

**Minutes of Board of Adjustment Meeting
Held Tuesday, August 7, 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 *Absent*

Josh Corey

Thomas Buck *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.”

Minutes of Board of Adjustment Meeting
held on August 7, 2007

“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 by any of the board members.

Approval of Minutes

It was moved by Mr. Jolley, seconded by Mr. Moreland, and passed, to approve the June 19, 2007, minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

None

NEW BUSINESS:

Case: BOA 07-100135

Location: 1028 North 14th Avenue

Applicant: Dennis Ripley

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for 44% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

The applicant, Dennis Ripley, 1028 14th Avenue, stated that he would like to extend (widen) his driveway so that he can add additional parking. The driveway also needs to be replaced due to old age.

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. Hall stated that this was a substandard lot, therefore a hardship does exist.

Roll call vote: Ayes – Hall, Moreland, Jolley, and Core; motion carried unanimously.

Minutes of Board of Adjustment Meeting
held on August 7, 2007

Case: BOA 07-100136

Location: 70 Oakwood Road

Applicant: Robert Wilson

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for 41% in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

The applicant, Robert Wilson, stated that the he was previously in front of the board with a 47% lot coverage request that was denied. He has since modified his request significantly. The home and the driveway are 35%, he is requesting an additional 6% to install a swimming pool. Mr. Wilson that the swimming pool addition would not be intrusive upon his neighbors.

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.

Discussion

There was a discussion about the property not having a hardship that would allow granting of a variance. However, Mr. Jolley stated that 41% request was an improvement from the 47%.

Roll call vote: Ayes – Hall, Moreland, Jolley, and Corey; motion carried unanimously.

Case: BOA 07-100139

Location: 1005 North 2nd Street

Applicant: Albert Harris

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for a side yard of 5 feet in lieu of 5 feet (limited) 10 feet required, and for a rear yard of 3 feet in lieu of 3 feet (limited) 30 feet required to allow for a third level deck addition.

The agent for the applicant, Scott Ferree, 3835 Camblay Place, stated that Mr. Harris would like to have an additional deck built on top of his already existing deck. Mr. Ferree stated that he has already started the building process without the requesting the variance.

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.

Discussion

Minutes of Board of Adjustment Meeting
held on August 7, 2007

There followed a brief discussion about the fact that the construction had commenced without request being granted.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a request for a side yard of 5 feet in lieu of 5 feet (limited) 10 feet required, and for a rear yard of 3 feet in lieu of 3 feet (limited) 30 feet required to allow for a third level deck addition with the deck not to be covered or enclosed.

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

Adjournment

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 7:30P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/John Moreland
Chairperson

Date: September 18, 2007