

**Minutes of Board of Adjustment Meeting
Held Tuesday, March 1, 2011 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 the Chairperson, John Moreland.

Roll Call

Josh Corey (*Absent*)
Bobby Jolley
Joseph Loretta
John Moreland, Chairperson
Tom Buck (*Absent*)
Scott Chesnut
Sylvia Osewalt

Purpose and Ex-Parte Statement

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.”

There were no ex parte communications by any of the board members.

Approval of Minutes

It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve the February 1, 2011 minutes as presented. Motion carried unanimously.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: BOA 11-100005

Name of Applicant: Eliane Sant'Anna

Property Address: 142 South 32nd Avenue

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 44% lot coverage in lieu of 38% maximum, and for a parking area setback of 4 feet in lieu of 5 feet minimum, to allow for improvements to a single family dwelling.

Public Hearing

At this time, Mr. Moreland opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the application before the board.

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

Discussion

A brief discussion ensued regarding the lot coverage resulting in an amended motion.

Amended

motion: Mr. Loretta amended the motion to approve a request for 42% lot coverage in lieu of 38% maximum, and for a parking area setback of 4 feet in lieu of 5 feet minimum, to allow for improvements to a single family dwelling. Mr. Chesnut seconded the amended motion.

Roll call vote: Ayes –Jolley, Loretta, Moreland, Chesnut, Osewalt
Amended motion carried unanimously.

Case Number: BOA 11-100008

Name of Applicant: John and Dianne Wagner

Property Address: 74 Evans Drive

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 a swimming pool improvement to a single family dwelling.

Public Hearing

Mr. Moreland opened a 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 regarding the lot coverage resulting in an amended motion.

Amended

motion: Mr. Loretta amended the motion to approve a request for 38% lot coverage in lieu of 35% maximum, to allow for a swimming pool improvement to a single family dwelling. Mr. Chesnut seconded the amended motion.

Roll call vote: Ayes – Loretta, Moreland, Chesnut, Osewalt, Jolley
Amended motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 7:30 P.M.

Submitted by: Nancy J Pyatte
Business Tax Inspector

Approval:

/s/John Moreland
Chairperson

Date: May 18, 2011