

**Minutes of Board of Adjustment Meeting
Held Tuesday, April 17, 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
Terry McGill *Absent*
John Moreland (*Vice Chairperson*)
Joseph Loretta
Tom Buck
Josh Corey

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

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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 by any of the board members.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Mr. Moreland, and passed, to approve the March 21, 2007, minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

None.

NEW BUSINESS:

Case: BOA 07-100058

Location: 2920 Isabella Blvd.

Applicant: Brian R. Stoddard

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for 46% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

The applicant, Brian Stoddard, 2920 Isabella Blvd., stated he would like to replace where there is currently sand for the driveway that will lead up to the front porch. The front porch is not a concrete porch, but a wooden porch that sits above ground approximately two inches. He added that the house meets all set back requirements

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

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

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approve a request for 46% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling as submitted and discussed.

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

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Case: BOA 07-100061

Location: 28 Quail Lane

Applicant: Donald & Betty Lucas

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for 46% lot coverage in lieu 35% maximum to allow for improvements to a single family dwelling.

The applicant, Betty Lucas, stated that her hardship was that her 86 year old aunt has moved in with her and her husband due to the passing of her uncle. There is not much space in the home for all three people. Her aunt is handicapped and needs her own bedroom as well as her own bathroom. Therefore, more space is needed in the home. Mrs. Lucas would like to add a second story addition to the back of her house only.

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

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

A brief discussion ensued about the hardship not being a land based hardship. The lot size is currently larger than the minimum lot size required.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling as submitted as discussed.

Roll call vote: Ayes –Loretta, Jolley, Hall and Corey; Nays – Moreland. Motion carried 4 to 1.

Case: BOA 07-100062

Location: 3321 Ocean Drive North

Applicant: Lynn Hileman

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for a northerly side yard of 7.2 feet and a southerly side yard of 608 feet in lieu of 10 feet required, and for a rear yard of 28 feet in lieu of 30 feet required and for 46% lot coverage in lieu of 35% maximum to allow for improvements to a single family home.

The applicant, Lynn Hileman stated that the house currently meets the existing front and rear yard setbacks, therefore the 28 feet in lieu of 30 feet requirement in the motion is not needed.

The reason for the request is that current building codes will not allow for a second story to be built on the home. The hardship is that the lot is significantly undersized.

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

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The following person spoke in favor of the application:

Bobby Grant, 3329 Ocean Drive South, Jacksonville Beach

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

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a northerly side yard of 7.2 feet and a southerly side yard of 6.8 feet in lieu of 10 feet required, and for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single family home.

There was a brief discussion about the lot clearly having a hardship. Mr. Loretta stated that he would like to amend the previous motion by stipulating that the house can not exceed 100 feet in length.

2nd Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Moreland, to approved a request for a northerly side yard of 7.2 feet and a southerly side yard of 6.8 feet in lieu of 10 feet required, and for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single family home with a maximum of 100 feet in length.

Roll call vote on 2nd Amended Motion: Ayes –Loretta, Moreland, Jolley, Hall and Corey. Motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 7:50 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/Keith Hall

Chairperson

Date: May 16, 2007