

**Minutes of Board of Adjustment Meeting
Held Tuesday, March 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
Scott Chesnut

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 exparte communications disclosed by any of the board members.

Approval of Minutes

There were no minutes to be approved.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 10-100017**

Name of Applicant: John McGovern

Property Address: 2517 Ocean Drive

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a front yard of 8 feet in lieu of 30 feet required to allow for improvements to a single family dwelling.

Applicant:

The applicant, John McGovern, stated that he is representing his son while he is away in Poland on business. Mr. McGovern explained to the board that while repairing the loose shingles on the awning it became apparent that the front yard setback had been compromised and, therefore, required a variance. This is a formality to fix an existing non-conforming issue.

Mr. Moreland asked the applicant about the front yard setback. Mr. McGovern replied that if the awning was not in place, the front yard setback requirement would have been met.

Mr. Hall asked the applicant how far the awning/overhang extended. Mr. McGovern replied that it extends approximately 6 feet.

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 awning extending further out than the other properties on the street.

Amended Motion: Mr. Hall amended the motion, seconded by Mr. Loretta, to approve a request for a front yard of 8 feet in lieu of 30 feet required to allow for improvements to a single family dwelling, as shown and discussed.

Roll call vote: Ayes –Loretta, Jolley, Hall, and Corey
Nays – Moreland

Amended motion carried with a 4 to 1 vote.

Case Number: BOA 10-100018
Name of Applicant: Matthew and Mary Jo Kilcullen

Property Address: 3404 Isabella Boulevard

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for lot coverage of 38.6% in lieu of 35% maximum to allow construction of a new single family home.

Applicant:

The applicant, Mary Jo Kilcullen, 4032 Ponte Vedra Blvd., Ponte Vedra Beach, stated that she and her husband would like to build a new single family home on the lot. Ms. Kilcullen stated the lot is 6,000 square feet and is undersized. The home will include a detached single car garage.

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 opposition to the application:

Ron Oberdie, 558 34th Street South, Jacksonville Beach.

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

Discussion:

A brief discussion ensued regarding the lot size creating a hardship for the applicant.

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

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

Approval:

/s/Josh Corey

Chairperson

Date: April 6, 2010