

**Minutes of Board of Adjustment Meeting
held Tuesday, March 18, 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 *Absent*

John Moreland

Sylvia Osewalt, Vice Chairman

Scott Cummings

Alternates:

Jeff Truhlar *Absent*

Francis Reddington *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.”

There were no ex-parte communications disclosed by the board members.

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 14-100023
Name of Applicant: David Sachs
Property Address: 115 8th Avenue North

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for a zero foot front yard in lieu of 10 feet minimum to allow for a carport addition to an existing structure for property legally described as the west 46 feet of Lot 1, together with the west 46 feet of the south 18 feet of Lot 2, Block 92, Pablo Beach North Replat.

Applicant:

The applicant, David Sachs, 115 8th Avenue North, Jacksonville Beach stated that the reason for building the carport is that accessing the garage in the rear of the property via the alley way has become cumbersome. Mr. Sachs reported to the Board that the carport would be built directly over the existing driveway and it would not extend beyond the roofline. There will be no trees removed for the construction.

Ms. Osewalt asked if the garage in the rear of the property would remain.
Mr. Sachs replied yes.

Public Hearing:

Mr. Buck 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 person spoke in favor of the application:

- George Lomax 109 8th Avenue North, Jacksonville Beach

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

Discussion:

There was a brief discussion about the stairs attached to the carport/deck. Mr. Moreland stated that since the carport/deck will not extend beyond the roofline, because it is in C-1 zoning, he does not have a problem with the request. Ms. Osewalt replied that she does not see a hardship with the property and amended the motion.

Amended Motion: An amended motion was made by Ms. Osewalt, to approve a request for a zero foot front yard in lieu of 10 feet minimum to allow for a carport addition without stairs and no deck to an existing structure for property legally described as the west 46 feet of Lot 1, together with the west 46 feet of the south 18 feet of Lot 2, Block 92, Pablo Beach North Replat.

Amended motion died due to lack of a second.

Roll call vote on Original Motion: Ayes – Moreland, Buck
Nays – Cummings, Osewalt
Motion failed by a vote of 2 to 2.

(B) Case Number: BOA 14-100024

Name of Applicant: Andrew and Lynn Dostaler
Property Address: 1344 Willow Oaks Drive South

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Moreland, to approve a request for an easterly side yard of 8.83 feet in lieu of 10 feet required, for a rear yard of 27.75 feet in lieu of 30 feet required, and for 40% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling for property legally described as Lot 32, Plantation Oaks.

Applicant:

The agent for the applicant, Terry Simmons, 1510 2nd Street South, stated that the hardship is the odd shape of the lot and the rear yard is the best location for the addition. The addition will accommodate their growing family. Their lot backs up to a drainage easement.

Mr. Buck asked if there are future plans to reduce the deck and patio.

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Mr. Simmons replied that they were existing when the homeowners moved in and there are no plans to remove or reduce.

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:

Discussion ensued about the odd shaped lot creating a hardship for the applicant.

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

Building Department Report: The next scheduled meeting is Tuesday, April 1, 2014. There are currently five (5) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 7:25 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/ Thomas Buck

Chair

Date: April 15, 2014