



City of Jacksonville Beach

Regular Meeting Agenda

Board of Adjustment

11 North Third Street
Jacksonville Beach, Florida

Wednesday, February 22, 2023

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), John Moreland, Todd Smith, Jeff Truhlar

Alternates: Matt Metz, Jennifer Williams

APPROVAL OF MINUTES

A. Regular Board of Adjustment Meeting held on February 7, 2023

CORRESPONDENCE

OLD BUSINESS

A. **Case Number(s): BOA#20-100037**

Applicant: Timothy L. Malden

Agent: N/A

Owner: Source Property's LLC., Timothy Malden

Property Address: 121 7th Court South

Parcel ID: 176052-0000 & 176050-0000

Legal Description: The south ½ of Lot 3, together with the west 15 feet of the south 25 feet of Lot 2, Block 72, *Pablo Beach South*

Current Zoning: RM-2

Motion to Consider: 34-340(e)(3)c.1, for a front yard setback of 6.5 feet in lieu of 20 feet minimum; 34-340(e)(3)c.2, for side yard setbacks of 3 feet each in lieu of 10 feet minimum; 34-340(e)(3)c.3, for a rear yard setback of 6 feet in lieu of 30 feet minimum; 34-340(e)(3)e, for 75% lot coverage in lieu of 65% maximum; 34-340(e)(3)g, for an accessory structure setback of zero feet in lieu of 5 feet minimum for paved swales; 34-373(c), for turning and maneuvering space of 18.5 feet in lieu of 23 feet required; 34-373(d), for a parking loading area setback of 3 feet in lieu of 5 feet minimum; and 34-373(f), for one gravel parking space in lieu of required paving, all to allow for construction of a new two unit multiple-family dwelling

NEW BUSINESS

A. Case Number(s): BOA#23-100001

Applicant: Josue Garcia
Agent: N/A
Owner: Josue Garcia
Property Address: 1485 Eastwind Drive North
Parcel ID: 179459-3005
Legal Description: Lot 1, *Seabreeze Park*
Current Zoning: RS-3
Motion to Consider: 34-338(e)(1)c.3, for a rear yard setback of 13 feet in lieu of 20 feet minimum; and 34-338(e)(1)e, for lot coverage of 49.3% in lieu of 35% maximum to allow for a second story addition and an extended second floor balcony to an existing single-family dwelling

B. Case Number(s): BOA#23-100002

Applicant: 0 2nd Street Acquisition, LLC - Steven Wacaster
Agent: N/A
Owner: 0 2nd Street Acquisition, LLC - Steven Wacaster
Property Address: 0 2nd Street South
Parcel ID: 176317-0000
Legal Description: The South half of Lots 11 and 12, Block 153, *Pablo Beach South*
Current Zoning: C-1
Motion to Consider: 34-342(e)(3)a, for a front yard setback of 6 feet 9 inches (6'9") in lieu of 10 feet minimum; and 34-342(e)(3)b, for a corner side-yard setback of 3 feet 3 inches (3'3") in lieu of 10 feet minimum to allow for the addition of second and third floor cantilevered balconies on a proposed new commercial office structure

C. Case Number(s): BOA#23-100003

Applicant: Mitchell Tidwell
Agent: N/A
Owner: Ty Gordon
Property Address: 1225 15th Avenue North
Parcel ID: 175356-0000
Legal Description: Lot 2, Block 13, *Beach Homesites Unit Three Replat*
Current Zoning: RS-1
Motion to Consider: 34-336(e)(1)c.2, for an eastern side yard setback of 9.5 feet and a western side yard setback of 8.1 feet both in lieu of 10 feet minimum; 34-336(e)(1)d, for a floor area of 1,136 square feet in lieu of 1,600 square feet minimum and no garage in lieu of a one car garage minimum; and 34-336(e)(1)e, for lot coverage of 46.3% in lieu of 35% maximum to rectify existing non-conformities and allow for construction of a new swimming pool and pool deck attached to an existing single-family dwelling

PLANNING DEPARTMENT REPORT

- A. The next scheduled meeting is Tuesday, March 7, 2023. There are six scheduled cases.
B. February 23 City Council LDC - Comp Plan workshop on parking.

COURTESY OF THE FLOOR TO VISITORS**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: Mike Staffopoulos, City Manager; City Attorney

**Minutes of Board of Adjustment Meeting
held Tuesday, February 7, 2023, 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 (absent)
Board Members: Jeff Truhlar John Moreland Todd Smith (absent)
Alternates: Jennifer Williams Matt Metz

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

APPROVAL OF MINUTES:

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

- Regular Board of Adjustment Meeting held on January 3, 2023
- Regular Board of Adjustment Meeting held on January 18, 2023

CORRESPONDENCE: None

OLD BUSINESS:

A. Case Number: **BOA#22-100122**
Applicant/Owner: David T. Plummer
Agent: Hunter Faulkner, Jimerson Birr, P.A.
Property Address: 120 5th Street North
Parcel ID: 173787-0000

City of Jacksonville Beach Land Development Code Section(s): 34-339(e)(3)d,2, for a minimum unit size of 600 square feet in lieu of 700 square feet required for a one bedroom multi-family unit; 34-343(e)(3)a, for a front yard setback of 1 foot in lieu of 10 feet minimum; 34-373(c), for no turning and maneuvering space and back out parking into alley in lieu of providing turning and maneuvering space without backing into alley; 34-373(d), for no parking setback in lieu of 5 feet minimum; 34-373(f), for gravel parking in lieu of paved parking; 34-377, for 5 parking spaces in lieu of 10 spaces required; and 34-425(b), for no vehicular landscaping in lieu of all required landscaping to rectify existing non-conformities and allow for the addition of two new multi-family units to an existing non-conforming commercial building.

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

Agent: Hunger Faulker, 1 Independent Drive, Jacksonville, stated the request was for each unit to be 600 square feet in lieu of 700 square feet required, which was incorrectly listed on the agenda. He stated the hardships were several nonconformities.

A brief discussion ensued about parking, multi-family units, and square footage.

Public Hearing:

The following spoke in support of the variance:

- Andrew Buser, 1265 Cape Charles Avenue, Jacksonville

The following did not wish to speak but submitted a speaker card in opposition to the variance:

- Wayne Carlisle, 101 Trudee Dee Lane, Jacksonville Beach
- Edward Roth 114 28th Avenue South, Jacksonville Beach
- Donna Roth, 114 28th Avenue South, Jacksonville Beach
- Kara Owen, 2221 Azalea Drive, Jacksonville Beach

The following spoke in opposition of the variance:

- Lester Del Rosario, 5 17th Avenue North, Jacksonville Beach

The following submitted an email in opposition to the variance:

- Tony Komarek, 533 11th Avenue South, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland to approve BOA#22-100122 based on the standards for a variance outlined in Section 34-286 of the Land Development Code, subject to the condition of 8 parking spaces in lieu of 10 spaces required.

Discussion: A discussion ensued about the deck and social gatherings and the hardship.

Roll Call Vote: Ayes – Jennifer Williams, Alexi Gonzalez
Nays – John Moreland, Jeff Truhlar, Matt Metz
The motion failed 3-2.

NEW BUSINESS:

A. Case Number: **BOA#22-100150**
Applicant/Owner: Ronald Stephens
Agent: N/A
Property Address: 716 11th Street North
Parcel ID: 177779-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.2, for a corner side-yard setback of 19.7 feet in lieu of 20 feet minimum; and 34-336(e)(1)c.3, for a rear-yard setback of 20 feet in lieu of 30 feet minimum to allow for the construction of a new single-family dwelling.

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

Applicant: Ronald Stephens, 716 11th Street North, Jacksonville Beach, stated the hardship was a nonconforming lot. He submitted an aerial photograph [on file] of the property.

A brief discussion ensued about the proposed site plan and lot coverage.

Public Hearing:

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

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland to approve BOA#22-100150 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about potential line of sight issues and lot coverage.

Roll Call Vote: Ayes – Jeff Truhlar, John Moreland, Jennifer Williams, Matt Metz, Alexi Gonzalez
The motion passed unanimously.

B. Case Number: **BOA#22-100151**
Applicant/Owner: Jered & Carly DaCosta
Agent: N/A
Property Address: 109 12th Avenue North
Parcel ID: 174644-0000

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(3)c.3, for a rear yard setback of 2.3 feet in lieu of 30 feet minimum; 34-340(e)(3)c.2, for a side-yard setback of zero feet in lieu of 10 feet minimum; and 34-340(e)(3)c.1, for a front yard setback of 12.3 feet in lieu of 20 feet minimum all to allow for the re-orientation of the front and side yards, making the 12th Avenue North property line the front yard and the 1st Street North property line the corner side yard, to add additional paving for parking, install a new swimming pool and pool deck, and rectify existing non-conformities at an existing multi-family dwelling.

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

Applicant Representative: Eric Marus, 1305 14th Avenue North, Jacksonville Beach, stated the hardship was a nonconforming lot.

A discussion ensued about the setbacks, pool, pool deck, and reorientation of the property.

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

Motion: It was moved by Mr. Truhlar, seconded by Ms. Williams to approve BOA#22-100151 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about variances, hardship, the neighboring lot, and conditioning the request to the current structure.

Motion to Amend: It was moved by Mr. Truhlar, seconded by Mr. Moreland to amend the motion to apply the variance to the existing structure only and the variance would not run with the land.

Motion to Amend Roll Call Vote: Ayes – Jeff Truhlar, John Moreland, Jennifer

Williams, Matt Metz, Alexi Gonzalez
The motion to amend passed unanimously.

Discussion: None

Amended Motion Roll Call Vote: Ayes – Jeff Truhlar, John Moreland, Jennifer Williams, Matt Metz
Nays – Alexi Gonzalez
The motion, as amended, passed 4-1.

C. Case Number: **BOA#22-100153**
Applicant/Owner: William Fullerton
Agent: Andrea Lambert
Property Address: 614 15th Avenue South
Parcel ID: 176935-0000

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)c.3, for a rear yard setback of 25 feet in lieu of 30 feet minimum; 34-337(e)(1)e, for lot coverage of 46% in lieu of 35% maximum; 34-337(e)(1)g, for an accessory structure setback of 0.6 feet along the east property line and 1.8 feet along the south property line; and 34-373(d), for a parking area setback of zero feet in lieu of 5 feet minimum to rectify existing non-conformities and allow for the construction of a new addition to an existing single-family dwelling.

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

Agent: Andrea Lambert, 457 Pablo Point Drive, Jacksonville, stated the hardship was a nonconforming lot.

A brief discussion ensued about the proposed addition, shed, pavers, and parking.

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

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland to approve BOA#22-100153 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about outdoor living space and lot coverage.

Roll Call Vote: Ayes – John Moreland, Jeff Truhlar, Jennifer Williams, Alexi Gonzalez
Nays – Matt Metz
The motion passed 4-1.

PLANNING DEPARTMENT REPORT:

The next scheduled meeting is Wednesday, February 22, 2023, at 6:00 P.M. There are four scheduled cases.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:06 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

DRAFT



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BOA#20-100037

Zoning: RM-2
RE: 176052-0000 & 176050-0000
Legal: South ½ of Lot 3, Block 72, Pablo Beach South &
West 15 feet of the South 25 feet of lot 2, Block 72, Pablo Beach South.
Address: 120 7th Avenue South.

Request

Section(s): 34-340(e)(3)c.1, for a front yard setback of 6.5 feet in lieu of 20 feet minimum; 34-340(e)(3)c.2, for side yard setbacks of 3 feet each in lieu of 10 feet minimum; 34-340(e)(3)c.3, for a rear yard setback of 6 feet in lieu of 30 feet minimum; 34-340(e)(3)e, for 75% lot coverage in lieu of 65% maximum; 34-340(e)(3)g, for an accessory structure setback of zero feet in lieu of 5 feet minimum for paved swales; 34-373(c), for turning and maneuvering space of 18.5 feet in lieu of 23 feet required; 34-373(d), for a parking loading area setback of 3 feet in lieu of 5 feet minimum; and 34-373(f), for one gravel parking space in lieu of required paving.

Existing Conditions

The subject property is two portions of platted lots of record, which were divided prior to the current LDC and which were divided by a prior owner not the current owner who is seeking the variances, making the two portions existing nonconforming lots of record (circa 1909) located in the Medium Density Residential future land use category. The property is currently zoned Residential Multifamily: RM-2. The subject lot is comprised of two parcels, the larger of the lots is 50 feet in width and 62.5 feet in depth, with a lot area of 3,125 square feet. The second parcel is 15 feet in width and 25 feet in depth, with a lot area of 375 square feet, for a total combined lot area of 3,500 square feet for the entire property. The subject property is located between 7th Avenue South to the north, 2nd Street South to the west, 8th Avenue South to the South and 1st Street South to the east. The property is located in the middle of the block, and is accessed off the internal alley known as 7th Court South. The property was formerly occupied by a single family home, which was approved for demolition in July of 2010. Based on the submitted site plan, the proposed two-unit multifamily structure would occupy the majority of the lot in much the same way as the previous primary structure, accessory shed and attached car port. A noted difference is the previous home did not have the additional 25 foot by 15 foot additional parcel to the east, which is now part of this proposed design.

On July 7, 2020, this same matter was considered at a public hearing under BOA#20-100037 and all variance requests were Denied. The Development Order



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denying the variance requests was appealed to the Circuit Court and the Court remanded the case back to the Jacksonville Beach Board of Adjustment for a rehearing of the requested variances. This matter is before the Board again to consider anew without any consideration being given to the prior Development Order issued on July 7, 2020.

Staff Analysis

The Subject lot is substandard in both lot area and lot width which was not created by the current property owner. The applicant is proposing to build a two unit multifamily structure, with adequate parking both underneath the new structure and one space would be located on the 25 by 15 foot additional parcel. The definition of a Multifamily structure requires at a minimum of two dwelling units. Multifamily is a permitted use in the RM-2 zoning district. The property is comprised of two septate portions of historic platted lots of record. When the two orphaned lots were created prior to the adoption of the LDC, they were left with the only access off the internal alley to this block. The lots were likely created when the norther portions of the platted lots were split off and sold separately. Due to the small size of the lot, and the lack of access to a City street, there are significant hardships addressing setbacks, lot coverage and parking design requirements. The applicant has proposed a series of swales adjacent to the east and west property lines, in an effort to control storm water runoff to adjacent parcels. The applicant has also proposed the use of gravel for the parking space located on the 15 by 25 foot parcel, to help reduce lot coverage. Given the small size of the lot, even with the small additional parcel, the applicant is requesting only 75% lot coverage in lieu of the 65% maximum.

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 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



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- 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.
 - 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.

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 substandard in both width and area for the RM-2 zoning district. The lots were created prior to the adoption of the LDC and are significantly smaller than the minimum lot size required by the code. Use of the property for virtually any use would require some relief from the code. Additionally the property's limited access via the alley is also a hardship in that there is no chance for any overflow parking to be on the right of way or in an extended driveway. This leads to additional constraints for lot coverage and setbacks to meet the minimal parking standards.

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 applicant purchased the property in its state, and did not create the nonconformities. The two parcels were created prior to the adoption of the



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current LDC and predate the applicant's purchase. The applicant purchased the property in this state, and did not create the nonconformities. Additionally, there would need to be some relief granted for any use of the property, so requesting multifamily use does not create the hardship, as the applicant must be able to use the property for some use, and would need relief regardless. Two units is the least intense number of units for multifamily as defined in the LDC.

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.

Granting of this variance will not confer special privilege to the applicant. Relief from the code is driven by real hardships that are not self-imposed. Nothing the applicant is proposing is outside the limits of what can normally be built in the RS-2 zoning district. The limits of the property in size and dimension are the reason for the request, and the use of an RS-2 zoned property for multifamily is a common use allowed by the LDC.

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. Literal interpretation of the code would limit the property to a buildable area of 12.5 feet in depth and 30 feet in width, with an overall area of 375 square feet due to the setback requirements for multifamily. Even if the request were for single family, the side yard setbacks would only decrease by 5 feet. This is not a reasonably large area to build any residential structure, therefore relief would be needed to fully utilize the land.

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 structure and associated parking has accounted for all the required parking, and has requested relief from all setbacks, lot coverage and paving materials in an effort to meet the code as much as possible. Providing 4 parking spaces, and utilizing pervious gravel for one space to reduce the lot coverage demonstrates the applicant's desire to conform as much as possible. For a two-unit



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multifamily structure, this is the most reasonable request to allow for the utilization of the property.

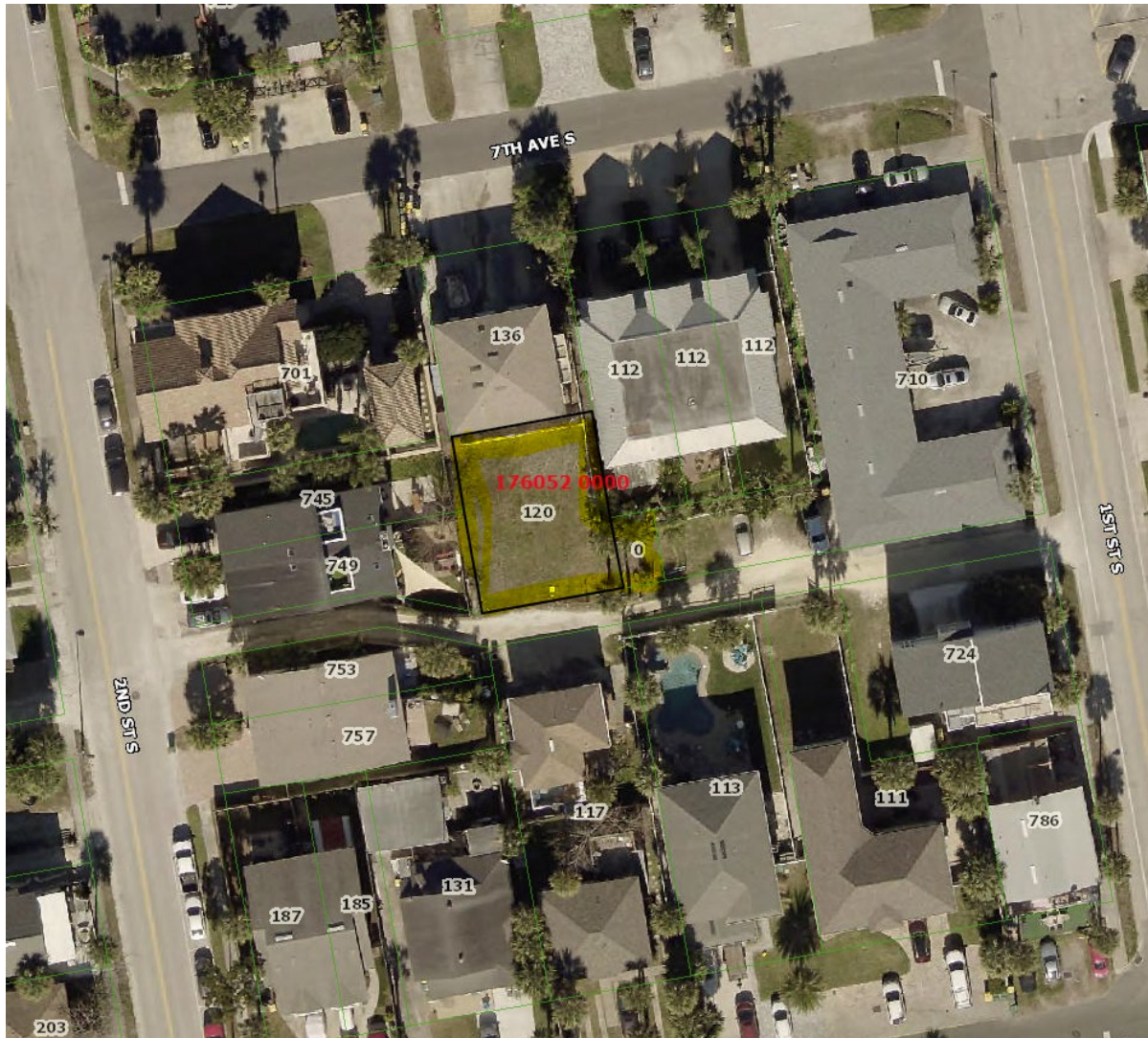
6. **Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.**

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

Pursuant to 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#20-100037**

Location Map (property boundaries are reprehensive only)







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Existing Survey



CERTIFIED TO AND
EXCLUSIVE BENEFIT

TIMOTHY MALD

STREET ADDRESS

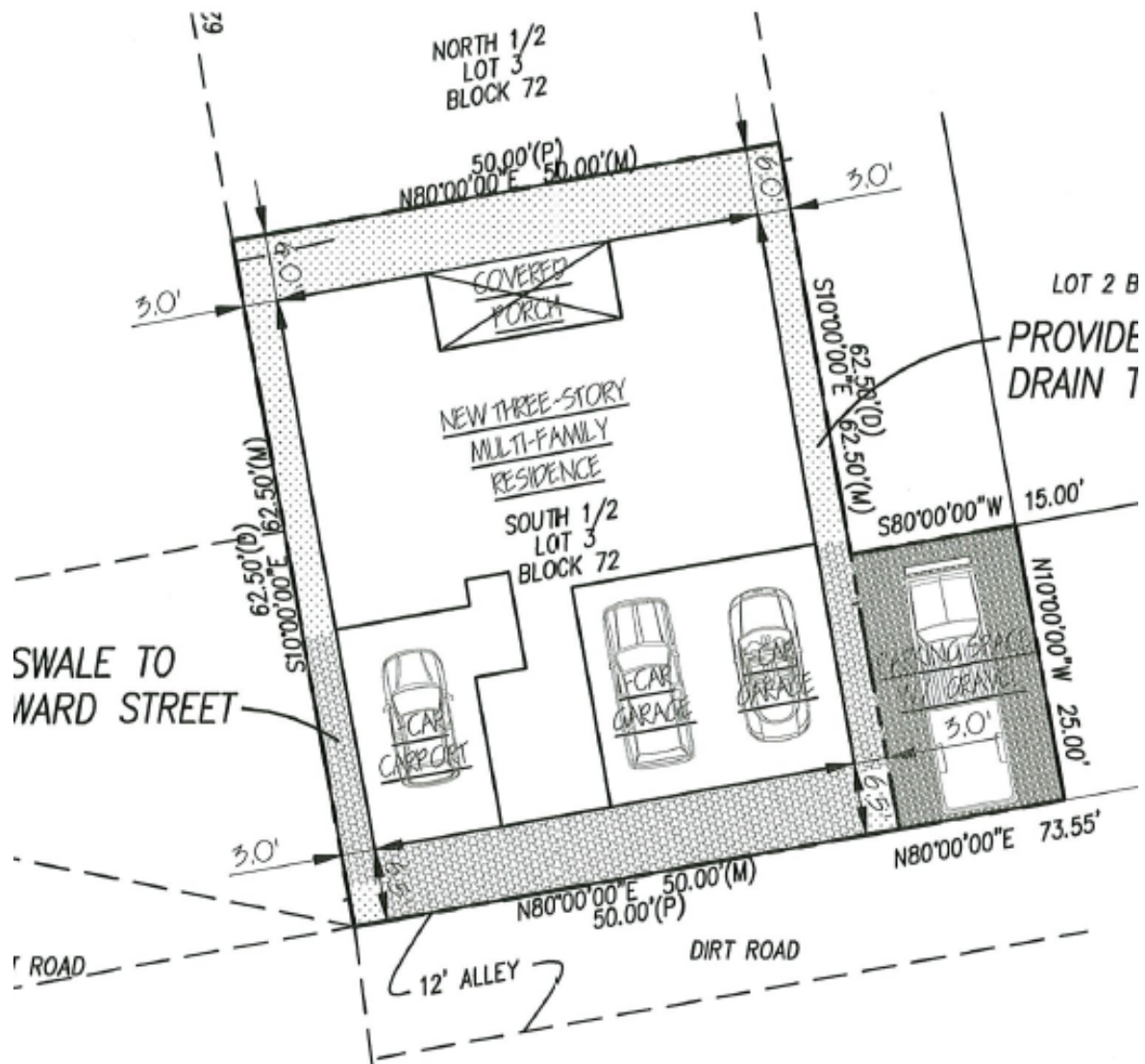
RE# 176052-00
120 7TH AVE S
JACKSONVILLE, FL
S
RE# 176050-00

NO ANGLES OR BEARINGS THEREFORE THE BEARING OF LOT 3, BLOCK 72, WAS SCALED FROM THE RECORD MAP 00\"

UTILITIES, FOUNDATIONS OR OTHER
ITS WERE NOT LOCATED BY THIS SURVEY.

THE FEDERAL EMERGENCY MANAGEMENT AGENCY

Proposed Site Plan



PROPOSED

SCALE: 1" = 20'-0"



APPLICATION FOR VARIANCE

BOA NO. 20-100037
HEARING DATE 4/21/20

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.

FEB 28 2020

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: Timothy L. Malden **Telephone:** (904) 422-4401
Mailing Address: 12839 La Costa Court **E-Mail:** timothymalden@comcast.net
Jacksonville, FL. 32225
Agent Name: John Reep, Architect **Telephone:** (904) 687-9303
Mailing Address: 5703 Lake Lucine Drive North **E-Mail:** huntdrafting@aol.com
Jacksonville, FL. 32211
Landowner Name: Timothy L. Malden **Telephone:** (904) 422-4401
Mailing Address: 12839 La Costa Court **E-Mail:** timothymalden@comcast.net
Jacksonville, FL. 32225

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: 121 7th Court South RE#176052-0000 & 176050-0000
Legal description of property (Attach copy of deed): 3-24-04-35-21E Palms Beach South S 1/2 Lot 3 BLK 72 and 3-28-04-35-21E, 003 Palms Beach South W 1/2 of S 25FT Lot 2 BLK 72
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).
Front yard 6.5FT setback, Back yard 6.0 FT setback, Left side yard 3.0ft setback, Right side yard 3.0FT setback

AFFIDAVIT

I, Timothy L. Malden, 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.

Timothy L. Malden
APPLICANT SIGNATURE

Timothy L. Malden
PRINT APPLICANT NAME

2-28-2020
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28th day of February, 2020, by Timothy Malden, who is personally known to me or produced N/A 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: RM-2

FLOOD ZONE: X-shaded

CODE SECTION (S):
34-340(e)(3)c.1, for a front yard setback of 6.5 feet in lieu of 20 feet minimum; 34-340(e)(3)c.2, for side yard setbacks of 3 feet each in lieu of 10 feet minimum; 34-340(e)(3)c.3, for a rear yard setback of 6 feet in lieu of 30 feet minimum; 34-340(e)(3)e, for 75% lot coverage in lieu of 65% maximum; 34-340(e)(3)g, for an accessory structure setback of zero feet in lieu of 5 feet minimum for paved swales; 34-373(c), for turning and maneuvering space of 18.5 feet in lieu of 23 feet required; 34-373(d), for a parking loading area setback of 3 feet in lieu of 5 feet minimum; and 34-373(f), for one gravel parking space in lieu of required paving, all to allow for construction of a new two unit multiple-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 20-100037

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	It a smaller interior lot that previosly had a house of 1885 SQ. Ft. heat/cool space not inculding garage area occupy the lot with less setback then what request presently
Special circumstances and conditions do not result from the actions of the applicant.	No	
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	There are structure with the same set back presently build from 2013 to present
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	With the small interior lot the (grand father) in claus would grant this appication and meet the need to build a structure to lot. Also the property owner is paying for half of road to paved wich save the City of Jacksonville beach \$17,489.00
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Just asking for same foot print from previosly house just center of lot attock you will find old survey
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.	NO	The property to rear of lot set back from backyard are less then what requested presently

Prepared by:

Michael L. Brooks
Law Offices of Michael L. Brooks
4206 Baymeadows Road
Jacksonville, Florida 32217

07030102

File Number: 07-1006

General Warranty Deed

Made this May 1, 2007 A.D. By Channing Baker, IV, A Single Man, whose address is: 312 Morris Loop
hereinafter called the grantor, to Timothy L. Malden, A Married Man, whose post office address is: 11407 River Knoll Drive,
Jacksonville, Florida 32225, hereinafter called the grantee:

Jacksonville, FL 32259

(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:

The South 1/2 of Lot 3, Block 72, PABLO BEACH SOUTH, according to map or plat thereof as recorded in Plat Book 3, Page(s) 28, of the Public Records of Duval County, Florida.

Parcel ID Number: 176052-0000

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, 2007.

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:

Cindy K McGowan

Witness Printed Name

Cindy K McGowan

Channing Baker, IV

Channing Baker, IV

Address: 312 Morris Loop, Jacksonville, Florida 32259

(Seal)

Sheila M. Bryan

Witness Printed Name

Sheila M. Bryan

Address:

(Seal)

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this May 1, 2007, by Channing Baker, IV, who is/are personally known to me or who has produced valid driver's license as identification.



CYNTHIA K. MCGOWAN
MY COMMISSION # DD 570444
EXPIRES: August 21, 2010
Bonded Thru Budget Notary Services

Cynthia K McGowan

Notary Public

Print

Name:

My Commission Expires:

8/21/10

This Instrument Prepared by:
Blake F. Deal, III., Esquire
Briley & Deal, LLC
2215 Third Street, South, Suite 101
Jacksonville Beach, Florida 32250
File No. 20-0037

Corporate Warranty Deed

This Indenture, made this 25th day of February, 2020, between **Atkins Builders, Inc.**, a Florida corporation, whose post office address is: **PO Box 51262, Jacksonville Beach, Florida 32240**, Grantor, and **Timothy Malden**, whose post office address is: **12839 Lacosta Ct, Jacksonville, Florida 32225**, Grantee.

Witnesseth, that the said Grantor, for and in consideration of the sum of \$10,000.00, to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of **Duval**, State of Florida, to wit:

The West 15 feet of the South 25 feet of Lot 2, Block 72, Pablo Beach South, a subdivision according to the plat thereof recorded in Plat Book 3, Page 28, of the Public Records of Duval County, Florida.

Parcel Identification No.: 176050-0000

Subject to taxes subsequent to December 31, 2020, covenants, restrictions and easements of record, if any.

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Signed and Sealed in Our Presence:

[Signature]
First Witness Signature

Nancy A McAlum
Print Witness Name

[Signature]
Second Witness Signature

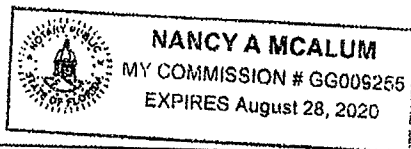
Susan Wilhelm
Print Witness Name

State of Florida
County of Duval

Atkins Builders, Inc., a Florida corporation

By: [Signature]
John Atkins
Its President

The foregoing instrument was acknowledged before me by means of [☒] physical presence or [] online notarization, this 25th day of February, 2020, by John Atkins, the President of Atkins Builders, Inc., a corporation existing under the laws of the State of Florida, on behalf of the corporation, who is personally known to me or has produced a driver's license as identification.



Notary Seal

[Signature]
Notary Public
My Commission Expires



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

Detail by Entity Name

Florida Limited Liability Company
SOURCE PROPERTY'S LLC

Filing Information

Document Number	L16000138461
FEI/EIN Number	20-2124314
Date Filed	07/22/2016
Effective Date	07/22/2016
State	FL
Status	ACTIVE

Principal Address

1433 Romney Street
SUITE #4
JACKSONVILLE, FL 32211

Changed: 01/31/2020

Mailing Address

1433 Romney Street
SUITE #4
JACKSONVILLE, FL 32211

Changed: 06/24/2020

Registered Agent Name & Address

MALDEN, TIMOTHY
12839 LA COSTA COURT
JACKSONVILLE, FL 32225

Authorized Person(s) Detail

Name & Address

Title CEO

MALDEN, TIMOTHY L
12839 LA COSTA COURT
JACKSONVILLE, FL 32225 UN

Annual Reports

Report Year	Filed Date
--------------------	-------------------

2021	01/03/2021
2022	01/21/2022
2023	01/19/2023

Document Images

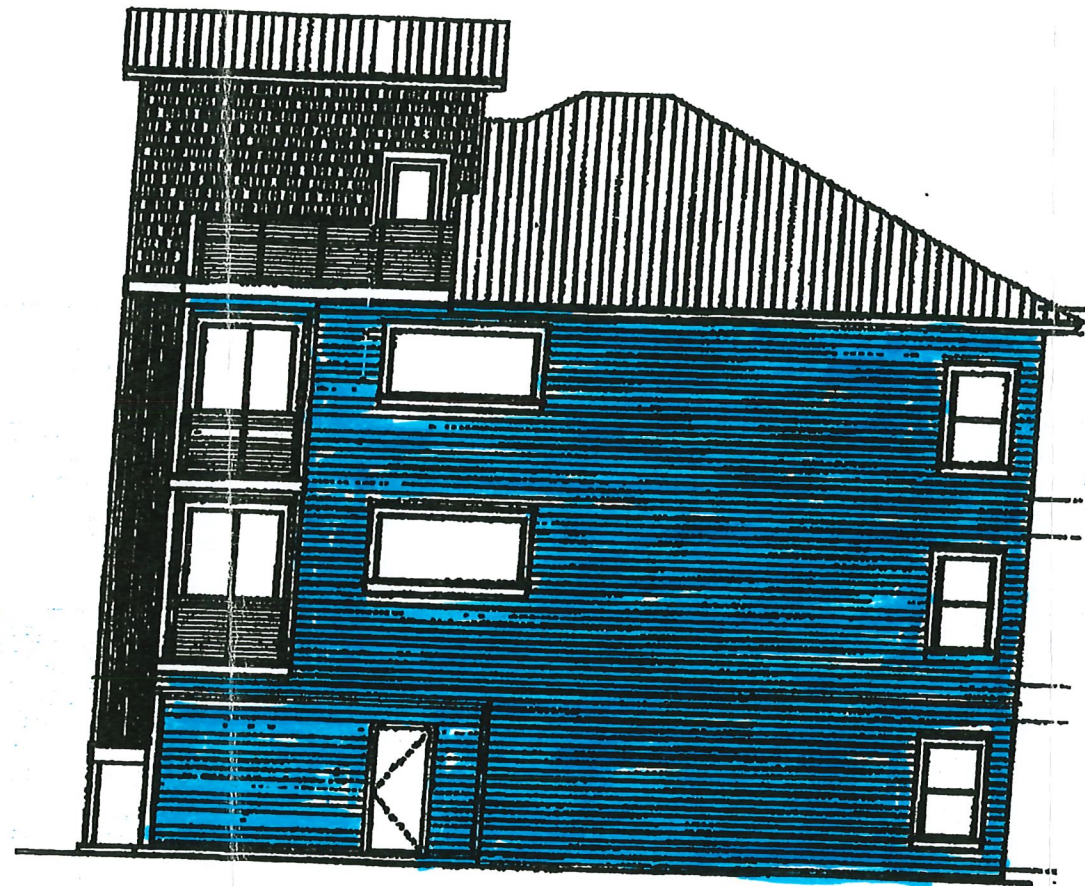
<u>01/19/2023 -- ANNUAL REPORT</u>	View image in PDF format
<u>01/21/2022 -- ANNUAL REPORT</u>	View image in PDF format
<u>01/03/2021 -- ANNUAL REPORT</u>	View image in PDF format
<u>06/24/2020 -- AMENDED ANNUAL REPORT</u>	View image in PDF format
<u>01/31/2020 -- ANNUAL REPORT</u>	View image in PDF format
<u>03/05/2019 -- ANNUAL REPORT</u>	View image in PDF format
<u>01/10/2018 -- ANNUAL REPORT</u>	View image in PDF format
<u>01/08/2017 -- ANNUAL REPORT</u>	View image in PDF format
<u>07/22/2016 -- Florida Limited Liability</u>	View image in PDF format

Florida Department of State, Division of Corporations

PROPOSED



South Elevation



East Elevation

RECEIVED
20-100037
FEB 28 2020

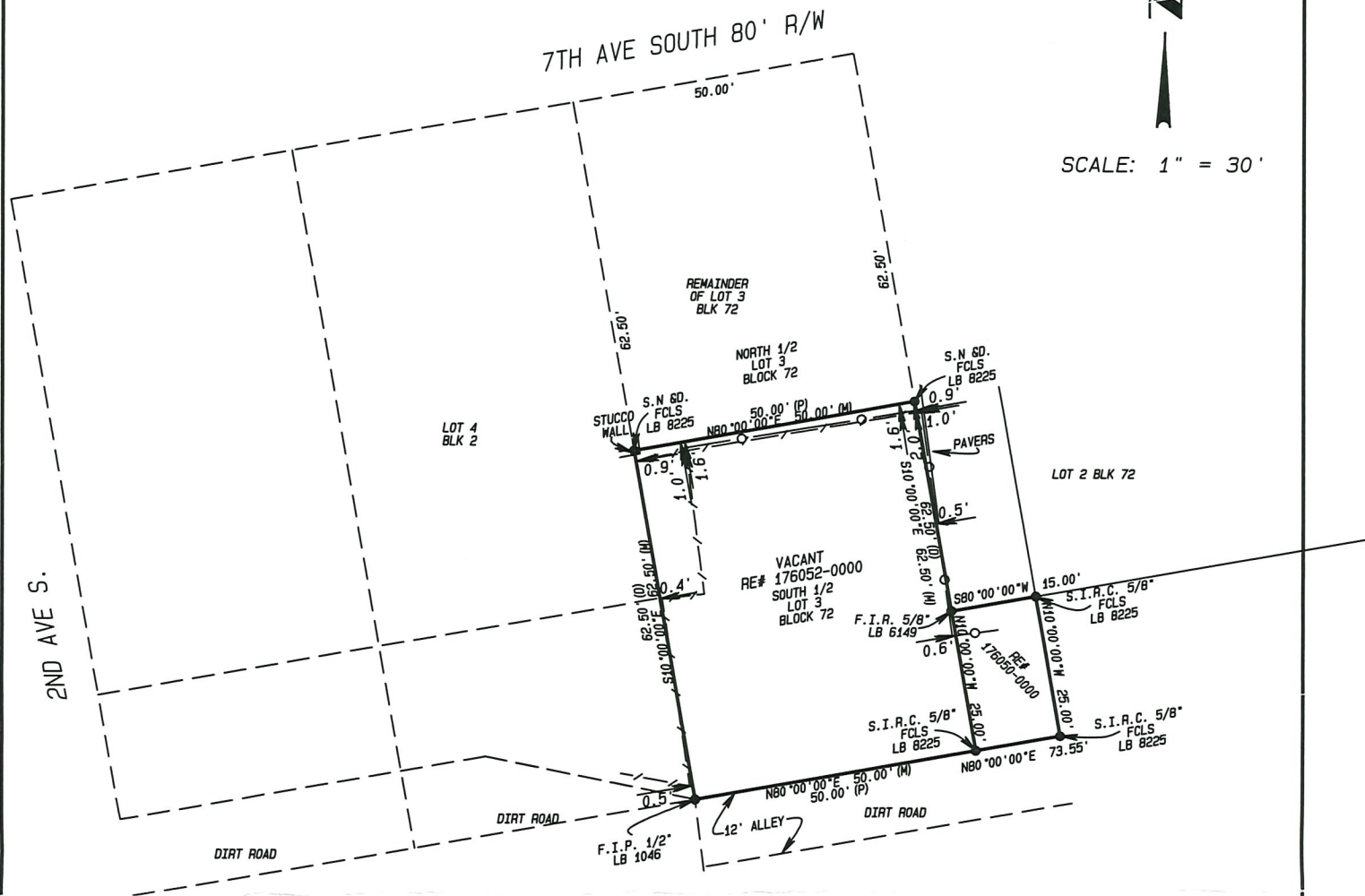
PLANNING & DEVELOPMENT

EXISTING

MAP OF BOUNDARY SURVEY

SOUTH 1/2 OF LOT 3, BLOCK 72, PABLO BEACH SOUTH ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 3, PAGE(S) 28 OF THE CURRENT PUBLIC RECORDS OF
DUVAL COUNTY, FLORIDA.

AND:
THE WEST 15 FEET OF THE SOUTH 25 FEET OF LOT 2, BLOCK 72, PABLO BEACH SOUTH ACCORDING TO THE PLAT THEREOF
AS RECORDED IN PLAT BOOK 3, PAGE(S) 28 OF THE CURRENT PUBLIC RECORDS OF
DUVAL COUNTY, FLORIDA, AND THE NORTH 100 FEET OF LOT 2, BLOCK 72, PABLO BEACH SOUTH, ACCORDING TO PLAT
THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 28, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



CERTIFIED TO AND FOR THE
EXCLUSIVE BENEFIT OF:

TIMOTHY MALDEN

STREET ADDRESS:

RE# 176052-0000
120 7TH AVE SOUTH
JACKSONVILLE, FLORIDA
RE# 176050-0000

SURVEY NOTES:

#1 PLAT PROVIDES NO ANGLES OR BEARINGS THEREFORE THE BEARING OF
THE WEST LINE OF LOT 3, BLOCK 72, WAS SCALED FROM THE RECORD MAP
AS BEING N10°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 "X".

#4 THIS SURVEY PERFORMED WITHOUT BENEFIT OF AN ABSTRACT,
TITLE SEARCH, TITLE OPINION OR TITLE INSURANCE.

#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, PAVES BLOCKS, RUBBERMAID OR PLASTIC UTILITY
BUILDINGS NOT ON FOUNDATIONS, VEHICLES ON BLOCKS MAY BE ON
THIS PROPERTY BUT NOT LOCATED OR SHOWN.

#10 LEGAL DESCRIPTION PROVIDED BY CLIENT.

#11 PROPOSED ELEVATIONS AND LOCATION OF PROPOSED HOME
WERE SET BY SURVEYOR, THESE ARE SUBJECT TO CHANGE BY ARCHITECT,
ENGINEER, AND/OR CLIENT. FCLS ASSUMES NO RESPONSIBILITY/LIABILITY
FOR PROPOSED ELEVATIONS OR PROPOSED LOCATION OF HOME

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.

RECEIVED
20-100037
FEB 28 2020
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

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

SEC - SECTION
TWP - TOWNSHIP
RGE - RANGE
P.I. - POINT OF INTERSECTION
A/C - AIR CONDITION UNIT
NTS - NOT TO SCALE
4' C.L.F. - 4' CHAIN LINK FENCE
6' W.F. - 6' WOOD FENCE

F/H - FIRE HYDRANT
WV - WATER VALVE
FND - FOUND
(P) - PLAT
EB - ELECTRIC BOX
CONC. - CONCRETE
CB - CABLE BOX
PB - PHONE BOX
OHE - OVERHEAD ELECTRIC
C.L.F. - CHAIN LINK FENCE
W.F. - WOOD FENCE
C.B. - CHORD BEARING
WM - WATER METER
WP - WOOD POLE
LP - LIGHT POLE
M/H - MANHOLE

FIELD SURVEY DATE

PLOT PLAN

BOUNDARY: 02/21/2020

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: 30849

DRAWN BY: KMP

REVIEWED BY: HF

CHECKED BY: VAN

FILE NAME: \\FCLSSVR\\TerraModel\\Jobs\\30000-30999\\30849.pro



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

BOA#23-100001

Zoning: RS-3
RE: 179459-3005
Legal: Lot 1, Seabreeze Park
Address: 1485 Eastwind Drive North

Request

Section(s): 34-338(e)(1)c.3, for a rear yard setback of 13 feet in lieu of 20 feet minimum; and 34-338(e)(1)e, for lot coverage of 49.3% in lieu of 35% maximum to allow for a second story addition and an extended second floor balcony to an existing single-family dwelling

Existing Conditions

The Subject property is an existing nonconforming lot of record (circa 1989) located in the Medium Density future land use category. The property is located in the Residential Single Family: RS-3 zoning district. The subject property is 97 feet wide and roughly 60 feet deep. The subject property has an overall area 5,453 square feet. The lot is an irregular shape, with frontage on three streets, Eastwind Drive north, Eastwind Drive and America Avenue. The subject house was constructed in 1990, prior to the adoption of the current LDC. The subject property is currently at 49.3% lot coverage. It's unclear when the lot coverage reached this percentage, but based on the original building permit, the house was constructed above 35% lot coverage in 1990, however staff could not ascertain what the lot coverage was at the time of construction. Due to the shape of the lot and its three street frontages, the lot technically has two front yard setbacks and a corner side yard setback, The "rear" of this home is actually a second front, which is why it is only 20 feet and not 30 for the setback reduction request.

Staff Analysis

The subject parcel is both substandard in area and is unique due to it's roughly horseshoe shape with frontage on three sides. The subject parcel has three setbacks that complicate the ability of the applicant to expand any part of the house without further encroachment into the required front, secondary front, or corner side yard setbacks. The applicant has proposed to expand the house by adding an additional story to the house, because of the constraint of the property with regards to any ground floor addition. In the process the applicant is requesting to add a second story balcony onto the rear of the house. The area proposed to be covered by the balcony is already an impervious patio, so there is no increase in lot



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coverage proposed. However, 2 dimensional patios do not have the same setback requirements as the primary structure, so the addition of the extended second floor balcony would be considered an encroachment into the secondary front yard, where the current patio does not. As noted above, the current lot coverage is 49.3% with no previous variance, however, based on the plans submitted at the time of construction for the home, it appears that it was allowed to be constructed at or near this lot coverage. As the balcony will only cover an existing patio, the addition and the balcony will not add to the existing lot coverage, so approval of the existing lot coverage would be addressing an existing nonconformity.

Minimum Dimensional Standards

- Single family dwelling unit.
 - Minimum lot area: Six thousand (6,000) square feet.
 - Minimum lot width: Sixty (60) 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 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. Garages or carports 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 subject property is substandard in area for the RS-3 zoning district and is unique in shape and location as it addresses three streets. Additionally it is a unique shape, and was platted in 1989 prior to the adoption of the current land development code. Additionally, to the best of Staff's knowledge, the house was constructed above 35% lot coverage without a variance in 1990.

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 applicant purchased the home in 1999, but based on the date of construction of the home and the date of the plat for the lot, the lot was created as a substandard lot per the current codes and the home was constructed at or near its current lot coverage in 1990 without any variance.

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 find** that the proposed variance will not confer any special privileges. The approval of this variance will not change the overall lot coverage but will allow the proposed rear balcony to encroach into the rear setback as much as the current patio does. It will also rectify the existing lot coverage nonconformity.

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 has few options to add onto the existing structure, which is a commonly undertaken project for older homes to provide more living area. The unique shape of the lot, along with the frontages on three streets, leaves little room for any expansion. The applicant



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

has chosen to go up rather than out, but requests relief for the small encroachment on the second floor for a rear balcony.

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 allow for the rear balcony and to rectify the lot coverage. The applicant is not proposing to expand the nonconforming lot coverage, and only needs relief for the rear secondary front yard encroachment for the upper balcony. This is the minimum encroachment needed to allow for the new second story with the proposed balcony.

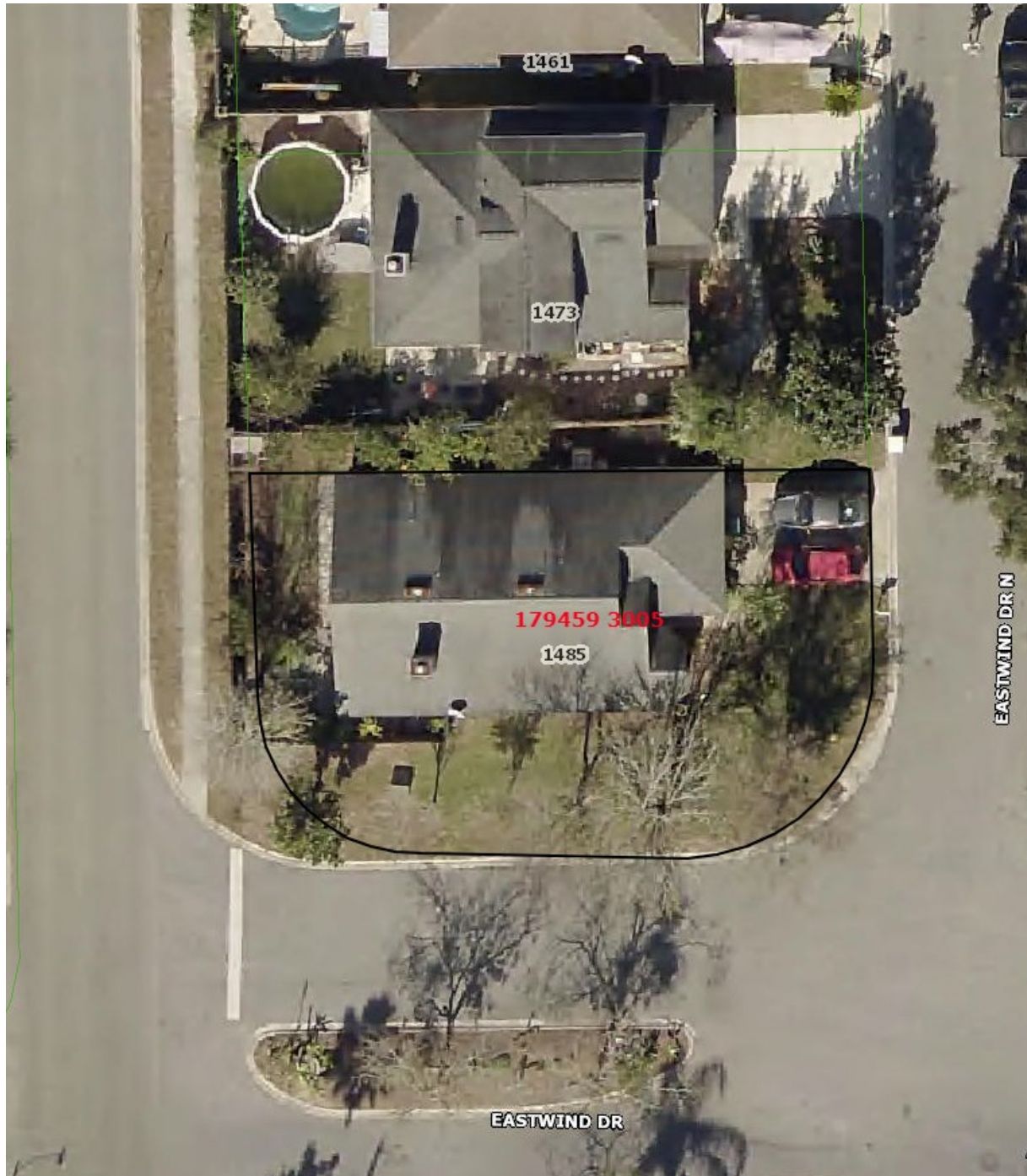
6. Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.

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#23-100001**

Location Map (property boundaries are reprehensive only)



AMERICA AVENUE
50' RIGHT-OF-WAY

EASTWIND DRIVE NORTH
40' RIGHT-OF-WAY

LOT 3

FOUND P.K. NAIL & DISK L.B. #6576

FOUND 1/2" IRON PIPE NO IDENTIFICATION

5' UTILITY EASEMENT

50.00'

20' B.R.L.

FOUND 1/2" IRON PIPE NO IDENTIFICATION

5' NON-ACCESS EASEMENT

SET 1/2" IRON PIPE DURDEN 2' REFERENCE L.B. #6696

COLUMN FOOTER ON TRUE CORNER

N88°45'00"E 97.00'

30.00'

S01°15'00"E

SET 1/2" IRON PIPE DURDEN L.B. #6696

CONCRETE DRIVE

PAVERS

15' B.R.L.

PEAR TREE ON TRUE CORNER

CONCRETE TRANSFORMER PAD

SET 1/2" IRON PIPE DURDEN L.B. #6696

S88°45'00"W 42.00'

EASTWIND DRIVE
77' RIGHT-OF-WAY

CONCRETE WALK

N01°15'00"W 35.00'

SET 1/2" IRON PIPE DURDEN L.B. #6696

PAVERS

16.5'

1.8'

35.36'

ARC=39.27'

DELTA=90°00'00"

RADIUS=23.00'

S43°45'00"W 42.43'

ARC=47.12'

DELTA=90°00'00"

RADIUS=30.00'

IMPVIOUS CALC
LOT AREA = 5.4534

IMPERVIOUS CALC	
LOT AREA = 5,453± SQ	
DESCRIPTION	SQ
BUILDING AREA	
ENTRY	
PORCH/LANAI	
FLATWORK	
A/C PAD(S)	
TOTAL IMPERVIOUS AREA	

ITES)
IS PROPERTY LIES IN FLOOD ZONE "X" PER FLOOD INSURANCE
TE MAP (FIRM), CITY OF JACKSONVILLE BEACH, DUVAL COUNTY,
MUNICIPALITY No. 120078, MAP/PANEL No. 12031C-0419-J,
EFFECTIVE NOVEMBER 2, 2018
L EASEMENTS ARE FOR WATER, SEWER, DRAINAGE, CABLE

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.

APPLICANT INFORMATION

Applicant Name: Josue Garcia **Telephone:** 904 707 5711
Mailing Address: 1485 Eastwind Dr. N. **E-Mail:** garciaj0176@gmail.com
Jacksonville Beach FL 32250
Agent Name: Daniel Lerin **Telephone:** 904-362-0684
Mailing Address: 1886 Seminole Rd. Athletic Beach FL 32233 **E-Mail:** Daniel@DreamDesignKb.com
Landowner Name: Josue Garcia **Telephone:** 904 707 5711
Mailing Address: 1485 Eastwind Dr. N. **E-Mail:** garciaj0176@gmail.com
JX Bch 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: 1485 Eastwind Dr. N. JX Bch FL 32250
Legal description of property (Attach copy of deed): 179459-3005
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).
Asking for variance for 13' setback on back yard, and 49.3% lot coverage
for second story addition w/ balcony

AFFIDAVIT

I, Josue Garcia, 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

PRINT APPLICANT NAME

21 DEC 2022
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 21st day of December, 2022, by Josue Garcia, who is personally known to me or produced driver license + retired military ID as identification.

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-3FLOOD ZONE: X

CODE SECTION (S):

34-338(e)(1)c.3, for a rear yard setback of 13 feet in lieu of 20 feet minimum; and 34-338(e)(1)e, for lot coverage of 49.3% in lieu of 35% maximum to allow for a second story addition and an extended second floor balcony to an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100001

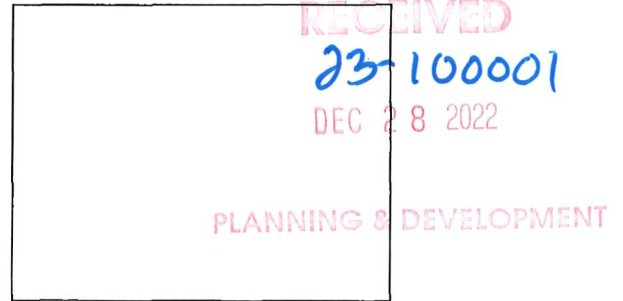
Section 34-281 Purpose. Variances are deviations from the terms of the LDC, which would not be contrary to the public interest when owing to special circumstances or conditions; the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

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	Other parcels of land, buildings, or structures, in the same zoning district have been approved with similar variance requests.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Special circumstances do not result from the actions of the applicant because the applicant purchased this house as-is.
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	Granting this variance will not confer upon the applicant any special privileges that have not been conferred to other parcels of land, buildings or structures.
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	Yes because other parcels of land, buildings or structures have been approved with similar variances.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Yes grant of variance is the minimum that will make possible the reasonable use of property.
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	Yes grant of variance is consistent with other approved variances in the comprehensive plan and code, and would not adversely affect adjacent properties.

Prepared by:
Dee D. Reiter, Esquire
Roberts & Reiter, P.A.
233 East Bay Street, Suite 725
Jacksonville, Florida 32202

Real Estate#: 179459-3005



QUIT-CLAIM DEED

Made this 29th day of September, 2021 BETWEEN Yanelis Garcia, a Single Woman, Party of the First Part, of the County of Duval, State of Florida, and Josue' Garcia, a Single Person, whose mailing address is 1485 Eastwind Drive North, Jacksonville Beach, of the County of Duval, State of Florida, Party of the Second Part.

WITNESSETH: that the Party of the First Part, in and for the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, has remised, released and quit-claimed, and by these presents does remise, release and quit-claim unto the Party of the Second Part and his heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Duval, State of Florida, to-wit:

ADDRESS: 1485 Eastwind Drive North, Jacksonville Beach, FL 32250.

LOT 1, SEABREEZE PARK, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 45, PAGES 22 AND 22A, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

This Deed is given pursuant to a Final Judgment of Dissolution of Marriage, Duval County Case No.: 16-2018-DR-6369, Division: FM-F, entered on January 28, 2021.

Property Appraiser's Parcel Identification (Folio) Number: 179459-3005.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in any wise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of the Parties of the First Part, either in law or equity, to the only proper use, benefit and behoof of the Party of the Second Part and his heirs, successors and assigns forever.

In Witness Whereof, the Party of the First Part has hereunto set her hand and seal the day and year first above written.

Witnesses:

[Signature]
Witness Signature

Dee D Reiter
Typed or printed name

[Signature]
Witness Signature

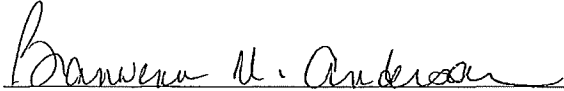
Dana Ancayan
Typed or printed name

Grantor:

[Signature]
YANELIS GARICA
6615 Diane Road
Jacksonville, FL 32277

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of ✓ physical presence or online notarization, this 29th day of September, 2021, by YANELIS GARICA, who is personally known to me or who has produced Swiss License as identification and who did take an oath.

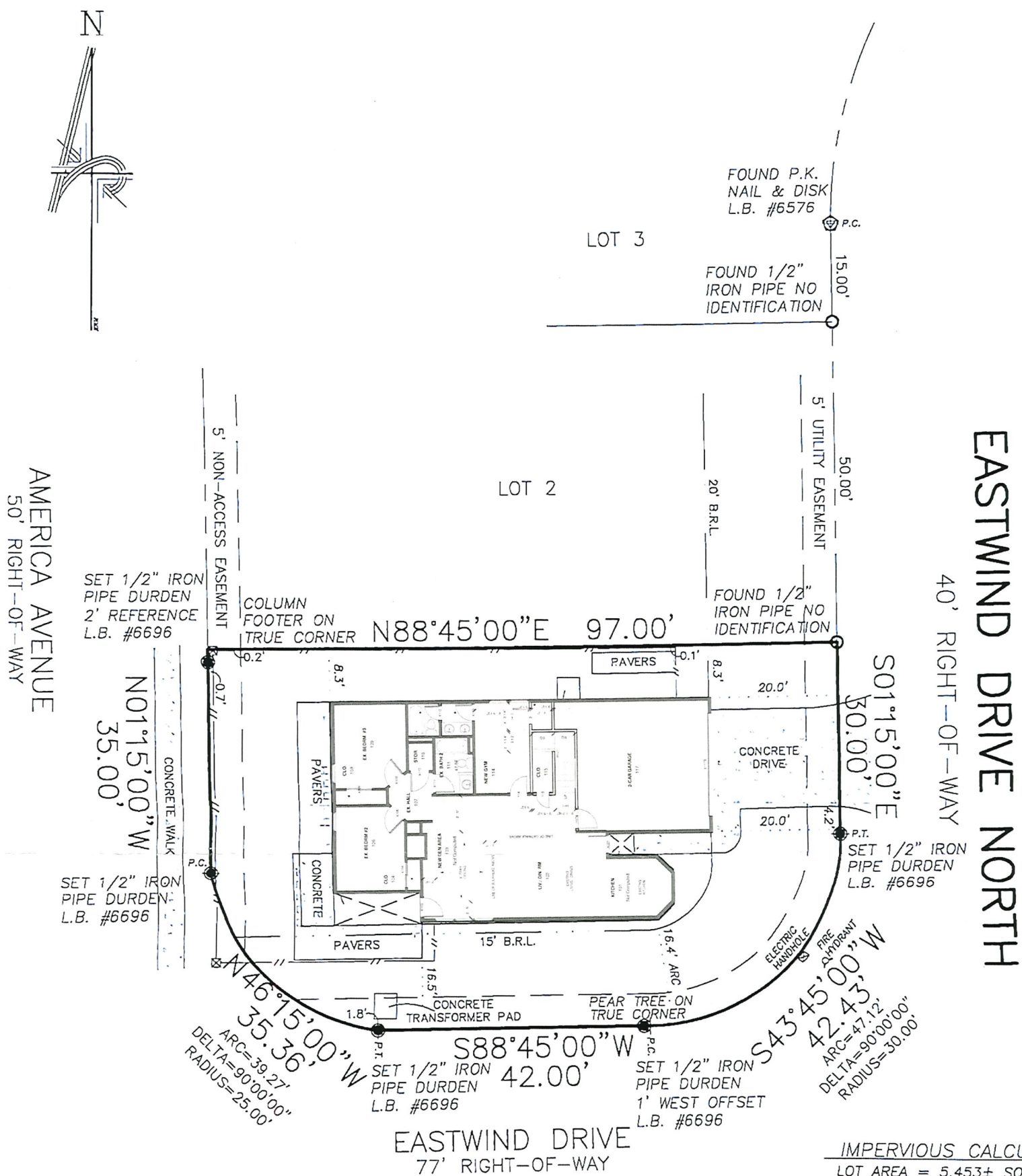

Notary Public, State of Florida

BRANWENN M. ANDERSON
Notary Public, State of Florida
My Comm. Expires 06/21/2025
Commission No. HH137522

First Story Proposed

MAP SHOWING BOUNDARY SURVEY OF:

LOT 1, SEABREEZE PARK, AS RECORDED IN PLAT BOOK 45, PAGES 22 & 22A OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



NOTES:

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

ALL EASEMENTS ARE FOR WATER, SEWER, DRAINAGE, CABLE TELEVISION SERVICE, TELEPHONE AND OTHER PUBLIC UTILITIES.

BEARINGS BASED ON THE WEST RIGHT-OF-WAY LINE OF EASTWIND DRIVE NORTH AS BEING S 01°15'00" E

(B.R.L.) BUILDING RESTRICTION LINE BY PLAT

--//-- 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.

IMPERVIOUS CALCULATIONS

LOT AREA = 5,453± SQUARE FEET

DESCRIPTION	SQUARE FEET
BUILDING AREA	1,869±
ENTRY	14±
PORCH/LANAI	67±
FLATWORK	729±
A/C PAD(S)	12±

TOTAL IMPERVIOUS AREA = 2,691±

TOTAL DENSITY = 49.3%

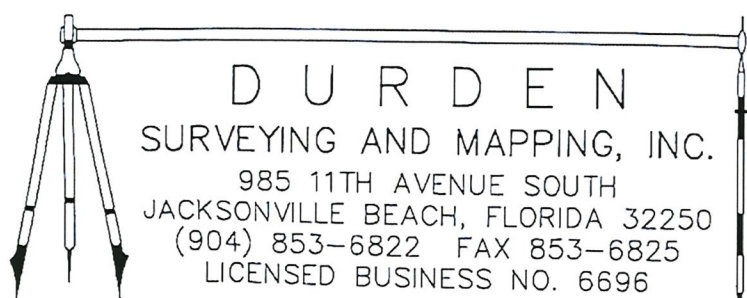
CERTIFIED TO:

JOSUE GARCIA

RECEIVED

23-100001

JAN 10 2023



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 standards of practice as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027, Florida Statutes and Chapter 5J17 Florida Administrative Code

STATE OF FLORIDA
Bruce Durdan
FLORIDA REGISTERED SURVEYOR No. 4707
H. BRUCE DURDEN, Jr.

FIELD: OCTOBER 2, 2021

CAD FILE NO. L-1(1485 EASTWIND DR N).DWG

SCALE: 1" = 20'

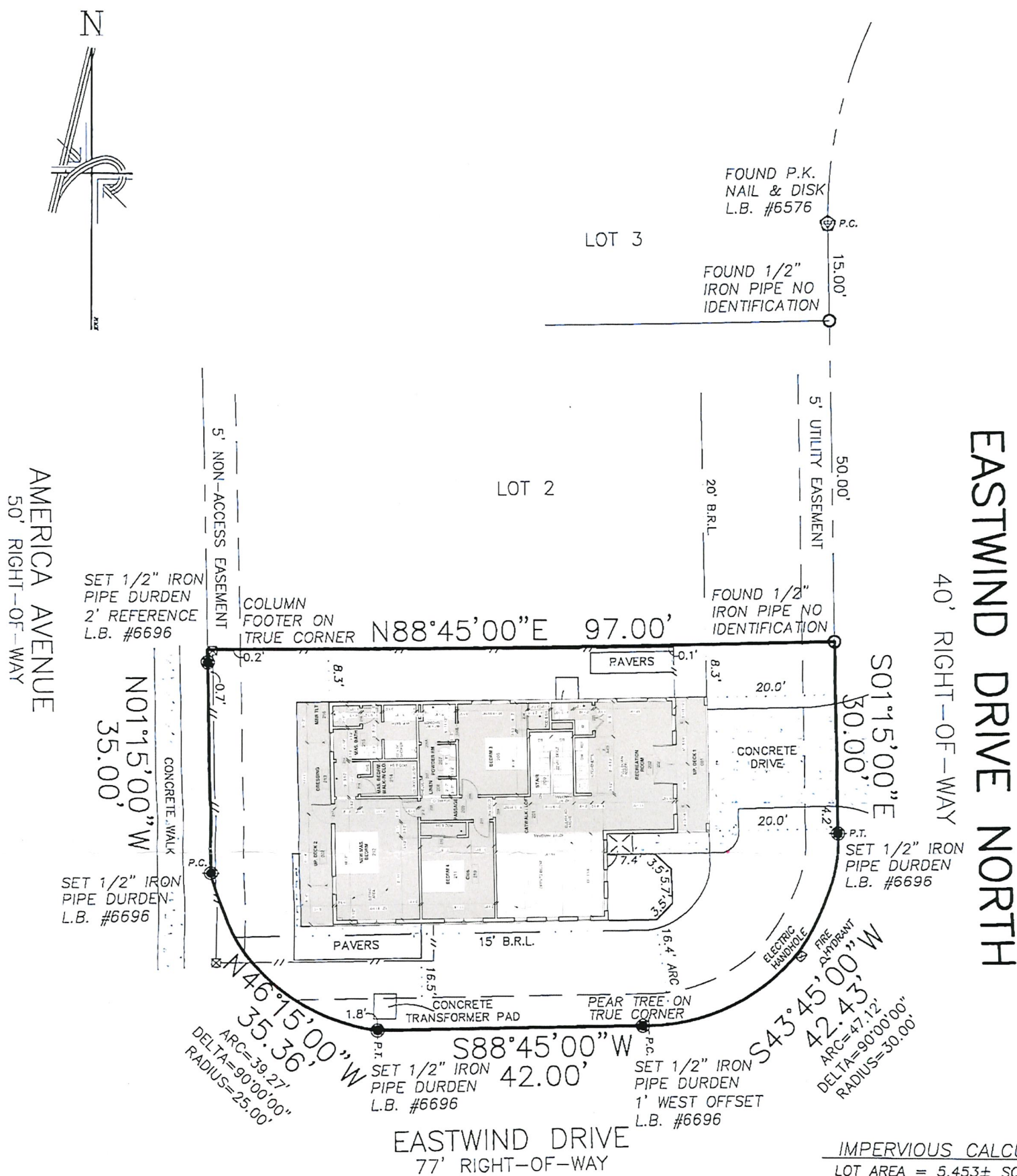
WORK ORDER NUMBER: 21529

B-10053

Second Story Proposed

MAP SHOWING BOUNDARY SURVEY OF:

LOT 1, SEABREEZE PARK, AS RECORDED IN PLAT BOOK 45, PAGES 22 & 22A OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



NOTES:

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

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(B.R.L.) BUILDING RESTRICTION LINE BY PLAT

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

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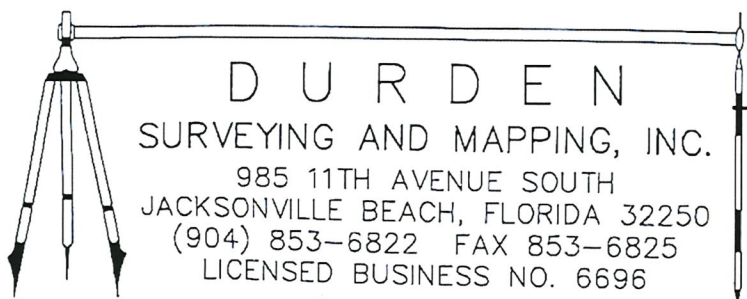
TOTAL DENSITY = 49.3%

CERTIFIED TO:

JOSUE GARCIA

RECEIVED
23-100001

JAN 10 2023



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 standards of practice as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027, Florida Statutes and Chapter 5J17 Florida Administrative Code

STATE OF FLORIDA
BRUCE DURDEN, JR.
FLORIDA REGISTERED SURVEYOR No. 4707

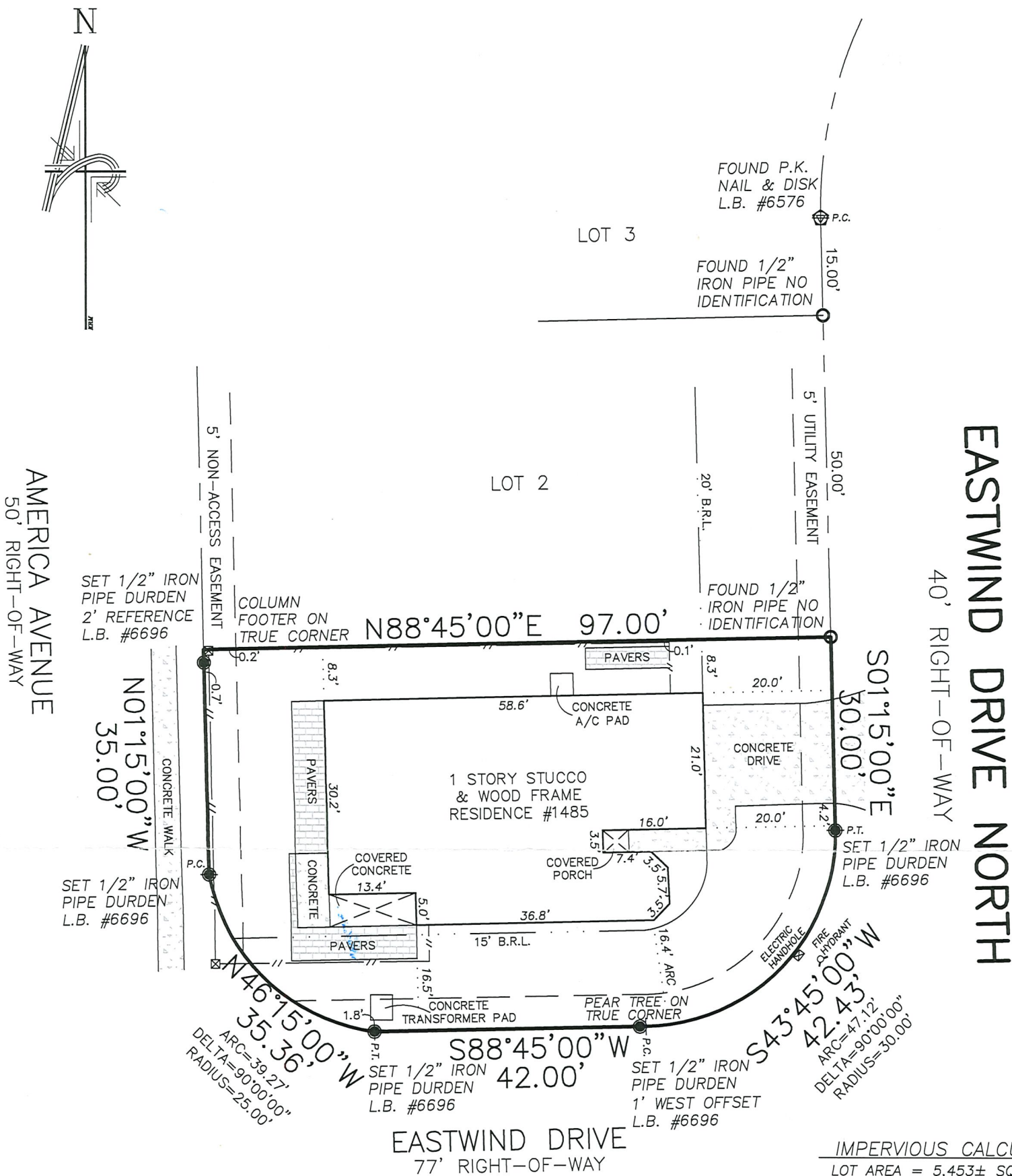
FIELD: OCTOBER 2, 2021
CAD FILE NO. L-1(1485 EASTWIND DR N).DWG
SCALE: 1" = 20'
WORK ORDER NUMBER: 21529

B-10053

EXISTING.

MAP SHOWING BOUNDARY SURVEY OF:

LOT 1, SEABREEZE PARK, AS RECORDED IN PLAT BOOK 45, PAGES 22 & 22A OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



NOTES:

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FLATWORK	729±
A/C PAD(S)	12±

TOTAL IMPERVIOUS AREA = 2,691±

TOTAL DENSITY = 49.3%

CERTIFIED TO:

JOSUE GARCIA

PLANNING & DEVELOPMENT



DURDEN
SURVEYING AND MAPPING, INC.
985 11TH AVENUE SOUTH
JACKSONVILLE BEACH, FLORIDA 32250
(904) 853-6822 FAX 853-6825
LICENSED BUSINESS NO. 6696

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.

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

FIELD: OCTOBER 2, 2021

CAD FILE NO. L-1(1485 EASTWIND DR N).DWG

SCALE: 1" = 20'

WORK ORDER NUMBER: 21529

B-10053



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

BOA#23-100002

Zoning: C-1
RE: 176317-0000
Legal: South half of lots 11 & 12, Block 153, Pablo Beach South.
Address: 0 2nd Street

Request

Section(s): 34-342(e)(3)a, for a front yard setback of 6 feet 9 inches (6'9") in lieu of 10 feet minimum; and 34-342(e)(3)b, for a corner side-yard setback of 3 feet 3 inches (3'3") in lieu of 10 feet minimum

Existing Conditions

The subject property is comprised of the south half of two lots of record, (circa 1908) located in the Commercial future land use category. The property is currently zoned Commercial Limited: C-1. The subject site is 100 feet wide by 62.5 feet in depth, with an overall area of 6,250 square feet. The subject site is currently vacant, and is surrounded by a mix of uses including multifamily and commercial to the north, commercial retail gas sales to the west, multifamily to the east, and City recreational park use to the south. The proposed use is a professional office. The applicant received a variance in August of 2022 for parking reductions related to the first floor parking and office use. The applicant at the time had not fully designed the structure and now is requesting some setback relief for two cantilevered balconies that encroach into the front and corner side yard setbacks. The balcony wraps the corner of the third floor, and does not alter the first and second floor setback, nor does it have any impact on the vision triangle at the corner of 2nd Street South and 16th Avenue South.

BOA #22-100085 for 3 compact parking spaces in lieu of three full sized spaces, and 11 parking spaces and one bicycle space in lieu of 28 spaces minimum.

Staff Analysis

The proposed redevelopment of this currently vacant lot will consist of a three story office building, where by the first floor will be parking only, with limited access points for stairs and elevator, and the remaining two floors will be elevated above the parking on columns, while maintaining the maximum height of 35 feet. Given the small nature of the site, the applicant's design is creative and allows them to provide as much parking as possible on site, while maximizing their usable square footage. When preliminary approval was received for the parking variance in 2022, the



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

structure was not fully architecturally designed. Upon completion of the design a third floor wrap around balcony was added to the southeast corner of the structure. The applicant is now proposing a third floor setback encroachment to the front and corner side yard setbacks for the third floor balcony only. The subject parcel is smaller than some residential parcels, but is currently zoned C-1. Given the small nature of the parcel, and the fact that the proposed encroachments are only along public rights of way at the third floor level, staff does not feel this will have a negative impact on surrounding properties.

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.
- Floor area: None.
- Maximum lot coverage: Eighty-five (85) 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 site is zone C-1 and has no minimum lot size requirement, but is rather small for any type of commercial use. The proposed design utilizes the first floor for parking and access only, and the building's bulk and massing will primarily be within the setbacks. The lot, being small and on a corner, adds additional setbacks to two of the street fronting sides, which reduces the buildable area as compared to other commercial lots in the area.



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

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 partial lots from a 1908 platted subdivision. The applicant purchased the property in its current configuration.

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 that are unable to provide adequate parking when constructed at one story. The use of the first floor as parking allows the applicant to provide parking, but pushes the occupied area up and forces them to maximize the lot area on the remaining two stories. Many of these are existing structures that could not be occupied by many or all uses in the C-1 district without relief

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 corner side yard and front yard setbacks, and the fact that the first floor must be dedicated to parking alone, would limit the useful area of the building in square footage. Approval of the proposed setback reductions allows for a small increase in occupied area.

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 commercial office building. The proposed balconies encroach along the third floor only, and will not impact the ground and pedestrian setbacks along the structure, adequate landscaping will still be provided, and the proposed encroachment is the smallest variance needed to accomplish the proposed project.



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

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

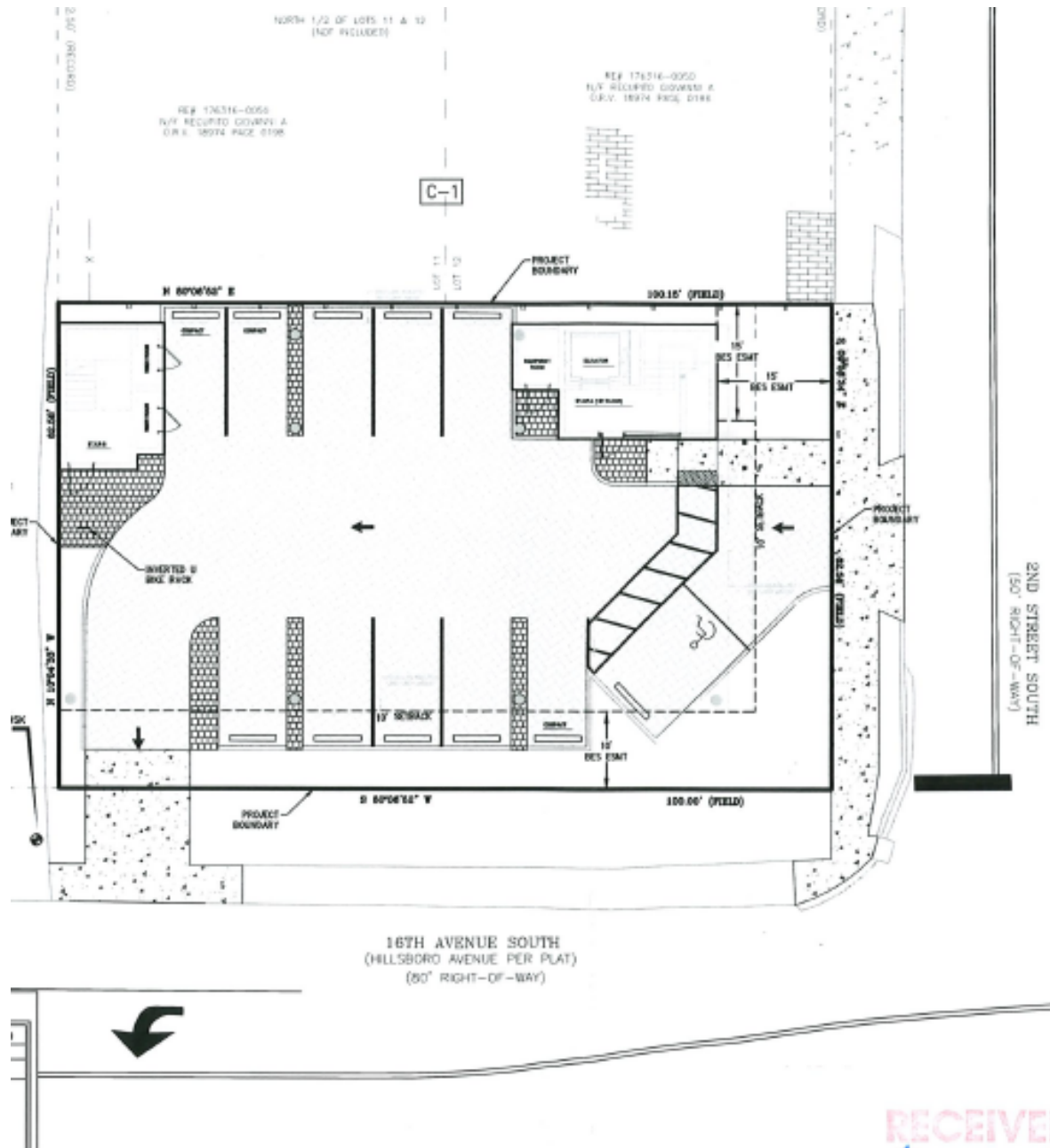
Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#23-100002**

Location Map (property boundaries are representative only)



[illegible]

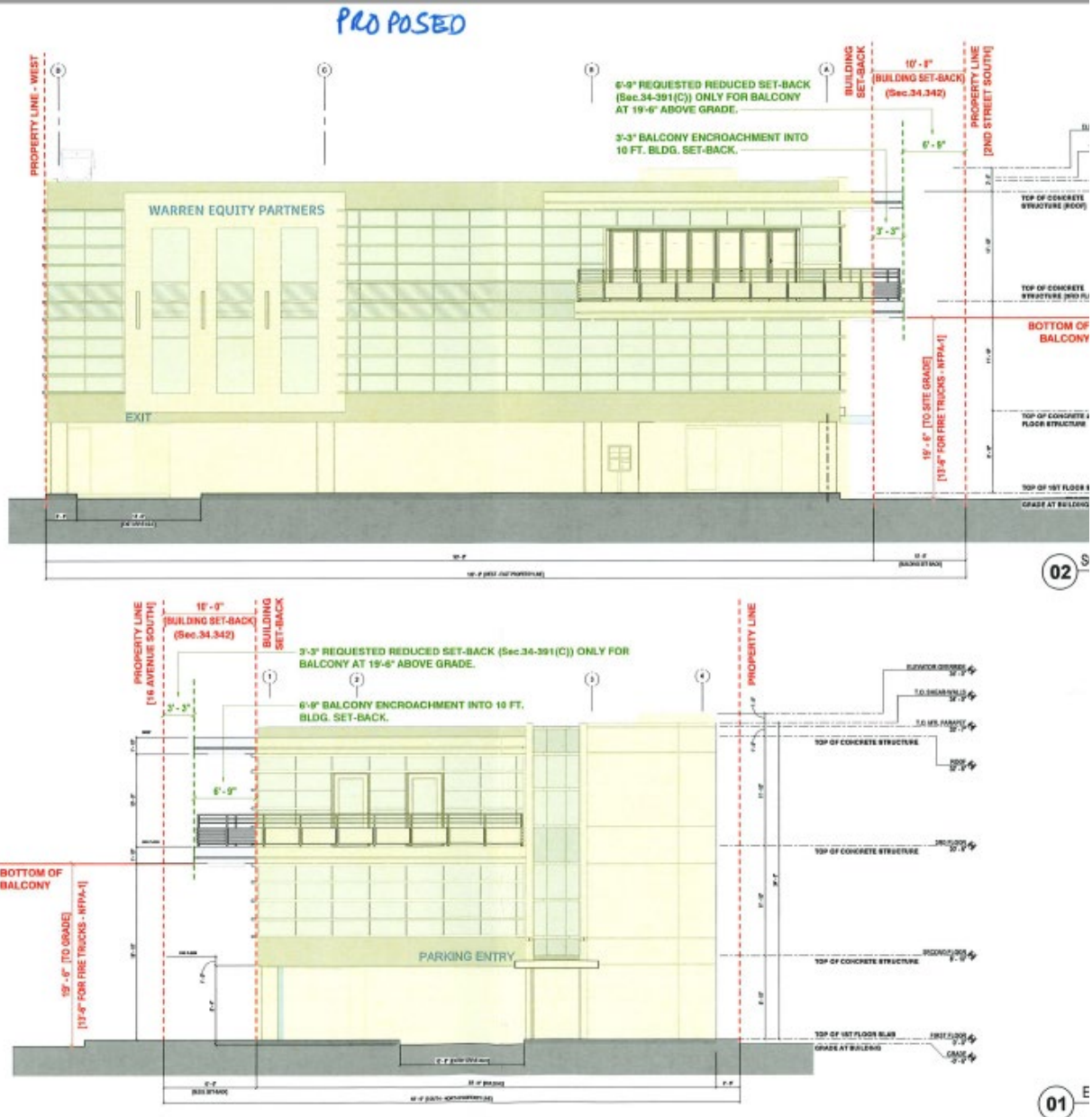
Proposed Site Plan





Renderings

2ND STREET SOUTH - PARCEL NO. 176317 0000 JACKSONVILLE BEACH, FL.





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





APPLICATION FOR VARIANCE

BOA NO. 23-100002

HEARING DATE 2-22-23

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.

JAN 11 2023

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: 0 2nd Street Acquisition, LLC **Telephone:** (904) 746-7027
Mailing Address: 5555 Gate Parkway, Suite 150 **E-Mail:** wacaster@warrenequity.com
Jacksonville, FL 32256

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

Landowner Name: 0 2nd Street Acquisition, LLC **Telephone:** (904) 746-7027
Mailing Address: 5555 Gate Parkway, Suite 150 **E-Mail:** wacaster@warrenequity.com
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. **See Attachment 'A'**

VARIANCE DATA

Street address of property and Real Estate Number: 0 2nd St., Jacksonville Beach, FL 32250, 176317-0000
 Legal description of property (Attach copy of deed): The south half lots of 11 and 12, block 153, Pablo Beach South
 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).
See Attachment 'A'

AFFIDAVIT

I, Steven Wacaster, 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.

[Signature]
 APPLICANT SIGNATURE

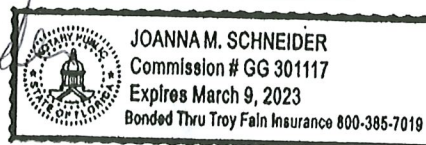
Steven Wacaster
 PRINT APPLICANT NAME

1/11/2023
 DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 11th day of January, 20 23, by Steven Wacaster, who is personally known to me or produced _____ as identification.

[Signature]
 NOTARY PUBLIC SIGNATURE
Joanna M Schneider
 PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: C-1 FLOOD ZONE: AE

CODE SECTION (S):
34-342(e)(3)a, for a front yard setback of 6 feet 9 inches (6'9") in lieu of 10 feet minimum; and 34-342 (e)(3)b, for a corner side-yard setback of 3 feet 3 inches (3'3") in lieu of 10 feet minimum to allow for the addition of second and third floor cantilevered balconies on a proposed new commercial office structure

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100002

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.

JAN 11 2023

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	In order to render this parcel effective for it's intended use and for the Owner's required minimum occupancy, the balcony must intrude into the front yard setbacks.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	In order to render this parcel effective for it's intended use and for the Owner's required minimum occupancy, the balcony must intrude into the front yard setbacks.
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	Similar variances have been granted in the past.
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	Similar variances have been granted in the past.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	For the reasons noted above.
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	For the reasons noted above.

Warren Equity Partners Office Building
 Jacksonville Beach, Florida
 Application for Variance – 1/10/2023

RECEIVED
 23-100002
 JAN 11 2023

VARIANCE DATA ATTACHMENT

PLANNING & DEVELOPMENT

This site is zoned C-1 and the proposed new development will be a 3-story office building with parking on the ground floor and occupied 2nd and 3rd floors. The proposed office building will be approximately 8,600 gross s.f.

VARIANCE REQUEST:

1. Zoning C-1 Yard Building Setbacks (Sec. 34.342):
 - Front Yards (both street frontages at corners): Ten (10) feet
 - Side Yards: None
 - Rear Yard: None
2. Building footprint at the ground, 2nd and 3rd floor levels are within the zoning yard setback requirements.
3. The 3rd floor cantilevered balcony is 19'-6" above grade and encroaches into the front yard setbacks as follows:
 - East: 3'-3" encroachment
 - South: 6'-9" encroachment
4. As per Sec. 34-391(C) balconies may not intrude into required yards. This variance request is for reduced setback as follows:
 - East (along 2nd Street South): 6'-9" reduced setback
 - South (along 16th Avenue South): 3'-3" reduced setback

Note: See attached site plan, building elevations and renderings for supporting information.

ADDITIONAL APPLICANT INFORMATION

Design Professionals Assisting the Owner:

Architect: RDB Design Associates
 Jacksonville, Florida
 Carlos DelValle, AIA LEED AP, BD + C
 Principal – Architect
 carlos.delvalle@rdbi.net

Civil Engineer: Kennedy Civil Services
 Charles Kennedy, P.E.
 President
 chuck@kennedycivilservices.com

Prepared By and Return To:
St. Johns Title, LLC
Attn: Rachel R. Kotchkowski
5000 Sawgrass Village Circle, Suite 8
Ponte Vedra Beach, FL 32082

RECEIVED
23-100002

JAN 11 2023

PLANNING & DEVELOPMENT

Order No.: 22-01007

Property Appraiser's Parcel I.D. (folio) Number:
176317-0000

WARRANTY DEED

THIS WARRANTY DEED dated May 5, 2022, by **Rose Mary Bateh, individually and as Trustee of the RB IPUG Trust, dated September 25, 2015**, whose post office address is 13055 Sandwedge Ct., Jacksonville, Florida 32224 (the "Grantor"), to **0 2nd Street Acquisition, LLC, a Florida Limited Liability Company**, whose post office address is 5555 Gate Pkwy., Ste. 150, Jacksonville, Florida, 32256 (the "Grantee").

(Wherever 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)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of DUVAL, State of Florida, viz:

The South half of Lots 11 and 12, Block 153, Pablo Beach South, according to the map or plat thereof as recorded in Plat Book 3, Page 28, of the current public records of Duval County, Florida.

The land described herein is not the homestead of the grantor(s), and neither the grantor(s) nor the grantor(s) spouse, nor anyone for whose support the grantor(s) is responsible, resides on or adjacent to said land.

Subject to easements, restrictions, reservations and limitations 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 whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2021.

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

Signed, sealed and delivered in presence of:

Rachel Kotchkowski
Witness Signature

Rachel Kotchkowski
Printed Name of First Witness

Andrew Aleman
Witness Signature

Andrew Aleman
Printed Name of Second Witness

Rose Mary Bateh, as Trustee of the RB IPUG Trust, dated September 25, 2015

BY: Rose Bateh
Rose Mary Bateh
Individually and as Trustee

Grantor Address:
13055 Sandwedge Ct.
Jacksonville, FL 32224-8419

STATE OF FLORIDA

COUNTY OF St. Johns

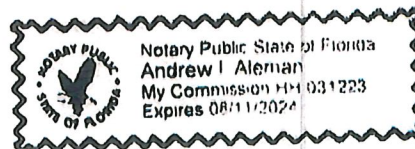
I, Andrew Aleman, a Notary Public for the State of Florida, do hereby certify that Rose Mary Bateh, individually and as Trustee of the RB IPUG Trust, dated September 25, 2015 personally appeared before me this day by means of physical presence, presented Drivers License as identification, and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 5 day of May, 2022.

Andrew Aleman
Notary Public

My Commission Expires:

(SEAL)





23-100002

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

Detail by Entity Name

Florida Limited Liability Company
0 2ND STREET ACQUISITION LLC

Filing Information

Document Number L22000163844
FEI/EIN Number NONE
Date Filed 04/19/2022
State FL
Status ACTIVE

Principal Address

5555 GATE PARKWAY, SUITE 150
JACKSONVILLE, FL 32256

Mailing Address

5555 GATE PARKWAY, SUITE 150
JACKSONVILLE, FL 32256

Registered Agent Name & Address

CAPITOL CORPORATE SERVICES, INC.
515 EAST PARK AVENUE, 2ND FLOOR
TALLAHASSEE, FL 32301

Authorized Person(s) Detail

Name & Address

Title MBR

STEVEN WACASTER
5555 GATE PARKWAY, SUITE 150
JACKSONVILLE, FL 32256

Annual Reports

No Annual Reports Filed

Document Images

04/19/2022 -- Florida Limited Liability. [View image in PDF format](#)

CERTIFIED MAIL RETURN - RECEIPT REQUESTED

7020 2450 0000 7999 6721

August 19, 2022

0 2nd Street Acquisition, LLC
 Steve Wacaster
 5555 Gate Parkway, Ste. 150
 Jacksonville, FL 32256

DEVELOPMENT ORDER FOR VARIANCE

BOA#22-100085

'0' 2nd Street SouthThe South half of Lots 11 and 12, Block 153, *Pablo Beach South*

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 6:00 p.m. on Tuesday, August 16, 2022, in the City Council Chambers located at 11 3rd Street North, Jacksonville Beach, Florida, to consider development permit application(s) requesting to deviate from the requirements of the Land Development Code as described below:

- 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

In support of its request for a variance, the applicant submitted an application, with supporting documentation. At the public hearing, the applicant supplemented the application with testimonial evidence.

Based on the review and discussion of said application and the consideration of any competent and substantial evidence in the form of the staff report and testimony provided during the duly advertised public hearing, the Board of Adjustment determined this application for development met all the standards applicable for authorizing a variance pursuant to Land Development Code Section 34-286.

Upon this competent substantial evidence, The Board Approved the request based on the applicant's ability to provide sufficient evidence to meet all the standards.

This development order does not constitute final approval to commence the development proposed in the referenced application(s). The applicant shall comply with all other applicable requirements of the Land Development Code, including any additional review requirements, and shall apply for and obtain all necessary permits before initiating development. Information about permitting, including official address assignments, application forms, and checklists, is available in our office or online at www.jacksonvillebeach.org/building.

CONTINUED ON PAGE 2



Attached is a copy of the submitted site plan for your records. Copies of this development order and the attached site plan shall be submitted when applying for any future development or building permit applications.

Sincerely,

Christian Popoli
 Senior Planner

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.

*Reference
 22-100085*

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

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

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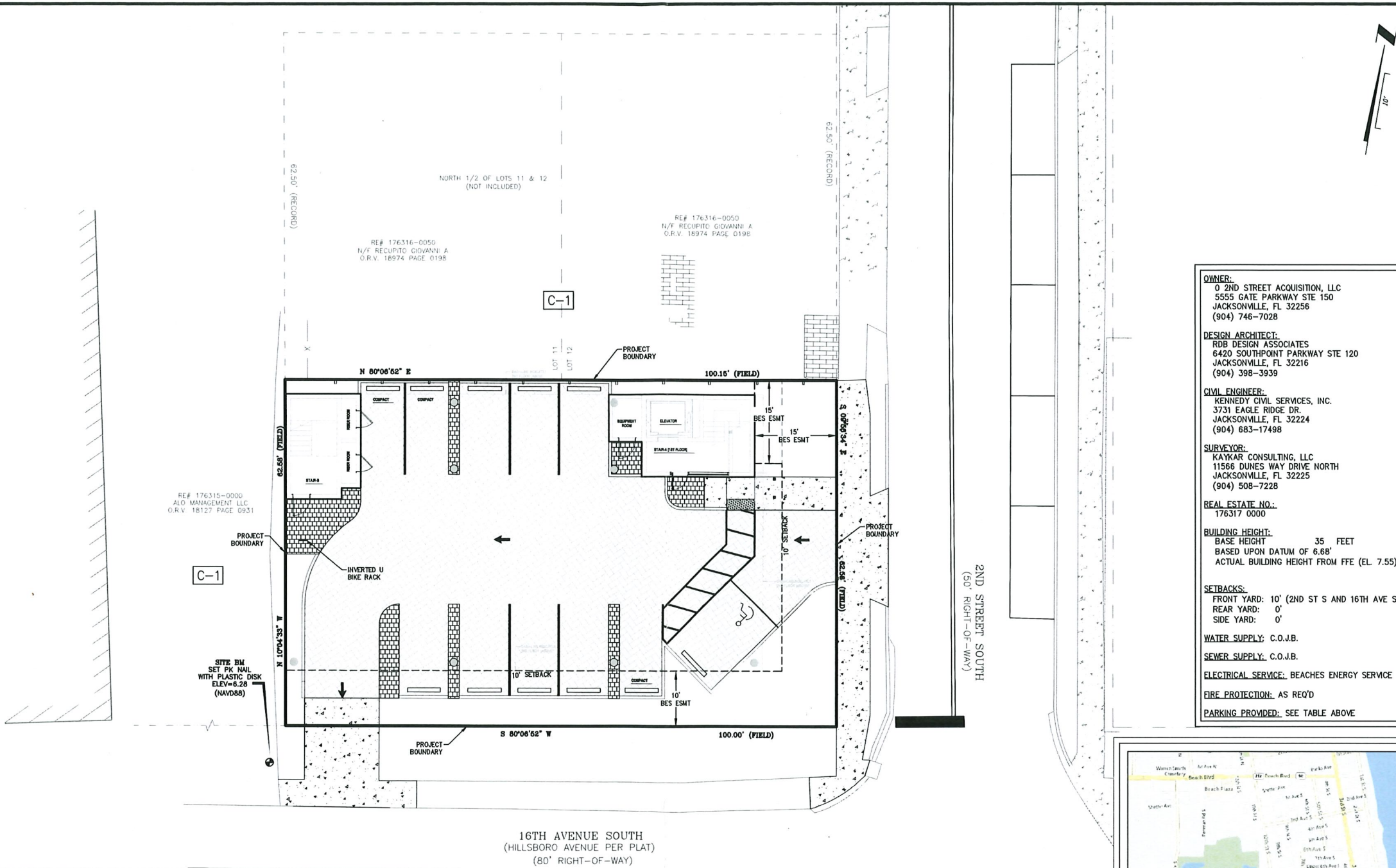
BOA#22-100085

PROPOSED

Printed By: Nicola

Printed: Jan 08, 2023 - 7:18pm

J:\2022-012 Warren Equity Office Bldg\Design\Drawings\Plots\22-012-MSite-Sheets.dwg



OWNER:
O 2ND STREET ACQUISITION, LLC
5555 GATE PARKWAY STE 150
JACKSONVILLE, FL 32256
(904) 746-7028

DESIGN ARCHITECT:
RDB DESIGN ASSOCIATES
6420 SOUTHPOINT PARKWAY STE 120
JACKSONVILLE, FL 32216
(904) 398-3939

CIVIL ENGINEER:
KENNEDY CIVIL SERVICES, INC.
3731 EAGLE RIDGE DR.
JACKSONVILLE, FL 32224
(904) 683-1748

SURVEYOR:
KAYKAR CONSULTING, LLC
11566 DUNES WAY DRIVE NORTH
JACKSONVILLE, FL 32225
(904) 508-7228

REAL ESTATE NO.:
176317 0000

BUILDING HEIGHT:
BASE HEIGHT 35 FEET
BASED UPON DATUM OF 6.68'
ACTUAL BUILDING HEIGHT FROM FFE (EL. 7.55) = 34'0"

SETBACKS:
FRONT YARD: 10' (2ND ST S AND 16TH AVE S)
REAR YARD: 0'
SIDE YARD: 0'

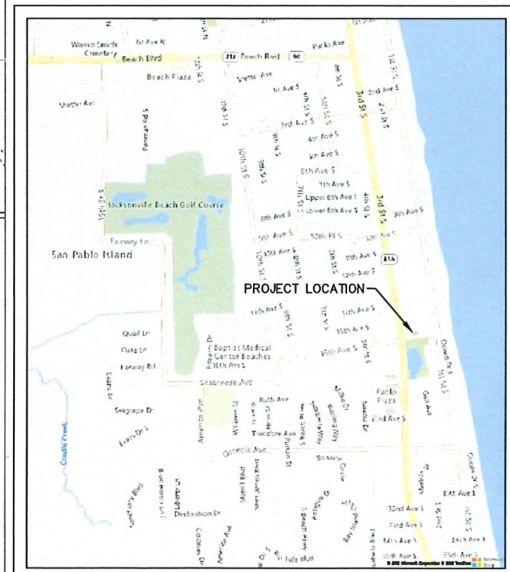
WATER SUPPLY: C.O.J.B.

SEWER SUPPLY: C.O.J.B.

ELECTRICAL SERVICE: BEACHES ENERGY SERVICE

FIRE PROTECTION: AS REQ'D

PARKING PROVIDED: SEE TABLE ABOVE



VICINITY MAP
N.T.S.

SITE TABULATION						
DESCRIPTION	UNITS	PARKING RATIO	REQUIRED PARKING		*PARKING PROVIDED	
			STANDARD	H/C	STANDARD	H/C
OFFICE	8,160 SF	1/300 SF	27	1	10	1
TOTAL:			28		11*	
*NOTE: PER BOA#22-100085 THE PROJECT HAS BEEN APPROVED FOR A TOTAL OF ELEVEN (11) PARKING SPACES AND ONE (1) BICYCLE PARKING AREA IN LIEU OF THE REQUIRED 28 PARKING SPACES. BOA#22-100085 ALSO APPROVED THE REDUCTION OF PARKING SPACE WIDTH FROM 9' TO 8' FOR THREE (3) OF THE TEN (10) STANDARD PARKING SPACES.						
**IMPERVIOUS:			PERVIOUS:		17.4%	
PROPOSED BUILDING	4,325 S.F. (0.100 Ac.)		GREEN SPACE	1,091 S.F. (0.025 Ac.)		
CONC. PAVMT & SW	255 S.F. (0.006 Ac.)		TOTAL SITE AREA:	6,263 S.F. (0.144 Ac.)		
PAVERS	592 S.F. (0.013 Ac.)		ZONING:	C-1		
TOTAL IMPERVIOUS:	5,172 S.F. (0.119 Ac.)					
**NOTE: CONCRETE AND PAVER QUANTITIES SHOWN ARE THOSE THAT ARE NOT UNDER THE BUILDING.						

LEGAL DESCRIPTION:
THE SOUTH HALF OF LOTS 11 AND 12, BLOCK 153, PABLO BEACH SOUTH, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 3, PAGE 28, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FL.

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JAN 11 2023

PLANNING & DEVELOPMENT



3731 Eagle Ridge Drive, Jacksonville, Florida 32224
904.683.1748 · chuck@kennedycivilservices.com
Florida Registry 34764

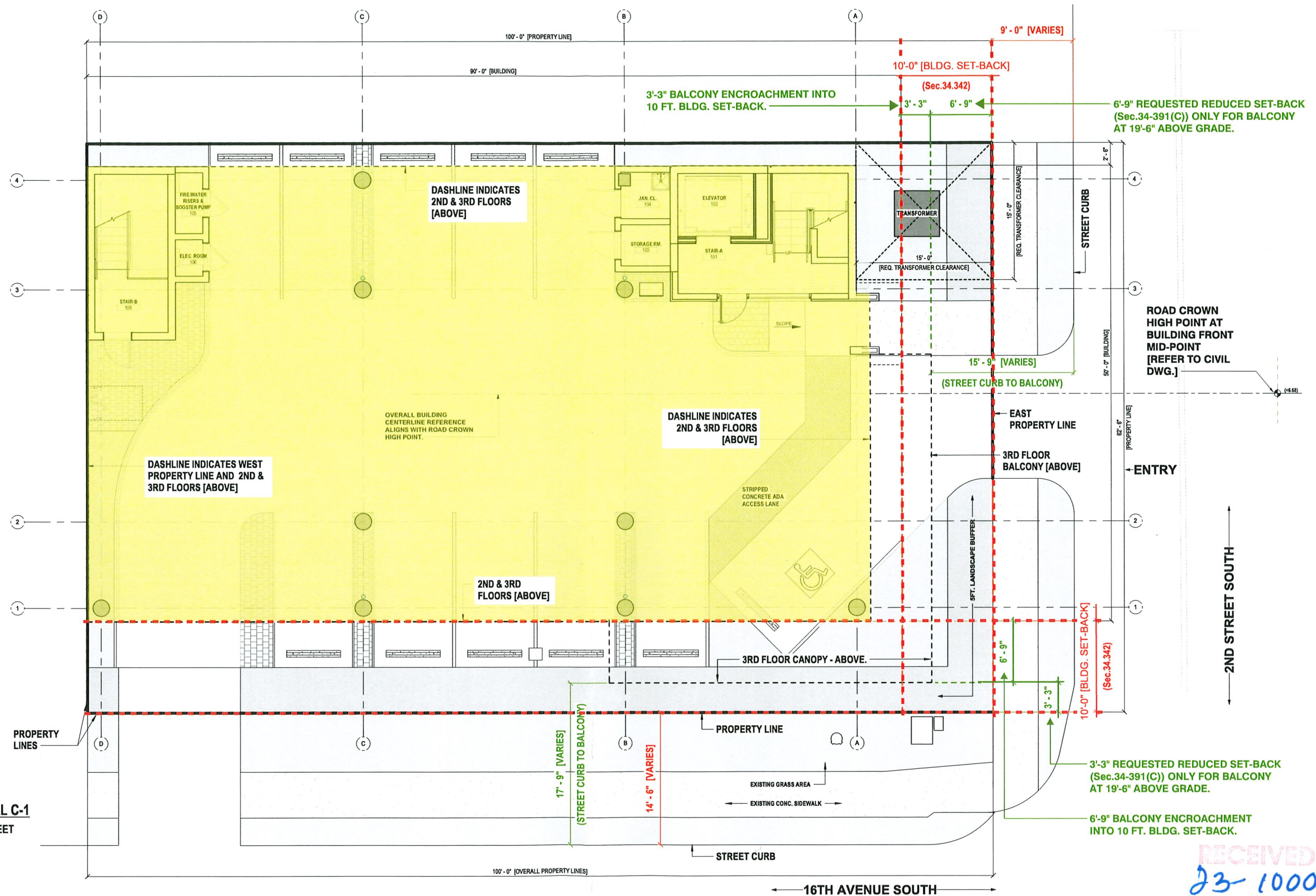
MASTER SITE PLAN

WARREN EQUITY
OFFICE BUILDING
JACKSONVILLE BEACH, FLORIDA
PREPARED FOR
WARREN EQUITY PARTNERS, LLC



Project No.: 22-012
Date: JANUARY 2023
Scale: 1" = 10'
Sheet 4

PROPOSED



ZONING (Sec.34-342): COMMERCIAL C-1
 FRONT YARD BLDG. SETBACKS: TEN (10) FEET
 SIDE YARD BLDG. SETBACK: NONE
 REAR YARD BLDG. SETBACK: NONE

TEXT LEGEND

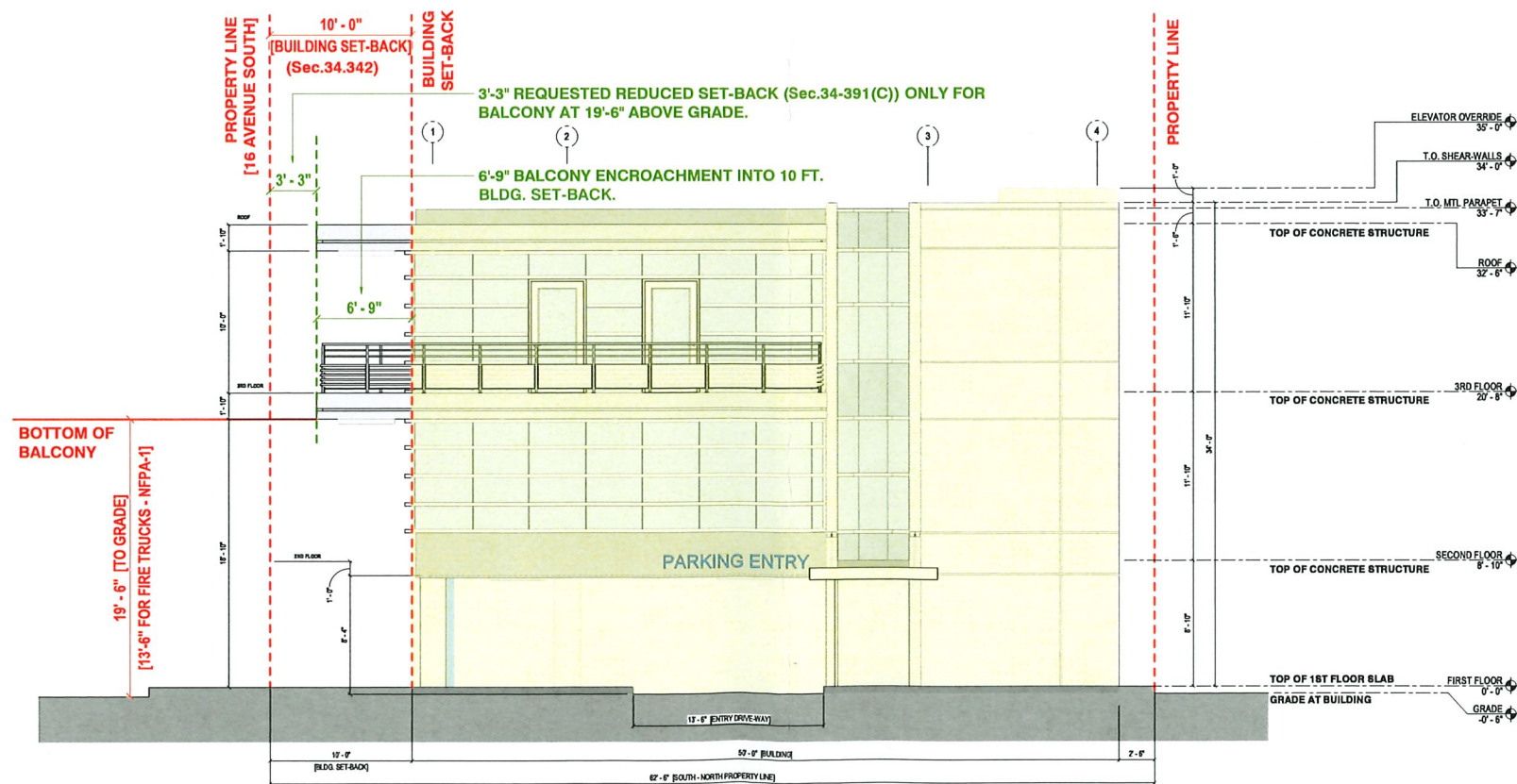
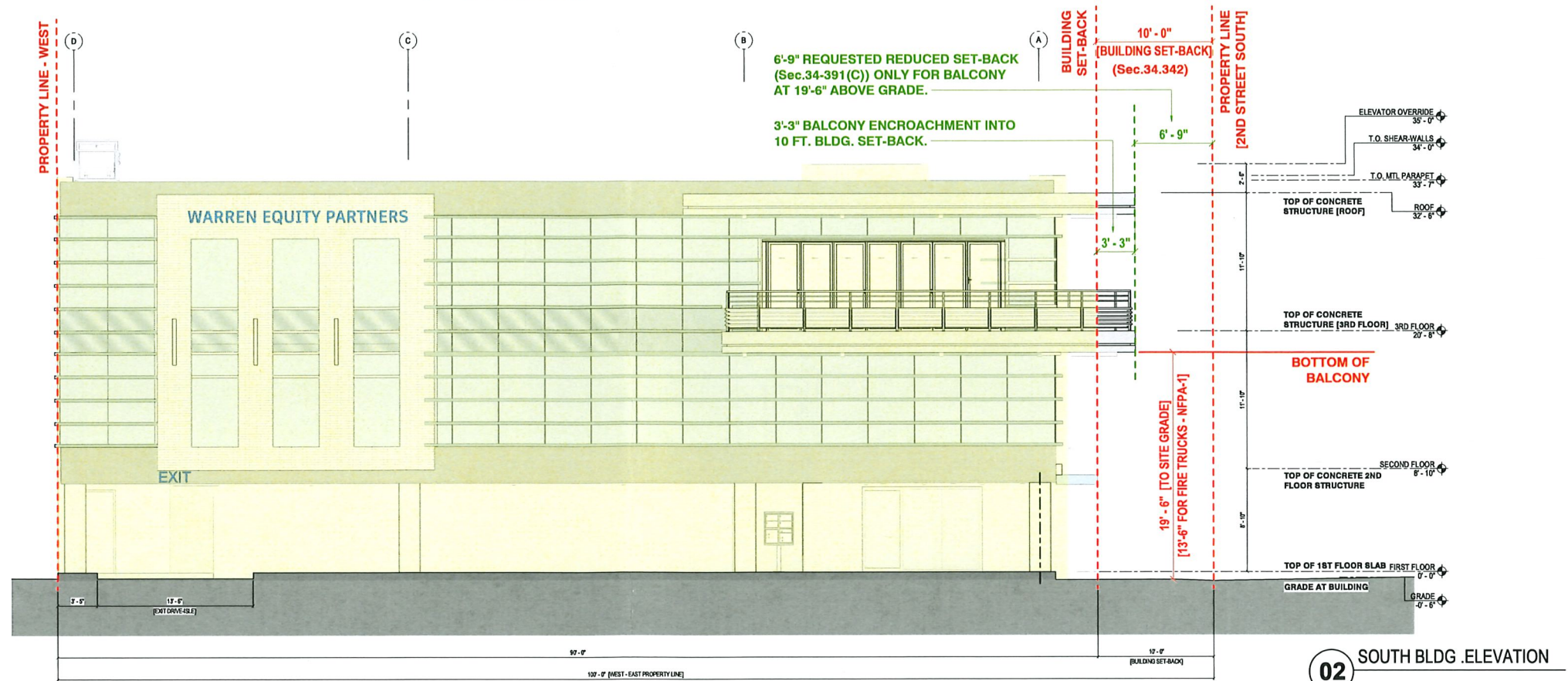
- CODE SETBACK REQUIREMENT
- REQUESTED SETBACK VARIANCE
- BUILDING FOOTPRINT AT GROUND LEVEL

RECEIVED
 23-100007
 JAN 11 2023

PLANNING & DEVELOPMENT



PROPOSED



ZONING (Sec.34-342): COMMERCIAL C-1
 FRONT YARD BLDG. SETBACKS: TEN (10) FEET
 SIDE YARD BLDG. SETBACK: NONE
 REAR YARD BLDG. SETBACK: NONE

TEXT LEGEND

- CODE SETBACK REQUIREMENT
- REQUESTED SETBACK VARIANCE
- BUILDING FOOTPRINT AT GROUND LEVEL

RECEIVED
 22-100 002
 JAN 11 2023

PLANNING & DEVELOPMENT

WARREN EQUITY PARTNERS SHELL BUILDING - SETBACK VARIANCE

2ND STREET SOUTH - PARCEL NO. 176317 0000 JACKSONVILLE BEACH, FL.

PROPOSED



RECEIVED
23-100002
JAN 11 2023

PLANNING & DEVELOPMENT

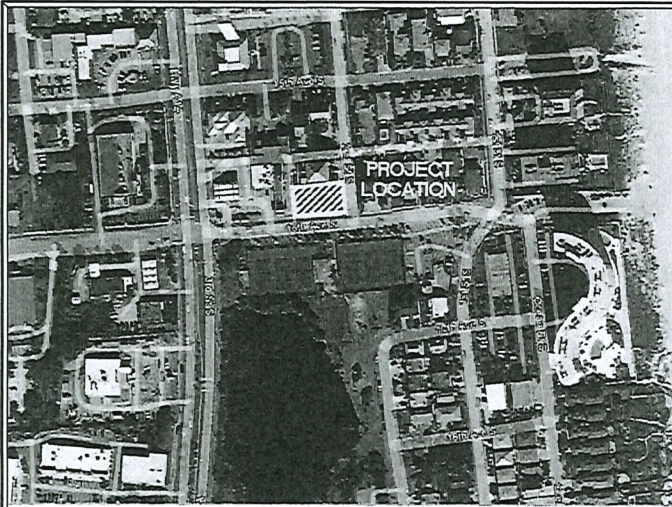


RDB PROJECT No.: 2022-005
UPDATED: 01/09/2023
SHEET: 3 of 3

SOUTHEAST STREET VIEW - CORNER OF 16TH AVE. & 2ND STREET S. - SETBACK VARIANCE
2ND STREET SOUTH - PARCEL NO. 176317 0000 JACKSONVILLE BEACH, FL.

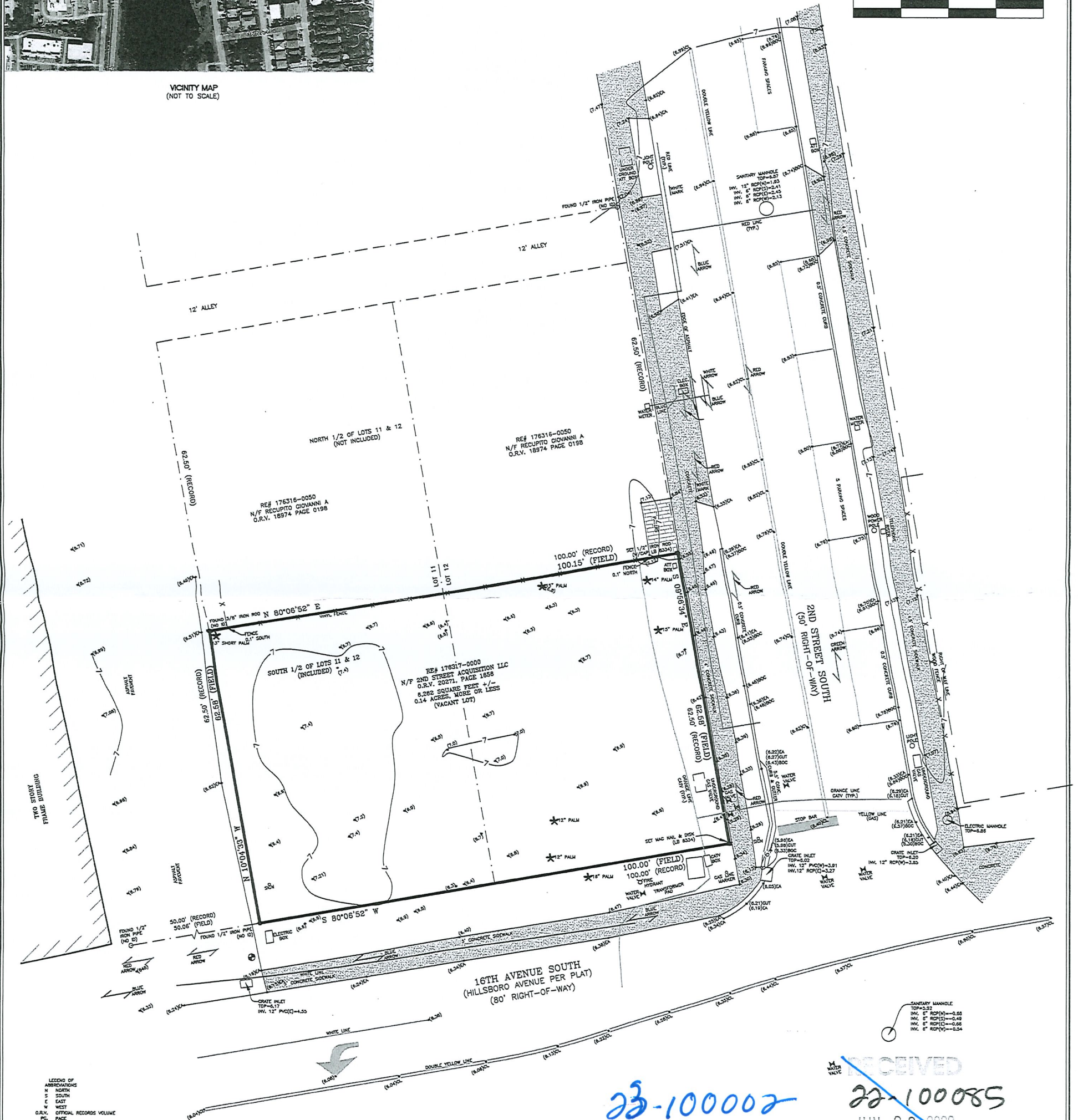
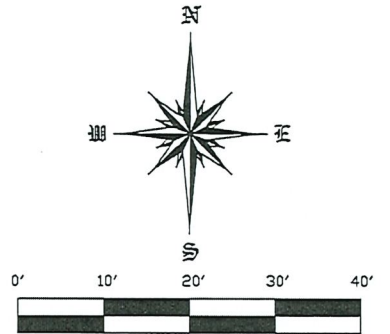
WARREN
EQUITY PARTNERS

EXISTING



VICINITY MAP
(NOT TO SCALE)

MAP SHOWING A SURVEY OF
THE SOUTH HALF OF LOTS 11 AND 12, BLOCK 153, PABLO BEACH SOUTH, ACCORDING TO THE MAP OR PLAT THEREOF AS
RECORDED IN PLAT BOOK 3, PAGE 28, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



LEGEND OF
ABBREVIATIONS
N NORTH
S SOUTH
E EAST
W WEST
O.A.V. OFFICIAL RECORDS VOLUME
P.C. PAGE
N/F NOW OR FORMERLY
R.E. REAL ESTATE NUMBER
L.B. LICENSED BUSINESS
B.O.C. BACK OF CURB
C.A. CURB OF ASPHALT
C.U. CONCRETE
O.U. OVERHEAD UTILITY
C.L.F. CHAIN LINK FENCE
W.F. WOOD FENCE
D.H. DECIDUOUS HARDWOOD
F.O.C. FLAG OF CURB
T.O.C. TOP OF CURB
U.N.K. UNKNOWN
D.N.C. ENCROACHMENT

SURVEY NOTES

- 1.) This is a BOUNDARY, TOPOGRAPHIC, AND TREE SURVEY.
- 2.) Bearings are based on THE STATE PLANE GRID (NAD83).
- 3.) Elevations shown hereon are (NAVD88) and were established by occupying 3 control points with a Leica GS08plus GNSS receiver (Serial # 185270) and recording said control points for 300 epochs (5 minutes).
- 4.) By graphic plotting only, the property shown hereon lies in Zone AE 3 as shown on the Federal Emergency Management Agency (FEMA), National Flood Insurance Program, Flood Insurance FIRMette 12031C0358J, with an effective date of 11/02/2018.
- 5.) Unless otherwise noted, any portion of the parcel that may be deemed as Wetlands by State or Governmental Agencies, has not been determined and any liability resulting therefrom is not the responsibility of the undersigned.
- 6.) There may be restrictions or easements of record evidenced by title examination that have not been shown hereon.

22-100002
RECEIVED

RECEIVED
22-100085
JUN 29 2022

JAN 11 2023

PLANNING & DEVELOPMENT

LEGEND:

- CONCRETE MONUMENT
- FOUND IRON PIPE (AS NOTED)
- FOUND IRON ROD (AS NOTED)
- "X" CUT IN CONCRETE
- FOUND NAIL AND DISK (AS NOTED)
- SET 1/2" HIGH ROD W/CAP (OUTLINE LB 8334)
- SET WAC NAIL AND DISK (OUTLINE LB 8334)
- "X" CUT (AS NOTED)
- CLEAN CUT
- CWP CORRUGATED METAL PIPE
- INLET
- N/F NOW OR FORMERLY
- O.A.V. OFFICIAL RECORDS VOLUME
- O.U. OVERHEAD UTILITY
- CE OVERHEAD ELECTRIC
- PVC POLYVINYL CHLORIDE
- RSP REINFORCED CONCRETE PIPE
- R.E. REAL ESTATE NUMBER

KeyKar Consulting, LLC
17582 BUNES WAY DRIVE NORTH
JACKSONVILLE, FL 32225
(904) 508-7228
keykarconsulting@gmail.com
LB 8334

Michael D. Brown
Professional Surveyor and Mapper
State of Florida
Date: 1/11/2023
Serial: 108506

Not valid unless Surveyor's Official Seal is embossed hereon.



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

BOA#23-100003

Zoning: RS-1
RE: 175356-0000
Legal: Lot 2, Block 13, Beaches Homesite Unit 3 Replat
Address: 1225 15th Avenue North

Request

Section(s): 34-336(e)(1)c.2, for an eastern side yard setback of 9.5 feet and a western side yard setback of 8.1 feet both in lieu of 10 feet minimum; 34-336(e)(1)d, for a floor area of 1,136 square feet in lieu of 1,600 square feet minimum and no garage in lieu of a one car garage minimum; and 34-336(e)(1)e, for lot coverage of 46.3% in lieu of 35% maximum to rectify existing non-conformities and allow for construction of a new swimming pool and pool deck attached to an existing single-family dwelling

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1956) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The subject lot is 40 feet in width and 108 feet in depth with an overall area of 7,560 square feet. The existing home was constructed in 1958, and as such was constructed prior to the adoption of the existing LDC. The request addresses existing nonconformities with the house, as well as the needed changes in dimensional standards to allow for the proposed pool and pool deck.

No previous variances, no active code enforcement.

Staff Analysis

The subject lot is substandard in both area and lot width. The RS-1 zoning district requires a minimum lot area of 10,000 square feet in area and minimum lot width of 90 feet. The subject property is 2,440 square feet smaller than the required minimum lot area. The maximum lot coverage for RS-1 is 35%, which for a full sized lot would be 3,500 square feet. The applicant is proposing 46.3% lot coverage, which amounts to 3,500 square feet in area. This would be 35% if the lot were full sized. The existing home has additional existing nonconformities, related to the age of construction that predates the existing LDC. The request seeks to allow for the new pool and pool deck increase in lot coverage while also addressing the nonconformities. Staff is of the opinion that the proposed lot coverage is a



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

reasonable request as it would give the applicant the amount of lot coverage that would otherwise have been allowed if the lot was a conforming size.

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 substandard in width and in area. Typically the hardship must be tied to the request in a logical manner, so a hardship in lot area could be cause for a lot coverage variance. As the lot is roughly 2,500 square feet smaller than the required lot size, the property has a legitimate hardship with regards to lot coverage. Additionally the existing home is constrained by its age of construction and the lot width which is 30 feet too narrow for the minimum in the RS-1 zoning district.



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

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 substandard and was platted as a substandard lot in 1956. Additionally the existing home was constructed in 1958, prior to the adoption of the existing LDC. The various hardships associated with this property were not created by the applicant.

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. Single family homes are frequently renovated, and for nonconforming structures, a substantial renovation would trigger a variance to address existing nonconformities, so the approval of the existing nonconformities would not be a special privilege. Additionally, swimming pool additions are a common accessory use in the RS-1 zoning district, and were this a conforming lot in area, the proposed lot coverage would be conforming.

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. Literal interpretation of the code creates nonconformities with the current older home, and strict use of lot coverage creates a hardship for any accessory use because of the small nature of the lot. Any increase in lot coverage would exceed the 35% maximum allowed in RS-1.

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 variance for addressing existing nonconformities is the minimum needed to allow for any future renovations and to bring the home into compliance with the current code. Additionally the request in lot coverage, although higher at 46.3% would constitute a conforming amount if the lot were a conforming size for the RS-1 zoning district.



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

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.

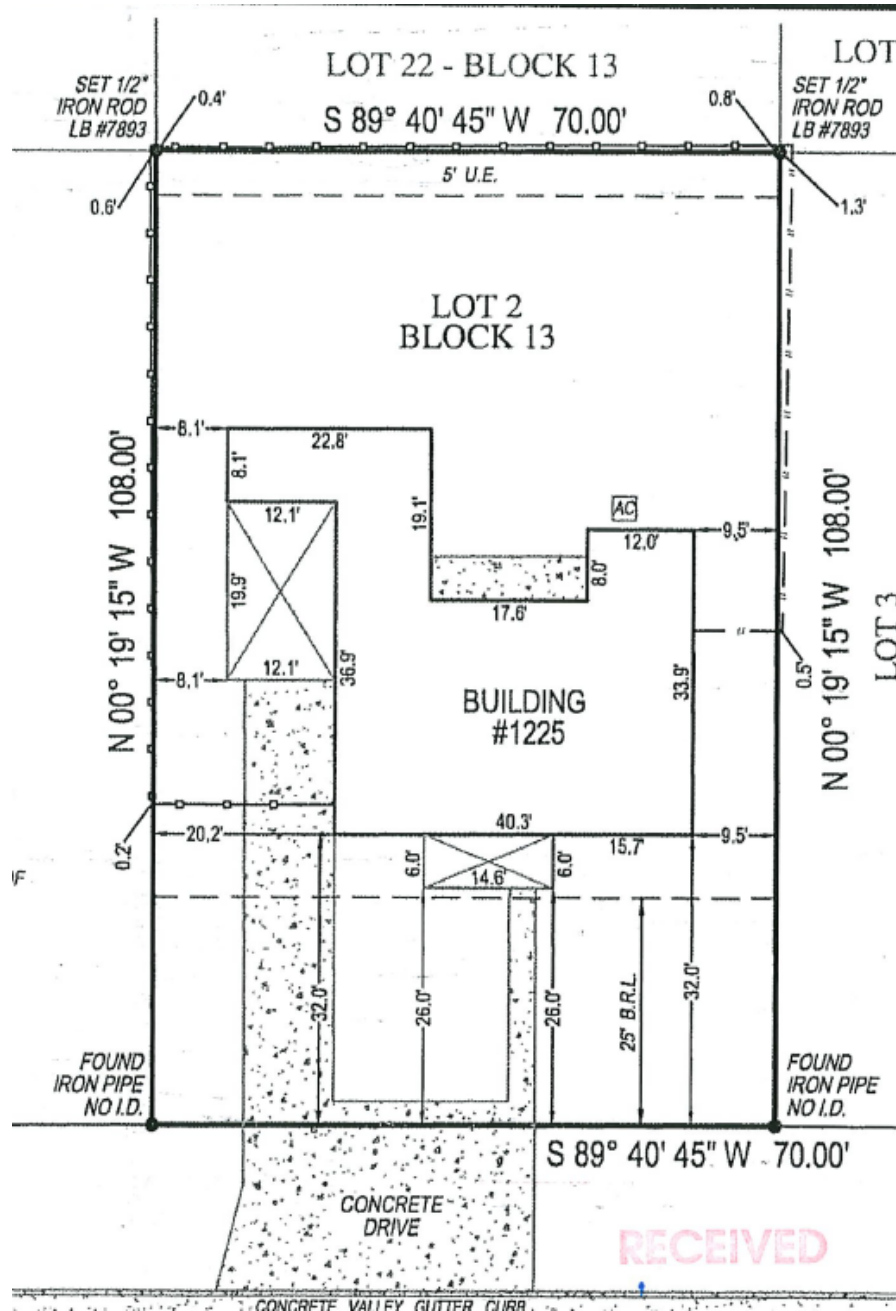
Staff Recommendation

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#23-100003**

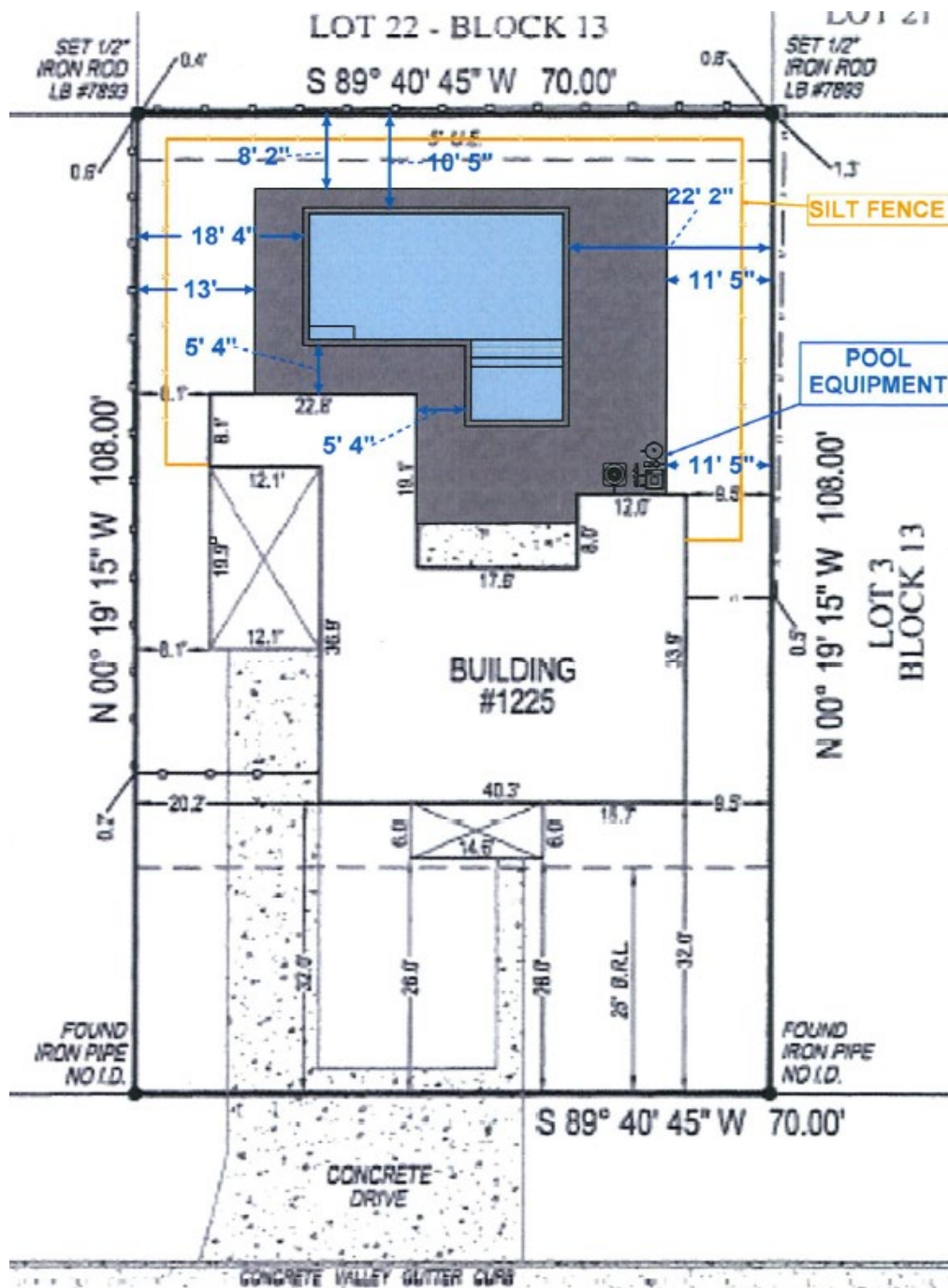
Location Map (property boundaries are representative only)



Existing Survey



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No.

HEARING DATE

23-100003
2/02/23

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.

JAN 12 2023

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: MITCHELL TIDWELL **Telephone:** (904) 885-3263
Mailing Address: 1664 ROBERTS DRIVE **E-Mail:** mitchelltidwell@hotmail.com
 JACKSONVILLE BEACH, FL 32250
Agent Name: **Telephone:**
Mailing Address: **E-Mail:**
Landowner Name: TY GORDON **Telephone:** (904) 805-3372
Mailing Address: 4135 OLD LIGHT CIRCLE **E-Mail:** tygordon@gmail.com
 ARRINGTON, TN 37014

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: 1225 15TH AVE N, JACKSONVILLE BEACH, FL 32250 - RE#175356-0000
 Legal description of property (Attach copy of deed): 27-23 38-2S-29E BEACH HOMESITES UNIT 3 R/P LOT 2 BLK 13
 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 LOT COVERAGE VARIANCE TO 46.3% TO ALLOW INSTALLATION OF NEW POOL AND DECKING. THIS WOULD BE THE EQUIVALENT OF 35% LOT COVERAGE IF THE LOT WERE THE STANDARD 10,000 SF. SEE ATTACHED DRAWINGS.

AFFIDAVIT

I, MITCHELL TIDWELL, 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

MITCHELL TIDWELL

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 12th day of January, 2023, by Mitchell Tidwell, who is personally known to me or produced as identification.

NOTARY PUBLIC SIGNATURE

DAVID GODWARD
PRINT NOTARY NAME



David Godward
Notary Public
State of Florida
Comm# HH151804
Expires 7/11/2025

(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X

CODE SECTION (S):
 34-336(e)(1)c.2, for an eastern side yard setback of 9.5 feet and a western side yard setback of 8.1 feet both in lieu of 10 feet minimum; 34-336(e)(1)d, for a floor area of 1,136 square feet in lieu of 1,600 square feet minimum and no garage in lieu of a one car garage minimum; and 34-336(e)(1)e, for lot coverage of 46.3% in lieu of 35% maximum to rectify existing non-conformities and allow for construction of a new swimming pool and pool deck attached to an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA NO. **23-100003**

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 IS 7560 SF, WHICH IS SMALLER THAN THE LOT STANDARD OF 10,000 SF FOR THIS TYPE OF LOT IN THIS ZONING DISTRICT
Special circumstances and conditions do not result from the actions of the applicant.	YES	APPLICANT HAS NO CONTROL OF THE LOT SIZE
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 VARIANCE WILL GIVE THE LAND OWNER A SIMILAR LOT COVERAGE CAPABILITY THAT THE STANDARD LOT SIZES ENJOY
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	STANDARD LOT SIZES WITHIN THE SAME ZONING DISTRICT ENJOY LARGER AREAS OF LOT COVERAGE CAPABILITY THAT THIS LOT IS NOT ABLE TO ACHIEVE
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 LOT COVERAGE WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL
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	GRANTING THIS VARIANCE WOULD NOT ADVERSELY AFFECT ADJACENT LAND

Prepared by and return to:

Bryan C. Goode, III

Manager

Marsh Landing Title, LLC

320 1st Street North Suite 613

Jacksonville Beach, FL 32250

904-249-0603

File Number: MLT-22-0133

Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 22nd day of September, 2022 between Barbara A. Galvin, a single woman whose post office address is 3594 Isabella Blvd., Jacksonville, FL 32250, grantor, and Ty Joseph Gordon and Kristina L. Gordon, husband and wife whose post office address is 4135 Old Light Circle, Arrington, TN 37014, 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 of 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 2, Block 13, Beach Homesites Unit Three Replat, according to the map or plat thereof, as recorded in Plat Book 27, Page(s) 23, of the Public Records of Duval County, Florida.

Parcel Identification Number: 175356-0000

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, 2021.

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

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93-100003
JAN 12 2023

PLANNING & DEVELOPMENT

DoubleTime®

Signed, sealed and delivered in our presence:

Susan Abrams
Witness Name: Susan Abrams
Traci Lofton
Witness Name: Traci Lofton

Barbara A. Galvin (Seal)
Barbara A. Galvin

State of Florida
County of Duval

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 22nd day of September, 2022 by Barbara A. Galvin, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]

Susan Abrams
Notary Public, State of Florida

Printed Name: Susan Abrams



My Commission Expires: _____

To whom it may concern,

I, Ty Gordon, authorize Mitchell Tidwell with Taurus Pools to represent me in seeking a lot coverage variance with the City Of Jacksonville Beach.

Sincerely,

Ty Gordon

Signed

Ty Gordon

Printed Name

11/06/22

Date

[Signature]

Notary Information



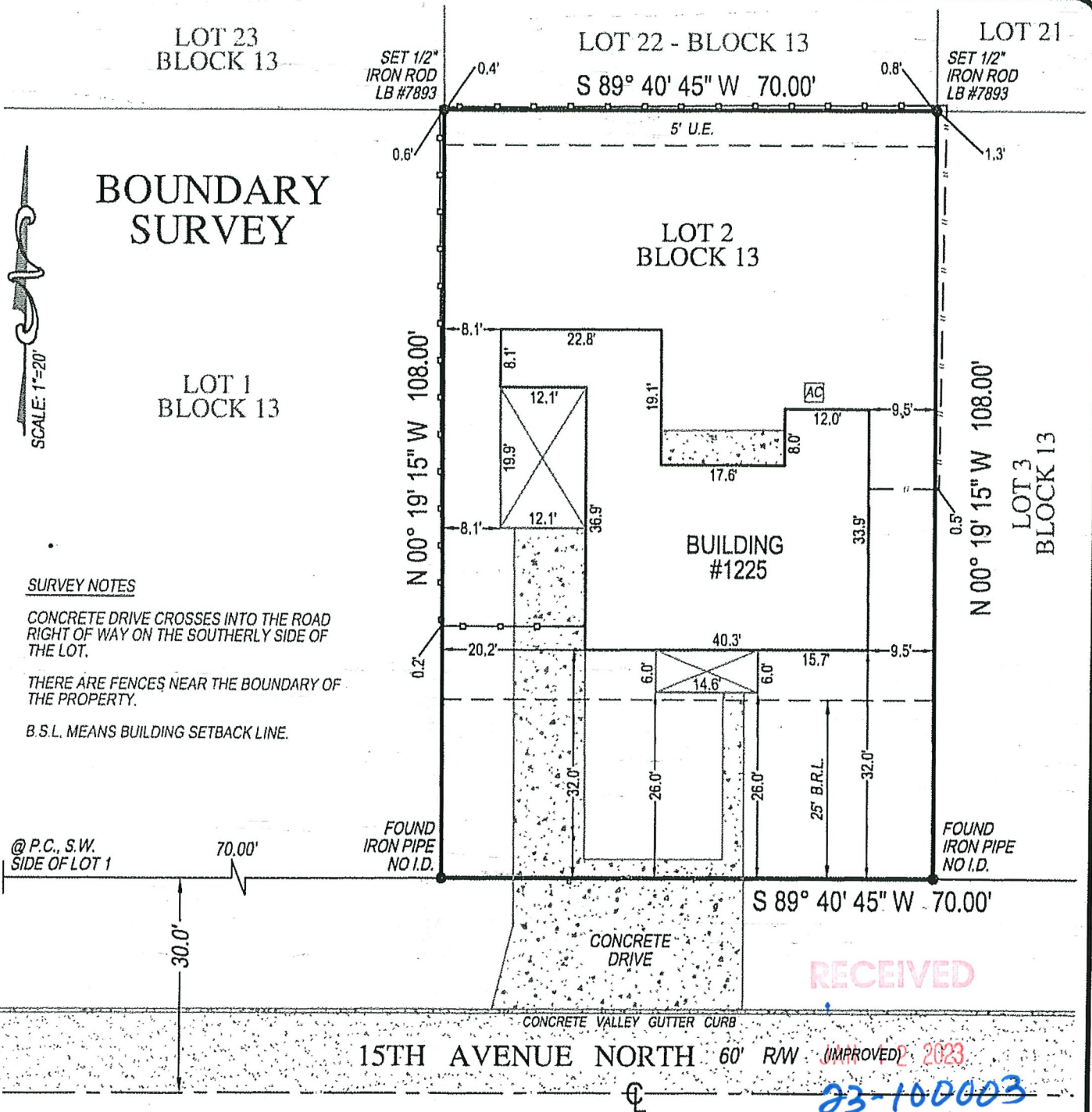
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PLANNING & DEVELOPMENT

**EROSION CONTROL MEASURES (SILT FENCE) AT THE LIMIT OF
LAND DISTURBANCE ACTIVITIES TO PREVENT IMPACT TO
ADJACENT PROPERTIES.
SILT FENCE = X-X-X-X**

EXISTING



SURVEY NOTES

CONCRETE DRIVE CROSSES INTO THE ROAD RIGHT OF WAY ON THE SOUTHERLY SIDE OF THE LOT.

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.

B.S.L. MEANS BUILDING SETBACK LINE.

SURVEYORS CERTIFICATE

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION, NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

KENNETH OSBORNE

Digitally signed by
KENNETH OSBORNE
Date: 2022.09.12
09:05:03 -04'00'

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(NOT COMPLETE WITHOUT PAGE 1)

TARGET
SURVEYING, LLC

LB #7893

SERVING FLORIDA

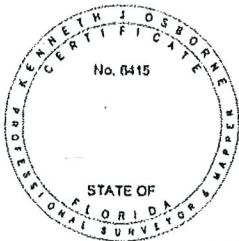
8250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407

PHONE (561) 640-4800

STATEWIDE PHONE (800) 228-4807

STATEWIDE FACSIMILE (800) 741-0576

WEBSITE: <http://targetsurveying.net>



(SIGNED)

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

LEGAL DESCRIPTION AND CERTIFICATION

LOT 2, BLOCK 13, BEACH HOMESITES UNIT THREE REPLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 27, PAGE 23, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

Community Number: 120078 Panel: 0417 Suffix: J F.I.R.M. Date: Flood Zone: X Field Work: 9/8/2022

Certified To:

TY JOSEPH GORDON AND KRISTINA L. GORDON; MARSH LANDING TITLE; CHICAGO TITLE INSURANCE COMPANY;
FAIRWAY INDEPENDENT MORTGAGE CORP.

Property Address:

1225 15TH AVENUE NORTH
JACKSONVILLE BEACH, FL 32250

Survey Number: 559797

Client File Number: MLT-22-0133

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JAN 12 2023

PLANNING & DEVELOPMENT

ABBREVIATION DESCRIPTION:

A.E.	ANCHOR EASEMENT	F.F. EL.	FINISH FLOOR ELEVATION	O.R.B.	OFFICIAL RECORDS BOOK
A/C	AIR CONDITIONER	F.I.P.	FOUND IRON PIPE	(P)	PLAT
B.M.	BENCH MARK	F.I.R.	FOUND IRON ROD	P.B.	PLAT BOOK
B.R.	BEARING REFERENCE	F.P.K.	FOUND PARKER-KALON NAIL	P.C.	POINT OF CURVATURE
(C)	CALCULATED	(L)	LENGTH	P.C.C.	POINT OF COMPOUND CURVE
Δ	CENTRAL / DELTA ANGLE	L.A.E.	LIMITED ACCESS EASEMENT	P.O.B.	POINT OF BEGINNING
CH	CHORD	L.M.E.	LAKE MAINTENANCE EASEMENT	P.O.C.	POINT OF COMMENCEMENT
(D)	DEED / DESCRIPTION	(M)	MEASURED / FIELD VERIFIED	P.R.C.	POINT OF REVERSE CURVE
D.E.	DRAINAGE EASEMENT	M.H.	MANHOLE	P.T.	POINT OF TANGENCY
D.H.	DRILL HOLE	N&D	NAIL & DISK	R/W	RIGHT-OF-WAY
D/W	DRIVEWAY	N.R.	NOT RADIAL	(R)	RADIAL / RADIUS
E.O.W.	EDGE OF WATER	N.T.S.	NOT TO SCALE	S.I.R.	SET IRON ROD
F.C.M.	FOUND CONCRETE MONUMENT	O.H.L.	OVERHEAD UTILITY LINES	T.O.B.	TOP OF BANK
				U.E.	UTILITY EASEMENT

SYMBOL DESCRIPTIONS:

	CATCH BASIN		MISC. FENCE
	CENTERLINE ROAD		PROPERTY CORNER
	COVERED AREA		UTILITY BOX
	EXISTING ELEVATION		UTILITY POLE
	HYDRANT		WATER METER
	MANHOLE		WELL
	METAL FENCE		WOOD FENCE

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(NOT COMPLETE WITHOUT PAGE 2)

GENERAL NOTES:

- LEGAL DESCRIPTION PROVIDED BY OTHERS
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- ONLY VISIBLE ENCROACHMENTS LOCATED.
- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- FENCE OWNERSHIP NOT DETERMINED.
- ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.G.V.D. 1929
- IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES.
- IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

TARGET
SURVEYING, LLC

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