

**Minutes of Board of Adjustment Meeting
Held Wednesday, January 18, 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 Chairperson Steven Hartkemeyer.

Roll Call

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

Charlie Sellers, 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.”

Minutes of Board of Adjustment Meeting
Held Wednesday, January 18, 2006

“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 member McGill advised that he had a telephone conversation concerning BOA #05-100384. 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, to approve the minutes of the December 20, 2005, and the January 4, 2006, Meetings as presented. Motion carried unanimously.

Correspondence

There was no correspondence.

Old Business

There was no old business.

New Business

Case: BOA #05-100383

Location: Lot 11, Block 1, Seaside Park; 1629 South 10th Street

Applicants: Mary & Michael Gallimore

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for 39% lot coverage in lieu of 35% maximum; to allow for improvements to a single family dwelling.

The applicant, Mr. Gallimore, stated that he wants to build a covered patio. He stated the plan is to increase the existing deck [with existing storage shed] and add a roof to protect the lawn furniture from pine tree sap.

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.

Amended Motion: Mr. Hall amended the motion, seconded by Mr. McGill, to approve a request for 39% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling and that the structure remain an open-air deck as per the submitted drawing.

Roll call vote: Ayes – Hall, Hartkemeyer, Jolley, McGill, Moreland; motion carried unanimously.

Minutes of Board of Adjustment Meeting
Held Wednesday, January 18, 2006

Case: BOA #05-100384

Location: W 41.4 feet of Lot 21 & 22, Block 21, Atlantic Shores; 241 South 32nd Avenue

Applicant: Kenneth A. Massey

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 new single-family dwelling.

The applicant, Mr. Massey, stated that the plans are to tear down the existing structure and build a new single family home on the two platted lots, keeping the existing detached garage and driveway. He stated he built the detached garage with the driveway on the irregular size lot last year and without variances.

Mr. Massey stated that he did not know that the driveway pavers counted as lot coverage when he submitted the plans to build on the 11,000 sq. ft. lot. This is what generated the variance request.

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.

A discussion ensued about the 11,000 sq. ft. lot size. It was noted that it is not creating a hardship, suggesting the amount of concrete could be decreased. The consensus of the Board was that this proposed single family use on the two lots is the best use for this area.

Amended Motion: Mr. Hall amended the motion, seconded by Mr. McGill, to approve a request for 44% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling, as per the submitted drawing.

Roll call vote: Ayes – Jolley, McGill, Hall, Hartkemeyer; Nays – Moreland; motion carried with a 4 to 1 vote.

Case: BOA #05-100386

Location: Lot 1, Block 8, Atlantic Shores Div. C R/P; 2816 South 1st Street

Applicant: Joseph & Christina Pattison

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for a front yard of 10.5 feet in lieu of 25 feet required; to allow for conversion of a two-family dwelling into a single family dwelling.

The applicant, Mrs. Pattison, stated that the property was sold back in August 2004; she and her husband held the mortgage. The property suffered hurricane damage in September 2004. The owners defaulted on the mortgage and the Pattison's took back the property in July 2005 and began restoration.

Mrs. Pattison stated they want to convert the existing two-story duplex to a single family home, using the existing footprint of the structure. Mrs. Pattison stated they plan to live there. There is also a garage with an apartment on this property which will remain as rental property.

Minutes of Board of Adjustment Meeting
Held Wednesday, January 18, 2006

Regarding the non-conforming use, Mr. Hays explained that the garage and apartment did not suffer hurricane damage and are not relevant to this request or discussion. The duplex (front structure) was damaged from the hurricanes and this is the only non-conforming use that is changing by converting to single family use.

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

Jack Gregory spoke in favor of the request.

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

Amended Motion: Mr. Moreland amended the motion, seconded by Mr. Hall, to approve a request for a front yard of 10.5 feet in lieu of 25 feet required; to allow for conversion of a two-family dwelling into a single family dwelling, as per the submitted drawing.

Roll call vote: Ayes – McGill, Moreland, Hall, Hartkemeyer, Jolley; motion carried unanimously.

Election of Chairperson and Vice Chairperson

It was moved by Mr. Jolley to reappoint Mr. Hartkemeyer as the Chairperson; motion carried unanimously.

It was moved by Mr. Jolley to appoint Mr. Hall as the Vice Chairperson; motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 7: 50 P.M.

Submitted by: Nancy J. Pyatte

Approved:

/s/Steven Hartkemeyer
Chairman

Date: February 7, 2006