

**Minutes of Board of Adjustment Meeting
Held Tuesday, November 8, 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*)
John Moreland
Charlie Sellers
Joseph Lorretta

John 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

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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

It was moved by Mr. Jolley, seconded by Mr. Hall, and passed, to approve both September 6, 2006 and September 19, 2006, minutes as presented.

Correspondence

There was no correspondence.

OLD BUSINESS:

Case: BOA 06-100217

Location: 3772 Poinciana Blvd, Lot 1, Block 12, Ocean Terrace

Applicant: William Register

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve for 42% lot coverage in lieu of 35% maximum to allow for a new single family dwelling.

The agent for the applicant, Bob Gray, 356 6th street, stated that the reason for the 42% request is for a full driveway with pavers, as opposed to driveway strips as well as have additional landscaping. Currently, all setback requirements have been met. Mr. Heritage would also like to have a 3 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.

There was a brief discussion among the board members about the lot being large enough to accommodate 42% lot coverage.

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

NEW BUSINESS:

Case: BOA 06-100235

Location: 485 & 487 South 4th Avenue

Applicant: Cornelius A Bird, Jr.

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 37.6% lot coverage in lieu of 35% maximum to allow for improvements to a two-family dwelling.

The agent for the applicant, Richard Mock, 13364 Beach Blvd, #1301, stated that when he constructed the town homes, there was only a stoop on the back of the house, but would now like to build a useable porch. The proposed porch will be 8X12 as opposed to the original stoop size of 4X5. By building the proposed stoop of 8X12, this will increase the lot coverage by 2.6%.

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 ensued concerning the request not impeding on the surrounding neighbors.

Roll call vote: Ayes –Hartkemeyer, Jolley, and McGill. Nays – Hall and Moreland. Motion carried 3 to 2.

Case: BOA 06-100236

Location: 457 & 459 South 4th Avenue

Applicant: Cornelius A Bird, Jr.

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 37.6% lot coverage in lieu of 35% maximum to allow for improvements to a two-family dwelling.

The agent for the applicant, Richard Mock, 13364 Beach Blvd, #1301, stated that he is requesting the same consideration as for **BOA 06-100235**, since the same circumstances apply.

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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Roll call vote: Ayes –Hartkemeyer, Jolley, and McGill. Nays – Hall and Moreland. Motion carried 3 to 2.

Case: BOA 06-100237

Location: 937 South 16th Avenue, Lot 10, Block 160, Oceanside Park

Applicant: Laurie Walmer

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 51% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

The applicant, Laurie Walmer Cason, 937 16th Avenue South, stated that she is requesting a variance to have a swimming pool in her back yard. Ms. Cason stated that she has severe arthritis and the pool is needed to alleviate pain. Ms. Cason also stated that she had a letter from her doctor stating that a pool is medically necessary.

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 followed a brief discussion about the lot already having a lot coverage variance granted in November 2002. Mr. Hall stated that he believed that this request was too excessive and that some of the deck around the dwelling could be removed to accommodate a more reasonable lot coverage request.

Amended Motion: It was moved by Mr. Jolley, seconded by Mr. McGill, to approve a request for 47% in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

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

Case: BOA 06-100239

Location: 20 Norberta Way, Lot 13, Block 1, Hannah Terrace Replat

Applicant: Anthony Adams

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 improvements to a single family dwelling.

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The applicant, Anthony Adams, stated that his current driveway is very tiny. He is requesting a variance for lot coverage so that he can install a circular driveway so that his friends and family do not have to park on the street. Mr. Adams also stated that he would like to have a full driveway by adding pavers.

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 followed a discussion about the request being very minimal, and how the circular driveway would enhance the neighborhood.

Roll call vote: Ayes –Hartkemeyer, Jolley, and McGill. Nays – Hall and Moreland. Motion carried 3 to 2.

Case: BOA 06-100241

Location: 139 South 36th Avenue

Applicant: Steven Ruben

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 40% lot coverage in lieu of 39% maximum to allow for a swimming pool addition to a single family dwelling.

Due to an advertising error, the board could not hear the above application. This application will be postponed until the next meeting, where it will be advertised correctly.

Case: BOA 06-100247

Location: 608 North 11th Avenue

Applicant: James McCully

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve a request for 38% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single family dwelling.

The applicant, James McCully, 608 11th Avenue North, stated that he would like to install a pool with a surrounding pool deck. Mr. McCully also stated that he does have a substandard lot, therefore creating the need for a variance request.

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

Case: BOA 06-100248

Location: 436 North 18th Avenue

Applicant: Paul Mower

Motion: It was moved by Mr. Hall, seconded by Mr. Jolley to approve for an easterly side yard of 9 feet in lieu of 10 feet required to allow for improvements to a single family dwelling.

The applicant, Paul Mower, 436 North 18th Street, stated that he would like to add an addition to the rear of his home.

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

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 8:05 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

/s/Steven Hartkemeyer
Chairman

Date: December 19, 2006