

**Minutes of Board of Adjustment Meeting
Held Tuesday, October 16, 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 Hall.

Roll Call

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

Jon Hays, Building Official, was 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.”

“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

There were no minutes to approve.

Correspondence

There was no correspondence.

OLD BUSINESS:

Case: BOA 07-100182

Location: 504 South 2nd Street

Applicant: Todd Krohn

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for no turning or maneuvering space associated with 2 required on-site parking spaced to accommodate the conversion of a one car garage to approximately 360 square feet of office space.

The applicant, Todd Krohn, 504 South 2nd Street, stated that he would like to establish on-site parking for a garage for office space. Mr. Krohn also stated that he owns the property next to his office space; if necessary he could use that as an overflow parking area.

Mr. Jolley asked Mr. Krohn where the people currently park. Mr. Krohn replied that there is ample parking at both buildings, as well as street parking.

Mr. Jolley asked Mr. Krohn if the garage was permitted as an office. Mr. Krohn replied that when he purchased the property it was enclosed.

Mr. Hall stated that the survey did not show the office addition.

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.

Amended Motion:

It was moved by Mr. Moreland, seconded by Mr. Loretta to approve a request for a request for no turning or maneuvering space associated with 2 required on-site parking spaced to accommodate the conversion of a one car garage to approximately 360 square feet of office space as presented and discussed and not to exceed substandard improvements to the property.

Roll call vote: Ayes – Hall and Loretta. Nays - Moreland, Jolley, and Corey. Motion denied 3 to 2.

NEW BUSINESS:

Case: BOA 07-100183

Location: 620 15th Avenue South

Applicant: Patricia A. Bates

Motion: It was moved by Mr. Moreland seconded by Mr. Jolley to approve a request for a front yard of 14.5 feet in lieu of 20 feet required to allow for improvements to a single family dwelling.

The applicant, Ms. Patricia Bates, 620 15th Avenue South, stated that house is small, and would like to add a front porch to her home.

Mr. Loretta asked Ms. Bates if the porch would be open air. Ms. Bates replied that it would be an open air porch.

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 lot being a substandard in size, therefore, creating a hardship.

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

Adjournment

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

Minutes of Board of Adjustment
held Tuesday, October 16, 2007

Submitted by: Amber Maria Lehman

Approval:

/s/Keith Hall
Chairman

Date: December 18, 2007