



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Regular Meeting Agenda

Board of Adjustment

Tuesday, November 1, 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

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

A. **Case Number(s): BOA#22-100118**

Applicant: Jon P. Stephan

Agent: Paul Medis - Waterout of Northeast Florida, Inc.

Owner: Jon P. Stephan

Property Address: 1862 Evans Drive South

Parcel ID: 179997-7040

Legal Description: Lot 8, Block 1, *Oak Breeze Cove*

Current Zoning: RS-1

Motion to 34-336(e)(1)(c)3, for a rear yard setback of 20 feet in lieu of 30 feet

Consider: minimum to allow for the addition of a rear covered patio at an existing single-family dwelling

B. **Case Number(s): BOA#22-100119**

Applicant: Cindy Ellen Meide

Agent: Richard Gifford - Gifford & Gifford

Owner: Cindy Ellen Meide

Property Address: 1203 9th Avenue North

Parcel ID: 179173-0500

Legal Description: West ½ of Lots 5 & 6, Block 66, *Jacksonville Beach Section "A"*

Current Zoning: RS-2

Motion to 34-337(e)(1)e, for lot coverage of 49% in lieu of 35% maximum; 34-
Consider: 337(e)(1)g, for an accessory structure setback of 0 (zero) feet in lieu of 5
feet minimum from the western side yard; and 34-373(d), for a driveway
setback of 2 feet in lieu of 5 feet minimum from the western side yard, to
allow for the addition of an extended driveway, walkway and swimming pool
paver deck at a newly constructed single-family dwelling

C. **Case Number(s): BOA#22-100120**

Applicant: SMV Management, LLC. - Parthesh Vakil

Agent: N/A

Owner: SMV Management, LLC. - Parthesh Vakil

Property Address: 312 1st Avenue North

Parcel ID: 176766-0000

Legal Description: Lot 2, Block 14, *Atlantic Park*

Current Zoning: C-2

Motion to 34-339(e)(3)(c)2, for a westerly side yard of zero '0' feet and an easterly

Consider: side yard setback of 5 feet in lieu of 10 feet required for each side yard, to
allow for construction of a new two-unit multi-family structure

PLANNING DEPARTMENT REPORT

A. The next scheduled meeting will be Tuesday, November 15, 2022. There are four 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



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

BOA#22-100118

Zoning: RS-1
RE: 179997-7040
Legal: Lot 8, Block 1, Oakbreeze Cove
Address: 1862 Evens Drive South.

Request

Section(s): 34-336(e)(1)(c)3, for a rear yard setback of 20 feet in lieu of 30 feet minimum to allow for the addition of a rear covered patio at an existing single-family dwelling

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1989) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The subject property is irregular in shape, with the west side being almost double the length as compared to the east. The overall area is 11,374 square feet, the front property line is 81 feet, the rear is 127 feet, the eastern property line is 105 and the western is 147. The subject property has an existing single family home constructed in 1990. The current owner purchased the home in 1999. Due to the irregular shape of the rear property line, the southeast corner of the house touched the 30 foot rear yard setback line, while the southwest corner is roughly 10 feet further north, away from the setback line. The property backs up to the marsh, with no rear neighbors.

No previous variances, no active code enforcement.

Staff Analysis

Due to the irregular nature of the lot, any rear addition would likely intrude into the rear yard setback. Currently there is a concrete patio along the rear of the home, which the owner is now requesting to convert into a new covered patio. The new patio would extend 4 feet further into the rear yard than the current uncovered concrete patio, and would be covered, thus triggering the need for the rear setback reduction. Current lot coverage is at 33%, with the proposed new addition it would rise to 34%, still below the maximum lot coverage. Due to the exiting location of the home and the irregular shape of the lot, all which are preexisting conditions of the home, the existing nonconformities are not the result of the applicant, and the proposed rear addition is a minimal request for a modest rear patio.



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Minimum Dimensional Standards

- Minimum lot area: Ten thousand (10,000) square feet.
- Minimum lot width: Ninety (90) feet at the building line and a minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty-five (25) feet.
 - Side yard: Ten (10) feet on each side 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 six hundred (1,600) square feet of conditioned living area and a one (1) car garage. The garage shall not be included as part of the single family dwelling unit's minimum square footage.
- Maximum lot coverage: Thirty-five (35) percent.
- 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 subject property is irregular in shape with an existing home placed square to the street and not to the rear of the lot. The lot was platted prior to the adoption of the existing LDC, and the irregular shape along with the existing home's location makes a rear addition without relief impossible.

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 platted lot of record dates from 1989, and the home from 1990, with the current applicant purchasing the home in 1999, they are not the cause of the existing nonconformities.



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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 request for the rear yard setback would not confer any special privilege, were it not for the shape of the lot and the location of the existing home, a variance would not be needed for a common rear addition.

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 irregular shape of the lot along with the orientation and location of the existing house makes it impossible to add a covered rear patio of modest size to the rear of the home, something commonly enjoyed by other homeowners, specifically along the marsh front.

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 rear addition. The request for rear yard setback reduction is the minimum variance needed for the additional 4 foot extension of the patio and the addition of a roof.

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.



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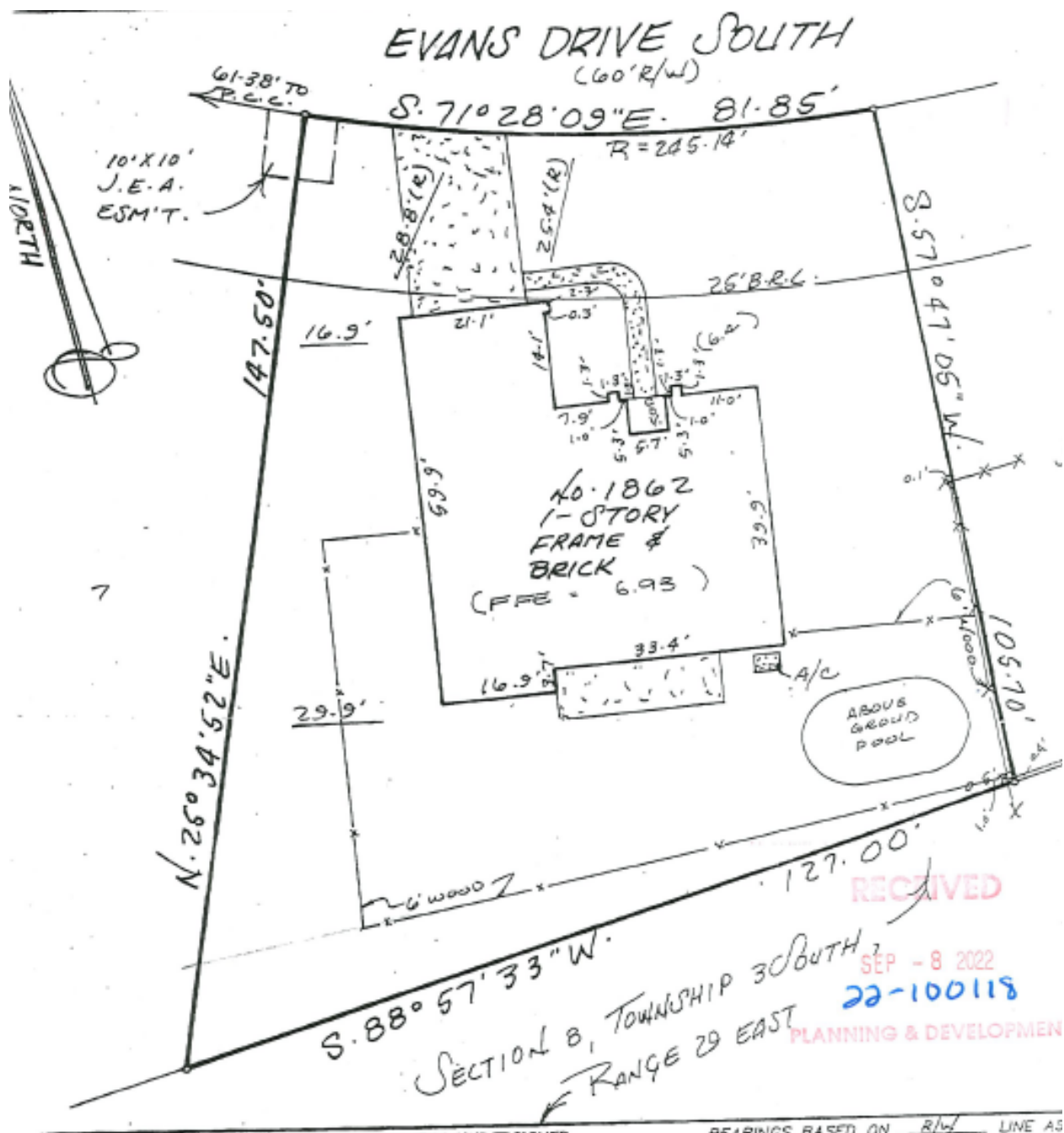
Staff Recommendation

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#22-100118**

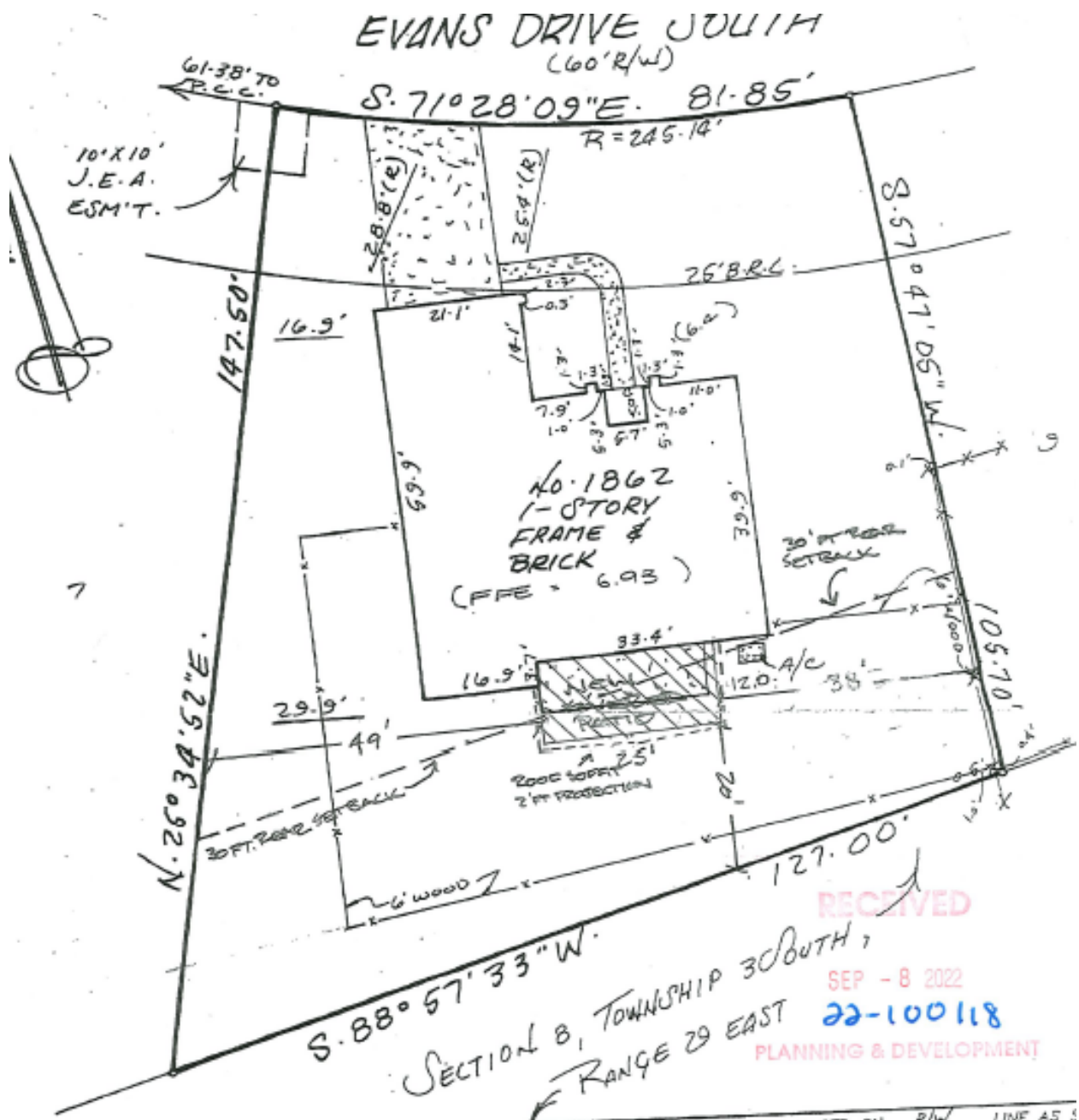
Location Map (property boundaries are representative only)



Existing Survey



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 22-100118
HEARING DATE 11/1/22

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

SEP - 8 2022

APPLICANT INFORMATION

Applicant Name: JOHN PHILIP STEPHAN Telephone: 904-237-4008
Mailing Address: 1862 EVANS DR. SOUTH E-Mail: PSTEPHAN7015@YAHOO.COM

Agent Name: PAUL MEDIS Telephone: 904-838-9786
Mailing Address: 5791 UNIVERSITY CLUB BLVD. N. E-Mail: WATERGUT@COMCAST.NET
JACKSONVILLE, FL 32277

Landowner Name: JOHN PHILIP STEPHAN Telephone: 904-237-4008
Mailing Address: 1862 EVANS DR. SOUTH E-Mail: PSTEPHAN7015@YAHOO.COM

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: 1862 EVANS DR. S. JAX BEACH, FL 32217-7040
Legal description of property (Attach copy of deed): LOT 8 BLK 1 OAKBREEZE CNE. 45-1105-35-29E
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).
20 FT. REAR YARD SETBACK IN LIEU OF 30 FT. COVERED PATIO

AFFIDAVIT

I, JOHN PHILIP STEPHAN, 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 Philip Stephan
APPLICANT SIGNATURE

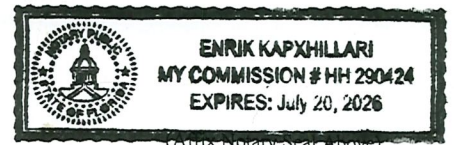
JOHN PHILIP STEPHAN
PRINT APPLICANT NAME

8/22/2022
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22 day of August, 20 22, by John Philip Stephan, who is personally known to me or produced known to me (personally known) as identification.

Enrik Kapxhillari
NOTARY PUBLIC SIGNATURE
ENRIK KAPXHILLARI
PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: AE

CODE SECTION (s):
34-336(e)(1)(c)3, for a rear yard setback of 20 feet in lieu of 30 feet minimum to allow for the addition of a rear covered patio at an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-100118

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.

SEP - 8 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	SETBACK DOES NOT ALLOW ANY REASONABLE ROOM FOR PATIO AREA WITH A COVERED ROOF
Special circumstances and conditions do not result from the actions of the applicant.	YES	REGULATIONS CHANGED FROM PRIOR 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	PRIOR CODE
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	IRREGULAR LOT PLAN.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	WILL PROVIDE REASONABLE SPACE TO CONSTRUCT A MODEST COVERED CATAWBA / SCREEN ROOM WITH A PERMANENT ROOF 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.	YES	WILL CONFORM TO THE AREA.

THIS INSTRUMENT PREPARED BY:
Marie B. Gelles
Gibraltar Title Services
4190 Belfort Road, Suite 350
Jacksonville, Florida 32216

RECORD AND RETURN TO:
Gibraltar Title Services
4190 Belfort Road, Suite 350
Jacksonville, Florida 32216

RE PARCEL ID #: 179997-7040
BUYER'S TIN: [REDACTED]

99080582
298
1050
1168.30

Book 9409 Pg 18

Bk: 9409
Pg: 18 - 19
Doc# 99226045
Filed & Recorded
09/09/99
11:19:45 A.M.
HENRY W. COOK
CLERK CIRCUIT COURT
DUVAL COUNTY, FL
REC. \$ 10.50
DEED

RECEIVED
22-100118
SEP - 8 2022
PLANNING & DEVELOPMENT

\$1,168.30

WARRANTY DEED

THIS WARRANTY DEED made this 25th day of August, 1999 by Lester J. Pfahl and Melinda P. Pfahl, his wife, hereinafter called Grantor, and whose address is 172 Canal Boulevard, Ponte Vedra Beach, Florida 32082 to J Philip Stephan, an unmarried man, hereinafter called Grantee and whose address is 1862 Evans Drive, 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:

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 8, Block 1, OAKBREEZE COVE, according to plat thereof recorded in Plat Book 45, Pages 11, 11A, 11B, of the current public records of Duval County, Florida.

SUBJECT TO taxes accruing subsequent to December 31, 1998.

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. ROSSET

Witness Printed Signature

Witness Signature
VICKI DENT

Witness Printed Signature

Witness Signature
VICKI DENT

Witness Printed Signature

Witness Signature
BARBARA J. ROSSET

Witness Printed Signature

Witness Signature
VICKI DENT

Witness Printed Signature

Witness Signature
VICKI DENT

Witness Printed Signature

Witness Signature
VICKI DENT

Witness Printed Signature

Lester J. Pfahl

Melinda P. Pfahl

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 27th day of August, 1999 by Lester J. Pfahl. He is personally known to me or has produced drivers license as identification.

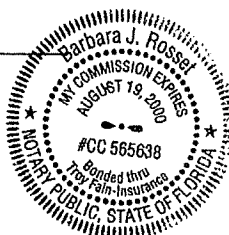
Notary Public, State and County Aforesaid

Notary Signature
BARBARA J. ROSSET

Notary Printed Signature

(Title or Rank)

(Serial No., if any)

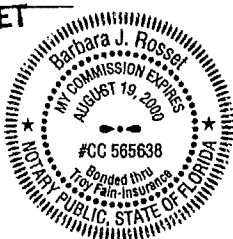


STATE OF Florida
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 25th day of August, 1999 by Melinda P. Pfahl. She is personally known to me or has produced drivers license as identification.

Notary Public, State and County Aforesaid

Notary Public
BARBARA J. ROSSET



RECEIVED
22-100118

JUL - 8 2022

OAKBREEZE COVE HOMEOWNER'S ASSOCIATION, INC.

C/O : SENTRY MANAGEMENT
1106 A1A North, Suite 201A
PONTE VEDRA BEACH, FL 32082
PHONE: (904) 285-1526 - FAX: (904) 285-1260

PLANNING & DEVELOPMENT

ARCHITECTURAL REVIEW REQUEST FOR ALTERATION/ADDITION

Owner's Name: Philip Stephan Unit Number: _____
Owner's Mailing Address: 1862 Evans Dr. S.
Date Submitted: 8/30/02 Daytime Phone: 237-4008 Home Phone: 246-7015
What type of alteration/addition are you requesting? Screen enclosure _____ Hurricane Shutters _____
Awning _____ Entry Door _____ Satellite TV Dishes _____ Other ☒ If other, please
describe: Adding a lanai to back of house

Please provide the following information:

1. Complete description of alteration/addition.
2. Type of materials to be used and sample of colors if applicable.
3. Drawings, pictures, brochures, etc.

PATIO WILL BE WOOD CONSTRUCTION PAINTED TO MATCH
EXISTING HOUSE COLOR.

Contractor Information:

Name: Water Out of N.E Fl., Inc Address: 12933 Lillian Rd, JAX., FL. 32211
Telephone 904-838-9786 License# and Exp. Date CBC045707 Exp. 8-2002

Note: Any permits required by governmental agencies are still required and are the owner's responsibility to obtain. Project must be completed within six (6) months of approval, or you must resubmit.

Owner's Signature: Philip Stephan

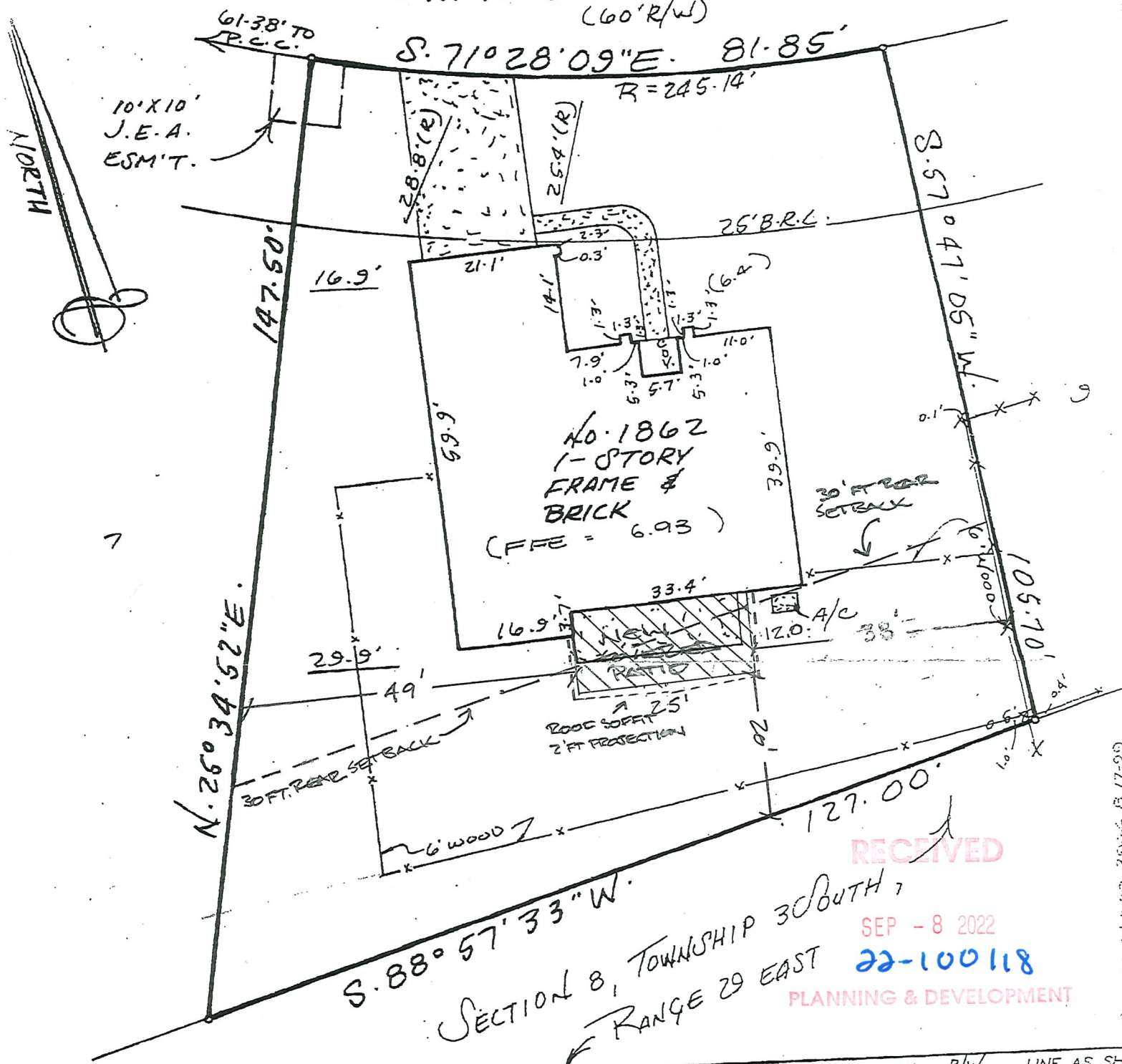
Approved: J. Martin Denied: _____ Date of review: 28 July 2002

Conditions of Approval: NEW SHINGLE ROOF REQUEST MUST BE
SUBMITTED SEPARATELY.

*Note: Only the homeowner of record may request architectural approval. The contractor must provide the Association with proof of licensing and insurance prior to commencing work.

AS RECORDED IN PLAT BOOK 45 PAGES 11-11B OF THE PUBLIC RECORDS OF THE STATE OF FLORIDA
 CERTIFIED FOR: JON PHILLIP STEPHAN; BANKERS MORTGAGE, INC.; GIBRALTAR TITLE
SERVICES, INC.; OLD REPUBLIC NATIONAL TITLE INS. CO.;

EVANS DRIVE SOUTH
(60' R/W)



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SEP - 8 2022

22-100118

PLANNING & DEVELOPMENT

VALID UNLESS EMBOSSED WITH SEAL OF THE UNDERSIGNED. BEARINGS BASED ON R/W LINE AS SHOWN. 1E AS SCALED FROM FLOOD

VALID UNLESS EMBOSSED WITH SEAL OF THE UNDERSIGNED.

THE PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN FLOOD HAZARD ZONE AE AS SCALED FROM FLOOD INSURANCE RATE MAP 0002 FOR JACKSONVILLE BEACH, FLORIDA, DATED 4-17-89

TRI-STATE LAND SURVEYORS, INC.
"A" JACKSONVILLE FLORIDA 32256 (904)

TRI-STATE LAND SURVEYORS, INC.
8411 BAYMEADOWS WAY SUITE #2, JACKSONVILLE, FLORIDA 32256 (904) 731-7235

LEGEND

LONG MON
IRON COR.
SET WITH CAP @ LS 4144)
-ENCE
IRON COR. (FOUND)
DROSS CUT
-L BUILDING RESTRICTION LINE
IT EASEMENT
✓ RIGHT-OF-WAY
- COVERED AREA
CENTERLINE
AIR CONDITIONING PAD
RADIAL DISTANCE
1 CONCRETE

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

THIS SURVEY DOES NOT REFLECT OR DETERMINE
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL
OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

THE FLOOD ZONE DATA DENOTED HEREON IS SHOWN AS A COURTESY ONLY AND DOES NOT CONSTITUTE A CERTIFICATION OF THE SAME.

LARRY G. EDDY, P.L.S. No. 4144

SCALE: 1" = 20'

DATE: 10-7-94

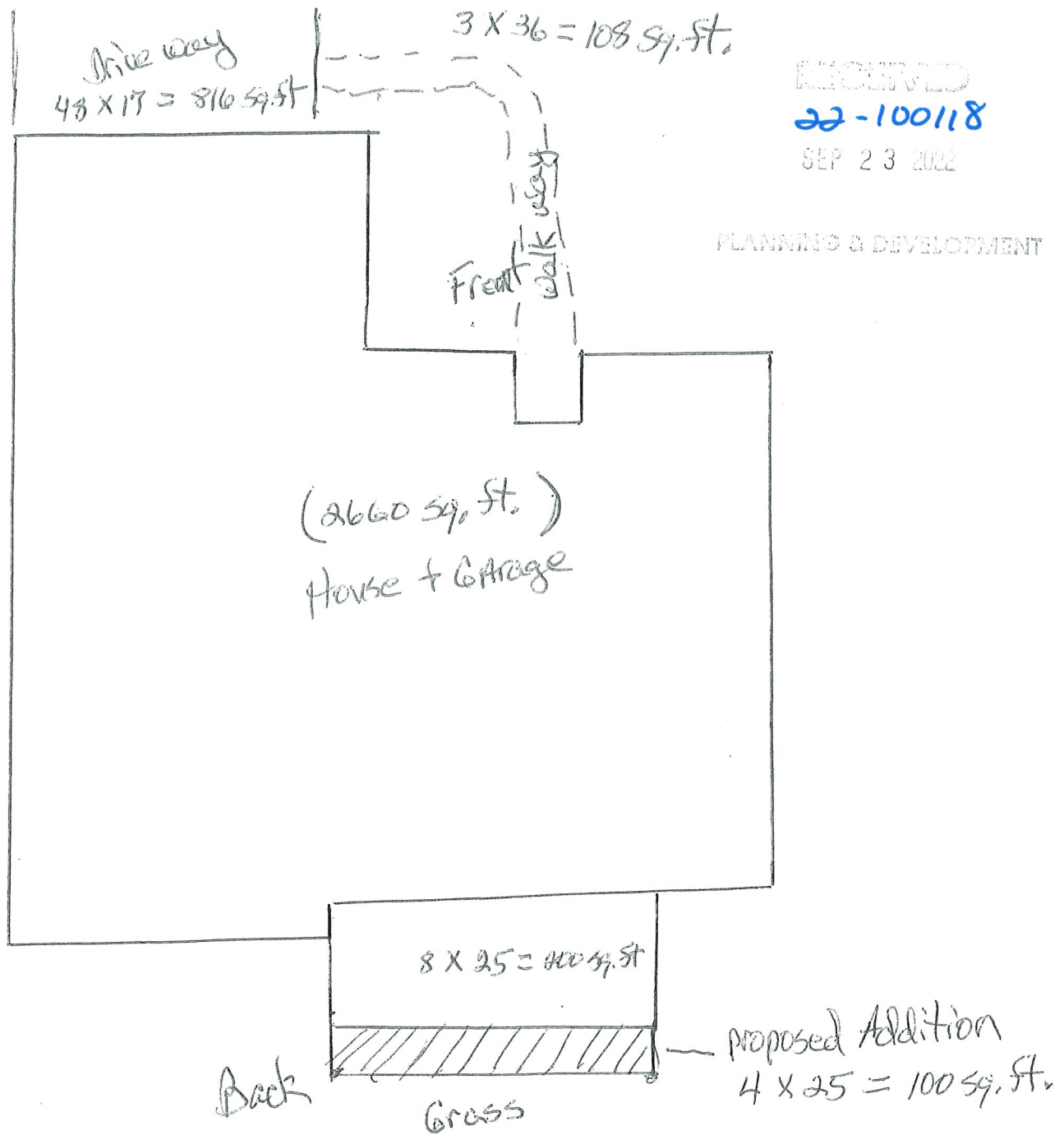
REGISTERED SURVEYOR, STATE OF FLORIDA

367 PG. 46

(6)

ORDER NO. 94-

PROPOSED

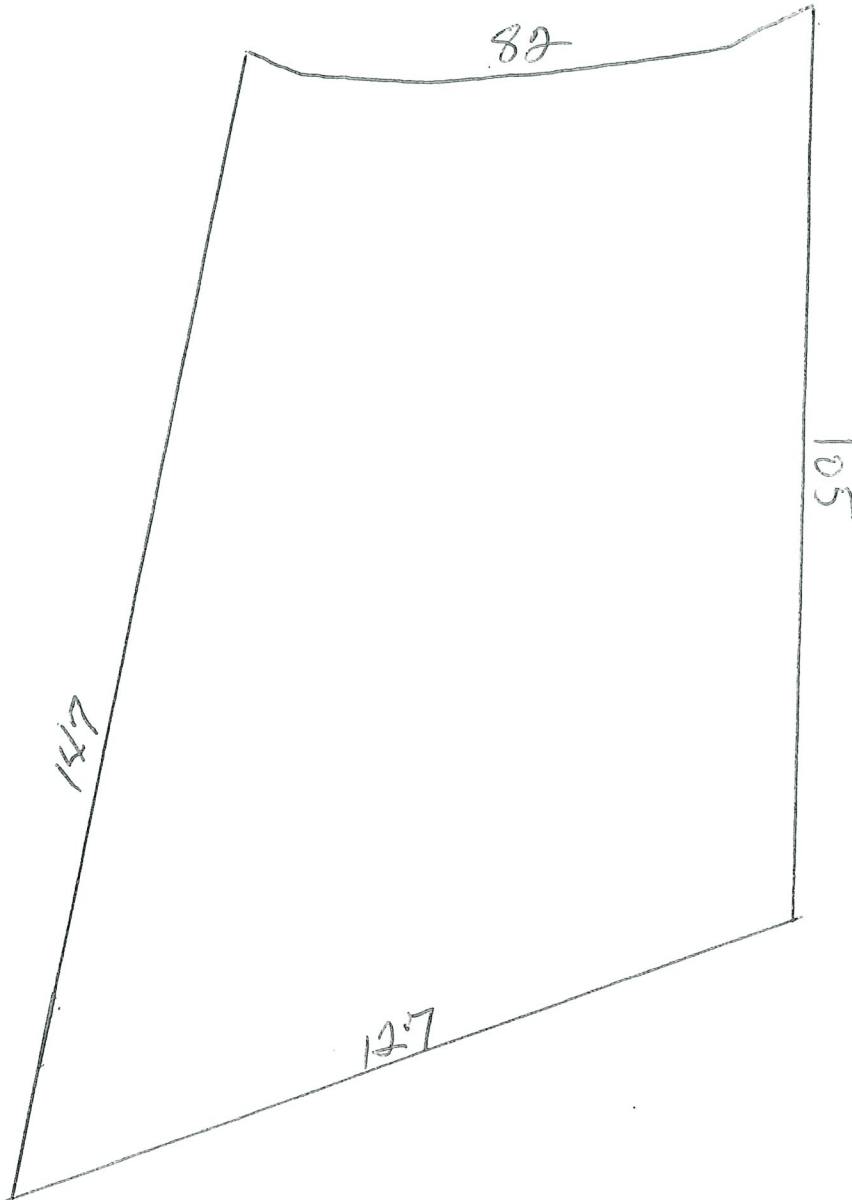


Total sq. ft. House, Driveway, Existing Patio, and front walkway = 3784 sq. ft.

EXISTING

Lot size approx 11,374 sq. ft

Street



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22-100118

SEP 23 2022

PLANNING & DEVELOPMENT

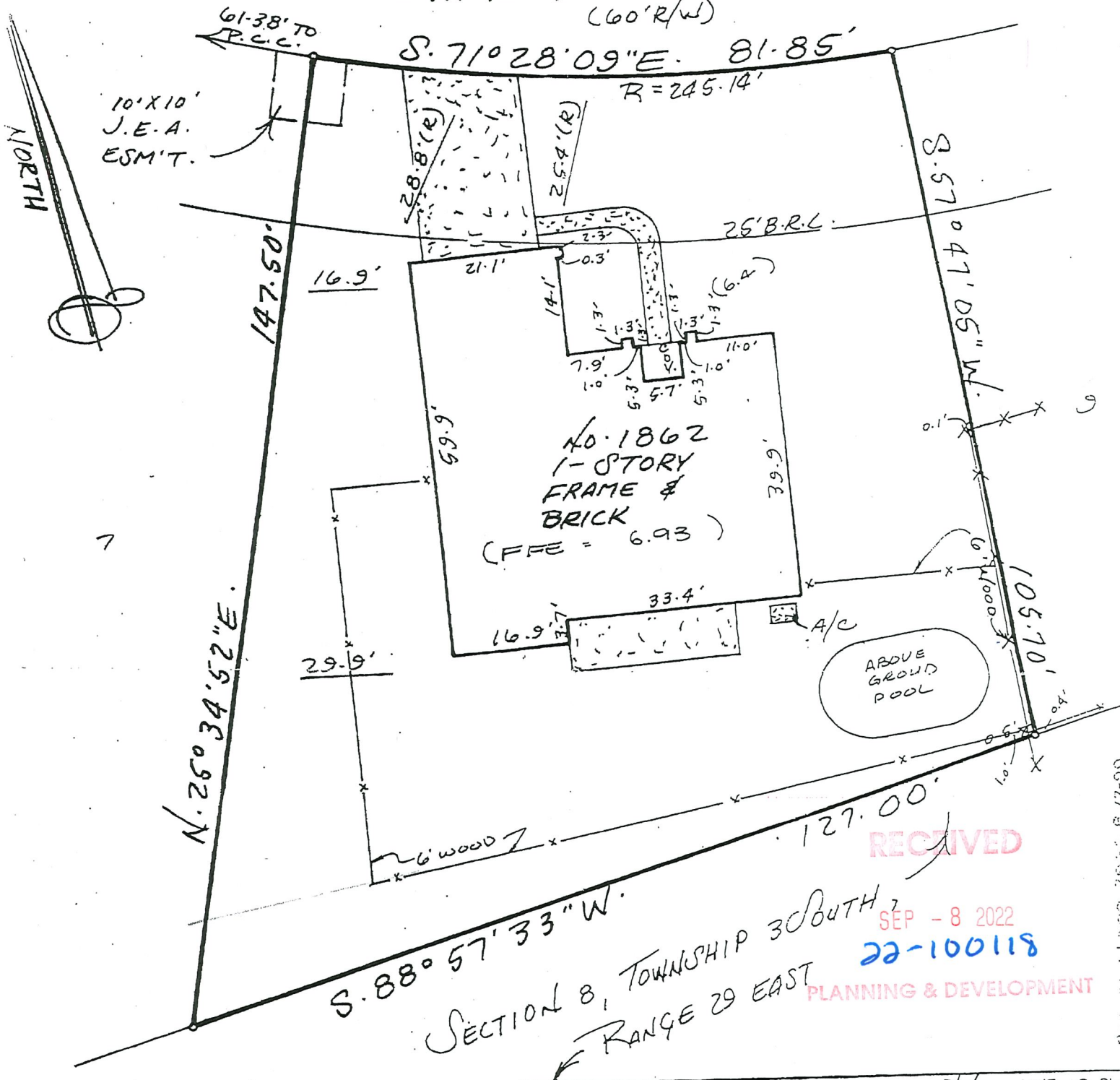
MAP SHOWING BOUNDARY SURVEY OF LOT 8 BLOCK 1 AS SHOWN ON MAP OF OAKBREEZE COVE

AS RECORDED IN PLAT BOOK 45 PAGES 11-11B OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA
CERTIFIED FOR: JON PHILIP STEPHAN, BANKERS MORTGAGE, INC.; GIBBALTAR TITLE
SERVICES, INC.; OLD REPUBLIC NATIONAL TITLE INS. CO.;

EVANS DRIVE SOUTH
(60' R/W)

S. 71° 28' 09" E. 81.85'

R = 245.14'



RECEIVED

SEP - 8 2022

22-100118

PLANNING & DEVELOPMENT

VALID UNLESS EMBOSSED WITH SEAL OF THE UNDERSIGNED.

BEARINGS BASED ON R/W LINE AS SHOWN

THE PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN FLOOD HAZARD ZONE AE AS SCALED FROM FLOOD INSURANCE RATE MAP 0002 FOR JACKSONVILLE BEACH, FLORIDA, DATED 4-17-89

TRI-STATE LAND SURVEYORS, INC.

8411 BAYMEADOWS WAY SUITE #2, JACKSONVILLE, FLORIDA 32256 (904) 731-7235

LEGEND

- CONC. MON
- CONC. COR.
- SET WITH CAP # LS 4144
- ENCE
- CONC. COR. (FOUND)
- CROSS CUT
- BUILDING RESTRICTION LINE
- EASEMENT
- RIGHT-OF-WAY
- COVERED AREA
- CENTERLINE
- AIR CONDITIONING PAD
- RADIAL DISTANCE
- CONCRETE

THIS SURVEY DOES NOT REFLECT OR DETERMINE OWNERSHIP.

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

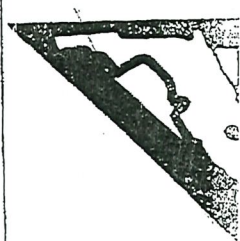
THE FLOOD ZONE DATA DENOTED HEREON IS SHOWN AS A COURTESY ONLY AND DOES NOT CONSTITUTE A CERTIFICATION OF THE SAME.

LARRY G. EDDY, P.L.S. No. 4144

SCALE: 1" = 20'

DATE: 10-7-94

REGISTERED SURVEYOR, STATE OF FLORIDA





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

BOA#22-100119

Zoning: RS-2
RE: 179173-0500
Legal: West Half of Lots 5 & 6, Block 66, Section A, Jacksonville Beach
Address: 1203 9th Avenue North.

Request

Section(s): 34-337(e)(1)e, for lot coverage of 49% in lieu of 35% maximum; 34-337(e)(1)g, for an accessory structure setback of 0 (zero) feet in lieu of 5 feet minimum from the western side yard; and 34-373(d), for a driveway setback of 2 feet in lieu of 5 feet minimum from the western side yard, to allow for the addition of an extended driveway, walkway and swimming pool paver deck at a newly constructed single-family dwelling

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1982) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-2. The subject property is comprised of the western half of two legally platted lots from 1944. The lot is 51 feet in width and 120 feet deep, with an overall area of 6,120 square feet. The lot is substandard in both width and area for the RS-2 zoning district. The current lot was created in 1982, prior to the adoption of the current LDC. The original home was constructed in the 1980s, and has since been demolished for the construction of a new single family home. The pool in the rear of the property was constructed in 1996, per the property appraiser data. During the current new construction, the applicant chose to keep the existing pool and build the house adjacent to, and over a small portion of the pool.

The applicant had previously applied for a variance in 2021, but due to uncertainties in construction at the time, the applicant withdrew the request. BOA#21-100161



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

Staff Analysis

The subject lot was created in the early 80's, prior to the adoption of the current LDC. The lot is undersized in area and narrower than the minimum lot width for the RS-2 zoning district. The proposed home was originally designed with a wheel strip driveway and lots of artificial turf. During the design phase, the new owners decided that it would better accommodate their needs to have a paved pool deck and additional paved driveway and walkway access to the house to address the needs of their disabled son. The proposed design now includes a wider and longer driveway that goes both to the garage, and also along the side of the house and further to the rear. Additionally, when the house was originally proposed, the intent was to remove the old pool deck and replace it with artificial turf. The new proposal would have a more typical impervious pool deck. The previous pool deck went almost to the side yard property line without any approved variances. The new pool deck would be substantially similar to the previous deck, but with the setback approved through this variance process.

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.



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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 1,380 square feet smaller than the required 7,500 square feet for the RS-2 zoning district, and the lot is 24 feet too narrow for the minimum lot width.

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, although not part of the original plat for this area, was created out of the western half of two platted lots, and was created prior to the adoption of the current LDC, and therefore is recognized as a nonconforming lot of record. The lot was not created by the current owner.

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 driveway and pool deck would not be a special privilege, as these are common amenities found throughout the zoning district and the surrounding neighborhood for single family homes.

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 use of a fully paved driveway and the use of an impervious pool deck are common designs found in the RS-2 zoning district and the surrounding neighborhood, and denial would be an undue burden.



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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 addition of the driveway and pool deck. The reduction in setbacks for the accessory pool use would actually mirror the pool decking that was previously there, though without a variance. The driveway setback and use of pavers would allow for additional parking on site.

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#22-100119**

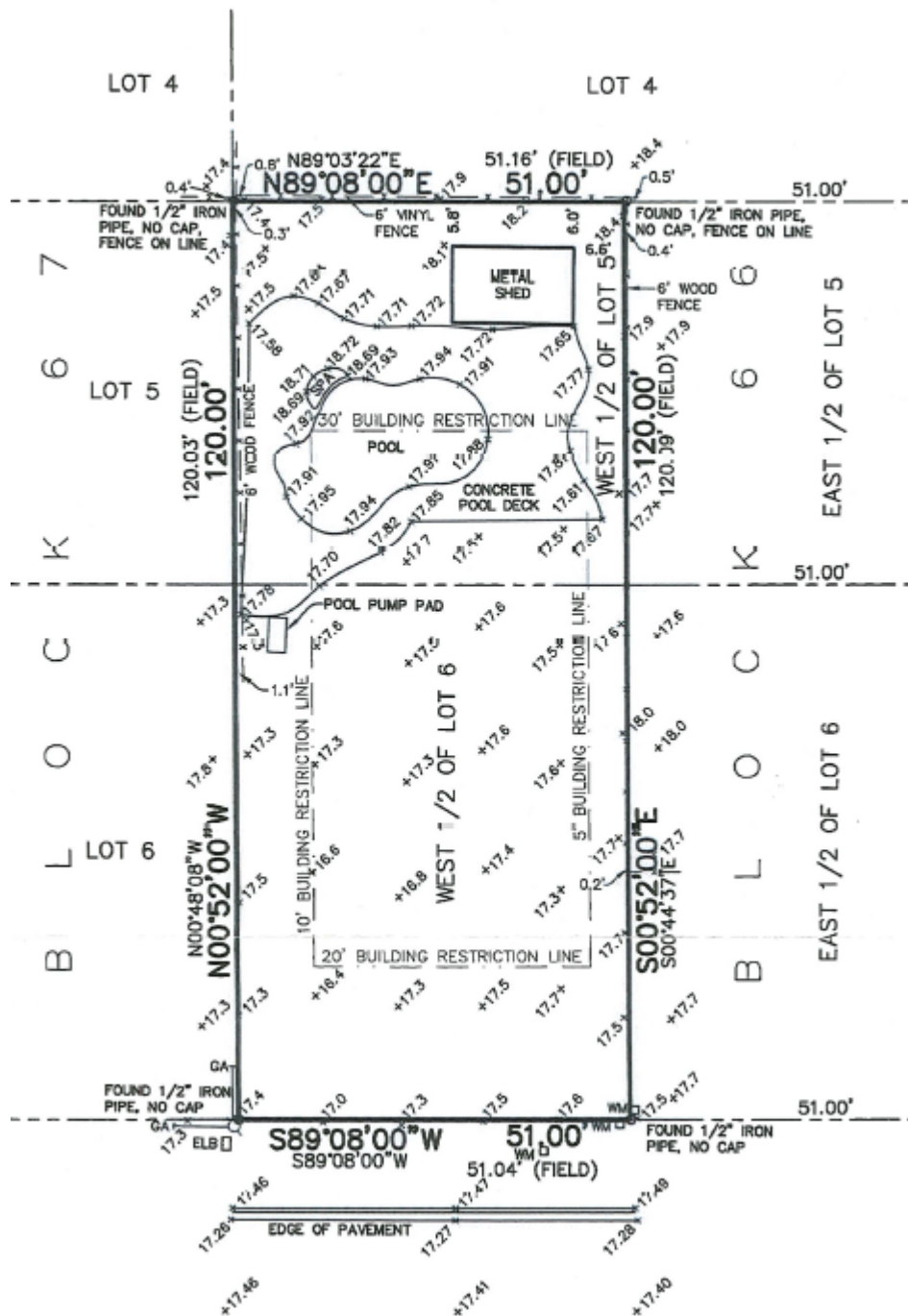
Location Map (property boundaries are representative only)



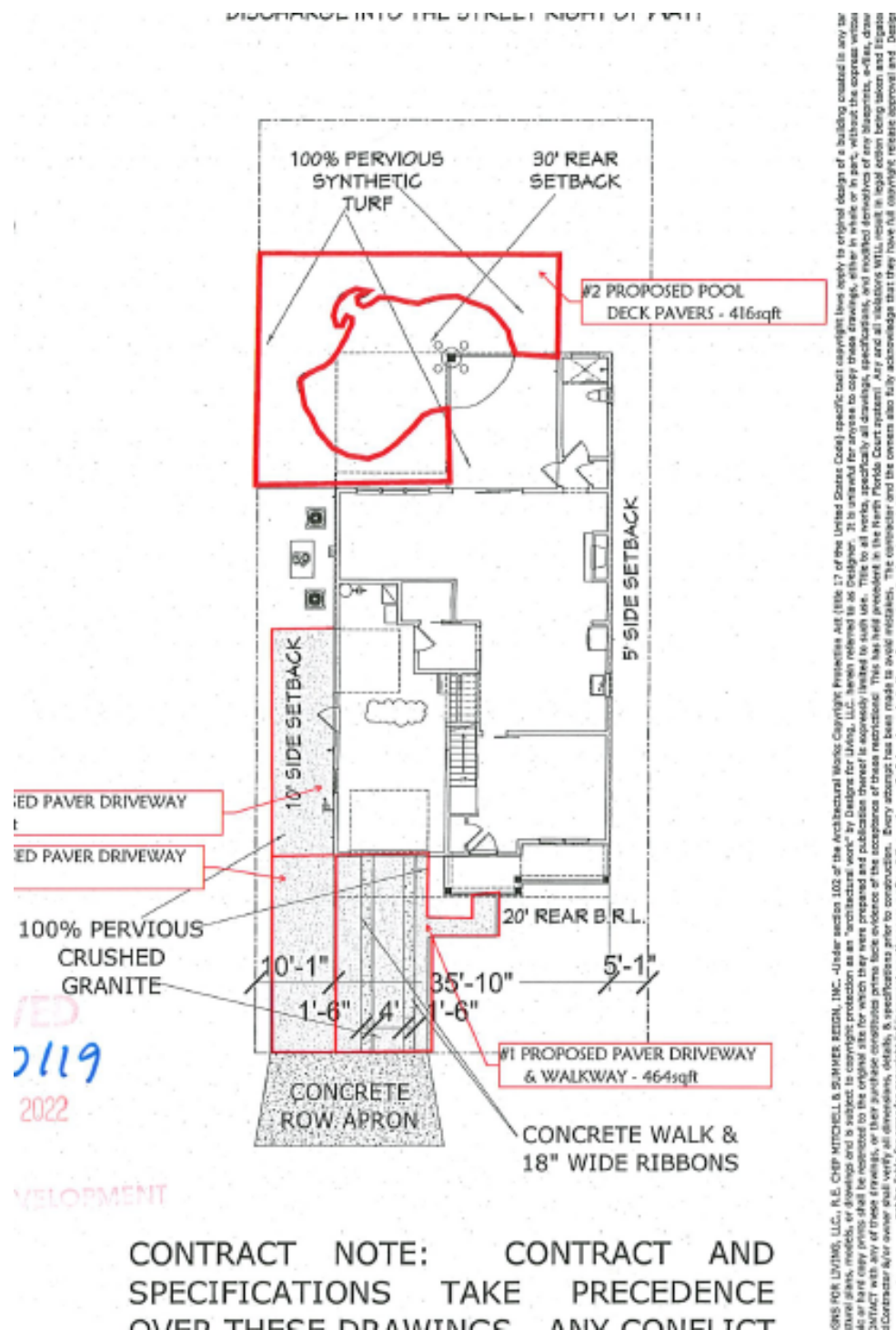


City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Existing Survey



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 22-100119
HEARING DATE 11/1/22

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

SEP 13 2022

APPLICANT INFORMATION

Applicant Name:	<u>Cindy Ellen Meide</u>	PLANNING & DEVELOPMENT
Mailing Address:	<u>1203 9th Avenue N</u>	Telephone: (904) 537-6645
	<u>Jacksonville Beach, FL 32250</u>	E-Mail: beachmeide@gmail.com
Agent Name:	<u>Richard Gifford</u>	Telephone: (904) 860-8740
Mailing Address:	<u>301 W Bay Street, Suite 14155</u>	E-Mail: giffordandgifford@gmail.com
	<u>Jacksonville, FL 32202</u>	<u>Manny</u>
Landowner Name:	<u>Cindy Ellen Meide</u>	Telephone: (904) 537-6645
Mailing Address:	<u>1203 9th Avenue N</u>	E-Mail: beachmeide@gmail.com
	<u>Jacksonville Beach, FL 32250</u>	

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: 1203 9th Avenue N Jacksonville Beach, FL, 32250 / RE: 179173-0500
Legal description of property (Attach copy of deed): 18-33 38-2S-29E .14 SEC A JACKSONVILLE BEACH W1/2 LOTS 5,6 BLK 66
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).
PAVER DRIVEWAY, POOL DECK PAVERS, SIDE SETBACK LESS THAN 5FT
LOT COVERAGE 48.57%

AFFIDAVIT

I, Cindy Ellen Meide, 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.

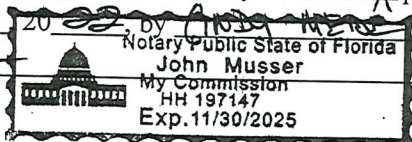
Cindy Ellen Meide
APPLICANT SIGNATURE

Cindy Ellen Meide
PRINT APPLICANT NAME

9/2/2022
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 2nd day of SEPTEMBER produced FLD by John Musser, who is personally known to me or as identification.



John Musser
NOTARY PUBLIC SIGNATURE

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)e, for lot coverage of 49% in lieu of 35% maximum; 34-337(e)(1)g, for an accessory structure setback of 0 (zero) feet in lieu of 5 feet minimum from the western side yard; and 34-373(d), for a driveway setback of 2 feet in lieu of 5 feet minimum from the western side yard, to allow for the addition of an extended driveway, walkway and swimming pool paver deck at a newly constructed single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-100179

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	PROPOSED PAVER DRIVEWAY/WALKWAY AND POOL DECK PAVERS NECESSARY TO ACCOMMODATE DISABLED CHILD WITH WHEELCHAIR THAT WILL BE LIVING IN HOME EVEN AS AN ADULT
Special circumstances and conditions do not result from the actions of the applicant.	NO	no work has been started.
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	Others have requested similar.
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	THE INABILITY TO CONSTRUCT PROPOSED PAVER DRIVEWAY/WALKWAY AND POOL DECK PAVERS WOULD IMPOSE DIFFICULTY FOR DISABLED CHILD WITH WHEELCHAIR
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	we are not asking for more than what we will be using.
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	Consistent with what is in the neighborhood.

THIS INSTRUMENT PREPARED BY:
WATSON & OSBORNE, P.A.
WATSON & OSBORNE TITLE SERVICES, INC.
2500 Monument Road, Suite 201
Jacksonville, Florida 32225

Book 10656 Page 2027

RECORD AND RETURN TO:
CINDY E. MEIDE
1203 NORTH 9TH AVE.
JACKSONVILLE BEACH, Florida 32250

RE PARCEL ID #: 179173-0500
BUYER'S TIN:

Doc# 2002254492
Book: 10656
Pages: 2027 - 2028
Filed & Recorded
03/10/2002 01:37:43 PM
JIM FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY
TRUST FUND \$ 1.50
DEED DOC STAMP \$ 1,267.00
RECORDING \$ 9.00

WARRANTY DEED

THIS WARRANTY DEED made this 28th day of August, 2002 by ROBERT H. ALLEN AND PATSY A. ALLEN, HUSBAND AND WIFE, hereinafter called Grantor, and whose address is 199 Wakulla Lane # 33, Cocoa Beach, FL. 32931 to CINDY E. MEIDE, A SINGLE PERSON, hereinafter called Grantee and whose address is 1203 NORTH 9TH AVE., 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:

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:

THE WEST 1/2 OF LOTS 5 AND 6, BLOCK 66, SECTION "A", JACKSONVILLE BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 18, PAGE 33, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

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22-100119
SEP 13 2002

PLANNING & DEVELOPMENT

221383

(2)

(2)

SUBJECT TO taxes accruing subsequent to December 31, 2001.

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

LEE S. OSBORNE

Witness Printed Signature

Witness Signature

JoAnn McKinney

Witness Printed Signature

ROBERT H. ALLEN

PATSY A. ALLEN

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 28th day of August, 2002 by ROBERT H. ALLEN AND PATSY A. ALLEN, HUSBAND AND WIFE. He/She is personally known to me or has produced _____ as identification.

Notary Public, State and County Aforesaid

DRIVERS LICENSE

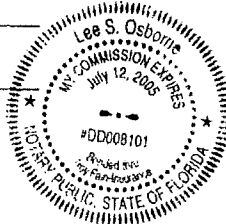
Notary Signature

LEE S. OSBORNE

Notary Printed Signature

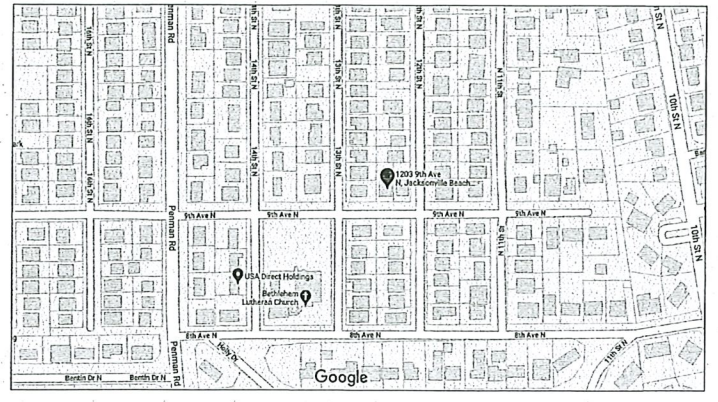
(Title or Rank)

(Serial No., if any)



PROPOSED

SITE LOCATION



LEGAL DESCRIPTION:
R/E #: 179173-0500
SEC A., JACKSONVILLE BEACH
W1/2 LOTS 5, 6 BLOCK 66
18-33 38-25-29E .14
BUILT: 1981

NOTE: ALL ROOF STRUCTURES TO BE FULLY GUTTERED WITH DOWNSPOUTS TIED INTO FLEX PIPING THAT RUNS TO THE STREET FRONT PROPERTY LINES TIED INTO POP-UPS THAT DISCHARGE INTO THE STREET RIGHT OF WAY!

ZONING SETBACKS:
ZONING: ARS-2
FRONT: 20'
SIDE: 5' MINIMUM,
COMBINED 15'
REAR: 30'
MAX BLDG HEIGHT: 35'
MAX IMPERVIOUS: 35%

WIND DESIGN CRITERIA:
WIND SPEED: 130 MPH
EXPOSURE CATEGORY: "D"
BUILDING TYPE: ENCLOSED
BUILDING CATEGORY: II
IMPORTANCE FACTOR: 1.0
TOPOGRAPHY: FLAT
MEAN ROOF HEIGHT: -25 FT
BUILDING CODE: 2020 FBC-R

NEW SITE CALCULATIONS:	
TOTAL LAND AREA:	6,120 S.F.
HOUSE/GARAGE:	1,661 S.F.
#1 PROPOSED DRIVEWAY/WALKWAY:	464 S.F.
#2 PROPOSED POOL DECK PAVERS:	416 S.F.
#3 PROPOSED PAVER DRIVEWAY:	240 S.F.
#4 PROPOSED PAVER DRIVEWAY:	192 S.F.
TOTAL IMPERVIOUS:	2,973 S.F.
TOTAL PROPERTY IMPERVIOUS:	48.57%

SITE CALCULATIONS:
TOTAL LAND AREA: 0.1404 ACRES= 6,120.00 S.F.
HOUSE/GARAGE: 1,661 S.F.
SIDEWALKS/DECKS/DRIVEWAYS: 301 S.F.
TOTAL IMPERVIOUS: 1,962 S.F.
TOTAL PROPERTY IMPERVIOUS: 32.06%

ROOF OVERHANGS: 16" MAX
MAX. BLDG HEIGHT: 33 FOOT

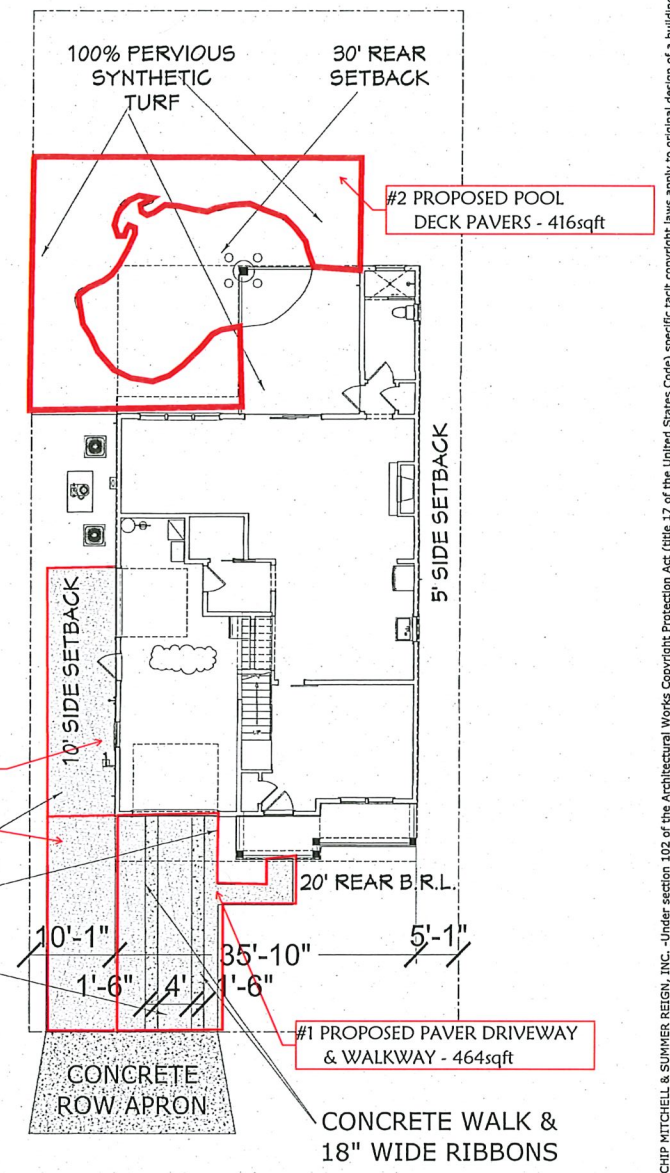
TYPE: "A" DRAINAGE
FLOOD ZONE: "X"



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WATER: BEACHES ENERGY
SEWER: BEACHES ENERGY
ELECTRIC: BEACHES ENERGY



CONTRACT NOTE: CONTRACT AND SPECIFICATIONS TAKE PRECEDENCE OVER THESE DRAWINGS. ANY CONFLICT WILL DEFAULT TO SAID DOCUMENTS.

SITE PLAN

COPYRIGHT 2021: DESIGNS FOR LIVING, LLC, R.E. CHIP MITCHELL & SUMMER REIGN, INC. Under section 102 of the Architectural Works Copyright Protection Act (title 17 of the United States Code) specific tacit copyright laws apply to original design of a building created in any tangible medium of expression, including a constructed building or architectural plans, models, or drawings and is subject to copyright protection as an "architectural work" by Designs for Living, LLC. herein referred to as Designer. It is unlawful for anyone to copy these drawings, either in whole or in part, without the express written permission of the Designer. The use of any design, specification, or drawing without the express written permission of the Designer is expressly limited to such use. Title to all works, specifically all drawings, specifications, and modified derivatives of any blueprints, e-files, drawings, or specifications remain the Designer's. No exceptions and no excuses. Contractor &/or owner shall verify all dimensions, details, & specifications prior to construction. Every attempt has been made to ensure accuracy, but the Designer does not warrant the accuracy of the information. The Designer shall not be liable for error for copyright infringement or other errors after delivery via email of drawings including after construction has begun. This copyright law is only valid on building designs created on or after December 1, 1990.

PLAN # 3442	
CLIENT APPROVAL SIGNATURE	DATE
CINDY ELLEN MEIDE	
MICHAEL MCHALE	
BUILT BY: GIFFORD GIFFORD CONSTRUCTION OFFICE: 904-314-9471 301 W. BAY ST., SUITE 1415S JACKSONVILLE, FL 32202	
PROJECT DESCRIPTION: FUTURE HOME OF THE MEIDE- MCHALE FAMILY 1203 9TH AVENUE N JACKSONVILLE BEACH, FLORIDA 32250 R/E #: 179173-0500	
DESIGNS FOR LIVING 904-730-7135	
DATE:	11/2/2021
SCALE:	1" = 20'-0"
SHEET:	A-2



AQUALINE™

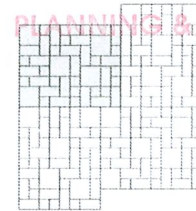
ASHLAR 3-PIECE PERMEABLE PAVER

INNOVATIVE DESIGN MAKES
MAKE A PERMEABLE
MACHINE OR HAND-INSTALLED
DRIVEWAY
LOTS AND ALLEYS

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SEP 13 2022

PALLET LAYOUT

PLANNING & DEVELOPMENT



FEATURES & BENEFITS

- Belgard's Aqualine permeable pavement systems can eliminate stormwater runoff and improve water quality
- Interlocking spacer bars for increased structural performance
- Smooth surface texture with a micro-chamfer to minimize vibration and enhance wheelchair comfort
- Can be utilized to construct an ADA-compliant pavement
- True installed dimensions for design optimization
- Optimal joint openings for infiltration and maintenance
- Meet the requirements of ASTM C936
- Chamfer Width: 3 mm
- Spacer Bar Width: 10 mm
- Surface Infiltration Rate: > 500 inches per hour (varies based on joint infill gradation)
- Can be installed mechanically

SHAPES & SIZES

PAVERS



4 1/2 x 4 1/2 x 3 1/2"



4 1/2 x 9 x 3 1/2"



9 x 9 x 3 1/2"

AVAILABLE COLORS



NAPOLI



SLATE



TITANIUM

Swatches represent color, not surface texture.

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3749 Copeland Drive
Zephyrhills, FL 33542
888-321-2354
813-783-2728



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EXISTING

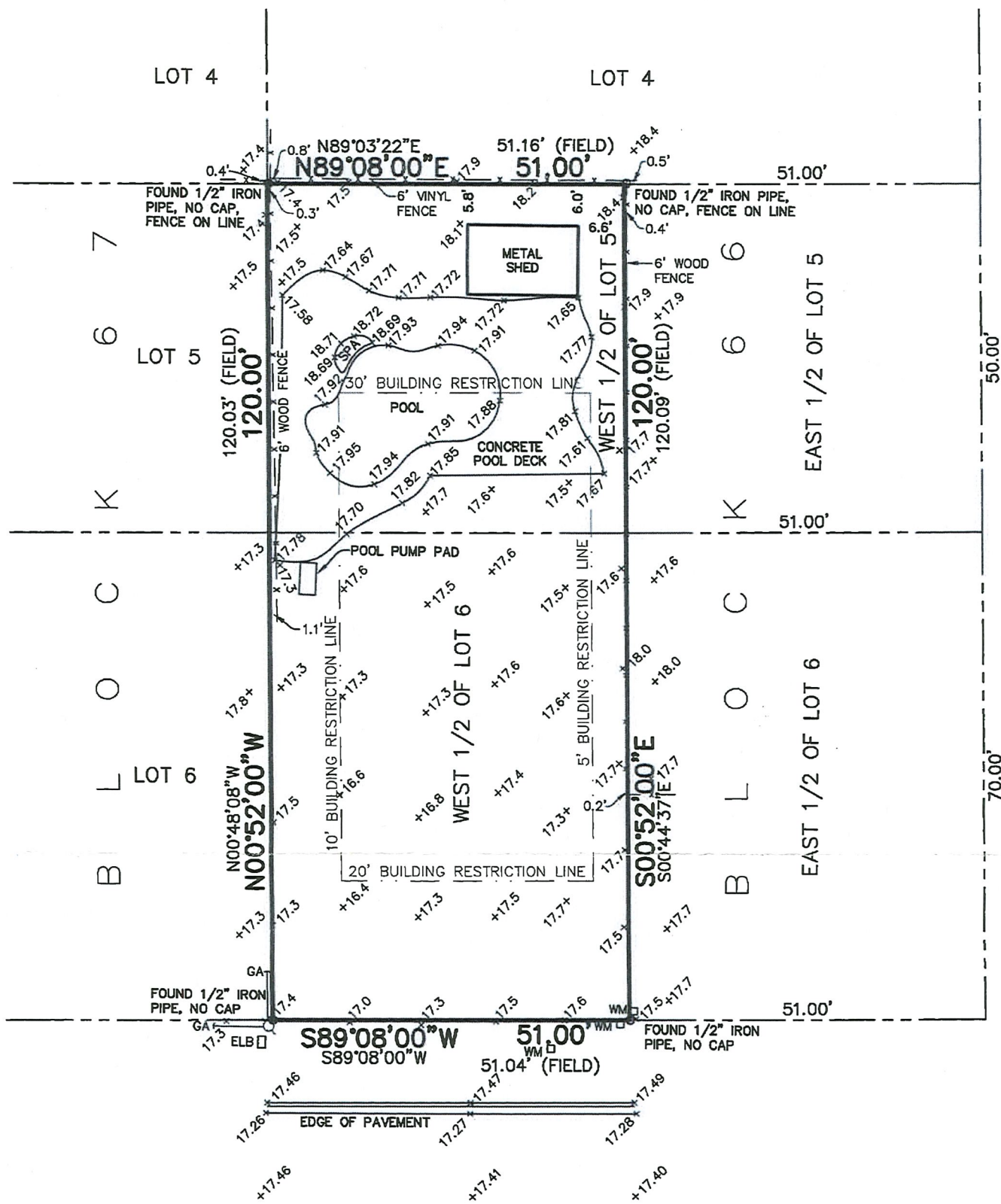
MAP SHOWING SURVEY OF

WEST 1/2 OF LOTS 5 AND 6, BLOCK 66, JACKSONVILLE BEACH
SECTION "A", AS RECORDED IN PLAT BOOK 18, PAGE 33, OF
THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



0 10 20 40
SCALE: 1" = 20'

12TH STREET NORTH
50' RIGHT-OF-WAY (PAVED PUBLIC ROAD)



LEGEND:

- DENOTES POWER POLE
- GA- DENOTES GUY ANCHOR
- WM □ DENOTES WATER METER
- ELB □ DENOTES ELECTRIC BOX

BENCH MARK: SET MAG
NAIL & DISK, LB3672
IN EDGE OF PAVEMENT
ELEVATION = 17.30'
(NAVD 1988 DATUM)

9TH AVENUE NORTH
50' RIGHT-OF-WAY (PAVED PUBLIC ROAD)

NOTES:

- THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY.
- BEARINGS ARE BASED ON THE SOUTH LINE OF LOT 6 BEING SOUTH 89°08'00" WEST AS PER PLAT.
- BUILDING RESTRICTION LINES SHOWN PER CLIENT PLAN #3442.
- BENCHMARK USED IS A SET MAG NAIL & DISK (LB 3672) IN THE SOUTH EDGE OF PAVEMENT AS SHOWN HEREON. ELEVATION = 17.30' (N.A.V.D. 1988).
- BENCHMARK USED WAS ESTABLISHED BY GPS OBSERVATION USING SPECTRA PRECISION SP80 L1/L2 EQUIPMENT AND RUNNING TRIMBLE VRS SOFTWARE.

THE PROPERTY DESCRIBED HEREON LIES IN FLOOD
ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS
DETERMINED FROM THE FLOOD INSURANCE RATE MAP
No. 12031C0417J, REVISED NOVEMBER 2, 2018 FOR
DUVAL COUNTY, FLORIDA.

"NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER."

THIS SURVEY IS CERTIFIED TO:
CINDY ELLEN MEIDE

RECEIVED
22-100119
SEP 13 2022

PLANNING & DEVELOPMENT

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

CHECKED BY: _____
DRAWN BY: KJC-P
FILE: 2021-1828

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

DATE:
JANUARY 6, 2022
SHEET 1 OF 1

EXISTING

1203 9th Ave N before demo. Wheel chair access to house via concrete driveway and paver ramp.



SEP 13 2022

22-100119

PLANNING & DEVELOPMENT



1203 9th Ave N - backyard pool surround
currently made of concrete.

EXISTING

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

BOA#22-100120

Zoning: C-1 (RM-1 Zoning Standards)
RE: 173766-0000
Legal: Lot 2, Block 14, Atlantic Park Replat
Address: 312 1st Avenue North

Request

Section(s): 34-340(e)(1)c.2, for a side yard setback of 7.5 feet in lieu of 10 feet minimum; and 34-340(e)(1)f, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new two-family dwelling

Existing Conditions

The subject property is an existing nonconforming lot of record (Circa 1924) located in the Commercial future land use category. The property is located in the Commercial Limited: C-1 zoning district. The subject lot is 25 feet in width and 125 feet in depth with an overall area of 3,125 square feet. The subject property is currently occupied by a single family home that was damaged by a fire. Single family homes are not a permitted nor conditionally allowed use in C-1. Therefore due to the time that has lapsed since the last time the structure was used for a single family residence, it cannot be restored to that use, but must be used for a use that is allowed in C-1. Based on the amount of cost to renovate the existing structure, the applicant has chosen to build a new structure. The applicant is requesting to build a 2 unit multifamily structure, which is a Conditional Use in the C-1 zoning district. The applicant received Conditional Use approval (PC#08-22) from the Planning Commission on June 7, 2022 for the two unit multifamily use.

No previous variances. One active code case for a nuisance property, case #22-594, dated September 7, 2022.

Staff Analysis

As noted above, the past single family use is not an allowable use in the C-1 district. Additionally that use lost any nonconforming status by way of discontinuation of the use for several years at this point. The only uses available to the owner now are those enumerated in the C-1 regulations, of which multifamily is an allowable use with Conditional Use approval, which they have received. Additionally, the area is predominantly commercial in nature, with several converted single family homes now used for commercial uses. The multifamily use is consistent with the surrounding uses. Any more intense use would present significant challenges with



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

regards to parking on site. The LDC requires parking to have specific widths of travel lanes and room for backing out of spaces, only for residential use are you allowed to back out into the right of way and double stack cars. Practically, this is the least intense use that can occupy the property. The request for setback reduction is the only practical way to accommodate the proposed two-unit multifamily residential project, and staff feels this is the least intense variance that could be requested.

Minimum Dimensional Standards

Multiple family dwellings.

- 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. 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
- Floor area: Multiple family dwelling units shall contain the following minimum square feet of conditioned living area excluding garages, carports and breezeways.
 - One bedroom unit: Seven hundred (700) square feet.
 - Two bedroom unit: Nine hundred (900) square feet.
 - Three bedroom unit: One thousand one hundred (1,100) square feet.
 - This square footage requirement shall also apply to units sold as condominiums.
- Maximum lot coverage: Sixty-five (65) 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.



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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 current lot, platted in 1924, is substandard in width. The lot was platted at 25 feet in width, and based on the C-1 standards (RM-1 for multifamily) there is practically no way to fit any structure with the required 10 foot setbacks.

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. As noted, this is a platted lot of record from 1924, additionally the applicant did not cause the laps in single family use, and therefore for the property to be buildable, they must have relief to construct any structure that would meet code.

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 use of multifamily in the C-1 district is allowed by Conditional Use approval, which they have received, to build a multifamily structure, they must have relief from the code.

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 right to build an allowed use approved by the Planning Commission but without variances in this case would deprive the owner with the right to construct the structure to house the proposed use.

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

Staff finds that the requested variances are the minimum variance needed to accommodate the proposed new multifamily structure. At 25 feet wide, and



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

only proposing two units, the applicant has requested to site the structure so that one side will have a 5 foot setback and the other zero. This is the only way to fit the proposed structure on this lot of record.

- 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#22-100120**

Location Map (property boundaries are representative only)



1ST AVENUE NORTH
(FORMERLY KNOWN AS DICKERSON AVENUE PER PLAT)
(80' RIGHT OF WAY)
N 79°16'34" E
24.78' (MEASURED)
25.00' (PLAT)

SEP 1 1982
PLANNING & DESIGN

BLOCK CORNER
LB 3604

75.47' (MEASURED)
75.00' (PLAT)

3RD STREET
(100' RIGHT OF WAY)

ONE STORY FRAME
POSTED # 312

COVERED ENTRY

WOOD PORCH

VINYL SHED

WOOD STEPS

1.0' CONCRETE WALL

LOT 3
BLOCK 14

LOT 2
BLOCK 14

LOT 1
BLOCK 14

N 09°49'03" W
125.00' (PLAT)
125.01' (MEASURED)

S 09°41'16" E
125.09' (MEASURED)
125.00' (PLAT)

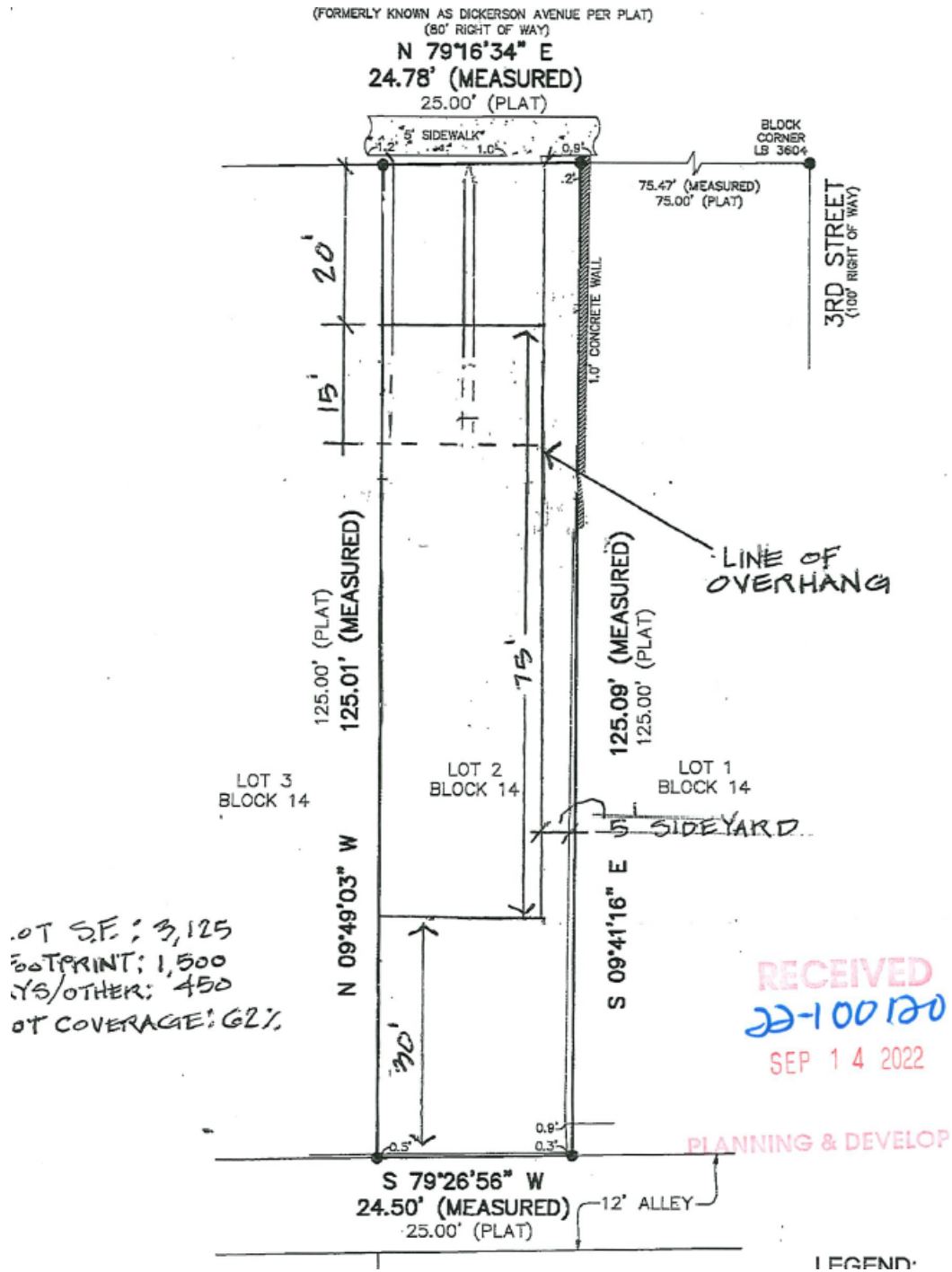
S 79°26'56" W
24.50' (MEASURED)
25.00' (PLAT)

12' ALLEY



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

Proposed Site Plan



Renderings





APPLICATION FOR VARIANCE

BOA No. 22-100180
HEARING DATE 11/1/22

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.

SEP 14 2022

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: SMV Management LLC Telephone: 904-859-0169
Mailing Address: 10150 Belle Rive Blvd Unit 106 E-Mail: rentjax@gmail.com
Jacksonville, FL 32256

Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____

Landowner Name: SMV Management Telephone: _____
Mailing Address: 10150 Belle Rive Blvd Unit 106 E-Mail: _____
Jacksonville FL 32256

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: 312 1st Ave N, Jacksonville Beach
Legal description of property (Attach copy of deed): 173766-0000

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).

Side yard setbacks for two family dwelling

AFFIDAVIT

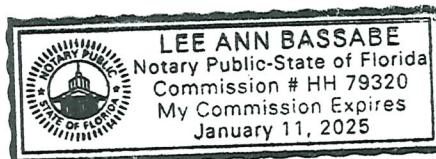
I, Parthesh Vakil, being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary 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.

Parthesh Vakil SMV Management 8/31/22
APPLICANT SIGNATURE PRINT APPLICANT NAME DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 31st day of August, 2022, by Parthesh M. Vakil, 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: C-2 FLOOD ZONE: AE

CODE SECTION (S):
34-339(e)(3)(c)2, for a westerly side yard of zero '0' feet and an easterly side yard setback of 5 feet in lieu of 10 feet required for each side yard, to allow for construction of a new two-unit multi-family structure

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-100120

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	Lot size is Small to build any conforming structure
Special circumstances and conditions do not result from the actions of the applicant.	Yes	This lot is 25' feet wide meeting current side yard setbacks will result 5' feet building.
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 lot is 25' feet wide & to meet minimum unit size requirement variance for side yard is Requested.
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	To build least impactful use on 25' wide lot variance is requested. Without the variance lot can not developed to meet current COJB land development standard
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Granting this variance will allow us build two family home, which was approved by Planning Commission.
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	Planning board approved conditional use for two family home which meets parking requirements and is least intensive use allowed in current zoning.

Prepared by:
Beth Murphy
Richard T. Morehead Title & Escrow, Inc.
444 Third Street
Neptune Beach, Florida 32266

RECEIVED
22-100126
SEP 14 2022

File Number: 21B3314

21004902
\$150000⁰⁰

PLANNING & DEVELOPMENT

General Warranty Deed

Made this May 28, 2021 A.D. By **Tammy Nishiyama and Penny Yamamoto, individually and as Co-Trustees of the Maki Kato Revocable Living Trust, dated March 8, 2006**, whose post office address is: 823 3rd Avenue North, Jacksonville Beach, Florida 32250, hereinafter called the grantor, to **SMV Management LLC, a Florida limited liability company**, whose post office address is: 10150 Belle Rive Boulevard #106, Jacksonville, Florida 32256, hereinafter called the grantee:

(Whenever 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, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) 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 in Duval County, Florida, viz:

Lot 2, Block 14, Atlantic Park, a subdivision according to the plat thereof recorded in Plat Book 9, Page 15, of the Public Records of Duval County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 173766-0000

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.

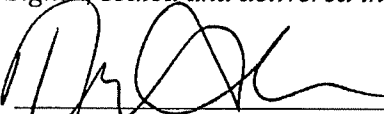
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2020.

Prepared by:
Beth Murphy
Richard T. Morehead Title & Escrow, Inc.
444 Third Street
Neptune Beach, Florida 32266

File Number: 21B3314

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

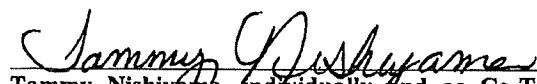
Signed, sealed and delivered in our presence:



Witness Printed Name Teresa A. Harris



Witness Printed Name ELIZABETH A. MURPHY



Tammy Nishiyama, individually and as Co-Trustee of the
Maki Kato Revocable Living Trust dated March 8, 2006

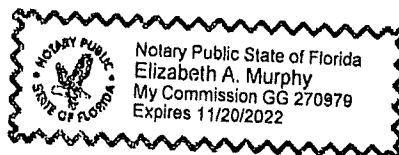


Penny Yamamoto, individually and as Co-Trustee of the Maki
Kato Revocable Living Trust, dated March 8, 2006

State of Florida
County of Duval

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 27th day of May, 2021, by Tammy Nishiyama and Penny Yamamoto, individually and as Co-Trustees of the Maki Kato Revocable Living Trust, dated March 8, 2006, who is/are personally known to me or who has produced DRIVER'S LICENSE as identification.

Notary Public
Print Name: _____
My Commission Expires: _____



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SEP 14 2022



PLANNING & DEVELOPMENT

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
SMV MANAGEMENT LLC

Filing Information

Document Number L12000071278
FEI/EIN Number 45-5379975
Date Filed 05/29/2012
Effective Date 05/28/2012
State FL
Status ACTIVE

Principal Address

10150 BELLE RIVE BLVD, UNIT 106
JACKSONVILLE, FL 32256

Changed: 02/13/2020

Mailing Address

10150 Belle Rive Blvd
Unit 106
Jacksonville, FL 32256

Changed: 04/06/2019

Registered Agent Name & Address

VAKIL, PARTHESH M
10150 BELLE RIVE BLVD, UNIT 106
JACKSONVILLE, FL 32256

Address Changed: 02/13/2020

Authorized Person(s) Detail

Name & Address

Title MGR

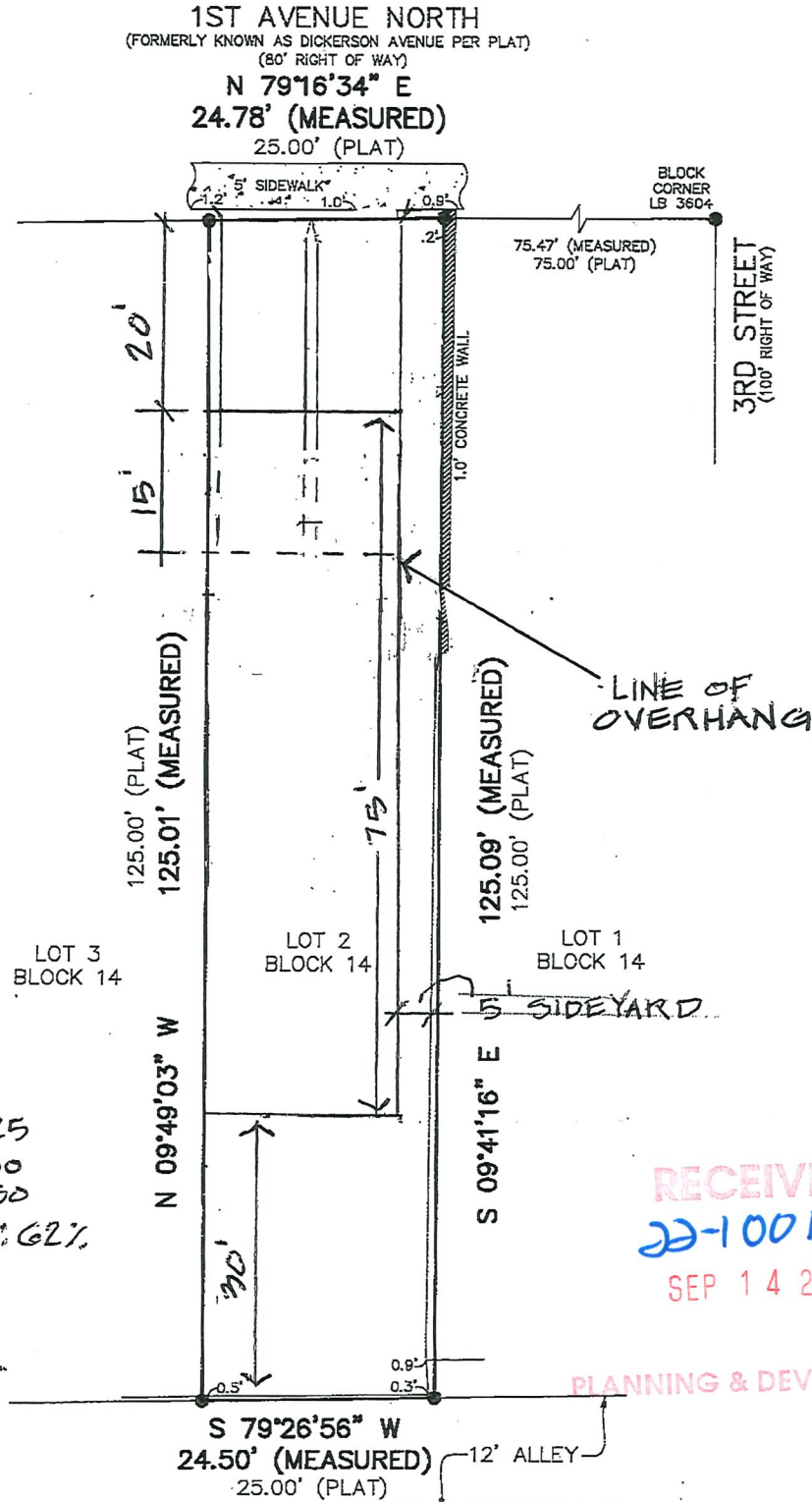
VAKIL, PARTHESH M
10150 BELLE RIVE BLVD, UNIT 106
JACKSONVILLE, FL 32256

Annual Reports

PROPOSED

MAP SHOWING BOUNDARY SURVEY OF
LOT 2, BLOCK 14, ATLANTIC PARK, AS RECORDED IN PLAT BOOK 9,
PAGE 15, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
CHRISTIAN ALLEN
RICHARD T. MOREHEAD TITLE & ESCROW, INC.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY



- TOTAL LOT S.F.: 3,125
- BLDG. FOOTPRINT: 1,500
- DRIVEWAYS/OTHER: 450
- TOTAL LOT COVERAGE: 62%

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PLANNING & DEVELOPMENT

LEGEND:

- = SET 1/2" REBAR STAMPED PSM#6146
- = FOUND 1/2" IRON PIPE NO IDENTIFICATION (UNLESS OTHERWISE NOTED)
- = 4"x4" CONCRETE MONUMENT
- A/C = AIR CONDITIONER
- X- = FENCE
- PC = POINT OF CURVATURE
- PT = POINT OF TANGENCY
- PRC = POINT OF REVERSE
- PCC = POINT OF COMPOUND
- ⊙ = CONCRETE



Ray Thompson
SURVEYING, Inc.
Going the DISTANCE for You
1825 University Boulevard West
Jacksonville, Florida 32217
(Phone) 904-448-5125
(Fax) 904-448-5178

Richard T. Morehead
Title and Escrow, Inc
444 THIRD STREET
NEPTUNE BEACH, FLORIDA, 32266
(904)-247-5147 ~ FAX (904)-247-6087

REVISIONS

DATE	DESCRIPTION
02-11-20	UPDATE

JOB # 40350-A

DATE OF FIELD SURVEY: 09-02-20

SCALE: 1" = 20'

NOTES:

- BEARINGS ARE BASED ON THE ASSUMED BEARING OF N 09°49'03" W ALONG THE WESTERLY BOUNDARY LINE OF SUBJECT PARCEL.
- BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP, DATED: NOVEMBER 02, 2018. COMMUNITY NUMBER: 120077 PANEL 0417.
- THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER RECORDED PLAT &/OR TITLE COMMITMENT OR OTHER DOCUMENTS PROVIDED BY CLIENT, IF SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED.
- THIS SURVEY IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.02, FLORIDA STATUTES.

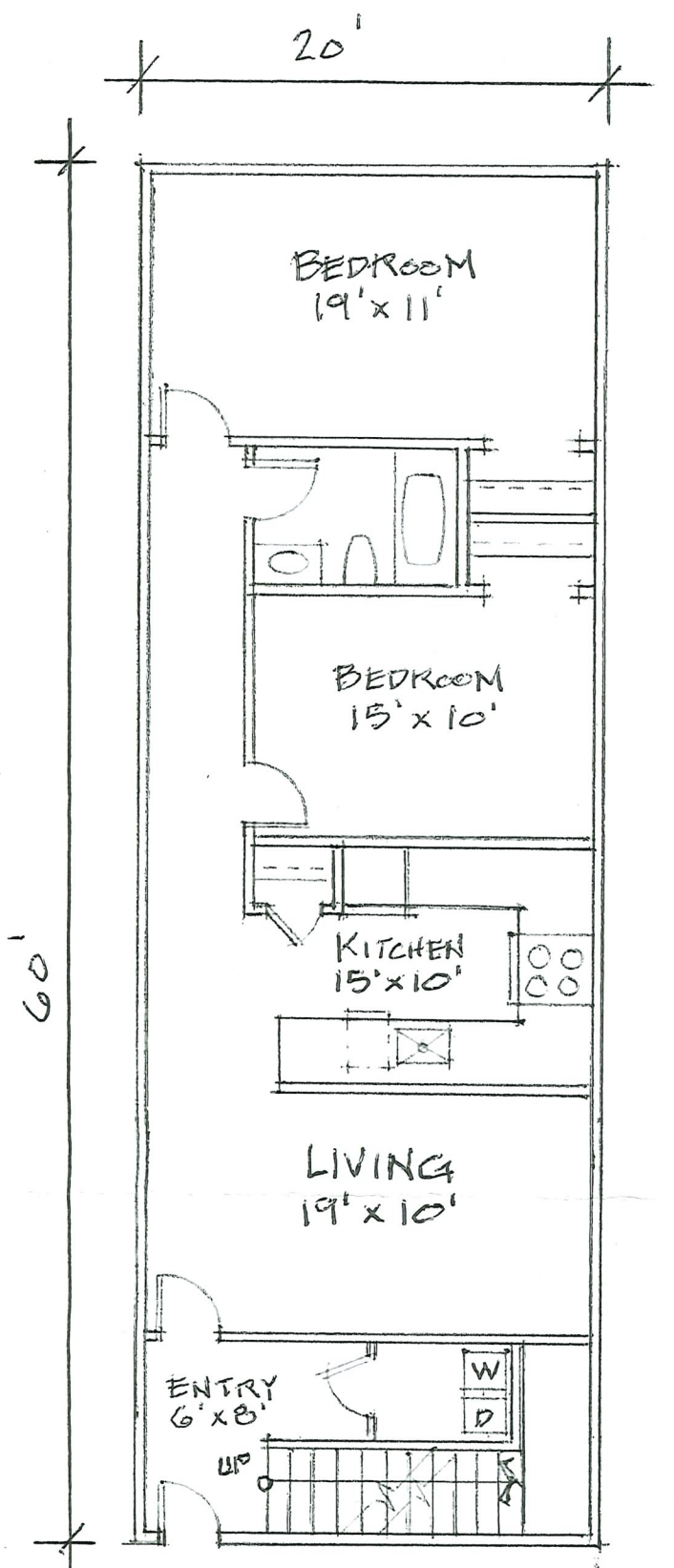
Raymond Thompson
REGISTERED SURVEYOR AND MAPPER #6146 STATE OF FLORIDA
LICENSED PROFESSIONAL SURVEYOR NO. 7459

LAND SURVEYS

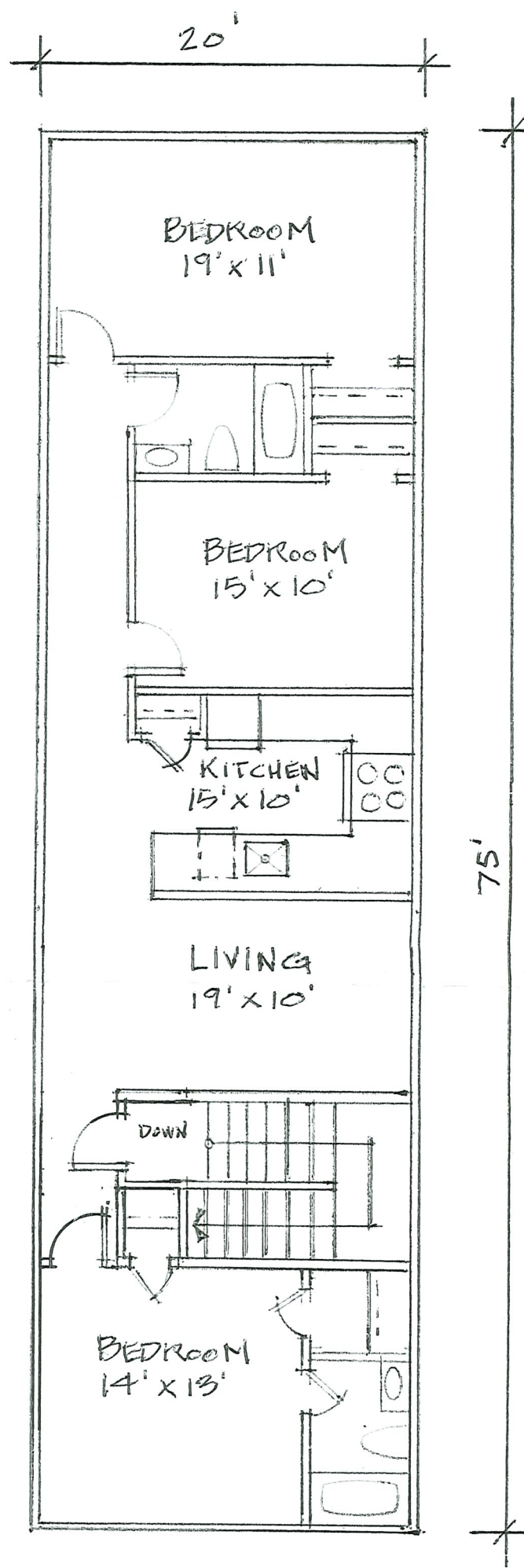
CONSTRUCTION SURVEYS

SUBDIVISIONS

PROPOSED



LEVEL 1 @ $\frac{1}{8}'' = 1'-0''$



LEVEL 2 @ $\frac{1}{8}'' = 1'-0''$

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22-100120
SEP 14 2022

PLANNING & DEVELOPMENT

PROPOSED



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PLANNING & DEVELOPMENT

Renderings
312 1st Ave N

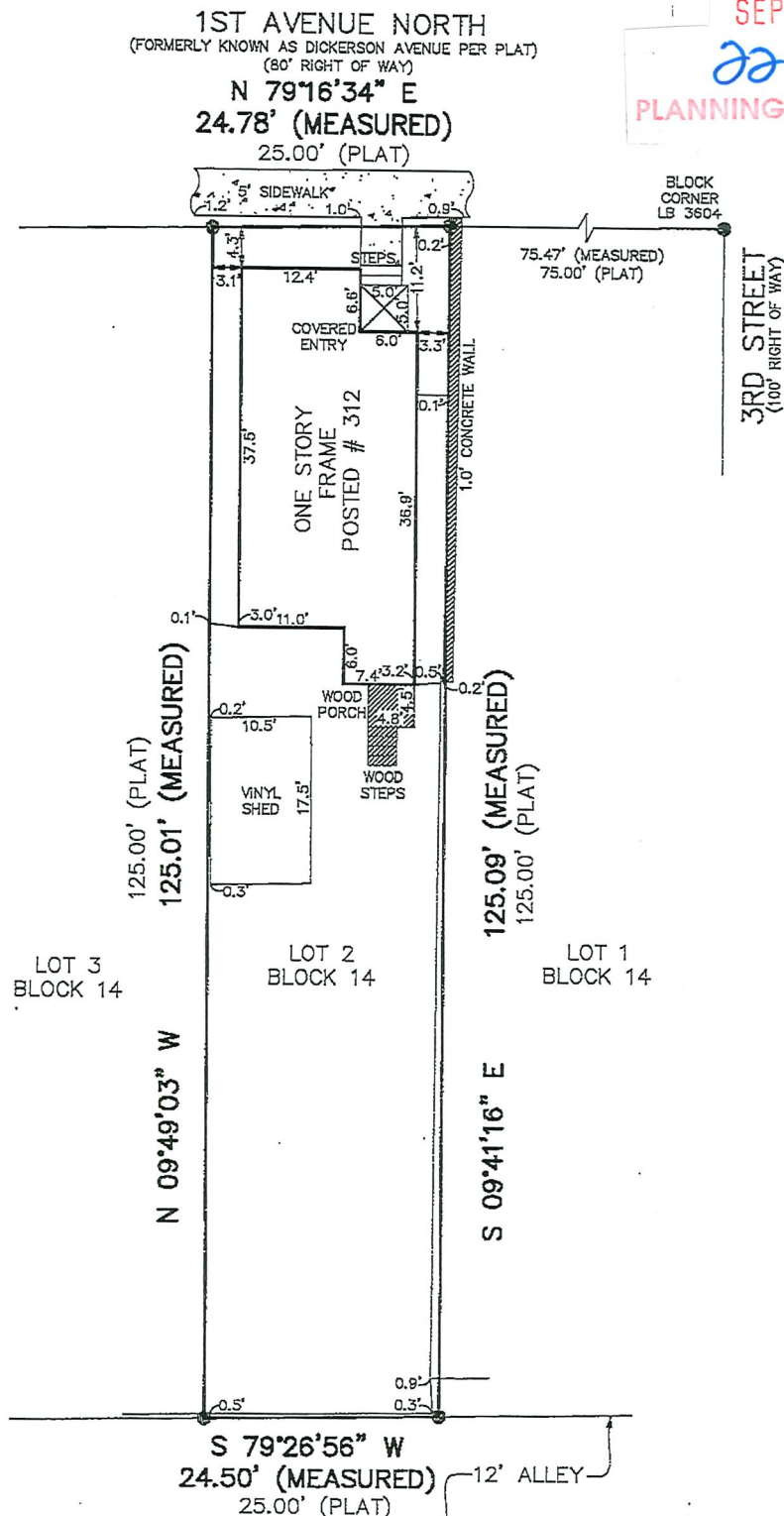
MAP SHOWING BOUNDARY SURVEY OF
LOT 2, BLOCK 14, ATLANTIC PARK, AS RECORDED IN PLAT BOOK 9,
PAGE 15, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

CERTIFIED TO:
CHRISTIAN ALLEN
RICHARD T. MOREHEAD TITLE & ESCROW, INC.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

SEP 14 2022

22-100120

PLANNING & DEVELOPMENT

CURVATURE
CURVATURE

LEGEND:

○ = SET 1/2" REBAR
 PC = POINT OF CURVATURE
 ⊕ = FOUND 1/2" IRON PIPE
 PT = POINT OF TANGENCY
 NO IDENTIFICATION
 PRC = POINT OF REVERSE
 (UNLESS OTHERWISE NOTED)
 PCC = POINT OF COMPOUND
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 —X— = FENCE
 (shaded circle) = CONCRETE



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REVISIONS	
DATE	DESCRIPTION
02-11-20	UPDATE

JOB # 40350-A

DATE OF FIELD SURVEY: 09-02-20

SCALE: 1" = 20'

NOTES:

1. BEARINGS ARE BASED ON THE ASSUMED BEARING OF N 09°49'03" W
ALONG THE WESTERLY BOUNDARY LINE OF SUBJECT PARCEL
2. BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE
AE AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP,
DATED: NOVEMBER 02, 2018, COMMUNITY NUMBER: 120077 PANEL 0417 J.
3. THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER RECORDED
PLAT &/OR TITLE COMMITMENT OR OTHER DOCUMENTS PROVIDED BY CLIENT, IF
SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN
PERFORMED BY THE UNDERSIGNED.
4. THIS SURVEY IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE
AND AUTHENTICATED ELECTRONIC SEAL.

CERTIFICATE

I HEREBY CERTIFY THAT THIS MAP WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS, AND MAPPER, IN CHAPTER 50-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.02, FLORIDA STATUTES.

REGISTERED SURVEYOR AND MAPPER 6146 STATE OF FLORIDA
LICENSE NO. 7469

LAND SURVEYS

CONSTRUCTION SURVEYS

SUBDIVISIONS

Public Correspondence

LeeAnn Bassabe

RECEIVED

Via Email

OCT 19 2022

22-100120

PLANNING & DEVELOPMENT

From: Heath Aldridge <mbhaldridge@hotmail.com>
Sent: Wednesday, October 19, 2022 9:12 AM
To: Planning Division
Subject: Fw: Opposition to BOA CASE #22-100120.... 312 1st Ave North

Dear Members of the Board of Adjustment,

I am writing to provide evidence in opposition to the variance request for 312 1st Ave North.

The variance requested does not satisfy the required findings of the Code of Ordinances. I urge your denial.

Deviations of this magnitude from the terms of the LDC would be contrary to the public interest. The property owner will not suffer undue and unnecessary hardship if a significantly smaller structure is proposed. If approval of this application is granted, the surrounding properties would be adversely affected.

The Code indicates that if *even one* of the required findings cannot be made, the variance request must be denied.

Background

In May the Planning Commission gave approval to a conditional use application for a two-unit dwelling on a lot located in C-2 zoning district, pursuant to Sec. 34-339 standards for RM-1.

As now proposed, I understand the structure would be 20 ft wide and 60 ft in length, with a cantilevered 20 ft X 75 ft second floor...with ZERO setback abutting my property to the west and only 5 ft setback abutting Lee and Cates to the east. The two-family unit/duplex would be 2,700 sq feet on this narrow non-conforming 25 ft by 125 ft lot (ie 3,125 sq feet).

A structure of this size would be a gross overbuilding on the site.

While there is no doubt a small commercial building could be built complying with C-2 zoning and its dimensional standards, the owner has *chosen* not to pursue C-2 options. Rather Mr. Vakil, who purchased the property a year ago and was aware of its limitations, has already received a major exception from the Land Development Code - ie, the conditional use approval granted in May for a duplex structure.

The owner is now requesting deviations from the LDC...seeking relief from the dimensional standards of the Code.

The applicant appears to be needing variances from the following RM-1 zoning dimensional standards.

RM-1 SIDE YARD SETBACK

The minimum is 10 ft on each side, with a total of 20 ft minimum.

THIS PROPOSAL HAS A TOTAL OF 5 FEET, with zero lot line on the west side of the property.

This is 25% of the required MINIMUM.

RM-1 DENSITY REQUIREMENT

The RM-1 density standard is 20 units per acre.

Based on this standard, this 3,125 sq ft lot would typically qualify for only ONE UNIT..not TWO UNITS.

Section 34-339(a) which addresses RM-1 dimensional standards states that the gross density shall not exceed twenty dwelling units per acre.

The Comprehensive Plan may indicate a preferred future land use of 40 units per acre but the regulation that applies for residential development in the typical RM-1 zone is 20 units per acre.

It should be noted the LDC states "variances may not be requested for relief from the maximum residential density requirement." Had staff and Planning Commission applied 'the 20 units per acre' density standard as stated in the LDC for a RM-1 zoning district, this applicant could request NO density variance.

RM-1 MAXIMUM LOT COVERAGE

The maximum coverage is 35%.

THIS PROPOSAL HAS 62% COVERAGE...far exceeding the dimensional standard for two-family dwellings.

A variance would be required to exceed the 35% lot coverage maximum..and the applicant has not applied for this.

As defined in the LDC, a two-family dwelling (duplex) is a structure on a single lot containing 2 dwelling units.

This definition would apply to the applicant's proposal.

The proposal also appears to meet the definition of a multiple family.

Regardless, the maximum lot coverage of 35% for a two-family dwelling (duplex) does apply and must be met ..not the 65% coverage for multiple family dwellings.

Application Failures

As you are aware, in order to authorize a variance, the Board of Adjustment must find that *ALL* of the six standards apply.

Based on the facts in the case, the proposal **fails the Ordinance standards**. Specifically, the proposal fails the following:

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

Although this lot is nonconforming, there are no peculiar conditions that may not apply to other properties in the same RM-1 zoning district. Other nonconforming lots exist in the City.

The property is reasonably developable with a side yard variance, much reduced from what is requested. For example, if a 15 ft wide structure were proposed, the applicant could request a variance to allow a minimum 5 ft setback for each side yard. That would still be a hardship for the adjoining property owners but is preferable to the current proposal.

With fewer deviations from the regulations, the dwelling units may not be as large as the property owner wishes, but a duplex is still feasible.

Finding #1 cannot be made.

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

To the contrary, the applicant's actions have created this interest and need for a variance. The applicant bought a commercial lot with a dilapidated building. He could have chosen to build an appropriately sized structure to meet C-2 standards. Instead, the owner *chose* to request a conditional use for residential similar to RM-1. Now his proposed structure does not comply with RM-1 type dimensional standards for side yard setbacks and lot coverage.

This is not a deficiency of the lot; rather, it is the result of the request for a conditional use and the fact that the applicant proposes a structure that does not meet the regulations.

An applicant's preference as to what he *wants to do with a property* versus what the regulations allow does not constitute a hardship entitling an applicant to a variance. The current owner simply is seeking greater economic advantage from a duplex short-term rental rather than from a commercial use. And, the owner desires residential units that exceed the minimum requirement. Self-imposed economic disadvantage does not constitute a hardship or grounds for a variance.

The conditions before you with this hearing are the results of the actions of the applicant. This finding cannot be made.

#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, building, or structures, in the same zoning district.

There WILL be special privileges conferred upon the applicant. This requested variance asks for 5 ft TOTAL side yard setback when the TOTAL minimum standard is 20 ft. This special privilege is denied by the Code to other properties in the same RM-1 zoning district.

This would be a *significant* deviance from the 20 ft MINIMUM TOTAL side yard setback, with 10 ft on each side. This would be a special privilege for the applicant and notable imposition on the property rights of adjacent parcels.

This finding cannot be made as granting of this request would confer special privileges to this property owner.

#4 Literal interpretation and enforcement of the terms and provision 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.

This property owner does not face any unnecessary hardship. Nor does literal interpretation of the ordinance requirements deprive the applicant of rights commonly enjoy by other parcels in the same RM-1 zoning district. The current owner purchased the property with awareness of its limitations.

This finding cannot be made as the property owner does not have an unnecessary hardship.

#5 *Grant of variance is the minimum variance that will make possible the reasonable use of the parcel.*

Since the existing structure cannot be used, the minimum variance to make reasonable use of the parcel would be only to grant a side yard setback with a minimum 5 ft side yard setback per side yard, *not ZERO setback on one side and 5 ft on the other.*

Likewise, a variance requesting a smaller duplex - with *no more than the 1,600 sq ft minimum for a two-family-* could be proposed. After all, the *lot* is only 3,125 sq ft.

The ground floor unit should have a smaller footprint to reduce the proposed 62% lot coverage ratio to the 35% ratio applicable to a two-family/duplex. The second floor unit could be slightly larger, utilizing the cantilevered design.

Smaller units would be less intensive use of this *very* undersized lot - yet, still a marketable use.

Furthermore, reducing the lot coverage from the proposal's 62% would be essential and reasonable, considering important stormwater/run-off considerations and the street's poor drainage with heavy rains.

This finding cannot be made as the request is not the minimum viable alternative for reasonable use of the property.

#6 *Grant of variance will be generally consistent with comprehensive plan and this Code and will not adversely affect adjacent land.*

Granting of this variance will adversely affect the surrounding area and adjacent land.

Allowing a duplex structure to be built *ON THE PROPERTY LINE* imposes a hardship on my adjoining property.

In this area, any property owner would consider a 20 ft high by 60-75 ft long WALL on a property line to be invasive and obtrusive..having a negative impact on property value.

Furthermore, there are liability, trespassing and routine maintenance concerns if there is a zero side yard setback..again presenting flagrant infringement of my property rights as an abutting property owner.

The existing parcel cannot handle its own problems...be it overflow parking, emergency service access, storm water management, building materials storage during construction, or excess trash from short term renters.

Even routine maintenance of the exterior walls and windows will not be possible without trespassing on adjoining property if a zero setback exists. The owner would need permission of the adjacent property owner to inspect the structure's exterior.

Such overbuilding on a site is not necessary and should not be permitted.

This finding cannot be made as granting of a variance will adversely affect adjacent land and property rights.

Summary - Application Denial

This variance application as proposed does not meet the test for approval and therefore must be denied.

A 2,700 sq ft structure should not be permitted on this 25 ft by 125 ft lot (as noted, only 3,125 sq ft).

A substantially smaller duplex structure with only a one-bedroom unit and a two-bedroom unit (3-bedroom total) would be a better solution...*not to exceed the minimum* 1,600 sq ft. for a two-family dwelling.

As proposed by the applicant, a *five-bedroom duplex* would only encourage excessive number of vehicles when only 4 parking spaces will be provided on the site.

A residential building on this parcel should be no wider than 15 ft so there is *at least* a 5 ft side yard on *each* side.

There should be no greater than 35% maximum lot coverage as it is the standard for a two-family dwelling. This limit will enable the applicant to address his stormwater/run-off responsibility on this very small parcel. It should also be noted that with a zero lot line, Mr. Vakil's property would be dumping unmitigated storm/run-off onto my property.

Even with a variance to allow a 5 ft setback, four-foot fencing and screening must be required, as condition for any variance, to discourage short term rental visitors at 312 1st Ave North from trespassing onto abutting commercial properties and creating liability issues for property owners. This is a commercial, not residential, zone. There are no property owners or tenants to supervise their adjacent properties after business hours. Such fencing also would discourage spillover trash and parking.

In summary, this application does not satisfy the required findings of the Code for variance approval. I urge the Board to deny this variance request.

Respectfully submitted,

Heath Aldridge Owner: 316-18 1st Ave North, Jacksonville Beach