

**Minutes of Board of Adjustment Meeting
held Tuesday, February 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
Steven Hartkemeyer (*Chairperson*)
Bobby Jolley
Terry McGill (*Vice Chairperson*)
John Moreland

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 [Land Development Code] 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.”

“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

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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.”

Ex-Parte Communications

Mr. Moreland, Mr. Hartkemeyer, Mr. Jolley, Mr. Hall, and Mr. McGill stated that they had conversations with Chris Lambertson about his application.

Mr. McGill and Mr. Jolley stated that they had conversations with Mr. Rouse about his application.

Approval of Minutes

It was moved by Mr. McGill, seconded by Mr. Jolley, and passed, to approve the minutes of the January 18, 2006, Meeting as presented.

Correspondence

Mr. Hall stated that there was no correspondence.

OLD BUSINESS:

Case: BOA #05-100369

Location: 315 11th North Avenue and 322 12th Avenue North, Lot 3 and Lot 9, Block 124 Pablo Beach North

Applicant: Ronald A. and Anya Johnson

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for no turning and maneuvering space associated with three parking spaces adjacent to the alley, and for a zero foot parking area set back in lieu of 5 feet, to allow for a new medical office building.

Mr. Franklin, 1048 Sea Gate, stated that he was representing Ms. Johnson and her quest to build a new medical office building. Mr. Franklin went on to explain that the request is due to the irregular shape of the lot.

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

James Williamson, 323 11th Avenue, spoke in favor of the request.
Oleta Serveny, 1631 11th Street South, spoke in favor of the request.

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Anya Johnson thanked the board members and the building department for all of their assistance with this project.

No one spoke in opposition to the project.

John Hays, Building Official advised that this project was located in the C1 district and there are no rear yard setbacks since it is commercial, this property is unique.

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

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

Case: BOA #05-100370

Location: 833 South 8th Avenue, Lot 10, Block 79, Oceanside Park

Applicant: Chris Lambertson

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 40% lot coverage in lieu of 35% maximum to allow for a new two family dwelling.

Chris Lambertson, 203 Beach Avenue, stated that he had previously come before the board with a request of 48% lot coverage. He stated that he had drastically reduced the lot coverage by reducing the house plan.

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

After seeing no one to speak in favor or opposition to the applicant, Mr. Hartkemeyer closed the public hearing.

Roll call vote: Ayes – Hartkemeyer, McGill, and Jolley. Nays – Hall and Moreland. Motion carried 3 to 2.

NEW BUSINESS:

Case: BOA #05-100387

Location: 550 11th Avenue South, Lot 5 and Lot 6, Block 116, Oceanside Park

Applicant: Chris Lambertson

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 40% lot coverage in lieu of 35% maximum to allow for a new two-family dwelling on each of Lots 5 and 6.

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Chris Lambertson, 203 Beach Avenue, stated that there was an original variance request for 42% lot coverage and that was denied so he reworked the house plan that is 40% percent lot coverage.

Mr. Hall asked Mr. Lambertson about the size of the lots - Mr. Lambertson stated that the lot size is 62.5 X 100.

Mr. Hall stated that he did not see the hardship in the request for the 40% lot coverage.

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

Monica Angelo Young, spoke in favor of the request.

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

There was a brief discussion between the board members about whether or not there was a hardship.

Roll call vote: Ayes – Hartkemeyer, McGill, and Jolley. Nays – Hall and Moreland. Motion carried 3 to 2.

Case: BOA #05-100391

Location: The south 4.75 feet of lot 5 and all of lot 6, Block 83, Jacksonville Beach, Section A, 2025 North 9th Street

Applicant: Bruce Corbitt

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 41% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

Bruce Corbitt, 2025 North 9th Avenue, stated that his request for the 41% lot coverage is due to him and his family not having enough room to live adequately. Mr. Corbitt went on to explain that he would be constructing a 2nd story above the carport area. He will also be adding a two-car garage with the improvements.

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

David Willis, 1031 North 1st Street, spoke in favor of the request.

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

Mr. Hall stated that he believed that the applicant did not have a hardship.

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Mr. McGill stated that he liked the improvements that Mr. Corbitt will be making.

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

Case: BOA #05-100393

Location: 2014 Lakeside Drive, Lot 1, Ocean Forest, Unit No. 7

Applicant: Gary and Lisa Rouse

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 41.5% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

Gary Rouse, 144 San Pablo Drive, explained that he and his wife would like to build a single family home with a pool. He also stated that he had spoken to all of his surrounding neighbors and they had signed a petition of approval.

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

Richard Hoffman, 1848 Seagate Avenue, spoke in favor of the applicant.

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

Mr. Jolley stated that normally the board would grant the variance for the lot coverage.

Mr. Hall stated that he did not believe that the applicant had a hardship due the size being big enough to build a home with a pool with out encroaching on the maximum lot coverage.

Mr. Hall suggested that the applicant cut down the size of his house plan.

A brief discussion ensued concerning the size of the applicant's lot and whether or not it presented itself as a hardship.

Roll call vote: Ayes – McGill and Jolley. Nays – Moreland, Hall, and Hartkemeyer. Motion denied 3 to 2.

Case: BOA #05-100394

Location: 3023 South Ocean Drive, Lot 4 Block 1, Atlantic Shores, Ocean Front Section, Division B

Applicant: Steve and Beverly Tremel

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a front yard of 18.2 feet in lieu of 25 feet required, and for a rear yard of 28.7 feet in lieu of 30 feet required to allow for substantial improvement to a single-family dwelling.

Beverly Tremel, 3023 South Ocean Drive, stated that in December when she appeared in front of the board, she had requested 24.7 of the a rear yard setback in lieu of the 25 feet. After the variance was granted - Mr. Hays, the building official realized that there was a clerical error and in fact, the variance that was to be requested was 28.7 rear yard set back. Ms. Tremel displayed a schematic of what the house currently looks like and a schematic of what the house will look like with the improvement.

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

Robert Bruce, 3311 South Ocean Drive, spoke in favor of the applicant.

Tim Franklin, 1048 Sea Gate, stated that he is asking the board to consider limiting the motion to the site plan that has been presented.

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

There was a brief discussion regarding the motion.

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a front yard of 18.2 feet in lieu of 25 feet required, and for a rear yard of 28.7 feet in lieu of 30 feet required to allow for substantial improvement to a single family dwelling, and to be limited to the site plan as presented.

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

Case: BOA #05-100395

Location: 1088 North 20th Street

Applicant: David and Cindy Willis

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

David Willis, 1088 North 20th Street stated that he would like to construct a two-car garage. Mr. Willis also stated that all of his neighbors are approve of his intended improvements to his home.

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.

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Mr. McGill stated that he thinks that the improvements that the applicant is proposing will improve the neighborhood parking tremendously.

Roll call vote: Ayes – McGill, Jolley, and Hartkemeyer. Nays – Moreland and Hall. Motion carried 3 to 2.

Case: BOA #06-100002

Location: Paul W. Nichols

Applicant: 3113 Pullian Court

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 41% lot coverage in lieu of 35% maximum and for turf block in lieu of concrete or asphalt paving for a vehicle use area to allow for a new single-family dwelling.

Paul Nichols, 4400 Marsh Landing Pkwy, Suite 6, stated that he would like to be able to build a two-story home with a two-car garage because it would be more marketable to buyers.

Mr. Nichols submitted for the record a map of the houses that previously received variances.

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. Hall stated that the normal lot size is 7500 square feet, and Mr. Nichols property only has 6000 square feet. This does create a hardship.

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

Case: BOA #06-100003

Location: 3154 Horn Court

Applicant: Paul W. Nichols

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 42.5% lot coverage in lieu of 35% maximum and for turf block in lieu of concrete or asphalt paving for a vehicle use are to allow for a new single-family dwelling.

Paul Nichols, 4400 Marsh Landing Pkwy, Suite 6, explained that he wanted to put in a back patio on the house. Mr. Nichols also stated that having a two-car garage would be more marketable to buyers.

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.

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Mr. Hall asked the applicant what the difference was between the current request and the previous request.

Mr. Nichols stated that the only difference is the house plan.

Mr. Hall stated that this property is only 6000 square feet and that the applicant does have a hardship.

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

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 9:45 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/ Steven Hartemeyer
Steven Hartkemeyer, Chairman

Date: February 21, 2006