

**Minutes of Board of Adjustment Meeting
Held Tuesday, December 19, 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 Chairperson Hall.

Roll Call

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

John Hays, Building Official and Amber Lehman were also present.

Mr. Hall 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 ex-parte communications by the board.

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Jolley, and passed, to approve both October 3, 2006, and November 8, 2006, minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

None.

NEW BUSINESS:

Case: BOA 06-100271

Location: 28 South 26th Avenue

Applicant: Matt Robertson

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve for a front yard of 20 feet in lieu of 25 feet required, for side yard of 7.5 feet in lieu of 10 feet required and for a rear yard of 12 feet in lieu of 30 feet required to allow for a new single family dwelling.

Mr. Hays stated that the applicant has requested a continuance for his application.

Case: BOA 06-100273

Location: 611 South 9th Avenue

Applicant: Raymond Cash and Becky Barlow

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for side yards totaling 13.8 feet in lieu of 15 feet required, for a rear yard of 22.5 feet in lieu of 30 feet required and for 37% lot coverage in lieu of 35% maximum to allow for improvement to a single family dwelling.

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The agent for the applicant, Richard Willis, 100 Fairway Park, Ponte Vedra, stated that the applicant would like to have a covered porch on the back of his home. There is already an existing concrete lab. The applicant is asking that it be covered. The lot coverage will remain the same.

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

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

There followed a brief discussion about the request and the fact that it would not be impeding on the surrounding neighbors.

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

Case: BOA 06-100277

Location: 605 North 10th Avenue

Applicant: Alex McNeal

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for a westerly side yard of 7 feet in lieu of 10 feet required, for a rear yard of 12 feet in lieu of 30 feet required and for 43% lot coverage in lieu of 35% maximum to allow for improvements (accessory building) to a single family dwelling.

Mr. Hays stated that since the applicant was absent, a motion would need to be made to carry over until the next meeting.

Amended Motion:

It was moved by Mr. Jolley, seconded by Mr. Loretta, and passed, to table the application until the next meeting.

Adjournment

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

Submitted by: Amber Maria Lehman

Approved:

/s/Keith Hall

Chairperson

Date: February 6, 2007