

**Minutes of Board of Adjustment Meeting  
Held Wednesday, November 3, 2010 at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairman Corey.

**Roll Call**

Josh Corey  
Bobby Jolley  
Joseph Loretta  
John Moreland *Absent*  
Tom Buck  
Scott Chestnut  
Sylvia Osewalt *Absent*

**Purpose and Ex-Parte Statement**

Mr. Corey 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

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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:**

**Case Number:**        **BOA 10-100134**  
**Name of Applicant:** Barbara Hubbard  
**Property Address:** 856 Bonaire Circle

**Motion:**        It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for a 47% lot coverage in lieu of 45% maximum to allow for a spa and deck addition to a single family dwelling.

### **Applicant:**

The applicant, Barbara Hubbard, 856 Bonaire Circle, Jacksonville Beach stated that she would like to put in a small hot-tub with a deck in the rear of her home. Ms. Hubbard explained to the board that there is a large right-of-way behind her home and there aren't any neighbors behind her home.

Mr. Loretta asked Ms. Hubbard about the two circles on her site plan that she submitted.

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Ms. Hubbard replied that they are planters.

**Public Hearing:**

Mr. Corey 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. Corey closed the public hearing.

**Discussion:**

Mr. Jolley stated that the request was minimal and should not have any negative impact.

**Roll call vote:** Ayes –Corey, Jolley, Loretta, Buck and Chestnut; motion carried unanimously.

**Case Number:** BOA 10-100137

**Name of Applicant:** Todd Dunavant

**Property Address:** 503 4<sup>th</sup> Avenue

**Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for a corner side yard of 10.2 feet in lieu of 20 feet required to allow for improvements to a single family dwelling.

**Applicant:**

The applicant, Todd Dunavant, 503 4<sup>th</sup> Avenue North, Jacksonville Beach, stated that he is requesting a variance to have an addition constructed on the existing house.

Mr. Buck asked Mr. Dunavant if the new addition will be in line with the original house footprint.

Mr. Dunavant replied yes.

**Public Hearing:**

Mr. Corey 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. Corey closed the public hearing.

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**Discussion:**

A brief discussion ensued about the application being a minimal request; however Mr. Loretta stated that he wished to amend the motion to include “as submitted and discussed”.

**Amended Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for a corner side yard of 10.2 feet in lieu of 20 feet required to allow for improvements to a single family dwelling as submitted and discussed.

**Roll call vote:** Ayes –Corey, Jolley, Loretta, Buck and Chestnut; motion carried unanimously.

**Case Number:** BOA 10-100138

**Name of Applicant:** Matthew Vallez

**Property Address:** 630 3<sup>rd</sup> Avenue North

**Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for 40% lot coverage in lieu of 35% maximum, and for a parking setback of 0 feet in lieu of 5 feet minimum to allow for improvements to a single family dwelling.

**Applicant:**

The applicant, Matthew Vallez, 630 3<sup>rd</sup> Avenue North, Jacksonville Beach, stated that unfortunately, his request has to do with work that has already been completed on the property. Mr. Vallez further explained to the board that he was not properly informed about requiring a permit by the city to have the pavers put in. Mr. Vallez submitted for the record a petition from his neighbors approving the work that has been completed.

**Public Hearing:**

Mr. Corey 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. Corey closed the public hearing.

**Discussion:**

Mr. Loretta stated that the lot size was below the standard size; therefore a hardship has been created for the applicant.

**Roll call vote:** Ayes –Corey, Jolley, Loretta, Buck and Chestnut; motion carried unanimously.

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**Adjournment**

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

Submitted by: Amber Maria Lehman

Approval:

/s/Josh Corey  
Chairman

Date: March 6, 2012