesting a variance so that he can build a home for his expanding family. The lot is 7830 square feet, which is undersized for RS-1 zoning. The front yard variance request is to move the house forward to accommodate a pool deck and establish distance between the neighbors to the rear of his property.

Mr. Buck asked what type of driveway would be used.

Mr. Olszewski replied that it would consist of square pavers and gravel strips.

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:

Mr. Moreland stated that he liked the fact that the applicant is trying to save the trees on his property; however, he wanted to amend the motion to include the verbiage “as shown and submitted”.

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Amended Motion: An amended motion was made by Mr. Moreland, seconded by Mr. Loretta, to approve a request for a front yard of 20 feet in lieu of 25 feet required, for 44.7 % lot coverage in lieu of 35% maximum, and for a combination paver and gravel driveway, in lieu of concrete or asphalt paving, to allow for construction of a new single-family dwelling as shown and submitted.

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

Building Department Report: The January 22, 2014 meeting is cancelled due to a lack of applications received. The next scheduled meeting is Tuesday, February 4, 2014. There are currently two (2) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 8:00 P.M.

Submitted by: Amber Maria Lehman
City Clerk's Office

Approval:

/s/Tom Buck

Chair

Date: February 4, 2014