

**Minutes of Board of Adjustment Meeting  
Held Tuesday, October 17, 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 (*Absent*)  
John Moreland  
Charlie Sellers  
Joseph Lorretta

Amber Lehman, Recording Secretary 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

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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 the board.

### **Approval of Minutes**

There were no minutes to approve.

### **Correspondence**

There was no correspondence.

### **OLD BUSINESS:**

There was no old business.

### **NEW BUSINESS:**

#### **Case: BOA 06-100226**

**Location:** 1202 North 19<sup>th</sup> Street, Lot 5, Block 19, Section “A”

**Applicant:** Shelley Blevins

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 41% lot coverage in lieu of 35% maximum to allow for an accessory building on a single family property.

The applicant, Shelly Blevins, stated that she would like to build a shed for extra storage. Ms. Blevins currently has a small one car garage.

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.

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

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**Case: BOA 06-100227**

**Location:** 1517 North 4<sup>th</sup> Avenue, Lot 17, Block 6, Pine Grove Unit No. 4

**Applicant:** John Halman

**Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for a rear yard of 18 feet in lieu of 30 feet required, for no garage in lieu of a one car garage required, for 49% lot coverage in lieu of 35% maximum and for a parking area set back of 1 foot in lieu of 5 feet required to allow for improvements to a single family dwelling.

The applicant, John Halman, stated that he would like to increase his living space by adding one additional bedroom to the back of his home. Mr. Halman also stated that his lot is substandard, therefore creating a hardship.

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.

There was a brief discussion about the applicant requesting a variance on the required one car garage. The board felt that the applicant needed to have a one car garage regardless of the variance request.

**Amended Motion:** It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request a rear yard of 18 feet in lieu of 30 feet required, for 49% lot coverage in lieu of 35% maximum and for a parking area set back of 1 foot in lieu of 5 feet required, limited to the plan as submitted, to allow for improvements to a single family dwelling.

Roll call vote on Amended Motion: 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 7:20 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/Keith Hall

Chairman

Date: December 6, 2006