

**Minutes of Board of Adjustment Meeting
Held Tuesday, March 16, 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 Acting Chairman Loretta.

Roll Call

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

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 exparte communications disclosed by any of the board members.

Approval of Minutes

It was moved by Mr. Hall, seconded by Mr. Chesnut, to approve the minutes of February 2, 2010 and February 16, 2010 as submitted. Approved unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 10-100024**
Name of Applicant: Mrs. Suzanne Miles

Property Address: 3823 1st Street South

Motion: It was moved by Mr. Hall, seconded by Mr. Chesnut, to approve a request for a northerly side yard of 6.5 feet and a southerly side yard of 8.1 feet in lieu of 10 feet required to ratify a non-conforming single family dwelling and allow for an addition.

Applicant:

The agent for the applicant, Ben Bradford, 420 South 3rd Street, Jacksonville Beach, stated that the applicant is applying for a variance for approval of an existing non-conforming structure. Mr. Bradford stated there are plans for an addition on the rear of the home.

Mr. Loretta asked the applicant if the addition will be two stories. Mr. Bradford replied that the future addition will only be two stories in the rear of the home.

Mr. Hall asked if the pool is already in place. Mr. Bradford replied yes.

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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.

The following person spoke in favor of the application:
Suzanne Miles, 3823 1st Street South, Jacksonville Beach.

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

Amended Motion: An amended motion was made by Mr. Loretta, seconded by Mr. Chesnut, to approve a request for a northerly side yard of 6.5 feet and a southerly side yard of 8.1 feet in lieu of 10 feet required to ratify a non-conforming single family dwelling and allow for an addition, as submitted and shown.

Roll call vote: Ayes –Hall, Loretta and Chestnut.

Amended motion carried unanimously.

Case Number: BOA 10-100025

Name of Applicant: Robert Ford

Property Address: 29 20th Avenue South

Motion: It was moved by Mr. Loretta, seconded by Mr. Chesnut to approve a request for a front yard of 5 feet in lieu of 20 feet required; for 53% lot coverage in lieu of 35% maximum for off-street parking of 10 feet in length in lieu of 17 feet required to allow for improvements to a single family dwelling.

Applicant:

Mr. Ford requested that his application be postponed until the April 6, 2010 scheduled meeting due to the full board not being in attendance to hear the application.

Adjournment

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

Submitted by: Amber Maria Lehman

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Approval:

/s/Joseph Loretta
Chairperson

Date: April 6, 2010