

**Minutes of Board of Adjustment Meeting  
Held Tuesday, May 16, 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 Hall.

**Roll Call**

Keith Hall (*Chairperson*)

Bobby Jolley *Absent*

Terry McGill *Absent*

John Moreland (*Vice Chairperson*)

Joseph Loretta

Josh Corey *Absent*

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

Minutes, Board of Adjustment Meeting  
held May 16, 2007

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 exparte communications by any of the board members.

### **Approval of Minutes**

It was moved by Mr. Moreland, seconded by Mr. Loretta, and passed, to approve the April 17, 2007, minutes as presented.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

None

### **NEW BUSINESS:**

#### **Case: BOA 07-100076**

**Location: 1202 South 1<sup>st</sup> Street**

**Applicant: Gary Stewart**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Loretta to approve a request for a front yard of 11.9 feet in lieu of 20 feet required to allow for improvements to a two-family dwelling.

The applicant, Kay Stewart, 1202 South 1<sup>st</sup> Street, stated that she would like to add patio to the southerly corner of the home so that she will have a view of the ocean. The deck will be on the second story, open air rail deck, uncovered, and constructed of wood.

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 a front yard of 11.9 feet in lieu of 20 feet required to allow for improvements to a two-family dwelling as submitted and discussed.

## **Discussion**

There was a brief discussion about the lot being substandard, and the request not interfering with surrounding neighbors.

**Roll call vote on amended motion:** Ayes –Loretta, Moreland, and Hall. Motion carried unanimously.

### **Case: BOA 07-100078**

**Location: 411 Pablo Avenue**

**Applicant: Stephen Swann**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Loretta to approve a request for a front yard of 7 feet in lieu of 20 feet required, for a corner side yard of 4.9 feet in lieu of 10 feet required, and for 0 in lieu of 12 parking spaces required, to allow for a second story addition of approximately 3600 square feet for professional or business offices.

The applicant, Stephen Swann, stated that the building was constructed 40 years ago with no setbacks on 3 sides of his 10 X 65 lot. The existing structure covers the lot area to an extent that no additional parking is possible. Mr. Swann did say that there was off street parking to offset the parking requirement.

Mr. Moreland asked Mr. Swann if he had any parking spaces that were grandfathered.

Mr. Swann replied that there were 17 parking spaces that were grandfathered in.

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 a front yard of 7 feet in lieu of 20 feet required, for a corner side yard of 4.9 feet in lieu of 10 feet required, and for 0 in lieu of 4 parking spaces required, to allow for a second story addition of approximately 3600 square feet for professional or business offices, contingent on successful negotiations with the city to convert 5 private parking spaces to public parking spaces.

Minutes, Board of Adjustment Meeting  
held May 16, 2007

**Discussion**

There was a discussion about the property not having a hardship that would allow granting of a variance.

Mr. Swann requested that the variance request be deferred until the next meeting when more board members can be present.

**Adjournment**

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

Submitted by: Amber Maria Lehman

Approval:

/s/Keith Hall

Chairman

Date: July 17, 2007