

**Minutes of Board of Adjustment Meeting
Held Tuesday, May 2, 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*)
John Moreland (*Absent*)
Charlie Sellers
John Loretta

Also present were Jon Hays, Building Official, and Amber Lehman, Recording Secretary.

Opening Statement

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

Minutes of Board of Adjustment Meeting
held Tuesday, May 2, 2006

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. Sellers stated that he had a conversation with Mr. Aquino in reference to Case BOA 06-100079.

Approval of Minutes

Because the minutes from the April 18, 2006, meeting was received late by some board members, the minutes were tabled until the next meeting.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case: BOA 06-100078

Location: 1204 North 21st Street, Lot 6 and the South 20 feet of Lot 5, Block 23,
Jacksonville Beach, Section “A”

Applicant: Mr. Michael Caudill

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

The applicant, Mr. Caudill, stated that he would like to have a pool in her back yard for their children to enjoy.

Minutes of Board of Adjustment Meeting
held Tuesday, May 2, 2006

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 – Sellers, Hall, Hartkemeyer, Loretta, and McGill. Motion carried unanimously.

Case: BOA 06-100079

Location: 140 South 30th Avenue, Lot 5, Block 8, Atlantic Shores, Division “B”

Applicant: Carlos Aquino

Motion: It was moved by Mr. Hall, seconded by Mr. Loretta to approve a request for 44% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling.

The applicant, Mr. Aquino, stated that he would like to have a pool in his backyard so that their children will have a safe place to play, since his neighborhood does not have adequate sidewalks.

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 – Sellers, Loretta, Hall, McGill and Hartkemeyer. Motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 7:15 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/Steven Hartkemeyer

Steven Hartkemeyer, Chairman

Date: June 6, 2006