

**Minutes of Board of Adjustment Meeting
held Tuesday, February 5, 2013, 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 Loretta.

Roll Call

Tom Buck Vice-Chairman
Chairman
Josh Corey
Bobby Jolley
Joseph Loretta Chairman
John Moreland

Alternates:

Mike Gallimore
Sylvia Osewalt *Absent*

Purpose and Ex-Parte Statement

Mr. Loretta 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 Minutes of Board of Adjustment Meeting held January 15, 2013 Development Code. Each member of the Board of

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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 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 exparte 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 12-100204**
Name of Applicant: Eva Zwack, Perry Family Properties, LLC
Property Address: 4020 South Beach Parkway

Mr. Hayes reported that this application has been postponed until the next meeting due to a request from the applicant.

- (B) **Case Number:** **BOA 12-100204**
Name of Applicant: Steve Roberts
Property Address: 132 8th Avenue North

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for 0 foot front yard in lieu of 20 feet required, for an easterly side yard of 0’ in lieu of 10 feet required, and for a corner side yard of 5 feet in lieu of 10 feet required to allow for a second story deck addition to an existing multi-family structure.

Applicant:

Applicant, Steve Roberts, 132 8th Avenue North, Jacksonville Beach, stated that his request is for construction of a second story deck for his multi-family home.

Mr. Loretta asked Mr. Roberts to elaborate on the hardship associated with the property.

Mr. Roberts replied that the property east of his is built out further, which hinders the ocean view.

Mr. Buck asked the applicant if the deck would be open-air.

Mr. Roberts replied yes with two posts on the ground level and the deck will be above the garage.

Public Hearing:

Mr. Loretta 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:

- Greg Todd, 823 2nd Street North, Jacksonville Beach.

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

A brief discussion ensued about the deck being open-air and not hindering the surrounding neighbors.

Roll call vote: Ayes – Buck, Moreland, Jolley, Loretta, and Corey; motion passed unanimously.

- (C) **Case Number:** BOA 12-100205
Name of Applicant: Albert and Thanh Arnao
Property Address: 174, 176, and 178 6th Avenue South

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for side yards of 5.8 feet in lieu of 10 feet minimum; for a rear yard of 6.2 feet in lieu of 30 feet required; and for 69% lot coverage in lieu of 65% maximum for property located at 174, 176 and 178 6th Avenue South to allow for a substantial renovation and addition to an existing non-conforming multi-family residential structure.

Applicant:

Applicant, Albert Arnao, 174, 176 and 178 6th Avenue South, stated that he is the owner of this multi-family triplex. He would like to build an additional story on the existing structure. An open-air deck will be on the top of the garage.

Public Hearing:

Mr. Loretta 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. Loretta closed the public hearing.

There was a brief discussion, which resulted with a question from Mr. Moreland regarding additional lot coverage.

Mr. Hayes replied that the owner is not requesting an additional lot coverage according the schematics that were submitted.

Roll call vote: Ayes – Buck, Moreland, Jolley, Loretta, and Corey; motion passed unanimously.

- (D) **Case Number:** BOA 12-100206
Name of Applicant: Eckstein Investments, LLC
Property Address: 116 2nd Avenue South

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for a corner side yard of 10 feet in lieu of 20 feet required for construction of a new multiple-family dwelling.

Applicant:

Applicant, Scott Gay, 2120 1st Street, stated that he is requesting a variance setback because the rest of the buildings on this block are built right up to the property with no setback. This has created a hardship resulting in little to no ocean view.

Public Hearing:

Mr. Loretta 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. Loretta closed the public hearing.

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A brief discussion ensued regarding approval of the variance and that if granted it would still be five feet behind the rest of the buildings on the block.

Roll call vote: Ayes – Buck, Moreland, Jolley, Loretta, and Corey; motion passed unanimously.

- (E) **Case Number:** BOA 13-100001
Name of Applicant: Paul Hinder
Property Address: 1909 3rd Street North

Motion to Approve: It was moved by Mr. Buck, seconded by Mr. Jolley, to approve a request for 9 parking spaces in lieu of 12 required parking spaces to allow for construction of a 2,300 square foot Dental Office.

Applicant:

Applicant Paul Hinder, 1604 Coquina Atlantic Beach, stated that he would like to set up his dental practice at 1909 3rd Street North. However, a variance is needed for the parking space requirement. Mr. Hinder reported that he with his staff would only occupy five spaces. Also due to the lot dimensions, there is a hardship because there is not enough surface area to accommodate 12 parking spaces.

Public Hearing:

Mr. Loretta 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:

- John Goldenhaur, 1915 North 3rd Street, Jacksonville Beach
- Peter Fazzinelli, 3312 Pablo Professional Court, Jacksonville

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

A brief discussion about the property having a hardship and concern that approval of the variance should not hinder the surrounding area.

Roll call vote: Ayes - Buck, Moreland, Jolley, Loretta, and Corey; motion passed unanimously.

Building Department Report: The next scheduled meeting is Tuesday, February 19, 2013. There are currently scheduled three (3) scheduled cases.

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Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:55 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/Joseph Loretta

Chairperson

Date: December 3, 2013