

**Minutes of Board of Adjustment Meeting  
Held Tuesday, April 15, 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 *Absent*  
Keith Hall (*Chairperson*) *Absent*  
Bobby Jolley  
Joseph Loretta  
John Moreland (*Vice Chairperson*) *Absent*  
Tom Buck

**Purpose and Ex-Parte Statement**

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. Jolley, seconded by Mr. Loretta, and passed, to approve the minutes for March 4, 2008 meeting.

**Correspondence**

There was no correspondence

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**Case Number:**        **BOA 08-100034**

**Name of Applicant:**    Joseph and Juana Burns

**Property Address:**    2907 Madrid Street

**Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for a southerly side yard of 5.7 feet in lieu of 10 feet required to allow for improvements to a single family dwelling.

The applicant, Joseph Burns, 2907 Madrid Street, stated that he would like to put in an outside elevator on the side of his home. His wife had a mini-stroke a few years ago and she is not able to move up and down steps as freely as she could.

Mr. Jolley asked if there would be a pad where the elevator shaft will be.

The applicant replied no, and advised that the pad will be placed toward the back of the house near the dining room.

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.

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Mr. Jolley commented that this is a minimal request.

Mr. Loretta remarked that their lot is substandard, thereby creating, a hardship.

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

**Adjournment**

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:15 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/John Moreland

Chairman

Date: October 7, 2008