

**Minutes of Board of Adjustment Meeting
Held Tuesday, January 6, 2009 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
Bobby Jolley
Joseph Loretta (*Vice Chairperson*)
John Moreland (*Chairperson*)
Tom Buck *Absent*

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 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 08-100184**

Name of Applicant: Mr. Christopher Townsend

Property Address: 461 South 9th Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a front yard of 16.8 feet in lieu of 20 feet; for a side yard of 1.6 feet, a corner side yard of 1.0 foot; and total side yards of 3.5 feet in lieu of 5 feet; 8.2 and for 42% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

Applicant, Christopher Townsend, explained that he would like to construct a front porch on his home, which would add much needed curb appeal.

Mr. Hall asked the applicant if the porch will be covered and if it would block entrance to the garage.

Mr. Townsend advised that it was too early in the development stage decide if the porch would be covered and assured Board members that it would not block the entrance of the garage.

Mr. Jolley asked the applicant if it would be an open or closed porch.

Mr. Townsend responded that the porch would be open.

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.

A brief discussion ensued concerning Mr. Townsend's undersized lot creating the hardship.

Amended Motion: It was moved by Mr. Corey, seconded by Mr. Hall, to approve a request for a front yard of 16.8 feet in lieu of 20 feet; a side yard of 1.6 feet, a corner side yard of 1.0 feet and total side yards of 3.5 feet in lieu of 5 feet; 8.2 and for 42% lot coverage in lieu of 35% maximum, to allow for improvements to a single-family dwelling as submitted and discussed.

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

Election of Chair and Vice Chairman

It was moved by Mr. Hall, seconded by Mr. Jolley, to elect Joseph Loretta as Chair, and Josh Corey as Vice Chair of the Board of Adjustment.

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

Adjournment

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

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/John Moreland
Chairperson

Date: April 7, 2009