

**Minutes of Board of Adjustment Meeting  
Held Wednesday, November 17, 2009 at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Acting Chairman Moreland.

**Roll Call**

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

Mr. Moreland 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.”

Mr. Moreland stated that he spoke with Curtis VanderHoning in reference to Case Number BOA 09-100169.

### **Approval of Minutes**

It was moved by Mr. Jolley, seconded by Mr. Hall, to approve September 16, 2009, October 7, 2009 and October 20, 2009 meeting minutes with corrections. Motion carried unanimously.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

**Case Number:**        **BOA 09-100164**

**Name of Applicant:**    William P. Poarch

**Property Address:**    2517 & 2519 1<sup>st</sup> Street South

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 58% lot coverage in lieu of 35% maximum to allow for improvements to a duplex dwelling.

### **Applicant:**

The applicant, William Porch, stated that he would like to construct a north and south deck on his home.

### **Public Hearing:**

Mr. Moreland 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. Moreland closed the public hearing.

**Discussion:**

A brief discussion ensued about the property being substandard due to lot size, therefore creating a hardship.

**Roll call vote:** Ayes –Buck, Jolley, Chestnut, Moreland, and Hall.  
Motion carried unanimously.

**Case Number:** BOA 09-100169

**Name of Applicant:** Curtis VanderHoning

**Property Address:** 1710 6<sup>th</sup> Avenue North

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a corner side yard of 9.2 feet in lieu of 15 feet required, and for grass in lieu of concrete or asphalt paved access to the required parking.

**Applicant:**

The applicant, Curtis VanderHoning, 1710 6<sup>th</sup> Avenue North, stated that he is before the board to request a variance for the east side of the property so that he can construct an addition. The addition will be for a master suite. Mr. VanderHoning also is requesting that he be able to use grass instead of concrete for his driveway.

Mr. Hall stated that Mr. VanderHoning submitted 29 signatures from various neighbors in support of the application, submitted for the record.

**Public Hearing:**

Mr. Moreland 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. Moreland closed the public hearing.

**Discussion:**

There was a brief discussion about the application not having any impact on lot coverage; however, Mr. Jolley stated that he would like to amend the motion to include “grass block pavers” and “single story addition”.

**Amended Motion:** Mr. Hall amended the motion, seconded by Mr. Jolley, to approve a request for a corner side yard of 9.2 feet in lieu of 15 feet required for a single story addition, and for grass block pavers in lieu of concrete or asphalt paved access to the required parking.

**Roll call vote:** Ayes –Buck, Jolley, Chestnut, Moreland, and Hall.  
Motion carried unanimously.

**Case Number:** BOA 09-100172

**Name of Applicant:** Robert and Tina Bost

**Property Address:** 495 34<sup>th</sup> Avenue South

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

**Applicant:**

The applicant, Robert Bost, stated that he purchased his home 6 years ago. At the time of purchase he did not see a need for a pool, however, now with his family expanding he would like to construct a pool in the rear yard with surrounding pavers.

**Public Hearing:**

Mr. Moreland 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 to the application:

Keith Tucker, 3333 Isabella Blvd., Jacksonville Beach.

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

**Roll call vote:** Ayes –Hall, Chestnut, Buck, Jolley, and Moreland.  
Motion carried unanimously.

**Adjournment**

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 7:35 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Joseph Loretta  
Chairman

Date: December 1, 2009