

**Minutes of Board of Adjustment Meeting
Held Tuesday, February 3, 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 Acting Chairperson Corey.

Roll Call

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

Purpose and Ex-Parte Statement

Mr. Corey 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 ex-parte communications disclosed by any of the board members.

Approval of Minutes

It was moved by Mr. Jolley, seconded by Mr. Moreland, and passed, to approve the minutes of the meeting held October 21, 2008, as presented

Correspondence

There was no correspondence

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 09-100001**

Name of Applicant: John and Barbara Bruns

Property Address: 1016 South 1st Street

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 70% lot coverage in lieu of 65% maximum to allow for a single-family dwelling.

Applicant, John Bruns, stated that his hardship due to his undersized lot and requested an additional 5% (120 square feet) lot coverage to allow for the installation of a 5-foot concrete walkway in the front of the home; 215 square feet to the east of the home, for a sitting area. He also advised that he would be removing concrete from the property.

Mr. Moreland asked Mr. Bruns where he would be removing concrete.

Mr. Bruns responded that he would be removing 80 square feet of concrete from the west of the property, which is currently used as a BBQ pad.

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Public Hearing

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

The following person spoke in favor of the application:

Steve Petroskey, 1018 South 1st Street, Jacksonville Beach

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

Discussion

Mr. Hayes explained that the applicant has met with the city at great length about the application and had originally presented a much larger scale request, but with the city's guidance project has been significantly decreased.

Mr. Moreland advised, in his opinion, the request is fairly minimal; but added that he would prefer the applicant build a wooden deck instead of the planned concrete sitting area.

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

Case Number: BOA 09-10005

Name of Applicant: Jonathan D. Arthur/Estate of Mary Q. Arthur

Property Address: 1156 North 2nd Avenue

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for a westerly side yard of 5.9 feet in lieu of 10 feet required to re-establish Lot 5, Block 3, for development.

Applicant

Applicant, Jonathan D. Arthur, 272 Timberlane Road, Tallahassee, FL 32132, advised that he is the administrator for this estate. Mr. Arthur explained, this was his grandparent's home and it was built in 1939. The structure is currently non-compliant due to the house encroaching onto the westerly side yard setback. The request would bring the house into compliance. He advised that he plans to sell the property and currently has a pending sales contract. However, without the variance, he will be unable to complete the sale.

Mr. Moreland asked the applicant if the request is to modify the existing lot line or to have the property conform to current standards.

Mr. Arthur replied that it is the latter of the two.

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Public Hearing

Mr. Corey 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. Corey closed the public hearing.

Discussion

A brief discussion ensued about the property having a hardship due to land code changes, which govern side yard setbacks.

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

Case Number: BOA 09-100006

Name of Applicant: Doug and Brandie Jacobson

Property Address: 4064 Grande Blvd

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for a rear yards of 22 feet in lieu of 30 feet required and for 43.8% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

Applicant

Applicant, Doug Jacobson, 4064 Grande Blvd, Jacksonville Beach, stated for the record, that his hardship is he and his family is outgrowing their home. He advised that he would like to add a family room on the rear of the home so his two children will separate bedrooms.

Mr. Moreland noted that the lot is undersized for the zoning requirements.

Public Hearing

Mr. Corey 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. Corey closed the public hearing.

Discussion

Mr. Jolley stated with the lot being undersized, a hardship has been created, and therefore finds that the request to be valid.

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

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Adjournment

There being no further business coming before the Board, Mr. Corey adjourned the meeting at 7:40 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/Josh Corey

Chairperson

Date: June 16, 2009