

**Minutes of Board of Adjustment Meeting
Held Tuesday, August 2, 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 Vice Chairperson Terry McGill.

Roll Call

Keith Hall
Steven Hartkemeyer (*Chairperson*) (*absent*)
Bobby Jolley
Terry McGill (*Vice Chairperson*)
John Moreland

Charlie Sellers, Alternate
Vicki Gilliom, Alternate (*late*)

Jon Hays, Building Official, was also present.

Mr. McGill 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.”

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

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Hall, and passed, to approve the Minutes of the July 19, 2005, meeting as presented.

Correspondence

The correspondence pertained to an item on the agenda and was read when that item was presented.

Old Business

Case: BOA #05-100152

Location: Pt Unmarked Block, Pt Lands Lying E Thereof Recd O/R 9339-2124, Pablo Beach South; 97 1st Street South

Applicant: Dr. Tim Catalfo

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a front yard of 15 feet in lieu of 20 feet required, for a corner side yard of 10 feet in lieu of 20 feet required and for 0 feet parking area setback along southerly property line in lieu of 5 feet minimum required; to allow for a new multi family dwelling.

The applicant stated that he wishes to demolish the building that is currently on this site and build a three story condominium with 15 units and underground parking.

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

The following people spoke in favor:

Scott Gay, 1034 North 1st Street, Jacksonville Beach

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Dr. Tim Catalfo, 390 South 1st Street, Jacksonville Beach
John Miller – 115 Oceanfront Street South, Jacksonville Beach
Dr. Kiran Goswami, 97 South 1st Street, Jacksonville Beach

No one spoke in opposition.

Seeing no one else who wished to address the Board, Mr. McGill closed the public hearing.

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

Case: BOA #05-100170

Location: Lot 88 together with the E 50 ft of Lots 89 & 90, Flagler Tract; 129 North 11th Avenue

Applicant: Barry Kosrozadeh

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a westerly side yard of 6 feet in lieu of 10 feet required and for a rear yard of 20 feet in lieu of 30 feet required; to allow for a new multi-family dwelling.

The applicant stated that he is requesting the variance because the size of the lot is substandard. He also advised that he is requesting the rear yard setback because the parking for the building will be accessed through the alley and there is not a lot of turning room.

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

Scott Gay, 1034 North 1st Street, Jacksonville Beach, spoke in favor.

Seeing no one else who wished to address the Board, Mr. McGill closed the public hearing.

Following a brief discussion concerning the advisability of building a multi family dwelling with the only access being an alleyway, it was moved by Mr. Jolley, to approve a request for a westerly side yard of 6 feet in lieu of 10 feet required. The motion died from lack of a second.

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

New Business

Case: BOA #05-100188

Location: Lot 14, Block 5, San Pablo Terrace; 2002 Oak Grove Circle

Applicants: James A. Carlill

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Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a parking area/vehicle use area setback of 1 foot in lieu of 5 feet minimum required; to allow for improvements to a single family dwelling.

The applicant stated that he hired a contractor to pour a new two-car driveway and a pad alongside the house to store his boat. The contractor neglected to get a permit for the work and a stop work order was issued after the concrete was poured. He advised that he is requesting the variance because the work has already been done. He wishes to be able to store his boat on the concrete pad because it would be more esthetically pleasing than to have it sitting on the grass and the two-car driveway allows both vehicles to be parked off of the street.

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

Jesse Knieberg, 1918 Oak Grove Circle, spoke in favor.

Seeing no one else who wished to address the Board, Mr. McGill closed the public hearing.

It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a parking area/vehicle use area setback of 1 foot in lieu of 5 feet minimum required, to allow for improvements to a single family dwelling and as presented in the plans.

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

Case: BOA #05-100189

Location: Lot 4, Block 1, Ponte Vedra Unit 1; 191 Bermuda Place

Applicant: Kathleen Braddock

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 44% lot coverage in lieu of 35% maximum; to allow for a swimming pool addition.

Mr. Hall advised that Planning and Development had received a letter from the applicant stating that she had major surgery recently and would not be able to talk to present her case. She was not present.

It was moved by Mr. Moreland, seconded by Mr. Jolley, to carry this case over to the August 16, 2005, meeting.

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

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Adjournment

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

/lmw

Chairman