

**Minutes of Planning Commission Meeting  
Held Monday, April 27, 2009, 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 Terry DeLoach.

**Roll Call**

Terry DeLoach (Chairperson)  
Lee Dorson *absent*  
Julio Williams (Vice Chairperson)  
Greg Sutton *absent*  
Fred Jones  
Bill Callan  
David Dahl *absent*

Also present was Bill Mann, Senior Planner and Recording Secretary Amber Lehman.

**Approval of Minutes**

It was moved by Mr. Williams, seconded by Mr. Jones, to approve the minutes for February 9, 2009, February 23, 2009, and March 23, 2009 as presented.

**Correspondence**

Mr. Mann stated that there was no correspondence.

**Old Business**

There was no old business.

**New Business**

**(A) PC #5-09 – Conditional Use Approval**

Request for approval for a Type II Home Occupation in a Residential, Multiple-Family: RM-1 zoning district, pursuant to Section 34-339(d)(3) of the Jacksonville Beach Land Development Code. The property is located at 401 9<sup>th</sup> Avenue North. The applicant is requesting to have one non-resident employee in conjunction with his home occupation (*Neligan Construction*).

**Staff Report:**

Mr. Mann read the following staff report into the record:

The applicant owns an existing single family home on the northwest corner of 9<sup>th</sup> Avenue North and 4<sup>th</sup> Street. In March 2008, he sought and was granted conditional use approval to convert the use of his house from residential to professional office. He now wants to establish the house as his residence, and do the office work related to his construction business as a home occupation. He would also like the ability for his secretary to work out of his house, and this requires conditional use approval for his business as a Type II home occupation. Type II home occupations allow a maximum of one non-resident employee, in addition to any residents associated with the home occupation.

The Property Appraiser's office indicates that the house on the property was built in 1948. There are no records of conditional use approval for the single-family use, so it exists as a legal nonconforming use. The applicant is the process of converting the detached two-car garage on the property into additional living space. He is aware that he will need to provide two parking spaces on the property to meet the parking requirement which was been fulfilled by the garage.

Adjacent uses include the back of a shopping center across 4<sup>th</sup> Street to the east, single-family homes to the north and west, and a triplex and apartment building across 9<sup>th</sup> Avenue to the south. The blocks between 4<sup>th</sup> and 5<sup>th</sup> Street North in this part of the city function as a transitional zone from the purely commercial 3<sup>rd</sup> Street uses to the single-family neighborhoods to the west of 5<sup>th</sup> Street. As such, this strip contains a mix of older single-family homes, multi-family uses, and institutional and office uses.

The applicant proposes no changes to the exterior of the house, and he is aware that if his home office use is approved, there will be no storage of materials or equipment allowed on-site. The character of the surrounding neighborhood should remain unchanged by approval of this request, and adjacent property values should not be impacted.

**Recommendation: Approval.**

**Applicant:**

The applicant, Brian Neligan, 401 9<sup>th</sup> Avenue North, Jacksonville Beach, stated that he concurred with the Staff Report...

**Public Hearing**

Mr. DeLoach opened the public hearing and asked if anyone wished to speak in favor of or in opposition to the application.

The following person spoke in opposition to the application:

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Robin Donna Howard, 28 10<sup>th</sup> Street North, Apt D, Jacksonville Beach had concerns with the applicant's rental tenants at the property and a pet that they presumably owned.

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

**Motion:** It was moved by Mr. Jones, seconded by Mr. Williams, to recommend approval with staff's recommendation.

**Roll call vote:** Ayes – DeLoach, Jones, Callan, and Williams; motion carried unanimously.

**Planning & Development Director's Report**

Mr. Mann advised the board that there would be a meeting on May 11, 2009, with two cases.

**Adjournment**

There being no further business coming before the Board, Mr. DeLoach adjourned the meeting at 7:15 P.M.

Submitted by: Amber Maria Lehman  
Recording Secretary

Approval:

/s/Terry DeLoach  
Chairperson

Date: July 13, 2009