

**Minutes of Board of Adjustment Meeting
Held Tuesday, February 2, 2010 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 Chairman Corey.

Roll Call

Josh Corey
Keith Hall
Bobby Jolley
Joseph Loretta
John Moreland
Tom Buck *Absent*
Scott Chestnut

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.”

“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. Loretta, seconded by Mr. Jolley to approve the minutes of the January 5, 2010 and the January 20, 2010 meetings, as presented. Approved unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: BOA 09-100200

Name of Applicant: Eleas Wilson and Freda Zifteh

Property Address: 535 South 15th Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for an easterly side yard of 1.2 feet in lieu of 5 feet to allow for the re-establishment of platted lots 7 and 8, Block 146 of Oceanside Park.

Applicant:

The applicant, Eleas Wilson, explained to the board that he and his wife purchased a home that was originally developed as one piece of land. Mr. Eleas will be re-establishing platted Lot 7 and Lot 8 so that there will be two buildable parcels of land. By doing so Mr. Eleas explained that the home will then be 1.2 feet off of the easterly side yard setback of Lot 7 which then in turn requires a variance.

Mr. Moreland asked the applicant if the property was purchased as one piece of land.

Mr. Eleas responded in the affirmative.

Mr. Loretta asked the applicant if he will be tearing down the home at a later date.

Mr. Eleas responded that his plan is to rent out the current home for a couple of years until he and his wife are ready to rebuild a home on the property.

Public Hearing:

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

Scott Smith, 515 South 19th Avenue, spoke in opposition of the request.

Bunnie Howell, 467 South 19th Avenue, spoke in opposition of the request.

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

Discussion:

A brief discussion ensued regarding the application not being too excessive, taking into consideration that the house will only be 600 sq. ft. without the addition. However, Mr. Moreland advised that he would like to amend the motion to include “that the variance will only pertain to Lot 7, as presented and discussed” and that it be limited to the existing structure.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to amend the motion to approve a request for an easterly side yard of 1.2 feet in lieu of 5 feet for Lot 7 only, limited to the existing structure as presented and discussed.

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

Adjournment

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

Submitted by: Amber Maria Lehman

Approval:

/s/Josh Corey

Chairman

Date: March 16, 2010