

**Minutes of Board of Adjustment Meeting  
Held Tuesday, July 1, 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 Hall.

**Roll Call**

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

**Chairman's Statement & Ex-parte Communications**

Mr. Hall 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

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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:**

**Case Number:**        **BOA 08-100070**

**Name of Applicant:** Ronald Downs

**Property Address:** 1312 North 13<sup>th</sup> Avenue

**Motion to Approve:** It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for a rear yard of 17 feet in lieu of 30 feet required to allow for improvements to a single-family dwelling.

**Amended Motion:** It was moved by Mr. Jolley, seconded by Mr. Corey to postpone Case Number BOA 08-100070 until the end of the meeting due to the applicant being absent.

**2<sup>nd</sup> Amended Motion:** It was moved by Mr. Buck, seconded by Mr. Jolley to table this case until the next meeting when the applicant will be able to attend.

**Roll call vote on 2<sup>nd</sup> Amended Motion:** Ayes – Jolley, Hall, Buck, and Corey; motion unanimously approved.

### **NEW BUSINESS:**

**Case Number:**        **BOA 08-100075**

**Name of Applicant:** Ian S. Cherry

**Property Address:** 421 South 7<sup>th</sup> Avenue

**Motion:** It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for a rear yard of 26 feet in lieu of 30 feet required and for an accessory structure 1 foot in lieu of 5 feet minimum from a principle structure to allow for improvements to a single- family dwelling.

The applicant, Mr. Ian Cherry, 421 7<sup>th</sup> Avenue South, stated that he would like to construct an enclosed sunroom on the rear of his home. Mr. Cherry is asking for a variance of 4 feet. Mr. Cherry also stated that there is also a shed in his backyard.

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Mr. Corey asked the applicant what size is the proposed screened sunroom?

Mr. Cherry replied that it would be 14.5 X 12.5 feet.

### **Public Hearing**

Mr. Hall 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. Hall closed the public hearing.

### **Discussion**

Mr. Corey stated that the lot is substandard for the current zoning, therefore creating a hardship for the applicant.

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

### **Case Number: BOA 08-100080**

**Name of Applicant:** John A. & Sheron L. Anderson

**Property Address:** 246 Cayman Court

**Motion:** It was moved by Mr. Corey, seconded by Mr. Jolley to approve a request for 69% lot coverage in lieu of 60% maximum and for 0 feet to a property line in lieu of 5 feet minimum to allow for grade level improvements to a single family dwelling.

The applicant, Mr. Anderson, 246 Cayman Ct, South Beach Village, stated that he and his wife purchased the property without the PUD rules. Mr. Anderson stated that he built a 5-foot deck area for his elderly aunt and uncle to enjoy. The deck was built to enjoy the outside, the rear of his yard is too steep and muddy and safety is a concern. He began construction on the deck without knowing that a permit/variance was needed.

Mr. Hall asked Mr. Anderson when he began working on the deck.

Mr. Anderson said approximately one year ago.

Mr. Buck asked if the deck runs along the property line.

Mr. Anderson replied that it covers approximately a 5-foot area.

Mr. Hall advised that the deck could interfere with water runoff.

Mr. Anderson responded that the deck is open and has yet to interfere with water runoff.

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**Public Hearing**

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

The following person spoke neither for nor against the application:

Georgia O'Daniel, Madrid Street, Jacksonville Beach, stated that she had drainage concerns.

Mr. Anderson reiterated that the water runs through the deck since it is an open slatted deck.

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

**Discussion**

Mr. Jolley stated that he has seen drainage issues on Madrid Street.

Mr. Corey stated that he had concerns with the zero lot line request.

Mr. Buck concurred with Mr. Corey's concerns.

**Amended Motion:** It was moved by Mr. Buck, seconded by Mr. Jolley to approve a request for 69% lot coverage in lieu of 60% maximum and for 0 feet to a property line in lieu of 5 feet minimum to allow for an open above ground open permeable wooden deck with 0 lot line to only apply to deck area as presented and discussed.

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

**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/Keith Hall

Chairperson

Date: August 19, 2008