

**Minutes of Board of Adjustment Meeting
held Tuesday, July 16, 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 *Absent*
Bobby Jolley
Joseph Loretta, Chairman *Absent*
John Moreland

Alternates:
Sylvia Osewalt
Mike Gallimore *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

It was moved by Mr. Jolley, seconded by Mr. Moreland, and passed, to approve the minutes of the meetings, as presented:

- Board of Adjustment meeting held on June 4, 2013
- Board of Adjustment meeting held on June 18, 2013

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

- (A) **Case Number:** **BOA 13-100115**
Name of Applicant: Bottom Line Ventures, Inc.
Property Address: 127 9th Avenue North

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a front yard of 17 feet in lieu of 20 feet required, for side yards of 5 feet in lieu of 10 feet required, for a rear yard of 15 feet in lieu of 30 feet required, and for 65% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

Applicant:

The applicant, Tim Millard, 230 15th Street South, Jacksonville Beach, stated that the lot size is 50 ft. X 96 ft. and is a permitted use for a two family dwelling. The proposed construction will consist of 2200 square feet in size with a maximum of two levels.

Mr. Moreland stated that he is concerned with the 65% lot coverage request. He asked the applicant if he would be able to complete the project with less lot coverage than what is being requested.

Mr. Millard responded that he is trying to keep the project at two levels as opposed to building three, therefore, the extra lot coverage is needed.

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 opposition to the application:

Debra Hill, 1003 2nd Street North, Jacksonville Beach
Cory Nichols, 1001 2nd Street North, Jacksonville Beach

The following person spoke in favor of the application:

Nola Mayfield, 1015 2nd Street North, Jacksonville Beach

Mr. Millard addressed Ms. Mayfield's question on drainage and water runoff stating that he will be complying with what is mandated by Public Works regarding additional improvements.

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

Discussion:

Board members discussed the application and all agreed that it would be an improvement for the area, however, the lot coverage and side yard setbacks would be too great for the lot itself if approved as requested.

Roll call vote: Nays – Jolley, Buck, Moreland, and Osewalt; motion denied unanimously.

- (B) **Case Number:** BOA 13-100116
Name of Applicant: Bottom Line Ventures, Inc.
Property Address: 132 9th Avenue North

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a front yard of 17 feet in lieu of 20 feet required, for a side yard and corner side yard of 5 feet in lieu of 10 feet required, for a rear yard of 15 feet in lieu of 30 feet required, and for 65% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling.

Applicant:

The applicant, Tim Millard, 230 15th Street South, Jacksonville Beach, stated that this application is very similar to the previous request, however, the request is for a corner lot that will not have anyone to the west of the property.

Public Hearing:

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

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opposition to the application.

The following person spoke neither in favor nor against the application:

Nola Mayfield, 1015 2nd Street North, Jacksonville Beach

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

Discussion:

There was a brief discussion about the applicant having a hardship that warrants approval, due the size of the lot.

Roll call vote: Ayes – Jolley, Moreland, Buck
Nays – Osewalt
The motion carried by a vote of 3 to 1.

- (C) **Case Number:** BOA 13-100117
Name of Applicant: John Atkins
Property Address: 1202 2nd Avenue North

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a front yard of 20 feet in lieu of 25 feet, for 36% lot coverage in lieu of 35% maximum on lot 7, for an easterly side yard of 9 feet in lieu of 10 feet, for 43% lot coverage in lieu of 35% maximum on lot 8, and for a vehicle use area of 0 feet in lieu of 5 feet minimum to a property line for each of lots 7 and 8, to allow for restoration of platted lots 7 and 8 in order to build a new single family home on lot 7.

Applicant:

The applicant, John Atkins, 731 Holly Drive, Jacksonville Beach, stated that he would like to keep the home that exists on Lot 8, which has some historic value, and would like to construct a new home on Lot 7. Both of the lots are substandard in size, while Lot 7 will have a 10-foot setback.

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:

There was a brief discussion about the request being a hardship and there was no opposition to the application.

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

- (D) **Case Number:** BOA 13-100118
Name of Applicant: Bryan Keith Blankenship
Property Address: 115 9th Avenue North

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a corner side yard of 10 feet in lieu of 11 feet required, and for 45% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Applicant:

The applicant, Bryan Blankenship, 905 2nd Street North, Unit B, stated that he would like to build a two-story home on this lot. Mr. Blankenship explained that the proposed house would be thin and long, trying not to block any of the neighbors view.

Mr. Moreland asked where the driveway would be located. Mr. Blankenship replied that it would be located on 9th Avenue.

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:

Mr. Buck stated that he felt that the proposed plan will be a good fit for this particular lot. However, Mr. Moreland stated that he wished to amend the motion to include the verbiage “as shown and discussed”.

Amended Motion: An amended motion was made by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for a corner side yard of 10 feet in lieu of 11 feet required, and for 45% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling, as shown and discussed.

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

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- (E) **Case Number:** BOA 13-100119
Name of Applicant: Jason Huntley
Property Address: 202 37th Avenue South

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a corner side yard of 10 feet in lieu of 12 feet required, and for a rear yard of 26 feet in lieu of 30 feet required to allow for a new single-family dwelling.

Applicant:

The applicant, Jason Huntley, 1592 Lakeside Drive, Atlantic Beach, stated that he is requesting a variance for a home that he will be constructing in the Avalon Community.

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:

There was a brief discussion about the applicant having a hardship due the size of the lot.

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

- (F) **Case Number:** BOA 13-100121
Name of Applicant: Nicola Lynch
Property Address: 5 South 30th Avenue

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a front yard of 12.5 feet in lieu of 25 feet required, for a northerly side yard of 4 feet in lieu of 10 feet required, and for 70% lot coverage in lieu of 35% maximum to allow for ratification of and substantial renovation of an existing non-conforming single-family dwelling.

Applicant:

The applicant, Nicola Lynch, 326 6th Street North, stated that she is in the process of purchasing this lot. The home that is currently on it will be renovated to today's codes.

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Mr. Jolley asked if the home would be enlarged with renovation or will it be kept to the same building footprint.

Ms. Lynch replied that she will not be increasing the home size and will keep the building footprint the same, however will be removing some of the concrete surrounding the home.

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:

- Dan O'Malley, 209 South First Street, Jacksonville Beach.

After hearing opposition to the application, Mr. Moreland asked the applicant if she believes that she could remove more concrete to reduce the lot coverage.

Ms. Lynch replied no.

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

Discussion:

A discussion ensued about the request being abnormally high. However, the applicant is not expanding the footprint and the lot size does warrant a variance due to it being substandard.

Roll call vote: Ayes – Jolley, Moreland & Buck
Nays – Osewalt
The motion carried by a vote of 3 to 1.

(G) **Case Number:** BOA 13-100122
Name of Applicant: Steve Bryant
Property Address: 454 Lower 8th Avenue South

Motion to Approve: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a rear yard of 17.4 feet in lieu of 30 feet required, and for 53% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

Applicant:

The applicant, Steve Bryant, stated that he purchased this home to use for retirement, without realizing or knowing about the permitting/variance process. He had a deck and walkway constructed without contacting the Building Department and obtaining the proper permits.

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The construction is already complete and the variance is being requested after the fact.

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:

There was a brief discussion about the applicant having a hardship that warrants approval due the substandard size of the lot.

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

Building Department Report: The next scheduled meeting is Tuesday, August 6, 2013.
There are currently six (6) scheduled cases.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 8:20 P.M.

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/Thomas Buck

Chairperson

Date: August 20, 2013