

**Minutes of Board of Adjustment Meeting
Held Tuesday, October 2, 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

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

Mr. Hays advised the board that Terry McGill had resigned and the City Council voted to make Josh Corey a regular member and to make Matthew Bierschied the second alternate. Mr. Bierschied will be present at the next meeting.

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.”

There were no exparte communications disclosed by any of the board members.

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve the Minutes of July 17, 2007, and September 5, 2007, as presented.

Correspondence

There was no correspondence

OLD BUSINESS:

Case: BOA 07-100142

Location: 703 3rd Avenue South; Lot 8, Block 28, Ex W 25 ft, Pablo Beach South

Applicant: Linzy C. Lane

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for 44% lot coverage in lieu of 35% maximum, or for no paving in lieu of asphalt or concrete required; to allow for a new two-family dwelling.

Claudio Biltoc, agent for the applicant, stated that Mr. Lane wishes to build a duplex for his children on this property. The applicant would like to include gravel parking spaces for 4 vehicles in the variance request.

Mr. Loretta and Mr. Moreland questioned the agent about the possibility to have the parking spaces come off of the alleyway in the rear of the property. Mr. Biltoc stated that would not be a problem for the applicant. Mr. Hays advised the Board that having gravel parking spaces would leave the lot coverage at 34%.

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, he closed the public hearing.

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Mr. Moreland made a substitute motion, which was seconded by Mr. Jolley, to approve a request for 4 gravel parking spaces to be placed off of the alleyway.

Mr. Loretta made an amended substitute motion, which was seconded by Mr. Jolley, to approve a request for 40% lot coverage in lieu of 35% maximum and for 4 gravel parking spaces to be placed off of the alleyway; to allow for a new two-family dwelling.

Roll call vote: Ayes – Jolley, Loretta and Corey. Nays – Hall and Moreland. Motion carried by a vote of 3 to 2.

NEW BUSINESS:

Case: BOA 07-100173

Location: 1024 19th Street North; Lot 1 and the N 30 ft of Lot 2, Block 80, Section “A” Jax Beach

Applicants: Peter G. & Lori J. Bennett

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a rear yard of 28 feet in lieu of 30 feet required; to allow for improvements to a single family dwelling.

The applicant stated that his daughter is moving back home and he wishes to enclose the existing deck and extend the room to the western edge of the house in order for her to have her own bedroom.

Mr. Hall opened a public hearing and asked if anyone wished to speak for or against the application. Seeing no one who wished to address the board, he closed the public hearing.

Mr. Loretta made an amended motion, which was seconded by Mr. Jolley, to approve a request for a rear yard of 28 feet in lieu of 30 feet required as shown and discussed; to allow for improvements to a single family dwelling.

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

Case: BOA 07-100175

Location: 123 4th Avenue South; E ½ of Lot 6, Block 32, Pablo Beach South

Applicant: Grant W. Brown

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for an easterly side yard of 3.3 feet and total side yards of 12.4 feet, in lieu of 5 feet minimum and 15 feet total; to allow for improvements to a single family dwelling.

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The applicant stated that the house is only 900 sq. ft and they wish to add another 250 sq ft to expand the kitchen and bedroom and to add a second small bath. He presented letters from 5 of his neighbors in support of his project.

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, he closed the public hearing.

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

Adjournment

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 7:46 P.M.

Submitted by: Linda Wilkins

Approval:

/s/Joseph Loretta
Chairman

Date: November 7, 2007