

**Minutes of Board of Adjustment Meeting  
held Tuesday, November 20, 2012 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 Buck.

**Roll Call**

Tom Buck *Chairman*  
Josh Corey  
Bobby Jolley  
Joseph Loretta *Vice-Chairman*  
John Moreland *Absent*

Alternates:

Mike Gallimore  
Sylvia Osewalt

**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 ex-parte 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:**

#### **(A) Case Number: BOA 11-100156**

Name of Applicant: Ralph Bennett

Property Address: 111 8<sup>th</sup> Avenue South

Motion to Approve: It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for a side yard total of 10.5 feet in lieu of 15 feet minimum required, and for 44% lot coverage in lieu of 35% maximum to allow for a new zero lot line, detached single-family dwelling and accessory structure.

Mr. Hays presented a letter from the applicant asking for a continuance until the next meeting on December 4, 2012.

#### **(B) Case Number: BOA 11-100157**

Name of Applicant: Meghan Stewart

Property Address: 1208 11<sup>th</sup> Street North

**Motion to Approve:** It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for no garage or carport in lieu of a one car garage or carport required, and for 2 off-street parking spaces of approximately 8 ft. by 17 ft. in lieu of 9 ft. by 17 ft. to allow for improvement to a single family dwelling.

**Applicant:**

The applicant, Meghan Stewart, stated that she would like to convert her garage into livable area.

**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.

A brief discussion ensued about the property having a hardship due to the lot size being substandard.

Roll call vote: Ayes – Moreland, Corey, Jolley, and Buck  
Nays – Osewalt

Amended motion passed with a 4 to 1 vote.

**Building Department Report:** The next scheduled meeting is Tuesday, December 4, 2012.  
There are currently scheduled seven (7) scheduled cases.

**Adjournment**

There being no further business coming before the Board, Mr. Buck adjourned the meeting at 8:10 P.M.

Submitted by: Amber Maria Lehman  
Senior Secretary

Approval:

/s/Thomas Buck

Chairman

Date: December 4, 2012