

**Minutes of Board of Adjustment Meeting
held Tuesday, July 2, 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 Vice-Chairman Buck.

Roll Call

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

Alternates: Sylvia Osewalt
Mike Gallimore

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 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.”

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There were no exparte communications disclosed by the board members.

Approval of Minutes

It was moved by Mr. Corey, seconded by Mr. Jolley, and passed, to approve the minutes for the May 21, 2013 meeting as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

(A) Case Number: BOA 13-100106

Name of Applicant: William & Carolyn Pugh

Property Address: 567 Palm Tree Road

Motion to Approve: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a corner side yard of 8.7 feet in lieu of 13 feet required, and for 42% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

Applicant:

Applicant, William Pugh, Jacksonville Beach, stated that he is requesting a variance so that he can construct a front porch. Mr. Pugh stated that his lot is only 65 X 110 square feet; well below the minimum standard lot size.

Mr. Jolley asked Mr. Pugh if the front porch would be an open-air space.

Mr. Pugh replied that it would be an open-air with a concrete slab and a partial kick wall around the sides. The porch may possibly have screens but definitely no windows.

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 to the application:

- Paul Vann, 601 Palm Tree Road, Jacksonville Beach.
- Susan West, 512 Palm Tree Road, Jacksonville Beach.
- Harry Draseson, 505 Palm Tree Road, Jacksonville Beach.

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

A brief discussion ensued amongst the board members concluding that the substandard lot size of the property is a hardship.

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

(B) Case Number: BOA 13-100110

Name of Applicant: Joseph & Robin Schaad

Property Address: 4001 Palm Way

Motion to Approve: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for 8-foot side yards in lieu of 10 feet required to allow for construction of a new single-family residence.

Applicant:

The applicant, Mr. Joe Schaad, Ponte Vedra Beach, stated that he is the owner of this lot and purchased the lot for his daughter and son-in-law. Mr. Schaad stated that the lot is undersized, therefore creating a hardship.

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 opposition to the application:

- Kathleen Gall, 4059 Palm Way, Jacksonville Beach.

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

Discussion ensued about the applicant's request being minimal and there is a hardship due to the substandard lot size.

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

(C) Case Number: BOA 13-100111

Name of Applicant: Jennifer Miller-Childs

Property Address: 1035 24th Street North

Motion to Approve: It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a rear yard of 24 feet in lieu of 30 feet required; for a 36.4% lot coverage in lieu of 35% maximum, both to allow a sunroom addition to the rear of an existing single-family dwelling.

Applicant:

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The applicant, Jennifer Miller-Childs, Jacksonville Beach, stated that she would like to construct a sunroom on the rear of her home. Ms. Miller-Childs reported that her lot is undersized for her zoning.

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.

A brief discussion ensued about the property being substandard due to lot size, therefore creating a hardship for the applicant.

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

Building Department Report: The next scheduled meeting is Tuesday, July 16, 2013. There are currently seven (7) 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
Senior Secretary

Approval:

/s/Thomas Buck
Chair

Date: August 6, 2013