

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

Jon Hays, Building Official, and Recording Secretary Amber Lehman were also present.

**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 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.”

Mr. Moreland stated that he had a conversation with Mr. Cook in reference to Case BOA 07-100119.

### **Approval of Minutes**

It was moved by Mr. Loretta, seconded by Mr. Jolley, and passed, to approve the May 16, 2007, minutes as presented.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

#### **Case: BOA 07-100079**

**Location: 1834 Arden Way**

**Applicant: Kasey Mowry**

**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 agent for the applicant, Mr. Travis Lonner, owner of Great White Pools, stated that the applicant, Kasey Mowry would like to have a swimming pool installed with brick pavers for the pool deck. The pavers around the pool will be approximately 800 square feet.

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, Mr. Hall closed the public hearing.

There followed a brief discussion about the amount of lot coverage being requested. Mr. Moreland stated that this was not a substandard lot; therefore he felt that there was not a hardship associated with this parcel. It was also stated that the amount of lot coverage requested was far too much.

**Amended Motion:** It was moved by Mr. Jolley, seconded by Mr. Loretta, to approve a request for 40% lot coverage in lieu of 35% maximum; to allow for a swimming pool addition to a single family dwelling as submitted and discussed.

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

**Case: BOA 07-100117**

**Location: 608 8<sup>th</sup> Avenue North**

**Applicant: Julie Snyder**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for 45% lot coverage in lieu of 35% maximum and for a parking area setback of 1 foot in lieu of 5 feet required; to allow for improvements to a single-family dwelling.

The applicant, Ms. Snyder, stated that she would like to install a driveway in her yard, due to the fact that there is no parking on her property. She has the only house that does not have access to her property.

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, Mr. Hall closed the public hearing.

There was a brief discussion about the property having a hardship due to the lot being substandard in size and also for the fact that the property does not have adequate parking for the homeowner.

**Amended Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 45% lot coverage in lieu of 35% maximum and for a parking area setback of 1 foot in lieu of 5 feet required; to allow for improvements to a single-family dwelling as submitted and discussed.

**Roll call vote on Amended Motion:** Ayes – Jolley, Loretta, Moreland and Corey. Nays – Hall. Motion carried by a vote of 4 to 1.

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**Case: BOA 07-100119**

**Location: 586 14<sup>th</sup> Avenue South**

**Applicant: William H. Cook, Jr.**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for 53% lot coverage in lieu of 49% lot coverage; to allow for improvements to a single-family dwelling.

The applicant, Mr. Cook, stated that he has a substandard lot and that his existing garage is too small. Mr. Cook stated he currently has 47% lot coverage and is requesting an additional 6% lot coverage which equates to 350 square feet.

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

The following people spoke in favor of the application:

Chuck and Marty Wade, Jacksonville Beach

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

A discussion ensued about the property already being at lot coverage maximum with it currently being 46% with the approval of a previous variance.

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

**Case: BOA 07-100125**

**Location: 1517 4<sup>th</sup> Avenue North**

**Applicant: John Halman**

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Loretta, to approve a request for an easterly side yard of 5 feet in lieu of 10 feet required; to allow for improvements to a single family dwelling.

The applicant, John Halman, stated that he would like to build a mechanical room that will house the air conditioner unit.

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, Mr. Hall closed the public hearing.

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There was a brief discussion about the request not hindering the surrounding neighbors, and the request being very minimal in nature.

**Amended Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for an easterly side yard of 5 feet in lieu of 10 feet required; to allow for improvements to a single family dwelling as submitted and discussed.

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

**Adjournment**

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 8:15 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Keith Hall

Keith Hall, Chairman

Date: October 2, 2007