

**Minutes of Board of Adjustment Meeting
Held Tuesday, June 20, 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*) (*Absent*)
John Moreland
Charlie Sellers
Joseph Lorretta

Jon Hays, Building Official and Amber Lehman, Recording Secretary 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

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.”

There were no ex-parte communications by the board.

Approval of Minutes

It was moved by Mr. Sellers, seconded by Mr. Jolley, and passed, to approve May 16, 2006 minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case: BOA 06-100011

Location: 514 North 1st Street, the North ½ of Lot 7, except the South 4.75 feet of the West 37.5 feet thereof, and all of the North ½ of Lot 8, Block 52, Pablo Beach North

Applicant: Keith Doherty and Sean Lynch

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 0’ additional parking spaces in lieu of 15 parking spaces required to allow for a 1500 square foot addition to an existing bar/tavern/restaurant.

Mr. Hays stated that the applicant had submitted a letter requesting that the request be postponed until further notice.

Case: BOA 06-100115

Location: 2385 Oak Forest Drive, Lot 11, Oak Forest Estates

Applicant: Dan Lofton

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a rear yard of 27 feet in lieu of 30 feet required, for 53% lot coverage in lieu of 35%

Minutes of Board of Adjustment
Held on June 20, 2006

maximum to allow for improvements and to ratify non-conformity to a single family dwelling.

The applicant, Daniel Lofton, stated that he is requesting a variance request due to the expansion of his family. The proposed addition will be added onto the master bedroom. It will be two stories high.

Mr. Hartkemeyer opened the public hearing and asked if anyone wished to speak in favor 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 applicant be submitted with the existing lot coverage already being 48%.

Mr. Jolley stated that he would like to make a substitute motion for 49% in lieu of 35% lot coverage.

Amended Motion: It was moved by Mr. Jolley, seconded by Mr. Sellers, to approve a request for a rear yard of 27 feet in lieu of 30 feet required, and for 49% lot coverage in lieu of 35% maximum to allow for improvements and to ratify non-conformity to a single family dwelling, as submitted.

Roll call vote on amended motion: Ayes – Hall, Hartkemeyer, Jolley, and Moreland. Nays – Sellers. Motion carried 4 to 1.

Case: BOA 06-100117

Location: 1020 Theodore Avenue, Lots 16 &17, Block 8, Williams Coastal Boulevard Heights

Applicant: Vantage Homes, LLC.

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a, for 48% lot coverage in lieu of 35% maximum to allow for a new 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 will be putting in pavers around the pool as well as the walkway to the pool from the house.

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 with 3 names of support from neighbors for the variance request.

Minutes of Board of Adjustment
Held on June 20, 2006

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

There followed a brief discussion about the lot coverage request being exceedingly high. Mr. Jolley stated that he would feel more comfortable if the lot coverage was less than 48%.

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

Roll call vote on amended motion: Ayes – Moreland, Jolley, Sellers, Hartkemeyer, and Hall.
Motion carried unanimously.

Case: BOA 06-100118

Location: 1507 South 2nd Street, Lot 6, Block 152, Pablo Beach South.

Applicant: Bennette Pittman

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a side yard of 6 feet in lieu of 10 feet required, for a rear yard of 17 feet in lieu of 30 feet required to allow for the conversion of two-family dwelling into a multi-family dwelling.

The applicant, Bennette Pittman, stated that she currently owns a duplex that she would like to tear down so that she can build a new construction multi-family dwelling, which will consist of three units. She advised that her proposed project will be consistent with the Comp Plan. Ms. Pittman added that her reasoning for wanting to do this project is so that she will be able to retire on the profits of her proposed rental income.

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

Mr. Hall stated that there were two letters in favor of the request.
Bert Hernandez, 1507 2nd Street South, Apt. 2A, Jacksonville Beach
Mary Belser, 134 South 15th Avenue, Jacksonville Beach

The following people spoke in opposition:

Jim Overby, 21 Earl Way, Jacksonville Beach
Ray Kittling, 139 15th Ave South, Jacksonville Beach

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

Mr. Hall stated that he wanted to amend the motion to include the verbiage “as submitted and discussed”.

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Sellers, to approve a request for a side yard of 6 feet in lieu of 10 feet required, for a rear yard of 17 feet in lieu of 30 feet required to allow for the conversion of two-family dwelling into a multi-family dwelling as submitted and discussed. .

There was a discussion about the fact that there really wasn't justification for the applicant currently having a duplex and wanting a multi-family unit. Nor did the board feel that there was an adequate hardship to justify granting this variance request.

Roll call vote on amended motion: Nays – Moreland, Jolley, Sellers, Hartkemeyer, and Hall. Motion denied unanimously.

Case: BOA 06-100120

Location: 946 North 17th Avenue

Applicant: Richard & Carol Wirth

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a northerly side yard of 8.1 feet in lieu of 10 feet to allow for an addition to a single-family dwelling.

The applicant, Richard Wirth, stated that the nature of his hardship was the location of his house on his property. His home was built in 1960 and the contractors that built the home did not center his house on his lot. Leaving him with a side yard of 8.1 feet. Mr. Wirth further explained that he would like to enclose the existing carport and construct a new living area that follows the setbacks of the existing property.

Mr. Hartkemeyer opened the public hearing and asked if anyone wished to speak in favor 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, Hall, Hartkemeyer, Sellers, and Jolley. Motion unanimously approved.

Case: BOA 06-100125

Location: 118 South 13th Avenue

Applicant: John Atkins

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a front yard of 10 feet in lieu of 20 feet required, for a rear yard of 20 feet in lieu of 30 feet required, and for 0' feet in lieu of 5 feet minimum parking area set back adjacent to 3 parking spaces to allow for a new multi-family dwelling.

The applicant, John Atkins, stated that he would like to build a multi-family dwelling. Mr. Atkins also stated that he would only be requesting a front yard setback of 10 feet in lieu of 20

Minutes of Board of Adjustment
Held on June 20, 2006

feet. Mr. Atkins explained that he had gone to his architect and reworked his original plans so that he would not need to request a rear yard setback and also the parking area setback. He explained that he would like to bring the front of the building to be in line with the neighboring buildings.

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

The following people spoke in favor of the request:

Bob Breanley, 127 13th Avenue South, Jacksonville Beach
David Bowler, 718 Ponte Vedra Blvd West, Ponte Vedra Beach

The following person spoke in opposition:

Lillian Park, 112 13th Avenue South, Jacksonville Beach

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

There followed a brief discussion about limiting the motion to just the front yard setback.

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Moreland, to approve a request for a front yard of 10 feet in lieu of 20 feet required, to allow for a new multi-family dwelling.

Roll call vote: Ayes – Hartkemeyer, Jolley, and Sellers. Nays – Hall and Moreland. Motion carried 3 to 2.

Case: BOA 06-100126

Location: 2007 Eastern Drive

Applicant: Mitchell Kinsey

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 43% lot coverage in lieu of 40% maximum to allow for a swimming pool addition to a single family dwelling.

The applicant, Mitch Kinsey, stated that he would like to install a pool for him and his family.

Mr. Hartkemeyer opened the public hearing and asked if anyone wished to speak in favor 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 about the lot being a substandard size lot, therefore creating a hardship.

Minutes of Board of Adjustment
Held on June 20, 2006

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

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 9:10 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/Steven Hartkemeyer
Steven Hartkemeyer, Chairman

Date: August 15, 2006