

**Minutes of Board of Adjustment Meeting  
Held Tuesday, August 15, 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*) (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

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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. Sellers stated that he had a conversation with Mr. Chiarello about Case BOA 06-100174.

**Approval of Minutes**

It was moved by Mr. Moreland, seconded by Mr. Jolley, and passed, to approve the minutes of the June 20, 2006 Board of Adjustment Meeting, as presented.

**Correspondence**

There was no correspondence.

**OLD BUSINESS:**

There was no old business.

**NEW BUSINESS:**

**Case: BOA 06-100173**

**Location:** 1411 Pinewood Road, Lot 8, Block 17, Ocean Forest, Unit 5

**Applicant:** Mrs. Naomi McIntosh

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a rear yard of 23 feet in lieu of 30 feet required to allow for improvements to a single family dwelling.

Norman Taylor, agent for the applicant, stated that Mrs. McIntosh is 87 years old and wishes to add on to her home by increasing the size of her bathroom to include handicap accessibility.

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

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

A brief discussion followed about the request being very minimal and non intrusive for the neighbors.

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

**Case: BOA 06-100174**

**Location:** 488 South 4<sup>th</sup> Avenue, Lot 6, Block 145, Oceanside Park

**Applicant:** Mark & Renee Chairello

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a rear yard of 23.7 feet in lieu of 30 feet required and for 45% lot coverage in lieu of 35% maximum to allow for improvements to a single-family dwelling and to ratify an existing non-conformity.

Mark Chairello stated that he has lived in his home for 30 years and would like to add an aluminum roof over his back yard patio. There is currently a concrete slab off the back of the house. Mr. Chairello also stated that he currently has a permit for the patio slab.

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 coverage being non-conforming at 45%. Approving the request would bring the lot coverage within code.

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

**Case: BOA 06-100175**

**Location:** 1101 Beach Blvd, B de Castro y Ferrer Grant, Section 38

**Applicant:** Shivam Properties

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 1.12 parking spaces for the first 50 guest rooms in lieu of 1.25 spaces required to maintain landscape islands and to allow for a new hotel development.

Bill Ebert, 1361 13<sup>th</sup> Ave South, agent for the applicant, stated that his clients would like to construct a hotel on the corner of 11<sup>th</sup> Street and 1<sup>st</sup> street. The proposed hotel will have a total of 84 rooms which require 96 parking spaces. The client is asking for a variance for 6 parking

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spaces making the total of parking spaces 90. There will only be 4 employees on the premises at all times.

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:

Jim Overby, 21 Burling way, Jacksonville Beach.

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

There followed a brief discussion about the fact that the applicant does not own the property and therefore lacks a hardship.

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

**Case: BOA 06-100176**

**Location:** 972 Seabreeze Avenue, Lots 7 through 14, Block 4, Williams Coastal Boulevard Heights

**Applicant:** Joseph Larsen

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a rear yard of 14.5 feet in lieu of 30 feet required and for 46% lot coverage in lieu of 35% maximum to re-establish 3 build-able lots.

Deborah Childers, 972 Seabreeze Ave, agent for the applicant, stated that her son currently owns the property and would like to sub-divide his lot into 3 build-able lots. The existing home is located on the corner and therefore a variance is needed. As for the division of the lots, the applicant is requesting that the lots revert back to the original plot of record.

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 favor:

Joseph Larson, 1215 Hidden Drive, Jacksonville, FL

The following people spoke in opposition:

Jason Rietser, 1010 Seabreeze Ave, Jacksonville Beach

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Jean Forey, 981 Ruth Avenue, Jacksonville Beach  
Carol Eckers, 1730 Pullian Street, Jacksonville Beach

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

**Amended Motion:** It was moved by Mr. Hall, seconded by Mr. Moreland, to approve a request for a rear yard of 14.5 feet in lieu of 30 feet required and for 46% lot coverage in lieu of 35% maximum to re-establish 3 build-able lots to include lots 9-12 only.

A brief discussion ensued concerning modification of the lot coverage due to the applicant admitting that he could reduce the lot coverage as needed.

**2<sup>nd</sup> Amended Motion:** It was moved by Mr. Moreland, seconded by Mr. Jolley, to approve a request for a rear yard of 14.5 feet in lieu of 30 feet required and for 36% lot coverage in lieu of 35% maximum to re-establish 3 build-able lots to include lots 9-12 only.

Roll call vote on 2<sup>nd</sup> Amended Motion: Ayes – Hall, Hartkemeyer, Jolley, and Moreland. Nays – Sellers. Motion carried 4 to 1.

**Case: BOA 06-100179**

**Location:** 902 North 18<sup>th</sup> Avenue

**Applicant:** Brian Reichard

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a westerly side yard of 7.7 feet in lieu of 10 feet required and for a one car carport in lieu of a one car garage to allow for improvements to a single-family dwelling.

Doug Doer, agent for the applicant, stated that the house has been there for 46 years. The current elevation is ground level. The applicant would like to bring up the foundation by 4 inches. The applicant has had the same number of neighbors for years and none of which had any problems with the proposed renovations. The renovations that will be done will fall within the same building footprint.

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 – Hall, Hartkemeyer, Jolley, Moreland and Sellers. Motion carried unanimously.

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**Adjournment**

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 8:21 p.m.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/Steven Hartkemeyer  
Steven Hartkemeyer, Chairman

Date: October 3, 2006