

**Minutes of Board of Adjustment Meeting
Held Tuesday, January 15, 2008 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 Moreland.

Roll Call

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

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

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 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 ex-parte communications.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case: BOA 07-100233

Location: 1104 5th Avenue North

Applicant: Joseph Augustus English

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for a front yard of .7 feet in lieu of 25 feet required to allow for improvements to a single-family dwelling.

The applicant, Joseph English, stated that he has a corner lot that is oddly shaped. He would like to build 20 feet out into the front yard for a carport. The property lines do not follow the roadway in the front of the home. Therefore creating a hardship.

Mr. Moreland asked the applicant if the carport would remain open aired. The applicant replied that it would remain open-air.

Mr. Moreland 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. Moreland closed the public hearing.

Mr. Moreland stated that this is an extreme variance request, however, does see that there is a hardship for the applicant with the way that the house is situated on the lot.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Corey, to approve a request for a front yard of .7 feet in lieu of 25 feet required to allow for improvements to a single-family dwelling as submitted and discussed.

Roll call vote on Amended Motion: Ayes – Jolley, Buck, Loretta, and Corey. Nays – Moreland. Motion carried by a vote of 4 to 1.

Case Number: BOA 07-100236

Location: 1020 Owen Avenue

Applicant: Beneta L. Hays

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, for a rear yard of 24.7 feet in lieu of 30 feet required and for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

The applicant, Beneta Hays, 1020 Owen Avenue, stated that she would like to enclose her patio. She will need extra space for her mother who will soon move in with her. The enclosure will remain screened.

Mr. Moreland 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. Moreland closed the public hearing.

There was a brief discussion about the lot being only 5,750 square feet, well below the minimum lot size, therefore, creating a hardship for the applicant.

Roll call vote: Ayes – Jolley, Buck, Moreland, Loretta, and Corey; motion carried unanimously.

Case Number: BOA 07-100237

Location: 3603 1st Street South

Applicant: Michael Meyers & Chad Labenz

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 44% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

The agent for the applicant, Tom Mnich, stated that lot square footage is 8,052 square feet. The owners of the lot will be constructing a single family home. The lot coverage request is for the home, garage, driveway, patio, and various walkways. Rather than have to come in for a

Minutes of Board of Adjustment
held Tuesday, January 15, 2008

variance for each particular area, the owners felt that it was best to ask for the full amount of lot coverage that they need.

Mr. Moreland opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request.

The following person spoke in favor of the applicant:

Dr. Broderick, Jacksonville Beach, FL.

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

Roll call vote: Ayes – Jolley, Buck, 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.

Submitted by: Amber Maria Lehman

Approval:

/s/John Moreland

Chairperson

Date: May 20, 2008