

**Minutes of Board of Adjustment Meeting
Held Tuesday, September 18, 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 Acting Chairperson Moreland.

Roll Call

Keith Hall (*Chairperson*) (*Absent*)
Bobby Jolley
John Moreland (*Vice Chairperson*)
Joseph Loretta
Josh Corey
Thomas Buck

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

Mr. Moreland 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.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Mr. Jolley, and passed, to approve the August 7, 2007, minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case: BOA 07-100162

Location: 3817 Poincianna Blvd

Applicant: Alba Alvarez

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for 49% lot coverage in lieu of 43% maximum to allow for improvements to a single-family dwelling.

The applicant, Ms. Alba Alvarez, 3817 Poincianna Blvd, stated that house is small, and she would like to extend the living area by placing brick pavers in the back yard. Ms. Alvarez added that she will not be building onto the house, only adding a small patio.

Mr. Moreland 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. Moreland closed the public hearing.

There followed a brief discussion concerning the amount of lot coverage being requested. Mr. Loretta stated that he was not comfortable with the language in the request. And added, if the

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request was granted the applicant would be able to enclose the patio and make it extra living space.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 49% lot coverage in lieu of 43% maximum, to allow for the installation of brick pavers for a back yard patio to remain open-aired.

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

Case: BOA 07-100163

Location: 537 5th Avenue North

Applicant: Gregory Barnett

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

The applicant, Mr. Barnett, stated that half of the lot is split down the middle, allowing only 6,250 square feet for lot size. The lot is considerably substandard, therefore creating a hardship.

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

The following person spoke in favor of the application:

David Barnett, 8017 Reedy Branch Drive, Jacksonville, FL 32256

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

There was a brief discussion about the property having a hardship due to the lot being substandard in size; however, the request for 45% lot coverage was too great.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for 42% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling as submitted and discussed.

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

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 7:45 P.M.

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Submitted by: Amber Maria Lehman

Approval:

/s/Joseph Loretta
Chairperson

Date: November 7, 2007