

**Minutes of Board of Adjustment Meeting  
Held Tuesday, February 6, 2007 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 Chairperson Keith Hall.

**Roll Call**

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

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. Morehead, seconded by Mr. Loretta, and passed, to approve the minutes of the December 19, 2006, and the January 2, 2007, meetings as presented.

### **Correspondence**

There was no correspondence.

### **Old Business:**

There was no old business.

### **New Business:**

#### **Case No.: BOA 07-100001**

**Location: 607 North 16<sup>th</sup> Street; Lot 7, Block 4, Pine Grove Unit 4 S/D**

**Applicant: Christopher Cathey**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a front yard of 14 feet in lieu of 25 feet required; to allow for improvements to a single family dwelling.

The applicant stated that he wishes to add a roof to the existing deck and make it a porch. He distributed pictures of the deck and a petition from his neighbors in favor of the project.

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

Russ Facette, contractor and stepfather of the applicant, spoke in favor.

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

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It was moved by Mr. Loretta, seconded by Mr. Moreland, to amend the motion to approve a request for a front yard of 14 feet in lieu of 25 feet required; for a proposed open air wood porch.

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

**Case No.: BOA 07-100002**

**Location:** 138 South 34<sup>th</sup> Avenue; W 20 ft of Lot 9, E 44 ft of Lots 10 & 11 and E 44 ft of the N ½ of Lot 12, Block 7, Atlantic Shores, Ocean Front, Division A

**Applicant:** Jason Strubhar

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for an easterly side yard of 7.8 feet in lieu of 10 required; to allow for improvements to a single family dwelling.

The applicant stated that the house currently has a partial second story and he wishes to add on to make it a complete second story.

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 who wished to address the Board, he closed the public hearing.

It was moved by Mr. Loretta, seconded by Mr. Moreland, to amend the motion to approve a request for an easterly side yard of 7.8 feet in lieu of 10 feet required; to allow for the improvements as presented this evening.

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

**Adjournment**

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 7:16 P.M.

Submitted by: Linda Wilkins, Recording Secretary

Approval:

/s/Keith Hall

Chairman

Date: March 6, 2007