

**Minutes of Board of Adjustment Meeting  
Held Tuesday, May 18, 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 *Absent*  
Bobby Jolley  
Joseph Loretta  
John Moreland *Absent*  
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.”

Minutes of Board of Adjustment  
held on Tuesday, May 18, 2010

“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. Loretta, seconded by Mr. Chesnut, and passed, to approve the minutes of the meeting held on April 20, 2010, as presented.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

**Case Number:** BOA 10-10058  
**Name of Applicant:** Carole Cantrell & Chris Tripp  
**Property Address:** 802 6<sup>th</sup> Street North

**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 improvements to a single-family dwelling.

### **Applicant**

The applicant, Chris Tripp, 802 6<sup>th</sup> Street North, explained that he has an undersized lot (6250 square feet) and he would like to install pavers in the backyard to add additional outdoor living space.

### **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.

Minutes of Board of Adjustment  
held on Tuesday, May 18, 2010

**Amended Motion:** An amended motion was made by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 42% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling as submitted and discussed.

**Roll call vote:** Ayes – Corey, Jolley, Loretta, Buck and Chestnut; amended motion carried unanimously.

**Adjournment**

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

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

/s/Josh Corey

Chairperson

Date: May 18, 2010