

**Minutes of Board of Adjustment Meeting
Held Tuesday, March 18, 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 Loretta.

Roll Call

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

Also present was Recording Secretary Amber Lehman.

Purpose and Ex-Parte Statement

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

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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

There were no minutes to approve

Correspondence

There was no correspondence

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 08-100028**

Name of Applicant: Chris & Trish Armstrong

Property Address: 2906 Madrid Street

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for a northerly side yard of 5.6 feet in lieu of 10 feet required, for a rear yard of 6.8 feet in lieu of 30 feet required, and for 44% lot coverage in lieu of 35% maximum to allow for a swimming pool addition and improvements to a single-family dwelling.

The applicant, Chris and Trish Armstrong, Jacksonville Beach, stated that they would like to add a second story to their garage, which will provide more living space. They added that they would also like to have a pool in the backyard for their children’s enjoyment.

Mr. Jolley asked the applicant what the purpose of the second story will be. The applicant replied that it will be an in-law suite.

Mr. Loretta 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. Loretta closed the public hearing.

There was a brief discussion about the fact that this lot is only 5000 square feet, well below the minimum lot size requirement; therefore; a hardship does exist.

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

Case Number: **BOA 08-100029**

Name of Applicant: Howell Sweat

Property Address: 1850 Arden Way

Motion: It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for a rear yard of 8 feet in lieu of 30 feet required and for 44% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling and to ratify the existing non-conformity.

The applicant, Howell Sweat, 1850 Arden Way, stated that he would like to add an addition to his home on the side of his home. The addition will be approximately 200 square feet. The home was built in 1960 and has zero storage space. Mr. Sweat also stated that he would be willing to remove some of the concrete sidewalk to reduce the amount of lot coverage requested.

Mr. Loretta stated that the lot is an odd shape, which could create a hardship.

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.

There was a brief discussion about amending the motion to include the applicant removing concrete sidewalk to reduce the amount of lot coverage.

Amended Motion: It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for a rear yard of 8 feet in lieu of 30 feet required and for 44% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling and to ratify the existing non-conformity, and the applicant is responsible for removing the portion of the sidewalk addition as submitted and discussed.

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

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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/Joseph Loretta
Acting Chairperson

Date: May 20, 2008