

**Minutes of Board of Adjustment Meeting
Held Tuesday, February 5, 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 Chairperson Moreland.

Roll Call

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

Chairperson'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.”

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“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 December 4, 2007, December 18, 2007 and January 2, 2008, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 07-100245**
Name of Applicant: Patrick Leuschen
Property Address: 3774 Poincianna Blvd.

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

The applicant, Angela Leuschen, 3774 Poincianna Blvd, stated that she is currently building a deck on the rear of her home. Ms. Leuschen stated that she and her husband were not aware of the variance process. The deck will be 18X16 when it is completed. Ms. Leuschen’s lot size is 6,600 square feet.

Mr. Moreland asked the applicant if there would be a roof on the deck.

The applicant replied that there would not be a roof on the deck.

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

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

There was a discussion about the lot being substandard, therefore creating a hardship.

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 48% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling, more specifically the deck on the rear of the house is to remain open air with no cover and be a maximum of 18X16 as shown and discussed.

Roll call vote on the Amended Motion: Ayes – Jolley, Loretta, Hall, Moreland and Corey; motion unanimously approved.

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:25 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/John Moreland
Chairman

Date: May 20, 2008