

**Minutes of Board of Adjustment Meeting
Held Tuesday, March 21, 2007 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 *Absent*

Terry McGill *Absent*

John Moreland (*Vice Chairperson*)

Joseph Lorretta

Josh Corey

Also present was Amber Lehman, Recording Secretary.

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.”

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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.”

There were no ex-parte communications by the board.

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Loretta, and passed, to approve the February 20, 2007, minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

None.

NEW BUSINESS:

Mr. Moreland stated that he would like the City to consider moving the next BOA meeting from April 3, 2007, to April 4, 2007 in consideration for the Jewish Holiday.

It was moved by Mr. Moreland, seconded by Mr. Corey, to request that all future Board of Adjustment meetings not be held on Jewish Holidays.

Roll call vote: Ayes –Hall, Moreland, Loretta, and Corey.

Motion carried unanimously.

Case: BOA 06-100282

Location: 1650 South 6th Street

Applicant: Joe Crozier

Motion: It was moved by Mr. Moreland, seconded by Mr. Loretta to approve a request for 39% lot coverage in lieu of 35% maximum to allow for anew single family dwelling.

The agent for the applicant, Tim Franklin, stated that he would like to postpone the hearing until the next meeting when all board members can be present.

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Adjournment

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 7:15P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Keith Hall

Chairperson

Date: April 17, 2007