

**Minutes of Board of Adjustment Meeting  
Held Tuesday, June 6, 2006, at 7:00 P.M.  
in the Council Chambers, 11 North 3<sup>rd</sup> 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, was 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.”

### **Approval of Minutes**

It was moved by Mr. Jolley, seconded by Mr. Moreland, and passed, to approve the minutes of the meeting held on May 16, 2006, as presented.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

#### **Case: BOA 06-100101**

**Location:** 29 South 20<sup>th</sup> Avenue, Lot 3, Block K, Permenters Replat of South Pablo or Atlantic Camp Grounds

**Applicant:** Robert Ford

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a front yard of 9 feet in lieu of 20 feet required, 34-340 (e) (3) c.2, for a rear yard of 7 feet in lieu of 30 feet required and for 55 % lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

Tim Franklin, agent for the applicant, 418 Seagate Avenue, stated that this application had previously come before the board a couple of months ago. The original application was denied for 60 percent lot coverage. Mr. Franklin also explained the Mr. Ford went back to the architect to significantly reduce the lot coverage, rear and front yard setback request. The side yard setback has been completely eliminated. Mr. Franklin also stated that the hardship was the fact that the lot is extremely small, irregular shaped, as well as non conforming.

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

Mr. Hall stated that there is one letter in opposition to the application from Mr. Steven Williams. Seeing no one else who wished to address the board, Mr. Hartkemeyer closed the public hearing.

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A brief followed about the balconies being left open or closed. It was then decided to amend the motion.

**Amended Motion:** It was moved by Mr. McGill, seconded by Mr. Moreland, to approve a request for a front yard of 9 feet in lieu of 20 feet required, 34-340 (e) (3) c.2, for a rear yard of 7 feet in lieu of 30 feet required and for 55 % lot coverage in lieu of 35 % maximum to allow for a new single family dwelling, as submitted with the balconies remaining open air.

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

**Case: BOA 06-100102**

**Location: 483 South 11<sup>th</sup> Avenue, Lot 7, Block 105, Oceanside Park**

**Applicant: Rick and Anna Rocktoff**

**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 single-family dwelling.

The applicant, Mr. Rick Rocktoff, stated that he would like to build a patio across the back of his home, the size being 10'x 30'. Mr. Rocktoff also stated that his lot is a lot narrower than his fellow neighbors' are.

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

Mr. Hall stated that there is a petition signed by 8 neighbors in favor of the application.

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

A brief discussion ensued about the patio being enclosed.

Mr. McGill stated that he wanted to amend the motion to include "as submitted and discussed".

**Amended Motion:** It was moved by Mr. McGill, seconded by Mr. Moreland, to approve a request for 39% lot coverage in lieu of 35% maximum to allow for a single-family dwelling as submitted and discussed.

**Roll call vote:** Ayes – Jolley, Hall, Hartkemeyer, and McGill. Nays – Moreland. Motion carried 4 to 1.

**Case: BOA 06-100105**

**Location: 2450Sst. Johns Blvd, Lot 13, Block 4, Jacksonville Beach Heights**

**Applicant: Marian and Justin Lee**

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**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a, for 39.5% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

The applicant, Mr. Justin Lee, stated that he would like to put in a pool in his backyard, so that his 2-year old will have a safe place to swim. Mr. Lee also stated that he did have support from his fellow neighbors for putting in a swimming pool.

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

Mr. Hall stated that there was a petition with three names in support of the variance request.

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

There followed a brief discussion about the request being very minimal and that if the variance was granted it will have little or no impact on the surrounding properties.

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

**Case: BOA 06-100106**

**Location: 133 & 135 South 13<sup>th</sup> Avenue, Lot 7 & Lot 8, Block 122, Pablo Beach South**

**Applicant: Robert Boyd Enterprises, LLC.**

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a corner side yard of 10 feet in lieu of 20 feet required, and for a rear yard of 15 feet in lieu of 30 feet required to allow for a multi-family dwelling.

The agent for Boyd Enterprises, Randy Deloach, stated that the adjacent properties at 133 and 135 13<sup>th</sup> Street would be combined to build new homes. There are currently a duplex existing on each lot that are at present time non conforming. When the existing structures are removed and a new structure built with current setback requirements, it will then result in a hardship to the neighborhood by eliminating five public parking spaces. If the Board of Adjustment will allow a ten-foot side yards setback and a fifteen-foot rear yard setback then the building can be raised and all parking can be placed under the building. The applicant also stated that they will then be able to add four additional parking spaces along 13<sup>th</sup> Avenue South.

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 of the applicant:

John Atkins, 112<sup>th</sup> 7<sup>th</sup> Avenue South, Jacksonville Beach.

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Craig Aklin, Jacksonville Beach.  
Lane Coslow – 12 South 2<sup>nd</sup> street, Jacksonville Beach.  
Dave Bowler, Jacksonville Beach.  
Robert Handmaker, Jacksonville Beach.

The following person spoke in opposition:

William Black, Jacksonville Beach.

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

A discussion ensued concerning the parking situation and how it could be improved if the applicant built eight-units with parking underneath the structures; and the addition of parking spaces along 13<sup>th</sup> Avenue South.

Mr. Hall stated that he wanted to amend the motion by requiring the applicant to include six offsite parking spaces, excluding the two spaces in the alley.

**Amended Motion:** It was moved by Mr. Hall, seconded by Mr. Moreland, to approve a request for a corner side yard of 10 feet in lieu of 20 feet required; and for a rear yard of 15 feet in lieu of 30 feet required; to allow for a multi-family dwelling with six offsite parking spaces, excluding the two parking spaces adjacent to the alley way, as submitted and testified to.

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

**Case: BOA 06-100107**

**Location: 2825 St. Johns Blvd, Lot 4, Block 8, Jacksonville Beach Heights**

**Applicant: Marty Cline**

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 49 % lot coverage in lieu of 44% maximum to allow for improvements a single-family dwelling.

The applicant, Marty Kline, stated that there was an error on the variance request and requested that the application be tabled until it could be corrected.

**Case: BOA 06-100108**

**Location: 1100 Shetter Avenue, part of Lot 4, of an unrecorded subdivision known as West Pablo, situation in Government Lot 6, Section 33.**

**Applicant: Ronald and Misti Stephens**

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**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 0' parking area setback in lieu of 5' minimum along the westerly property boundary, and 34-377, for 25 spaces in lieu of 26 spaces required to allow for a new office/warehouse mixed-use building.

The agent for the applicant, Paul Eakin, stated that when the property was being developed, a gas line was found on the property that belonged to the adjacent property owner, Ferrell Gas. Currently there are nineteen parking spaces, when the gas line is secure; six more parking spaces will be added, with one of them being a handicapped parking space.

Mr. Hartkemeyer opened the public hearing.

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

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

**Adjournment**

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 8:45 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/Steven Hartkemeyer  
Steven Hartkemeyer, Chairman

Date: July 18, 2006