

**Minutes of Board of Adjustment Meeting
held Tuesday, February 4, 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.”

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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.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Mr. Moreland, and passed, to approve the meeting minutes for both December 17, 2013 and January 7, 2014 as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

- (A) **Case Number:** **BOA 13-100246**
Name of Applicant: James H. Fletcher
Property Address: 215 7th Avenue South

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for an easterly side yard of 4.9 feet and westerly side yard of 4.7 feet in lieu of 10 feet required, for a rear yard of 15 feet in lieu of 30 feet required, and for no additional parking in lieu of 2 parking spaces required, to allow for the addition of a third dwelling unit.

Mr. Hays reported to the board that the applicant has requested a continuance to the next Board meeting.

It was moved by Mr. Cummings, seconded by Ms. Osewalt, to allow the applicant to be placed on the agenda for the next meeting.

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

- (B) **Case Number:** **BOA 13-100247**
Name of Applicant: Stewart D. Lewis
Property Address: 24 31st Avenue South

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Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for a front yard of 13.33 feet in lieu of 25 feet required, for a side yard of 8.5 feet and a corner side yard of 5.8 feet in lieu of 10 feet required, for a rear yard of 13.83 feet in lieu of 30 feet required, and for 42% lot coverage in lieu of 35% maximum, to allow for a new single-family dwelling.

Applicant:

The applicant, Stewart Lewis, 2434 1st Avenue South, stated that he would be removing the current structure and replacing it with new structure within the current building footprint.

Mr. Loretta asked if Mr. Lewis would be constructing a third floor balcony.

Mr. Lewis replied yes.

Mr. Loretta asked Mr. Lewis to describe the balcony.

Mr. Lewis deferred the question to Mr. Mike Walburn who will be constructing the home.

Mr. Walburn stated that the house is a simple rectangle, consisting of 1100 square feet of living space per floor with a bracketed cantilever on two sides of the home, facing the Ocean side and the northern side.

Mr. Buck asked if the balcony would affect the neighbors view.

Mr. Lewis referred to Mitch Taylor, architect for 3 Wiseman Design Build.

Mr. Taylor stated that the neighbor's home to the west sits behind that area.

Ms. Osewalt asked the applicant what their hardship is for requesting these variances.

Mr. Lewis stated that the lot is non-conforming and is oddly shaped.

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:

- Robert Grovenstein, 3007 Ocean Drive South, Jacksonville Beach
- Randy Brinkerhoff, 3108 Ocean Drive South, Jacksonville Beach
- Beverly Tremel, 3023 Ocean Drive South, Jacksonville Beach

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The following person spoke in opposition to the application:

- Tom Dumas, 27 32nd Avenue South, Jacksonville Beach

Rebuttal:

Mr. Taylor stated that the figures that Mr. Dumas has are incorrect and the home will be constructed in the same footprint that exists currently.

Mr. Lewis stated that he will be a good steward of the neighborhood and will speak to Mr. Dumas about his concerns.

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

Discussion:

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

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

Building Department Report: The next scheduled meeting is Tuesday, February 18, 2014. There are currently four (4) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 7:35 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/Thomas Buck

Chair

Date: March 4, 2014