

**Minutes of Board of Adjustment Meeting  
Held Tuesday, October 7, 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  
Bobby Jolley  
Joseph Loretta (*Vice Chairperson*) *Absent*  
John Moreland (*Chairperson*)  
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. Hall, to approve the minutes for April 15, 2008, as corrected; and August 5, 2008 as presented.

Voice vote resulted in all ayes by Board members..

### **Correspondence**

There was no correspondence

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

#### **Case Number: BOA 08-100122**

**Name of Applicant:** Mark Slyter

**Property Address:** 512 South 7<sup>th</sup> Avenue

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a rear yard of 24 feet, in lieu of 30 feet required; 34-337 (e)(1)e, for 45% lot coverage, in lieu of 44% maximum; and 34-337 (e)(1)g, for an accessory structure, two point four feet, in lieu of five feet from the principle structure, to allow for improvements to a single-family dwelling, for property located at 512 South 7<sup>th</sup> Avenue, more specifically, *Lot 1, Block 7, Oceanside Park.*

The applicant, Mark Slyter, 512 South 7<sup>th</sup> Avenue, stated that he and his wife are expecting their first child, and are gravely in need of additional living space. He proposed building on the current concrete slab on the rear of the home, for use as a sunroom.

**Public Hearing**

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

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

Mr. Jolley stated that the applicant is not increasing the lot coverage, nor is he encroaching on neighboring property.

Mr. Hall advised that there is a hardship associated with the property, due to the lot size being smaller than the minimum required.

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

**Case Number: BOA 08-100130**

**Name of Applicant:** Austin and Shirley Dutcher

**Property Address:** 1122 North 3<sup>rd</sup> Avenue

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 49% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling, for property located at 1122 North 3<sup>rd</sup> Avenue, more specifically, *Lot 4, Block 2, Pine Grove Unit No. One.*

Applicant, Austin Dutcher, 1122 North 3<sup>rd</sup> Avenue, explained he currently has an existing slab with a covered aluminum roof; he would like to add on an additional 12 feet for an enclosed room. The aluminum roof would be replaced with a wooden truss, creating an additional 1.8% of lot coverage.

**Public Hearing**

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.

Mr. Jolley commented that the request for approximately one percent more than currently there would result in an improvement to the property.

Mr. Hall stated, approving the application, would correct a non-conforming property and that the addition would be non-intrusive to the surrounding properties.

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

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**Adjournment**

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

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

/s/John Moreland  
Chairperson

Date: December 2, 2008