

**Minutes of Board of Adjustment Meeting
Held Tuesday, December 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 Chairperson Moreland.

Roll Call

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

Also present was Building Official Jon Hayes and Recording Secretary Amber Lehman.

Chairperson's Statement and Ex-parte Communications

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

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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. Loretta, seconded by Mr. Jolley, to approve the Minutes of October 16, 2007, November 7, 2007, and November 20, 2007, as presented

Correspondence

There was no correspondence

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 07-100214**

Name of Applicant: Nelson Rogers

Property Address: 2191 Gail Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for a northerly side yard of 4.6 feet in lieu of 10 feet required and for a rear yard of 4.7 feet in lieu of 30 feet required to allow for improvements to a single family (townhouse) dwelling.

The applicant, Nelson Rogers, 2191 Gail Avenue, stated that he and his family reside in a home that is only 1000 square feet. The sunroom that he intends to build will be approximately 11x11. The sunroom will extend 11 foot off of the rear property line.

Mr. Moreland opened the public hearing and asked if anyone wished to speak for or against the application.

The following people spoke in opposition to the application:

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Rebecca Berg, 2193 & 2177 Gail Avenue, Jacksonville Beach
George Lewis, Jacksonville Beach
Carlo Lebron, 2182 22nd Street South, Jacksonville Beach

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

There was a brief discussion about the homeowners not having a hardship. Also it has been noted that the homeowners are currently in violation with a shed that is located on the property.

Roll call vote: Nays – Jolley, Loretta, Buck, Moreland and Corey. Motion unanimously denied.

Case Number: BOA 07-100223

Name of Applicant: Chad and Laura Starkey

Property Address: 3656 Isabella Boulevard

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve for a request for 48% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

The applicant, Chad Starkey, 3536 Isabella Blvd, Jacksonville Beach, stated that he would like to add a pool to his back yard. His lot size is significantly substandard to the minimum lot size requirement. The lot size is approximately 6000 square feet.

Mr. Moreland 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. Moreland closed the public hearing.

Discussion: A brief discussion ensued about the homeowners having a hardship due to the size of their lot.

Roll call vote: Ayes – Jolley, Loretta, Buck, Moreland and Corey. Motion unanimously approved.

Chairperson and Vice Chairperson Appointments

With the year 2007 coming to an end, it is time to elect a new Chairperson and a new Vice Chairperson.

Motion: It was moved by Mr. Jolley, seconded by Mr. Buck to elect John Moreland as Chairperson and Joseph Loretta as Vice Chairperson of the Board of Adjustment.

Roll call vote: Ayes: Corey, Jolley, Buck, Moreland and Loretta. Motion unanimously approved.

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Adjournment

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

Submitted by: Amber Maria Lehman

Approval:

/s/John Moreland
Chairperson

Date: February 5, 2008