

**Minutes of Board of Adjustment Meeting
Held Tuesday, February 20, 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 *Absent*

Terry McGill *Absent*

John Moreland (*Vice Chairperson*)

Joseph Lorretta

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. Lorretta, and passed, to approve the January 17, 2007, minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

None.

NEW BUSINESS:

Case: BOA 07-100004

Location: 534 North 15th Avenue

Applicant: Mark Terrell

Motion: It was moved by Mr. Moreland, seconded by Mr. Lorretta to approve a request for an easterly side yard of 5 feet in lieu of 10 feet required and for a rear yard of 23 feet in lieu of 30 feet required to allow for improvements to a single family dwelling.

The applicant, Mark Terrell, stated that the reason for requesting the 5 foot easterly setback due to the garage being widened. Also, Mr. Terrell would like to extend the kitchen area and add a master bedroom on the rear of the house. Mr. Terrell also stated that he will be raising the roof 2 feet so that he will have 10 foot ceilings, but will not be adding a second story to the home.

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.

Amended Motion:

There followed a brief discussion about the lot being smaller than required, therefore creating a hardship.

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

Case: BOA 07-1000008

Location: 1434 Eastwind Drive

Applicant: Marc and Heather Navarra

Motion: It was moved by Mr. Moreland, seconded by Mr. Lorretta to approve a request for A rear yard of 7.5 feet in lieu of 30 feet required to allow for improvements to a single family dwelling.

The applicant, Mark Navarro, stated that he would like to put a permanent structure (sunroom) on the rear of his home. The proposed approximate dimensions are 12 X 20.

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

The following people spoke in opposition to the request.

Frances Rue Hewitt, Jacksonville Beach.

Maria Hill, 1401 Osceola Parkway, Jacksonville Beach.

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

A brief discussion ensued about the neighbors vehemently opposing the structure that Mr. Navarro intends to build.

Roll call vote: Nays –Hall, Moreland, Lorretta, and Corey.
Motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Hall adjourned the meeting at 7:25P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Keith Hall

Chairman

Date: March 21, 2007