

**Minutes of Board of Adjustment Meeting
Held Tuesday, April 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 Chairperson Steven Hartkemeyer.

Roll Call

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

Jon Hays, Building Official, and Recording Secretary Amber Lehman 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

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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 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.”

Mr. Hartkemeyer and Mr. McGill both stated that they had conversations with Mr. Glendenning in reference to Case No. BOA 06-100049.

Mr. Moreland stated that he had a conversation with Mr. Berkstresser in reference to Case No. BOA 06-100054.

Approval of Minutes

It was moved by Mr. Hall, seconded by Mr. Jolley, and passed, to approve the minutes from the meetings held on March 7, 2006, and March 21, 2006, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case: BOA 06-100045

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

Applicant: Gary & Lisa Rouse

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 a new single-family dwelling and swimming pool.

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The applicant, Mr. Rouse, advised the board that the reason for his request is due to an irregular shaped lot. He also stated that he wishes to build a pool with a screen enclosure.

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

Richard Hoffman, spoke in favor.

Lisa Rouse, 2014 Lakeside Drive, spoke in favor.

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

A discussion ensued about the size of the lot and the fact that it is 20% larger than most lots, therefore not creating a hardship.

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

Case: BOA 06-100049

Location: 609 South 11th Avenue, Lot 11, Block 107, Oceanside Park.

Applicant: Murray Glendenning

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 56% lot coverage in lieu of 48% maximum to allow for a swimming pool addition to a single-family dwelling.

The applicant, Mr. Murray, stated that he is requesting a variance request so that he and his family can have a pool. Mr. Murray also advised the board that his hardship is that the house was built in 1950 with a detached garage which has a 90 foot long driveway which takes up a considerable amount of lot coverage.

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

Tony Komarek, 533 11th Ave South, spoke in favor.

Mr. Hall stated, for the record, that a petition was submitted containing nine signatures in favor of the variance request.

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

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A brief discussion ensued about the fact that there is already 55% lot coverage associated with the property.

Roll call vote: Ayes –McGill and Hartkemeyer; Nays - Moreland, Jolley, and Hall. Motion was denied by a vote of 3 to 2.

Case: BOA 06-100053

Location: 1702 North 12th Avenue, Lot 1 and the North 33 feet of Lot 2, Block 15, Jacksonville Beach, Section A

Applicant: Katherine R. & George W. Deem

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a front yard of 19.8 feet in lieu of 20 feet required, 34-337 (e)(1) c.2, for a corner side yard of 11.1 feet in lieu of 16.6 feet required, 34-337 (e)(1) c.3, for a rear yard of 19.8 feet in lieu of 30 feet required, 34-337 (e)(1) e, for 43% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

James McCue, agent for the applicants, stated that the applicant has a family of six and has recently had to begin providing care for an ailing mother with a severe illness. In view of the family's size and needs, the applicants would like to enlarge their home by 900 square feet.

Mr. Moreland asked Mr. McCue if the pool deck and terrace had been installed.

Mr. McCue stated that the pool deck has been installed but the terrace has not.

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

Kathy Deem, 1702 North 12th Avenue, stated that the pool deck was installed before the addition was so that she could use the dirt for the foundation of the new addition.

Ben Ray, 10105 Lake Beeker Road West, spoke in favor.

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

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Moreland, to approve a request for a front yard of 19.8 feet in lieu of 20 feet required, 34-337 (e) (1) c.2, for a corner side yard of 15.6 feet in lieu of 16.6 feet required, 34-337 (e) (1) c.3, for a rear yard of 19.8 feet in lieu of 30 feet required, 34-337 (e) (1) e,

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for 43% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling and to limit the structure to one story.

Following discussion, board members agreed that the applicant does have some personal hardships, however, they questioned whether there was a hardship concerning the lot that would allow the variance request to be approved.

Roll call vote on Amended Motion: Ayes – McGill and Jolley; Nays – Hall, Moreland, and Hartkemeyer. Motion was denied by a vote of 3 to 2.

Case: BOA 06-100054

Location: 423 St. Augustine Boulevard, Lots 18 and 19, Block 8, Replat of Unit No. 1 Atlantic Shores

Applicant: Theodore D. Berkstresser

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a rear yard of 21.7 feet in lieu of 30 feet required to allow for an addition to a single-family dwelling.

The applicant, Mr. Berkstresser, stated that he currently has a flat roof on his home; he would like to make improvements by adding a pitched roof. He also stated that he would like to put another story on to his home for more living space as well as adding a garage.

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

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

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

Case: BOA 06-100058

Location: 1207 North 21st Street, the southerly 2.5 feet of Lot 4, Lot 5, and Lot 6, Block 22, Jacksonville Beach, Section “A”.

Applicant: Charles W. & Tracy L. Coker

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a corner side yard of 6 feet in lieu of 14 feet required and 34-337(e)(1) e, for 40% lot coverage in lieu of 35% maximum to allow for substantial renovation and addition to a single-family dwelling.

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The applicant, Tracy Coker, 1207 North 21st Street, stated that the main house sits on Lot 6; the garage sits on Lot 5. She explained that she would like to clear Lot 5 for resale, and make improvements to the existing house on Lot 6. Ms. Coker added that she and her husband have six children and she would like to add a two-car garage to the existing house.

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

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

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Moreland, to amend the original motion by limiting the request to Lot 6 only; as the variance being requested had no bearing on Lots 4 and 5.

Roll call vote on Amended Motion: Ayes – Jolley; Nays – Moreland, Hall, Hartkemeyer, and McGill. Motion was denied by a vote of 4 to 1.

Case: BOA 06-100059

Location: 578 South 6th Avenue, Lots 6 and 7, Block 6, Oceanside Park.

Applicant: William Stang

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a front yard of 15 feet in lieu of 20 feet required, 34-337 (e) (1) c.3, for a rear yard of 18 feet in lieu of 30 feet required, 34-337 (e) (1) e, for 52% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling.

The applicant, William Stang, stated that he would like to expand his garage and add a covered deck in his backyard. Mr. Stang also stated that he is trying to reduce parking on the street.

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

Larry Lamb, 317th Oak Street, Neptune Beach spoke in favor.

The following people spoke in opposition:

Catherine Fletcher 576 6th Avenue South, Jacksonville Beach

Carl Smith, 881 12th Avenue South, Jacksonville Beach

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a rear yard of 18 feet in lieu of 30 feet required 34-337 (e)(1) e, for 52% lot

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coverage in lieu of 35% maximum to allow for a new single-family dwelling located at 578 South 6th Avenue, Lot 6, Oceanside Park.

Amended Motion No. 2: It was moved by Mr. Moreland to limit the lot coverage to 49%. The motion died due to lack of a second.

There was a brief discussion about the fact that there is a hardship associated with this lot since it is only 50 X 100.

Roll call vote on Amended Motion: Ayes – McGill, Jolley, Hartkemeyer, Hall; Nays - Moreland. 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 9:18 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Steven Hartkemeyer
Steven Hartkemeyer, Chairman

Date: April 18, 2006