

**Minutes of Board of Adjustment Meeting  
Held Tuesday, January 2, 2008 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 Moreland.

**Roll Call**

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

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

**Chairman's Statement & 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 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

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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**

There were no minutes to approve.

**Correspondence**

There was no correspondence

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**Case Number: BOA 07-100229**

Name of Applicant: John M. Upton

Property Address: 28 South 31<sup>st</sup> Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Hall, to approve a request for a front yard of 18 feet in lieu of 25 feet required and for a westerly side yard of 7.8 feet in lieu of 10 feet required to allow for improvements to a single family dwelling.

The applicant, John Upton, 28 South 31<sup>st</sup> Avenue, stated that he has remodeled and restored his home. The last thing that he would like to add to his home is a garage. He has a substandard lot with approximately 6500 square feet.

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

The following person spoke in favor of the application:

Kammie Upton, 28 South 31<sup>st</sup> Avenue, Jacksonville Beach.

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

**Discussion:** There was a brief discussion about the lot being undersized, therefore creating a hardship for the applicant.

**Amended Motion:** It was moved by Mr. Loretta, seconded by Mr. Hall to approve a request for a front yard of 18 feet in lieu of 25 feet required and for a westerly side yard of

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7.8 feet in lieu of 10 feet required to allow for improvements to a single family dwelling as submitted and discussed.

**Roll call vote:** Ayes – Buck, Loretta, Hall, Moreland and Corey; motion unanimously approved.

**Case Number:** **BOA 07-100230**

**Name of Applicant:** Richard Guertin

**Name of Agent:** Michael O’Loughlin (Blue Collar Investments, Inc.)

**Property Address:** 1882 Ocean Pond Drive

**Motion:** It was moved by Mr. Loretta, seconded by Mr. Hall, to approve a request for a rear yard of 11.6 feet in lieu of 30 feet required to allow for improvements to a single- family dwelling.

The applicant, Richard Guertin, 1882 Ocean Pond Drive, Jacksonville Beach, stated that he would like to add a sunroom to the rear of his home. His hardship is that he has elderly family members that live with him, and the sunroom will provide additional living space.

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 applicant not having a hardship, however the request is minimal and will not hinder the surrounding neighbors.

**Amended Motion:** It was moved by Mr. Loretta, seconded by Mr. Hall, to approve a request for a rear yard of 11.6 feet in lieu of 30 feet required to allow for improvements to a single family dwelling as shown and discussed for a 12 x 15 glass enclosure.

**Roll call vote:** Ayes – Buck, Loretta, Moreland and Corey; Nays – Hall. Motion carried 4 to1.

### **Adjournment**

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:40 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/John Moreland

Chairman

Date: February 6, 2008