

**Minutes of Board of Adjustment Meeting
Held Wednesday, November 16, 2010 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 Corey.

Roll Call

Josh Corey
Bobby Jolley
Joseph Loretta
John Moreland
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

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 10-100145
Name of Applicant: Ronald and Misti Stephens

Property Address: 2607 Madrid Street

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for side yard setback of 8 feet in lieu of 10 feet required and for 45% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Applicant:

Applicant, Ronald Stephens, 2609 Madrid Street, Jacksonville Beach, stated that he is constructing a very similar plan to the house of 2609 Madrid Street where he currently resides. The house will be look a little different in aesthetics but very similar in the house size/plan.

Mr. Stephens spoke briefly about the drainage issues in the neighborhood and that he has mitigated some of that with a “Y” Connection that will bring excess drain water through hard pipes to a drain box.

Mr. Jolley asked Mr. Stephens if the house will be similar to the request at 2609 Madrid Street that was recently approved.

Mr. Stephens replied yes that the dimensions will be similar, but the house colors/schemes will be different.

Mr. Buck asked Mr. Stephens if he will be putting gutters on the house.

Mr. Stephens replied yes and there will also be a metal roof.

Public Hearing:

Mr. Corey 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:
Randy DeLoach, 34th Avenue South, Jacksonville Beach.
Misti Stephens, 2609 Madrid Street, Jacksonville Beach.

The following person spoke in opposition to the application:

Bill Scott, 2605 Madrid Street, Jacksonville Beach. Mr. Scott also provided an affidavit for the record.

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

Mr. Moreland asked Mr. Stephens if 45% lot coverage was the minimum request that he would be able to construct his home and allow for driveways and walkways.

Mr. Stephens replied that with turf block he could do the project with 42% lot coverage.

Mr. Corey asked Mr. Stephens what the hardship is for this lot.

Mr. Stephens replied that his lot is a substandard lot.

Discussion:

Mr. Moreland stated that the applicant does have a hardship due to the substandard size of the lot, however by the applicants own admission he can reduce the lot coverage to 42%. Mr. Moreland stated that he would like to amend the motion by reducing the lot coverage from 45% to 42%.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for a southerly side yard of 7.5 feet in lieu of 10 feet required to allow for improvements to a single family dwelling as shown and submitted.

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

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