

**CITY OF JACKSONVILLE BEACH
FLORIDA**



MEMORANDUM TO: Board of Adjustment Members

Date: April 25, 2006

There will be a regular meeting of the Board on **Tuesday, May 2, 2006** at 7:00 P. M., in the Council Chambers at City Hall, 11 North 3rd Street, Jacksonville Beach.

1. **CALL TO ORDER**
2. **ROLL CALL:** Keith Hall, Steven Hartkemeyer, Bobby Jolley, Terry McGill,
John Moreland
Alternates: Charlie Sellers and Joseph Loretta
3. **EX-PARTE STATEMENT**
4. **APPROVAL OF MINUTES:** April 18, 2006
5. **CORRESPONDENCE:**
6. **OLD BUSINESS:**
7. **NEW BUSINESS:**

(A) **Case Number: BOA 06-100078**

Name of Applicant: Michael Caudill

Name of Agent: Same

Property Address: 1204 North 21st Street

Current Zoning: RS-2

Motion to Approve: **City of Jacksonville Beach Land Development Code Section: 34-337 (e)(1) e, for 40% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling, for property located at 1204 North 21st Street, more specifically, Lot 6 and the South 20 feet of Lot 5, Block 23, Jacksonville Beach, Section "A".**

Miscellaneous Info & Description: No previous variances or open code violations.

Notes: _____

(B) Case Number: BOA 06-100079

Name of Applicant: Carlos Aquino

Name of Agent: Mike Quintal (Blue Haven Pools & Spas)

Property Address: 140 South 30th Avenue

Current Zoning: RS-1

Motion to Approve: **City of Jacksonville Beach Land Development Code Section: 34-336 (e)(1) e, for 44% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling, for property located at 140 South 30th Avenue, more specifically, Lot 5, Block 8, Atlantic Shores, Division "B".**

Miscellaneous Info & Description: No previous variances or open code violations.

Notes: _____

NOTICE

*If a person decides to appeal any decision by the Board of Adjustment with respect to any matter considered at any meeting, such person may need a record of the proceedings, and, for such purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request to the recording secretary prior to the beginning of the meeting.
In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the Planning and Development Department no later than 5:00 p.m. on the day preceding the meeting.*

**Minutes of Board of Adjustment Meeting
Held Tuesday, April 18, 2006, 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 Steven Hartkemeyer.

Roll Call

Keith Hall
Steven Hartkemeyer (*Chairperson*)
Bobby Jolley (*Absent*)
Terry McGill (*Vice Chairperson*) (*Absent*)
John Moreland
Charlie Sellers
John Loretta

Jon Hays, Building Official, and Recording Secretary Amber Lehman were also present.

Mr. Hartkemeyer 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

Minutes of Board of Adjustment Meeting
held Tuesday, April 18, 2006

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.”

Mr. Hartkemeyer stated that he had a conversation with Mr. Chandler in reference to Case BOA 06-100073

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Sellers, and passed, to approve the minutes of the meeting held April 4, 2006, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case: BOA 06-100062

Location: 1008 North 7th Street, Lot 25, Block 8, Beach Homesites, Unit 1.

Applicant: Mrs. Daniele Benedict

Motion: It was moved by Mr. Hall, seconded by Mr. Moreland to approve a request for 40% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling and swimming pool.

The applicant, Ms. Benedict, stated that she would like to have a pool in her back yard.

Mr. Hartkemeyer opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request?

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

Roll call vote: Ayes – Moreland, Hall, Hartkemeyer, Loretta, and Sellers. Motion carried unanimously.

Case: BOA 06-100068

Location: 51 Tallwood Avenue, Lot 8, Block 25, Ocean Forest Unit 11.

Applicant: Stephen and Frances Shapiro

Motion: It was moved by Mr. Hall, seconded by Mr. Loretta to approve a request for 48% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling.

The applicant, Ms. Frances, stated that she is requesting a variance request so that she and her husband can have a pool. Mr. Murray also advised the board that she has a much older house and the size is rather small.

Mr. Hartkemeyer opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request?

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

There followed a brief discussion about the fact that there is already 41% lot coverage associated with this property.

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Sellers, to approve a request for 46% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling.

Roll call vote: Ayes – Sellers, Loretta, Hall, and Hartkemeyer; Nays – Moreland. Motion carried 4 to 1.

Case: BOA 05-100072

Location: 534 North 17th Avenue, Lot 15, Block 6, Surf Park, Unit 1.

Applicant: Jeffrey Flaig

Motion: It was moved by Mr. Hall, seconded by Mr. Loretta, to approve a request for 38% lot coverage in lieu of 35% maximum, and for an engineered paving system in lieu of asphalt or concrete to allow for a new single-family dwelling.

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The applicant, Jeffrey Flaig, stated that when he appeared before the Board in February, the board advised him to lower his lot coverage request. Mr. Flaig reported that he has done just that by installing a geo block that would allow grass to grow within the webbed area. Mr. Flaig also stated that his hardship was the need for additional space to allow for additional family members to move in.

Mr. Hartkemeyer opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request?

The following people spoke in favor:

Robert Smith, 3809 Vickers Lake Drive, Jacksonville
Donald Moore, 606 North 17th Avenue, Jacksonville Beach

No one spoke in opposition.

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

There was a brief discussion about the fact that the lot is an oversized lot and therefore does not create a hardship for a variance for lot coverage, but agreed that the engineered paving system would be beneficial for drainage.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Hall to approve a request for an engineered paving system in lieu of asphalt or concrete.

Roll call vote: Ayes – Moreland, Loretta, Hall, Hartkemeyer, and Sellers. Motion carried unanimously.

Case: BOA 06-100073

Location: 1102 North 18th Avenue, Lots 12, Block 3, San Pablo Terrace.

Applicant: Wayne M. and Christine C. Chandler

Motion: It was moved by Mr. Hall, seconded by Mr. Loretta, to approve a request for an easterly yard of 7.5 feet in lieu of 10 feet required to allow for improvements to a single-family dwelling.

The applicant, Mr. Chandler, stated that he has an irregular shaped lot, instead of a rectangular lot it is a pie shape. Mr. Chandler also stated that the addition will be 306 square feet.

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Mr. Hartkemeyer opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request?

The following people spoke in favor:

Shelly McCarthy, Jacksonville Beach
Jim Golding, 1203 North 18th Avenue, Jacksonville Beach

No one spoke in opposition.

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

Roll call vote: Ayes – Moreland, Loretta, Sellers, Hall, and Hartkemeyer. Motion carried unanimously.

Case: BOA 05-100075

Location: 116, 126, & 130 South 2nd Avenue & 215 South 2nd Street

Applicant: Terry Anderson (Beaches Development Group, LLC)

Motion: It was moved by Mr. Hall, seconded by Mr. Moreland, to approve a request for a rear yard of 20 feet in lieu of 30 feet required to allow for a new multi-family development.

The applicant, Terry Anderson, stated that the proposed plan is for 12 units each with a two car garage. Mr. Anderson also stated that the proposed units will look very similar to the property across the street.

Mr. Hartkemeyer opened a public hearing and asked if anyone wished to speak in favor of or in opposition to the request?

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

A brief discussion ensued about the alley way and whether or not it would be a two way access, and if it will be paved.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Hall, to approve a request for a rear yard of 20 feet in lieu of 30 feet to allow for a new multi-family development, but to limit the plans as submitted and discussed.

Roll call vote: Ayes –Loretta, Hartkemeyer, Hall, and Moreland; Nays – Sellers. Motion carried 4 to 1.

Minutes of Board of Adjustment Meeting
held Tuesday, April 18, 2006

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 8:05 P.M.

Submitted by: Amber Maria Lehman

Approval:

Steven Hartkemeyer, Chairman

Date: _____



Application for Variance

This form is intended for submittal, along with the required attachments, for all requests for variances from the requirements of the City of Jacksonville Beach land development code, article 6, section 6.6 variances. The planning and development director will evaluate an application for a variance for sufficiency within five (5) days of receipt. If the application is found to be complete, the Jacksonville Beach board of adjustment at their earliest meeting following appropriate public notice of the request will schedule it for review, public hearing and a decision.

Required Documentation

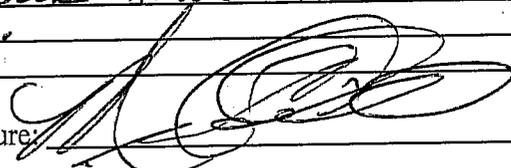
1. A boundary survey or plat of the land, prepared by a registered land surveyor that shows the location of all existing improvements. The survey or plat must also show all proposed additions or improvements added to the drawing, to scale.
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of \$250.00 (due at the time of application submitted).
5. Completed application.

Application Information

Applicant's name: MICHAEL CAUDILL Phone: (904)-249-7117
 Mailing address: 1204 - 21ST N. JACKSONVILLE BEACH FL, 32250
 Agent's name: _____ Phone: _____
 Mailing address: _____
 Landowner's name: MICHAEL CAUDILL Phone: (904)-249-7117
 Mailing address: 1204 - 21ST N. JACKSONVILLE BEACH FL, 32250
 Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

Variance Data

Street address of property: 1204 - 21ST N. JACKSONVILLE BEACH FL 32250
 Legal description of property (attach copy of deed): LOT 6 AND THE SOUTH 20' OF LOT 5, BLOCK 23 SECTION "A" BK: 18 PG: 33
 Reason for the Variance request: (applicant must state the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). NEED AN ADEQUATE AMOUNT OF DECK AROUND POOL TO SAFELY WALK AROUND THE PERIMETER.

X Applicant's Signature:  Date of Application: 3/23/06

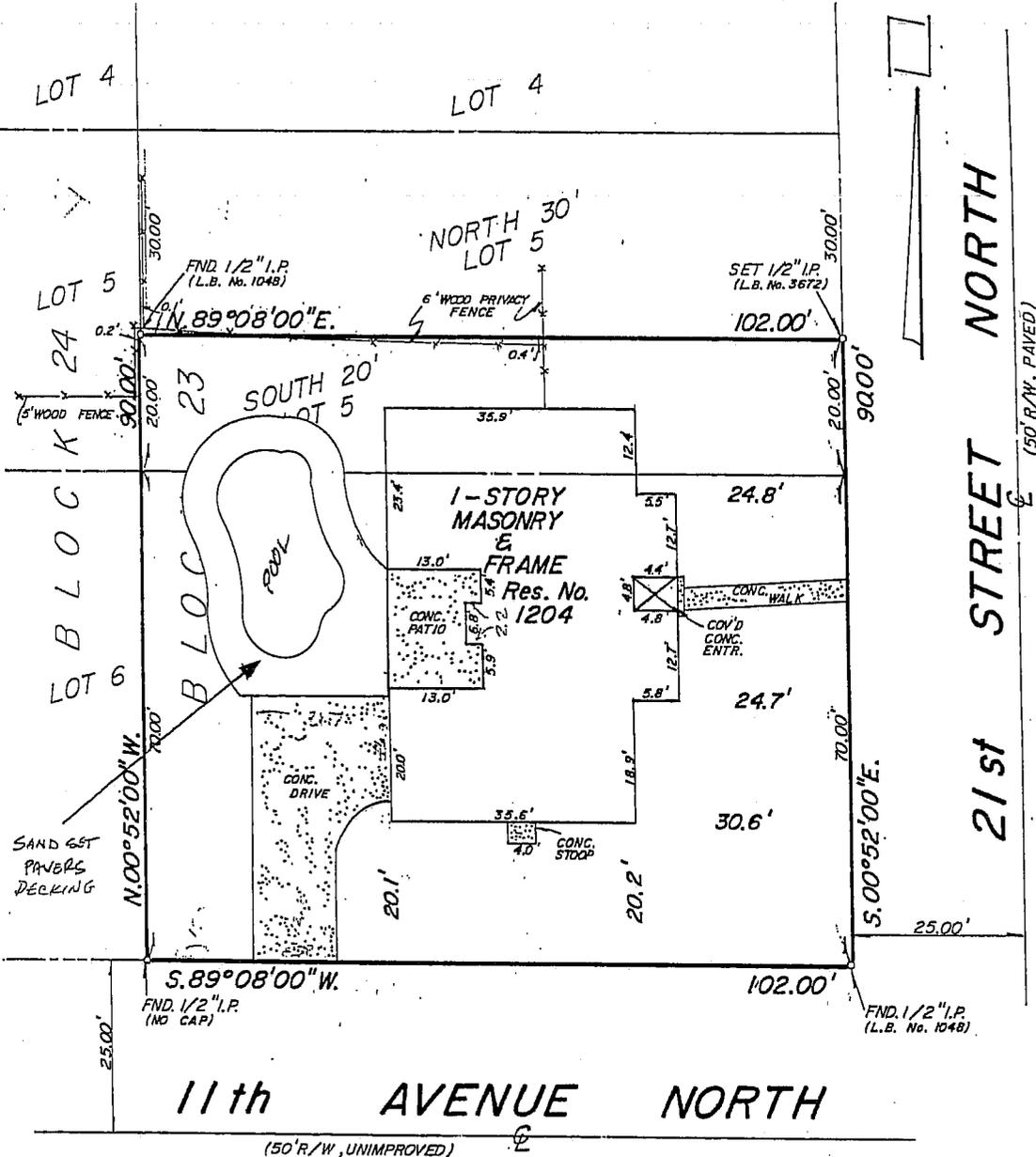
THIS BOX FOR OFFICE USE, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2 FLOOD ZONE: X
 CODE SECTION (S): 34-337(e)(1) FOR 40'6" LOT COVERING 110 350'6" MAXIMUM
for a swimming pool addition to a single family dwelling

RECEIVED
MAR 29
PLANNING & DEVELOPMENT

MAP SHOWING SURVEY OF

LOT 6 AND THE SOUTH 20 FEET OF LOT 5, BLOCK 23, SECTION "A" JACKSONVILLE BEACH AS RECORDED IN PLAT BOOK 18 PAGE 33 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



- NOTES
1. THIS IS A BOUNDARY SURVEY.
 2. BEARINGS AS PER PLAT.
 3. NO B.R.L. AS PER PLAT.

I HEREBY CERTIFY THAT THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE "C" AS SHOWN ON THE FLOOD HAZARD BOUNDARY MAP FOR JACKSONVILLE BEACH, FLORIDA.

I HEREBY CERTIFY TO MICHAEL CAUDILL, FLORIDA TELECO CREDIT UNION AND COMMONWEALTH LAND TITLE THAT I HAVE SURVEYED THE LANDS AS SHOWN IN THE ABOVE CAPTION AND THAT THIS MAP IS A TRUE AND CORRECT REPRESENTATION OF THAT SURVEY AND THAT THE SURVEY REPRESENTED HEREON MEETS THE MINIMUM TECHNICAL STANDARDS OF THE FLORIDA ADMINISTRATIVE CODE CHAPTER 21-HH-6 AND THE FLORIDA LAND TITLE ASSOCIATION.

THIS SURVEY NOT VALID UNLESS SEALED WITH AN EMBOSSED SEAL OF SURVEYOR SIGNED HEREON

Donn W. Boatwright
 DONN W. BOATWRIGHT, L.S.
 FLORIDA REG. LAND SURVEYOR No. 3295

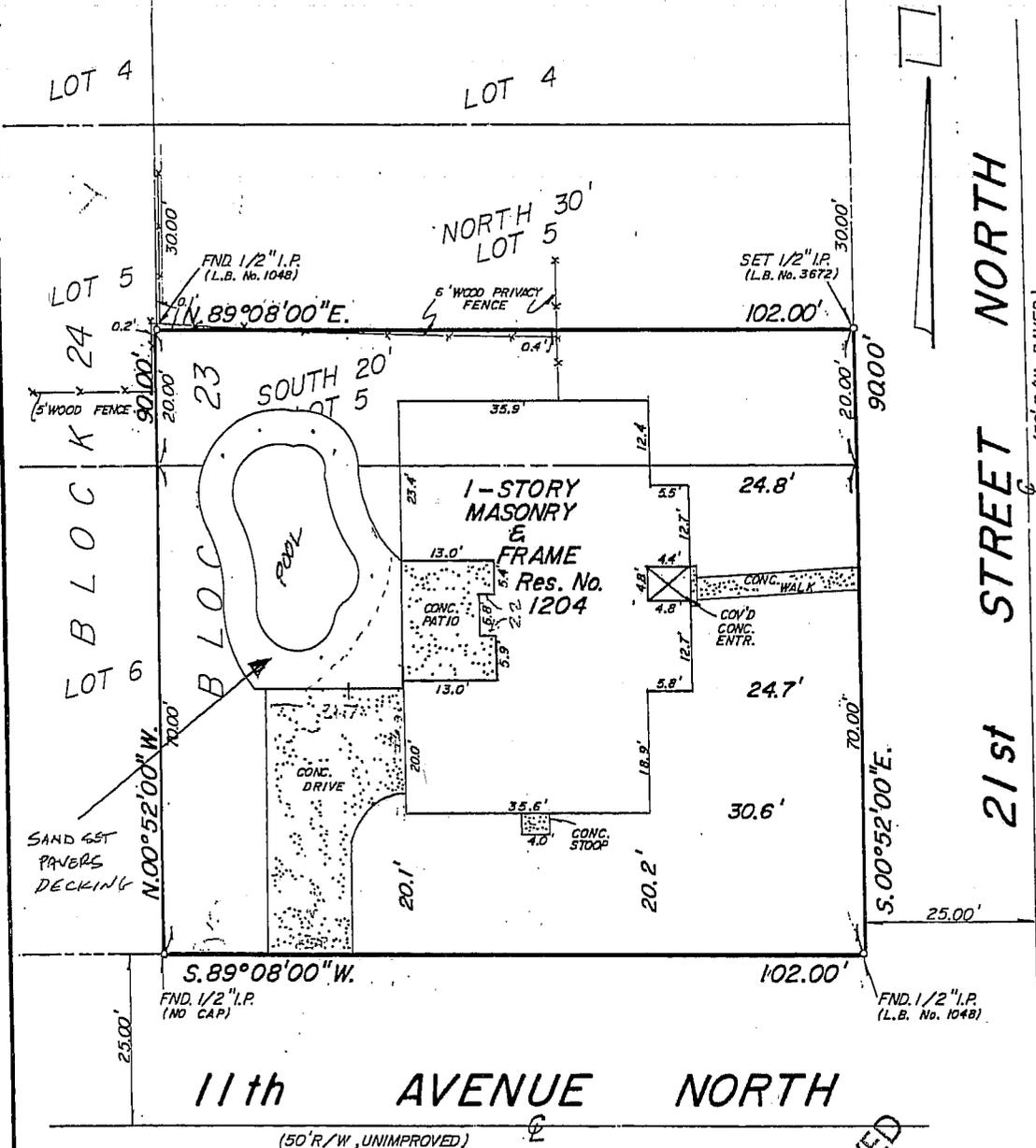
SCALE: 1" = 20'
 DRAWN BY: J.R.
 F.B. #: FILE No. 8621

BOATWRIGHT LAND SURVEYORS, INC.
 1401 PENMAN ROAD SUITE D
 JACKSONVILLE BEACH FLORIDA 321-2550

DATE SIGNED:
 DECEMBER 3, 1987
 SHEET 1 OF 1

MAP SHOWING SURVEY OF

LOT 6 AND THE SOUTH 20 FEET OF LOT 5, BLOCK 23, SECTION "A" JACKSONVILLE BEACH AS RECORDED IN PLAT BOOK 18 PAGE 33 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



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Donn W. Boatwright
DONN W. BOATWRIGHT, L.S.
 FLORIDA REG. LAND SURVEYOR No. 3295

SCALE: 1" = 20'
 DRAWN BY: J.P.
 F.B. #: FILE No. 8621

BOATWRIGHT LAND SURVEYORS, INC.
 1401 PENMAN ROAD SUITE D
 JACKSONVILLE BEACH FLORIDA 321-9550

DATE SIGNED: DECEMBER 3, 1987
 SHEET 1 OF 1

RECEIVED
 MAR 23 1988
 PLANNING & DEVELOPMENT



Application for Variance

This form is intended for submittal, along with the required attachments, for all requests for variances from the requirements of the City of Jacksonville Beach land development code, article 6, section 6.6 variances. The planning and development director will evaluate an application for a variance for sufficiency within five (5) days of receipt. If the application is found to be complete, the Jacksonville Beach board of adjustment at their earliest meeting following appropriate public notice of the request will schedule it for review, public hearing and a decision.

Required Documentation

1. A boundary survey or plat of the land, prepared by a registered land surveyor that shows the location of all existing improvements. The survey or plat must also show all proposed additions or improvements added to the drawing, to scale.
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of \$250.00 (due at the time of application submitted).
5. Completed application.

Application Information

Applicant's name: CARLOS AQUINO Phone: 247-9702
 Mailing address: 140 30TH AVE S JAX. BEACH, FL 32250
 Agent's name: BLUE HAVEN POOLS & SPAS - MIKE QUINTAL Phone: 620-0090 EXT 223
 Mailing address: 12041 BEACH BLVD #20 JAX., FL. 32246
 Landowner's name: CARLOS AQUINO Phone: 247-9702
 Mailing address: 140 30TH AVE S JAX BEACH, FL. 32250
 Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

Variance Data

Street address of property: 140 30TH AVE S JAX BEACH, FL. 32250
 Legal description of property (attach copy of deed): LOTS 5 BLOCK B ATLANTIC SHORES DIVISION B BOOK 25 PAGE 58 10-35-29 E RP RT
 Reason for the Variance request: (applicant must state the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). REQUEST TO INSTALL INGROUND SWIMMING POOL AND SAND SET PAVER DECK WHICH WILL REQUIRE 44% LOT COVERAGE. I LIVE ON A HEAVY TRAFFIC STREET WITH NO SIDEWALKS AND I WANT TO PROVIDE A SAFE WAY FOR MY CHILDREN TO ENJOY RECREATION IN MY BACKYARD.

Applicant's Signature: [Signature] Date of Application: 3/22/06

THIS BOX FOR OFFICE USE, GO TO NEXT PAGE

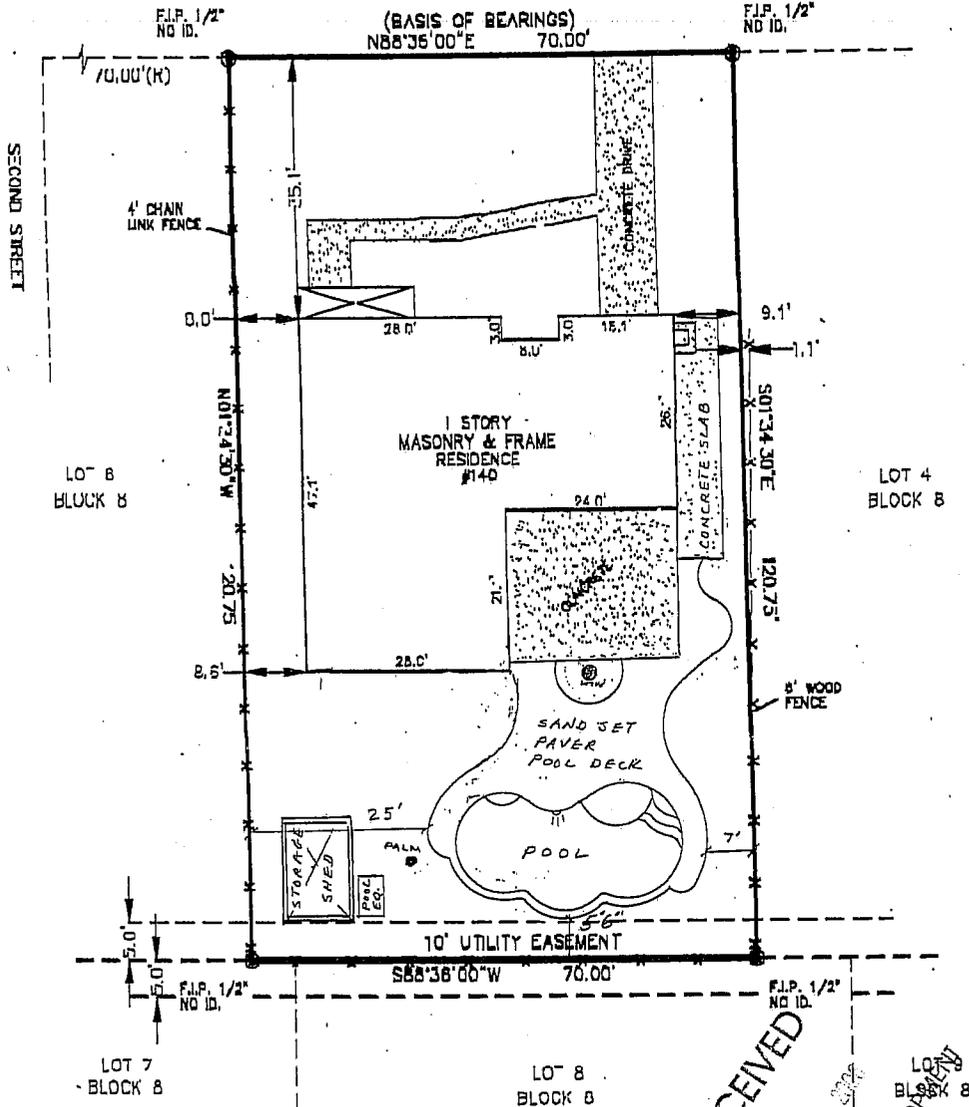
CURRENT ZONING CLASSIFICATION: RS-1 FLOOD ZONE: X 23 216
 CODE SECTION (S): 34-336(e) See For 44% lot coverage in lieu of 30% with
to allow for a swimming pool addition for a single family dwelling

RECEIVED
 PLANNING & DEVELOPMENT

MAP SHOWING BOUNDARY SURVEY

LOT 5, BLOCK 8, ATLANTIC SHORES OCEAN FRONT SECTION DIVISION "B"
 ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 25, PAGE 58, OF THE
 CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

30th AVENUE SOUTH (PAVED 50' R/W)



RECEIVED
 23 2004
 DEVELOPMENT

PROPERTY DATA

ADDRESS: 140 30th AVENUE SOUTH
 PC# 181873 0000

ABBREVIATION TABLE

R/W = RIGHT OF WAY
 L.L. = LICENSED BUSINESS
 P.L. = PROFESSIONAL LAND SURVEYOR
 P.E. = PLAT BOOK
 R.L. = ROAD
 O.R. = OFFICIAL RECORD
 F.L. = FOUND IRON ROD
 F.I.P. = FOUND IRON PIPE
 P.L.S. = PROFESSIONAL LAND SURVEYOR
 P.E.M. = FOUND CONCRETE MONUMENT
 C.I.B. = CUT IRON B.M.
 P.C. = POINT OF CURVATURE
 P.T. = POINT OF TANGENCY
 B.L.L. = BUILDING RESTRICTION LINE

SURVEY MAP PREPARED FOR:
 CARLOS AQUINO & MELINDA AQUINO
 PINNACLE FINANCIAL CORP.
 ATLANTIC LAND TITLE OF JACKSONVILLE
 OLD REPUBLIC NATIONAL TITLE INSURANCE CO.

SURVEYORS NOTES:

- NO SUBSURFACE FIXED IMPROVEMENTS ARE LOCATED.
- THIS SURVEY MAP AND COPIES THEREOF ARE INVALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- OWNERSHIP OF FENCES & IMPROVEMENTS IS NOT DETERMINED.

SYMBOL LEGEND SET

□ SET 1/2" IRON ROD L.B. # 7313
 ■ SET 4" X 4" CONCRETE MONUMENT L.B. # 7313
 ▲ SET NAIL & CHISEL L.B. # 7313
 X SET X CUT

SYMBOL LEGEND FOUND

■ FOUND 4" X 4" CONCRETE MONUMENT

FLOOD DATA

FLOOD ZONE: X
 COMMUNITY PANEL NO: 120077
 REVISED: AUGUST 15, 1988

Land Survey Resources, Inc.

FLORIDA LICENSED BUSINESS NO. L.B. 7313

3400 U.S. 1 SOUTH - SUITE F
 SAINT AUGUSTINE, FLORIDA 32086

LSRSURVEY.COM

PHONE: 904-767-4200

FAX: 904-767-4282

MAP SCALE: 1" = 20'
 PROJECT #: 04-461
 SURVEY DATE: OCT. 27, 2004
 SIGNATURE DATE: OCT. 28, 2004

James D. Elson
 JAMES D. ELSON
 PROFESSIONAL LAND SURVEYOR
 FLORIDA LICENSED SURVEYOR NO. L.B. 6270

