

**Minutes of Board of Adjustment Meeting
Held Tuesday, March 15, 2005, 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*)
John Moreland

Charlie Sellers, Alternate
Vicki Gilliom, Alternate

Jon Hays, Building Official, was 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 criteria. In addition, the Board of Adjustment has received a copy of the application being presented.”

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“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.”

The Board members advised that they had no ex-parte communications.

Approval of Minutes

It was moved by Mr. McGill, seconded by Mr. Moreland, to approve the Minutes of the March 1, 2005, Meeting, as presented.

Correspondence

There was no correspondence.

Old Business

There was no old business.

New Business

Case: BOA #05-100039

Location: Lot 1, Block 2, Oceanside Park; 406 South 7th Avenue

Applicant: Mark Wilkinson

Motion: It was moved by Mr. McGill, seconded by Mr. Moreland, to approve a request for 51% lot coverage in lieu of 35% maximum; to allow for improvements to a single family dwelling.

The applicant stated that he wishes to build a driveway using pavers with concrete aprons.

Mr. Hartkemeyer opened a public hearing and asked if anyone wished to speak either in favor of or in opposition to the request? Seeing no one, he closed the public hearing.

Mr. McGill made a substitute motion to approve a request for 47% lot coverage in lieu of 35% maximum. The motion died from lack of a second.

Mr. Moreland made a substitute motion, which was seconded by Mr. Hall, to approve a request for 45% lot coverage in lieu of 35% maximum.

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

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Case: BOA #05-100040

Location: Lot 2, Block 3, Palm Courts; 904 North 10th Street

Applicant: Holly Williams

Motion: It was moved by Mr. McGill, seconded by Mr. Hall, to approve a request for a corner side yard of 15 feet in lieu of 20 feet required; to allow for improvements to a single family dwelling.

Robert Barnes, agent for the applicant, stated that she wishes to build a front porch onto the front of her house.

Mr. Hartkemeyer opened a public hearing and asked if anyone wished to speak either in favor of or in opposition to the request? Seeing no one, he closed the public hearing.

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

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 7:20 P.M.

Chairman

/lmw