

**Minutes of Board of Adjustment Meeting
Held Tuesday, July 18, 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, 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.”

“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 board members.

Approval of Minutes

It was moved by Mr. Hall, seconded by Mr. Jolley, and passed, to approve June 6, 2006 minutes as well as the Workshop minutes for May 30th & 31st, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case: BOA 06-100412

Location: 410 North 14th Avenue, Lot 7, Block 1, Sur Park Unit One

Applicant: Clark and Gail Stuck

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 swimming pool and patio addition to a single family dwelling.

The applicant, Clark Stuck, stated the need for the 39% lot coverage was so that he and his family could have a swimming pool. The 39% lot coverage would also include a large BBQ area as well as pavers around the pool,

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.

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There was a brief discussion about the variance request being minimal and not impacting the surrounding neighbors.

Mr. Hall stated that he wanted to amend the motion to include the verbiage "as submitted".

Amended 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 swimming pool and patio addition to a single family dwelling as submitted.

Roll call vote: Ayes – Hall, Hartkemeyer, Jolley, and Sellers. Nays – Moreland.

Motion carried 4 to 1.

Case: BOA 06-100147

Location: 657 South Lower 8th Avenue, The East 25.00 feet of Lot 15, Block 8, Oceanside Park.

Applicant: Kimberly Cooper

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 44% lot coverage in lieu of 35% maximum to allow for improvements to a non-conforming dwelling.

The applicant, Kimberly Cooper, stated that she currently has a concrete slab attached to her home in the rear yard. She would like to extend the concrete slab to make it more of an enjoyable area as well as enclosing it.

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

The following person spoke in opposition:

Wendell Finner, 240 Fouracre South, Jacksonville Beach.

Mr. Hall stated that there were two letters in opposition submitted for the record:

Linda Fisher, 617 Lower 8th Avenue South, Jacksonville Beach
Dorreen Daly, 535 Lower 8th Avenue South, Jacksonville Beach

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

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A brief discussion ensued concerning the lot being smaller than the standard size, therefore creating a hardship.

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

Case: BOA 06-100152

Location: 1357 Pinewood Road, Lot 25, Block 15, Ocean Forest Unit 8

Applicant: Mike and Sara Russo

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

Robert Tollet, agent for the applicant, stated that Mike and Sara Russo purchased the home 12 years ago. The family has since grown and the Russo's would like to add an addition to the back of the house as well as install a swimming pool. The pool deck will put them over the 35% maximum lot coverage allowed.

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.

Mr. Hall stated that he wanted to amend the motion to include the verbiage "as submitted".

Amended Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 43% lot coverage in lieu of 35% maximum to allow for additions and swimming pool to a new single family dwelling.

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

Case: BOA 06-100153

Location: 2354 South Beach Parkway, Lot 19 and 20, Block 2, Williams Coastal Boulevard Heights

Applicant: Thomas and Heidi Anderson

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a rear yard of 21.2 feet in lieu of 30 feet required, for 42% lot coverage in lieu of 35% maximum to allow for improvements to as single family dwelling.

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Sal Lapoley, All Weather Aluminum, agent for the applicant stated that the home owners are seeking to add 2 feet to the existing concrete pad so that they can have a BBQ.

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

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

Mr. Moreland stated that that he would like amend the motion to 40% lot coverage in stead of 42% lot coverage.

Amended Motion: It was moved by Mr. Moreland, to approve request for a rear yard of 21.2 feet in lieu of 30 feet required, for 40% lot coverage in lieu of 35% maximum to allow for improvements to as single family dwelling.

Amended motion died due to lack of second.

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

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 7:50 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/Steven Hartkemeyer
Steven Hartkemeyer, Chairman

Date: September 19, 2006