



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Regular Meeting Agenda

Board of Adjustment

Wednesday, September 7, 2022

6:00 PM

Council Chambers

MEMORANDUM TO:

Members of the City of Jacksonville Beach Board of Adjustment

The following Agenda of Business has been prepared for consideration and action at a Regular Meeting of the Board of Adjustment:

CALL TO ORDER

ROLL CALL

Alexi Gonzalez (Chairperson), Owen Curley (Vice-Chairperson), Dan Elmaleh, John Moreland, Jeff Truhlar

Alternates: Todd Smith, Jennifer Williams

APPROVAL OF MINUTES

- A. Regular Board of Adjustment Meeting held on August 2, 2022
- B. Regular Board of Adjustment Meeting held on August 16, 2022

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- A. **Case Number(s): BOA#22-100087**
 - Applicant: John Atkins, Atkins Builders, Inc.
 - Agent: N/A
 - Owner: Atkins Builders, Inc.
 - Property Address: 'O' Horn Street
 - Parcel ID: 179928-0000
 - Legal Description:
 - Lot 12, Block 10, *Williams Coastal Boulevard Heights*
 - Current Zoning: RS-2
 - Motion to Consider: 34-337(e)(1)c.2, for a total side yard of 10 feet in lieu of 15 feet minimum to allow for construction of a new single-family dwelling
- B. **Case Number(s): BOA#22-100088**
 - Applicant: Ian Alves
 - Agent: N/A
 - Owner: Ian & Jacqueline Alves
 - Property Address: 1709 Riley Street

Parcel ID: 179944-0990
Legal Description: the South ½ of Lots 20 through 24, Block 12, *Williams Coastal Boulevard Heights*
Current Zoning: RS-2
Motion to 34-337(e)(1)e, for lot coverage of 42% in lieu of 35% maximum; and 34-
Consider: 337(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet minimum to allow for construction of a new swimming pool, pool deck and patio, accessory shed and walkway at an existing single-family dwelling

C. **Case Number(s): BOA#22-100089**

Applicant: ABC Liquors, Inc. - Phyllis Fitzpatrick
Agent: KPM Franklin - Ross Galbraith
Owner: ABC Properties, Ltd.
Property Address: 608 Beach Boulevard
Parcel ID: 175453-0000
Legal Description: Parts of Lots 1 & 2, Block C, *Pablo Beach South*
Current Zoning: C-2
Motion to 34-343(e)(3)b, for a corner side-yard setback of 7 feet in lieu of 10 feet
Consider: minimum; 34-343(e)5 for lot coverage of 94% in lieu of 85% maximum; 34-377, for 15 parking spaces in lieu of 47 spaces required; 34-425(b)1, for no landscape buffer in lieu of 5 feet required; 34-425(c)1, for no internal landscaping for a parking area in lieu of 1 island per 10 spaces required to allow for renovation of an existing package liquor store

D. **Case Number(s): BOA#22-100092**

Applicant: Matthew Lents
Agent: N/A
Owner: Lents & Associates, PLLC
Property Address: 1201 3rd Street North
Parcel ID: 174613-0000
Legal Description: Lot 12, Block 123, *of Northern Portion of Pablo Beach*
Current Zoning: C-1
Motion to 34-377, for 6 on-site parking spaces in lieu of 14 required to allow for
Consider: construction of a second story office space addition and a third story auxiliary dwelling unit to an existing one-story office building

E. **Case Number(s): BOA#22-100093**

Applicant: Catherine Sturms
Agent: N/A
Owner: Catherine Sturms
Property Address: 983 2nd Street South
Parcel ID: 176119-0000
Legal Description: Lot 7, Block 92, *Pablo Beach South*
Current Zoning: RM-2
Motion to 34-340(e)(3)c.1, for a front yard setback of 7 feet in lieu of 20 feet required;
Consider: 34-340(e)(3)c.3, for a rear yard setback of 16 feet in lieu of 30 feet minimum, to allow for construction of two new multi-family dwellings and to address existing nonconformities

PLANNING DEPARTMENT REPORT

A. The next scheduled meeting is Tuesday, September 20, 2022. There are six scheduled cases.

ADJOURNMENT**NOTICE**

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons with disabilities needing special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299 no later than one business day before the meeting or by sending an e-mail to CityClerk@jaxbchfl.net.

Information concerning the hearing process is available online at www.jacksonvillebeach.org/publichearinginfo and a copy is also posted in the City Hall first floor display case. In accordance with Section 286.0114, Florida Statutes, any member of the public can attend the public hearing and can be heard on any matter presented before the Agency. Anyone who wishes to provide live public comment should complete a "Speaker Request Card" and submit it to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. Speakers will be called to address the Agency when specified items are under consideration and will be limited to a maximum of three minutes or less, at the discretion of the presiding officer.

Alternatively, written public comment can be submitted in advance and must include the following: (1) First Name, (2) Last Name, (3) Address, (4) Public Hearing Date, (5) Specific Agenda Item(s), and (6) Comments. Written public comments may be submitted by one of the following options: (1) Email to the Agency Administrator at planning@jaxbchfl.net, (2) Postal mail to Community Redevelopment Agency Administrator - Public Comment, 11 3rd Street North, Jacksonville Beach, FL 32250, or (3) Drop off in-person to Planning and Development at City Hall. Written comments that include all required information and are received 24 hours in advance of the meeting will be distributed to the Agency and attached to the related agenda item before the start of the meeting. Written public comments will be read into the record at the appropriate time and will be limited to three (3) minutes of reading time. All comments received are public record.

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

cc: City Manager; City Attorney

**Minutes of Board of Adjustment Meeting
held Tuesday, August 2, 2022, at 6:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Vice-Chairperson Owen Curley called the meeting to order at 5:59 P.M.

ROLL CALL

Chairperson: Alexi Gonzalez (absent)

Vice-Chairperson: Owen Curley

Board Members: Dan Elmaleh

Jeff Truhlar

John Moreland

Alternates: Todd Smith

Jennifer Williams

Senior Planner Christian Popoli, City Attorney Sandra Robinson, and Administrative Assistant Lauren Loria were also present.

APPROVAL OF MINUTES:

It was moved by Mr. Truhlar, seconded by Mr. Moreland, and passed unanimously to approve the following minutes:

- Special Meeting held on July 12, 2022

CORRESPONDENCE: None

OLD BUSINESS:

A. Case Number: BOA#22-100044

Applicant/Owner: First Coast Women's Services, Inc. - Judy Weber

Property Address: 224 3rd Street North

Parcel ID: 173791-0000

City of Jacksonville Beach Land Development Code Section(s): 34-377 for no additional parking spaces in lieu of (7) seven spaces required to allow for the use of the second floor for support offices for a medical use on the first floor of an existing commercial building

Mr. Popoli requested a deferral until August 16, 2022.

Motion: It was moved by Mr. Moreland and seconded by Mr. Truhlar to postpone BOA#22-100044 one final time until August 16, 2022.

Roll Call Vote: Ayes – John Moreland, Jeff Truhlar, Dan Elmaleh, Todd Smith, Owen Curley

The motion passed unanimously.

NEW BUSINESS:

A. Case Number: BOA#22-100073

Applicant/Owner: LAS Holdings, LLC - Anthony Simonetta

Agent: Ryan Wetherhold
Property Address: '0' 9th Avenue North
Parcel ID: 179215-0025

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for lot coverage of 43% in lieu of 35% maximum to allow for construction of a new single-family dwelling.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: Anthony Simonetta, 9th Avenue North, Jacksonville Beach, stated the hardship was a substandard lot.

Public Hearing:

No one came forth to speak on this item. Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Smith, to approve BOA#22-100073 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None

Roll Call Vote: Ayes –Jeff Truhlar, Dan Elmaleh, John Moreland, Todd Smith, Owen Curley
The motion passed unanimously.

B. Case Number: **BOA#22-100074**
Applicant/Owner: Jeanne & Timothy Ballentine
Property Address: 4080 Grande Boulevard
Parcel ID: 181397-0055

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.2, for a side yard setback of 9 feet in lieu of 10 feet minimum; 34-336(e), for lot coverage of 51% in lieu of 35% maximum; and 34-336(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet minimum, to rectify existing non-conformities, allow for the retention of a small shed and for construction of a small paved area in conjunction with an existing single-family dwelling.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: Jeanne Ballentine, 4080 Grande Boulevard, Jacksonville Beach, stated the hardship was a substandard lot.

A discussion ensued about the proposed site plan, lot coverage, shed, and the palm tree.

Public Hearing:

The following spoke in opposition to the item:

- Kelly Carney, 4075 America Avenue, Jacksonville Beach

Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar to approve BOA#22-100074 with the modification of 49.9% lot coverage in lieu of requested 50%, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A discussion continued about shed setbacks.

Roll Call Vote: Ayes – Jeff Truhlar, Dan Elmaleh, John Moreland, Owen Curley
Nays – Todd Smith
The motion passed (4-1).

C. **Case Number:** BOA#22-100076
Applicant/Owner: Terri L. Herber
Property Address: 1211 7th Avenue North
Parcel ID: 177802-0010

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)e, for lot coverage of 48% in lieu of 35% maximum to allow for construction of a new shed and to rectify existing non-conformities at an existing single-family dwelling.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: Terri Herber, 1211 7th Avenue North, Jacksonville Beach, stated the hardship was an undersized lot.

Public Hearing:

No one came forth to speak on this item. Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#22-100076 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None.

Roll Call Vote: Ayes – Dan Elmaleh, John Moreland, Jeff Truhlar, Todd Smith, Owen Curley
The motion passed unanimously.

D. **Case Number:** BOA#22-100077
Applicant/Owner: Joanne Brousseau
Property Address: 1010 8th Street South
Parcel ID: 176704-0000

City of Jacksonville Beach Land Development Code Section(s): 34-338(e)(2)f, for lot coverage of 47% in lieu of 35% maximum; and 34- 338(e)(2)h, for an accessory setback of 3 feet in lieu of 5 feet minimum to rectify existing non-conformities and improve required parking at an existing two-family dwelling.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: Joanne Brousseau, 1010 8th Street South, Jacksonville Beach, stated the hardship was a nonconforming lot.

A brief discussion ensued about the walkway, easement, and property parking.

Public Hearing:

No one came forth to speak on this item. Mr. Curley closed the public hearing.

Motion:

It was moved by Mr. Truhlar, seconded by Mr. Smith, to approve BOA#22-100077 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A brief discussion ensued about the hardship and the parking variance.

Roll Call Vote:

Ayes – John Moreland, Jeff Truhlar, Dan Elmaleh, Todd Smith, Owen Curley

The motion passed unanimously.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is Tuesday, August 16, 2022, at 6:00 P.M. There are six scheduled cases.

Mr. Popoli noted the initial meeting with the consultant for the Land Development Code and Comprehensive Plan review would begin in October.

ADJOURNMENT

There being no further business, Mr. Curley adjourned the meeting at 6:48 P.M.

Submitted by: Lauren Loria
Administrative Assistant

The Minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

**Minutes of Board of Adjustment Meeting
held Tuesday, August 16, 2022, at 6:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairperson Alexi Gonzalez called the meeting to order at 6:00 P.M.

ROLL CALL

Chairperson: Alexi Gonzalez

Vice-Chairperson: Owen Curley

Board Members: Dan Elmaleh (absent)

Jeff Truhlar (absent)

John Moreland

Alternates: Todd Smith

Jennifer Williams

Senior Planner Christian Popoli and Administrative Assistant Lauren Loria were also present.

APPROVAL OF MINUTES:

It was moved by Mr. Curley, seconded by Mr. Moreland, and passed unanimously to approve the following minutes:

- July 19, 2022

CORRESPONDENCE:

Senior Planner Christian Popoli noted an email [on file] was provided on the dais for Case Number: BOA#22-100085.

OLD BUSINESS:

A. Case Number: BOA#22-100044 – Previously Deferred

Applicant: Robert Lynn, Future Financial Holdings, LLC

Agent: Lara Diettrich, Diettrich Planning LLC

Owner: First Coast Women's Services, Inc. - Judy Weber

Property Address: 224 3rd Street North

Parcel ID: 173791-0000

City of Jacksonville Beach Land Development Code Section(s): 34-377 for no additional parking spaces in lieu of (7) seven spaces required to allow for the use of the second floor for support offices for medical use on the first floor of an existing commercial building.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Agent: Lara Diettrich, Diettrich Planning LLC, 1332 Avondale Avenue, stated the hardship was the zoning code and use.

Applicant: Robert Lynn, 1649 Landing Way, Neptune Beach, clarified the number of staff and the limited number of customers.

A discussion ensued about staff parking and building use.

Public Hearing:

No one came forth to speak. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#22-100044 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None

Amended Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#22-100044 based on the standards for a variance outlined in Section 34-286 of the Land Development Code, in condition for business and professional office use.

Roll Call Vote to Amend Original Motion: Ayes – John Moreland, Owen Curley, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion passed unanimously.

Discussion: None

Roll Call Vote on Amended Motion: Ayes – Owen Curley, Todd Smith, Jennifer Williams, Alexi Gonzalez
Nays – John Moreland

The motion passed 4-1.

NEW BUSINESS:

A. Case Number: BOA#22-100080
Applicant/Owner: Amy L. Frank
Property Address: 1125 Owen Avenue
Parcel ID: 179933-0000

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for lot coverage of 57% in lieu of 35% maximum to allow for construction of a rear patio and cabana at an existing single-family dwelling.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Mr. Popoli noted the address was incorrect on the agenda and the correct address was 1125 Owen Avenue.

Applicant: Amy Frank, 1125 Owen Avenue, Jacksonville Beach, stated the hardship was a nonconforming lot.

A brief discussion ensued about the wood decking and a previous variance.

Public Hearing:

The following spoke in regards to the variance:

- Kristen Bankert, 1818 Horn Street, Jacksonville Beach
- Rich Tomporowski, 1855 Riley Street, Jacksonville Beach

The following submitted emails in support of the variance:

- Traver Fuska (neighbor, no address provided)
- James Slesinski, 1008 Owen Avenue, Jacksonville Beach
- Anne Wiggins, 1871 Riley Street, Jacksonville Beach
- Beth & Barry Nicol, 1103 Owen Avenue, Jacksonville Beach
- April Mitzel, 1126 Owen Avenue, Jacksonville Beach
- Shawn Dahbour, 1120 Owen Avenue, Jacksonville Beach
- Tammy Bosslet, 2223 Riley Street, Jacksonville Beach
- Casey Reining, 1130 Owen Avenue, Jacksonville Beach
- Bob & Bo Bonenberger, 1047 Owen Avenue, Jacksonville Beach
- Bo Bonenberger, 1047 Owen Avenue, Jacksonville Beach
- Stephen Manz, 1058 Owen Avenue, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Ms. Frank responded to concerns from the neighbors about runoff.

A brief discussion ensued about the cabana, pavers, and lot coverage.

Motion:

It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#22-100080 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A discussion ensued about lot size, coverage, and code.

Roll Call Vote:

Ayes – Owen Curley, John Moreland, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion passed unanimously.

B. Case Number: **BOA#22-100081**
Applicant/Owner: Robert G. Bruce
Property Address: 3306 Ocean Drive
Parcel ID: 181752-0005

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)e, for lot coverage of 44% in lieu of 35% maximum; and 34- 373(a)5, for no paved driveway in lieu of a paved driveway, to allow for construction of a new single-family dwelling and swimming pool with a patio.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: Robert Bruce, 3330 Ocean Drive, Jacksonville Beach, stated the hardship was a nonconforming lot.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100081 based on the standards for a variance outlined in Section 34-286 of the Land Development Code, subject to the condition in the staff report.

Discussion: None

Roll Call Vote: Ayes – John Moreland, Owen Curley, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion passed unanimously.

C. **Case Number:** **BOA#22-100083**
Applicant/Owner: Stephanie Crichton
Agent: Bob Hamil - Henderson Pool Service
Property Address: 3300 1st Street South
Parcel ID: 181542-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)e, for lot coverage of 47% in lieu of 35% maximum to allow for construction of a new swimming pool and patio attached to an existing single-family dwelling.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Agent: Bob Hamil, 725 McCullum Circle, Neptune Beach, stated the hardship was a substandard lot.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100083 based on the standards for a variance outlined in Section 34-286 of the Land Development Code, subject to lot coverage of 45.5%.

Discussion: None

Roll Call Vote: Ayes – John Moreland, Owen Curley, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion passed unanimously.

D. Case Number: BOA#22-100084

Applicant: Sandifer Design Build
Owner: Rachel G. Grage
Property Address: 23 30th Avenue South
Parcel ID: 181636-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)e, for lot coverage of 58% in lieu of 35% maximum; 34- 336(e)(1)c.1, for a front yard setback of 10 feet in lieu of 25 feet minimum; and 34-336(e)(1)c.2, for a corner side-yard setback of 5 feet in lieu of 10 feet minimum to allow for construction of a new two-story uncovered deck attached to an existing single-family dwelling.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: Lenny Adams, 4788 Hodges Boulevard, Suite 102, Jacksonville, stated the hardship was a nonconforming lot.

A discussion ensued about the deck and setback.

Rachel Grage, 23 30th Avenue South, Jacksonville Beach, confirmed she spoke to her neighbors, and they were in support of the variance.

Ralph Grage, 23 30th Avenue South, Jacksonville Beach, provided additional background on the case.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100084 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A discussion ensued about the lot coverage and whether to condition the setbacks.

Roll Call Vote: Ayes – John Moreland, Owen Curley, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion passed unanimously.

E. Case Number: BOA#22-100085

Applicant/Owner: 0 2nd Street Acquisition, LLC. - Steven Wacaster
Property Address: '0' 2nd Street South
Parcel ID: 176317-0000

City of Jacksonville Beach Land Development Code Section(s): 34-373(a)(1), for three compact parking spaces of 8 feet in width in lieu of 9 feet in width; and 34-377, for 11 parking spaces and one bicycle parking area in lieu of 28 spaces required to allow for construction of a new professional office building.

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: Steven Wacaster, 229 San Juan Drive, Ponte Vedra, stated the hardship was an undersized lot.

Public Hearing:

No one came forth to speak on this item.

The following submitted an email [on file] in support of the variance, which was read into the record:

- Frantz Bertrand Adelson, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#22-100085 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A brief discussion ensued about parking.

Roll Call Vote: Ayes – Owen Curley, John Moreland, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion passed unanimously.

F. Case Number: BOA#22-100086

Applicant/Owner: Michael Gruber
Property Address: 1175 1st Avenue North
Parcel ID: 177725-0010

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)e, for lot coverage of 38% in lieu of 35% maximum; and 34-336(e)(1)g, for an accessory structure setback of one foot in lieu of 5 feet required to allow for construction of a new accessory shed

Ex-Parte Communication: No Board members had ex-parte communication on this item.

Applicant: Michael Gruber, 1175 1st Avenue North, Jacksonville Beach, stated the hardship was an undersized lot.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100086 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A brief discussion ensued about the property line and lot size.

Roll Call Vote: Ayes – John Moreland, Owen Curley, Todd Smith, Jennifer Williams, Alexi Gonzalez

The motion passed unanimously.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is Wednesday, September 7, 2022, at 6:00 P.M. There are six scheduled cases.

ADJOURNMENT

There being no further business, Ms. Gonzalez adjourned the meeting at 7:24 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These Minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

BOA#22-100087

Zoning: RS-2
RE: 179928-0000
Legal: Lot 12, Block 10, Williams Coastal Boulevard Heights
Address: 2452 Horn Street

Request

Section(s): 34-337(e)(1)c.2, for a total side yard of 10 feet in lieu of 15 feet minimum to allow for construction of a new single-family dwelling

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1925) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-2. The subject lot is 25 feet in width and 140 feet in depth. The overall area is 3,500 square feet. The subject lot is roughly half the area of the minimum lot size of 7,500. Additionally the lot is one third the width of the required 75 feet. The lot was platted in 1925, and a majority of the surrounding properties are comprised of multiple lots of the same plat, and it appears this is the last stand alone lot on this block.

There have been two previous applications for variances. BOA#19-100115: for side yard setbacks of 10 feet total in lieu of 15 feet required, and 44% lot coverage in lieu of 35% for construction of a new single family home and attached swimming pool and deck. BOA#21-100059 for side yard setbacks of 10 feet total in lieu of 15 feet required, to allow for construction of a new single family home.

Staff Analysis

The subject lot is a legally platted lot from 1925, and is a legal nonconforming lot as defined in section 34-41:

Nonconforming lot of record means a lot which conformed to the relevant land use standards at the time of the creation of the lot, but which does not comply with applicable regulations of the LDC for width and area.

Nonconforming lots are considered buildable under the LDC, though typically require relief from the code to do so, as they are typically nonconforming in areas such as width or overall area, such as this lot. This lot is located in the RS-2 zoning district, which is predominantly a residential single family home district. Single



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

family homes are the highest and best use of the property, as the other uses such as elementary school, library, cemeteries, golf courses and daycares are not feasible or advisable in the middle of a single family block and neighborhood. A single family home is the only reasonable use of the property. There are no adjacent lots to combine to make a larger lot that could be closer to conforming. The proposed home would be 15 feet in width, and 70 feet in depth, and two storied in height with a single car garage and a 20 feet deep driveway to accommodate a second car. The proposed home will have a rear yard setback of 50 feet and has requested 5 feet of side yard setbacks on each side property line. The proposed overall lot coverage is 33%. The proposed new home would not be located in any flood hazard area. The property is located in the X flood zone.

Minimum Dimensional Standards

- Minimum lot area: Seven thousand five hundred (7,500) square feet.
- Minimum lot width: Seventy-five (75) feet at the building line and a minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty (20) feet.
 - Side yard: Fifteen (15) feet in total for both side yards provided that no side yards are less than five (5) feet, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear Yard: Thirty (30) feet.
- Floor area: A single family dwelling unit shall contain a minimum of one thousand two hundred (1,200) square feet of conditioned living area and a one (1) car garage or carport. The garage or carport shall not be included as part of the single family dwelling unit's minimum square footage.
- Maximum lot coverage: Thirty-five (35) percent.
- Height: Thirty-five (35) feet.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Review of Criteria

1. **Special conditions and circumstances exist which are peculiar to the parcel of land, building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district;**

Staff **does** find that there are circumstances unique to the subject parcel of land. The lot is a legal nonconforming platter lot of record. The lot is 25 feet in width and 3,500 square footage in area. The lot is substandard in both area and lot width by half or more.

2. **Special circumstances and conditions do not result from the actions of the applicant**

Staff **does not** find that circumstances are a result of the applicant. The subject property is a platted lot of record circa 1925. The property is substandard in both width and area. The applicant is proposing to build a single family home with a minimal side yard reduction. Otherwise the home will meet all required lot coverage and setbacks other than the side yard.

3. **Granting the variance will not confer upon the applicant any special privilege denied by the comprehensive plan and this Code to other parcels of land, buildings, or structures, in the same zoning district**

Staff finds that the proposed variance **will not** confer special privileges. The highest and best use of a residential single family lot is to build a single family home. Though the lot is narrow, it is a legally platted lot of record and by code is considered buildable. The lot is half the width of many surrounding lots, and is the only lot of this size on the block. Approval of this variance would allow the construction of a single family home.

4. **Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship**

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. The current lot is substantially substandard in both width and area. Failure to grant the variance would deprive the applicant of the reasonable use of the property for construction of a single family home, the highest and best use of the property.



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure

Staff **does** find that the requested variances are the minimum variance needed to accomplish the proposed design. The request is for the reduction of the overall side yard setbacks from a combined of 15 feet to 10 feet. Under the RS-2 standards, any side yard may be 5 feet, but the combined must be 15 feet. Additionally the property would have no other reasonable use other than that of a single family home. Denial of the variance would not allow reasonable use of the land.

6. Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.

Staff **does** find that the request is consistent with the comprehensive plan. The applicant is not requesting any deviations from the established future land use designation policies and is consistent with the Goals Objectives and Policies of the adopted comprehensive plan.

Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#22-100087**

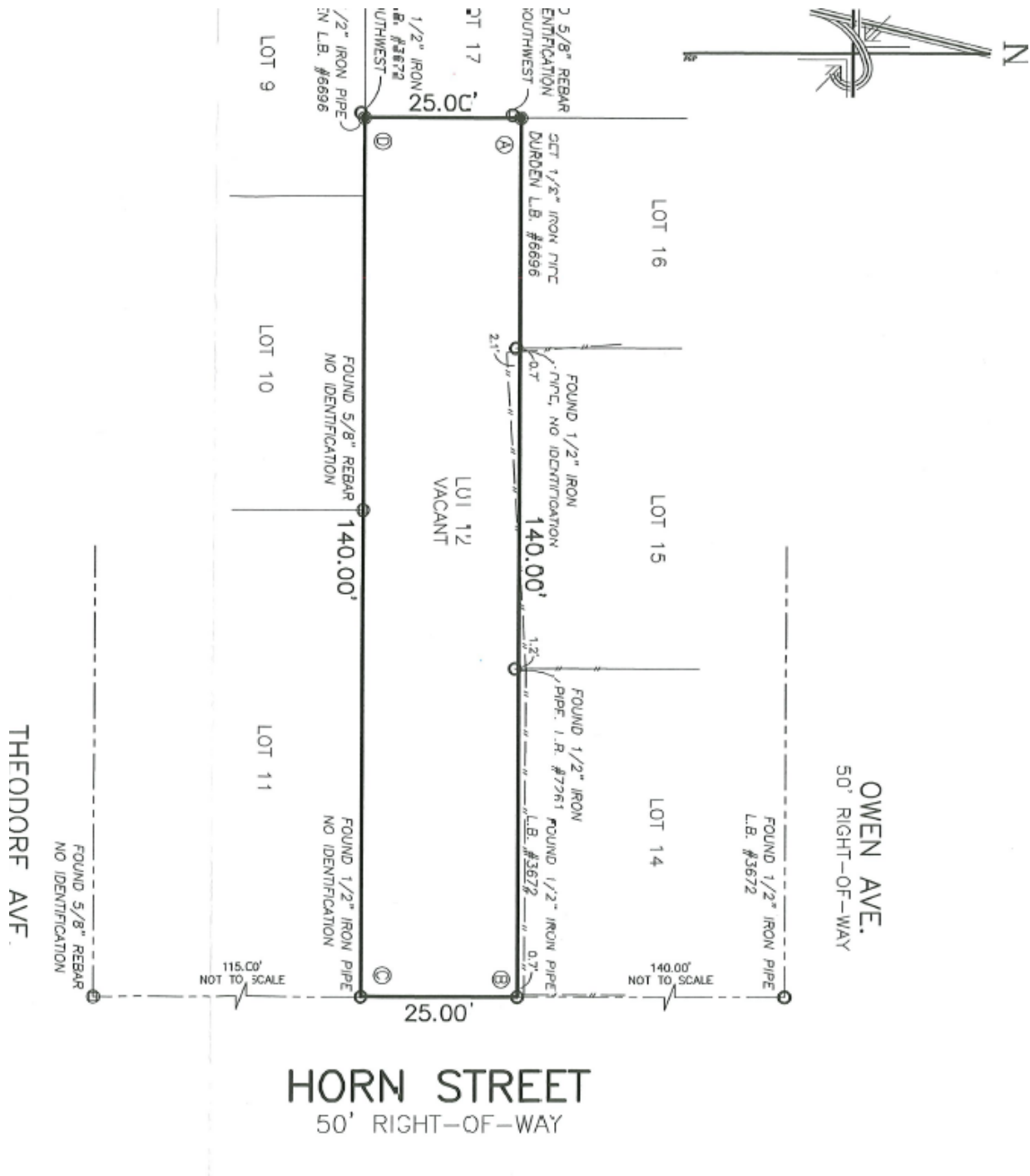
Location Map (property boundaries are representative only)





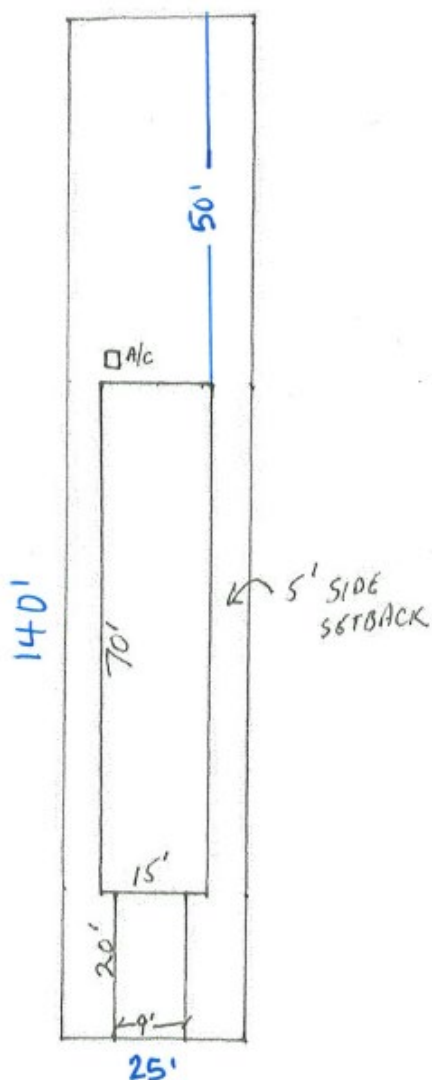
City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Existing Survey



Proposed Site Plan

1952 - per P&D



LOT SIZE = 3500 ϕ
 HOUSE SIZE = 1050 ϕ
 PAVERS (PERVIOUS)
 200 ϕ / 2 = 100 ϕ
 TOTAL IMPERVIOUS 1150 ϕ
 TOTAL IMPERVIOUS 33%

RECEIVED

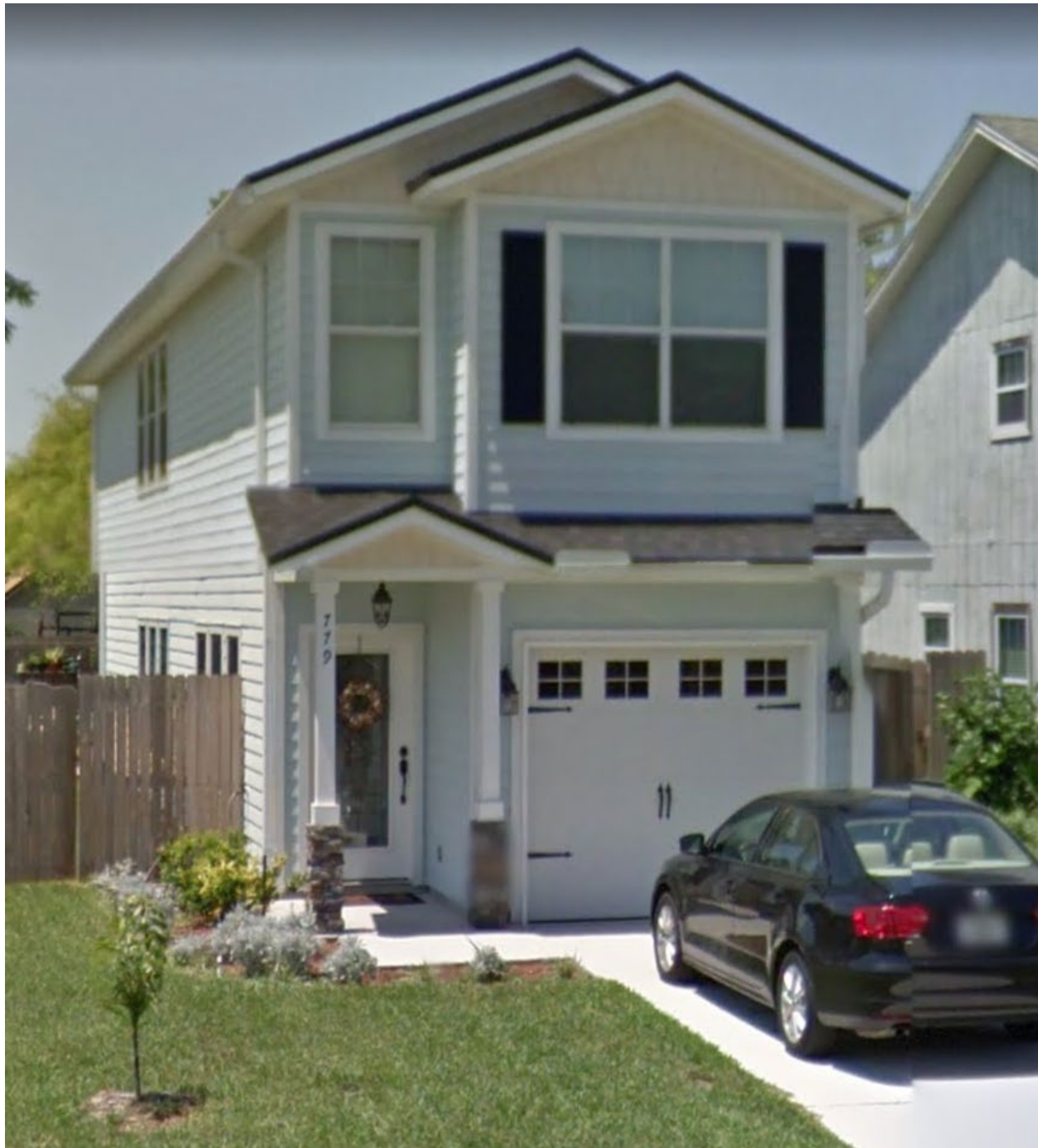
22-100087

JUN 30 2022

PLANNING & DEVELOPMENT

1" = 20'

Example 779 10th Ave South





APPLICATION FOR VARIANCE

BOA NO. 22-100087

HEARING DATE 9.7.22

This form is intended for submittal, along with the required documents, for all requests for variances from the requirements of the City of Jacksonville Beach Land Development Code, Article 6, Section 6.6 Variances. The Planning and Development Director will evaluate an application for a variance for sufficiency within five (5) days of receipt. If the application is found to be complete, the Jacksonville Beach Board of Adjustment at their earliest meeting following appropriate public notice of the request will schedule it for review, public hearing and a decision.

REQUIRED DOCUMENTATION

1. Accurate, to-scale boundary survey prepared by a registered land surveyor, certified within the past two calendar years. All proposed additions and/or improvements, including actual dimensions, relevant setbacks from property lines, and lot coverage calculations shall be added to the boundary survey, to scale (on 11"x17" paper or smaller)
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of \$500.00 (due at the time of application submittal).
5. Completed application.

RECEIVED

JUN 30 2022

APPLICANT INFORMATION

PLANNING & DEVELOPMENT

Applicant Name: John Atkins **Telephone:** (904) 465-3749
Mailing Address: PO Box 51262 **E-Mail:** atkinsbuilders@hotmail.com
 Jacksonville Beach, FL 32240
Agent Name: **Telephone:**
Mailing Address: **E-Mail:**
Landowner Name: Atkins Builders, Inc **Telephone:** (904) 465-3749
Mailing Address: PO Box 51262 **E-Mail:**
 Jacksonville Beach, FL 32240

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper

VARIANCE DATA

Street address of property AND Real Estate Number: 1952 2452 Horn St. RE #179928-0000
 Legal description of property (Attach copy of deed): Lot 12 Blk 10 Williams Coastal Blvd Heights
 Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
 Side yard setbacks of 5' each in lieu of 15' total provided no side is less than 5'. FOR SINGLE FAMILY HOUSE

AFFIDAVIT

I, John Atkins, being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary documents attached to and made part of this application are true and accurate to the best of my knowledge and belief. Furthermore, I understand that failure to submit accurate information as requested above may be grounds for denial of my request and/or subsequent building permit applications.

John Atkins 6/30/22
 APPLICANT SIGNATURE PRINT APPLICANT NAME DATE

STATE OF FLORIDA, COUNTY OF DUVAL

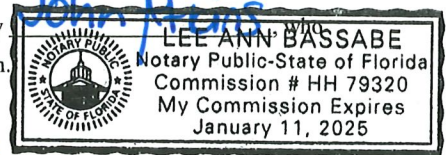
Sworn to and signed before me this 30 day of June, 2022 by John Atkins
 is personally known to me or has produced _____ as identification.

Lee Ann Bassabe

NOTARY PUBLIC SIGNATURE

Lee Ann Bassabe

PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2 FLOOD ZONE: X

CODE SECTION (S):
 34-337(e)(1)c.2, for a total side yard of 10 feet in lieu of 15 feet minimum to allow for construction of a new single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-100087

Variances can be requested for the dimensional standards of Article VII, the off-street parking or landscape standards of Article VIII, and the subdivision standards of the LDC, except that a height variance is not permitted in any zoning district.

Section 34-281. Purpose. Variances are deviations from the terms of the LDC, which would not be contrary to the public interest when owing to special circumstances or conditions; the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship. JUN 30 2022
PLANNING & DEVELOPMENT

Section 34-286. Standards applicable to all variances. In order to authorize any variance from the terms of this code, the Board of Adjustment must find that the following criteria have been met. To assist the Board in making this finding, please complete the blanks on the form below.

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	This is a platted lot of record that has no other contiguous available parcels
Special circumstances and conditions do not result from the actions of the applicant.	Yes	This is a platted lot of record prior to the current Land Development Code.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	This is consistent with other variances granted to the same size parcel.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	Literal interpretation would render the parcel un-buildable.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	5' setbacks are permitted on one side of house in this zoning district.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	New home would be consistent with the neighborhood.



DEPARTMENT OF PLANNING & DEVELOPMENT

CERTIFIED MAIL# 7017 3040 0000 2086 0606

August 8, 2019

Sean Mann
33 Solana Road
Ponte Vedra Beach, FL 32082

Reference
BOA#22-100087

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6231
Fax: 904.247.6107
Planning@jaxbchfl.net

www.jacksonvillebeach.org

RE: BOA#19-1000115
1952 Horn Street (aka 2452 Horn Street)
(Lot 12, Block 10, *Williams Coastal Boulevard Heights*).

Dear Mr. Mann,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, August 6, 2019, to consider the above application for a variance from the requirements of the Land Development Code.

As indicated in the application, the request was for the following:

- 34-337(e)(1)c.2, for total side yard setbacks of 10 feet in lieu of 15 feet required and
- 34-337(e)(1)e, for 44% lot coverage in lieu of 35% maximum

To allow for construction of a new single-family dwelling with a pool and paver deck

The Board **denied** the request.

Please remove the public hearing notice posted on the property. If you have any questions please feel free to call me at (904) 247-6235.

Sincerely,

George D. Knight, CBO
Building Official





DEPARTMENT OF PLANNING & DEVELOPMENT

CERTIFIED MAIL RETURN - RECEIPT REQUESTED

Reference
22-100087

June 3, 2021

John Atkins
PO Box 51262
Jacksonville Beach, FL 32240



FILE COPY

RE: **DEVELOPMENT ORDER FOR VARIANCE**
BOA#21-100059
1952 Horn Street
Lot 12, Block 10, *Williams Coastal Boulevard Heights*

Dear Mr. Atkins,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, June 01, 2021, in the City Council Chambers located at 11 3rd Street North, Jacksonville Beach, Florida, to consider a development permit application requesting to deviate from the requirements of the Land Development Code as described below:

- 34-337(e)(1)c.2, for total side yard setbacks of 10 feet in lieu of 15 feet required

To allow for construction of a new single-family dwelling

Based on the review and discussion of said application and the consideration of any testimony provided during the duly advertised public hearing, the Board of Adjustment determined this application for development **did not meet** the standards applicable for authorizing a variance pursuant to Land Development Code Section 34-286.

The Board **Denied** the request.

Please remove the public hearing notice posted on your property. Attached is a copy of the submitted site plan for your records. If you have any questions regarding this variance or the permitting process, please feel free to call me at (904) 247-6231.

Sincerely,

Christian Popoli
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org



CONTINUED ON PAGE 2



As provided by subsection 166.033(6), Florida Statutes, issuance of a variance by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. It is hereby a condition that all other applicable state or federal permits be obtained before commencement of the development.

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org



BOA#21-100059

PROPOSED

~~2452~~ HORN ST.
1952 - per P&D

LOT SIZE = 3500 ϕ

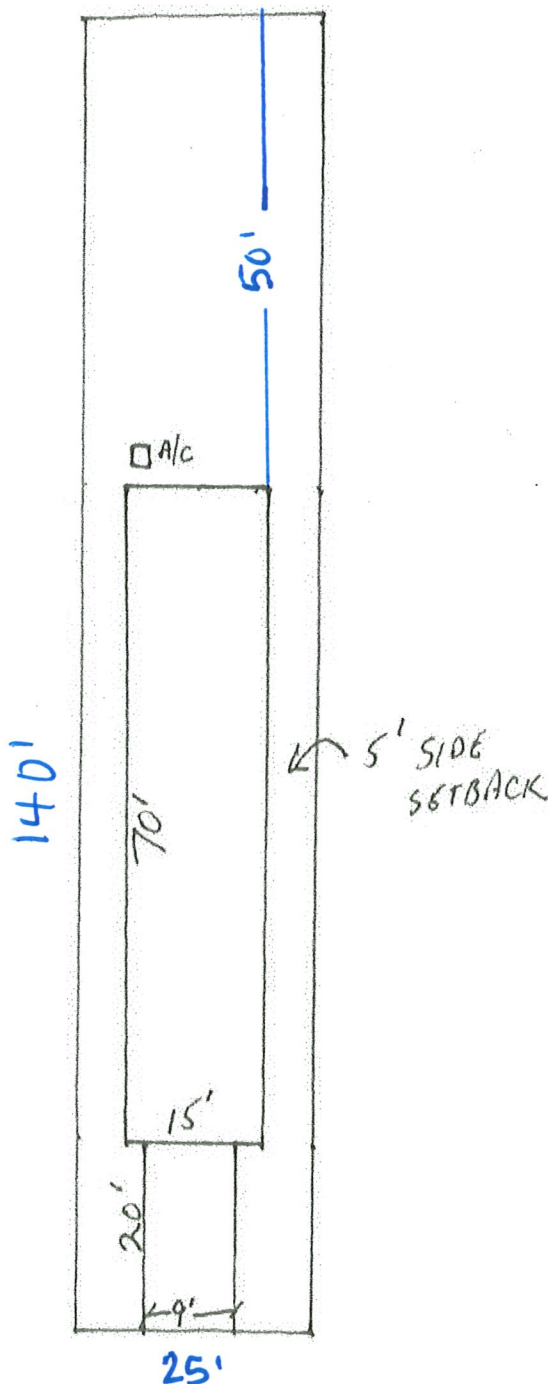
HOUSE SIZE = 1050 ϕ

PAVERS (PERVIOUS)

200 ϕ / 2 = 100 ϕ

TOTAL IMPERVIOUS 1150 ϕ

TOTAL IMPERVIOUS 33%



RECEIVED

22-100087

JUN 30 2022

PLANNING & DEVELOPMENT

1" = 20'

PROPOSED

RECEIVED

22-100087

JUN 30 2022

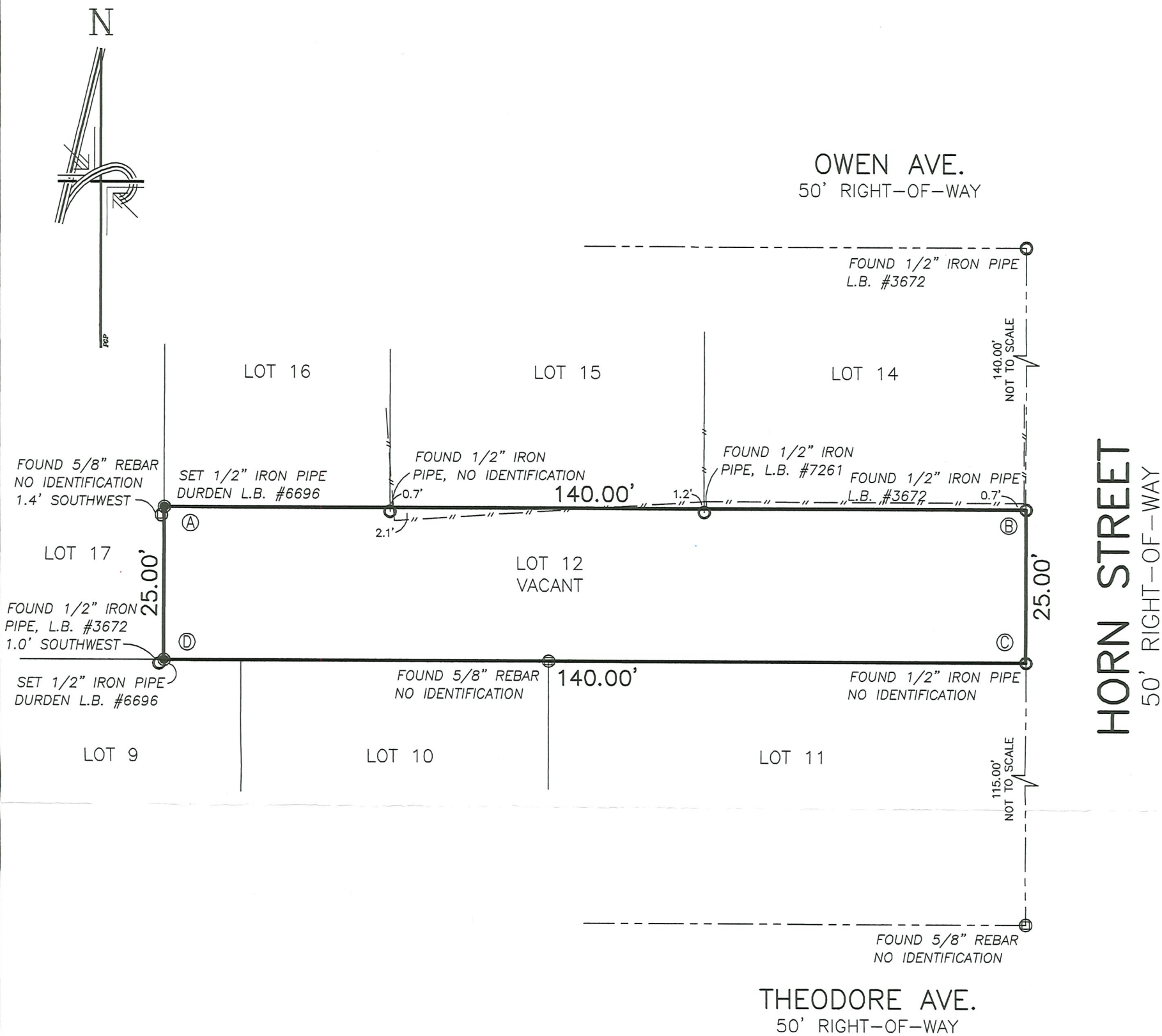
PLANNING & DEVELOPMENT



EXISTING

MAP SHOWING BOUNDARY SURVEY OF:

LOT 12, BLOCK 10, WILLIAMS COASTAL BOULEVARD HEIGHTS, AS RECORDED IN PLAT BOOK 10, PAGE 19 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



NOTES:

THIS PROPERTY LIES IN FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP (FIRM), DUVAL COUNTY, COMMUNITY No. 120078, MAP/PANEL No. 12031C-0419-J, REVISED NOVEMBER 2, 2018

NO BUILDING RESTRICTION LINE BY PLAT

ALL LOTS SHOWN HEREON LIE WITHIN BLOCK 10

--//-- DENOTES 6' WOOD FENCE EXCEPT AS NOTED

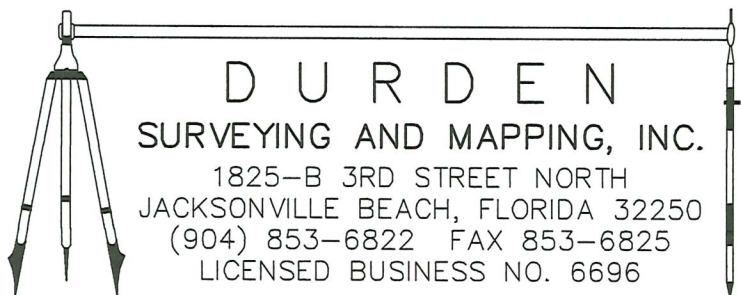
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

ANGLE TABLE

A = 90°00'00"
B = 90°00'00"
C = 90°00'00"
D = 90°00'00"

RECEIVED
22-100087
JUN 30 2022

PLANNING & DEVELOPMENT



SURVEYOR'S NOTE:

THE SURVEY HEREON WAS MADE WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE AND THEREFORE THE UNDERSIGNED AND DURDEN SURVEYING AND MAPPING, INC., MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT OR SEARCH OF TITLE. THIS SURVEY NOT VALID UNLESS THIS PRINT IS EMBOSSED WITH THE SEAL OF THE ABOVE SIGNED.

I hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes and Chapter 5J17 Florida Administrative Code

H. Bruce Durden, Jr.
FLORIDA REGISTERED SURVEYOR No. 4707
H. BRUCE DURDEN, Jr.

SIGNED JUNE 21, 2019

SCALE: 1" = 20'

WORK ORDER NUMBER: 19391

B-9502

Reference

LeeAnn Bassabe

From: Anne Wiggins <anne.wiggins@att.net>
Sent: Saturday, August 27, 2022 4:13 PM
To: Planning Division
Subject: BOA#22-100087

I received a notice of a zoning variance hearing from you concerning the single lot on Horn Street associated with the record number BOA#22-100087. My email today is in opposition to the variance as a person living in the neighborhood. My concern is the negative impact this building will have on the neighborhood, the possible flooding issues it can cause and the possibility of additional buildings like this being built in the area going forward.

This is the third time I've been made aware of the builder's attempt to build this structure and the third time I've sent in my opposition. I was at the first hearing but not able to be present at the last hearing. I will make a point to be at the one scheduled on Sept. 7 to show my support for opposing this variance.

Please feel free to call me if you have any questions.

Anne E Wiggins
1871 Riley Street
Jacksonville Beach
(904) 616-7562

LeeAnn Bassabe

From: Shawn Dahbour <shawndfromnc@aol.com>
Sent: Saturday, August 27, 2022 5:59 PM
To: Planning Division
Subject: BOA#22-100087 - I oppose

I Oppose this variance request. There are no other structures like this in Coastal Heights. If allowed, this variance will set a Negative Precedent and more mobilehome structures will squeeze onto tiny lots. My other concerns for our neighborhood are:

- 1) Parking- there are already not enough places to park on the street.
- 2) Flooding- my property is directly beside the requested variance and during severe thunderstorms and hurricanes there is no place for the water to go now.
- 3) Fire hazard- this tiny house is being sandwiched between several existing homes. To minimize side variances increase our fire risk especially since this proposed property will more than likely be an Air BNB.
- 4) Property values- A 15 ft wide shotgun house two or three stories high will not positively effect existing home values in our established neighborhood.

Please put yourself in our shoes. We do not want mobile home type structures built in our neighborhood.

Thank you,

Shawn E. Dahbour
1120 Owen Ave
(352) 246-1392

Reference

LeeAnn Bassabe

From: Joseph DeGance <mjdegance@yahoo.com>
Sent: Sunday, August 28, 2022 11:15 AM
To: Planning Division
Subject: BOA#22-100087

Planning committee,

As a home owner in the Jacksonville Beach area for close to 10 years, we are completely against this proposal. There are almost too many reasons to list why this is not a good short or long term idea. Parking for instance is already limited in the area, and water run off is another consideration. During the summer months, the amount of rain we take, makes a difficult situation even worse. The homeowners adjacent to the three story house directly in view of local neighbors is a serious privacy concern as well. I'm not sure why this proposal continues to come up with so much opposition, but I am completely against it.

Thank you for your consideration,

Joseph DeGance
1019 Theodore Ave
Jacksonville Beach

Sent from my iPad

Reference

LeeAnn Bassabe

From: Steve Manz <manzgator@gmail.com>
Sent: Monday, August 29, 2022 8:40 AM
To: Planning Division
Subject: BOA#22-100087

Good Morning,

My name is Steve Manz and I live in 1058 Owen Ave within 300 ft of the proposed shotgun house. I oppose this variance request.

Thank you.

-Steve

Reference

LeeAnn Bassabe

From: ADAM WEINBERG <adam_weinberg@comcast.net>
Sent: Monday, August 29, 2022 8:42 AM
To: Planning Division
Subject: BOA#22-100087

To whom it may concern,

We are residents at 1817 Horn street, just down the road from this proposed build. The idea that someone could even consider building a home on a 25 foot lot is ludicrous. It does not even remotely in line with this established neighborhood and the homes that exist.

We are vehemently opposed to this variance being granted.

Thank you.

Adam and Kelly Weinberg

Reference

LeeAnn Bassabe

From: Mary Lauren Eubank <marylaureneubank@gmail.com>
Sent: Monday, August 29, 2022 11:12 AM
To: Planning Division
Subject: BOA#22-100087

I am writing for the third time in that last year and half in regards to the variance request 2452 Horn Street. **Please deny this request AGAIN and hopefully for the last time.** This is a still ridiculous variance as the lot size is simply too small for a home. Building on this proposed lot would undoubtedly disrupt the current homeowners lifestyle and ruin any privacy they have. The planned shotgun style home would bring no value to our neighborhood and truly only creates burdens. As a current resident on neighboring Theodore Ave, I can easily see that building on this so-called lot will not only create overcrowding on Horn St, in terms of parking but will pose a flood hazard which the city is very strict about approving variances for that exact reason.

If the potential occupants had more than one car, they would permanently need parking on the street which would be difficult with a stop sign only feet from the proposed house. We were so appreciative of the city council hearing our complaints in August 2019 and again in June 2021. We are counting on you again to put the interest of your constituents first. At the last hearings, the council reps admonished this builder for lack of communication with the neighboring residents. Another year has passed and the only time we hear from him is when he wants to build continuing his lack of respect for the residents and the neighborhood. **The only choice the Jacksonville Beach City Council has is to deny this variance request and support the opinions of the neighbors whose home value and overall quality of life will be negatively affected.**

Kindly,
Mary-Lauren Eubank
512-217-8264

Reference

LeeAnn Bassabe

From: Arielle Nixon <ariellenixon@gmail.com>
Sent: Monday, August 29, 2022 11:17 AM
To: Planning Division
Subject: BOA# 22-100087

Good morning,

My name is Arielle Manz and I live at 1058 Owen Avenue, Jacksonville Beach, within 300 feet of the proposed shotgun house. I oppose this variance request.

Thank you,
Arielle

--
Arielle Manz
ArielleNixon@gmail.com

Reference

LeeAnn Bassabe

From: pat and raine busch <patlor44@yahoo.com>
Sent: Monday, August 29, 2022 2:06 PM
To: Planning Division
Subject: BOA#22-100087

As a resident of this area, we strongly oppose
allowing this house to be built
Lorraine Busch
1091 Osceola Ave corner of Horn.

Sent from Yahoo Mail for iPhone

Reference

LeeAnn Bassabe

From: Matthew Reimer - Intracoastal Builders <ibcreimer@gmail.com>
Sent: Monday, August 29, 2022 6:34 PM
To: Planning Division
Subject: BOA#22-100087 - RE#179928-0000

RECEIVED

AUG 30 2022

Hello,

PLANNING & DEVELOPMENT

I am a resident of Theodore Ave close to 2452 Horn Street where the above-referenced variance request has been submitted. This is the third variance request for this parcel, and I continue to oppose the request. While I am the beneficiary of a variance at my own property and do believe landowners should have the opportunity to pursue all options available to develop their property to the fullest extent possible, this application does not appear to be consistent with the other approved variances in this neighborhood. My concerns about this application are as follows:

1. The main request appears to be a reduction in the total side yard setbacks from 15' to 10'. This neighborhood has for the most part maintained 15' combined setbacks throughout. It would be a shame for a trend to start reducing the setbacks that could lead to current homes being expanded closer to neighbors or knocked down and replaced by larger homes encroaching closer to neighbors.
2. The lot's orientation will present challenges for locations of HVAC and pool equipment, which must be located at least 5 feet away from property lines.
3. The lot is only 25' in width, which means cars not parked in a driveway will be parked in front of adjoining properties and further impeding access on already tight streets. This neighborhood is located between a Fire Station and a Hospital the streets are tight.
4. A house of 15' in width is not consistent with any other home in the neighborhood.
5. Finally, with the narrow width of the lot the constructability of this house and its impact on the adjacent residents come into concern with the maneuverability of equipment, staging of materials, as well as parking of vehicles during construction and their impact on the neighborhood during this time. The reduction of the side yard setbacks adds to the challenges of maneuverability around the house not only during construction but also in the event repairs are needed during the lifespan of the structure including any storm damage repairs. If access to equipment, ladders, and scaffold on the sides of the house is not available for storm repairs, etc, it's possible the house could become an eyesore and be a detriment to the community.

Before any variance is approved, these questions should be considered and addressed to ensure the essence of our community and neighborhood are maintained.

Thank you for your time,

Matthew Reimer
Intracoastal Builders Corporation
904.509.1345

Reference

LeeAnn Bassabe

From: Sara Pyle <sarampyle@gmail.com>
Sent: Monday, August 29, 2022 10:18 PM
To: Planning Division
Subject: BOA #22-100087 hearing 9/7/22

RECEIVED

AUG 30 2022

PLANNING & DEVELOPMENT

Jacksonville Beach Board of Adjustment/Planning and Development,

I strongly oppose the proposed variance #22-100087 on Horn St.

According to the Jacksonville Beach website section on code enforcement, the definition of what constitutes a nuisance is as follows: "A nuisance is defined as permitting any condition to exist that essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the property value of others." This proposed variance is quite literally a nuisance. Not only would building a home here interfere with our comfortable enjoyment of our backyard, but it would also depreciate the property values for multiple existing homes in this area.

As you well know, the current zoning code of ordinances for this area states that there are fifteen feet total needed for both side yards, provided that no side yards are less than five feet. This is for good reason. With the close proximity of this proposed home to the already established and surrounding homes, squeezing in a tiny shotgun style home will decrease free land area, thereby increasing water retention and flood potential. My home's backyard shares its entirety with one side of this lot's property line and there is already a standing water issue when large or heavy rainfall occurs. Besides being a threat to our properties with potential water damage, this raises a huge health concern with our yards becoming a mosquito breeding ground. Multiple vector-borne diseases carried by mosquitoes are putting the residents of this neighborhood at risk due to the standing water that is bound to accumulate if this variance is approved.

Building such a small narrow home with limited yard space this close to other existing homes raises a huge concern for privacy. If a residence is built on this property, there is little to no privacy for the surrounding neighbors. Five current homes share their property lines with this small section of land in question. We chose to live here and build single family homes so as to avoid apartment style living. Having a house this close to my own home would feel like I am residing in a condominium. Squeezing as many homes as possible onto small parcels of available land is not in the best interest of residents, wildlife, and the environment in Jax Beach. It would also directly affect our property values in a negative manner. Most people seek privacy in regards to their own homes, and having someone nearly on top of your backyard is detrimental to the value of my and others' homes.

I respectfully implore you to deny the variance approval for this piece of property.

Sincerely,

Sara Dahbour, MSN, ARNP
1120 Owen Ave. Jacksonville Beach, FL 32250

Reference

LeeAnn Bassabe

From: Peter Kimball <pgk1978@gmail.com>
Sent: Monday, August 29, 2022 11:53 PM
To: Planning Division
Subject: BOA#22-100087

RECEIVED

AUG 30 2022

PLANNING & DEVELOPMENT

Hi,

My name is Peter and my property at 2251 Riley Street in Jax Beach shares a common 25' line with this property at the rear. I am writing this email to oppose any such development on this property that would require special permission to build on the property beyond what is acceptable.

We have an over abundance of vacation rentals in the area already and just last week there was a shooting event at an Airbnb less than 0.5 miles away from this location.

We are worried that any kind of "tiny house" will likely be a vacation rental and add more disruption to this highly family-oriented residential area.

I have not spoken to any neighbor that is in support of this proposition. Please decline this request as has happened twice already.

Thank you,
Peter Kimball
2251 Riley Street, Jacksonville Beach, FL 32250

Reference

LeeAnn Bassabe

From: dot chambers <dcham31@yahoo.com>
Sent: Tuesday, August 30, 2022 9:25 AM
To: Planning Division
Subject: BOA22-100087

RECEIVED

AUG 30 2022

Oppose

PLANNING & DEVELOPMENT

Thanks
Chambers

Sent from my iPhone

Reference

LeeAnn Bassabe

From: Alison Moss <mossalison@gmail.com>
Sent: Tuesday, August 30, 2022 9:39 AM
To: Planning Division
Subject: Re: BOA#22-100087

RECEIVED

AUG 30 2022

Hello,

PLANNING & DEVELOPMENT

I am writing in regards to the variance request 2452 Horn Street. **Please deny this request AGAIN and hopefully for the last time.** This is a still ridiculous variance as the lot size is simply too small for a home. Building on this proposed lot would undoubtedly disrupt the current homeowners lifestyle and ruin any privacy they have. The planned shotgun style home would bring no value to our neighborhood and truly only creates burdens. As a previous owner on neighboring Theodore Ave, I can easily see that building on this so-called lot will not only create overcrowding on Horn St, in terms of parking but will pose a flood hazard which the city is very strict about approving variances for that exact reason. We care about our old neighbors and don't want them exposed to these hazards.

If the potential occupants had more than one car, they would permanently need parking on the street which would be difficult with a stop sign only feet from the proposed house. We were so appreciative of the city council hearing our complaints in August 2019 and again in June 2021. We are counting on you again to put the interest of your constituents first. At the last hearings, the council reps admonished this builder for lack of communication with the neighboring residents. Another year has passed and the only time we hear from him is when he wants to build continuing his lack of respect for the residents and the neighborhood. **The only choice the Jacksonville Beach City Council has is to deny this variance request and support the opinions of the neighbors whose home value and overall quality of life will be negatively affected.**

Thank you for your time!
Alison Moss

On Mon, Aug 29, 2022 at 11:11 AM Mary Lauren Eubank <marylaureneubank@gmail.com> wrote:

I am writing for the third time in that last year and half in regards to the variance request 2452 Horn Street. **Please deny this request AGAIN and hopefully for the last time.** This is a still ridiculous variance as the lot size is simply too small for a home. Building on this proposed lot would undoubtedly disrupt the current homeowners lifestyle and ruin any privacy they have. The planned shotgun style home would bring no value to our neighborhood and truly only creates burdens. As a current resident on neighboring Theodore Ave, I can easily see that building on this so-called lot will not only create overcrowding on Horn St, in terms of parking but will pose a flood hazard which the city is very strict about approving variances for that exact reason.

If the potential occupants had more than one car, they would permanently need parking on the street which would be difficult with a stop sign only feet from the proposed house. We were so appreciative of the city council hearing our complaints in August 2019 and again in June 2021. We are counting on you again to put the interest of your constituents first. At the last hearings, the council reps admonished this builder for lack of communication with the neighboring residents. Another year has passed and the only time we hear from him is when he wants to build continuing his lack of respect for the residents and the neighborhood. **The only choice the Jacksonville Beach City Council has is to deny this variance request and support the opinions of the neighbors whose home value and overall quality of life will be negatively affected.**

Kindly,
Mary-Lauren Eubank
512-217-8264

Reference

LeeAnn Bassabe

RECEIVED

From: Suanne <bosukani@yahoo.com>
Sent: Tuesday, August 30, 2022 11:52 AM
To: Planning Division
Subject: BOA#22-100087 Opposition Letter

AUG 30 2022

PLANNING & DEVELOPMENT

Dear Board of Adjustment,

We would like to express our opposition to the building of a home on the "too small" lot at 2452 Horn Street. This issue was address recently and I believed it was put to rest. It upsets me to know that the decision was not final and that local homeowners may be forced into this fight yearly. (This is unfair - what has changed that makes the applicant feel the decision will be different this time.)

If this home is built it will set a precedent that we do not want to see in our neighborhood, or in Jax Bch in general. We bought here because we loved the feel of the neighborhood - cramming in small houses into every open space will diminish the desirability of the area and decrease home values.

Please do what is right and listen to the residents of the area.

Thank you,

Robert and Suanne Peters
1216 Theodore Ave
Jacksonville Beach

Reference

LeeAnn Bassabe

From: Greg Kenny <gmkenney510@gmail.com>
Sent: Tuesday, August 30, 2022 12:13 PM
To: Planning Division
Subject: BOA#22-100087

Good afternoon,

I am emailing you to oppose, for the third time, this shotgun home being considered at 2452 Horn St. Jacksonville Beach. Please do not approve this as it may set an impractical trend in our neighborhood. Thank you in advance for any consideration.

Greg Kenny
1061 Osceola Ave
Jax Beach, Fl. 32250

Sent from my iPhone

RECEIVED

AUG 30 2022

PLANNING & DEVELOPMENT



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

BOA#22-100088

Zoning: RS-2
RE: 179944-0990
Legal: South half of lots 20 through 24, Block 12, Williams Coastal Blvd Heights
Address: 1709 Riley Street

Request

Section(s): 34-337(e)(1)e, for lot coverage of 42% in lieu of 35% maximum; and 34-337(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet minimum to allow for construction of a new swimming pool, pool deck and patio, accessory shed and walkway at an existing single-family dwelling

Existing Conditions

The subject property is a portion of four legal nonconforming lots of record (circa 1925) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-2. The subject property is 57 feet in width and 127 feet in depth. The overall area is 7,331 square feet. The lot is currently occupied by an existing single family home constructed in 2019. The lot is currently at 36% lot coverage with no approved variance on file. The home was purchased in 2020 by the current owners. The home was constructed with a modest rear patio and front walkway along with ribbon strip driveways. Based on the submitted design and site plan at the time of construction it appears the 36% lot coverage is a result of the survey/ design/ and construction not all matching the submitted plans but was not the result of the current owner.

Staff Analysis

The subject property is substandard in width and area. The lot is 57 feet in width and 7,331 square feet in area. The minimum lot width for RS-2 is 75 feet and the minimum lot area is 7,500 square feet. If the lot were a full sized lot, the proposed lot coverage would be 39%. Although the applicant has requested an accessory setback of 3 feet in lieu of 5 feet, they have not shown a reason on the site plan for the request. After speaking with the applicant, they indicated they may have future plans for a paved seating area. Although they have made the request, they have not shown the specific location of the proposed area nor accounted for it in the site plan and lot coverage. Staff would propose approving the current requested lot coverage, but deny the request for accessory setback as it is beyond the minimum needed for current the request.



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Minimum Dimensional Standards

- Minimum lot area: Seven thousand five hundred (7,500) square feet.
- Minimum lot width: Seventy-five (75) feet at the building line and a minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty (20) feet.
 - Side yard: Fifteen (15) feet in total for both side yards provided that no side yards are less than five (5) feet, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear Yard: Thirty (30) feet.
- Floor area: A single family dwelling unit shall contain a minimum of one thousand two hundred (1,200) square feet of conditioned living area and a one (1) car garage or carport. The garage or carport shall not be included as part of the single family dwelling unit's minimum square footage.
- Maximum lot coverage: Thirty-five (35) percent.
- Height: Thirty-five (35) feet.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.

Review of Criteria

1. **Special conditions and circumstances exist which are peculiar to the parcel of land, building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district;**
Staff **does** find that there are circumstances unique to the subject parcel of land. The lot is a portion of several legal nonconforming platted lots of record. The lot is 57 feet in width and 7,331 square feet in area.
2. **Special circumstances and conditions do not result from the actions of the applicant**
Staff **does not** find that circumstances are a result of the applicant. The lot is comprised of portions of lots of record, each originally measuring 25 feet in width. The south portion of four lots were combined to create a buildable lot.



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

The current owner purchased the property in 2020 after the home was constructed.

3. **Granting the variance will not confer upon the applicant any special privilege denied by the comprehensive plan and this Code to other parcels of land, buildings, or structures, in the same zoning district**

Staff finds that the proposed variance **will not** confer special privileges. The proposed lot coverage variance is a common request found throughout this zoning district and the surrounding neighborhood and will not confer any special privilege to this owner not enjoyed by others in the same zoning district.

4. **Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship**

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Without approval of at least 36% lot coverage, the home would be a legal nonconformity based on the current lot coverage at time of completion of construction. Additionally, any future expansion or addition to the house or property would require a variance and typically additions and accessory uses are common rights enjoyed by owners of single family homes.

5. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure**

Staff **does** find that the requested variances are the minimum variance needed to accomplish the proposed design. The requested lot coverage allows for the construction of a pool, pool deck and a small patio with walkway as well as an enclosed shower and small shed. Although there was a request for accessory setback reduction, as the applicant has not shown reason for this request, staff does feel that the approval of the setback reduction does exceed the minimum variance request.

6. **Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.**

Staff **does** find that the request is consistent with the comprehensive plan. The applicant is not requesting any deviations from the established future land use



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

designation policies and is consistent with the Goals Objectives and Policies of the adopted comprehensive plan.

Staff Recommendation

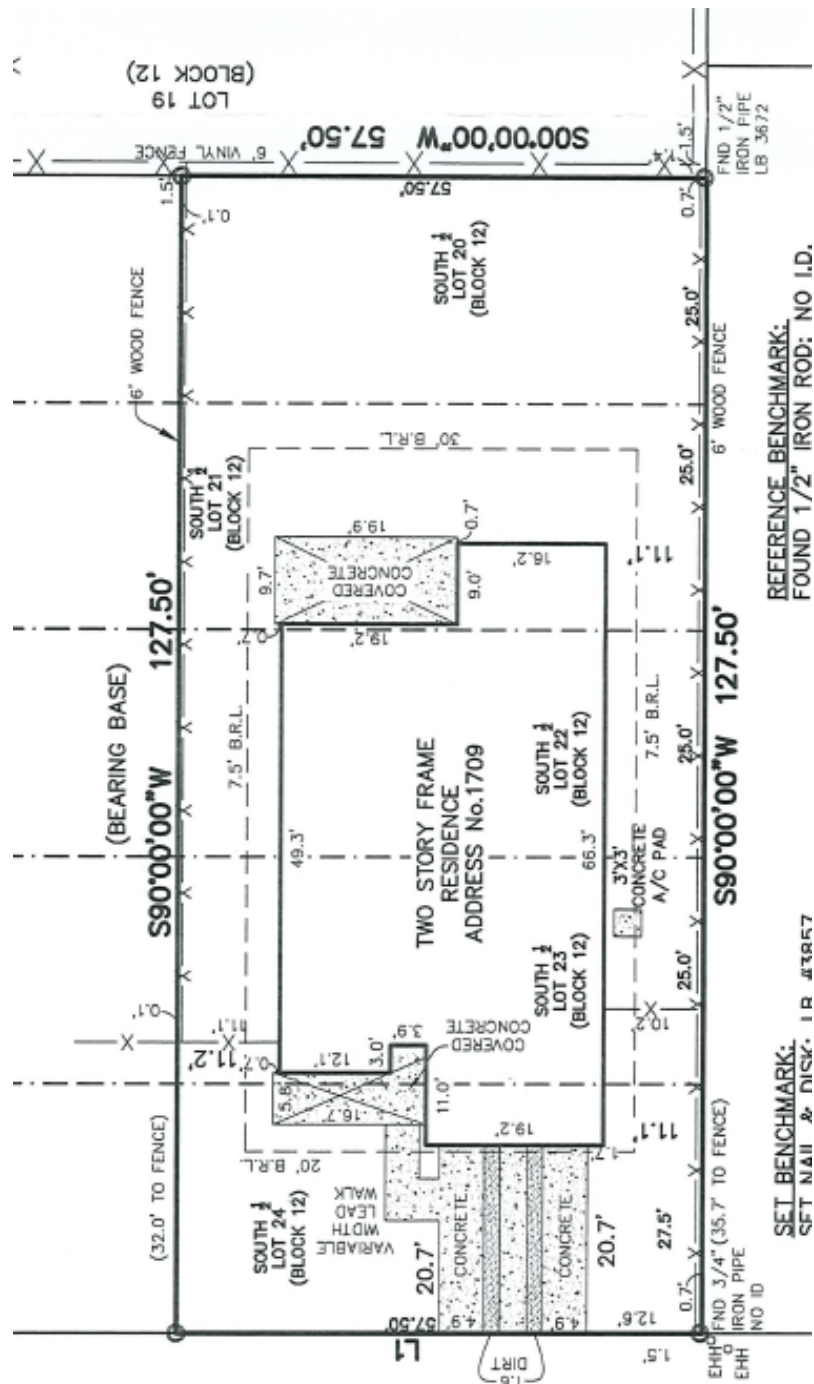
Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#22-100088 in part, with consideration for lot coverage only, and denial of the accessory setback reduction.**

Location Map (property boundaries are representative only)



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Existing Survey



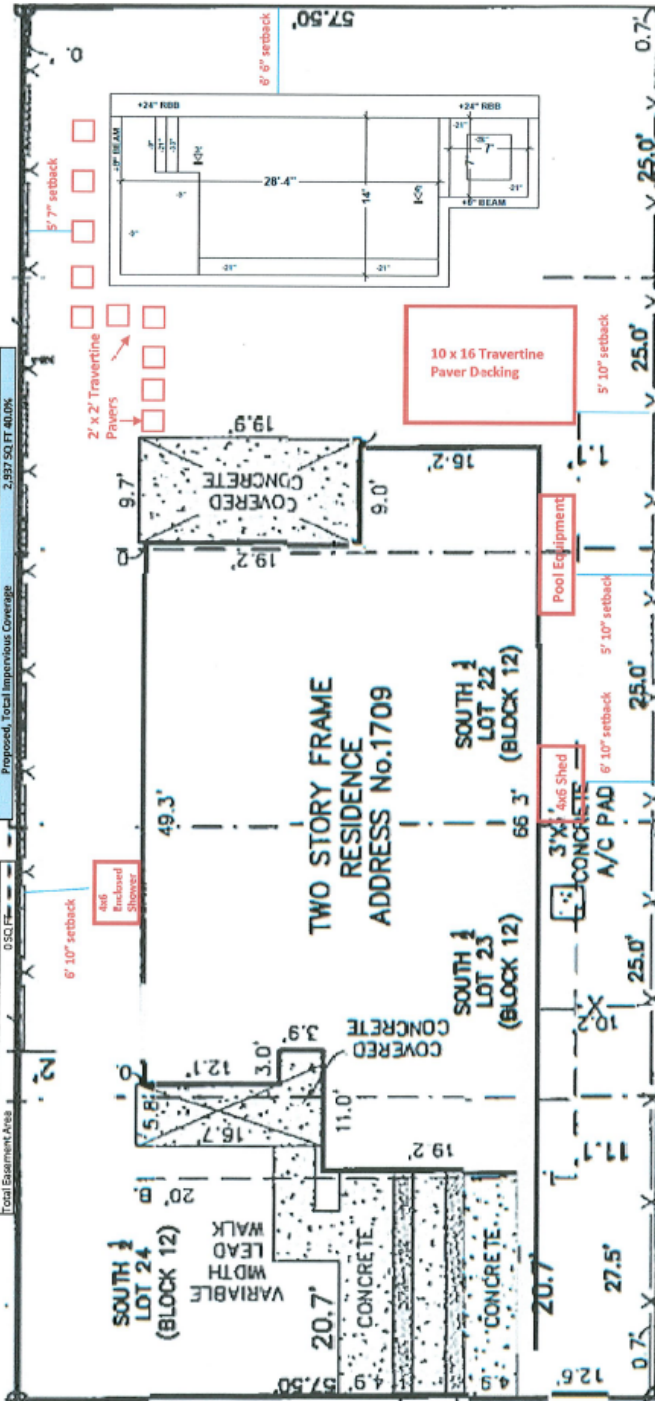
Proposed Site Plan

22-100088
AUG - 1 2022

PLANNING & DEVELOPMENT Proposed

Proposed Changes		New Total Lot Coverage %
Addition	Coverage	
Transmit Pavers	40 SQ FT	36.8%
Traveling Deck	150 SQ FT	39.0%
Pool Equipment	27 SQ FT	39.4%
Shed	24 SQ FT	39.7%
Shower Enclosure	24 SQ FT	40.0%
Proposed, Total Impervious Coverage		2,937 SQ FT 40.0%

Current	
of Site	7,531 SQ FT
Driveway to R/W	265 SQ FT
Lead Walk	49 SQ FT
Approximate Sidewalk	0 SQ FT
Right-of-way Length	57.5 SQ FT
Total Building Coverage	2,338 SQ FT 32%
Total Impervious Coverage	2,662 SQ FT 36%
Total Paved Area	0 SQ FT





APPLICATION FOR VARIANCE

BOA NO. 22-100088
HEARING DATE 9.7.22

This form is intended for submittal, along with the required documents, for all requests for variances from the requirements of the City of Jacksonville Beach Land Development Code, Article 6, Section 6.6 Variances. The Planning and Development Director will evaluate an application for a variance for sufficiency within five (5) days of receipt. If the application is found to be complete, the Jacksonville Beach Board of Adjustment at their earliest meeting following appropriate public notice of the request will schedule it for review, public hearing and a decision.

REQUIRED DOCUMENTATION

1. Accurate, to-scale boundary survey prepared by a registered land surveyor that shows the location of all existing improvements.
2. Survey, plat or new site plan showing all proposed additions and/or improvements added to the drawing, to scale (on 11" x 17" paper or smaller).
3. Proof of ownership (copy of deed or current property tax notification).
4. Copy of any previous variance and/or conditional use approval letters.
5. If applicant is not owner, notarized written authorization from owner is required.
6. Non-refundable processing fee of \$500.00 (due at the time of application submittal).
7. Completed application.

RECEIVED

JUL - 1 2022

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: Ian Alves Telephone: (617) 470-7829
Mailing Address: 1709 Riley St. E-Mail: ianalves055@gmail.com
Jacksonville Beach, FL 32250
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: Ian Alves & Jacqueline Alves Telephone: (617) 470-7829
Mailing Address: 1709 Riley St. E-Mail: ianalves055@gmail.com
Jacksonville Beach, FL 32250

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

VARIANCE DATA

Street address of property and Real Estate Number: 1709 Riley St. 32250 RE# 179944-0990
Legal description of property (Attach copy of deed): SOUTH 1/2 LOTS 20 TO 24 BLK 12
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).

Requesting 3-foot setback on southern, side yard in lieu of 5 feet. Total impervious lot coverage of 42% for swimming pool, pavers and pool related structures

AFFIDAVIT

I, Ian C. Alves, being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary documents attached to and made part of this application are true and accurate to the best of my knowledge and belief. Furthermore, I understand that failure to submit accurate information as requested above may be grounds for denial of my request and/or subsequent building permit applications.

Ian C. Alves
APPLICANT SIGNATURE

IAN C. ALVES
PRINT APPLICANT NAME

July 1, 2022
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1st day of July, 2022, by Ian C. Alves, who is personally known to me or who produced FLORIDA Driver License as identification.

Chandra Medford
NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME

CHANDRA MEDFORD
Commission No. GG 283199
Expires December 21, 2022
Notary Public State of Florida

(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2

FLOOD ZONE: X

CODE SECTION (S):

34-337(e)(1)e, for lot coverage of 42% in lieu of 35% maximum; and 34-337(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet minimum to allow for construction of a new swimming pool, pool deck and patio, accessory shed and walkway at an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. **22-100088**

Section 34-281 Purpose. Variances are deviations from the terms of the LDC, which would not be contrary to the public interest when owing to special circumstances or conditions; the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

JUL - 1 2022

Section 34-286. Standards applicable to all variances. In order to authorize any variance from the terms of this code, the Board of Adjustment must find that the following criteria have been met. To assist the Board in making this finding, please complete the blanks on the form below.

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	YES	Original lot was subdivided by builder, resulting in smaller than average lot for the area. This, combined with home footprint, has resulted in lot coverage issues.
Special circumstances and conditions do not result from the actions of the applicant.	YES	The builder split original lot to accommodate 2 single family homes. This did not leave ample space for reasonable improvements.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	YES	Other homes in this zone currently have pools with similar structures. We are requesting variance as a result of the builder utilizing all approved lot coverage limits.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	YES	Below addresses in our zone are built to similar specs with lot coverage and pools, and have not resulted in undue hardships for neighboring parcels. We are seeking variances that are in line with others in our area. 1112 Seabreeze Ave 1218 Seabreeze Ave 956 Seabreeze Ave
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	The home builder exceeded lot coverage limits. Lot currently utilizes landscaping techniques to minimize coverage. We will be utilizing permeable surfaces except where concrete/paver surface is required.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	YES	Minimal impervious surfaces will be used. Design will incorporate additional foliage to increase water absorption so as to not impact neighboring land.

Prepared by and Return to:
Sunshine Title Corporation
D. Gonzales
8613 Old Kings Road South, Suite 100
Jacksonville, Florida 32217
Our File Number: STC #115543
179944-0990

RECEIVED
22-100088
JUL - 1 2022

PLANNING & DEVELOPMENT

For official use by Clerk's office only

STATE OF Florida)
COUNTY OF Duval)

SPECIAL WARRANTY DEED
(Corporate Seller)

THIS INDENTURE, made this August 13, 2020, between Salt Air Homes, Inc., a Florida Corporation, whose mailing address is: 226 Tallwood Rd., Jacksonville Beach, Florida 32250, party of the first part, and Ian Alves and Jacqueline Alves, husband and wife, whose mailing address is: 1709 Riley Street, Jacksonville Beach, Florida 32250, party/parties of the second part,

WITNESSETH:

First party, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto second party/parties, his/her/their heirs and assigns, the following described property, to wit:

The South One Half (S 1/2) of Lots 20, 21, 22, 23 and 24, Block 12, Williams Coastal Boulevard Heights, a Subdivision, as per plat thereof, recorded in Plat Book 10, Page(s) 19, of the Public Records of Duval County, Florida.

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the party of the first part hereby covenants with said party of the second part, that it is lawfully seized of said land in fee simple: that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the party of the first part.

IN WITNESS WHEREOF, first party has signed and sealed these present the date set forth on August 13, 2020.

Signed, sealed and delivered
in the presence of:

Salt Air Homes, Inc., a Florida Corporation

Witness signature

DAWN GONZALES

Print witness name

Witness signature

PAM McCAFFERTY

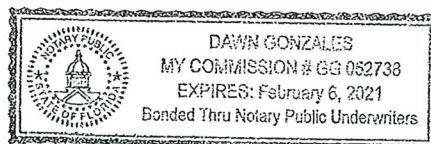
Print witness name

By: Oliver J. Kraut
Print Name: Oliver J. Kraut
Title: President

State of Florida
County of Duval

The foregoing instrument was acknowledged before me by means of [x] physical presence or [] online notarization, this August 13, 2020 by Oliver J. Kraut, President of Salt Air Homes, Inc., a Florida Corporation who is personally known to me or who has produced a drivers license as identification.

Notary Public



Print Notary Name

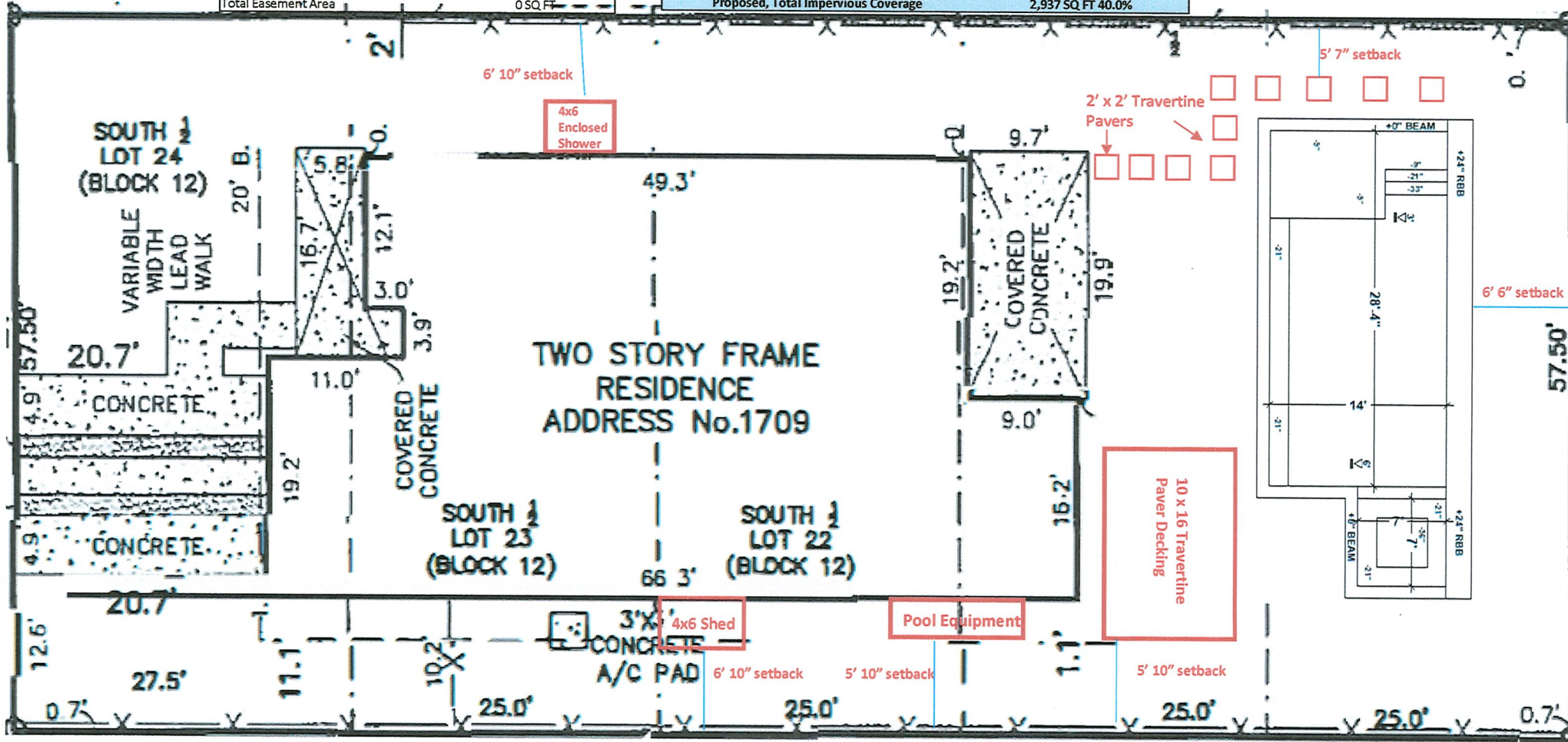
PROPOSED

RECEIVED
22-100088
AUG - 1 2022

PLANNING & DEVELOPMENT
Proposed

Current	
Lot Size	7,331 SQ. FT
Driveway to R/W	265 SQ. FT
Lead Walk	49 SQ. FT
Approximate Sidewalk	0 SQ. FT
Right-of-way Length	57.5 SQ. FT
Total Building Coverage	2,338 SQ. FT 32%
Total Impervious Coverage	2,662 SQ. FT 36%
Total Easement Area	0 SQ. FT

Proposed Changes		
Addition	Coverage	New Total Lot Coverage %
Travertine Pavers	40 SQ. FT	36.8%
Travertine Deck	160 SQ. FT	39.0%
Pool Equipment	27 SQ. FT	39.4%
Shed	24 SQ. FT	39.7%
Shower Enclosure	24 SQ. FT	40.0%
Proposed, Total Impervious Coverage		2,937 SQ. FT 40.0%



EXISTING

SEABREEZE AVENUE
(VARIABLE RIGHT OF WAY)

MAP SHOWING BOUNDARY SURVEY OF
THE SOUTH 1/2 OF LOTS 20 THROUGH 24 BLOCK 12
AS SHOWN ON MAP OF
WILLIAMS COASTAL BOULEVARD HEIGHTS

AS RECORDED IN PLAT BOOK 10 PAGE 19 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLA.
CERTIFIED TO: IAN ALVES & JACQUELINE ALVES / SUNSHINE TITLE CORPORATION /
REGIONS BANK DBA REGIONS MORTGAGE, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR /
ALLIANT NATIONAL TITLE INSURANCE COMPANY

RECEIVED
22.100088
JUL - 1 2022

PLANNING & DEVELOPMENT

SOUTH 1/2 LOTS 20-24		
LOT SIZE	7,331± SQ. FT.	
DRIVEWAY TO R/W	265± SQ. FT.	
LEAD WALK	49± SQ. FT.	
APPROXIMATE SIDEWALK	0± SQ. FT.	
RIGHT-OF-WAY LENGTH	57.50 FT.	
TOTAL BUILDING COVERAGE	2,338± SQ. FT.	32%
TOTAL IMPERVIOUS COVERAGE	2,662± SQ. FT.	36%
TOTAL EASEMENT AREA	0± SQ. FT.	

L1 N00°00'00"E
57.50'

NOTE:
SIDE/FRONT TIES ARE TO THE FOUNDATION.

RECERTIFICATION; W.O.#: 183718; 08-04-2020 (FIELD)
FINAL; W.O.#: 178978; 12-31-19 (FIELD)
LOT & HOUSE STAKE OUT (GOOD-SET F.F.E.); W.O.#: 174718; 07-18-19 (FIELD)
REVISE DRIVEWAY; 03-22-19 (OFFICE)

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS THAT ARE NOT SHOWN
ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

UNDERGROUND ENCROACHMENTS NOT LOCATED

THE LAND SHOWN HEREON IS IN THE SPECIAL FLOOD HAZARD ZONE "X" AS SHOWN
ON FLOOD INSURANCE RATE MAP 0419J FOR DUVAL COUNTY, FLORIDA, F.I.R.M. INDEX DATE 11-02-18

ALL AMERICAN SURVEYORS OF FLORIDA, INC.

LAND SURVEYORS - 3751 SAN JOSE PLACE, SUITE 15 - JACKSONVILLE, FLORIDA, 32257 - 904/279-0088 - LICENSED LAND BUSINESS NO. 3857

Legend	
(TYP.) = TYPICAL	P.R.M. = PERMANENT REFERENCE
FND. = FOUND	MON. = MONUMENT
CONC. = CONCRETE	P.T. = POINT OF TANGENCY
MON. = MONUMENT	P.C. = POINT OF CURVE
I.P. = IRON PIPE	P.R.C. = POINT OF REVERSE CURVE
I.R. = IRON ROD	P.C.C. = POINT OF COMPOUND CURVE
CH. = CHORD	B.R.L. = BUILDING RESTRICTION LINE
A = ARC LENGTH	F.P.AL = FLORIDA POWER & LIGHT
R = RADIUS	A/C = AIR CONDITIONER
(C) = CALCULATED	I.D. = IDENTIFICATION
(D) = DEED	NOVD = NATIONAL GEODETIC VERTICAL DATUM
(P) = PLAT	NAVD = NORTH AMERICAN VERTICAL DATUM
(R) = RADIAL	N.T.S. = NOT TO SCALE
E = CENTER LINE	P.I. = POINT OF INTERSECTION
R/W = RIGHT-OF-WAY	EW = EDGE OF WATER
(A) = ACTUAL	TOB = TOP OF BANK
(W) = WITNESS	LB = LICENSED BUSINESS

THIS IS TO CERTIFY THAT THE ABOVE LANDS WERE SURVEYED
UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION THAT
THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN AND THAT
THE SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL
STANDARDS SET FORTH BY THE FLORIDA BOARD OF
PROFESSIONAL SURVEYORS AND MAPPERS, PURSUANT TO
CHAPTER 472.027 / CHAPTER 61G17-6, FLORIDA STATUTES.

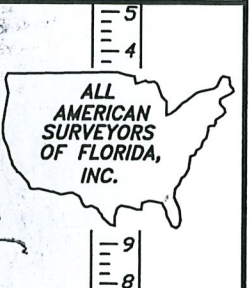
SURVEY NOT VALID UNLESS EMBOSSED BY SEAL

JAMES D. HARRISON, JR., No. 2647
MICHAEL A. GARRETT, No. 6643

SCALE 1"=20'

DATE 08-27-19

FLORIDA REGISTERED SURVEYOR AND MAPPER



REFERENCE BENCHMARK:
FOUND 1/2" IRON ROD; NO I.D.
IN NORTHERLY R/W LINE OF RUTH
AVENUE BETWEEN LOTS 9 & 10, BLOCK 5
ELEVATION: (15.70)

ELEVATIONS SHOWN HEREON
REFER TO NAVD OF 1988

SET BENCHMARK:
SET NAIL & DISK; LB #3857
AT CENTERLINE INTERSECTION OF
RUTH AVENUE & RILEY STREET LOT 25
ELEVATION: (18.62) (BLOCK 12)

ELEVATIONS SHOWN HEREON
REFER TO NAVD OF 1988



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

BOA#22-100089

Zoning: C-2
RE: 175453-0000
Legal: Parts of Lots 1 through 3 and a closed alley, Block C, Pablo Beach South.
Address: 608 Beach Boulevard

Request

Section(s): 34-343(e)(3)b, for a corner side-yard setback of 7 feet in lieu of 10 feet minimum; 34-343(e)5 for lot coverage of 94% in lieu of 85% maximum; 34-377, for 15 parking spaces in lieu of 47 spaces required; 34-425(b)1, for no landscape buffer in lieu of 5 feet required; 34-425(c)1, for no internal landscaping for a parking area in lieu of 1 island per 10 spaces required to allow for renovation of an existing package liquor store

Existing Conditions

The subject property is comprised of three lots of record and part of a closed alley (circa 1909) located in the Commercial future land use category. The property is currently zoned Community Commercial: C-2. The subject property is 152 feet wide and 146 feet deep. The site is currently occupied by the existing package liquor store of ABC fine wine and sprints. The main structure was built in 1966 and predates the existing Land Development Code. The site is not square to Beach Boulevard but rather to 6th Street South. Additionally the structure is not square on the lot, turned roughly 10 degrees to the east. This, in conjunction with the building's size on the subject property leads to a condition where some of the existing parking is located in the right of way and backs out onto 6th Street South. As the property has been mostly unchanged, there are no approved variances associated with this property. The property was acquired by ABC in 1990, several years prior to the adoption of the current comprehensive plan and current LDC.

Staff Analysis

The owners of the existing package store wish to renovate and refresh the property. Part of that project will include the removal of the existing drive through, and enclosing most of that space, converting it into internal space for additional floor area. The overall structure will be renovated internally and externally to bring it into line with the owners current design. The existing structure and associated hardscape occupies 94% lot coverage. Additionally it has less than the required parking, and has seven spaces that are not counted towards required parking based



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

on the fact that they are mostly in the City right of way and customers would have to back into the street. The applicant is requesting relief from many different requirements of the code, to allow for the renovation. A key point is nothing about the site would change with the approval of this variance. The intent is to renovate the interior and exterior, enclosing the drive thru and pushing the exterior wall to take a portion of the drive thru lane as part of the main structure. This would not result in significant changes to the property and the request is to mostly address existing nonconformities of this older commercial structure and site that predates the current code.

Minimum development and parking standards

- Minimum lot area: None.
- Minimum lot width: None.
- Minimum yards:
 - Front yard: Ten (10) feet.
 - Side yard: None, except where adjacent to streets. If adjacent to a street ten (10) feet, for a corner lot, the side yard on the corner shall be ten (10) feet.
 - Rear yard: None.
 - Maximum lot coverage: Eighty-five (85) percent
 - Height: Thirty-five (35) feet.
- Other professional or business offices: one (1) space per three hundred (200) sq. ft. of floor area.

Review of Criteria

1. **Special conditions and circumstances exist which are peculiar to the parcel of land, building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district;**

Staff **does** find that there are circumstances unique to the subject parcel of land. The site is zone C-2 and though there are no minimum lot requirements, the structure is a legal nonconforming structure based on its' location, setbacks, lot coverage and ability to meet parking and landscaping. The structure was originally built in 1966.

2. **Special circumstances and conditions do not result from the actions of the applicant**



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Staff **does not** find that circumstances are a result of the applicant. The current owners of the property acquired the structure in 1990, prior to the existing LDC, and have not made substantial changes in the time between purchase and now. The conditions are pre-existing and not the result of the applicant. Additionally the property was platted in the early 1900s.

3. **Granting the variance will not confer upon the applicant any special privilege denied by the comprehensive plan and this Code to other parcels of land, buildings, or structures, in the same zoning district**

Staff finds that the proposed variance **will not** confer special privileges. The subject site is a package store that has been in this location for over 30 years in its current ownership. As a commercial retail package store, typically renovations and exterior refresh are common, and approval of this variance will allow the existing structure to be renovated, and would not bestow any special privilege.

4. **Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship**

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Without relief from the code, the store could continue to operate, but could not do a major remodel internally, nor reconfigure the drive thru into interior space. This would limit the businesses ability to update and maintain the structure and could result in an undue hardship.

5. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure**

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed new home. The existing structure and use as a retail package store would not change with the approval of this variance. This variance addresses existing nonconformities, and allows for updates and renovations to the store.

6. **Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.**

Staff **does** find that the request is consistent with the comprehensive plan. The applicant is not requesting any deviations from the established future land use



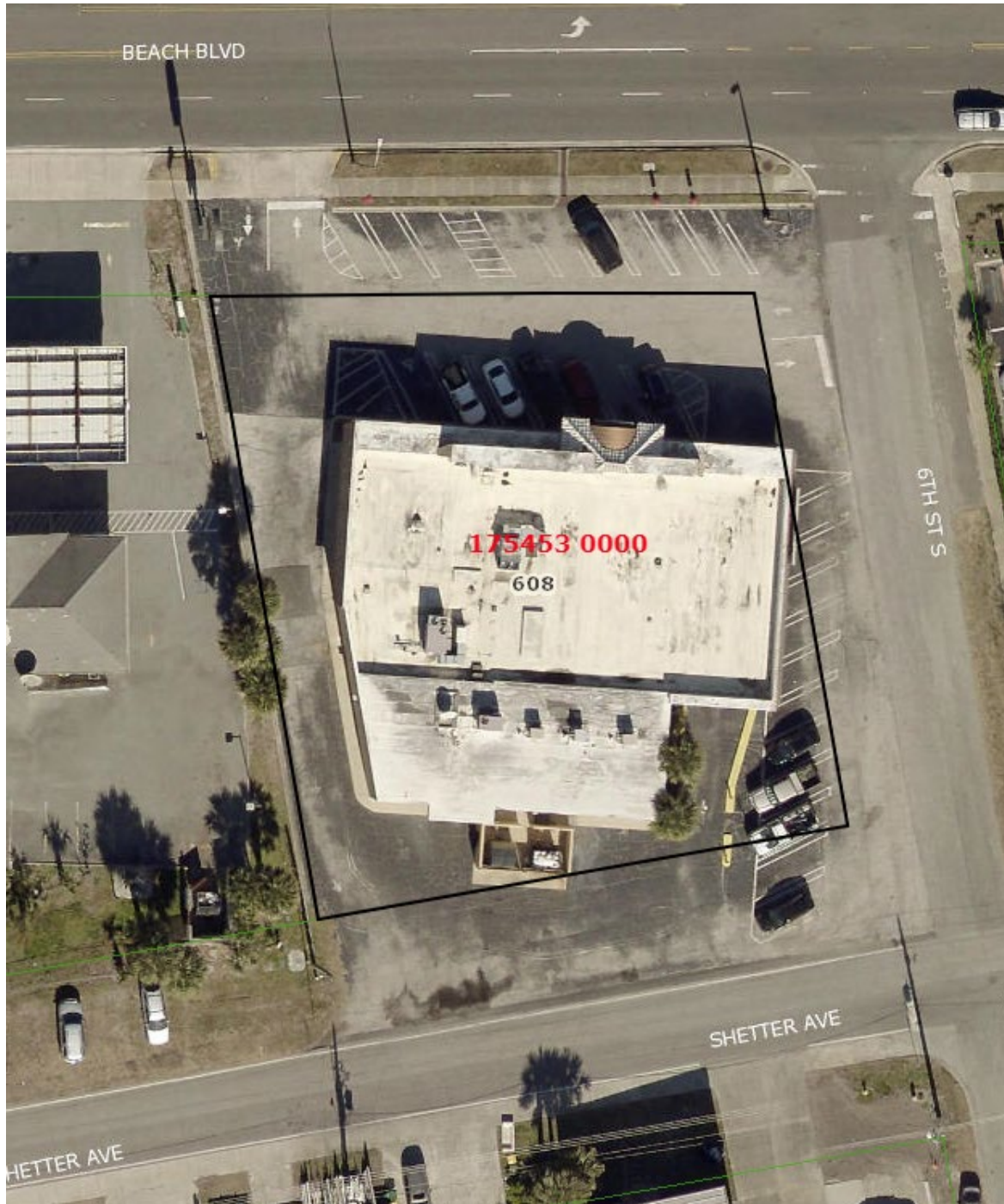
City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

designation policies and is consistent with the Goals Objectives and Policies of the adopted Comprehensive Plan. Package Liquor sales is consistent with the Community Commercial land use.

Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#22-100089**

Location Map (property boundaries are representative only)



(BEARING BASE)
N89°42'51"E 152.14'(M)

LOT 2, BLOCK C
PABLO BEACH SOUTH
PLAT BOOK 3, PAGE 28

PARCEL "B"

LOT 1, BLOCK C
PABLO BEACH SOUTH
PLAT BOOK 3, PAGE 28

12.00' CLOSED ALLEY PER CITY OF
JACKSONVILLE BEACH ORDINANCE #4738
DATED MARCH 20, 1949

PARCEL "C"

SUBJECT PARCEL
ID#175453-0000R
OWNER: ABC PROPERTIES LTD.
ADDRESS: 608 BEACH BLVD.
O.R.B 06864 PAGE 01250
STORE #187
CONTAINING 0.55± ACRES

LOT 3, BLOCK C
MUNDY DRIVE
TERRACE
PLAT BOOK 15,
PAGE 96

PARCEL "A"

1 STORY MASONRY
STRUCTURE
FINISHED FLOOR
ELEVATION = 10.42'

LOT 1, BLOCK C
MUNDY DRIVE
TERRACE
PLAT BOOK 15,
PAGE 96

LOT 2, BLOCK C
MUNDY DRIVE
TERRACE
PLAT BOOK 15,
PAGE 96

3/4" IRON
NO CAP/I.D.

WATER PAINT MARKING

PROPOSED





APPLICATION FOR VARIANCE

BOA No. 22-100089
HEARING DATE 9-7-22

This form is intended for submittal, along with the required documents, for all requests for variances from the requirements of the City of Jacksonville Beach Land Development Code, Article 6, Section 6.6 Variances. The Planning and Development Director will evaluate an application for a variance for sufficiency within five (5) days of receipt. If the application is found to be complete, the Jacksonville Beach Board of Adjustment at their earliest meeting following appropriate public notice of the request will schedule it for review, public hearing and a decision.

REQUIRED DOCUMENTATION

1. Accurate, to-scale boundary survey prepared by a registered land surveyor, certified within the past two calendar years. All proposed additions and/or improvements, including actual dimensions, relevant setbacks from property lines, and lot coverage calculations shall be added to the boundary survey, to scale (on 11"x17" paper or smaller).
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of \$500.00 (due at the time of application submittal).
5. Completed application.

APPLICANT INFORMATION

Applicant Name: ABC Liquors, Inc. (general partner) by Phyllis Fitzpatrick (see authorization) **Telephone:** (407) 851-0000
Mailing Address: 8989 S Orange Ave **E-Mail:** phyllisf@abclws.com
Orlando, FL 32824
Agent Name: KPM Franklin **Telephone:** (407) 894-4451
Mailing Address: 6300 Hazeltine National Drive Suite 118 **E-Mail:** rgalbraith@kpmfranklin.com
Orlando, FL 32822
Landowner Name: ABC Properties, Ltd. **Telephone:** (407) 851-0000
Mailing Address: 8989 S Orange Ave **E-Mail:** phyllisf@abclws.com
Orlando, FL 32824

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

VARIANCE DATA

Street address of property AND Real Estate Number: 608 Beach Blvd. / 175453-0000
Legal description of property (Attach copy of deed): Deed attached; see Exhibit A (Store No. 187)
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary):
Proposed improvements to the property including closing in an existing drive-way and expansion of the building footprint requires a variance from certain C-2 zoning requirements. A reduction in the required off-street parking spaces (28 provided 47 required), the east side yard setback (7.3 FT provided, 10 FT required), open space minimums and elimination of landscape buffers where the parking lot is adjacent to the right-of-way.

AFFIDAVIT

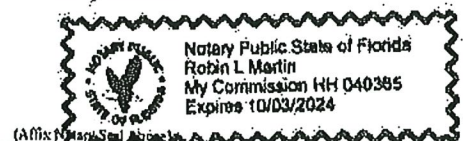
I, Phyllis Fitzpatrick, being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary documents attached to and made part of this application are true and accurate to the best of my knowledge and belief. Furthermore, I understand that failure to submit accurate information as requested above may be grounds for denial of my request and/or subsequent building permit applications.

Phyllis Fitzpatrick 7-1-2022
APPLICANT SIGNATURE PRINT APPLICANT NAME DATE

STATE OF FLORIDA, COUNTY OF ORANGE:

Sworn to and signed before me this 1st day of July, 2022, by Phyllis Fitzpatrick who is personally known to me or has produced _____ as identification.

Robin L. Martin Robin L. Martin
NOTARY PUBLIC SIGNATURE PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: C-2 FLOOD ZONE: X-shaded
CODE SECTION (s):
34-343(e)(3)b, for a corner side-yard setback of 7 feet in lieu of 10 feet minimum; 34-343(e)5 for lot coverage of 94% in lieu of 85% maximum; 34-377, for 15 parking spaces in lieu of 47 spaces required; 34-425(b)1, for no landscape buffer in lieu of 5 feet required; 34-425(c)1, for no internal landscaping for a parking area in lieu of 1 island per 10 spaces required to allow for renovation of an existing package liquor store

VARIANCE APPLICATION STANDARDS AND CONDITIONSBOA No. 22-100089

Variances can be requested for the dimensional standards of Article VII, the off-street parking or landscape standards of Article VIII, and the subdivision standards of the LDC, except that a height variance is not permitted in any zoning district.

Section 34-281. Purpose. Variances are deviations from the terms of the LDC, which would not be contrary to the public interest when owing to special circumstances or conditions; the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

Section 34-286. Standards applicable to all variances. In order to authorize any variance from the terms of this code, the Board of Adjustment must find that the following criteria have been met. To assist the Board in making this finding, please complete the blanks on the form below.

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	The existing building dates from circa 1950's and prior to the FDOT's State Road 212 right-of-way (ROW) revision in 1977 which widened ROW at this parcel to 150'. The properties to the east were unaffected and the properties to the west were "deeper" and therefore less affected. Also, the building had a drive-through area in use at the time of ABC's acquisition which has been closed for many years for social and cultural reasons and that area under roof is useless unless enclosed. While the variance request is necessary for the site plan review process the items under review have existed on site for a number of years.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Any special circumstances and conditions are unrelated to the applicant as the conditions have existed since before ABC acquired the property. The FDOT ROW taking in 1977 reduced the property and the drive-through area under roof (existing at ABC's acquisition) is now unused and unusable.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	No	Certain surrounding properties have similar nonconforming conditions as the subject property. Granting the variances for the ABC store will not confer any special privileges to the applicant, but rather allow for the improvements to be made while continuing to be in harmony and consistent with the surrounding properties.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	Literal interpretation of provisions in the Land Development Code would impose an unnecessary hardship on the applicant as the site has been reduced over time by actions of external agencies and a substantial portion of the existing structure under roof is unusable.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	The requested variances are the minimum variances that will make possible the reasonable use of the building / land. The requested variances are existing on site and will allow for ABC's use of a non used area of the building currently under roof.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	Adjacent land will not be adversely impacted by granting the requested variances. As stated previously, these nonconforming conditions have existed for a number of years and variances are only being requested in order to enclose the nonoperational and unusable drive through area. Also, the improvements the applicant seeks to make enhance the safety of the public.



July 5, 2022

Christian Popoli
Senior Planner
City of Jacksonville Beach Planning and Development Department
City of Jacksonville Beach
11 3rd Street North
Jacksonville Beach, FL 32250

RECEIVED
20-100089
JUL - 6 2022
via FedEx
PLANNING & DEVELOPMENT

Project: ABC Fine Wine & Spirits Store 187B; 608 Beach Boulevard
RE: Variance Request
Reference: LDC Sec. 34-281, Sec. 34-231, Sec. 34-377, Sec. 34-425.

Dear Mr. Popoli

This letter is intended to serve as the narrative for standards applicable to all variance requests for the subject Project. The statements below address the requirements of **Sec. 34-281** and **Sec. 34-231**, of the Land Development Code Regulations and address the standards set forth in **Sec. 34-377** and **Sec. 34-425**.

ABC Fine Wine and Spirits (ABC) operates a retail store at the referenced address. The location is on Beach Boulevard east of 7th street and north of Shetter Avenue. The property owner is ABC Properties LTD (Owner). The building was constructed in 1966 and has since operated as ABC's business of retail sales of alcoholic beverages for consumption off-premises, which is licensed by the State of Florida to dispense or sell alcoholic beverages for consumption off-premises.

ABC proposes to redevelop the property by eliminating the current drive-through and expanding the existing building. At some point the property was rezoned and the store was functioning as a nonconforming use. On 05/00/2022 a conditional use approval was granted for the site to allow the operation of the Liquor Package Store to continue. We are now moving forward with the aforementioned improvements to the property. Due to site constraints, we are requesting a variance from certain sections of the Land Development Code. These include a reduction in off-street parking, a reduction in the side yard (eastern) setback, elimination of the landscape buffers and a reduction in the open space minimums. It is important to note that the requested variance items are currently existing on site. The enclosure of the drive-through triggers the necessity for the site plan review therefore requiring a variance from the following code sections:

Article VIII – Site Development Standards

- Division 1 – Parking and Loading Standards
 - Sec. 34-377 - Off Street Parking
 - Required: One (1) space per two hundred sq ft of floor area = 9,312 sq ft / 200 = 47
 - Provided: 28
- Division 3 – Site Clearing and Landscape Standards
 - Sec. 34-425 Landscape Standards (b)(1) Landscape Buffers adjacent to public rights-of-way



- Required: A landscaped area at least five (5) feet in width shall be located between off-street parking areas and abutting rights-of-way.
- Provided: 0

Article VII – Zoning Districts

- Division 2 – Zoning Districts
 - Sec. 34-343 (e)(3) (b) Minimum Yards – Side Yard: If adjacent to street 10 FT required
 - 7.3 FT provided
- Division 2 – Zoning Districts
 - Sec.34-343
 - Maximum Lot Coverage: 85%, open space: 15%
 - Open space provided: 6.0%

Please contact me jkelly@kpmfranklin.com and (407) 846-1216 or Ross Galbraith at rgalbraith@kpmfranklin.com and (407) 994-4451 with questions and comments.

Sincerely,

KPMFranklin

John C. Kelly, P.E.
Principal, Chairman, President KPM Franklin

cc: Ross Galbraith, E.I.
Alex Goetz, P.E.

AUTHORIZATION OF APPLICANT'S REPRESENTATIVE
& CONSULTANT

Project: **ABC Fine Wine & Spirits Store No. 187B**
 608 Beach Blvd
Duval County Parcel: 175453-0000

Christian Popoli
Planning & Zoning Department
City of Jacksonville Beach
11 North 3rd St
Jacksonville Beach, FL 32250

RECEIVED
22-100089
JUL - 6 2022

PLANNING & DEVELOPMENT

Mr. Popoli:

Regarding the Project and property referenced above, please accept this letter as our authorization for

- Phyllis Fitzpatrick of ABC Liquors, Inc. (as Applicant's representative)
 - KPMFranklin – John C. Kelly, P.E., Engineer of Record, or his assignee; (as Consultant)
- to sign and submit to the City's Planning & Zoning Department, necessary to secure approvals for the subject Project, including but not limited to Conditional Use application and Development Plan Approval application.

For the Owner

ABC PROPERTIES, LTD.

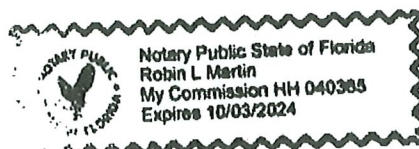
Charles E. Bailes, III
Chairman & CEO
ABC LIQUORS, INC. (its general partner)

ORANGE COUNTY
STATE OF FLORIDA

The foregoing instrument was acknowledged before me this 21st day of March 2022, by Charles E. Bailes, III, who is personally known to me and did not take an oath.

State of Florida Notary Public

Signature & Seal



2021 FLORIDA LIMITED PARTNERSHIP ANNUAL REPORT

DOCUMENT# A95000000768

Entity Name: ABC PROPERTIES, LTD.

Current Principal Place of Business:

8989 SOUTH ORANGE AVENUE
ORLANDO, FL 32824

Current Mailing Address:

P.O. BOX 593688
ORLANDO, FL 32859

FEI Number: 59-3320326

Name and Address of Current Registered Agent:

MARTIN, ROBIN L
8989 SOUTH ORANGE AVENUE
ORLANDO, FL 32824 US

Certificate of Status Desired: No

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: ROBIN L. MARTIN

04/26/2021

Electronic Signature of Registered Agent

Date

General Partner Detail :

Document # P95000036322
Name H&B MANAGEMENT PROPERTIES,
INC.
Address 8989 SOUTH ORANGE AVENUE
City-State-Zip: ORLANDO FL 32824

Document # 162281
Name ABC LIQUORS, INC.
Address 8989 SOUTH ORANGE AVENUE
City-State-Zip: ORLANDO FL 32824

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a general partner of the limited partnership or the receiver or trustee empowered to execute this report as required by Chapter 620, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: JACQUELINE H BAILES

VP

04/26/2021

Electronic Signature of Signing General Partner Detail

Date

FILED
Apr 26, 2021
Secretary of State
9121519929CC

RECEIVED
22-100089
JUL 6 2022
via FedEx
PLANNING & DEVELOPMENT

2021 FLORIDA PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# 162281

Entity Name: ABC LIQUORS, INC.

Current Principal Place of Business:

8989 SOUTH ORANGE AVENUE
ORLANDO, FL 32824

Current Mailing Address:

8989 SOUTH ORANGE AVENUE
ORLANDO, FL 32824 US

FEI Number: 59-0686670

Name and Address of Current Registered Agent:

CORPORATE CREATIONS NETWORK INC.
801 US HIGHWAY 1
NORTH PALM BEACH, FL 33408 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: FRANK RODRIGUEZ, CHAIRMAN

04/12/2021

Electronic Signature of Registered Agent

Date

Officer/Director Detail :

Title PD
Name BAILES III, CHARLES
Address 8989 SOUTH ORANGE AVENUE
City-State-Zip: ORLANDO FL 32824

Title VP, SECRETARY, TREASURER
Name BAILES, JESS
Address 8989 SOUTH ORANGE AVENUE
City-State-Zip: ORLANDO FL 32824

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 607, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: CHARLES E BAILES III

PRESIDENT

04/12/2021

Electronic Signature of Signing Officer/Director Detail

Date

FILED
Apr 12, 2021
Secretary of State
1950750873CC

RECEIVED
22-100089
JUL 6 2022
via fed Ex

PLANNING & DEVELOPMENT

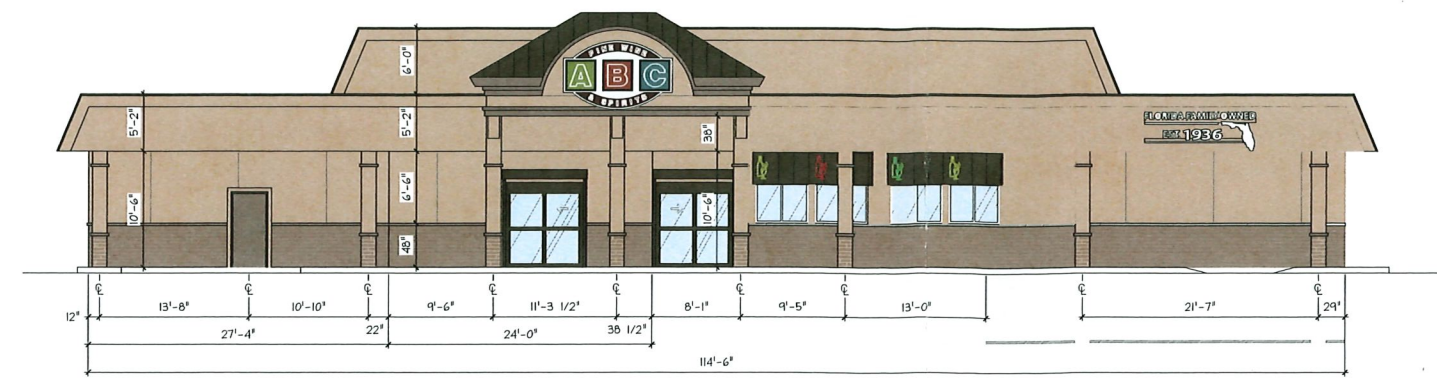
Certificate of Status Desired: No

PROPOSED

- ELEV. ± 23'-0" TOP OF EXISTING HIP
- ELEV. 21'-8" TOP OF EXISTING STRUCTURE
- ELEV. 15'-8" TOP OF EXISTING STRUCTURE
- ELEV. 10'-6" BOTTOM OF SOFFIT
- ELEV. 4'-0" TOP OF BANDING
- ELEV. 0'-0" FINISHED FLOOR

PORPOSED
NORTH ELEVATION

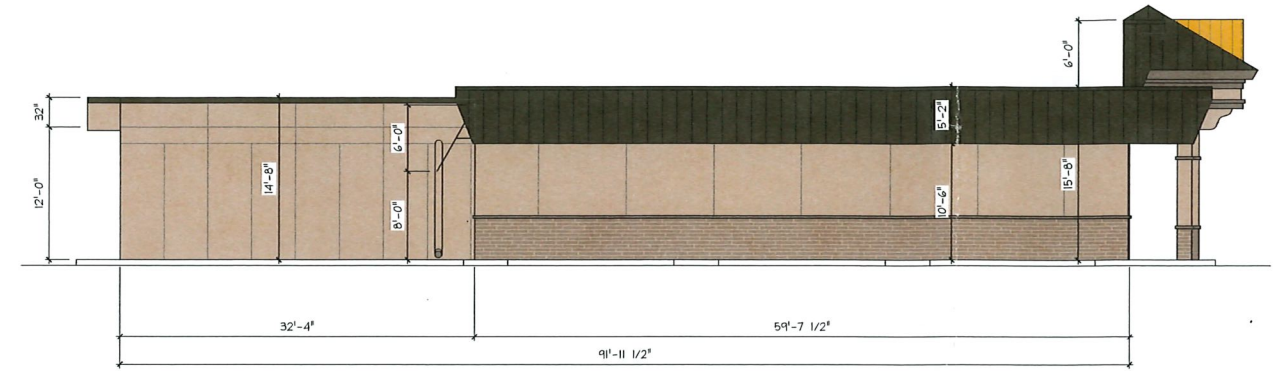
SCALE: 1/8" = 1'-0"



- ELEV. ± 23'-0" TOP OF EXISTING HIP
- ELEV. 21'-8" TOP OF EXISTING STRUCTURE
- ELEV. 15'-8" TOP OF EXISTING STRUCTURE
- ELEV. 10'-6" BOTTOM OF SOFFIT
- ELEV. 4'-0" TOP OF BANDING
- ELEV. 0'-0" FINISHED FLOOR

PORPOSED
WEST ELEVATION

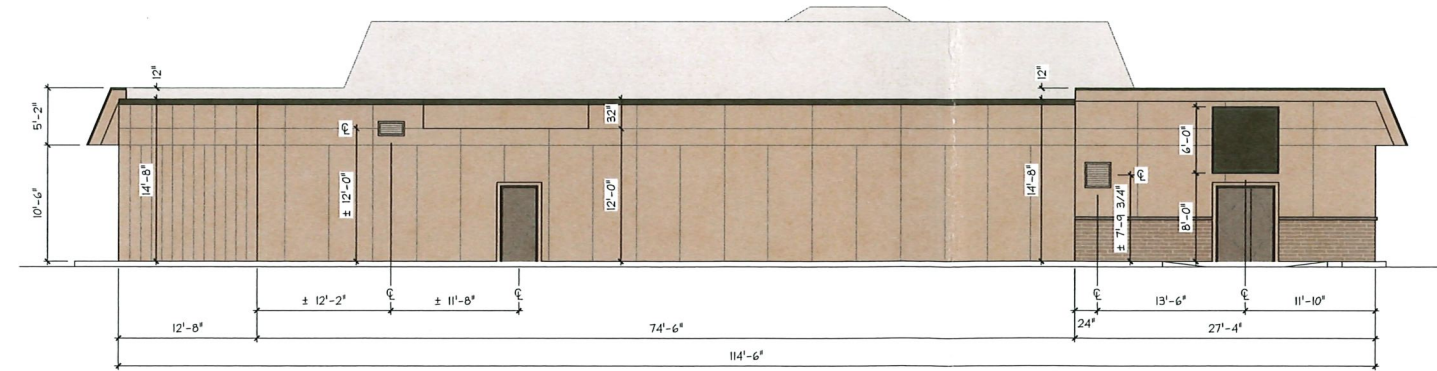
SCALE: 1/8" = 1'-0"



- ELEV. ± 23'-0" TOP OF EXISTING HIP
- ELEV. 21'-8" TOP OF EXISTING STRUCTURE
- ELEV. 15'-8" TOP OF EXISTING STRUCTURE
- ELEV. 10'-6" BOTTOM OF SOFFIT
- ELEV. 4'-0" TOP OF BANDING
- ELEV. 0'-0" FINISHED FLOOR

PORPOSED
SOUTH ELEVATION

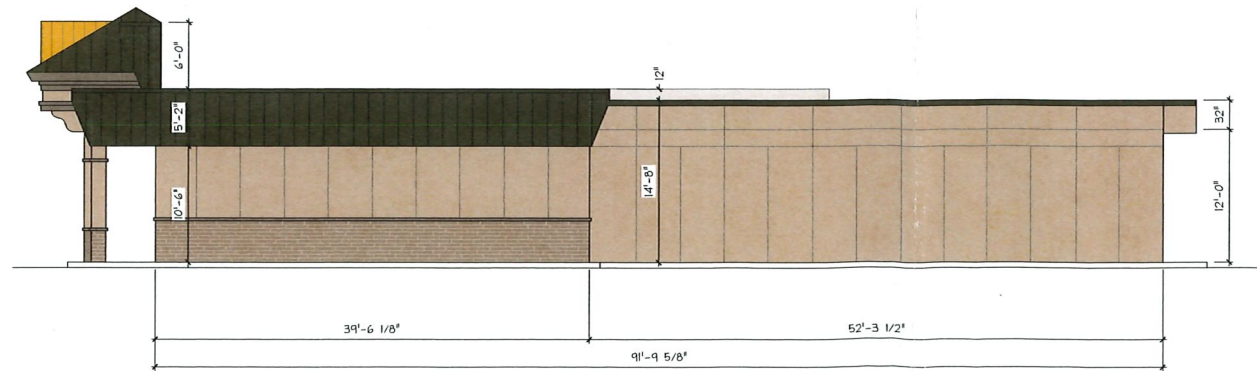
SCALE: 1/8" = 1'-0"



- ELEV. ± 23'-0" TOP OF EXISTING HIP
- ELEV. 21'-8" TOP OF EXISTING STRUCTURE
- ELEV. 15'-8" TOP OF EXISTING STRUCTURE
- ELEV. 10'-6" BOTTOM OF SOFFIT
- ELEV. 4'-0" TOP OF BANDING
- ELEV. 0'-0" FINISHED FLOOR

PORPOSED
EAST ELEVATION

SCALE: 1/8" = 1'-0"



COLOR NOTES

- BERRIDGE ZEE-LOCK STANDING SEAM METAL ROOF PRE-FINISHED, "COPPER BROWN".
- PRE-ENGINEERED WEATHERTYTE PLUS TEXTURED VINYL AWNING "COPPER BROWN" ABOVE WINDOWS AND DOORS
- "FAWN" STRIP STONE W/ CHISELED STONE SILL AT COLUMN AND TOWER BASE
- DRYVIT SYNTHETIC STUCCO EGGSHELL FINISH PAINTED SW6082 "COBBLE BROWN"
- DRYVIT SYNTHETIC STUCCO EGGSHELL FINISH PAINTED SW6115 "TOTALLY TAN"
- EXTERIOR METAL DOORS PAINTED SW6088 "NUT HATCH"

10" DIMENSIONAL BLACK NUMBERS PIN MOUNTED, 1" OFF FACE OF STONE

REVISION	BY

DESIGN CONSTRUCTION INTERNATIONAL, LLC
AA26002105



Cordell Arterbury
Registration # AR001696



ABC LIQUORS INC.

ABC STORE NO. 187

608 Beach Boulevard
Jacksonville, FL 32250

RECEIVED
22-100089
JUL - 6 2022
DIA fed Ex
PLANNING & DEVELOPMENT

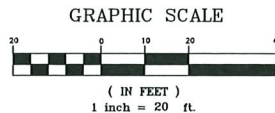
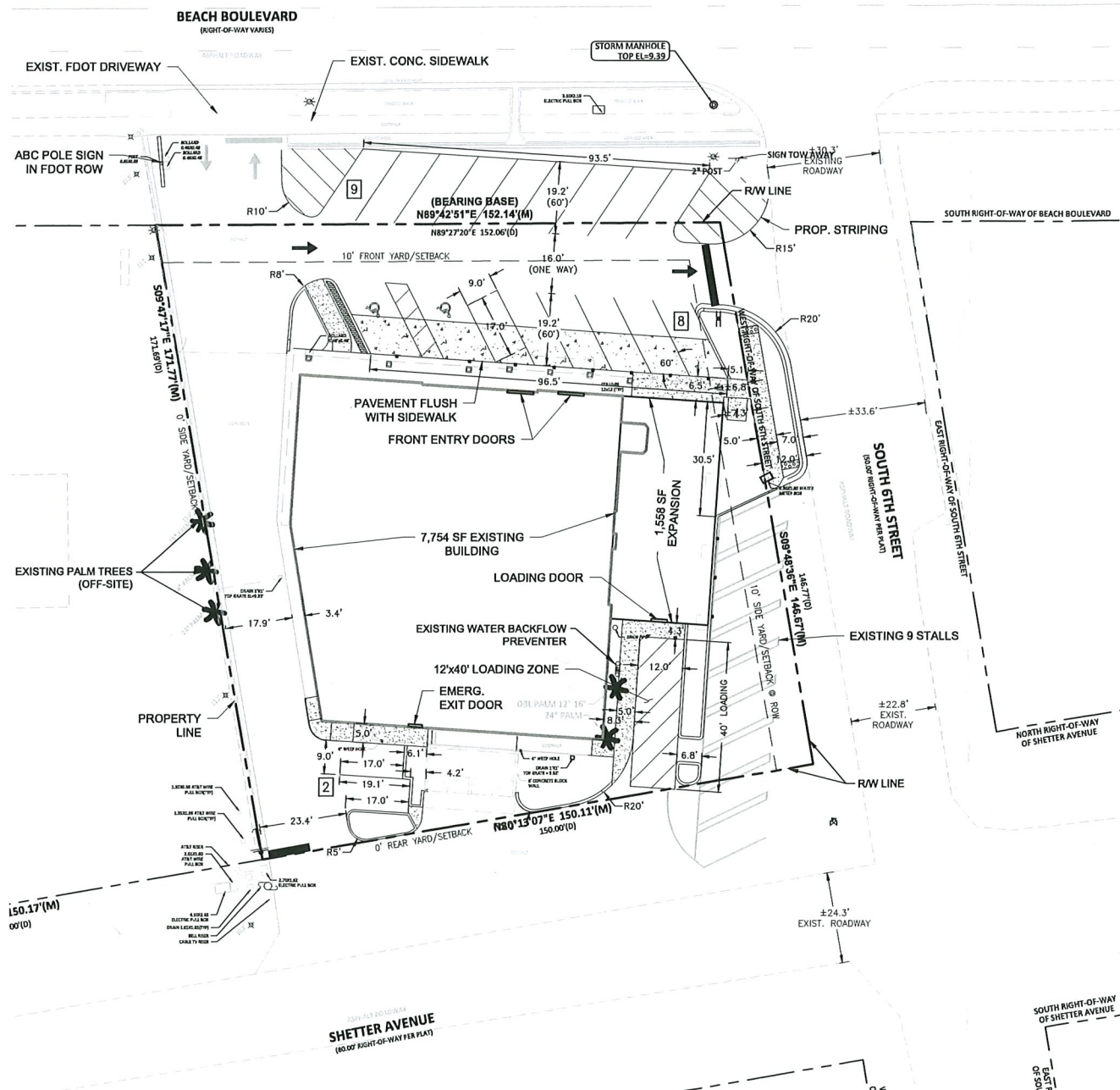
EXTERIOR COLOR ELEVATIONS

DRAWN:	M.C.H.
CHECKED:	S.R.R.
DATE:	04 / 22 / 2022
SCALE:	AS NOTED
JOB No:	187

SHEET
A-3.1

PROPOSED

BEACH BOULEVARD (S.R. 212 / U.S. HIGHWAY NO. 90)



SITE DATA:

ADDRESS: 608 BEACH BOULEVARD
PROPERTY RE #: 175453-0000
EXISTING ZONING: C2
PROPOSED ZONING: C2
F.L.U.: COMMERCIAL
FLOOD ZONE: ZONE 'X', UNSHADED (FIRM MAP 12031C0417H)
BASE FLOOD ELEV.: N/A
EXISTING USE: RETAIL STORE (PACKAGE ALCOHOL SALES)
PROPOSED USE: RETAIL STORE (PACKAGE ALCOHOL SALES)
N.A.I.C.S.: 445310 (NORTH AMERICAN INDUSTRY CLASSIFICATION)
S.I.C.: 5921 (STANDARD INDUSTRIAL CLASSIFICATION)
PROPOSED OCCUPANCY: GROUP M (MERCANTILE)
SITE AREA: 0.549 ACRES (23,895 SQ. FT.)
OPEN SPACE, REQUIRED: 15% MIN. REQ'D (3,584 SQ. FT.)
PROVIDED: 6.0% (1,430 SF)

BUILDING DATA:

PROPOSED BUILDING AREA: 7,754 SF EXISTING
1,558 SF PROPOSED EXPANSION (UNDER EXISTING ROOF)
= 9,312 SF TOTAL
BUILDING FLOOR: SINGLE STORY
F.A.R.: 0.388 PROPOSED
BUILDING HEIGHT: 35' MAX. ALLOWED
23' PROPOSED BLDG. HEIGHT

BUILDING SETBACKS:

	Required	Provided
FRONT (R/W)	10 FT	35.2 FT
SIDE, STREET: (EAST)	10 FT	7.3 FT
INTERIOR SIDE: (WEST)	0 FT	21.3 FT
REAR (SOUTH):	0 FT	0 FT

PARKING DATA:

REQUIRED PARKING: 1 SPACE PER 200 S.F. FLOOR AREA
9,312 / 200 SF = 46.6 SPACES
47 TOTAL SPACES REQ'D
PROVIDED PARKING: 28 SPACES TOTAL
ONSITE: 15 STANDARD STALLS (9'x17')
2 HANDICAP STALLS (12'x17')
IN R.O.W.: 11 STANDARD STALLS (9'x17')
BICYCLE PROVIDED: 2 BIKE SPACES
REQUIRED LOADING: 1 SPACE (12'x40')
1 SPACE PROVIDED

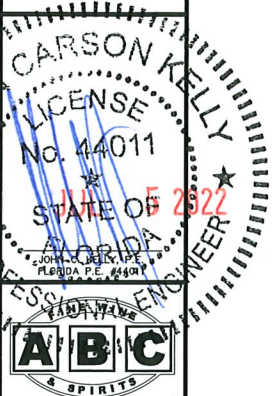
RECEIVED
22-100089
JUL - 6 2022
via Fed-Ex
PLANNING & DEVELOPMENT

REVISIONS	BY

KPMFranklin
ENGINEERS • PLANNERS • SURVEYORS
6300 HAZELTINE NATIONAL DRIVE, STE. 118
ORLANDO, FL 32822 | PHONE (407) 410-8824
CERTIFICATE OF AUTHORIZATION: 32059

KPMFranklin

WARNING
IF THIS PLAN DOES NOT MEASURE TO THIS COPY OF THIS DOCUMENT IS NOT TO SCALE



ABC LIQUORS INC.
8889 S. ORANGE AVE. ORLANDO, FL 32824
ABC STORE NO. 187
608 BEACH BOULEVARD
JACKSONVILLE BEACH, FL 32250

DRAWN:	CKS
CHECKED:	JCK
DATE:	JULY 2022
SCALE:	1" = 20'
JOB No:	20-0002.000
SHEET:	C5.0



0 2
GRAPHIC
IN 1
1 INCH =

BEACH BOULEVARD

(RIGHT-OF-WAY VARIES)

ASPHALT ROADWAY

SITE BENCHMARK #1
FOUND FDOT BM
EL=9.61'
N=2164920.5640
E=531308.6600

STORM MANHOLE
TOP EL=9.39

SIGN TOW AWAY

P.R.M.
FOUND NAIL &
DISK NO I.D.

P.O.B.
PARCEL "B"
SOUTHEAST CORNER OF LOT (1)
BLOCK "C", PABLO BEACH SOUTH,
PLAT BOOK 3, PAGE 28

P.O.B.
(PARCEL "C")
P.O.C.
(PARCEL "B")
NORTH EAST CORNER OF LOT (1)
BLOCK "C", MUNDY DRIVE
TERRACE, PLAT BOOK 15, PAGE 96

SOUTH 6TH STREET
(50.00' RIGHT-OF-WAY PER PLAT)

ASPHALT ROADWAY

P.R.M.
FOUND IRON ROD
& CAP (ILLEGIBLE)

SUBJECT PARCEL

ID#175453-0000R
OWNER: ABC PROPERTIES LTD.
ADDRESS: 608 BEACH BLVD.
O.R.B 06864 PAGE 01250
STORE #187
CONTAINING 0.55± ACRES

PARCEL "A"
1 STORY MASONRY
STRUCTURE
FINISHED FLOOR
ELEVATION = 10.42'

LOT 2, BLOCK C
MUNDY DRIVE
TERRACE
PLAT BOOK 15,
PAGE 96

LOT 1, BLOCK C
MUNDY DRIVE
TERRACE
PLAT BOOK 15,
PAGE 96

(BEARING BASE)
N89°42'51"E 152.14'(M)

N89°27'20"E 152.06'(D)

PARCEL "B"

PARCEL "C"

LOT 1, BLOCK C
PABLO BEACH SOUTH
PLAT BOOK 3, PAGE 28

12.00' CLOSED ALLEY PER CITY OF
JACKSONVILLE BEACH ORDINANCE #4738
DATED MARCH 20, 1949

LOT 3, BLOCK C
MUNDY DRIVE
TERRACE
PLAT BOOK 15,
PAGE 96

LOT 2, BLOCK C
MUNDY DRIVE
TERRACE
PLAT BOOK 15,
PAGE 96

DUMPSTER

WATER PAINT MARKING

SITE BENCHMARK #2
FOUND NAIL AND DISK MOTT
EL=10.01'
N=2164744.4720
E=531301.4540

ASPHALT ROADWAY
SHETTER AVENUE
(50.00' RIGHT-OF-WAY PER PLAT)

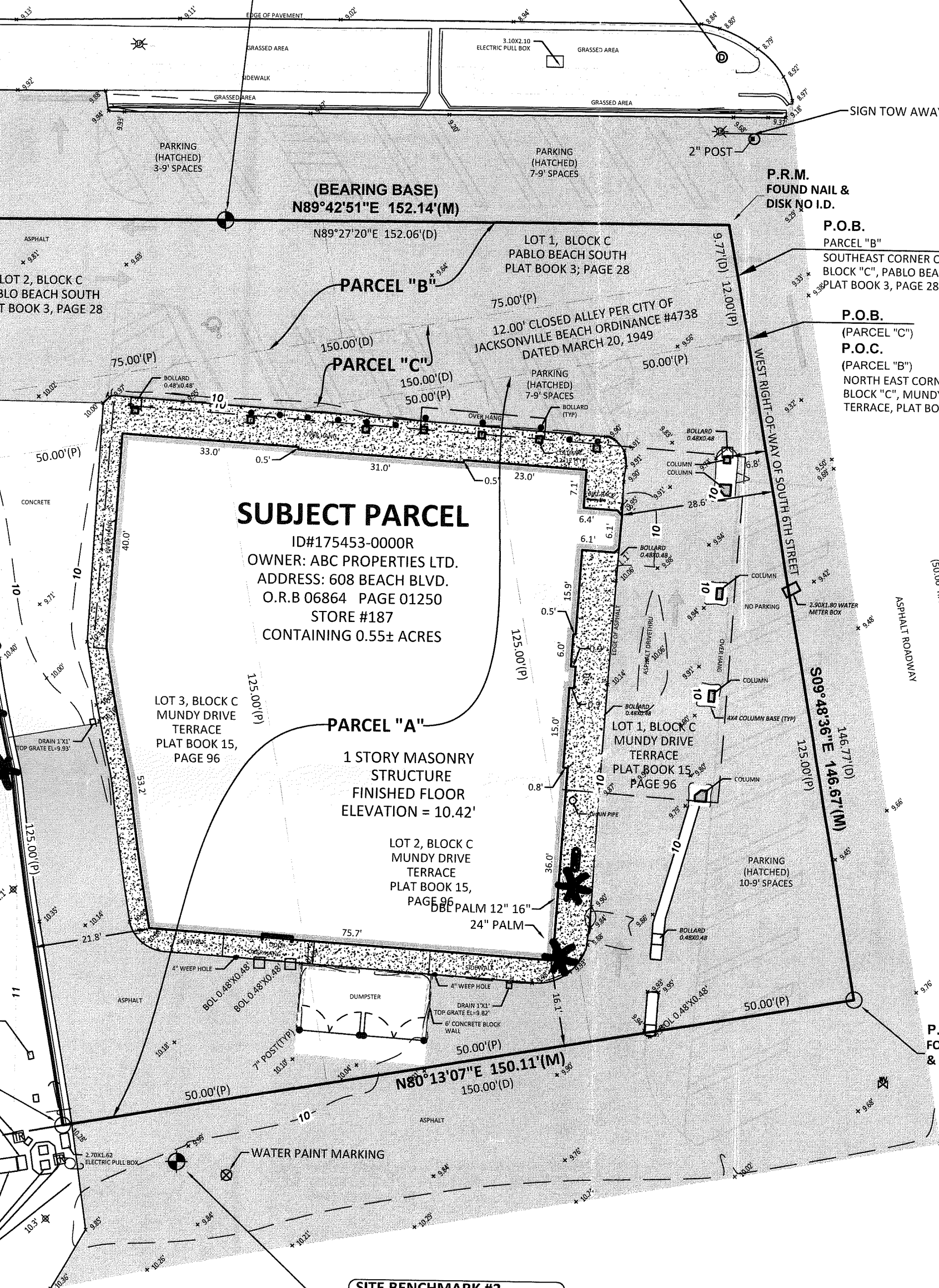
FOUND 3/4" IRON
/ROD NO CAP/I.D.

AT&T RISER
2.65X1.60
AT&T WIRE
PULL BOX
4.10X2.65
ELECTRIC PULL BOX
DRAIN 1.65X1.65(TYP)
BELL RISER
CABLE TV RISER

S09°47'17"E 171.77'(M)
171.69'(D)

S09°48'36"E 146.67'(M)
125.00'(P)

N80°13'07"E 150.11'(M)
150.00'(D)





City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

BOA#22-100092

Zoning: C-1
RE: 174613-0000
Legal: Lot 12, Block 123, Pablo Beach North
Address: 1201 N 3rd Street

Request

Section(s): 34-377, for 6 on-site parking spaces in lieu of 14 required to allow for construction of a second story office space addition and a third story auxiliary dwelling unit to an existing one-story office building

Existing Conditions

The subject property is comprised of a lot of record, (circa 1913) located in the Commercial future land use category. The property is currently zoned Commercial Limited: C-1. The Subject lot is 100 feet deep and 62 feet wide, with an overall area of 6,250 square feet. The lot is currently occupied by an existing one story office structure. The existing structure is 1,750 square feet in area, and per the LDC section 34-377 they are required to have 6 parking spaces. The applicant is proposing to add two additional stories to the structure, thus increasing the square footage to 5,250 square feet. The proposed design would turn the second floor into more office area, and the top floor into an accessory dwelling unit, a single dwelling unit in association with an existing commercial use as allowed in the C-1 zoning district. The proposed additional area would add the requirement for another 6 spaces for the additional office use and the third story dwelling would add a required two spaces. This increases the total required parking to 14 spaces, one of which must be ADA compliant.

There are no previous Variances and no active code enforcement cases.

Staff Analysis

The subject lot is an existing office structure owned and operated by a tax preparation office. The proposed additions would triple the square footage of the structure, but would only double the office space, as the third floor would be used and an accessory dwelling unit / residential space. The existing structure is conforming to all current zoning codes, even though it was built in 1973. The proposed new additions would mirror the footprint of the existing structure, adding a second and third floor on top of the existing structure, thus not adding any additional



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

setback encroachments. The site currently has six parking spaces, though none are currently striped for ADA space designs. Based on staff's review, there is enough room to turn one of the existing parking spaces into an ADA accessible space. The applicant has stated that they currently only have the ability to serve three customers at once and that would not change with the additional office space. The owner has not stated what the total number of employees are. There are several on street parking spaces adjacent to the property that, although do not count towards required parking, are available for public use and certainly could and likely are used by customers of the existing structure.

Minimum development and parking standards

- Minimum lot area: None.
- Minimum lot width: None.
- Minimum yards:
 - Front yard: Ten (10) feet.
 - Side yard: None, except where adjacent to streets. If adjacent to a street ten (10) feet, for a corner lot, the side yard on the corner shall be ten (10) feet.
 - Rear yard: None. For oceanfront lots, the rear yard shall be the yard adjacent to the ocean, or the easterly yard, and the front yard shall be the westerly yard, or yard opposite the rear yard.
- (4) Floor area: None.
- (5) Maximum lot coverage: Eighty-five (85) percent.
- (6) Height: Thirty-five (35) feet.
- Other professional or business offices: one (1) space per three hundred (300) sq. ft. of floor area.
- Dwelling: (two) 2 spaces per dwelling unit.

Review of Criteria

1. **Special conditions and circumstances exist which are peculiar to the parcel of land, building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district;**

Staff does not find that there are circumstances unique to the subject parcel of land. The site is zone C-1 and has no minimum lot size requirement, but is rather small for any type of commercial use. As is common in the C-1 zoning both north and south on 3rd Street, existing commercial lots are very small and difficult to bring into compliance with the current parking demand. Unlike other



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

properties in the area, this structure currently meets the demand for required onsite parking based on its current square footage.

2. Special circumstances and conditions do not result from the actions of the applicant

Staff **does** find that circumstances are a result of the applicant. The lot is a lot of record, platted in 1913. As the property exists today, it meets the parking requirement based on square footage. The request to add additional square footage is the reason for the parking request and is not caused by the existing condition of the property.

3. Granting the variance will not confer upon the applicant any special privilege denied by the comprehensive plan and this Code to other parcels of land, buildings, or structures, in the same zoning district

Staff finds that the proposed variance **will not** confer special privileges. Throughout the C-1 zoning district, there are many small commercial properties in the area that are unable to meet the onsite parking demand based on the existing structures. This property is unique in that it currently does meet the required parking demand based on its small square footage, but it is a common need for existing structures to require parking variances.

4. Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Without relief from the parking standards in both number and design, the viability of many redevelopment projects would be unlikely, as most smaller commercial lots cannot accommodate all the required infrastructure and not need some relief from the code.

5. Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed new home. The proposed use, as described would not have the maximum need for parking required in the LDC, and may have less of an impact to on street parking, however, it is unlikely it will have



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

no impact, but the requested relief is the minimum needed to address the three story request.

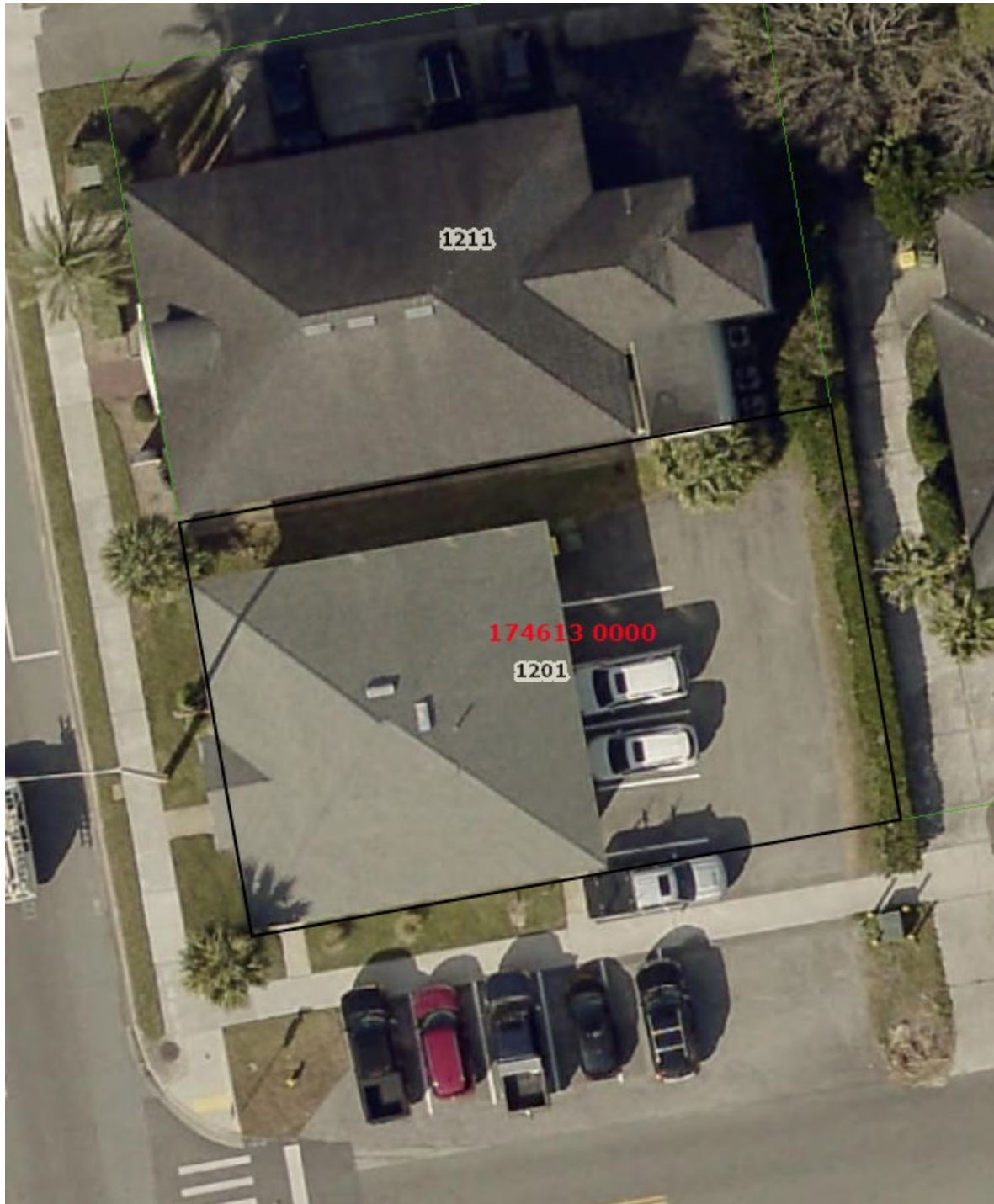
6. **Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.**

Staff **does** find that the request is consistent with the comprehensive plan. The applicant is not requesting any deviations from the established future land use designation policies and is consistent with the Goals Objectives and Policies of the adopted Comprehensive Plan.

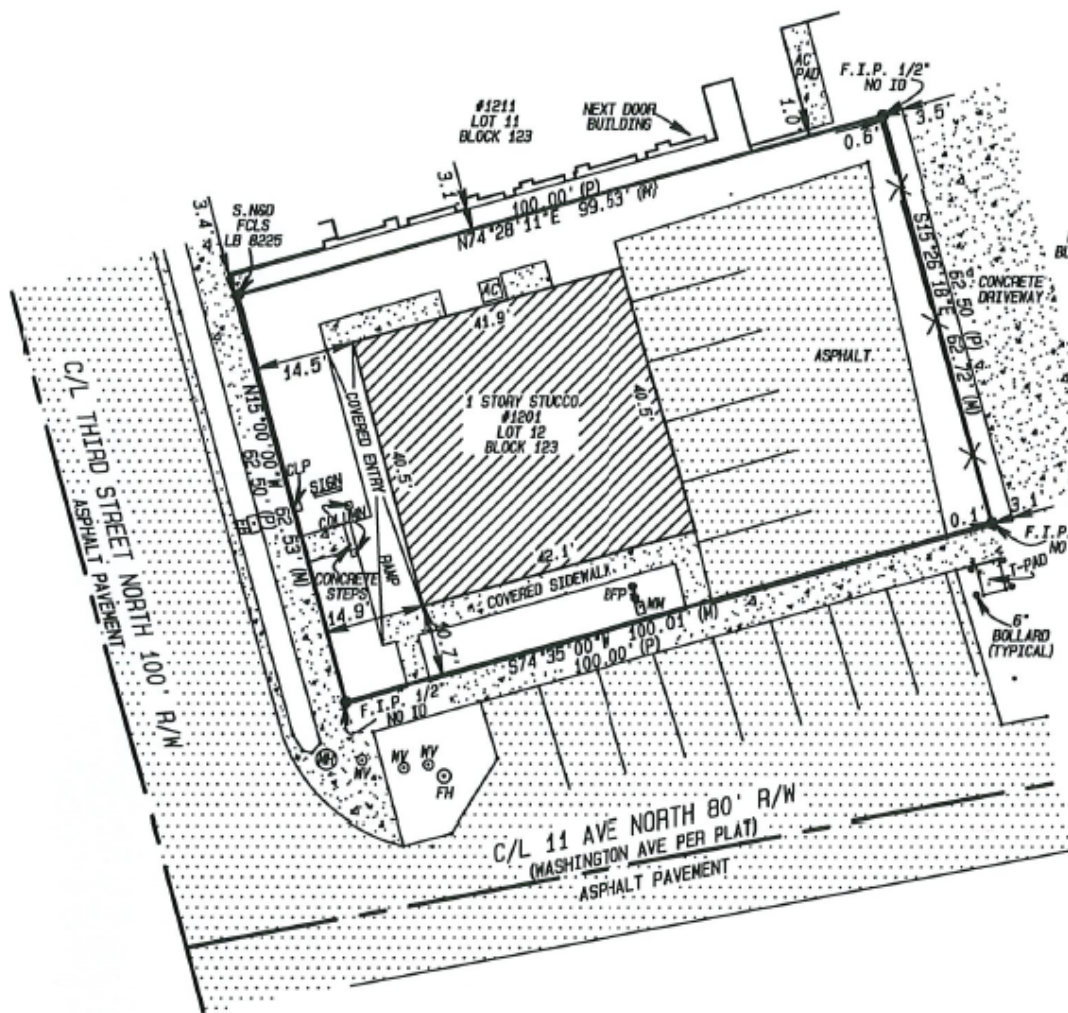
Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Denial of BOA#22-100092**

Location Map (property boundaries are representative only)



Existing Survey



PLA



APPLICATION FOR VARIANCE

BOA No. 22-100092
HEARING DATE 9.7.22

This form is intended for submittal, along with the required documents, for all requests for variances from the requirements of the City of Jacksonville Beach Land Development Code, Article 6, Section 6.6 Variances. The Planning and Development Director will evaluate an application for a variance for sufficiency within five (5) days of receipt. If the application is found to be complete, the Jacksonville Beach Board of Adjustment at their earliest meeting following appropriate public notice of the request will schedule it for review, public hearing and a decision.

REQUIRED DOCUMENTATION

1. Accurate, to-scale boundary survey prepared by a registered land surveyor that shows the location of all existing improvements.
2. Survey, plat or new site plan showing all proposed additions and/or improvements added to the drawing, to scale (on 11" x 17" paper or smaller).
3. Proof of ownership (copy of deed or current property tax notification).
4. Copy of any previous variance and/or conditional use approval letters.
5. If applicant is not owner, notarized written authorization from owner is required.
6. Non-refundable processing fee of \$500.00 (due at the time of application submittal).
7. Completed application.

JUL 14 2022

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: MATTHEW LENTS Telephone: 904-315-1408
Mailing Address: 1201 NORTH THIRD STREET E-Mail: mlents@taxadvantage.org
JACKSONVILLE, FL 32250 mattlents@gmail.com
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: SAM AS ABOVE Telephone: _____
Mailing Address: _____ E-Mail: _____

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

VARIANCE DATA

Street address of property and Real Estate Number: 1201 N 3RD ST, JACKSONVILLE BEACH, FL 32250 Re # 174613-0000
Legal description of property (Attach copy of deed): DEED INCORPORATED
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
ADDING A SECOND (COMMERCIAL) AND THIRD (RESIDENTIAL) FLOOR TO EXISTING BUILDING. PLEASE SEE SUMMARY ATTACHED. - AND THEREFORE PARKING VARIANCE IS REQUESTED.

AFFIDAVIT

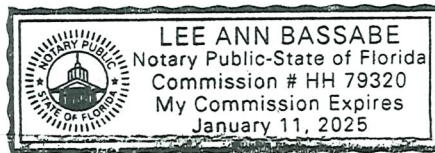
I, MATTHEW RYAN LENTS, being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary documents attached to and made part of this application are true and accurate to the best of my knowledge and belief. Furthermore, I understand that failure to submit accurate information as requested above may be grounds for denial of my request and/or subsequent building permit applications.

APPLICANT SIGNATURE: [Signature] PRINT APPLICANT NAME: MATTHEW RYAN LENTS DATE: 7/5/2022

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of July, 2022, by Matthew R. Lents, who is personally known to me or produced FL Drivers License as identification.

NOTARY PUBLIC SIGNATURE: [Signature]
PRINT NOTARY NAME: Lee Ann Bassabe



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: C-1

FLOOD ZONE: AE/X-shaded

CODE SECTION (S):
34-377, for 6 on-site parking spaces in lieu of 14 required to allow for construction of a second story office space addition and a third story auxiliary dwelling unit to an existing one-story office building

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-160092

Section 34-281 Purpose. Variances are deviations from the terms of the LDC, which would not be contrary to the public interest when owing to special circumstances or conditions; the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

Section 34-286. Standards applicable to all variances. In order to authorize any variance from the terms of this code, the Board of Adjustment must find that the following criteria have been met. To assist the Board in making this finding, please complete the blanks on the form below.

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.		PLEASE SEE ATTACHMENT
Special circumstances and conditions do not result from the actions of the applicant.		
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.		
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.		
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.		
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.		

Answers to Questions listed in Application for Variance:

- 1) Yes – It is an existing building. There is currently no extra room to add parking spaces based on the current structure and layout.
- 2) Yes – Existing building was purchased “as is”. We have no room for left expansion on the current lot, hence, leaving no real alternative, absent building upwards.
- 3) Yes - Nothing we are asking for is out of the ordinary, or egregious in nature. We are currently restricted respective of the aforementioned structural restraints we have, and hence must respectfully request a variance to obtain additional parking spaces.
- 4) Yes – there would be cost prohibitive restraints, for other alternatives outside of expansion. Further, even if we removed the building, and built a garage as the first floor, it still would not be enough spaces predicated on the current promulgated parking regulations set forth by the city of Jacksonville Beach
- 5) Yes – as discussed in the general summery – our expansion would be sufficiently served by the current parking arrangements as is – for several reasons, however, we aim to be fully compliant in all of our affairs.
- 6) Yes – We will be obtaining a lease arrangement with a neighboring business owner within 50 feet of our property which will include the required number of spaces set forth as the direction from the decision the board communicates from the variance meeting.

RECEIVED

22-100092

JUL 14 2022

PLANNING & DEVELOPMENT

To the Relevant Parties Intended-

PLANNING & DEVELOPMENT

Thank you for taking time and consideration in the matter relating to the variance request for 1201 North Third Street, Jacksonville Beach, FL 32250. We hope you find the enclosed information along with the summary below to be sufficient for your processing. We look forward to working with you throughout this process.

General Summary

Tax Advantage has been a local business staple in the Jacksonville community since 1998. We are excited that we have grown to the point where we are in search of extra office space. Our location and our traditional building holds a special place in our heart and our hope and dream is to grow through expansion by adding space to our existing structure. We desire to remain a local staple in the Jacksonville Beach community.

Our goal is to add two floors to the existing building structure. The first floor being for commercial use and the second floor being a small loft/studio apartment. As suggested, I am listing a few relevant notes below that could potentially help:

- 1) We currently utilize twelve parking spaces (not consistently) – six of which are part of our property (east side of the building structure) and six of which have been used regularly for business by Tax Advantage customers only for 25 years (on the south side of the building).
- 2) There is also one parking space directly in front of our building which is used primarily by Tax Advantage customers
- 3) It is our understanding that adding a commercial floor of equivocal size and a residential floor would elicit the need of potentially 2 more parking spaces in addition to the aforementioned currently utilized (and owned) spaces.
- 4) We have agreed with neighboring business that they are receptive to leasing the spots needed in order to be compliant with Jacksonville Beach parking regulations. The number of such spaces will be determined by the direction of the board reviewing this variance notice. We will await direction as such.
- 5) Please note the following:
 - a. Never have we seen all of the current 12 (or 13) spots filled to capacity historically
 - b. Because we only have three offices which are client serving – the maximum amount of clients in our building at one time is three vehicles.
 - c. Our busy season (as we are tax professionals) runs from February 2-April 18. It is only during this ten week period that we see the aforementioned number of clients in meeting at one time
 - d. As the year progress we are seeing many clients move away from the traditional “in person” tax meetings/consultation and more to a virtual friendly environment (COVID - 19 actually had a significant impact on seeing an uptick away from in person meetings.

- e. Although the Jacksonville Beach rules stipulate two spaces required for each 300 sq foot (or perhaps one space per office is a possible approach as well) – we will be using the second floor of the building for back office (non-client facing employees) so there will not be an increase in customer car flow related to the new offices on the second floor.
- f. The third floor is being erected with the goal of safety in mind. As the owner of this business, during the ten-week period of tax season, and sporadically through the course of the year, there are some weeks which hours are worked that are pretty rigorous. Having the option to reside upstairs in this building would provide the comfort of 1) saving myself a few hours a day of a commute home and back 2) relieve the stress of driving in the late night/early morning hours, under slept and over worked, putting myself, and other drivers at risk of possible sleep fatigue.
- g. In relation to parking and the impact of the third floor – please note that I would be the only occupant of this floor (one vehicle). Further, the only time it would be parked in would be after hours and/or weekends. Lastly – as an employee/owner of the business, this vehicle would effectively be double counted as it would be taking a space during the day for office hours, and also a space at night. We are excited to be compliant with all rules – but effectively with this in mind – the two extra spaces required by a residential piece of this project would be negated by a single car – which is mine as the owner.
- h. In reviewing the calendar appointments and document drop off list and tax return pick ups occurring in the business for the prior ten weeks – coupled with observing our spaces since our meeting with Christian on June 17 – we are very comfortable in saying that there have not been more than three spots utilized by clients during the “off season” which constitutes 42 weeks of the year. This leaves four total spaces unutilized (albeit some of them being outside of our ownership) as a reserve margin of spaces as options consistently.
- i. Our current ADA compliant parking space which is on the south side of the building for the last 20+ years provides access to our ADA compliant ramp we built to the front door and has been sufficient with no issues to serve all customer base clients whom have the need for ADA compliant amenities as such.

RECEIVED

22-100092
JUL 14 2022

PLANNING & DEVELOPMENT

RECEIVED

22-100092

JUL 14 2022

Prepared by and return to:

Megan Staples

Paralegal

FOGEL LAW GROUP

2500 North Military Trail Suite 200

Boca Raton, FL 33431

561-393-9111

File Number: 19-1438.57

PLANNING & DEVELOPMENT

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 15th day of November, 2019 between Tax Advantage, Inc., a Florida corporation, whose post office address is 1201 N. 3rd Street, Jacksonville Beach, Florida, 32250, grantor, and Lents & Associates, PLLC, a Florida limited liability company, whose post office address is 2380 Companion Circle W., Jacksonville, FL 32224, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Duval County, Florida**, to-wit:

Lot 12, Block 123 of NORTHERN PORTION OF PABLO BEACH, according to the Plat thereof as recorded in Plat Book 5, Page(s) 66, of the Public Records of Duval County, Florida.

Parcel Identification Number: 174613-0000

Subject to taxes for the year 2020 and all subsequent years; covenants, conditions, reservations, restrictions and easements of record, if any,

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Tax Advantage, Inc., a Florida corporation

By:

James K. Reese, President

Name:

Kameron Knowlton

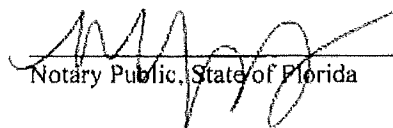
Name:

Megan Staples

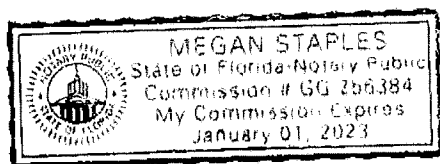
STATE OF FLORIDA)
) ss.:
COUNTY OF Duval)

The foregoing instrument was acknowledged before me this 15 day of November, 2019, by James K. Reese, as the President of Tax Advantage, Inc., a Florida corporation, who is personally known to me or has produced a FL driver's license as identification.

My Commission Expires:



Notary Public, State of Florida





RECEIVED
22-100092
JUL 14 2022

PLANNING & DEVELOPMENT

Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Limited Liability Company
LENTS & ASSOCIATES, PLLC

Filing Information

Document Number L19000229016
FEI/EIN Number 84-3465900
Date Filed 09/12/2019
Effective Date 09/21/2019
State FL
Status ACTIVE

Principal Address

2380 COMPANION CIRCLE WEST
JACKSONVILLE, FL 32224

Mailing Address

2380 COMPANION CIRCLE WEST
JACKSONVILLE, FL 32224

Registered Agent Name & Address

LENTS, MATTHEW R
2380 COMPANION CIRCLE WEST
JACKSONVILLE, FL 32224

Authorized Person(s) Detail

Name & Address

Title MGR

LENTS, MATTHEW R
2380 COMPANION CIRCLE WEST
JACKSONVILLE, FL 32224

Annual Reports

Report Year	Filed Date
2020	01/16/2020
2021	05/04/2021
2022	01/18/2022

Document Images

ALTA/NSPS LAND TITLE SURVEYS

DESCRIPTION:

LOT 12, BLOCK 123, NORTHERN PORTION OF PABLO BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5 PAGE(S) 66 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



TO FOGEL LAW GROUP, FIRSTAMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS NONE OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 11/04/2019.

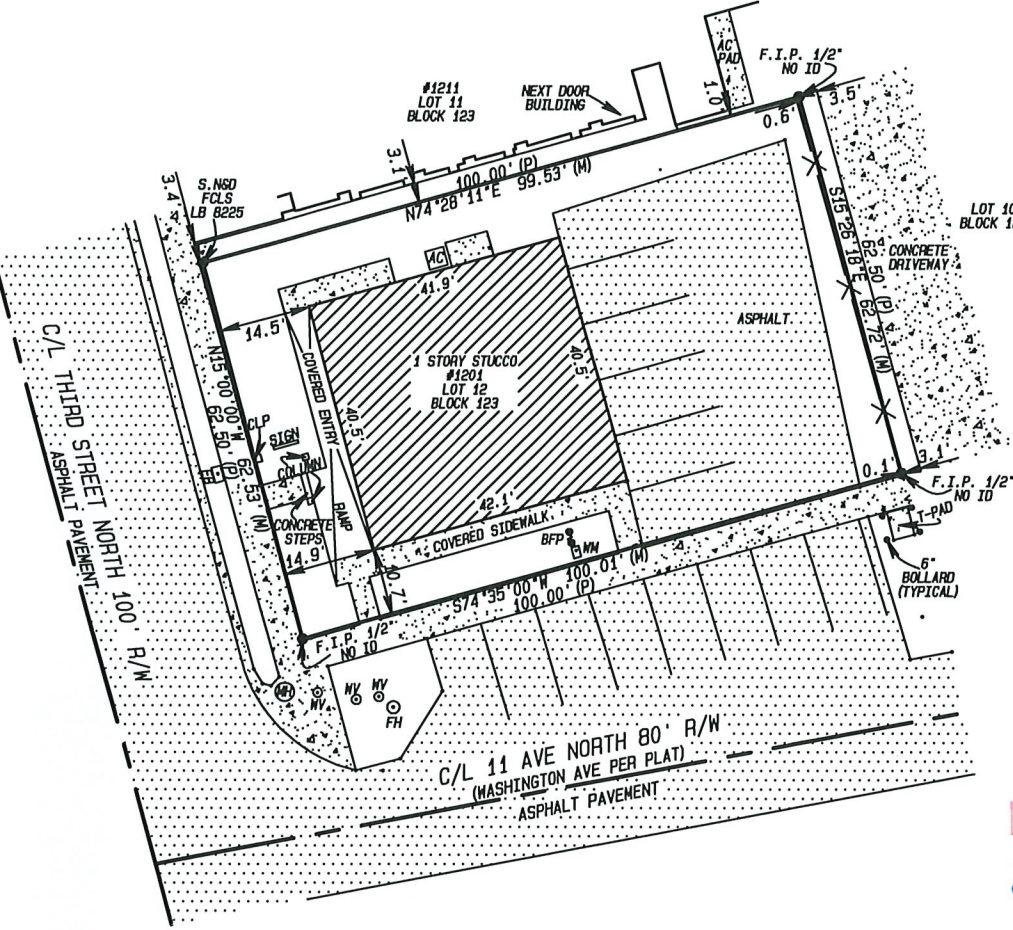
DATE OF PLAT OR MAP: 11/04/2019

SCALE: 1" = 30'

SURVEY NOTES:

- #1 PLAT PROVIDES NO ANGLES OR BEARINGS THEREFORE THE BEARING OF THE SOUTHWEST LINE LOT 12, BLOCK 123 WAS SCALED FROM THE RECORD MAP AS BEING N15°00'00"W.
- #2 UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED BY THIS SURVEY.
- #3 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP PANEL NO. 12031C 0417 J, EFFECTIVE 11/02/2018, THE PROPERTY DESCRIBED HEREON APPEARS TO LIE IN ZONE "AE".
- #4 THIS SURVEY PERFORMED WITH BENEFIT OF AN ABSTRACT, TITLE SEARCH, TITLE OPINION OR TITLE INSURANCE. FILE NO. 1062-4530071 OCTOBER 30, 2019 08:00AM
- #5 DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF AND ARE PLAT AND MEASURED UNLESS SHOWN OTHERWISE.
- #6 ALL EASEMENTS ARE PER PLAT UNLESS SHOWN OTHERWISE.
- #7 THERE MAY BE ADDITIONAL RESTRICTIONS THAT APPLY WHICH ARE NOT SHOWN ON THIS SURVEY WHICH CAN BE FOUND IN PUBLIC RECORDS OF SAID COUNTY.
- #8 THIS SURVEY DOES NOT GUARANTEE OWNERSHIP.
- #9 TEMPORARY, NON-PERMANENT IMPROVEMENTS AND/OR MAN-MADE ITEMS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING: BUILDING MATERIAL, STORAGE PODS, PAVER BLOCKS, RUBBERMAID OR PLASTIC UTILITY BUILDINGS, VEHICLES ON BLOCKS MAY BE ON THIS PROPERTY BUT NOT LOCATED OR SHOWN.
- #10 LEGAL DESCRIPTION PROVIDED BY CLIENT.

NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT EXPRESS WRITTEN CONSENT OF THE SURVEYOR.



CERTIFIED TO AND FOR THE EXCLUSIVE BENEFIT OF:
FOGEL LAW GROUP
CENTERSTATE BANK, N.A., ISAOA, ATIMA
LENTS & ASSOCIATES, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY
STREET ADDRESS:
1201 3RD STREET NORTH
JACKSONVILLE, FLORIDA

RECEIVED
22-100092
JUL 14 2022

PLANNING & DEVELOPMENT

CLYDE O. VAN KLEECK
FLORIDA REGISTERED SURVEYOR AND MAPPER NO. 2546
NOT VALID WITHOUT THE SIGNATURE & THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

F.C.M. - FOUND CONCRETE MONUMENT
F.I.R.C. - FOUND IRON ROD AND CAP
F.I.R. - FOUND IRON ROD
F.I.P. - FOUND IRON PIPE
S.I.R.C. - SET IRON ROD AND CAP
F.N&D - FOUND NAIL AND DISK
(M) - FIELD MEASUREMENT
(C) - CALCULATED MEASUREMENT
6' W.F. - 6' WIDE FENCE
4' C.L.F. - 4' CHAIN LINK FENCE

C.M. - CONCRETE MONUMENT
P.T. - POINT OF TANGENCY
P.C. - POINT OF CURVATURE
U.E. - UTILITY EASEMENT
D.E. - DRAINAGE EASEMENT
C & G - CURB & GUTTER
R/W - RIGHT OF WAY
C/L - CENTERLINE

D - DEED
P.I. - POINT OF INTERSECTION
A/C - AIR CONDITIONING UNIT
R - RADIUS
L - ARC LENGTH
PB - PHONE BOX
CB - CABLE BOX
EB - ELECTRIC BOX

F/H - FIRE HYDRANT
BVR - BURIED VALVE
FND - FOUND
(P) - PLAT
EL - ELEVATION
CONC. - CONCRETE
ESMT - EASEMENT
COR - CORNER

OHE - OVERHEAD ELECTRIC
C.L.F. - CHAIN LINK FENCE
W.F. - WOOD FENCE
C.B. - CHORD BEARING
WM - WATER METER
WP - WOOD POLE
C - CURVE
LP - LIGHT POLE

FIELD SURVEY DATE

PLOT PLAN
BOUNDARY : 11/04/2019
FORMBOARD
FOUNDATION
FINAL

FIRST COAST LAND SURVEYORS, INC.

3161-4 ST JOHNS BLUFF ROAD S, JACKSONVILLE, FL. 32246
PHONE (904) 779-2062 FAX (904) 779-7784
CERTIFICATE NO. LB 8225
WWW.FIRSTCOASTLANDSURVEYING.COM

PROJECT INFORMATION

ORDER NO: 30587
DRAWN BY: KMP
REVIEWED BY: HF
CHECKED BY: VAN



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

BOA#22-100093

Zoning: RM-2
RE: 176119-0000
Legal: Lot 7, Block 92, Pablo Beach South
Address: 983 2nd Street South

Request

Section(s): 34-340(e)(3)c.1, for a front yard setback of 7.6 feet in lieu of 20 feet required; 34-340(e)(3)c.3, for a rear yard setback of 16 feet in lieu of 30 feet minimum, and 34-377, for one parking space per dwelling unit in lieu of two, to allow for construction of two new multi-family dwellings and to address existing nonconformities

Exiting Conditions

The Subject property is an existing lot of records (circa 1909) located in the Residential Medium Density future land use category, and currently zoned Residential Multifamily: RM-2. The property is 50 feet in width and 125 feet in depth, with a lot area of 6,250 square feet. The subject property is in a multifamily zoning category and based on gross density can have three units on site. The subject parcel currently has a two unit multifamily structure on site, located near the southern property line. The current property has a front yard setback of 7 feet, with the majority of lot vacant to the north. The rear half of the property is located in the AE flood zone and has additional requirements for new construction and renovations. The property has received several previous variances, one specifically for the proposed construction of the two additional multifamily units.

BOA#38-95 for a front yard setback of 4 feet and a side yard setback of 8 feet for a front porch. APPROVED

BOA#26-2003 For side yard of 8.1 feet and a rear yard of 20 feet to allow for the construction of 2 additional dwelling units –DENIED

BOA#19-100119 for a westerly corner side yard of 3 feet and a side yard of 8 feet to rectify existing nonconformities and allow for the addition of two new dwellings constructed to the rear. APPROVED LIMITED TO SITE PLAN

BOA#21-100024 for a front yard setback of 8 feet, corner side yard setback of 3 feet to rectify nonconformities and allow for the construction of a third floor of the existing structure and the construction of two new multifamily units. - DENIED



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Staff Analysis

The proposed request is twofold. The first request is to address all existing nonconformities not previously addressed in past variances for the existing structure. The intent is to add an additional story to the existing two unit structure and convert it to one unit. The second part of the request is for a rear yard setback reduction to allow for the construction of the two new multifamily units originally approved in BOA#19-100119, however upon discussion with the Chief Building Official, it was noted that the attaching of these two units to the existing structure, based on the location of the AE flood zone, would require the upgrading and potentially elevating of the existing structure which isn't feasible. As the previous variance was tied to the proposed site plan, to simplify the construction the applicant is simply asking to detach these two new units so they can be built to current flood zone requirements without affecting the existing structure. As noted in the application, the lot is substandard in width. The proposed design would include adequate parking for the two new units with two car garages. Worth noting is the maximum lot coverage for multifamily uses in the RM-2 zoning district is 65% and the proposed project upon completion would only be at 57% lot coverage.

Minimum Dimensional Standards

Multifamily:

- Minimum lot area: Five thousand (5,000) square feet, plus one thousand (1,000) square feet for each unit in excess of two (2), except that the gross density shall not exceed forty (40) units an acre.
- Minimum lot width: Seventy-five (75) feet at the building line and a minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty (20) feet.
 - Side yard: Ten (10) feet for each side yard, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear yard: Thirty (30) feet. For oceanfront lots, the rear yard shall be the yard adjacent to the ocean, or the easterly yard, and the front yard shall be the westerly yard, or yard opposite the rear yard.
- Floor area: Multiple family dwelling unit shall contain the following minimum square feet of conditioned living area excluding garages, carports and breezeways.
 - One bedroom unit—Seven hundred (700) square feet.



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

- Two bedroom unit—Nine hundred (900) square feet.
- Three bedroom unit—One thousand one hundred (1,100) square feet.
- Maximum lot coverage: Sixty-five (65) percent.
- Height: Thirty-five (35) feet.

Review of Criteria

1. **Special conditions and circumstances exist which are peculiar to the parcel of land, building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district;**

Staff **does** find that there are circumstances unique to the subject parcel of land. The lot is substandard in both lot width. Additionally the lot is split by the flood zone, making the rear of the property meet additional design standards that do not affect the existing structure unless the two buildings are attached.

2. **Special circumstances and conditions do not result from the actions of the applicant**

Staff **does not** find that circumstances are a result of the applicant. The lot was platted in 1909, and the applicant has ample lot area to build the additional two units on the property. The applicant had previously received approval for the additional two units, however the updated flood zones created in 2018 and adopted around the time of the first approval have changed the circumstances such that the new challenged require the update to the site plan.

3. **Granting the variance will not confer upon the applicant any special privilege denied by the comprehensive plan and this Code to other parcels of land, buildings, or structures, in the same zoning district**

Staff **does not** find that the proposed variance will confer special privileges. The applicant is requesting to build two additional units on a lot already containing a structure. The RM-2 zoning allows for multifamily units to be added to a lot this size, but the limitations created by the lot, flood zones and existing structure location create the need for a variance. This would not confer any special privilege.



City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

4. **Literal interpretation and enforcement of the terms and provisions of this Code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary and undue hardship**

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. The applicant can build two additional units on this lot by right per the RM-2 zoning district. The substandard conditions of the lot, along with the location of the existing structure cause the need for the variance both for the new structure as well as the existing structure, it would be an undue hardship to deny the applicant the ability to build, or force them to adapt the existing structure to the flood zone that only affect the rear of the structure.

5. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure**

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed new home. The request for the existing structure simply rectify all existing nonconformities not specifically addressed by past variances to allow for renovations and additions to this building. The rear yard setback reduction is the minimum needed to allow for the separation between the existing structure and the two new proposed units.

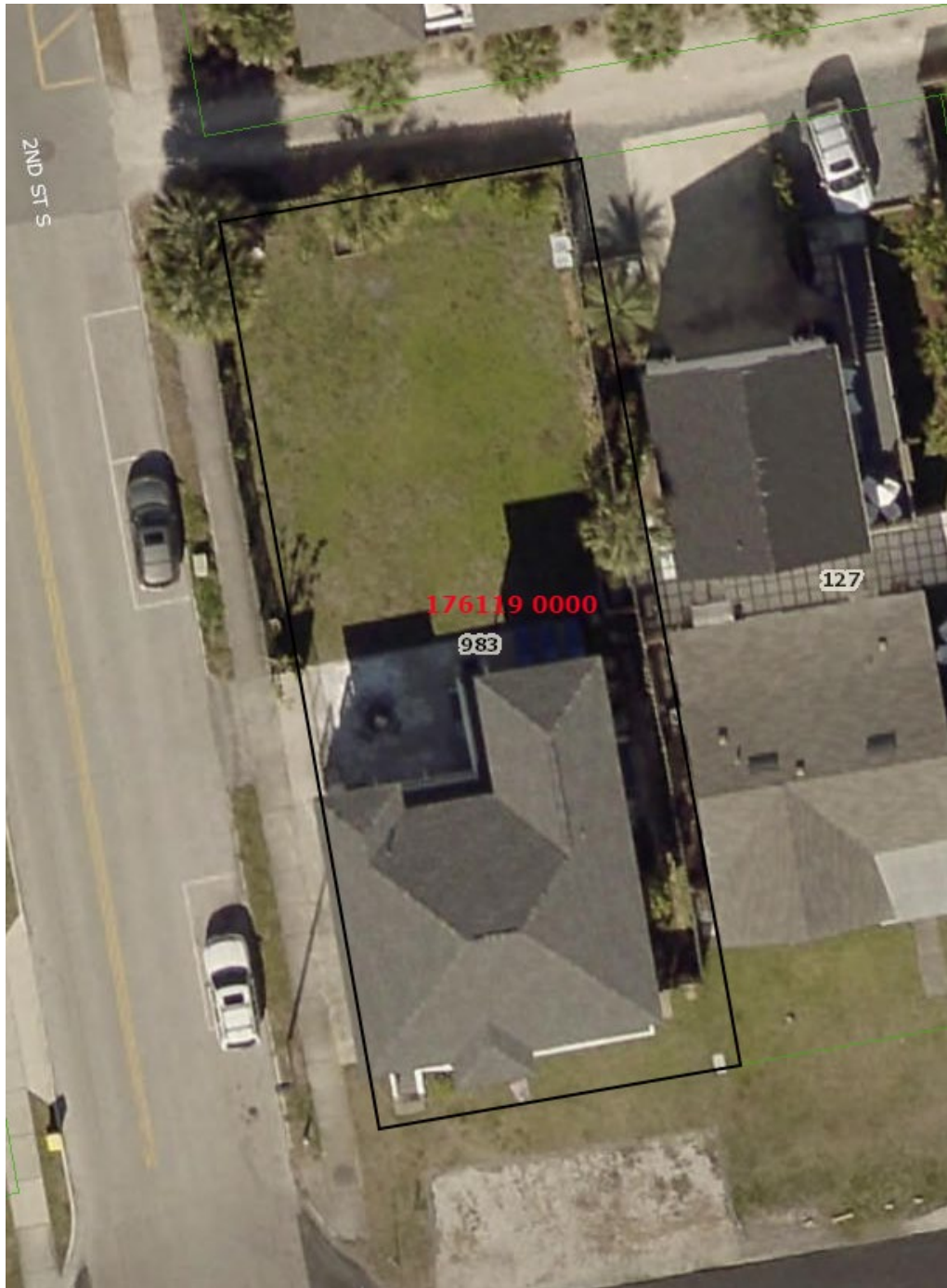
6. **Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.**

Staff **does** find that the request is consistent with the comprehensive plan. The applicant is not requesting any deviations from the established future land use designation policies and is consistent with the Goals Objectives and Policies of the adopted comprehensive plan.

Staff Recommendation

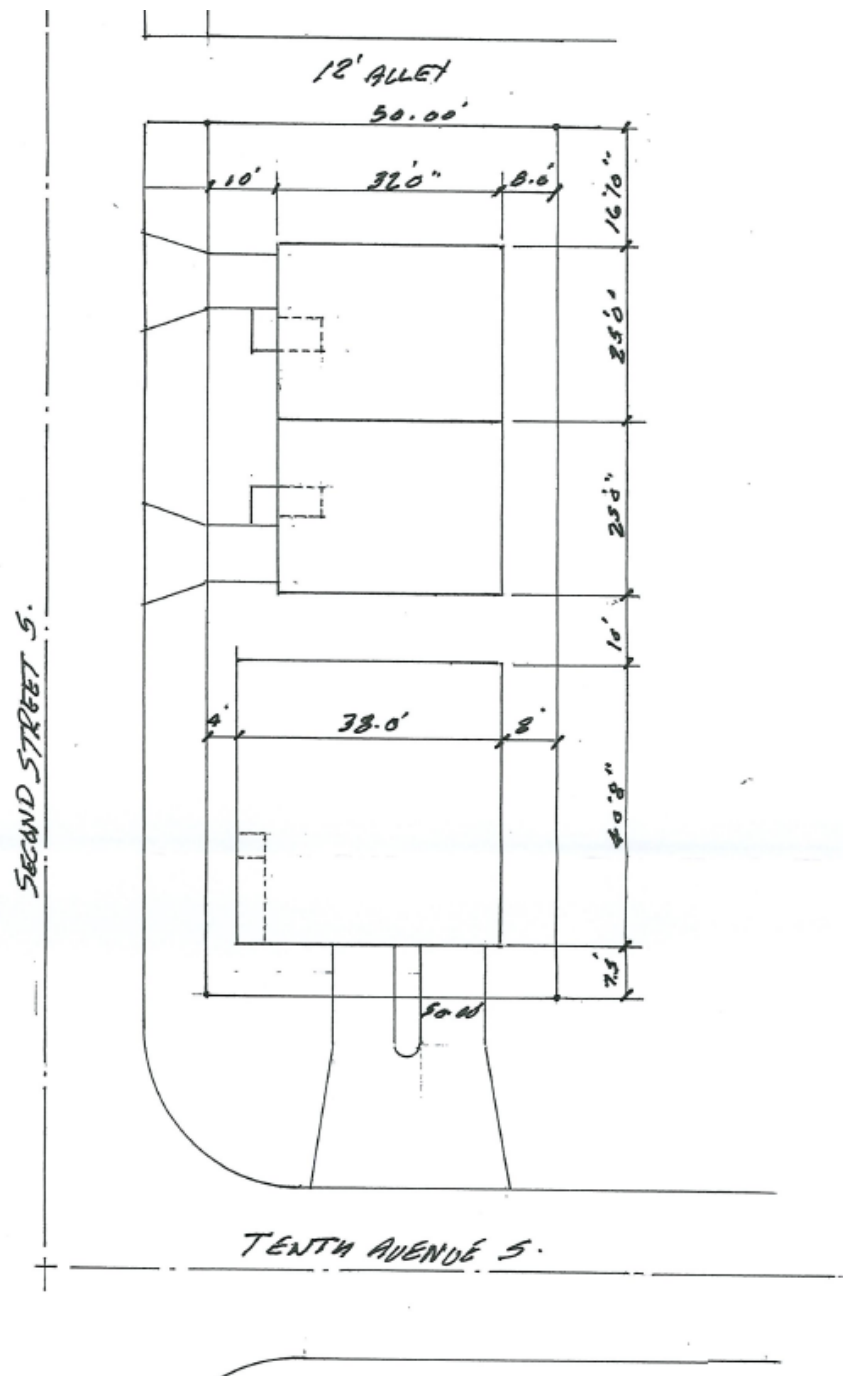
Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#22-100093**

Location Map (property boundaries are reprehensive only)



[illegible]

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 22-100093
HEARING DATE 9-7-22

This form is intended for submittal, along with the required documents, for all requests for variances from the requirements of the City of Jacksonville Beach Land Development Code, Article 6, Section 6.6 Variances. The Planning and Development Director will evaluate an application for a variance for sufficiency within five (5) days of receipt. If the application is found to be complete, the Jacksonville Beach Board of Adjustment at their earliest meeting following appropriate public notice of the request will schedule it for review, public hearing and a decision.

REQUIRED DOCUMENTATION

1. Accurate, to-scale boundary survey prepared by a registered land surveyor that shows the location of all existing improvements.
2. Survey, plat or new site plan showing all proposed additions and/or improvements added to the drawing, to scale (on 11" x 17" paper or smaller).
3. Proof of ownership (copy of deed or current property tax notification).
4. Copy of any previous variance and/or conditional use approval letters.
5. If applicant is not owner, notarized written authorization from owner is required.
6. Non-refundable processing fee of \$500.00 (due at the time of application submittal).
7. Completed application.

RECEIVED
09:55
JUL 20 2022

APPLICANT INFORMATION

Applicant Name: Catherine Sturms Telephone: 962-6190
Mailing Address: 983 2nd St S E-Mail: csturms@comcast.net
Jax Beach, FL 32250
Agent Name: same Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: same Telephone: _____
Mailing Address: _____ E-Mail: _____

PLANNING & DEVELOPMENT

Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

VARIANCE DATA

Street address of property and Real Estate Number: 983, 985, 985B 2nd St S, Jax Beach, FL 32250
Legal description of property (Attach copy of deed): RE # 176119-0000
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
Rear Yard Set Back of 20 ft in lieu of 30 ft due to elevation requirements given zone x flood designation in rear yard

AFFIDAVIT

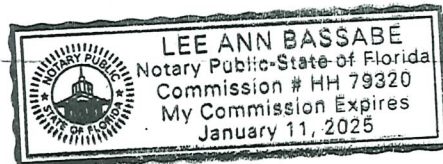
I, Catherine Sturms, being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary documents attached to and made part of this application are true and accurate to the best of my knowledge and belief. Furthermore, I understand that failure to submit accurate information as requested above may be grounds for denial of my request and/or subsequent building permit applications.

Catherine Sturms
APPLICANT SIGNATURE
Catherine Sturms
PRINT APPLICANT NAME
7-20-22
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 20 day of July, 2022, by Catherine Sturms, who is personally known to me or produced FL Drivers License as identification.

Lee Ann Bassabe
NOTARY PUBLIC SIGNATURE
Lee Ann Bassabe
PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RM-2 FLOOD ZONE: AE/X-shaded
CODE SECTION (S):
34-340(e)(3)c.1, for a front yard setback of 7 feet in lieu of 20 feet required; 34-340(e)(3)c.3, for a rear yard setback of 16 feet in lieu of 30 feet minimum to allow for construction of two new multi-family dwellings and to address existing nonconformities

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-100093

Section 34-281 Purpose. Variances are deviations from the terms of the LDC, which would not be contrary to the public interest when owing to special circumstances or conditions; the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

JUL 20 2022

Section 34-286. Standards applicable to all variances. In order to authorize any variance from the terms of this code, the Board of Adjustment must find that the following criteria have been met. To assist the Board in making this finding, please complete the blanks on the form below.

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	YES	non conforming lot width is only 50 ft whereby multifamily lot width is 75 ft. The rear portion of the lot is designated zone x therefore requiring a higher elevation than existing structure
Special circumstances and conditions do not result from the actions of the applicant.	YES	Property includes existing structure purchased in 1995. Plans to build additional two storied structure will allow rental units to conform to rental and parking requirements
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	NO YES	Necessary parking for three units will be provided Elevation Requirements will be maintained given the flood zone x designation in the rear yard
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	YES	A hardship exists given the present parking and elevation requirements on this nonconforming multifamily lot with a rear yard in a flood zone x designation
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	By allowing two separate detached structures to be built with 10 feet in between, the minimum distance between is maintained whereby the overhang of each roof is at least three feet apart and elevation required due to flood zone in part of the yard is achieved. The Parking requirement for the three units is kept at the two car per unit minimum
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	YES	There would be no negative affect to neighboring properties. the structure has stood since the '50s. Adequate parking will be provided. similar variances have been obtained by the neighbor to the west.

THIS INSTRUMENT PREPARED BY:
Barbara J. Lamb
Watson & Osborne, P.A.
208 Ponte Vedra Park Drive, Suite 101
Ponte Vedra Beach, Florida 32082

RECORD AND RETURN TO:
Catherine Adamosky
983-985 2nd Street South
Jacksonville Beach, Florida 32250

RE PARCEL ID #: 176119-0000
BUYER'S TIN: 252-08-9602

FOR RECORDER	
Book	8142 Pg 2166
Bk:	8142
Pg:	2166 - 2167
Doc#	95146093
Filed & Recorded	
	08/02/95
	01:25:06 P.M.
	HENRY W. COOK
	CLERK CIRCUIT COURT
	DUVAL COUNTY, FL
REC. \$	10.50
DEED	\$ 560.00

WARRANTY DEED

THIS WARRANTY DEED made this 21st day of July, 1995 by John J. Ina and Nabih Ina, hereinafter called Grantor, and whose address is 2219 Maplewood Road, Cleveland Heights, OH 44118 to Catherine Adamosky, a single woman, hereinafter called Grantee and whose address is 983-985 2nd Street South, Jacksonville Beach, Florida 32250.

(Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH:

560.00
1050
THAT the Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate, lying and being in Duval County, Florida, viz:

Lot 7, Block 92, PABLO BEACH SOUTH, according to plat thereof as recorded in Plat Book 3, page 28 of the current public records of Duval County, Florida.

The real property described in this instrument is not the constitutional homestead nor the primary physical residence of the Grantor.

RECEIVED

22-100093
JUL 20 2022

PLANNING & DEVELOPMENT

SUBJECT TO taxes accruing subsequent to December 31, 1994.

SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature

BARBARA J. LAMB

Witness Printed Signature

Witness Signature

BETH VANATTA

Witness Printed Signature

Witness Signature

Witness Printed Signature

Witness Signature

Witness Printed Signature

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument was acknowledged before me this 27th day of July, 19 95 by John J. Ina who produced Ohio Driver's License #4057947 as identification and who did not take an oath.

Notary Public, State and County Aforesaid

Notary Signature

BARBARA JALOVEC, NOTARY PUBLIC
STATE OF OHIO, Cuyahoga County
My Commission Expires July 27, 1997



BARBARA J. LAMB
COMMISSION # CC 373618
EXPIRES JUN 26, 1998
BONDED THRU ATLANTIC BONDING CO., INC.

(Title or Rank)

(Serial No., if any)

STATE OF Ohio
COUNTY OF Cuyahoga

The foregoing instrument was acknowledged before me this 20th day of July, 19 95 by Nabih Ina who produced Ohio Driver's License #4057947 as identification and who did not take an oath.

Notary Public, State and County Aforesaid

Notary Signature

BARBARA JALOVEC, NOTARY PUBLIC
STATE OF OHIO, Cuyahoga County
My Commission Expires July 27, 1997

(Title or Rank)

(Serial No., if any)

Mr. Vermey is the architect for the building. He stated the apartment is too small to live in comfortably and it needs to be enlarged. He explained that the addition will not be larger than the existing footprint, the building will be going up not out.

Public Hearing
Closed

There being no other speakers, the public hearing was closed.

Motion

It was moved by Mr. Jolley, seconded by Mr. Corwin, to approve the variance request.

Discussion

Mr. Jolley stated the structure has enhanced the neighborhood. He added that the Schneiders' are not requesting to build a two-bedroom apartment, just to enlarge the room.

Mr. Corwin agreed that the size of the apartment is a hardship and in order to keep the owners at the beach they do need to up-date the apartment.

Roll Call

Roll call was as follows: Corwin, yes; DeLoach, yes; Jolley, yes; Kennedy, yes. The motion passed 4-0.

#38-95
Catherine
Adamosky

Catherine Adamosky, 983/985 South 2nd Street, applicant for a variance to allow a front yard of 4' in lieu of 20' required and an easterly side yard of 8.2' in lieu of 10' required to allow an upstairs porch addition.

Ms. Adamosky explained she intends to rehab the structure. She would like to make an addition to the second story. She currently rents out the bottom portion of the duplex and lives upstairs with her four children.

Discussion followed concerning where she would place the stairs on the outside of the structure. She would like to place it on the south side of the building. Mr. Corwin asked why she could not place it on the north side of the building; Ms. Adamosky explained the kitchen and bathroom are located on that side. Mr. Vermey added that the living room is on the south side and it is more logical to place the stairs there.

Public Hearing

Mr. DeLoach opened the public hearing, there being no one present to speak, the public hearing was closed.

Motion

It was moved by Mr. Jolley, seconded by Mr. Kennedy, to approve the variance request.

Discussion

Mr. Jolley stated the addition may be coming out a little further than other homes in the area, but Ms. Adamosky is trying to improve the building and no one was present to speak against the request.

Both Mr. Corwin and Mr. DeLoach expressed they would rather see the north side of the property used. Mr. Corwin expressed understanding needing more room with four children.

Roll Call

Roll call was as follows: DeLoach, yes; Jolley, yes; Kennedy, yes; Corwin, yes. The motion passed 4-0.

#39-95
George Bull

George Bull, 1927 North 3rd Street, applicant for a variance for no parking spaces in lieu of six spaces required.

Mr. Bull clarified that the business does currently have six parking spaces. The businesses would like to build

Ref. 22-100093



April 18, 2003

Catherine Sturms
983 S. 2nd Street
Jacksonville Beach FL 32250

RE: Case No. BOA 26-2003
983 / 985 S. 2nd Street

Dear Catherine Sturms:

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on April 16, 2003 to consider your variance application.

As indicated in the application, the request was for the following:

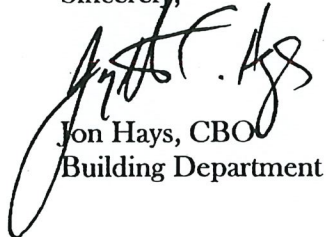
- Section 34-340 (e)(3) c.2., for an easterly side yard of 8.1 feet in lieu of 10 feet required,
- Section 34-340 (e)(3) c.3., for a rear yard of 20 feet in lieu of 30 feet required, to allow for 2 additional dwelling units on a multi-family property.

The results of the meeting were:

- Denied.

Please remove the public hearing notice posted on your property. If you have any questions regarding this variance, please feel free to call me at (904) 247-6231.

Sincerely,


Jon Hays, CBO
Building Department

E:\BOA\resultsdenied.doc

7099 3400 0000 1887 2422

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
Article Sent To: <i>Sturms 26-03</i>	
Postage	\$
<u>Certified Fee</u>	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$
Postmark Here	
Name (Please Print Clearly) (to be completed by mailer)	
Street, Apt. No.; or PO Box No.	
City, State, ZIP+4	
PS Form 3800, July 2002	
Also Required for Restrictions	

DEPARTMENT OF PLANNING & DEVELOPMENT



CERTIFIED MAIL# 7017 3040 0000 2086 0866

November 8, 2019

Catherine Sturms
983 2nd Street South
Jacksonville Beach, FL 32250

RE: BOA#19-100119
983 2nd Street South **Lot 7, Block**
~~(the south 1/2 of Lots 1 and 2, Block 53, Pablo Beach South)~~

Dear Ms. Sturms,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Wednesday, November 6, 2019, to consider the above application for a variance from the requirements of the Land Development Code.

As indicated in the application, the request was for the following:

- 34-340(e)(3)c.2, for a westerly corner side yard of 3 feet and easterly side yard of 8 feet, each in lieu of 10 feet required

The Board **amended** and **approved** the request as follows:

- 34-340(e)(3)c.2, for a westerly corner side yard of 3 feet and easterly side yard of 8 feet, each in lieu of 10 feet required
- Limited to as shown in the application and presented

To ratify nonconformities of an existing structure and to allow for a two-unit addition to an existing multiple-family property.

Please remove the public hearing notice posted on your property. Information about building permits, applications and checklists is available in our office or online at <http://www.jacksonvillebeach.org/business/building-permit-applications-and-checklists>. Please submit a copy of this approval letter when applying for any future development or building permit applications. If you have any questions regarding this variance or the permitting process, please feel free to call me at (904) 247-6231.

Sincerely,

William C. Mann III, AICP
Planning and Development Director



City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6231
Fax: 904.247.6107
Planning@jaxbchfl.net

www.jacksonvillebeach.org

DEPARTMENT OF PLANNING & DEVELOPMENT

CERTIFIED MAIL RETURN - RECEIPT REQUESTED

7020 2450 0002 0872 5123



April 9, 2021

Ms. Catherine Sturms
983 2nd Street South
Jacksonville Beach, FL 32250

RE: **DEVELOPMENT ORDER FOR VARIANCE**
BOA#21-1000024
983 2nd Street South
Lot 7, Block 92, *Pablo Beach South*

Dear Ms. Sturms,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, April 6, 2021, in the City Council Chambers located at 11 3rd Street North, Jacksonville Beach, Florida to consider a development permit application requesting to deviate from the requirements of the Land Development Code as described below:

- 34-340(e)(3)c.1, for a front yard setback of 8 feet to allow for the construction of a third floor addition and to rectify existing nonconformities to an existing building and 4 feet to allow for the construction of a third floor porch addition, both in lieu of 20 feet required;
- 34-340(e)(3)c.2, for a corner side yard setback of 3 feet in lieu of 10 feet minimum to allow for the construction of a third floor addition to an existing building; and
- 34-340(e)(3)c.3, for a rear yard setback of 24 feet in lieu of 30 feet required

All to allow for the conversion of and improvements to an existing two-story, 3-unit multiple family building into a 3-story single family dwelling and to allow for the construction of two new 3-story dwelling units attached to the existing developed multiple-family residential structure

Based on the review and discussion of said application and the consideration of any testimony provided during the duly advertised public hearing, the Board of Adjustment determined this application for development did not meet the standards applicable for authorizing a variance pursuant to Land Development Code Section 34-286. The requested variance was **Denied** by the Board. Please remove the public hearing notice posted on your property. Attached is a copy of the submitted site plan for your records.

Sincerely,

George D. Knight
George D. Knight, CBO
Building Official

CONTINUED ON PAGE 2

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org





 FILE COPY

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org

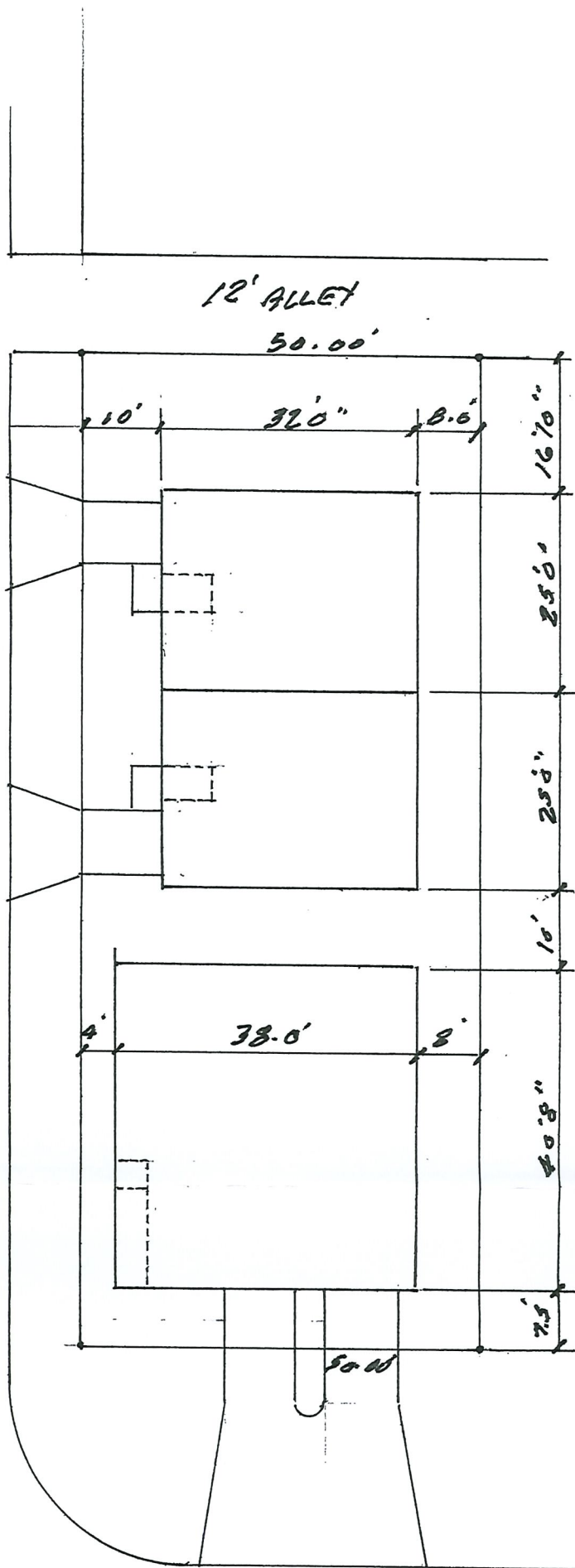


DISCLAIMER

As provided by subsection 166.033(6), Florida Statutes, issuance of a variance by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. It is hereby a condition that all other applicable state or federal permits be obtained before commencement of the development.

PROPOSED

SECOND STREET S.



TENTH AVENUE S.

RECEIVED
22-100093
JUL 20 2022

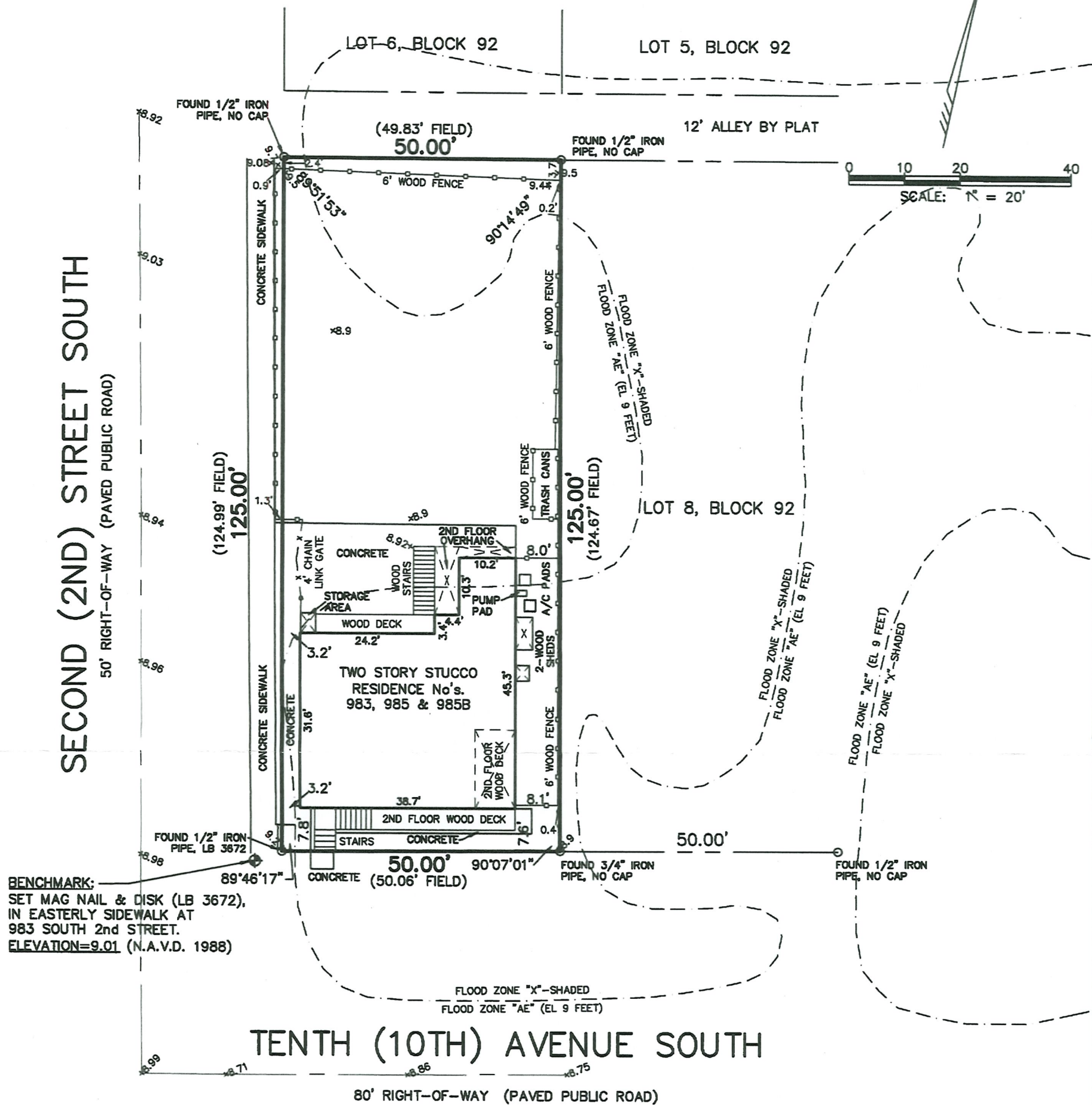
PLANNING & DEVELOPMENT

EXAMPLE "B"

EXISTING

MAP SHOWING SURVEY OF

LOT 7, BLOCK 92, PABLO BEACH SOUTH, AS RECORDED IN PLAT BOOK 3, PAGE 28
OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



- NOTES:**
1. THIS IS A TOPOGRAPHIC SURVEY.
 2. BOUNDARY DATA TAKEN FROM PREVIOUS SURVEY BY THIS FIRM UNDER WORK ORDER No. 2019-0904, DATED JUNE 14, 2019.
 3. ANGLES PER FIELD SURVEY.
 4. NORTH PROTRACTED FROM PLAT.
 5. NO BUILDING RESTRICTION LINES PER PLAT.
 6. BENCHMARK SHOWN HEREON ESTABLISHED BY CLOSED LEVEL LOOP FROM A N.G.S. BRASS DISK ("X 323"), IN THE NORTHWEST CORNER OF A CONCRETE CATCH BASIN WITH IRON GRATE AT THE INTERSECTION OF SOUTH 11th AVENUE AND STATE ROAD A-1-A. ELEVATION=6.87 (N.A.V.D. '88 DATUM).

THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONES "X" (SHADED) AND "AE" (EL 9 FEET) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP NUMBER 12031C0419J EFFECTIVE NOVEMBER 02, 2018 FOR DUVAL COUNTY, FLORIDA.

THIS SURVEY IS CERTIFIED TO:
CATHERINE STURMS.

RECEIVED
22-100093
JUL 20 2022

PLANNING & DEVELOPMENT

JASON D. BOATWRIGHT, P.S.M.
FLORIDA LICENSED SURVEYOR and MAPPER No. LS 7292
FLORIDA LICENSED SURVEYING & MAPPING BUSINESS No. LB 3672

CHECKED BY: _____
DRAWN BY: ADT
FILE: 2022-0208

BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA (904)241-8550

DATE: FEBRUARY 18, 2022
SHEET 1 OF 1

Ref. 22-100093

LeeAnn Bassabe

From: paul bourjaily.com <paul@bourjaily.com>
Sent: Friday, August 26, 2022 9:07 AM
To: Planning Division
Subject: BOA #22-100093. Hearing date set for 9/7/2022.

My wife and I are owners of Unit C at 820-2 St. S., Jax Beach

For the record, we oppose the variances as described in the public notice. The aesthetics of the area will change. Approving this variance will set a bad precedent for future development.

Paul & Cecilia Bourjaily
15920 SW 87 Ave.
Palmetto Bay FL 33157
305-255-2681