

**Minutes of Board of Adjustment Meeting
Held Tuesday, October 4, 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
Terry McGill (*Vice Chairperson*)
John Moreland (*absent*)

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.”

Mr. McGill advised that he spoke with Jody Seckinger concerning BOA #05-100264. The other Board members stated that they had no ex-parte communications.

Approval of Minutes

It was moved by Mr. Jolley, seconded by Mr. Hall, and passed, to approve the Minutes of the September 20, 2005, meeting as presented.

Correspondence

There was no correspondence.

Old Business

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. McGill, seconded by Mr. Jolley, to approve a request for 44% lot coverage in lieu of 35% maximum; to allow for a swimming pool addition.

The applicant stated that she wishes to build a swimming pool with decking in the back yard.

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

Terry Trippey, 194 St. George Court, Jacksonville Beach spoke in opposition.

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

Mr. Sellers made a substitute motion, which was seconded by Mr. McGill, to approve a request for 40% lot coverage in lieu of 35% maximum; to allow for a swimming pool addition.

Roll call vote: Ayes – Jolley, McGill and Sellers. Nays – Hall and Hartkemeyer. Motion carried by a vote of 3 to 2.

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New Business:

Case: BOA #05-100252

Location: Lot 4, Block 24, Ocean Forest Unit 10; 47 Cilewood Court

Applicant: Matthew & Jennifer Cipriani

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for 40.7% lot coverage in lieu of 35% maximum; to allow for construction of a new single family home.

Mr. Cipriani stated that he wished to put a small lap pool in the back yard.

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, Jolley and McGill. Nays – Sellers and Hall. Motion carried by a vote of 3 to 2.

Case: BOA #05-100253

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

Applicant: Richard G. Parsons

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for a westerly side yard of 6 feet and an easterly side yard of 8 feet each in lieu of 10 feet required; to allow for a new multi-family dwelling.

The applicant stated that he is requesting the variance because the lot is smaller than the standard RM-2 zoned lot. He advised that he wishes to build a three-story building with four condominiums. The ingress and egress for the building would be through the alley, which runs behind the property.

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 advisability of permitting new construction with the only ingress and egress being through the alley.

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

Case: BOA #05-100260

Location: Lot 8, Block 6, Oceanside Park; 614 South 6th Avenue

Applicants: Lawrence & Janet Lam

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Motion: It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for side yards totaling 12 feet in lieu of 15 feet required and for 40% lot coverage in lieu of 35% maximum; to allow for a new single family dwelling.

The applicant stated that he wishes to build a two-story single family home on the property. He advised that he is requesting the variance because the lot is only 50 ft X 100 ft.

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

William Stang, 384 1st Street, Atlantic Beach, spoke in favor.

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

Roll call vote: Ayes – McGill, Hall, Hartkemeyer and Jolley. Nays – Sellers. Motion carried by a vote of 4 to 1.

Case: BOA #05-100263

Location: Lot 3, 4 & 9, Block 124, R/P Pt Pablo Beach North; 315 11th Avenue North & 322 12th Avenue North

Applicant: Ronald A. & Anya Johnson

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for no turning and maneuvering space, for parking area setbacks of 0 feet in lieu of 5 feet minimum in several locations, and for 40 parking spaces in lieu of 46 spaces required for a new, 9200 square feet, medical office building.

Tat Chan, architect for the project, distributed additional information concerning the request and stated that the building would take up the majority of two of the lots and the remainder would be used for parking.

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

Fred Cattar, 1301 North 4th Street, Jacksonville Beach, spoke in favor.

Sandy Golding, 1203 18th Avenue North, Jacksonville Beach, had questions about the request.

Ron Taylor, 360 13th Avenue North, Jacksonville Beach, spoke in opposition.

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

Mr. Hall made a substitute motion, which was seconded by Mr. McGill, to approve a request for no turning and maneuvering space and for parking area setbacks of 0 feet in lieu of 5 feet minimum in several locations for a new, 9200 square feet, medical office building.

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Roll call vote: Ayes – Hall and McGill. Nays – Sellers, Hartkemeyer and Jolley. Motion was denied by a vote of 3 to 2.

Case: BOA #05-100264

Location: S 42.5 feet of Lots 1 & 2, Block 92, Pablo Beach South; 912 South 1st Street

Applicant: Sevilla del Mar, LLC

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for side yards of 8 feet in lieu of 10 feet required; to allow for a new two family dwelling.

Jody Seckinger, agent for the applicant, stated that they are requesting the variance to accommodate the addition of 2 foot cantilevers to the north and south elevations in the airspace of the second and third floors.

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. Jolley, to amend the motion to include “as submitted”.

Roll call vote: Ayes – Hall, Hartkemeyer, Jolley and McGill. Nays - Sellers. Motion carried by a vote of 4 to 1.

Case: BOA #05-100272

Location: Lot 12, Block 16, Pablo Beach South; 505 2nd Avenue South

Applicant: Joshua J. Nugent

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for 45% lot coverage in lieu of 35% maximum; to allow for a new single family dwelling.

The applicant stated that this lot is owned by Patricia Raines who wishes to build a one story, single-family dwelling. He advised that the building will meet the required setbacks.

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. Sellers made a substitute motion to approve a request for 40% lot coverage in lieu of 35% maximum. Motion died from lack of a second.

Mr. Hall made a substitute motion to approve a request for 42% lot coverage in lieu of 35% maximum. Motion died from lack of a second.

Roll call vote: Ayes – Hartkemeyer, Jolley and McGill. Nays – Sellers and Hall. Motion carried by a vote of 3 to 2.

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Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 8:50 P.M.

/lmw

Chairman