

**Minutes of Board of Adjustment Meeting
Held Tuesday, November 1, 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*) (*absent*)
John Moreland

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

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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 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 October 18, 2005, meeting as presented.

Correspondence

There was no correspondence.

Old Business

There was no old business.

New Business:

Case: BOA #05-100289

Location: S 41 ft of Lots 11 & 12, Block 112, Pablo Beach South; 1132 South 1st Street

Applicant: Wayne Oatman

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for a rear yard of 22 feet in lieu of 30 feet required and for 46% lot coverage in lieu of 42% maximum; to allow for a new two family dwelling.

The applicant stated that after his previous variance request was turned down because there was not room in front of each garage for a second vehicle, he has changed his plans to include a two-car garage for each unit. Because the lot is small, he is requesting an addition 4% lot coverage to achieve this.

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

Dean Thompson, 2067 Green Heron Point, Jacksonville Beach, praised the Board for the good job they are doing.

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

Mr. Hall made an amended motion, which was seconded by Mr. Moreland, to add the wording "as submitted".

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

Case: BOA #05-100290

Location: Lot 2, Block 117, Section "A" Jax Beach; 917 11th Street North

Applicant: Cynthia & Gregory Jones

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for a front yard of 10 feet in lieu of 20 feet required; to allow for improvements to a single family dwelling.

The applicant stated that they wish to change their single car garage to a double garage with the entrance facing the front of the house. They advised that rather than requesting a front yard of 10 feet, they are requesting 11 feet instead.

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

Mr. Hall read a letter from Rhonda Johnson, 921 12th Street North, in opposition.

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

It was moved by Mr. Hall, seconded by Mr. Moreland, to change the request to a front yard of 11 feet in lieu of 20 feet required.

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

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 8:00 P.M.

Approved:

/s/Steven Hartkemeyer
Chairman

/lmw

Date: December 6, 2005