

**Minutes of Board of Adjustment Meeting
Held Tuesday, January 2, 2007 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 Chairperson Hall.

Roll Call

Keith Hall (*Chairperson*)

Bobby Jolley

Terry McGill *Absent*

John Moreland (*Vice Chairperson*)

Joseph Loretta

Charlie Sellers *Absent*

Josh Corey

John Hays, Building Official was also present.

Mr. Hall 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 the board.

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Loretta, and passed, to approve the November 21, 2006, minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

None.

NEW BUSINESS:

Case: BOA 06-100271

Location: 28 South 26th Avenue

Applicant: Matt Robertson

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve for a front yard of 20 feet in lieu of 25 feet required, for side yard of 7.5 feet in lieu of 10 feet required and for a rear yard of 12 feet in lieu of 30 feet required to allow for a new single family dwelling.

The agent, Steve Williams, 373 Duval Drive, Jacksonville Beach, stated that the applicant purchased the property 2 years ago and the hardship is the lot size. The lot is only 3500 square feet. The current survey shows that the home exceeds the square footage for the lot.

Mr. Hall opened the public hearing and asked if anyone wished to speak in favor of or against the application.

Matt Robertson, 2825 Eldorado Avenue, Jacksonville, spoke in favor of the application.

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

There was a brief discussion about the lot size being a hardship for the applicant.

Board of Adjustment Meeting
January 2, 2007

Roll call vote: Ayes –Jolley, Hall, Moreland, Loretta, and Corey.
Motion carried unanimously.

Case: BOA 06-100277

Location: 605 North 10th Avenue

Applicant: Alex McNeal

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for a westerly side yard of 7 feet in lieu of 10 feet required, for a rear yard of 12 feet in lieu of 30 feet required and for 43% lot coverage in lieu of 35% maximum to allow for improvements (accessory building) to a single family dwelling.

The applicant was not present.

Mr. Hall stated that the board would proceed with the application even though the applicant was absent.

Mr. Hall opened the public hearing and asked if anyone wished to speak in favor of or against the application.

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

Mr. Hall stated that there had been a variance request in 2004 for the westerly side yard.

Amended Motion:

It was moved by Mr. Loretta, seconded by Mr. Jolley, to approve a request for 43% lot coverage in lieu of 35% maximum to allow for a 16 foot shed.

A brief discussion ensued about the applicant not being present. The board stated their concerns about the contents of the shed and whether it had plumbing and electricity.

Roll call vote: Nays –Jolley, Hall, Moreland, Loretta, and Corey.
Motion was denied unanimously.

Case: BOA 06-100284

Location: 586 South 14th Avenue

Applicant: William H. Cook, Jr.

Motion: It was moved by Mr. Moreland, seconded by Mr. Jolley to approve a request for a Front yard of 20 feet in lieu of 25 feet required, for side yards of 7.5 feet in lieu of 10 feet required, for a rear yard of 12 feet in lieu of 30 feet required to allow for a new single family dwelling.

The applicant, Bill Cook, stated that he purchased the house in May 1996. He is asking for a variance so that he can extend the back of his home to his existing concrete slab. The reason for

Board of Adjustment Meeting
January 2, 2007

the front yard setback is so that he can build a concrete wall to create a courtyard effect.

Mr. Hall opened the public hearing and asked if anyone wished to speak in favor or against the application.

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

Roll call vote: Ayes –Jolley, Hall, Moreland, Loretta, and Corey.
Motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 7:45 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Keith Hall

Chairman

Date: February 6, 2007