

**Minutes of Board of Adjustment Meeting
Held Tuesday, September 6, 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 (*Absent*)

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.”

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“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. Moreland, seconded by Mr. Jolly, and passed, to approve the minutes of the meeting held on August 1, 2006, as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case: BOA 06-100185

Location: 2703 South Ocean Drive, Lot 8, Block 1, Atlantic Shores, Division “C”

Applicant: Robert and Susan Knight

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a front yard of 6.5 feet in lieu of 25 feet, for side yard of 6.5 feet each in lieu of 10 feet each , for a rear yard of 25 feet in lieu of 30 feet required and for 52% lot coverage in lieu of 35% maximum to allow for substantial improvements to an existing, nonconforming residential structure.

Robert Knight, 2703 South Ocean Drive, stated that he would like to renovate his existing home by adding a second story to the current one story home. The garage is a two story with an office upstairs. The proposed renovations will include joining the garage and the house with an open air breezeway. Several concrete walkways have already been eliminated to keep the lot coverage as minimal as possible.

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

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The following people spoke in favor of the application:

Jonathan Plum, Jacksonville Beach
Shannon Pete, 1724 Ocean Drive South, Jacksonville Beach

The following people spoke in opposition to the application:

Catherin Kelly, 25 27th Avenue South, Jacksonville Beach
Betsy O'Daniel, Jacksonville Beach

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

A brief discussion ensued about the lot being a substandard size, therefore creating a hardship for the applicant. However an alternate motion was suggested for the front yard setback.

Amended Motion: It was moved by Mr. Moreland, seconded by Mr. Hall to approve a request for a front yard of 10.5 feet in lieu of 25 feet, for side yard of 6.5 feet each in lieu of 10 feet each, for a rear yard of 25 feet in lieu of 30 feet required and for 52% lot coverage in lieu of 35% maximum to allow for substantial improvements to an existing, nonconforming residential structure.

Roll Call Vote on Amended Motion: Ayes – Sellers, Hartkemeyer, Moreland, Hall, and Jolley. Motion carried unanimously.

Case: BOA 06-100190

Location: 826 North 4th Avenue, the westerly 20 feet of Lot 4 and the easterly 40 feet of Lots 5 and 6, Block 49, Mundy Drive Terrace

Applicant: Robert Gillis

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a front yard of 10.9 feet in lieu of 20 feet required and for 48% lot coverage in lieu of 46% maximum to allow for improvements to a single-family dwelling.

Robert Gillis, 826 4th Avenue North, stated that he would like to build a 2-car garage in the front of his home. He is a fireman, and is gone every third day; having the garage would make it safer for his family. He would like to convert the existing garage into in-law quarters.

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

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 fact that there was not a hardship; therefore the board felt strongly in denying the application.

Roll Call Vote: Nays – Sellers, Hartkemeyer, Moreland, and Hall. Ayes – Jolley. Motion fails 4 to 1.

Case: BOA 06-100191

Location: 200 North 1st Street, east 15 feet of Lot 7 and all of Lot 8, Block 22, Pablo Beach North

Applicant: Kevin Hardy

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 0 additional parking spaces in lieu of 8 parking spaces required to allow for the creation of 780 square feet of floor area in an existing building.

Kevin Hardy, 1228 Windsor Harbor Drive, Jacksonville, stated that he would like to purchase Free Bird Café. Mr. Hardy's intent is to convert the restaurant into an upscale eatery and lounge. The current facility is two stories with an open air balcony. The proposed plan is to enclose same areas of the balcony and the hole in the second floor; therefore creating additional seating, which ultimately requires additional parking spaces.

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

The following person spoke in favor of the application:

Judy Jenness, 200 North First Street, Jacksonville Beach

The following person spoke in of the application:

Thad Mosely, 3701 Duval Drive, Jacksonville Beach

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

A discussion ensued concerning the lack of parking and that law mandates that parking has to be parking within so many feet of such establishment. In this particular case, there is no room for parking within the establishment area; thereby creating a hardship.

Roll Call Vote: Ayes – Sellers, Hartkemeyer, Moreland, and Jolley. Nays – Moreland. Motion carried 4 to 1.

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Case: BOA 06-100192

Location: 1107 Ruth Avenue, Lots 7 and 8, Block 12, Williams Coastal Boulevard Heights

Applicant: Robin Downen

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for an easterly side yard of 6.5 feet and combination of side yards of 11.8 feet in lieu of 9.7 feet and 15 feet respectively, to allow for improvements to a single family dwelling.

Teresa Parrish, agent for the applicant, stated that currently there are two ladies that live in this particular house; a mother and daughter. They are asking to enlarge their home from an 825 square foot house to a 1229 square foot home by adding additional footage in both the kitchen and one of the bedrooms.

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

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

A brief discussion followed about this request being minimal and not intrusive on the surrounding neighbors.

Roll call vote: Ayes – Hall, Hartkemeyer, Jolley, Sellers, and Moreland. 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: November 8, 2006