

**Minutes of Board of Adjustment Meeting
Held Tuesday, April 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 (*Absent*)
Terry McGill (*Vice Chairperson*) (*Absent*)
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 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

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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 stated that he had a conversation with Mr. Chandler in reference to Case BOA 06-100073

Approval of Minutes

It was moved by Mr. Moreland, seconded by Mr. Sellers, and passed, to approve the minutes of the meeting held April 4, 2006, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case: BOA 06-100062

Location: 1008 North 7th Street, Lot 25, Block 8, Beach Homesites, Unit 1.

Applicant: Mrs. Daniele Benedict

Motion: It was moved by Mr. Hall, seconded by Mr. Moreland to approve a request for 40% lot coverage in lieu of 35% maximum to allow for a new single-family dwelling and swimming pool.

The applicant, Ms. Benedict, stated that she would like to have a pool in her back yard.

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

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

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

Case: BOA 06-100068

Location: 51 Tallwood Avenue, Lot 8, Block 25, Ocean Forest Unit 11.

Applicant: Stephen and Frances Shapiro

Motion: It was moved by Mr. Hall, seconded by Mr. Loretta to approve a request for 48% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling.

The applicant, Ms. Frances, stated that she is requesting a variance request so that she and her husband can have a pool. Mr. Murray also advised the board that she has a much older house and the size is rather small.

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.

There followed a brief discussion about the fact that there is already 41% lot coverage associated with this property.

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Sellers, to approve a request for 46% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling.

Roll call vote: Ayes – Sellers, Loretta, Hall, and Hartkemeyer; Nays – Moreland. Motion carried 4 to 1.

Case: BOA 05-100072

Location: 534 North 17th Avenue, Lot 15, Block 6, Surf Park, Unit 1.

Applicant: Jeffrey Flaig

Motion: It was moved by Mr. Hall, seconded by Mr. Loretta, to approve a request for 38% lot coverage in lieu of 35% maximum, and for an engineered paving system in lieu of asphalt or concrete to allow for a new single-family dwelling.

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The applicant, Jeffrey Flaig, stated that when he appeared before the Board in February, the board advised him to lower his lot coverage request. Mr. Flaig reported that he has done just that by installing a geo block that would allow grass to grow within the webbed area. Mr. Flaig also stated that his hardship was the need for additional space to allow for additional family members to move in.

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

The following people spoke in favor:

Robert Smith, 3809 Vickers Lake Drive, Jacksonville
Donald Moore, 606 North 17th Avenue, Jacksonville Beach

No one spoke in opposition.

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

There was a brief discussion about the fact that the lot is an oversized lot and therefore does not create a hardship for a variance for lot coverage, but agreed that the engineered paving system would be beneficial for drainage.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Hall to approve a request for an engineered paving system in lieu of asphalt or concrete.

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

Case: BOA 06-100073

Location: 1102 North 18th Avenue, Lots 12, Block 3, San Pablo Terrace.

Applicant: Wayne M. and Christine C. Chandler

Motion: It was moved by Mr. Hall, seconded by Mr. Loretta, to approve a request for an easterly yard of 7.5 feet in lieu of 10 feet required to allow for improvements to a single-family dwelling.

The applicant, Mr. Chandler, stated that he has an irregular shaped lot, instead of a rectangular lot it is a pie shape. Mr. Chandler also stated that the addition will be 306 square feet.

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

The following people spoke in favor:

Shelly McCarthy, Jacksonville Beach
Jim Golding, 1203 North 18th Avenue, Jacksonville Beach

No one spoke in opposition.

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

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

Case: BOA 05-100075

Location: 116, 126, & 130 South 2nd Avenue & 215 South 2nd Street

Applicant: Terry Anderson (Beaches Development Group, LLC)

Motion: It was moved by Mr. Hall, seconded by Mr. Moreland, to approve a request for a rear yard of 20 feet in lieu of 30 feet required to allow for a new multi-family development.

The applicant, Terry Anderson, stated that the proposed plan is for 12 units each with a two car garage. Mr. Anderson also stated that the proposed units will look very similar to the property across the street.

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.

A brief discussion ensued about the alley way and whether or not it would be a two way access, and if it will be paved.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Hall, to approve a request for a rear yard of 20 feet in lieu of 30 feet to allow for a new multi-family development, but to limit the plans as submitted and discussed.

Roll call vote: Ayes –Loretta, Hartkemeyer, Hall, and Moreland; Nays – Sellers. Motion carried 4 to 1.

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Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 8:05 P.M.

Submitted by: Amber Maria Lehman

Approval:

/s/Steven Hartkemeyer
Steven Hartkemeyer, Chairman

Date: May 16, 2006