

**Minutes of Board of Adjustment Meeting
held Tuesday, April 1, 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 - Chair
Joseph Loretta
John Moreland - *Absent*
Sylvia Osewalt - Vice Chair
Scott Cummings - *Absent*

Alternates: Jeff Truhlar
Francis Reddington

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

**Minutes of Board of Adjustment Hearing
held on April 1, 2014**

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 disclosed by the board members.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Ms. Osewalt, and passed, to approve the February 18, 2014 and March 4, 2014 meeting minutes, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

- (A) **Case Number:** **BOA 14-100007**
Name of Applicant: JP Properties
Property Address: 1704 North 1st Street aka 107 16th Avenue North

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for a northerly side yard of 3.1 feet in lieu of 10 feet required for an attached accessory structure 3.3 feet to the southerly property line in lieu of 5 feet minimum to allow for improvements and to ratify non-conformities to a multi-family use property for property legally described as the east 95 feet of Lot 5, the south 26 feet of the east 95 feet of Lot 4, Block 172, Ocean Villa.

Applicant:

The agent for the applicant, Scott Gay, 2020 1st Street, Jacksonville Beach stated that with the approval of the variance, he will be able to construct an attached uncovered deck 8 X 6 feet on the southerly side which will be raised 2 feet above grade level. The northerly side yard request is to ratify an existing non-conforming stairwell.

Mr. Loretta asked the applicant if the deck will be open air with a railing.

Mr. Gay replied yes.

**Minutes of Board of Adjustment Hearing
held on April 1, 2014**

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 regarding the request being minimal; however, Mr. Loretta stated that he wished to amend the motion to include the verbiage "open air non-covered deck as discussed"

Amended Motion: It was moved by Mr. Loretta, to approve a request for a northerly side yard of 3.1 feet in lieu of 10 feet required and for an attached accessory structure 3.3 feet to the southerly property line in lieu of 5 feet minimum to allow for improvements and to ratify non-conformities to a multi-family use property for property legally described as the east 95 feet of Lot 5, the south 26 feet of the east 95 feet of Lot 4, Block 172, Ocean Villa for an open air non covered deck as discussed.

The amended motion failed due lack of a second.

The original motion was then considered.

Roll call vote: Ayes – Buck, Osewalt, and Cummings.
Nays – Loretta and Reddington.
Motion carried by a 3 to 2 vote.

(B) **Case Number:** BOA 14-100025
Name of Applicant: Doreen Daly
Property Address: 535 Lower 8th Avenue South

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for a rear yard of 17.5 feet in lieu of 30 feet required and for 45% lot coverage in lieu of 35% maximum to allow for a screen enclosure and to ratify existing non-conformities for property legally described as Lot 19, Block 8, Oceanside Park.

Applicant:

The applicant, Dorreen Daly, 535 Lower 8th Avenue South, Jacksonville Beach stated that she is requesting a variance so that she can have an enclosed screened porch. Ms. Daly stated that she has a history of flooding and the screen porch would be built directly over the existing deck.

**Minutes of Board of Adjustment Hearing
held on April 1, 2014**

Ms. Daly introduced Bill Shields, 506 9th Avenue South, Jacksonville Beach as the architect for the project.

Public Hearing:

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

- Ms. Daly provided 11 signatures of surrounding neighbors that are in favor of the application.

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

Discussion:

The Board concurred that the applicant clearly has a hardship, therefore rendering the variance request approved.

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

- (C) **Case Number:** BOA 14-100029
Name of Applicant: Bottom Line Ventures
Property Address: 207 7th Avenue South

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for side yards of 5 feet in lieu of 10 feet required and for 40% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling for property legally described as Lot 7, Block 63, Pablo Beach South.

Applicant, Tim Millard, 230 15th Street South, Jacksonville Beach, stated that he is proposing construction of a two-family dwelling unit. Currently there is a triplex located on the property, which would be demolished. Mr. Millard also advised that although the advertised lot coverage request was 40% in lieu of 35%, after further review, the lot coverage could be reduced to 38%.

Mr. Buck asked Mr. Millard if he is willing to change the lot coverage to 38%.

Mr. Millard replied in the affirmative.

Public Hearing:

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

**Minutes of Board of Adjustment Hearing
held on April 1, 2014**

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

Discussion:

A brief discussion ensued about the request being minimal. Mr. Loretta stated that he wished to amend the motion to reduce the lot coverage request to 38%, as stated by the applicant.

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Ms. Osewalt, to approve a request for side yards of 5 feet in lieu of 10 feet required and for 38% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling for property legally described as Lot 7, Block 63, Pablo Beach South.

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

- (D) **Case Number:** BOA 14-100030
Name of Applicant: Atlee Development Group, Inc.
Property Address: 138 11th Avenue South

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for a corner side yard of 7.5 feet in lieu of 10 feet required, for a rear yard of 25 feet in lieu of 30 feet required and for 57% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling for property legally described as lot 6, Block 112, Pablo Beach South.

Applicant:

Applicant, Ken Atlee, 5851 Timiquana Road, Jacksonville, stated that he was approved to construct a triplex. However, after talking with the neighbors to the east and the south of the proposed development, and hearing their frustration with parking and setback requirements, it was determined that the best plan would be to reduce the proposed structure to a two-family duplex. Mr. Atlee advised that he met with the neighbors again, and they are pleased with the reduction of units, and agreed that the proposed plan is aesthetically pleasing and will be a suitable addition to the neighborhood.

Mr. Reddigton asked the applicant if the units would have garages.

Mr. Atlee replied that each unit would have a two-car garage.

Public Hearing:

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

**Minutes of Board of Adjustment Hearing
held on April 1, 2014**

The following person spoke in favor of the application:

- Jerry Jackson, 1031 1st Street South, Jacksonville Beach

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

Discussion:

There was a discussion regarding the application; with the majority of the board concurring that, the reduction in density will be an added benefit to the neighborhood.

Roll call vote: Ayes – Buck, Loretta, and Cummings.
Nays – Osewalt and Reddington.
Motion carried by a 3 to 2 vote.

- (E) **Case Number:** BOA 14-100034
Name of Applicant: Discovery Montessori School
Property Address: 200 15th Street South

Motion to Approve: It was moved by Ms. Osewalt, seconded by Mr. Loretta, to approve a request for a rear yard of 10 feet in lieu of 30 feet required to allow for construction of a private school building (proposed campus extension for Discovery Montessori School) for property legally described as part of B ed Castro y Ferrer Grant 38-2S-29E.

Applicant:

The agent for the applicant, Thomas Mnich, 516 9th Avenue North, Jacksonville Beach, stated that he appeared before the Planning Commission March 24, 2014 and was approved for a Conditional Use. Mr. Mnich stated that the school has been working with the city trying to create buffers between the proposed location and existing homes on Teagan Court. He added that the playground will be on the existing property and there is an off-site cafeteria that is located on Shetter Avenue. When the plans were made for the proposed addition, the Montessori School wanted to protect the tree canopy.

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 neither in favor nor against the application of the application:

- Tim Millard, 230 15th Street South, Jacksonville Beach stated that he agrees with the variance request, however, he has concerns with traffic problems that may occur in the future.

**Minutes of Board of Adjustment Hearing
held on April 1, 2014**

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

Discussion:

Board members concurred that the applicant clearly has a hardship, therefore allowing the variance request to be approved.

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

Building Department Report: The next scheduled meeting is Tuesday, April 15, 2014, and currently has three (3) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 7:50 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/S/ Thomas Buck

Chair

Date: May 6, 2014