

**Minutes of Board of Adjustment Meeting
Held Tuesday, August 1, 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
Charlie Sellers
Joseph Lorretta

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

Chairman's Statement

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.”

Mr. Moreland stated that he had a conversation with Neva Bond and Ron Conlee about Case BOA 06-100167.

Approval of Minutes

It was moved by Mr. Sellers, seconded by Mr. Jolley, and passed, to approve July 5, 2006 minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case: BOA 06-100167

Location: 687 South 13th Avenue, Lot 7 and the west ½ of Lot 8, Block 127, Oceanside Park

Applicant: Neva Bond and Ron Conlee

Motion: It was moved by Mr. McGill, seconded by Mr. Jolley to approve a request for a rear yard of 2.5 feet in lieu of 30 feet required and for 42% lot coverage in lieu of 38% maximum to allow for improvements to a single family dwelling.

The applicant, Ron Conlee, stated he and his wife purchased their home in 1997 and feel that the current layout of the house does not meet the needs of their family’s growth. The proposed improvement plan consists of installing a deck on the second level of the house as well as adding an attached garage. The current lot coverage is 37% and they will need 42% with the additions.

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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 variance request being of minimal intrusiveness to the surrounding neighbors.

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

Amended Motion: It was moved by Mr. McGill, seconded by Mr. Jolley to approve a request for a rear yard of 2.5 feet in lieu of 30 feet required and for 42% lot coverage in lieu of 38% maximum to allow for improvements to a single family dwelling, as submitted.

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

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 7:45 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/Steven Hartkemeyer
Steven Hartkemeyer, Chairman

Date: September 6, 2006