

**Minutes of Board of Adjustment Meeting
Held Tuesday, June 19, 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 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.”

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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 exparte communications disclosed by any of the board members.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Mr. Moreland, and passed, to approve the May 1, 2007, minutes as amended.

Correspondence

There was no correspondence.

OLD BUSINESS:

None.

NEW BUSINESS:

Case: BOA 07-100080

Location: 1806 Kings Court

Applicant: Kenneth and Deborah Thorpe

Motion: It was moved by Mr. Moreland, seconded by Mr. Loretta to approve a request for 42% lot coverage in lieu of 35% maximum to allow for a detached accessory structure to a single family dwelling.

The applicant, Deborah Thorpe, 1806 Kings Court, stated that she is in need of a storage shed so that she can store her boat in her garage as opposed to in the driveway, therefore eliminating on street parking for her vehicles. The storage shed will house miscellaneous yard items. The storage shed will have a shingled roof. It will be located on the south east corner of the lot.

Mr. Moreland asked the applicant what the hardship was for this particular lot.

Ms. Thorpe replied that she is currently caring for an older handicapped gentleman and the garage houses various handicap equipment.

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 neither spoke in favor or in opposition of the application.

Dave Polovina, Lakeside Drive, Jacksonville Beach – asked if the applicant owned the property.

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

There followed a discussion about the lot being oversized already, and also the lot coverage is currently 6% over the 35% maximum, and there is no hardship associated with this parcel.

Roll call vote: Ayes –Corey, and Buck. Nays – Moreland, Loretta, and Hall; motion failed by a 3 to 2 vote

Case: BOA 07-100108

Location: 329 North 15th Street

Applicant: William and Susan Schanen

Motion: It was moved by Mr. Moreland, seconded by Mr. Loretta to approve a request for 45% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

The applicants, William & Susan Schanen, 329 North 15th Street, stated that they would like to improve the value of their home and provide a safe area for their children to swim by adding a pool to the backyard. The Schanen's stated that they had the smallest lot in their neighborhood.

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.

Mr. Loretta asked if the applicants would be willing to remove a planter and wooden decking in the yard to allow for reduced lot coverage percent.

The applicant replied that they would be comfortable with that option.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for 43% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

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

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Case: BOA 07-100113

Location: 70 Oakwood Road

Applicant: Robert L. Wilson

Motion: It was moved by Mr. Moreland, seconded by Mr. Loretta to approve a request for 43% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

The applicant, Robert Wilson, 70 Oakwood Road, stated that he recently married and has acquired grandchildren. He would like to add a pool for their enjoyment. The house was built in 1968 with 34% lot coverage. The proposed pool will be 15X30.

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.

There followed a brief discussion about the side entry driveway creating a substantial amount of the lot coverage that already exist.

Amended Motion: It was moved by Mr. Loretta, to approve a request for 38% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

Amended Motion died due to lack of a second.

Roll call vote on Original Motion: Ayes –Buck and Corey. Nays – Moreland, Loretta, and Hall; motion denied 3 to 2.

Case: BOA 07-100079

Location: 1834 Arden Way

Applicant: Kasey Mowry

Motion: It was moved by Mr. Loretta, seconded by Mr. Moreland to defer this application until the next scheduled meeting due the applicant not being present.

Roll call vote: Ayes –Loretta, Moreland, Hall, Buck, 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.

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Submitted by: Amber Maria Lehman

Approval:

/s/Keith Hall
Keith Hall, Chairman

Date: August 7, 2007