

**Minutes of Board of Adjustment Meeting
held Tuesday, February 7, 2012 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 Buck.

Roll Call

Josh Corey *Absent*

Bobby Jolley

Joseph Loretta *Vice-Chairman*

John Moreland

Tom Buck *Chairman*

Sylvia Osewalt *Absent*

Purpose and Ex-Parte Statement

Mr. Buck 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 exparte communications disclosed by the board members.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case Number: **BOA 11-100193**

Name of Applicant: KJ Island Properties, LLC

Property Address: 125 5th Avenue South

Motion: It was moved by Mr. Loretta, seconded by Mr. Jolley to approve a request for a front yard of 11.3 feet in lieu of 20 feet required to eliminate the non-conforming status of an existing single-family structure.

Applicant:

Applicant, Kirk Williams, owner of the property, stated that he purchased his home in December 2011, and wanted to invest a larger amount of money into repairing the property, therefore creating the need to have the variance granted.

Public Hearing:

Mr. Buck 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. Buck closed the public hearing.

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

Adjournment

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

Submitted by: Amber Maria Lehman
Senior Secretary

Approval:

Thomas Buck
Chairman

Date: April 17, 2012