

**Minutes of Board of Adjustment Meeting
Held Wednesday, January 4, 2006, 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

Jon Hays, Building Official, and Linda Wilkins, Recording Secretary were 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.”

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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.”

Board members McGill, Hall and Jolley advised that they had a voice mail concerning BOA #05-100371. The other Board members stated that they had no ex-parte communications.

Approval of Minutes

There were no minutes to approve.

Correspondence

There was no correspondence.

Old Business

Case: BOA #05-100291

Location: Lot 4, Block 12, Pablo Beach South; 107 & 109 South 2nd Street

Applicants: Michael McCann & Felix Solaun

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a front yard of 9 feet in lieu of 20 feet required, for a corner side yard of 7 feet in lieu of 20 feet required, for a rear yard of 10 feet in lieu of 30 feet required and for 73.7% lot coverage in lieu of 65% maximum; to allow for substantial renovation of an existing multiple family property and to ensure ability to rebuild renovated structures.

The applicant stated that there are currently 8 units, which includes 2 efficiencies, and he plans to incorporate those two units into the other six. He advised that he plans to stay within the original footprint.

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

Carolyn Herman, 126 South 1st Street, Jacksonville Beach, spoke in opposition.

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

There followed a brief discussion concerning the fact that, should the property be destroyed, with this variance, it could be rebuilt up to three stories as long as the footprint remained the same.

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Mr. Hall made a substitute motion, which was seconded by Mr. Jolley, to approve a request for a front yard of 9 feet in lieu of 20 feet required, for a corner side yard of 7 feet in lieu of 20 feet required, for a rear yard of 10 feet in lieu of 30 feet required and for 73.7% lot coverage in lieu of 65% maximum, limited to a 2 story building as submitted; to allow for substantial renovation of an existing multiple family property and to ensure ability to rebuild renovated structures

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

New Business:

Case: BOA #05-100357

Location: South 39 ft of Lot 8, Block 12, Pablo Beach South; 134 South 1st Street

Applicant: Peter W. Schwab (Coastal Construction Company, LLC)

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a front yard of 7.6 feet in lieu of 20 feet required, for a side yard and corner side yard of 5 feet in lieu of 10 feet required, for a rear yard of 7.6 feet in lieu of 30 feet required and for 72% lot coverage in lieu of 65% maximum; to allow for a new multi-family dwelling.

The applicant stated that he wishes to remove the current three unit structure and replace it with a three story, two unit building. He also advised that they have refigured the lot coverage and will only need 68% instead of the requested 72%. He stated that he is requesting the variance because the lot is only 39' X 75'.

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 opposition:

Ben Rubin, 126 South 1st Street, Jacksonville Beach

Carolyn Herman, 126 South 1st Street, Jacksonville Beach

Dean Thompson, 2067 Green Heron Court, Jacksonville Beach

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

Mr. Hall made a substitute motion, which was seconded by Mr. Jolley, to approve a request for a northerly side yard of 5 feet in lieu of 10 feet required and for 68% lot coverage in lieu of 65% maximum; to allow for a new multi-family dwelling.

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

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Case: BOA #05-100371

Location: Lot 6, Block D2, Ponte Vedra; 4213 Duval Drive

Applicant: Mary Wayne Dixon

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 47% lot coverage in lieu of 35% maximum; to allow for improvements to a single family dwelling.

Terry Simmons, architect for the applicant, stated that they wished to expand the existing 2 car garage to a 3 car garage with a room over the new addition.

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 opposition:

David Dahl, 4112 Duval Drive, Jacksonville Beach
James Boyette, 4115 Duval Drive, Jacksonville Beach
Carter Warren, 4004 Duval Drive, Jacksonville Beach
Holly Boyette, 4115 Duval Drive, Jacksonville Beach

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

There followed a brief discussion concerning the lack of a hardship on a 70' X 241.39' lot.

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

Case: BOA #05-100373

Location: An unsurveyed parcel; 2600 Beach Boulevard

Applicant: Michael Balanky of Chase Properties

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a rear yard of 25 feet in lieu of 30 feet required; to allow for a new multi-family dwelling.

Doug Skiles, engineer for the project, advised that they are requesting the variance to provide sufficient room to park two rows of cars beneath the building, as shown on the site plan. He also advised that they would not be exceeding the 65% lot coverage.

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

Art Meade, 10 Hopson Road, Jacksonville Beach, spoke in opposition.

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

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Mr. Hall made a substitute motion, which was seconded by Mr. Jolley, to approve a request for a rear yard of 25 feet in lieu of 30 feet required, as submitted; to allow for a new multi-family dwelling.

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

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 8:34 P.M.

Submitted by: Linda M. Wilkins

Approved:

Steven Hartkemeyer

Chairman

Date: January 18, 2006