

**Minutes of Board of Adjustment Meeting  
Held Tuesday, November 7, 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 Loretta.

**Roll Call**

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

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

Mr. Loretta 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

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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. Corey, seconded by Mr. Jolley, to approve the Minutes of September 18, 2007, and October 2, 2007, as presented.

### **Correspondence**

There was no correspondence

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

#### **Case Number: BOA 07-100187**

Applicant requested case to be heard on Tuesday, November 20, 2007.

#### **Case Number: BOA 07-100195**

**Name of Applicant:** Bill Elledge/ Hyrco Solutions

**Property Address:** 224 South 9<sup>th</sup> Street

**Motion:** It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for a rear yard of 22.67 feet in lieu of 30 feet required, and for 46% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

The agent for the applicant, Hyrco Solutions, 360 St. Augustine Blvd, Jacksonville Beach, stated that Mr. Elledge is currently out of town. The request is for a driveway, originally he Mr. Elledge wanted to put in a gravel driveway to minimize the lot coverage, however, code dictates a concrete driveway.

Mr. Loretta 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. Loretta closed the public hearing.

**Discussion:** There was a brief discussion about the applicant could possibly save on lot coverage by installing ribbon strips in lieu of concrete, however, it would not be aesthetically pleasing to the neighborhood.

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**Roll call vote:** Ayes – Jolley, Loretta, Buck, and Corey. Motion carried unanimously.

**Case Number:** BOA 07-100196

**Name of Applicant:** Colby Ward

**Property Address:** 426 South 5<sup>th</sup> Avenue

**Motion:** It was moved by Mr. Corey, seconded by Mr. Jolley, to approve a request for a front yard of 11.1 feet in lieu of 20 feet required, and for an easterly side yard of 2.6 feet in lieu of 5 feet required, and for 36 % lot coverage in lieu of 35% maximum to allow for substantial improvements to a single family dwelling.

The applicant, Colby Ward, stated that he would like to construct an addition to his small home. There will be little to no impact to the surrounding neighbors.

Mr. Loretta 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. Loretta closed the public hearing.

**Discussion:** There was a brief discussion about the variance request having no impact to the surrounding neighbors, however, Mr. Jolley stated that he would like to amend the motion to add “as submitted and discussed”.

**Amended Motion:** It was moved by Mr. Jolley, seconded by Mr. Corey, to approve a request for a front yard of 11.1 feet in lieu of 20 feet required, and for an easterly side yard of 2.6 feet in lieu of 5 feet required, and for 36 % lot coverage in lieu of 35% maximum to allow for substantial improvements to a single family dwelling as submitted and discussed.

**Roll Call Vote:** Ayes – Corey, Jolley, Loretta, and Buck. Motion carried unanimously

### Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:36 P.M.

Submitted by: Amber Lehman

Approval:

/s/Keith Hall

Chairman

Date: December 18, 2007