

**Minutes of Board of Adjustment Meeting
Held Tuesday, March 21, 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*) (*absent*)
John Moreland

Charlie Sellers, Alternate
Joseph Loretta

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

The Board members stated that they had no ex-parte communications.

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve the minutes of the February 21, 2006, meeting as presented.

Correspondence

There was no correspondence.

Old Business

There was no old business.

New Business:

Case: BOA #06-100034

Location: Lot 9, Block 125, Oceanside Park; 409 South 13th Avenue

Applicant: C. Jay Sengstacke

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 improvements to a single family dwelling.

The applicant stated that he wishes to add a fourth bedroom to his house. He advised that his hardship was that the minimum lot area in RS-2 zoning is 7,500 sq. ft. and his lot is only 6,250 sq. ft.

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

Celeste Goode, 408 13th Avenue South, Jacksonville Beach, spoke in favor.

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

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

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Case: BOA #06-100035

Location: E 50 ft of the S 60 ft of the N 20 ft of Lot 1, Block 29, Pablo Beach South; 276 8th Street South

Applicant: Gary R. Petersen

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a front yard of 12.3 feet in lieu of 20 feet and for a side yard and corner side yard of 8 feet in lieu of 10 feet and 13 feet respectively and for a rear yard of 10 feet in lieu of 30 feet required, for 49% lot coverage in lieu of 35% maximum and for 2 on-site parking spaces in lieu of 4 spaces required; to allow for a new two-family dwelling.

The applicant stated that he is requesting the variance because the lot is only 50'x 60', which is substandard in size.

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

Bobbie Ramsey, 811 Lincoln Court, Jacksonville Beach, had questions about what the applicant was going to build on the property.

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

There followed a discussion concerning the lack of parking and the large amount of the front yard setback variance request.

Mr. Hall made a substitute motion, which was seconded by Mr. Jolley, to approve a request for a front yard of 17 feet in lieu of 20 feet, for a side yard and corner side yard of 8 feet in lieu of 10 feet and 13 feet respectively, for a rear yard of 10 feet in lieu of 30 feet required and for 49% lot coverage in lieu of 35% maximum; to allow for a new two-family dwelling.

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

Case: BOA #06-100036

Location: Lot 6, Block 15, Ocean Terrace; 110 North 20th Avenue

Applicant: Stephen Altman

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for an easterly side yard of 6 feet in lieu of 10 feet, for a rear yard of 15 feet in lieu of 30 feet and for 54% lot coverage in lieu of 35% maximum; to allow for a new two-family dwelling.

The applicant advised that he wished to build a three-story duplex with two-car garages. He stated that he is requesting the variance because the lot is non-conforming and substandard in size.

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

Mary Frances Ouellette, 1777 Park Terrace West, Atlantic Beach, owner of the property, spoke in favor.

The following people spoke in opposition:

Gary Harlow, 124 20th Avenue North, Jacksonville Beach
John Streamo, 189 19th Avenue North, Jacksonville Beach

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

Following a lengthy discussion concerning the large amount of lot coverage as well as the rear yard coverage, Mr. Hall made a substitute motion, which was seconded by Mr. Jolley, to approve a request for an easterly side yard of 6 feet in lieu of 10 feet and for 43% lot coverage in lieu of 35% maximum; to allow for a new two-family dwelling.

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

Case: BOA #06-100041

Location: Lot 3, Block 202, Jax Beach Terrace

Applicant: Rita W. Carstens

Motion: It was moved by Mr. , seconded by Mr. , to approve the request for 40% lot coverage in lieu of 35% maximum and for a rear yard of 24.5 feet in lieu of 30 feet required; to allow for improvements to a single family dwelling.

The applicant stated that she wishes to build a screened porch onto the rear of the house.

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. Moreland made an amended motion, which was seconded by Mr. Hall, to approve a request for 40% lot coverage in lieu of 35% maximum and for a rear yard of 24.5 feet in lieu of 30 feet required, as submitted and discussed; to allow for improvements to a single family dwelling.

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

Case: BOA #06-100044

Location: Lots 10, 11 & 12, Block 113, Pablo Beach South; 209, 211 & 213 South 12th Avenue

Applicant: Victor Ballestas

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Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a westerly side yard of 3.3 feet in lieu of 10 feet required and an easterly corner side yard of 6.5 feet in lieu of 20 feet required, for a rear yard of 2.8 feet in lieu of 30 feet required and for 73% lot coverage in lieu of 65% maximum; to allow for substantial improvements to a multi-family use property.

John Merritt, representing the applicant, stated that he wishes to completely remodel the three buildings that are currently on the property. The lot coverage and variances in the request and what is already there.

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

William Black, 1122 ½ South 1st Street, Jacksonville Beach, spoke in opposition.

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

Mr. Moreland made an amended motion, which was seconded by Mr. Jolley, to approve a request for a westerly side yard of 3.3 feet in lieu of 10 feet required and an easterly corner side yard of 6.5 feet in lieu of 20 feet required, for a rear yard of 2.8 feet in lieu of 30 feet required and for 73% lot coverage in lieu of 65% maximum, limited to the plan as submitted; to allow for substantial improvements to a multi-family use property.

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

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 8:15 P.M.

Submitted by: Linda M. Wilkins

Approval:

/s/Steven Hartkemeyer
Steven Hartkemeyer, Chairman

Date: April 4, 2006