

**Minutes of Board of Adjustment Meeting
Held Wednesday, July 5, 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 (*Absent*)
Charlie Sellers
Joseph Loretta

Jon Hays, Building Official, was 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.”

The Board members advised they had no ex-parte communication.

Approval of Minutes

It was moved by Mr. Sellers, seconded by Mr. Jolly, and passed, to approve the minutes of the Board of Adjustment/Planning Commission Workshop held on May 30 and 31, 2006, as presented.

Correspondence

There was no correspondence.

Old Business:

Case No: BOA 06-100107

Location: 2825 St. Johns Boulevard; Lot 3, Block 8, Jax Beach Heights

Applicant: Marty Cline

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a rear yard of 17.5 feet in lieu of 30 feet required and for 49% lot coverage in lieu of 44% maximum; to allow for improvements to a single-family dwelling.

The applicant advised that he wishes to build a 22.5 ft X 13 ft room over the first floor lanai to accommodate his parents, who will be living with him.

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, he closed the public hearing.

Following a brief discussion concerning the lack of a hardship for the request, it was moved by Mr. Hall, seconded by Mr. Jolley, to deny the request.

Roll call vote: Ayes – Hall, Hartkemeyer, Jolley and Sellers. Nays – Loretta. Motion carried by a vote of 4 to 1.

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New Business:

Case No.: BOA 06-100122

Location: 1130 North 16th Street; Lot 2, Block 49, Section "A" Jax Beach

Applicant: Suzanne Lynch

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 42% lot coverage in lieu of 35% maximum; to allow for a swimming pool addition to a single family dwelling.

John Sikes, the applicant's husband, advised that they wish to build a swimming pool with decking in the back yard.

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, he closed the public hearing.

Roll call vote: Hartkemeyer, Jolley, Sellers, Loretta and Hall. Motion carried unanimously.

Case No.: BOA 06-100131

Location: 844 North 15th Avenue; Lot 14, Block 7, Beach Homesites Unit 3

Applicant: Brent Hutchison

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 46% lot coverage in lieu of 35% maximum and for a parking setback of 1 foot in lieu of 5 feet minimum; to allow for improvements to a single-family dwelling.

The applicant stated that they built a double driveway in order to get the cars off of the street. He advised that they were unaware they needed a permit to perform the work. He distributed pictures showing the driveway.

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

Oscar Sneed, 835 15th Avenue North, Jacksonville Beach, spoke in favor.

Mr. Hall presented a letter from Danny Casino, 825 15th Avenue North, Jacksonville Beach, in favor.

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

It was moved by Mr. Loretta, seconded by Mr. Sellers, to amend the motion to add "as submitted".

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

Case No.: BOA 06-100132

Location: 327 South 4th Avenue; East ½ of Lot 8, Block 34, Pablo Beach South

Applicant: Linda McMillan

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for no turning and maneuvering space, for 0 feet parking area setback in lieu of 5 feet minimum and for 3 parking spaces in lieu of 5 parking spaces required; to allow for conversion of a non-conforming residential use to a professional or business office.

Leslie Scofield, friend of the applicant, stated that since Ms. McMillan lost her grandfathered status for a residential use and was denied when she went before the Planning Commission for a conditional use. She now wishes to use the property commercially. To be able to do this, she needs the parking variance. He distributed pictures of adjacent properties and spoke about the Codes Enforcement Case and the Planning Commission denial for the conditional use.

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, he closed the public hearing.

It was moved by Mr. Hall, seconded by Mr. Jolley, to amend the motion to include “for professional or business office limited to the existing building for non-substantial improvements to the existing building”.

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

Case: BOA 06-100136

Location: 1876 Arden Way; Lot 2, Block 13, Ocean Forest

Applicant: Frank Pfister

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 42 % lot coverage in lieu of 35% maximum; to allow for a swimming pool addition to a single-family dwelling.

The applicant stated that he wishes to add a swimming pool in the back yard.

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, he closed the public hearing.

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There was a brief discussion among the board members about the fact that there is an existing wood deck and two storage sheds. The board members thought this afforded some potential to reduce the existing lot coverage.

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

Case No: BOA 06-100138

Location: 1355 Plantation Oaks Drive North; Lot 10, Plantation Oaks

Applicant: Peggy & Nick Kalynych

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for 49% lot coverage in lieu of 35% maximum; to allow for a swimming pool and screen enclosure to a single-family dwelling.

The applicant stated that he wishes to build a swimming pool with screen enclosure in his back yard.

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, he closed the public hearing.

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

Case No: BOA 06-100141

Location: 721 11th Street North; Lot 8, Block 1, Pine Grove Unit 2 S/D

Applicant: Ryan Poland

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley, to approve a request for a southerly side yard of 9 feet in lieu of 10 feet required; to allow for improvements to a single-family dwelling.

Peter Coalson, representing the applicant, stated that he wishes to build a 14' x 14' master bedroom on top of the existing structure. His hardship in requesting the variance is that the house sits skewed on the lot.

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, he closed the public hearing.

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

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Adjournment

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

Submitted by: Linda Wilkins, Recording Secretary

Approval:

/s/Steven Hartkemeyer
Steven Hartkemeyer, Chairman

Date: August 1, 2006