

**Minutes of Board of Adjustment Meeting
Held Tuesday, May 16, 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 (*Absent*)
Steven Hartkemeyer (*Chairperson*)
Bobby Jolley
Terry McGill (*Vice Chairperson*)
John Moreland (*Absent*)
Charlie Sellers
Joseph Loretta

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

Mr. Hartkemeyer read the following statement into the record:

“The 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.”

“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. Moreland both stated that they had conversations with Mrs. Wylie in reference to Case No. BOA 06-100077.

Approval of Minutes

It was moved by Mr. Jolley, seconded by Mr. Sellers, and passed, to approve the minutes of the meeting held on April 18, 2006, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case No.: BOA 06-100077

Location: 1902 South Ocean Drive, Lots 1 and 6, and the North ½ of Lot 5, Block K,
Permenter’s Replat of South Pablo or Atlantic Camp Grounds

Applicant: Janet C. Wylie

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley to approve a request for a front yard of 8 feet in lieu of 20 feet required, 34-340 (e) (3) c.2, for a southerly side yard of 5 feet in lieu of 10 feet required, and 34-340 (e) (3) e, for 79% lot coverage in lieu of 65% maximum to allow for improvements to an existing multi-family residential structure.

The applicant, Mrs. Wylie, 1905 Bowling Green Trail, Raleigh, NC, stated that there are currently 3 residences associated with the property. Her plans are to increase the garage size so that she may be able to park two cars inside as opposed to parking on the side of the house. Mrs.

Wylie also stated that she plans on expanding the third floor across the existing second floor to increase the living space.

Mrs. Wylie presented the board with a power point presentation for their review and for the record.

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

George Wilson, 1893 Ocean Drive, did not speak for or against this project, but did express concerns about the process of figuring out the existing building foot print.

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

A discussion ensued regarding the existing setbacks.

1st Amended Motion: It was moved by Mr. McGill, seconded by Mr. Jolley to approve a request for a front yard of 8 feet in lieu of 20 feet required, 34-340 (e) (3) c.2, for southerly side yard of 5 feet in lieu of 10 feet required, and 34-340 (e) (3)e, for 79% lot coverage in lieu of 65% maximum to allow for improvements to an existing multi-family residential structure as submitted.

Mr. Moreland stated that he wanted to further amend the amended motion by decreasing the lot coverage and increasing the front yard setback.

2nd Amended Motion: It was moved by Mr. Moreland, seconded by Mr. McGill to approve a request for a front yard of 11.5 feet in lieu of 20 feet required, 34-340 (e) (3)c.2, for a southerly side yard of 5 feet in lieu of 10 feet required, and 4-340(e) (3) e, for 75% lot coverage in lieu of 65% maximum limited to the plan as submitted during the meeting, to allow for non-substantial improvements to an existing multi-family residential structure as submitted.

Roll call vote on 2nd Amended Motion: Ayes – Sellers, Hall, Hartkemeyer, Loretta, and McGill. Motion carried unanimously.

Case No.: BOA 06-100087

Location: 1226 North 20th Street, Lot 5, Block 21, Jacksonville Beach, Section “A”

Applicant: Tobias Kraut & Oliver Kraut

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

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The applicant, Mr. Tobias Kraut, stated that he has been before the board before and took the advice of the board to reduce the lot coverage. Mr. Kraut went on to explain that he has a substandard lot, therefore creating a hardship.

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, Jolley, Sellers, Hartkemeyer, and McGill. Motion carried unanimously.

Case No.: BOA 06-10088

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

Applicant: Katherine & George Deem

Motion: It was moved by Mr. McGill, 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 15.7 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, and 34-337 (e)(1) e, for 39 % lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling.

The applicant, Katherine Deem, stated that her previous request had been denied. Ms. Deem also stated that although her hardship had not changed, she did take the board’s advisement to reduce her lot coverage.

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

George Deem, 1702 North 12th Street, Jacksonville Beach, spoke in favor.

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 applicant did a good job with the recommendations that the board had given.

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

Case: BOA 06-10090

Location: 2742 Lois Lane, Lot 9, Roberts Hammock

Applicant: John & Lynn Kurtz

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Motion: It was moved by Mr. McGill, seconded by Mr. Jolley to approve a request for 43 % lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling.

The applicant, John Kurtz, stated that he has three children and he would like to add a swimming pool to their home. Mr. Kurtz continued to say that his lot is a substandard lot, therefore creating a hardship. He added that his plan is to install brick pavers as the pool deck.

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 was a brief discussion among the board members about the lot being smaller than the minimum size lot.

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

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 8:10 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/Steven Hartkemeyer
Steven Hartkemeyer, Chairman

Date: June 20, 2006