

**Minutes of Board of Adjustment Meeting
held Tuesday, May 5, 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 Loretta.

Roll Call

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

Purpose and Ex-Parte Statement

Mr. Loretta 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

There were no minutes to approve.

Correspondence

There was no correspondence

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 09-100057**

Name of Applicant: Thomas Mnich

Property Address: 3276 Pullian Court

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 45% lot coverage in lieu of 35% maximum, to allow for a single-family dwelling.

Applicant

Applicant, Thomas Mnich, stated that he is seeking additional lot coverage to build a home for himself and his family. Mr. Mnich explained that his lot is undersized, therefore creating a hardship.

Mr. Hall asked the applicant how large the house would be.

Mr. Mnich replied that he plans to build a two-story home. He added that his property is adjacent to a 25-foot city easement so it would not encroach on any of the side or rear/front yard setbacks.

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Public Hearing

Mr. Loretta 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. Loretta closed the public hearing.

Discussion

Mr. Jolley advised, with the lot being next to the city's easement, and the fact that the lot is undersized, he is in favor of the application.

Mr. Hall commented that he would have liked to see a rough draft of the home plans to have a better idea of what is being approved or not approved.

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

Adjournment

There being no further business coming before the Board, Mr. Loretta adjourned the meeting at 7:20 P.M.

Submitted by: Amber Maria Lehman
Recording Secretary

Approval:

/s/Joseph Loretta
Chairperson

Date: June 16, 2009