

**Minutes of Board of Adjustment Meeting
Held Wednesday, December 6, 2006 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 Chairperson Keith Hall.

Roll Call

Keith Hall (*Vice Chairperson*)
Bobby Jolley
Terry McGill
John Moreland
Charlie Sellers
Joseph Loretta

Jon Hays, Building Official, and Linda Wilkins, Recording Secretary, were also present.

Mr. Hall read the following statement into the record:

“The 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.”

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“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.”

The Board members advised that they had no ex-parte communication.

Approval of Minutes

It was moved by Mr. Jolley, seconded by Mr. Morehead, and passed, to approve the minutes of the October 17, 2006, meeting as presented.

Correspondence

There was no correspondence.

Old Business:

There was no old business.

New Business:

Case No.: BOA 06-100241

Location: 139 South 36th Avenue; Lot 15, E 32 ft of Lots 13 & 14, S 25 ft of the E 32 ft of Lot 12, Block 4, Atlantic Shores R/P Div “A”

Applicant: Steven Ruben

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for 44% lot coverage in lieu of 39% maximum; to allow for a swimming pool addition to a single family dwelling.

The applicant stated that he wishes to build a swimming pool in his back yard. He advised that the lot coverage is currently at 39%.

Mr. Hall opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request. Seeing no one, he closed the public hearing.

Roll call vote: Ayes – Hall, McGill and Sellers. Nays – Jolley and Moreland. Motion carried by a vote of 3 to 2.

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Case No.: BOA 06-100264

Location: 234 South 9th Avenue; Lot 2, Block 93, Pablo Beach South

Applicant: Wendell Finner

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley to approve a request for 0 parking spaces in lieu of 3 required to allow for a professional/business office conversion in one unit of an existing two-family dwelling.

The applicant stated that he wishes to move his law office into one side of the building. He advised that he has no employees, so he would be the only one using the office.

Mr. Hall opened a public hearing and asked if anyone wished to speak in favor of, or in opposition to the request.

The following people spoke in favor:
Allison Swan, 118 34th Avenue South
Gary , 238 9th Avenue South
Julia , 235 8th Avenue South
Huntley Castner, 96 Jardin De Mer Way

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

Following a brief discussion, it was moved by Mr. McGill, seconded by Mr. Moreland, to amend the motion to include the language "as specified and discussed in the Board of Adjustment meeting on December 6, 2006".

Roll call vote: Ayes – Jolley, McGill, Moreland, Sellers and Hall. Motion carried unanimously.

Election of Chairman

It was moved by Mr. McGill, seconded by Mr. Jolley, to elect Keith Hall as the Chairperson and John Moreland as Vice-Chairperson.

Roll call vote: Ayes – McGill, Moreland, Sellers, Hall and Jolley. Motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 7:40 P.M.

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Submitted by: Linda Wilkins, Recording Secretary

Approval:

/s/Keith Hall

Chairperson

Date: January 17, 2006