

**Minutes of Board of Adjustment Meeting  
Held Tuesday, April 20, 2010 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 Chairman Corey.

**Roll Call**

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

Also present were Building Official Jon Hays, and Recording Secretary Amber Lehman.

**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

Minutes of Board of Adjustment  
held on Tuesday, April 20, 2010

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**

There were no minuets to approve.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**Case Number:** BOA 10-100042  
**Name of Applicant:** John and Frankie Browning  
**Property Address:** 1140 23<sup>rd</sup> Street

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for 42% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

**Applicant:**

Applicant, John Browning, 1019 North 23<sup>rd</sup> Street, Jacksonville Beach, explained that he and his wife had this lot for many years and would now like to build a single-family home on it. Mr. Browning further explained that the importance of building this home is so that the master bedroom will be located on the first floor of the home. In his current home, the master bedroom is on the second floor, making it difficult for him and his wife to maneuver between the two levels.

Mr. Moreland asked Mr. Browning if there is a hardship associated with the property.

Minutes of Board of Adjustment  
held on Tuesday, April 20, 2010

Mr. Browning replied that the lot is substandard.

**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. Moreland closed the public hearing.

**Amended Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 42% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling, as submitted and shown.

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

**Case Number:** BOA 10-100025  
**Name of Applicant:** Kathy Hall  
**Property Address:** 1639 South 6<sup>th</sup> Street

**Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for 44% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

**Applicant:**

Applicant, Kathy Hall, 1639 South 6<sup>th</sup> Street, Jacksonville Beach, stated that she is requesting a variance to construct a closed screened porch on the rear of her home. The proposed structure would be 12 X 35.

Ms. Hall further explained that currently there is a concrete pad measuring 10 ft., requiring her to add a 2 ft. extension for this project.

**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. Moreland closed the public hearing.

**Discussion:**

Mr. Jolley commented that the lot is very narrow, but the request for the addition does not infringe on the rear yard setback or the side yard setback.

Minutes of Board of Adjustment  
held on Tuesday, April 20, 2010

Mr. Loretta remarked he felt the request was a little excessive; however, the extension would only be a one-story Florida room.

**Amended Motion:** It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for 44% lot coverage in lieu of 35% maximum to allow for a new aluminum Florida room, as submitted and discussed.

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

**Adjournment**

There being no further business coming before the Board, Mr. Corey adjourned the meeting at 7:15 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

/s/Josh Corey  
Chairperson

Date: May 18, 2010