

**Minutes of Board of Adjustment Meeting
held Tuesday, January 3, 2012 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 Buck.

Roll Call

Josh Corey
Bobby Jolley
Joseph Loretta *Vice-Chairman*
John Moreland *Absent*
Tom Buck *Chairman*
Sylvia Osewalt

Purpose and Ex-Parte Statement

Mr. Buck 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 the board members.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve the meeting minutes for December 6, 2011 as presented. Motion carried unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 11-100183**
Name of Applicant: James B. Stauffer

Property Address: 1748 7th Avenue South

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling.

Applicant:

The applicant, James Stauffer, 1748 7th Avenue South, Jacksonville Beach stated that he would like to install a backyard patio.

Mr. Corey asked the applicant if the patio will be enclosed.

Mr. Stauffer replied no.

Public Hearing:

Mr. Buck 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. Buck closed the public hearing.

Amended Motion:

An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling, for a 16 X 18 rear yard paved patio as shown and submitted.

Roll call vote: Ayes – Buck, Jolley, Loretta, and Corey
Nay – Osewalt
Amended motion carried with a vote of 4 to 1.

Adjournment

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 7:10 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Tom Buck

Chairman

Date: January 18, 2012