

**Minutes of Board of Adjustment Meeting
Held Tuesday, August 2, 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 Chairman Moreland.

Roll Call

Josh Corey *Absent*
Bobby Jolley
Joseph Loretta
John Moreland *Chairman*
Tom Buck *Vice Chairman*
Scott Chestnut
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.”

Minutes of Board of Adjustment Meeting,
held, August 2, 2011

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 minutes for July 19, 2011, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 11-100113**

Name of Applicant: Katherine Lane Schneberger

Property Address: 1501 Arden Way

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley to approve a request for a corner side yard of 11.82 feet in lieu of 20 feet required to allow for improvements to a single-family dwelling.

Applicant, Katherine Lane Schneberger, 1501 Arden Way, requested a variance for the corner side yard so that a garage can be built and attached to her home.

Mr. Loretta asked the applicant if the access to the garage will be from Arden Way.

Mr. Schneberger replied yes.

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 garage not being a hindrance on the surrounding neighbors, however Mr. Loretta wanted to amend the motion to include "as discussed and submitted as well as limiting the access to Arden Way"

Amended Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a corner side yard of 11.82 feet in lieu of 20 feet required to allow for a two-car garage addition with access from Arden Way as shown and submitted.

Minutes of Board of Adjustment Meeting,
held, August 2, 2011

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

Case Number: BOA 11-100117

Name of Applicant: Barry Dixon

Property Address: 3939 Palm Way

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley to table this application until the next meeting due to the applicant’s absence.

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

Case Number: BOA 11-100118

Name of Applicant: Barry Dixon

Property Address: 3941 Palm Way

Motion: It was moved by Mr. Buck, seconded by Mr. Jolley to table this application until the next meeting due to the applicant’s absence.

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

Adjournment

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

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

/s/John Moreland
Chairman

Date: November 15, 2011