

**Minutes of Board of Adjustment Meeting
Held Wednesday, September 7, 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 (*absent*)
Steven Hartkemeyer (*Chairperson*)
Bobby Jolley (*absent*)
Terry McGill (*Vice Chairperson*)
John Moreland (*absent*)

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

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.”

Mr. Harkemeyer stated that he spoke with William Goodling concerning BOA #05-100207.

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

Mr. Hartkemeyer advised the applicants that because there are only 3 Board members present, approval of their requests calls for 3 affirmative votes. Therefore, they may request a continuance to the next meeting when their case is called.

Approval of Minutes

It was moved by Mr. McGill, seconded by Mr. Sellers, and passed, to approve the Minutes of the August 16, 2005, meeting as presented.

Correspondence

There was no correspondence.

New Business

Case: BOA #05-100207

Location: Lot 1, Block 116, Oceanside Park; 500 South 11th Avenue

Applicant: Chris Lambertson

Motion: It was moved by Mr. McGill, seconded by Mr. Sellers, to approve a request for a corner side yard of 5 feet in lieu of 10 feet required and for 53% lot coverage in lieu of 35% maximum; to allow for a new single family dwelling.

The applicant requested that this item be carried over to the next meeting.

Case: BOA #05-100219

Location: Lot 4 and Lots 9 to 12, Block 134, Pablo Beach South; 1326 South 3rd Street

Applicant: Watson Realty Corp.

Motion: It was moved by Mr. McGill, seconded by Mr. Sellers, to approve a request for parking area setback of 0 feet in lieu of 5 feet minimum, adjacent to 6 parking spaces along the northern property line.

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Gerard Vermey, representing the applicant, stated that they are requesting the variance because, when Watson Realty holds classes, more parking is required and it is very difficult to enter 3rd Street traffic from a two-way entrance.

Mr. Hays advised that the applicant has changed the site plan and now the request should read “for parking area setback of 0 feet in lieu of 5 feet minimum, adjacent to 9 parking spaces along the northern property line”.

It was moved by Mr. McGill, seconded by Mr. Sellers, and passed, to amend the motion accordingly.

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.

It was moved by Mr. McGill, seconded by Mr. Sellers, to add “as submitted” to the amended motion.

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

Case: BOA #05-100220

Location: Lot 5, Block 11, Beach Homesites, Unit 2; 1017 9th Street North

Applicant: Dianna L. Pratt

Motion: It was moved by Mr. McGill, seconded by Mr. Sellers, to approve a request for a northerly side yard of 5.66 feet in lieu of 10 feet required and for no garage in lieu of a one-car garage required; to allow for improvements to a single family dwelling.

Robert Barnes, representing the applicant, stated that she is requesting the variance because she needs extra living space to take care of aging parents and she wishes to close in the carport for that purpose.

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.

There followed a brief discussion concerning the fact that the code requires either a carport or a garage and the applicant would not have either if the request were granted.

Mr. McGill made an amended motion, which was seconded by Mr. Sellers, to approve a request for a northerly side yard of 5.66 feet in lieu of 10 feet required.

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

Case: BOA #05-100221

Location: Lot 1, Block 64, Pablo Creek; 640 North 3rd Street

Applicant: Reasa Pabst (A1A Surfside Printing)

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Motion: It was moved by Mr. McGill, seconded by Mr. Sellers, to approve a request for 0 additional parking spaces in lieu of 4 parking spaces required; to allow for a 1200 square feet business office addition.

The applicant requested that this item be carried over to the next meeting.

Case: BOA #05-100225

Location: Lot 6, Block 32, Pablo Beach South; 129 4th Avenue South

Applicant: Jason Decker

Motion: It was moved by Mr. McGill, seconded by Mr. Sellers, to approve a request for a front yard of 3 feet in lieu of 20 feet required and for a westerly side yard of 3.1 feet in lieu of 6.8 feet required; to allow for improvements to a single family dwelling.

The applicant stated that he wishes to raise up the one-story structure that is currently on the lot, with the exception of the front porch, and build a new 1st floor underneath. He advised that the footprint would remain the same.

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

Kevin Eggleston, owner of the adjoining property, advised that he was present to gather information about what the applicant proposed to do with their property.

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

Mr. McGill made an amended motion, which was seconded by Mr. Sellers, to approve a request for a front yard of 3 feet in lieu of 20 feet required and for a westerly side yard of 3.1 feet in lieu of 6.8 feet required, with the front porch to remain a single story as submitted.

Roll call vote: Ayes – Hartkemeyer and McGill. Nays – Sellers. Motion was denied by a vote of 2 to 1.

Case: BOA #05-100226

Location: Lot 7, Block 58, Oceanside Park; 737 6th Avenue South

Applicant: Chris Lambertson (Elite Homes, Inc.)

Motion: It was moved by Mr. McGill, seconded by Mr. Sellers, to approve a request for 48% lot coverage in lieu of 35% maximum; to allow for a new two-family dwelling.

The applicant stated that he wished to carry this item over to the next meeting.

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Case: BOA #05-100227

Location: Lot 8, Block 4, Jax Beach Heights; 2700 St. Johns Boulevard

Applicant: Larry Heise

Motion: It was moved by Mr. McGill, seconded by Mr. Sellers, to approve a request for 55% lot coverage in lieu of 35% maximum; to allow for a new single family dwelling and swimming pool.

Steve Williams, representing the applicant, stated that he has revised his plans and now is requesting only 42% lot coverage.

It was moved by Mr. McGill, seconded by Mr. Sellers, and passed, to approve a request for 42% lot coverage in lieu of 35% maximum.

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 – McGill and Hartkemeyer. Nays – Sellers. Motion was denied by a vote to 2 to 1.

Adjournment

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

Chairman

/lmw