



City of Jacksonville Beach

Regular Meeting Agenda

Board of Adjustment

11 North Third Street
Jacksonville Beach, Florida

Tuesday, March 7, 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

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

A. **Case Number(s): BOA#23-100006**

Applicant: David & Trina Middleton

Agent: Lavender House Contracting

Owner: David & Trina Middleton

Property Address: 824 18th Avenue North

Parcel ID: 175207-0000

Legal Description: Lot 13, Block 4, *Beach Homesites Unit Three*

Current Zoning: RS-1

Motion to 34-336(e)(1)c.2, for an easterly side yard setback of 9.4 feet and a westerly

Consider: side yard setback of 7.9 feet both in lieu of 10 feet minimum; 34-

336(e)(1)d, for no garage in lieu of a one car garage required and a living

area of 1,564 square feet in lieu of 1,600 square feet required; and 34-

336(e)(1)e, for lot coverage of 47% in lieu of 35% maximum, to allow for

the enclosure of an existing one car garage and to rectify existing non-

conformities at an existing single family dwelling

B. **Case Number(s): BOA#23-100007**

Applicant: Audrey Lackie

Agent: Robert W. Gray

Owner: Audrey Lackie

Property Address: 117 2nd Avenue South

Parcel ID: 175598-0000
Legal Description: The East 15.5 feet of Lot 6, and the West 37.5 feet of Lot 7, Block 12, *Pablo Beach South*
Current Zoning: CBD
Motion to Consider: 34-345(e)3, for a rear yard setback of 5 feet in lieu of 15 feet minimum, to allow for the construction of a new multifamily structure

C. **Case Number(s): BOA#23-100008**

Applicant: 121 Financial Credit Union, Paul Blackstone, COO
Agent: BGE, Inc., Jennifer Urcan
Owner: 121 Financial Credit Union
Property Address: 2017 3rd Street North
Parcel ID: 175438-0000
Legal Description: Lots 3 and 4, less and except the South 5.50 feet of Lot 4, Block 203, *Elton Realty Company's Replat*
Current Zoning: C-1
Motion to Consider: 34-377 for zero parking spaces in lieu of three spaces minimum to allow for the construction of a drive-up independent teller machine

D. **Case Number(s): BOA#23-100009**

Applicant: Mike Hanna, Hanna Builders
Agent: N/A
Owner: Hanna Incorporated
Property Address: 3090 Sunshine Court
Parcel ID: 181417-0025
Legal Description: Lot 12, Block 11, *South Beach Replat*
Current Zoning: RS-2
Motion to Consider: 34-337(e)(1)c.2, for a corner side yard setback of 10 feet in lieu of 13.4 feet required; and 34-337(e)(1)e, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new single-family dwelling and swimming pool

E. **Case Number(s): BOA#23-100010**

Applicant: Mike Hanna, Hanna Builders
Agent: N/A
Owner: Hanna Incorporated
Property Address: 3228 Sunshine Court
Parcel ID: 181417-0010
Legal Description: Lot 9, Block 11, *South Beach Replat*
Current Zoning: RS-2
Motion to Consider: 34-337(e)(1)e, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new single-family dwelling and swimming pool

F. **Case Number(s): BOA#23-100011**

Applicant: Kathy Esfahani
Agent: Mike Hanna, Hanna Builders
Owner: KK+A, LLC
Property Address: 3274 Sunshine Court
Parcel ID: 181417-0005
Legal Description: Lot 8, Block 11, *South Beach Replat*

Current Zoning: RS-2
Motion to 34-337(e)(1)c.1, for a front yard setback of 6 feet in lieu of 20 feet
Consider: minimum; 34-337(e)(1)c.2, for a combined side yard setback of 12 feet in
lieu of 15 feet minimum; 34-337(e)(1)c.3, for a rear yard setback of 10 feet
in lieu of 30 feet minimum; and 34-337(e)(1)e, for lot coverage of 50% in
lieu of 35% maximum to allow for construction of a new single-family
dwelling and swimming pool

PLANNING DEPARTMENT REPORT

A. The next scheduled meeting is Wednesday, March 22, 2023. There are four scheduled cases.

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



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BOA#23-100006

Zoning: RS-1
RE: 175207-0000
Legal: Lot 13, Block 4, Beach Homesites Unit 3
Address: 824 18th Avenue North

Request

Section(s): 34-336(e)(1)c.2, for an easterly side yard setback of 9.4 feet and a westerly side yard setback of 7.9 feet both in lieu of 10 feet minimum; 34-336(e)(1)d, for no garage in lieu of a one car garage required and a living area of 1,564 square feet in lieu of 1,600 square feet required; and 34-336(e)(1)e, for lot coverage of 47% in lieu of 35% maximum, to allow for the enclosure of an existing one car garage and to rectify existing non-conformities at an existing single family dwelling

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1954) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The subject lot is 70 feet in width and 110 feet in depth with an overall area of 7,700 square feet. The subject property has an existing single family home constructed in 1959. The home has a single car garage, as required by the RS-1 zoning district. The existing home is 1,326 square feet of heated and cooled space, with an overall area of 1,752 square feet with all additional spaces such as the garage, storage and front porch. The subject property currently has a 50 foot deep driveway, several rear wooden decks and a swimming pool with limited paving around the pool. There is a small vinyl shed in the rear yard as well. The existing structure has nonconforming side yard setbacks, and nonconforming lot coverage.

No existing code enforcement cases, no previous variances.



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Staff Analysis

The subject property is substandard in both width and area. The existing home was constructed in the 1950s and does not conform to the required RS-1 side yard setbacks, lot coverage, or the minimum dwelling size of 1,600 square feet of heated and cooled space. The applicant has proposed to turn the existing garage into both new internal living space, as well as storage, and no longer use it as a garage. The applicant has adequate parking space in the existing driveway. The proposed addition of heated and cooled space will bring the home very close to the minimum home size required in the RS-1 standards of 1,600 square feet, just 36 square feet short. The approval of this variance will rectify many existing nonconformities, without any detrimental impact on the surrounding neighborhood. Additionally, the proposed alterations will occupy the existing garage space, so the impact on lot coverage will be minimal if at all. As the lot is already over lot coverage, the proposed conversion will increase living space without creating other nonconformities other than the loss of a formal garage.

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.



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Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is substandard in both area and lot width. Additionally the lot has existing nonconformities that stem from the age of the house, having been constructed in 1959.

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. Though the house has been owned by the applicant since 2011, a majority of the nonconformities predate the applicant, and likely can be traced back to the homes initial construction in 1959. Even elements such as the swimming pool and associated decks can be traced back to at least 2004, prior to the applicant's ownership.

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

Staff finds that the proposed variance **will not** confer special privileges. The ability to renovate and add additions on to a single family home is not a special privilege, but rather a common request for older homes in this zoning district. Additionally, the proposed enclosure will trade one nonconformity, home size, for another, no garage.

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. Strict use of the code would require the applicant to keep the existing garage, and explore other ways to add on to the house. This will likely result in additional nonconformities related to lot coverage and setbacks. This would be an undue hardship placed on the applicant.



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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed addition to the exiting property. As noted above, the lot is substandard in area and width. The approval of the existing nonconformities is the bare minimum that could be granted, however, the proposed use of the existing garage as the new addition will minimize the need for additional nonconformities, by not increasing lot coverage of setback encroachments.

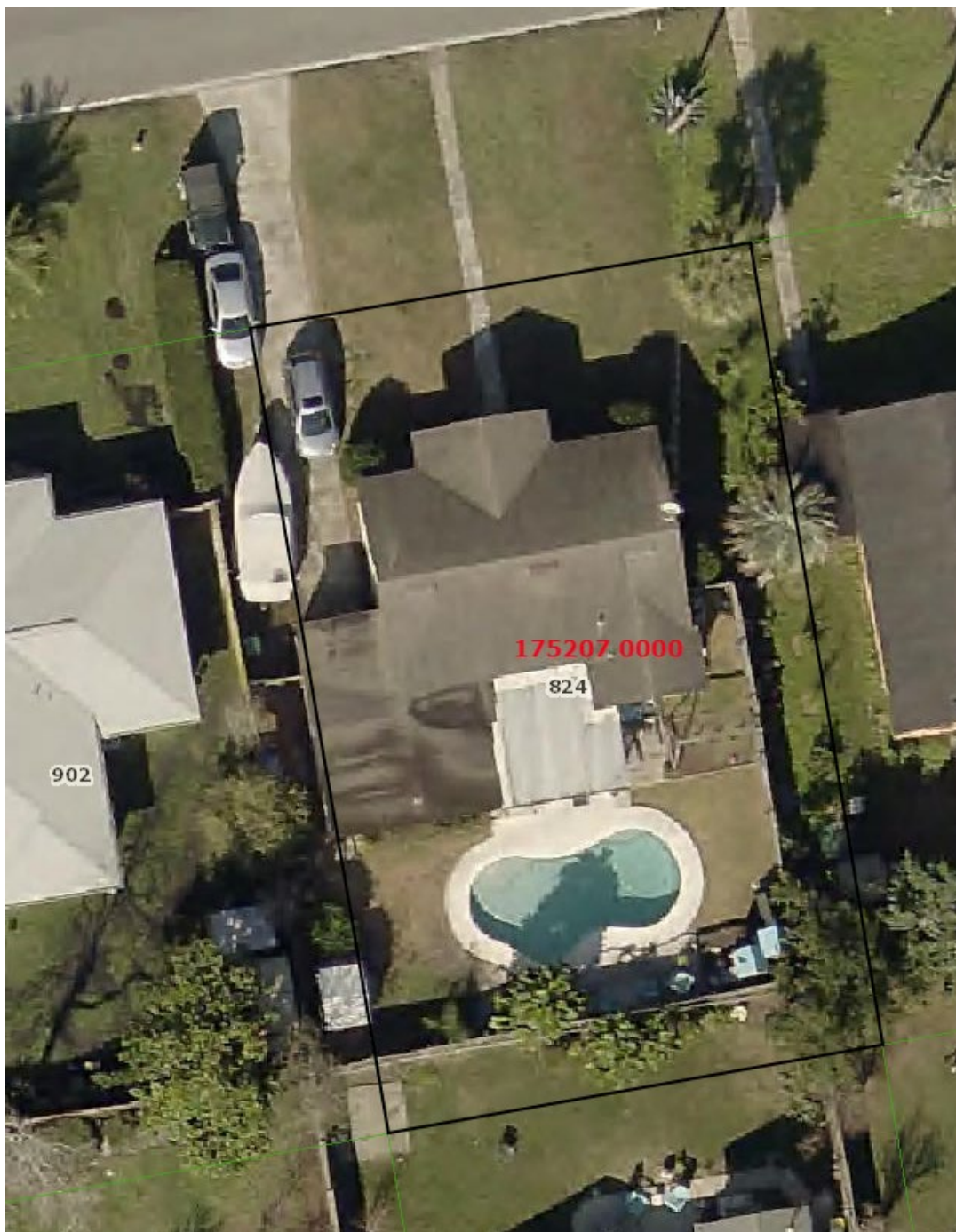
6. Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.

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.

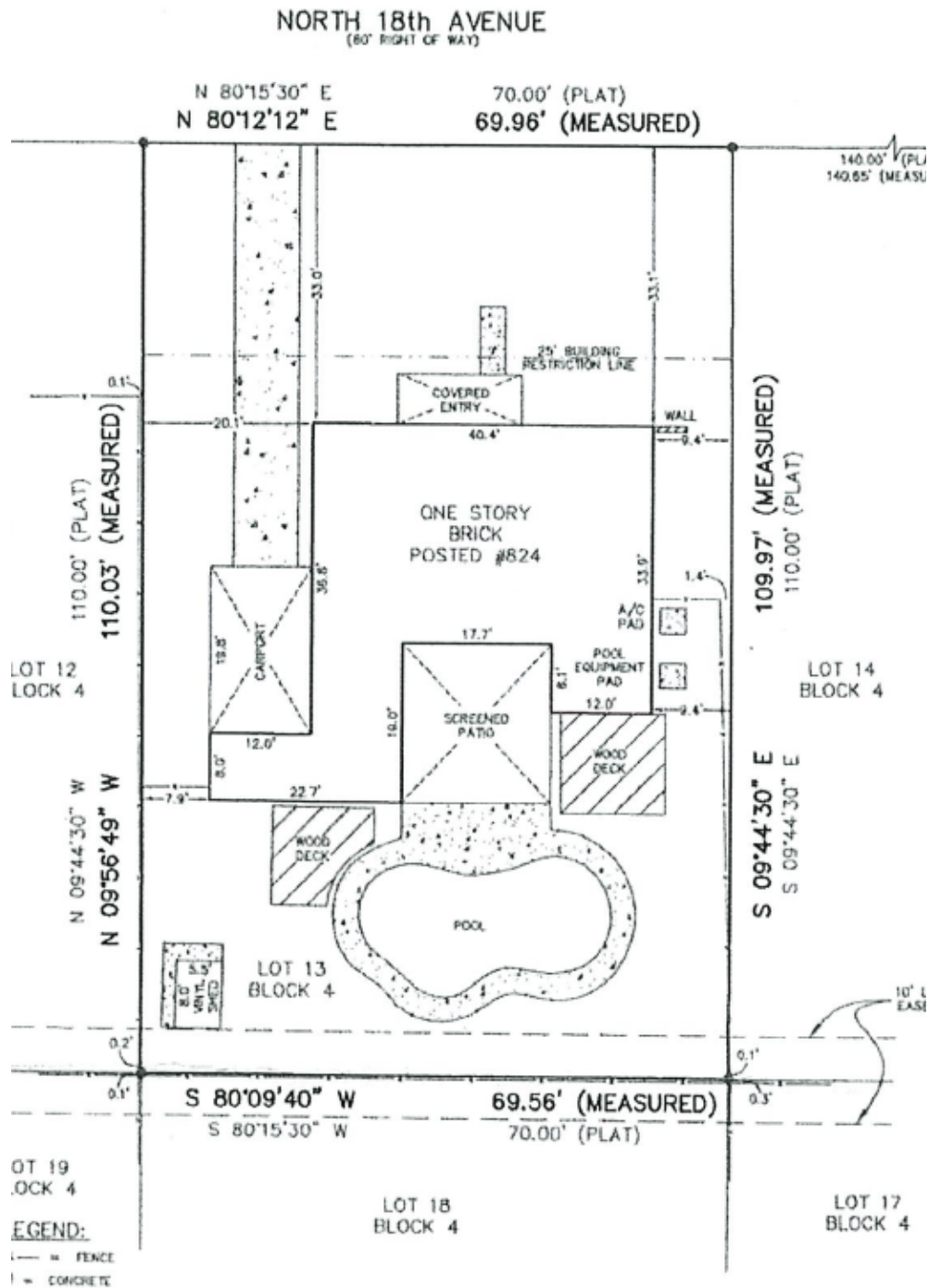
Staff Recommendation

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#23-100006**

Location Map (property boundaries are representative only)



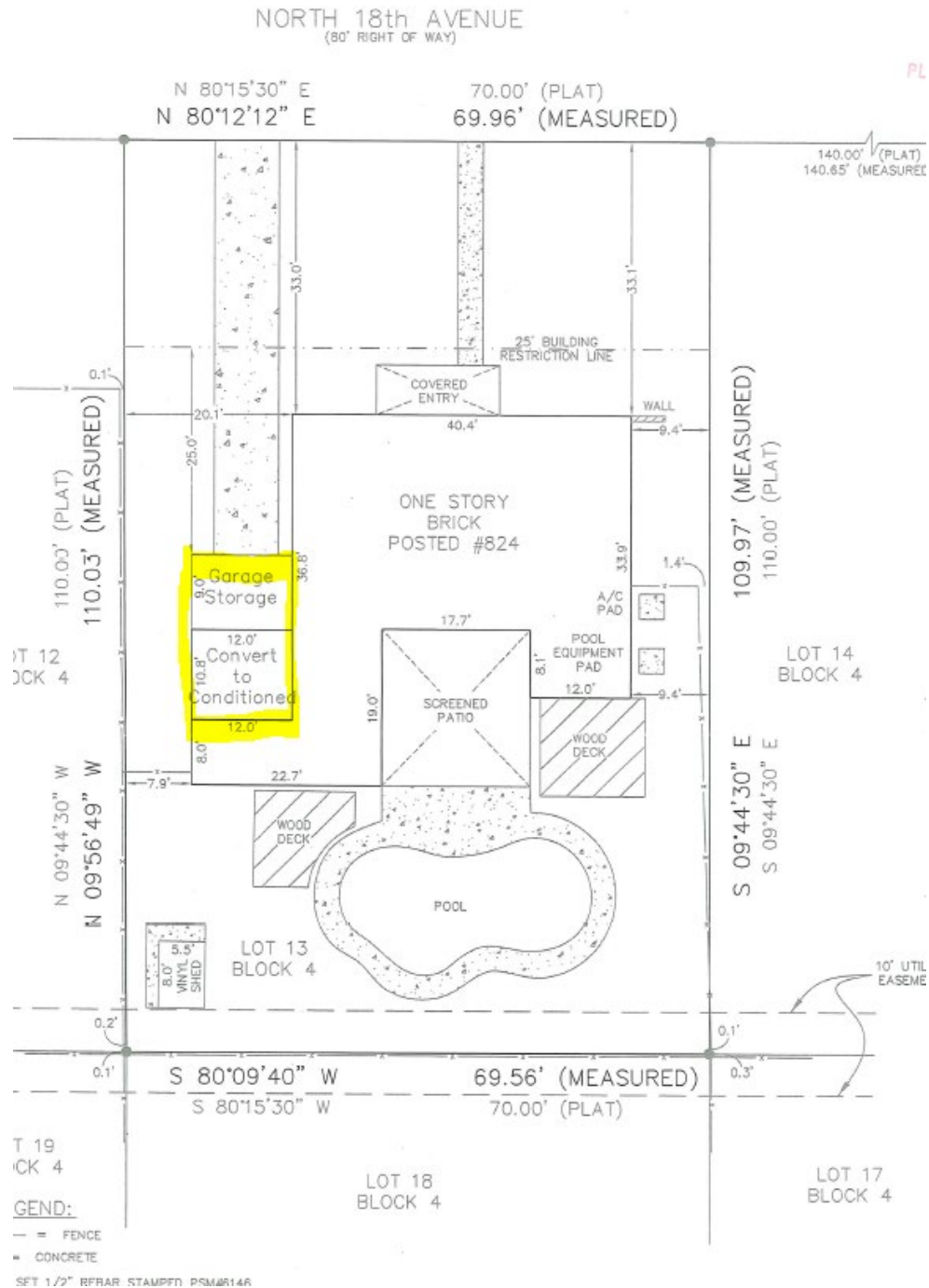
Existing Survey





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Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100006
HEARING DATE 3.7.23

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.

APPLICANT INFORMATION

Applicant Name: David & Trina Middleton **Telephone:** (904) 378-6841
Mailing Address: 824 18th Avenue North **E-Mail:** 7middletons@gmail.com
Jacksonville Beach, FL 32250
Agent Name: Lavender House Contracting **Telephone:** (904) 553-8926
Mailing Address: 450 Pablo Point Drive **E-Mail:** alambert@lavenderhousecontracting.com
Jacksonville, FL 32225
Landowner Name: David & Trina Middleton **Telephone:** (904) 378-6841
Mailing Address: 824 18th Avenue North **E-Mail:** 7middletons@gmail.com
Jacksonville Beach, FL 32250

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

VARIANCE DATA

Street address of property and Real Estate Number: 824 18th Avenue North #175207-0000
Legal description of property (Attach copy of deed): lot 13, block 4, beach homesites unit three, a subdivision according to the plat thereof recorded at plat book 25, pages 38,38a, and 38b, in the public records of duval county, florida
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).
Convert part of the current one car garage into living space. Use current driveway as parking. no change to the foot print of home or impervious lot coverage.

AFFIDAVIT

I, David Middleton, 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.

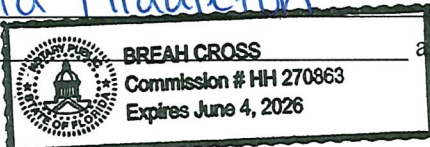
[Signature]
APPLICANT SIGNATURE

David Middleton
PRINT APPLICANT NAME

1/18/23
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18th day of January, 20 23, by David Middleton, who is personally known to me or produced FL Drivers License as identification.



[Signature]
PRINT NOTARY NAME

(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X-shaded

CODE SECTION (s):

34-336(e)(1)c.2, for an easterly side yard setback of 9.4 feet and a westerly side yard setback of 7.9 feet both in lieu of 10 feet minimum; 34-336(e)(1)d, for no garage in lieu of a one car garage required and a living area of 1,564 square feet in lieu of 1,600 square feet required; and 34-336(e)(1)e, for lot coverage of 47% in lieu of 35% maximum, to allow for the enclosure of an existing one car garage and to rectify existing non-conformities at an existing single family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100006

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	Many other homes on the street don't have a carport or garage
Special circumstances and conditions do not result from the actions of the applicant.	YES	Existing home was originally built over allowable lot coverage
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	Many other homes on the street don't have a carport or garage
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	Many other homes on the street don't have a carport or garage JAN 20 2023 PLANNING & DEVELOPMENT
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	This is the minimum variance that will allow for reasonable use
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	This variance will not affect adjacent land

Prepared by:

Keith Watson Title Services, Inc.
208 Ponte Vedra Park Drive, Suite 101
Ponte Vedra Beach Florida 32082
File #: 11T120

Record and return to:

David E. Middleton and Trina L. Middleton
12867 Daybreak Court East
Jacksonville Beach, Florida 32246

23-100666
JAN 20 2023

PLANNED DEVELOPMENT

General Warranty Deed

Made this June 30, 2011 A.D. By **Mark A. Basse and Sandra K. Basse, his wife**, whose address is: 13700 Sutton Park Drive North #326, Jacksonville, Florida 32224, hereinafter called the grantor, to **David E. Middleton and Trina L. Middleton, his wife**, whose address is: 12867 Daybreak Court East, Jacksonville Beach, Florida 32246, hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of One Hundred Ninety Thousand dollars & no cents, (\$190,000.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

Lot 13, Block 4, Beach Homesites Unit Three, a subdivision according to the plat thereof recorded at Plat Book 25, Pages 38, 38A and 38B, in the Public Records of Duval County, Florida.

Parcel ID Number: 175207-0000

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, 2010.

Signed, sealed and delivered in our presence:

G. Patrick Marino
Witness Printed Name G. PATRICK MARINO

Brittany Pilius
Witness Printed Name Brittany Pilius

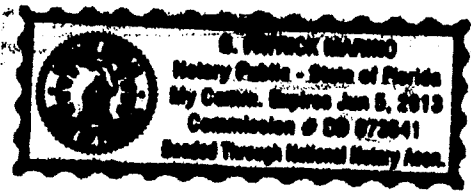
State of Florida
County of St. Johns

The foregoing instrument was acknowledged before me this 30th day of June, 2011, by Mark A. Basse and Sandra K. Basse, his wife, who is/are personally known to me or who has produced FL. DL.

Mark A. Basse (Seal)
Mark A. Basse
Address: 13700 Sutton Park Drive North #326, Jacksonville,
Florida 32224

Sandra K. Basse (Seal)
Sandra K. Basse
Address: 13700 Sutton Park Drive North #326, Jacksonville,
Florida 32224

G. Patrick Marino
Notary Public
Print Name: G. PATRICK MARINO
My Commission Expires: _____



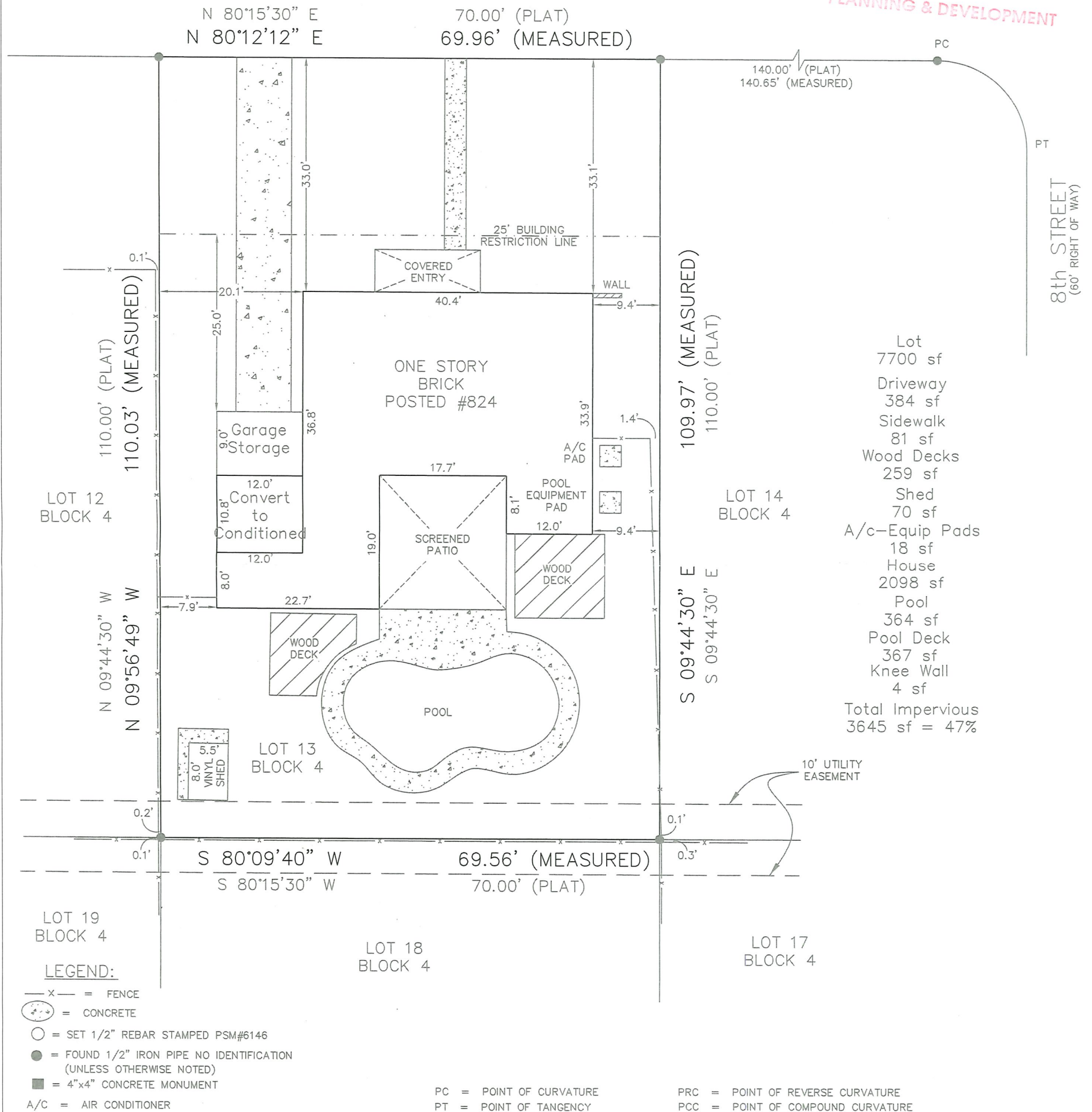
JAN 30 2013

LOT 13, BLOCK 4, BEACH HOMESITES UNIT THREE, AS RECORDED IN PLAT BOOK 25, PAGES 38, 38-A & 38-B, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

PROPOSED

RECEIVED
23-100006
JAN 20 2023

PLANNING & DEVELOPMENT



NOTES:

1. BEARINGS ARE BASED ON THE PLAT BEARING OF S 09°44'30" E ALONG THE EASTERLY BOUNDARY LINE OF SUBJECT PARCEL.
2. BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE " X ", AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED APRIL 17, 1989, COMMUNITY NUMBER 120078, PANEL 0001 D.
3. THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER RECORDED PLAT &/OR TITLE COMMITMENT IF SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED.
4. THIS SURVEY IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

REVISIONS

DATE	DESCRIPTION

JOB # 19419

DATE OF FIELD SURVEY: 6-29-2011

SCALE: 1" = 20'



Ray Thompson
SURVEYING, Inc.

Going the DISTANCE for You

4613 Philips Highway, Suite 210
Jacksonville, Florida 32207
(Phone) 904-448-5125
(Fax) 904-448-5178

CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.072, FLORIDA STATUTES.

RAYMOND THOMPSON
REGISTERED SURVEYOR AND MAPPER # 6146 STATE OF FLORIDA
LICENSE BUSINESS No. 7469

EXISTING

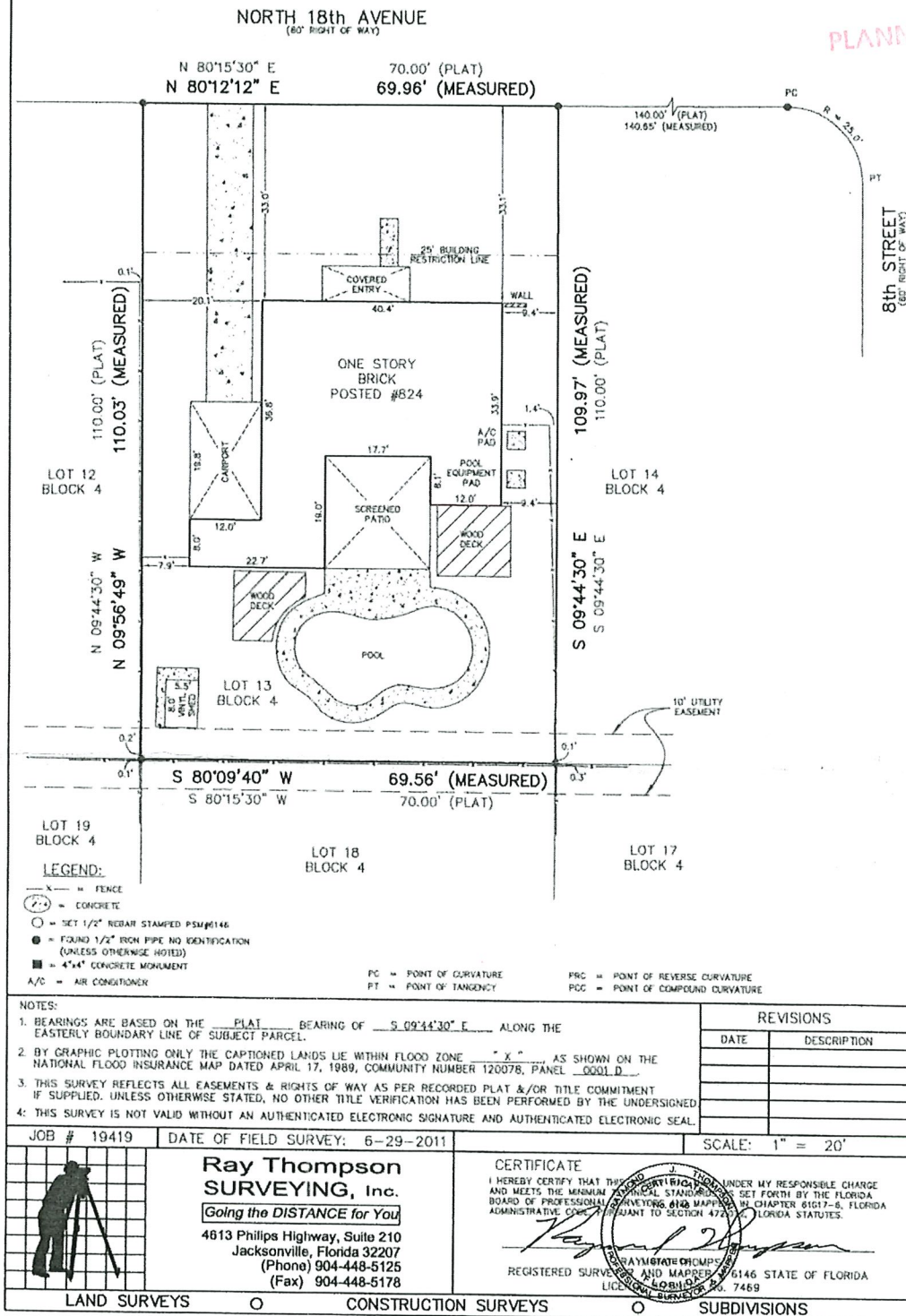
MAP SHOWING BOUNDARY SURVEY OF

LOT 13, BLOCK 4, BEACH HOMESITES UNIT THREE, AS RECORDED IN PLAT BOOK 25, PAGES 38, 38-A & 38-B, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
DAVID E. MIDDLETON & TRINA L. MIDDLETON
SUNTRUST MORTGAGE, INC
KEITH WATSON TITLE SERVICES, INC
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

RECEIVED
23-100006
JAN 20 2023

PLANNING & DEVELOPMENT



A/C PADS 18
SHEED 44
House 2088
pool
sidewalk
Driveway



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BOA#23-100007

Zoning: CBD
RE: 175598-0000
Legal: West 37 ½ feet of Lot 7, East 15.5 feet of Lot 6 Block 12, Pablo Beach South.
Address: 117 2nd Avenue South.

Request

Section(s): 34-345(e)3, for a rear yard setback of 5 feet in lieu of 15 feet minimum, to allow for the construction of a new multifamily structure

Existing Conditions

The subject property is a lot of record, comprised of portions of two historically platted lots, which are portions of the Pablo Beach South Plat (circa 1909) located in the Central Business District future land use category. The property is currently zoned Central Business District: CBD. The exact date of the lots creation could not be determined, it was created prior to 1992, the adoption date of the current LDC, and therefore meets the definition of a legal nonconforming lot of record. The subject lot is 53 feet in width and 125 feet in depth, with an overall lot area of 6,625 square feet. The CBD standards are substantially different from those of the typical multifamily zoning districts. The LDC recognized this area has more density, and the dimensional standards reflect this more urban environment. As noted in the standards below, lot coverage is allowed up to 90%. Additionally, setbacks are noted as a minimum and maximum, with more leeway for design and flexibility of location on the property. The rear setback per this zoning district is 15 feet. The subject property currently is a multifamily property with a main single family home that previously was divided into several apartments but has now been restored to a single dwelling, and a rear structure that is currently an additional dwelling. The current location of the rear structure is just over three feet from the rear property line. There is a third accessory structure located between the two dwellings. The site currently has no formal off street parking, and parking is achieved in the right of way or on grass.

BOA#11-100171 For an east side yard of 5 feet, a front yard of 2 feet for a two story front porch.

Staff Analysis

As noted above, the CBD standards are unique among the other districts in the LDC when it comes not only to allowed uses, but also the dimensional standards,



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reflecting a more urban design concept. As such, setbacks are listed in ranges, as are things like lot coverage. The applicant is requesting to remove the existing rear structure, along with the exiting accessory structure, and in their place, build a new residential dwelling. The proposed new structure would be multistory, and include parking under the structure, which would be accessed from the rear alley. The proposed new structure would meet all the design elements of the CBD standards except the rear setback. The subject property has an existing historic home that is very long, and projects into the rear half of the lot, making the placement of the second structure challenging. Additionally the new structure and the existing one will share a very similar location, with the new structure encroaching less into the rear yard. Additionally with the new construction, the property will now have adequate parking for the two dwellings.

Dimensional Standards

Table 1.0, Standards for Lot Types		
	MULTIFAMILY	
	RESIDENTIAL	
	BUILDING	
	MIN	MAX
LOT REQUIREMENTS		
Lot Width (ft)	40	300
Lot Depth (ft)	100	300
Lot Size (sf)	4,000	90,000
Lot Coverage (%)	—	90
BUILDING ENVELOPE		
Front Setback (ft)	0	10
Side Setback (ft)	0	—
Rear Setback (ft)	15	—
Frontage Buildout (%) ⁽¹⁾	80	100



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 site has a primary structure built in 1914, with several additions over its life. The placement of the structure on the property, and the location of the second rear structure leaves little room, even with the complete reconstruction of the rear structure to accommodate all the required setbacks, as well as adequate separation between the two buildings.

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 primary structure was built in 1914, and the rear second dwelling was originally built in 1939. Both structure's locations make rebuilding within the standards difficult without removing both structures. The applicant purchased the property in this condition, and the existing nonconformities predate the current 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. Given the broad leeway allowed in the CBD district, the property could be built almost lot line to lot line with 90% lot coverage. The proposed rear encroachment allows the applicant to add a new dwelling structure while also bringing the required parking up to compliance with the minimum standards.

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 rear yard setback, the structure would be too close to the primary structure for proper fire and building separation, so relief from the rear setback allows the reduction in nonconformities with relationship to parking while allowing proper separation



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

between the two structures. In this case 10 feet 4 inches between the old and new.

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 structure. Based on the liberal standards of the CBD district, a rear yard setback is the only standard for which relief is needed. The reduction of 10 feet allows 10 feet of separation between the two structures.

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#23-100007**

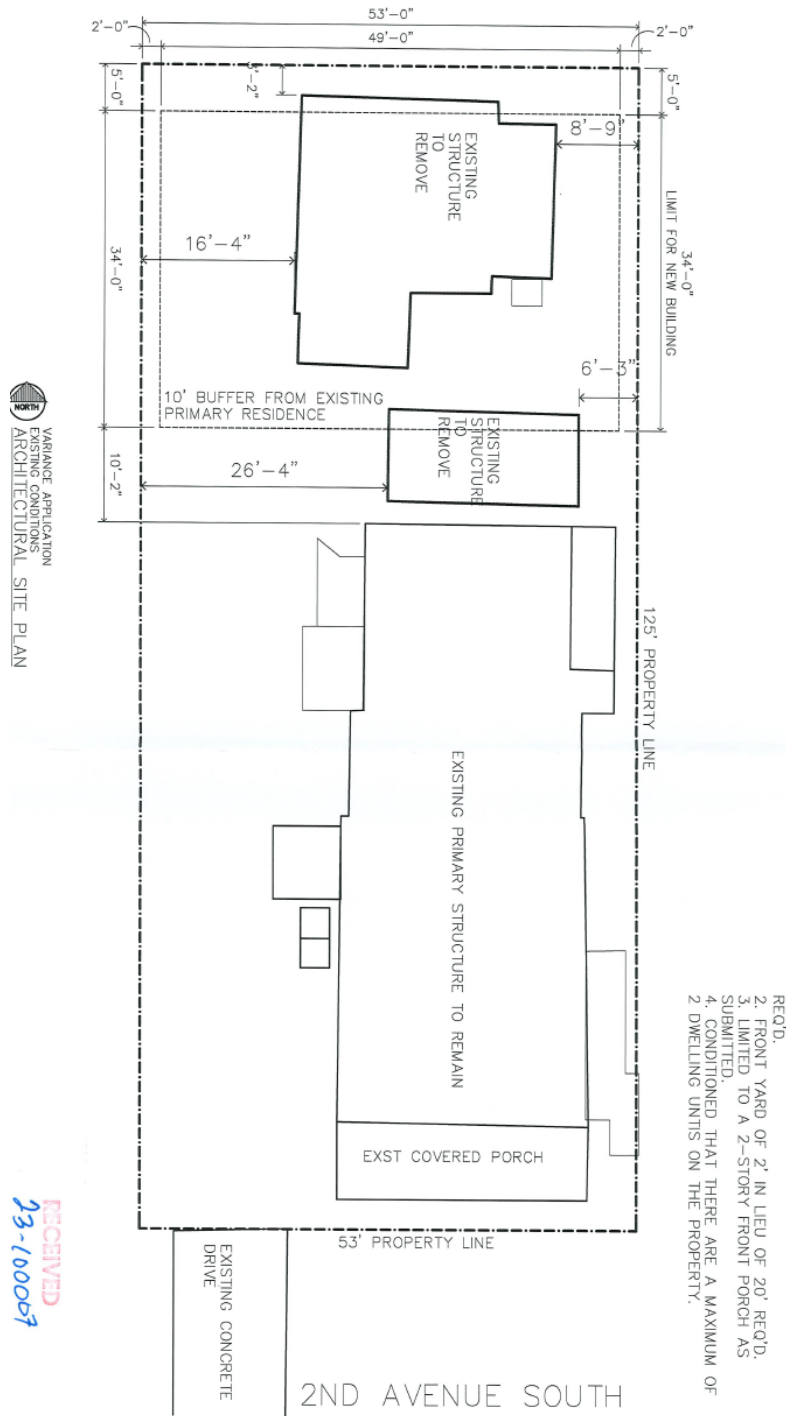
Location Map (property boundaries are representative only)





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

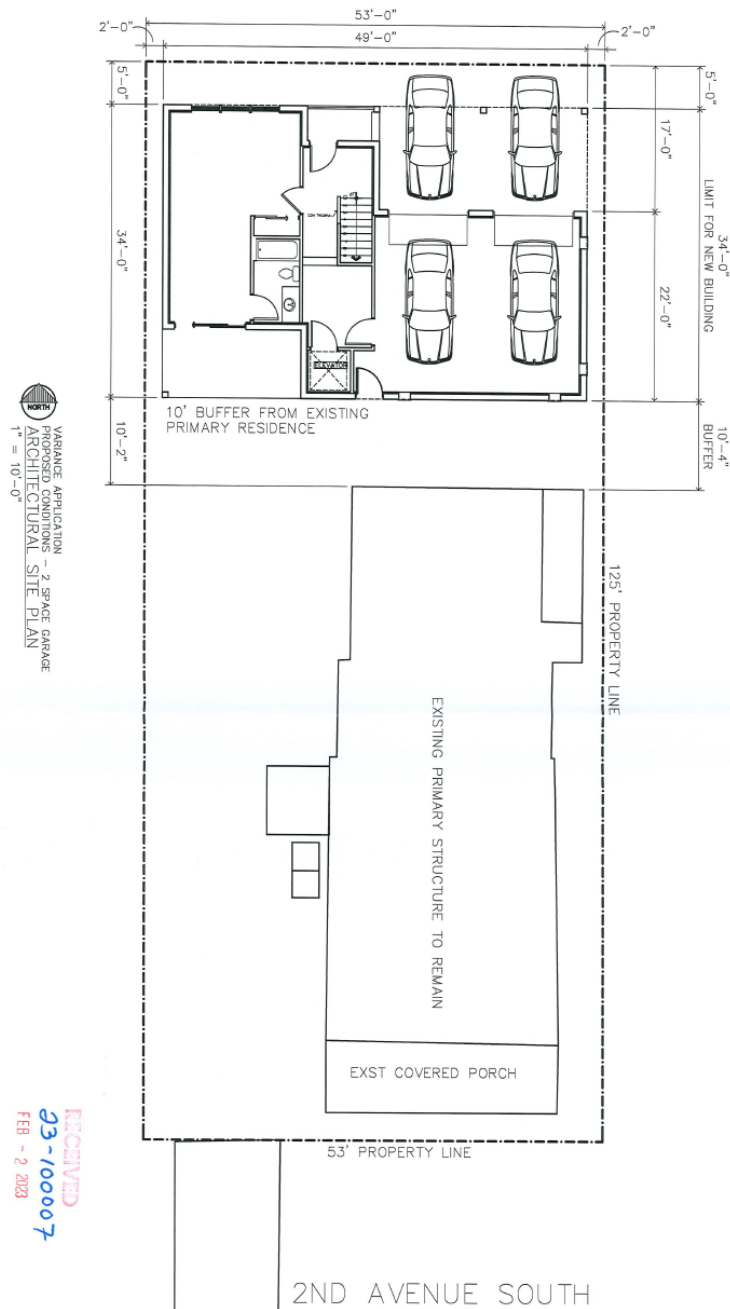
Existing Survey





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

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100007HEARING DATE 3/1/23

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.

RECEIVED

JAN 24 2023

APPLICANT INFORMATION

Applicant Name: Audrey Lackie
Mailing Address: 117 2nd Ave South
Jacksonville Beach, FL 32250
Agent Name: Robert Gray, Architect
Mailing Address: _____

PLANNING & DEVELOPMENT
Telephone: 904-703-7652
E-Mail: AudreyLackie@gmail.com
Telephone: 904-222-1176
E-Mail: rwgray3@gmail.com

Landowner Name: Audrey Lackie
Mailing Address: 117 2nd Avenue S.
Jacksonville Beach, FL 32250

Telephone: 904-703-7652
E-Mail: AudreyLackie@gmail.com

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

117 VARIANCE DATA

175598-0000

Street address of property and Real Estate Number: 117 2nd Ave S. JAX Bch, FL 32250
Legal description of property (Attach copy of deed): 3-28 33-2S-29E PABLO BEACH SOUTH 1/4 37 1/2 FT. OF LOT 7, E15
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, LOT 6 BIKI street parking spaces, etc.) (Attach a separate sheet if necessary).

See attached
Requesting a 5' foot setback behind existing building
and remove 2 nonconforming structures (accessory)

AFFIDAVIT

I, Audrey Lackie, 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

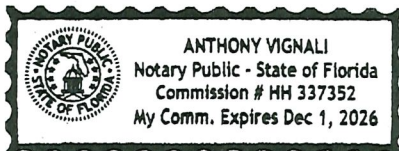
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 23 day of Jan., 2023, by Audrey Lackie, who is personally known to me or produced Florida Driver license as identification.

NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: CBDFLOOD ZONE: AE/X-shaded

CODE SECTION (S):

34-345(e)3, for a rear yard setback of 5 feet in lieu of 15 feet minimum, to allow for the construction of a new multifamily structure

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100007

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	There are 3 buildings that limit the ability to improve. 2 buildings will require removal. The primary structure that is to remain also extends 75' from the south to the north of the total 125' depth and limit leaving 50'
Special circumstances and conditions do not result from the actions of the applicant.	Yes	The parcel was purchased with 3 buildings that limit the options for improvement.
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	The 5' rear setback requested is behind the existing building that is 3'-2" from the property line. This condition is specific to this property and the existing building will be removed.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	The literal interpretation of the code would make it difficult to provide 4 on site parking spaces since the existing primary residence extends 75' into the length of the property. The owner has also agreed to a limit of 2 primary structures.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	The amount requested would allow the minimum needed to provide 4 on site vehicle spaces within a garage. any less would limit it to 2 spaces.
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	The variance would better equip the owner to provide on site parking in from the alley side that relieves burden on the street system.



DEPARTMENT OF PLANNING & DEVELOPMENT

Reference

RECEIVED

23-100007

FEB - 3 2023

PLANNING & DEVELOPMENT

December 9, 2011

Shannon Armstrong
P.O. Box 50786
Jacksonville Beach, FL 32240

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org

RE: BOA #11-100171
117 2nd Avenue South

Dear Mr. Armstrong,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, December 6, 2011 to consider your variance application.

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

- 34-340(e)(3)c.2, for a westerly side yard of 5 feet in lieu of 10 feet required;
- Corrected at hearing for an easterly side yard of 5 feet in lieu of 10 feet required;
- 34-340(e)(3)c.1, for a front yard of 2 feet in lieu of 20 feet required

The results of the meeting were *Amended* and *Approved* for:

- 34-340(e)(3)c.2, for an easterly side yard of 5 feet in lieu of 10 feet required
- 34-340(e)(3)c.1, for a front yard of 2 feet in lieu of 20 feet required
- Limited to a 2 story front porch as shown and submitted
- Conditioned that there are a maximum of 2 dwelling units on the property

To allow for improvements to a multi-family use property.

You are required to apply for a building permit for this project. A copy of the building permit application, as well as a checklist for the required submittals is attached. Please complete and submit the application along with the required information to our office before you begin work on this project.

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

Sincerely,

Don Hays, CBO
Building Department

cc: Raymond Lackie



PREPARED BY, RECORD AND RETURN TO:

Lee S. Osborne, Esq.

Sheffield & Boatright, P.A.

4776 Hodges Boulevard, Suite 206

Jacksonville, Florida 32224

RECEIVED

23-100007

JAN 24 2023

Parcel Identification Number:

175598-0000

PLANNING & DEVELOPMENT

NOTE TO CLERK: This deed is given to create a tenancy by the entireties between husband and wife of encumbered property. Pursuant to F.A.C. 12B-4.013 (31), documentary stamp taxes based on one-half of the current principal balance outstanding on the indebtedness are affixed hereto.

WARRANTY DEED

THIS WARRANTY DEED made this 9th day of November, 2011, by **Raymond A. Lackie**, a married man, joined by **Audrey Richie Lackie**, his wife, hereinafter called Grantor, whose post office address is 117 South 2nd Avenue, Jacksonville Beach, FL 32250., to **Raymond A. Lackie and Audrey Richie Lackie**, husband and wife, hereinafter called Grantee, and whose post office address is 117 South 2nd Avenue, Jacksonville Beach, FL 32250.

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

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable considerations, in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the said Grantee the following described land situate, lying and being in the County of **Duval**, State of Florida, to-wit:

The East 15.5 feet of Lot 6, and the West 37.5 feet of Lot 7, Block 12, Pablo Beach South, according to plat thereof recorded in Plat Book 3, Page 28, of the current public records of Duval County, Florida,

more commonly known as **117 South 2nd Avenue, Jacksonville Beach, FL 32250.**

Grantee's Federal ID #:

N/A

THE PURPOSE OF THIS DEED IS TO CREATE A TENANCY BY THE ENTIRETIES BETWEEN HUSBAND AND WIFE.

No title evidence was requested or furnished in connection with the preparation of this instrument and no opinion, expressed or implied, is intended by the above-named scrivener as to the marketability or condition of the title to or boundaries of the property described herein.

SUBJECT TO taxes accruing subsequent to December 31, 2010.

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

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

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

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

IN WITNESS WHEREOF, the said Grantor has set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Shantell Glover

Witness #1 signature

Scarlett Osborne

Witness #1 printed name

Kim Mann

Witness #2 signature

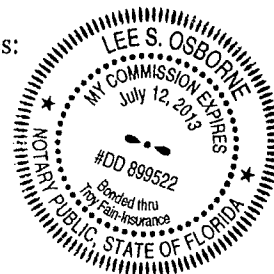
Kim Mann

Witness #2 printed name

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 27 day of November, 2011, by **Raymond A. Lackie and Audrey Richie Lackie**, husband and wife, who are personally known to me or have produced valid driver's licenses as identification.

[Signature]
Notary Public
My Commission Expires:
(Notary Seal)



**LACKIE RESIDENCE
VARIANCE APPLICATION**

134 1ST STREET SOUTH
JACKSONVILLE BEACH

RECEIVED

23-100007

JAN 24 2023

PLANNING & DEVELOPMENT

EXISTING LOT COVERAGE

2 STORY ENCLOSED	1617 S.F.
2 STORY PORCH	218 S.F.
CONCRETE TO REMAIN	136 S.F.
WOOD DECKS	189 S.F.
A/C PADS	20 S.F.
ACCESSORY 1 (REMOVE)	206 S.F.
ACCESSORY 2 (REMOVE)	636 S.F.
<u>CONCRETE (REMOVE)</u>	<u>9 S.F.</u>
TOTAL	3031 S.F.

EXST LOT COVERAGE

53'X125'= 6625 S.F.

45.75% COVERAGE

PROPOSED LOT COVERAGE

2 STORY ENCLOSED	1617 S.F.
2 STORY PORCH	218 S.F.
CONCRETE TO REMAIN	136 S.F.
WOOD DECKS	189 S.F.
A/C PADS	20 S.F.
NEW A/C PADS	20 S.F.
NEW ENCLOSED	1507 S.F.
NEW PORCHES	159 S.F.
<u>NEW CONCRETE DRIVE</u>	<u>162 S.F.</u>
TOTAL	4028 S.F.

PROPOSED LOT COVERAGE

53'X125'=6625 S.F.

60.80% COVERAGE

ROBERT GRAY ARCHITECT, INC.

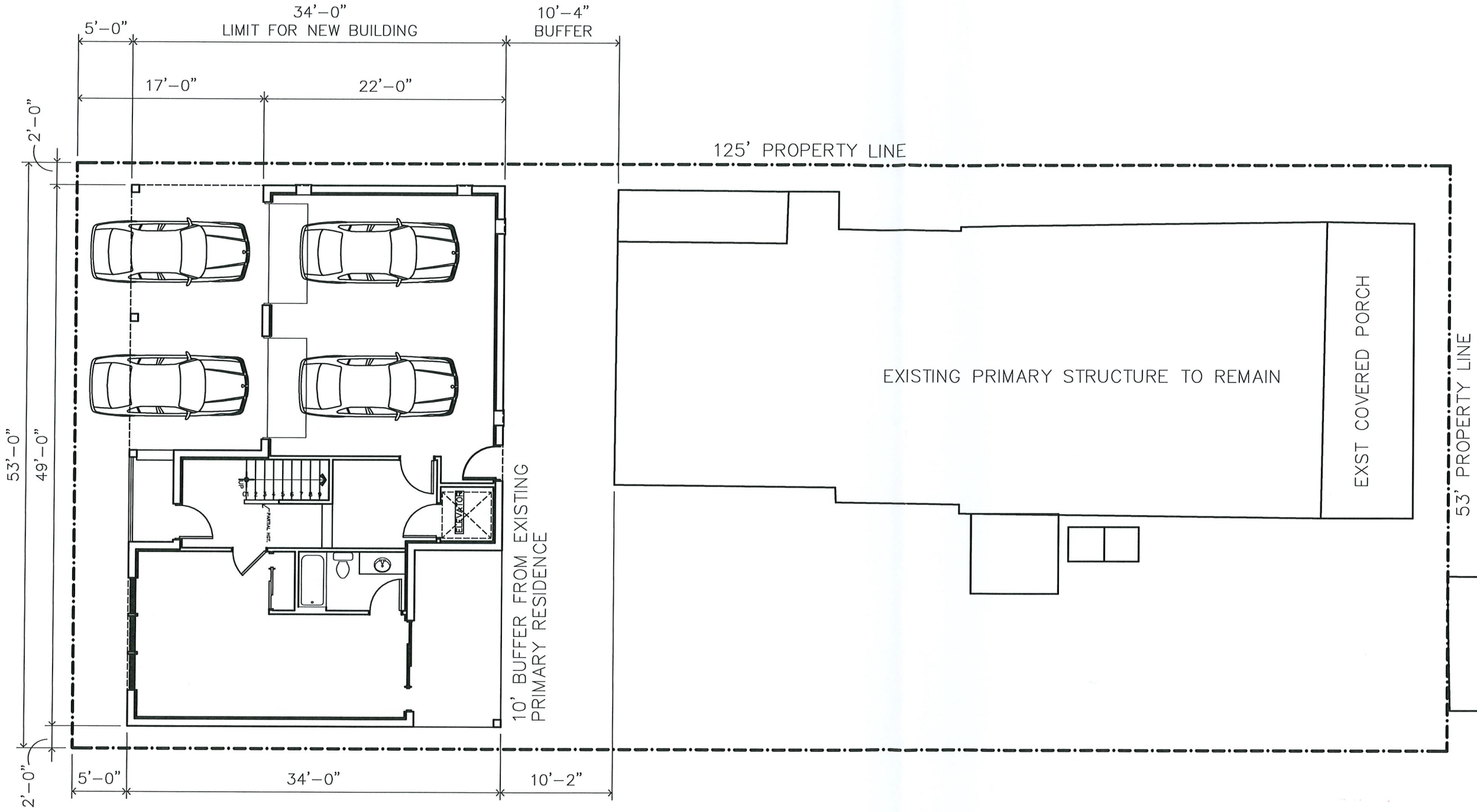
5211 Pine Rocklands Ave.

TEL (904) 222-1176

rwgray3@gmail.com

Registered Florida AR15364

PROPOSED



VARIANCE APPLICATION
PROPOSED CONDITIONS - 2 SPACE GARAGE
ARCHITECTURAL SITE PLAN
1" = 10'-0"

RECEIVED
23-100007
FEB - 2 2023

PLANNING & DEVELOPMENT

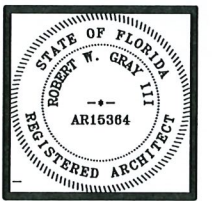
REV	DESCRIPTION
1	-
2	-
3	-
4	-

ROBERT
GRAY
ARCHITECT
A FLORIDA CORPORATION

5211 PINE
ROCKLANDS AVENUE
LITHIA, FLORIDA
33547

904.222.1176
rwgray3@gmail.com

THE RICHIE RESIDENCE
1117 2ND AVENUE SOUTH
(THE EAST 15.5' OF LOT 6, AND THE WEST 37.5' OF
BLOCK 12, PABLO BEACH)

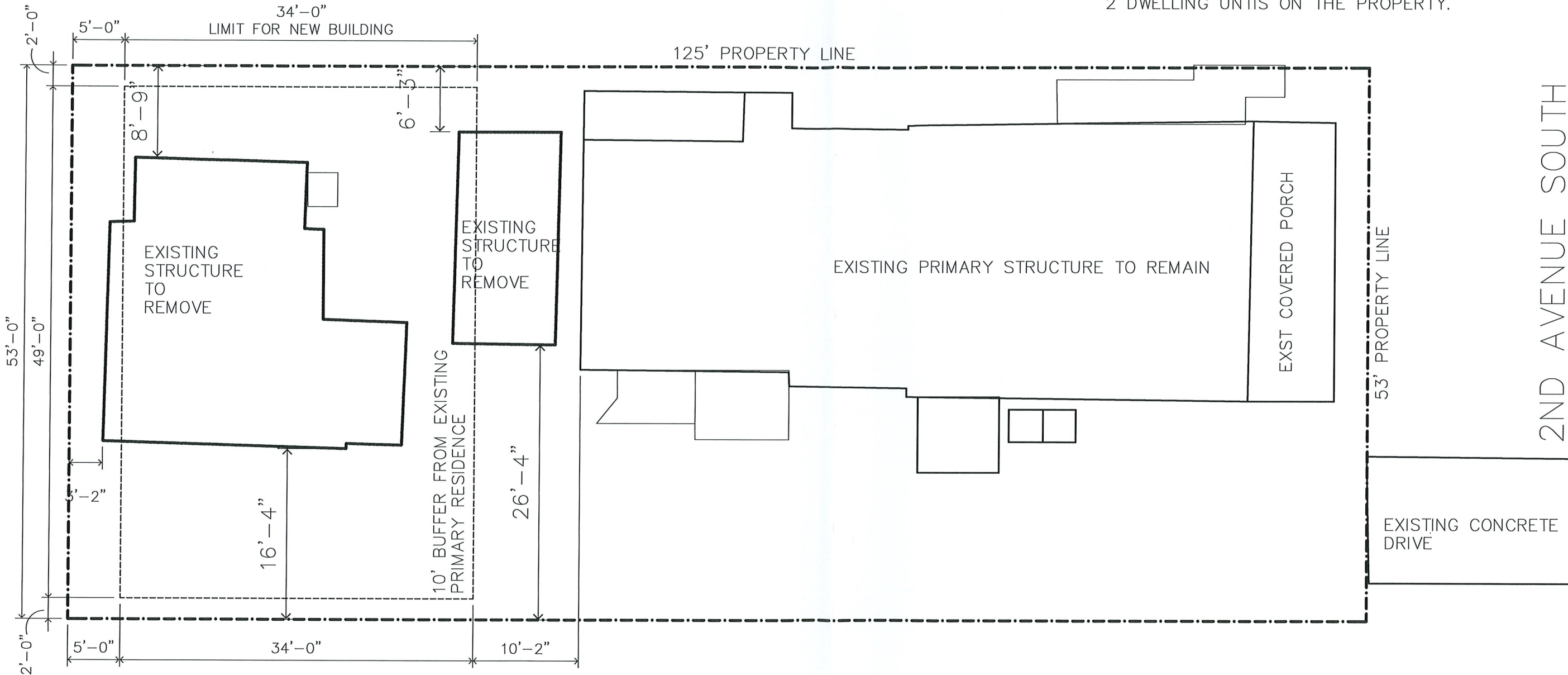


THIS ITEM HAS BEEN
DIGITALLY SIGNED AND
SEALED BY ROBERT W.
GRAY ON THE DATE
ADJACENT TO THE SEAL.
PRINTED COPIES ARE
NOT CONSIDERED SIGNED
AND SEALED AND THE
SIGNATURE MUST BE
VERIFIED ON ANY
ELECTRONIC COPIES.

PLAN 22-25
SHEET 2

EXISTING

BOA#11-100171:
AMENDED AND APPROVED FOR:
1. EASTERLY SIDE YARD OF 5' IN LIEU OF 10' REQ'D.
2. FRONT YARD OF 2' IN LIEU OF 20' REQ'D.
3. LIMITED TO A 2-STORY FRONT PORCH AS SUBMITTED.
4. CONDITIONED THAT THERE ARE A MAXIMUM OF 2 DWELLING UNTIS ON THE PROPERTY.



VARIANCE APPLICATION
EXISTING CONDITIONS
ARCHITECTURAL SITE PLAN
1" = 10'-0"

REV	DESCRIPTION
1	-
2	-
3	-
4	-

ROBERT GRAY ARCHITECT
A FLORIDA CORPORATION
5211 PINE ROCKLANDS AVENUE
LITHIA, FLORIDA 33547
904.222.1176
rwgray3@gmail.com

2ND AVENUE SOUTH
THE RICHIE RESIDENCE
1117 2ND AVENUE SOUTH
(THE EAST 15.5' OF LOT 6, AND THE WEST 37.5' OF BLOCK 12, PABLO BEACH)



THIS ITEM HAS BEEN DIGITALLY SIGNED AND SEALED BY ROBERT W. GRAY ON THE DATE ADJACENT TO THE SEAL. PRINTED COPIES ARE NOT CONSIDERED SIGNED AND SEALED AND THE SIGNATURE MUST BE VERIFIED ON ANY ELECTRONIC COPIES.

RECEIVED
23-100007
FEB - 2 2023

PLANNING & DEVELOPMENT

PLAN 22-25
SHEET 1



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

BOA#23-100008

Zoning: C-1
RE: 175438-0000
Legal: Lots 3 & 4, less 5.5 feet south, Block 203, Elton Realty Co's Replat
Address: 2017 3rd Street North

Request

Section(s): 34-377 for zero parking spaces in lieu of three spaces minimum to allow for the construction of a drive-up independent teller machine

Existing Conditions

The subject property is comprised of two lots of record, (circa 1925) located in the Limited Commercial future land use category. The property is currently zoned Commercial Limited: C-1. The subject property is 99 feet in depth and 110 feet in width, and an overall lot area of 10,890 square feet. The subject parcel is located along 3rd Street North, and although is a large commercial lot, has only one driveway in and out. As driveways along 3rd are regulated by Florida Department of Transportation, previous owners have been unable to acquire a second way in or out, which has made development difficult. Previous owners have attempted to develop the parcel for multifamily or townhome uses. The lack of driveway has scuttled all of these previous plans.

PC#18-05 – Townhomes in C-1
BOA#15-100190- Setbacks in association with townhomes
PC#15-18 – Townhomes in C-1
BOA#18-100123 (DENIED) – for setbacks associated with townhomes
PC#29-19 – Townhomes in C-1
BOA#19-100189 – Not heard by BOA
PC#01-22 – Townhomes in C-1

Staff Analysis

The subject parcel is a viable commercially zoned lot that has failed to develop as multifamily or townhomes for roughly 17 years due to the noted driveway issue above. It has been a vacant parcel at least as far back as 2004. The proposed use for a virtual teller machine is a very low intensity use for the property. The proposed use is allowed by right and does not need Conditional Use approval by the Planning Commission. The applicant has proposed a looped drive thru arrangement with a



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

storm water pond in the middle of the loop and the teller machine on the far side opposite 3rd Street North. The LDC requires any business to have a minimum of three parking spaces. The code clearly did not anticipate a standalone teller machine, with no associated bank. The proposed teller machine will not be accessible to anyone walking up, but is raised to accommodate people in cars. Therefore the applicant has no need to provide parking. If parking was to be required, they would have to increase lot coverage, and possibly approach the 65% limit. As it stands now, they are well below that threshold. They drive thru meets all required setbacks and design requirements for a one way drive isle.

Minimum parking standards

Sec. 34-377. - Off-street parking space requirements.

- Off-street parking spaces shall be provided in accordance with the following minimum standards. Except as provided herein, in no case shall any business or office use provide fewer than three (3) off-street parking spaces.

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 special condition that exists on the property is the single and centrally located driveway that has consistently led to underutilization of the property. Additionally, the proposed use has no need for parking as there is no indoor space or pedestrian related access for someone not in a car.

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 recently purchased the property, and as noted above, the issue has been in existence for decades, and was not created by the applicant.



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

- 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. There are several standalone ATM machines located within existing parking lots. These machines were not required to install any parking, as they were able to take advantage of the existing parking or the retail spaces they are adjacent to. Granting this variance will allow the applicant to operate on a level playing field with other ATMs in the City.

- 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. If the applicant was required to construct parking, it would increase lot coverage, and put them at a disadvantage as compared to other similar uses in the commercial districts.

- 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 applicant will meet all other requirements for setbacks and lot coverage, and only requests relief from the parking requirements.

- 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. Further the reuse of existing commercial structures is furthering the goals of the 2030 Comprehensive Plan.

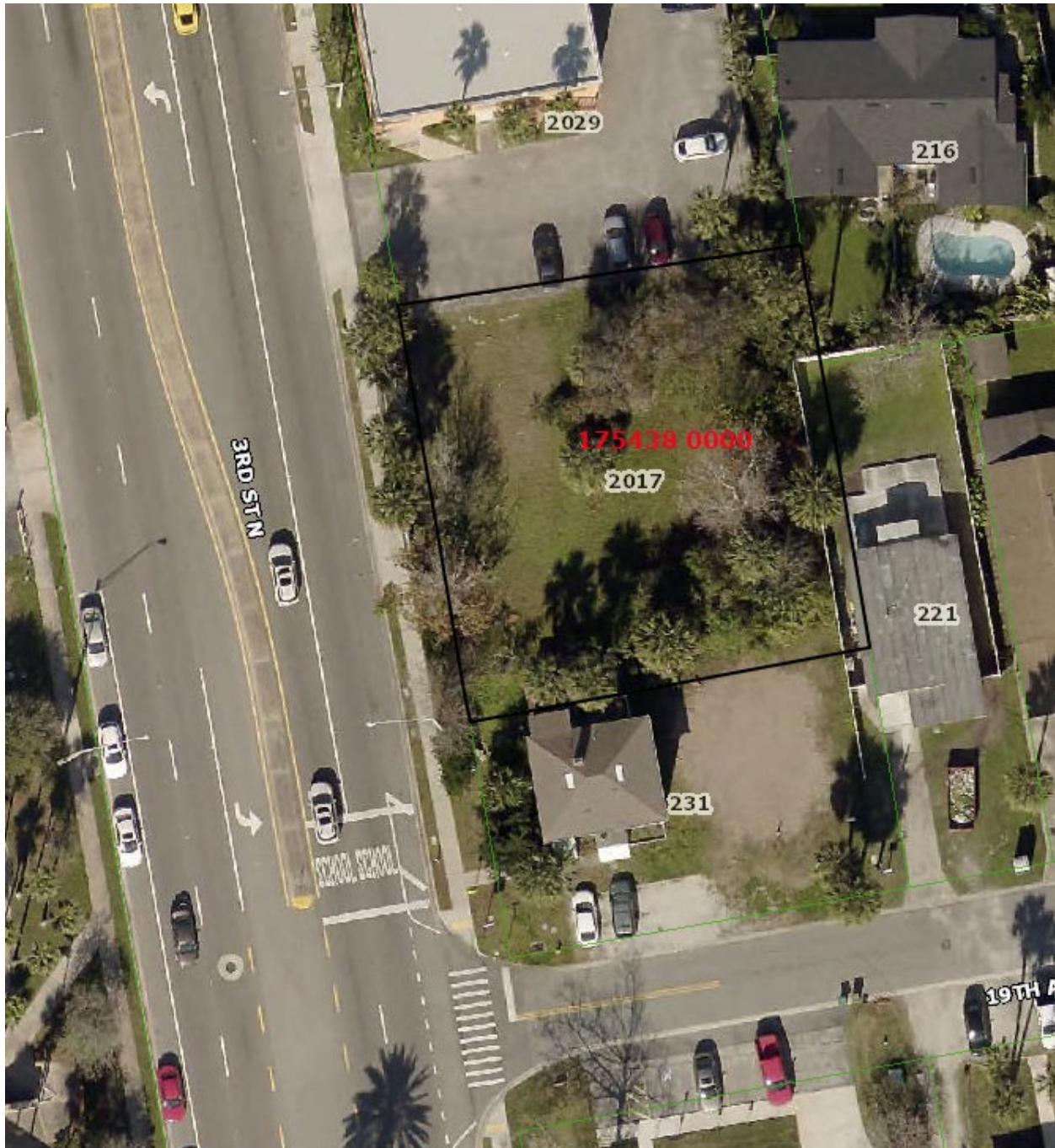


City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

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#23-100008**

Location Map (property boundaries are representative only)



LOT 2, BLOCK 203
ADDRESS: 2029 3RD STREET N

ASPHALT PARKING AREA
8 PARKING SPACES
N80°07'46"E 110.00'
110'(PLAT)

LOT 3, BLOCK 203

O.R. 14841, PAGE 1996
110'(PLAT)
(VACANT)

LOT 4, BLOCK 203

LOT 5, BLOCK 203
ADDRESS: 231 19TH AVENUE N

LOT 6, BLOCK 203
ADDRESS: 221 19TH AVENUE N

19TH AVENUE NORTH
(VARIABLE WIDTH R/W)

FORMER R/W LINE
CURRENT R/W LINE

CLOSED PER ORDINANCE #3748

FOUND 1/2" IRON (LB 1576)

ELECTRIC HANDHOLE
STREET LIGHT CONTROL BOX

CONCRETE SIDEWALK
EASTERLY R/W LINE

ASPHALT PAVEMENT
CROSS CURB

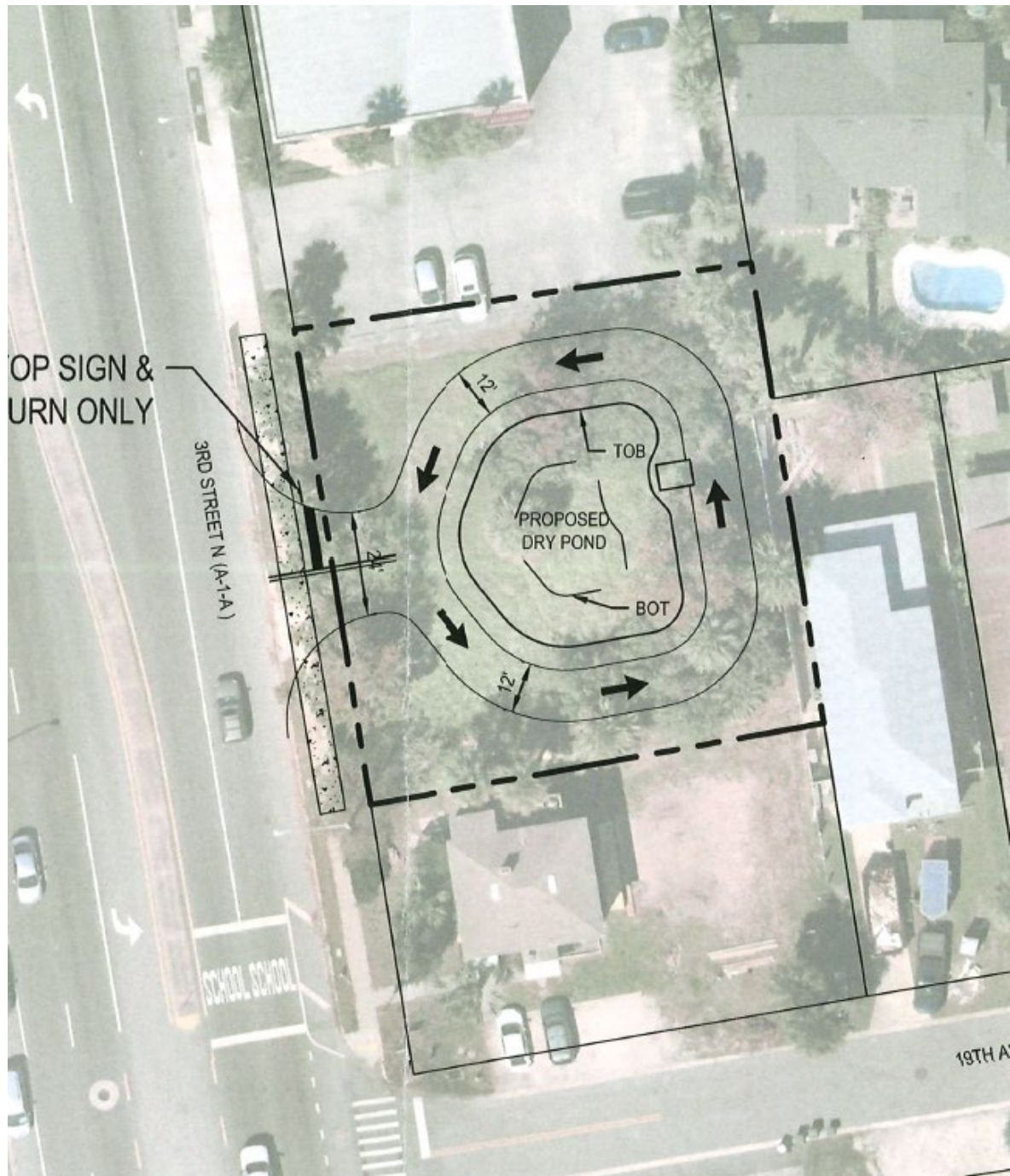
WATER METER
5'WF
0.6'

FOUND 1/2" IRON (LB 1704)
ROUND 1/2" IRON
FENCE ON LINE
6'WOF
0.1'

FOUND 1/2" IRON (NO CAP)
ROOFED & SCREENED WOOD DECK
6'WOF
0.1'

52.4'(PLAT)
N09°43'30"W 99.30'
52.4'(PLAT)
S80°07'46"W 110.00'
110'(PLAT)
52.4'(PLAT)
S09°43'30"E 67.90'

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100008
HEARING DATE 3.7.23

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.

RECEIVED

JAN 25 2023

APPLICANT INFORMATION

PLANNING & DEVELOPMENT

Applicant Name: Paul Blackstone - 121 Financial Credit Union - COO Telephone: 904-440-7600
Mailing Address: 701 Riverside Park Place Jacksonville, FL 32204 E-Mail: paul@121fcu.org
Agent Name: JENNIFER URCAN, DIRECTOR - BGE INC. Telephone: 904-990-8383
Mailing Address: 10151 DEERWOOD PARK BLVD BLDG 200, SUITE 200 JAX, FL 32256 E-Mail: JURCAN@BGEINC.COM
Landowner Name: Paul Blackstone - COO - 121 Financial Credit Union Telephone: 904-440-7600
Mailing Address: 701 Riverside Park Place Jacksonville, FL 32204 E-Mail: paul@121fcu.org

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: 2017 3RD STREET N JAX, FL 32250 / 175438 0000
Legal description of property (Attach copy of deed): SEE ATTACHED
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).
Request variance to COJB Land Development Code, Article VIII - Site Development Standards, Sec. 34-377 which requires any business or office use to provide a minimum of three (3) off-street parking spaces.
Requested variance is to eliminate parking requirement as proposed use is a drive-thru Interactive Teller Machine for banking.

AFFIDAVIT

I, PAUL BLACKSTONE, 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

PAUL BLACKSTONE
PRINT APPLICANT NAME

01/25/2023
DATE

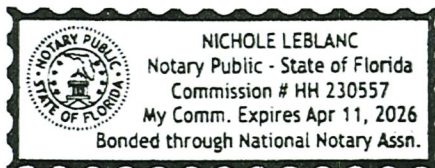
STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25 day of January, 2023, by Paul Blackstone, who is personally known to me or produced as identification.

NOTARY PUBLIC SIGNATURE

Nichole LeBlanc

PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: C-1

FLOOD ZONE: X-shaded

CODE SECTION (s):

34-377 for zero parking spaces in lieu of three spaces minimum to allow for the construction of a drive-up independent teller machine

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No.

23-100008

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 25 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	Proposed use is a drive-thru ITM for banking and, by design, does not necessitate parking & discourages pedestrian access.
Special circumstances and conditions do not result from the actions of the applicant.	NO	Landowner purchased the property under the existing zoning conditions which allow for a variance request.
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	Landowner, per code, is allowed to request a variance.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	YES	Literal interpretation would cause undue and unnecessary hardship by requiring additional pavement and associated infrastructure that is not needed for intended use.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	Grant of variance is the minimum variance needed because three off-street parking spaces is the minimum required number of parking for any commercial development. Therefore, elimination is requested.
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	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.

RECEIVED
23-100008
JAN 25 2023

Prepared By, Record and Return to:
Jimerson Birr, P.A.
Adrian H. Faulkner, Esq.
One Independent Dr., Suite 1400
Jacksonville, FL 32202

PLANNING & DEVELOPMENT

3335.019

Parcel ID No. 175438-0000

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED, made this 9th day of December, 2022, by **2017 N THIRD ST, LLC, a Florida limited liability company**, whose address is 1640 Beach Avenue, Atlantic Beach, FL 32233, hereinafter referred to as "Grantor(s)", to **121 Financial Credit Union**, whose address is 701 Riverside Park Place, Jacksonville, FL 32204, hereinafter called "Grantee(s)."

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars 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 situate, lying and being in Duval County, Florida, to wit:

Lots 3 and 4, LESS AND EXCEPT the South 5.50 Feet of Lot 4, Block 203, ELTON REALTY COMPANY'S REPLAT, according to the map or plat thereof as recorded in Plat Book 10, Page 14, Public Records of Duval County, Florida.

GRANTOR WARRANTS that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the State of Florida, nor is it contiguous to or a part of a homestead property.

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.

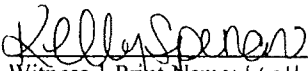
AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever claiming by, through or under Grantor, but not otherwise; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2021, reservations, covenants, restrictions and easements of record, if any.

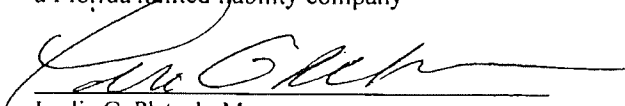
(The terms "Grantor" and "Grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

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

Signed, sealed and delivered
in the presence of:

2017 N THIRD ST, LLC
a Florida limited liability company


Witness 1 Print Name: Kelly Spencer

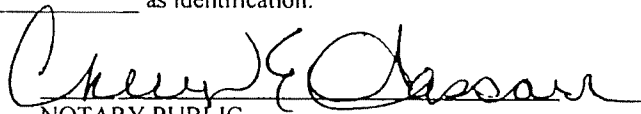

Leslie G. Platock, Manager

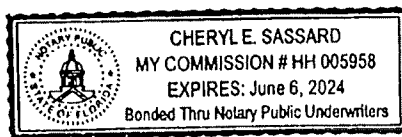

Witness 2 Print Name:

CHERYL E. SASSARD

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6th day of December, 2022, by **Leslie G. Platock, Manager of 2017 N THIRD ST, LLC, a Florida limited liability company** ☒ who is personally known to me or ☐ who has produced as identification.


NOTARY PUBLIC

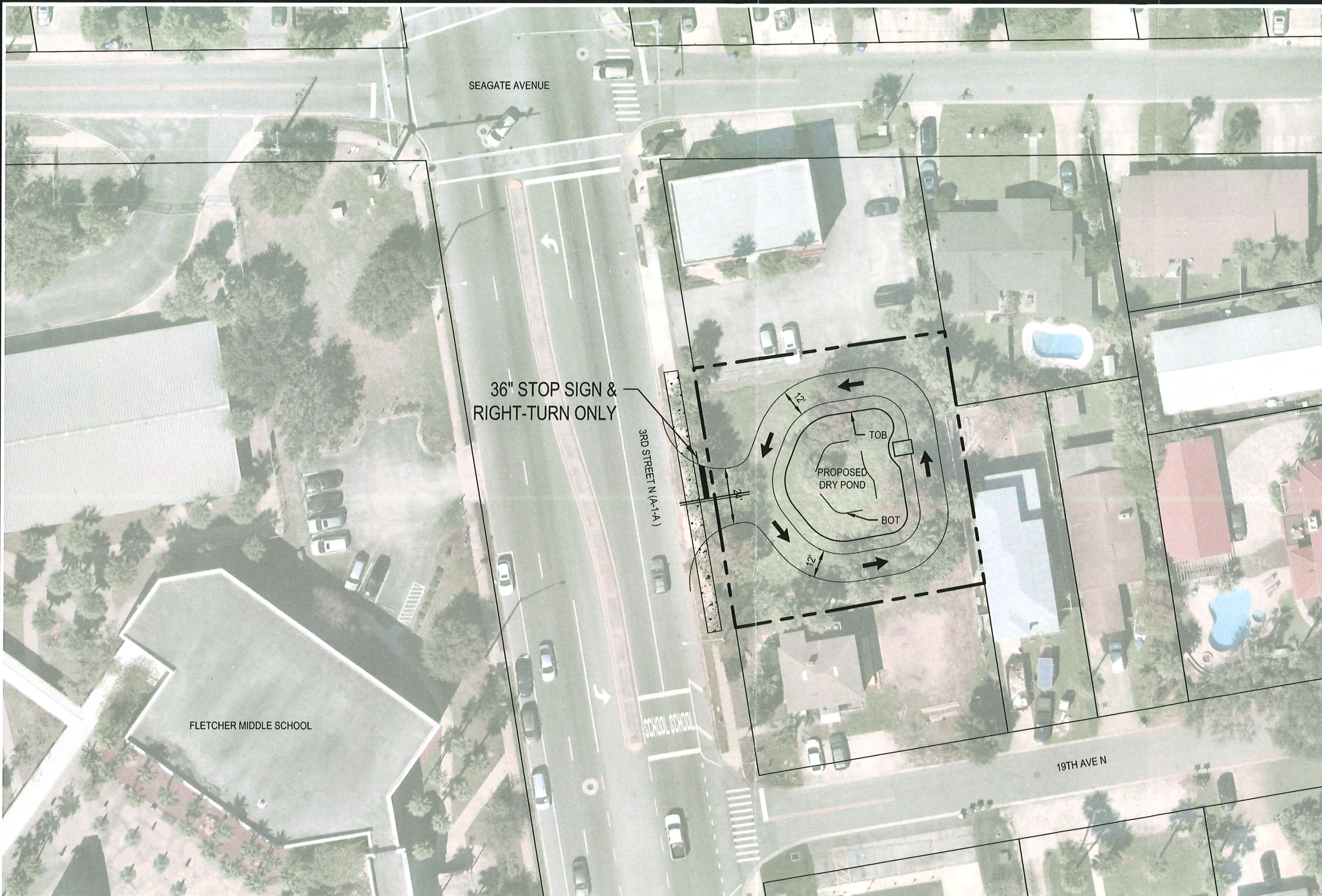


PROPOSED



NOTES:

- 1.) PARCEL LINEWORK SOURCE: DUVAL COUNTY GIS
- 2.) SITE PLAN IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE
- 3.) ALL PROPOSED ROADWAY MEASUREMENTS FROM FACE-OF-CURB TO FACE-OF-CURB



RECEIVED
23-100008
JAN 25 2023

PLANNING & DEVELOPMENT



10151 DEERWOOD PARK BLVD
BLDG 200 SUITE 200
JACKSONVILLE, FLORIDA
www.bgeinc.com

121 FINANCIAL ITM - JACKSONVILLE BEACH, FLORIDA

DATE: 11/17/2022

0 40' 80' 120'
SCALE: 1" = 40'

EXISTING

MAP SHOWING BOUNDARY SURVEY OF
LOT 3 AND LOT 4, LESS AND EXCEPT THE SOUTH 5.50 FEET OF LOT 4,
BLOCK 203 AS SHOWN ON MAP OF ELTON REALTY COMPANY'S REPLAT
RECORDED IN PLAT BOOK 10, PAGE 14 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

LEGEND	
●	FOUND 1/2" IRON (NO CAP), UNLESS NOTED
R/W	RIGHT OF WAY
O.R.	OFFICIAL RECORDS BOOK OR VOLUME
MF	METAL FENCE
WDF	WOOD FENCE
CLF	CHAIN LINK FENCE
x	FENCE, AS NOTED, W/TIES TO FACE

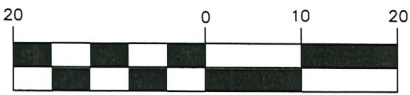
GENERAL NOTES:

1. BEARING REFERENCE: N09°43'30"W FOR THE EASTERLY R/W LINE OF 3RD STREET NORTH PER STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION R/W MAPS, SECTION 7210-113.
2. THIS IS AN ABOVE SURFACE SURVEY ONLY. NO UNDERGROUND INFORMATION WAS LOCATED OR SHOWN..
3. THE PROPERTY SURVEYED HEREON LIES WITHIN FLOOD ZONE "X" AS SCALED FROM FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 120078-0001D, DATED APRIL 17, 1989.
4. SUBJECT PROPERTY ADDRESS: 2017 3RD STREET NORTH, JACKSONVILLE BEACH, FLORIDA 32250.
5. SUBJECT PROPERTY CONTAINS: 0.25 ACRES (10,897 SQUARE FEET).
6. ALL LOT AND BLOCK INFORMATION SHOWN HEREON REFERS TO MAP OF ELTON REALTY COMPANY'S REPLAT, PLAT BOOK 10, PAGE 14.

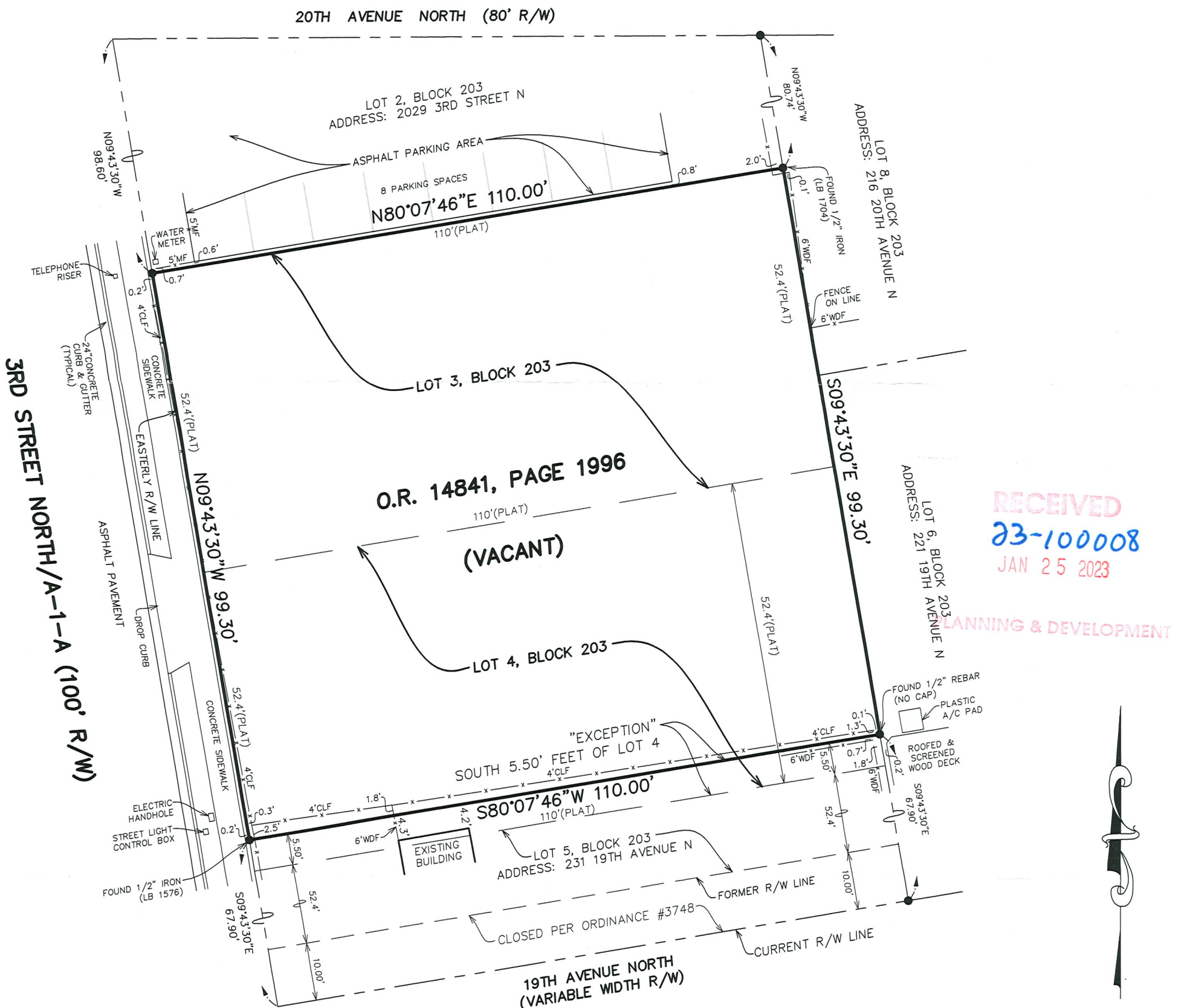
CERTIFIED TO:

LESLIE G. PLATOCK DDS, LLC;
CNL BANK;
OLD REPUBLIC NATIONAL TITLE
INSURANCE COMPANY;
PLATOCK LAW, P.A.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.



PLANNING & DEVELOPMENT



I HEREBY CERTIFY THAT THIS SURVEY, PERFORMED UNDER MY RESPONSIBLE DIRECTION MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYORS IN ACCORDANCE WITH CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE (PURSUANT TO SECTION 472.027, FLORIDA STATUTES), AND FURTHER CERTIFY THAT THERE ARE NO VISIBLE ENCROACHMENTS UPON THE SUBJECT PROPERTY EXCEPT AS SHOWN.

SURVEYED: JUNE 14, 2013

SCALE: 1"=20'

FIELD BOOK: 860 PAGE: 61

FIELD BOOK: PAGE:

C: \DWG\A2013\ELTON_RP-LOTS_3-4-BDY.dwg\C

CLARSON AND ASSOCIATES, INC.
PROFESSIONAL SURVEYORS & MAPPERS
1643 NALDO AVE., JACKSONVILLE, FL., 32207
(904) 396-2623 LB NO. 1704

JOSE A. HILL JR.
REGISTERED SURVEYOR NO. 4487, FLORIDA

SURVEY NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL



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

BOA#23-100009

Zoning: RS-2
RE: 181417-0025
Legal: **Lot 12, Block 11**, South Beach Replat
Address: 3090 Sunshine Court

Request

Section(s): 34-337(e)(1)c.2, for a corner side yard setback of 10 feet in lieu of 13.4 feet required; and 34-337(e)(1)e, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new single-family dwelling and swimming pool

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 2006) located in the Low Density Residential future land use category. The property is zoned Residential Single Family: RS-2. The subject lot approximately 67 feet wide and 95 feet deep, due to the curved nature of the corner lot, the overall area is slightly smaller than the surrounding properties, with an overall area of approximately 6,300 square feet. Lot 12 was originally part of the "Jacksonville Beach Heights" Plat, Block 11 that was platted in 1925. After the City acquired the seven original lots, they were re-platted in 2006 as the "South Beach Replat". This replat created five new lots of record, while also creating Sunshine Court. Sunshine Court was created so that the five new lots of record would not have to be accessed from South Beach Parkway, which has no other direct residential lot access south of Osceola Avenue in the Southend CRA Redevelopment District.

Each of the five new lots were platted at 67 feet wide, and 95 feet deep, with the exception of Lot 8 at the south end of Sunshine Court of which some of the lot is lost to the cul-de-sac and the subject lot of this application, lot 12, as it is the corner lot at the intersection of Sunshine Court and Ponce De Leon Street. The original seven lots were 50 feet wide by 120 feet deep. The result of the replat was five new lots that were more conforming than the original 7 lots in both area and width, but still are considered nonconforming lots of record pursuant to the Land Development Code and as such are developable. The lots were recently auctioned off to developers with specific deeded requirement for building new single family homes on the City platted lots. The application before you is for the construction of a new single family home on one of these lots. The lots, although replatted, remain substandard in width and area for the RS-2 zoning district.

No previous BOA, no active code case.



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

Staff Analysis

The subject lot was replatted by the City into the current configuration so there would not be driveways onto South Beach Parkway, and the lots would be slightly wider than the historic lots. The lots were recently sold with the intent of requiring the construction of new single family homes. The existing lots are all 67 feet wide and 95 feet deep, making them substandard in both lot width and area for the RS-2 zoning district. The proposed homes will consist of a two story home with a two car garage, small walkway and a covered front entry. Were this a full sized lot, the lot coverage would be roughly 40%. The proposed home meets the minimum size requirements for a home in RS-2 and does contain a garage.

Minimum Dimensional Standards

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



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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is substandard in lot width and area. The subject is also unique due to the replatted nature of the lot by the City specifically to make them more buildable and attractive to single family home developers. Additionally as this is a corner lot it is subject to the corner side yard setback and has a smaller area due to the curved nature of the corner of the lot.

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

Staff **does not** find that circumstances are a result of the applicant. The subject property was created through the replatting of an existing nonconforming group of lots by the City. **The owner is required to build a single family home as a condition of the purchase. The owner did not create the substandard nature of the lot.**

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 this variance will further the goals of the Southend CRA district. The intent is to have these lots developed as single family homes, and based on the substandard nature of the lot, it would not be a special privilege to build a home on this lot but rather the only allowable use.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. The current lot is substantially substandard in both width and area. Literal interpretation of the code would deny the applicant to build a single family home, for which the lot is zoned, and was a condition of the purchase of the lot from the City.



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

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

Staff **does** find that the requested variances are the minimum variance needed to accomplish the proposed design. The applicant is requesting an increase in lot coverage and a reduction in setbacks to allow for the construction of an average sized single family home with a conforming two car garage and rear yard amenities including a pavilion and coping only swimming pool, uses likely to be requested by a future owner.

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#23-100009**

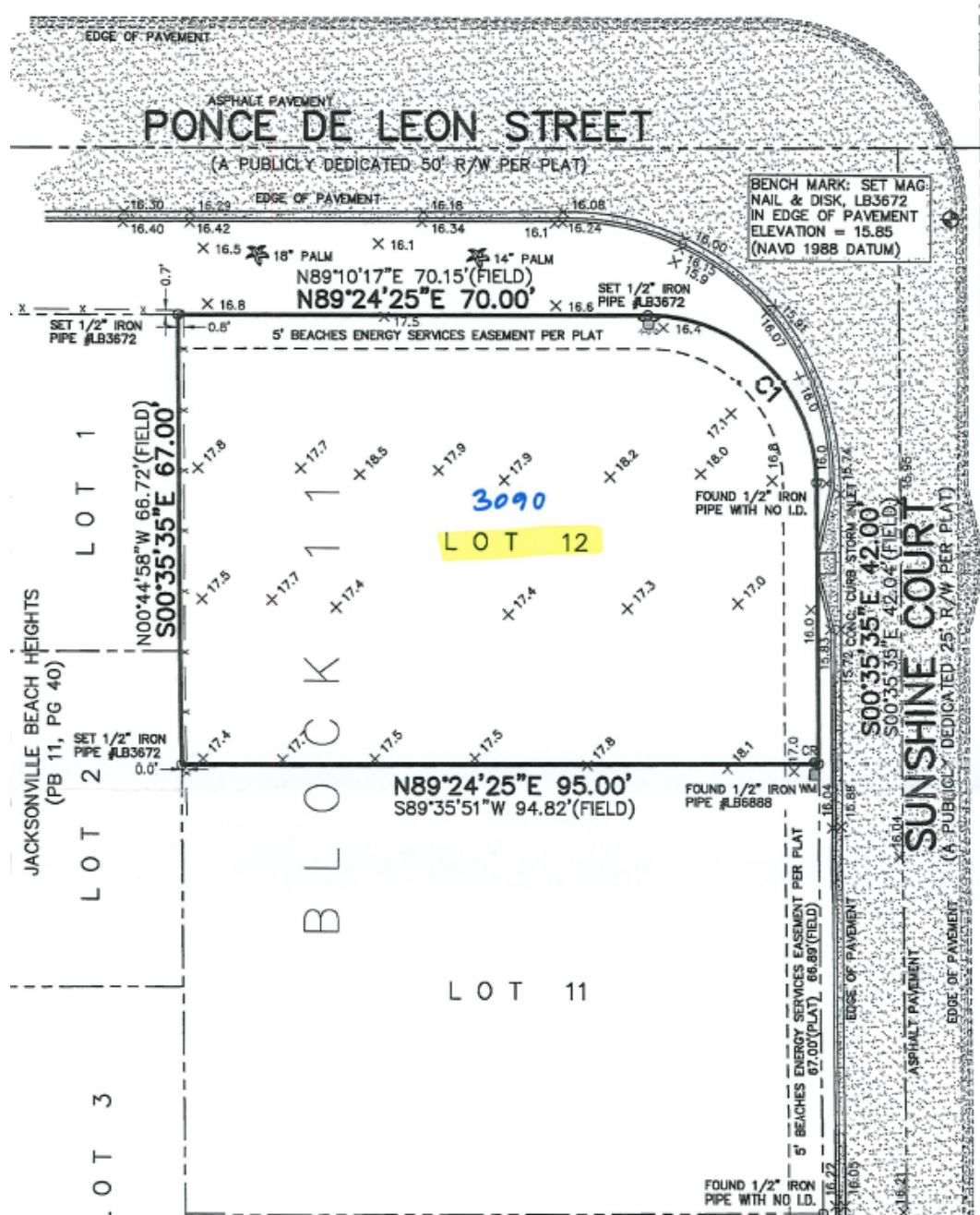
Location Map (property boundaries are representative only)



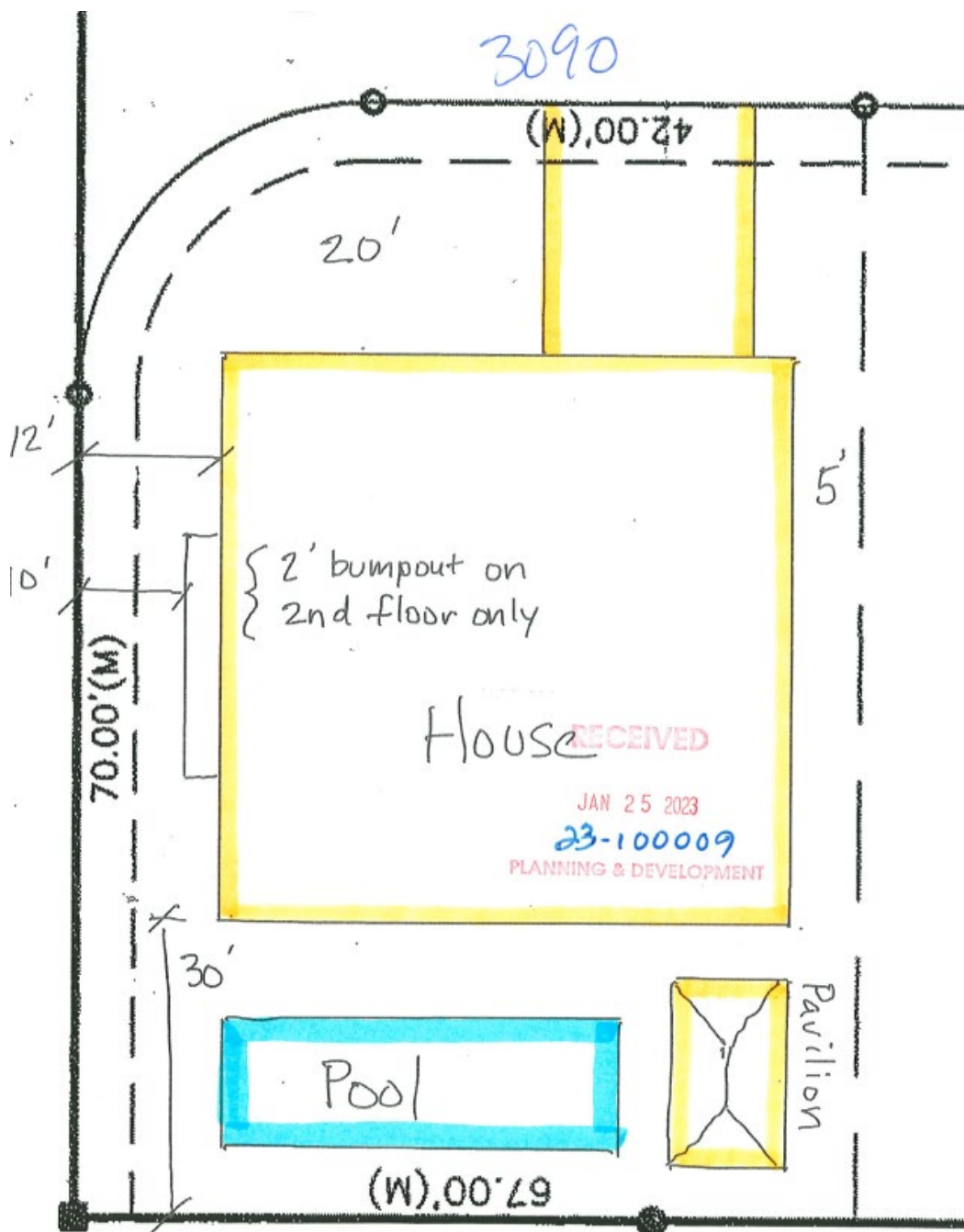


City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Existing Survey



Proposed Site Plan



3090



APPLICATION FOR VARIANCE

BOA No.

23-100009

HEARING DATE

3.7.23

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 25 2023

APPLICANT INFORMATION

Applicant Name: MIKE HANNA HANNA BUILDERS

Telephone:

904 234 6453

Mailing Address: 134 36th Ave S
Jax Bch FL 32250E-Mail: hannabuilders@yahoo.com

Agent Name:

Telephone:

Mailing Address:

E-Mail:

Landowner Name: Mike Hanna

Telephone:

Mailing Address: Same as above

E-Mail:

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

VARIANCE DATA

Street address of property and Real Estate Number: 3090 Sunshine Ct 181417-0025Legal description of property (Attach copy of deed): 62-122 09-35-29E, 14 South Beach replat

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):

Lot coverage of 50% in lieu of 35%
Northern side yard 10' in lieu of 13.4'
for single family dwelling

Lot 12
Blk 11

AFFIDAVIT

I, Mike Hanna, 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.

Mike Hanna
APPLICANT SIGNATURE

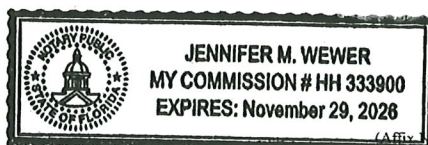
MIKE HANNA
PRINT APPLICANT NAME

1-25-23
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25 day of January, 2023, by Mike Hanna, who is personally known to me or produced _____ as identification.

Jennifer M. Wewer
NOTARY PUBLIC SIGNATURE
Jennifer M. Wewer
PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2FLOOD ZONE: X

CODE SECTION (S):

34-337(e)(1)c.2, for a corner side yard setback of 10 feet in lieu of 13.4 feet required; and 34-337(e)(1)e, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new single-family dwelling and swimming pool

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100009

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.		
Special circumstances and conditions do not result from the actions of the applicant.	Yes	The city replatted the lots as non-conforming against the development code.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.		
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	The city replatted the lots as non-conforming and the city has granted similar variances to similar lots
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.		
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	Similar variances have been granted to lots in the same zoning district.

1. **STANDARD:** 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 building in the same zoning district.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** The only way this can be a yes is if there exists at least one conforming RS2 lot in Jax Beach, which there obviously is. So, yes this applies, but since the majority of RS2 lots in Jax Beach are non-conforming, then the special circumstance that exists for this lot exists for a majority of RS2 lots in Jax Beach. Somewhat odd question when nearly all RS2 lots are non-conforming.
2. **STANDARD:** Special circumstances and conditions do not result from the actions of the applicant.
 - a. **APPLIES?:** Yes this applies (and no)
 - b. **EXPLANATION:** It does not apply when you consider I chose to buy the lot. But it does apply when you consider the city chose to create non-conforming lots and put them up for public auction, which is not possible for a regular marketplace developer under the current development code.
3. **STANDARD:** 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.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** Granting the variance will not confer any special privileges denied by the comprehensive plan because the comprehensive plan has accommodations for granting variances to non-conforming lots.
4. **STANDARD:** 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.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** The city chose to develop non-conforming lots against the development code and offer them for sale the public. Denying a variance similar to other variances granted to other RS2 lots would be the definition of depriving the applicant of rights commonly enjoyed by other RS2 lot owners and would be an unnecessary hardship.
5. **STANDARD:** Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building, or structure.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** With emphasis on the word "reasonable", considering the cost of construction and current market, to make the end product marketable for a bare minimum profit, this is the minimum variance in my opinion to make that possible.
6. **STANDARD:** 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.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** Similar, and greater, variances have been granted for other RS2 lots. This is a very high-profile street for Jax Beach. Our goal, being in control of 3 of the 5 lots, is to enhance the streetscape, not just an individual lot. We are not asking for any more than what has been granted dozens of times in the past for other non-conforming RS2 lots.

RECEIVED
23-100009
FEB - 6 2023

This document was prepared by:
Sandra R. Robinson, FL Bar #0017757
Jacksonville Beach City Attorney
11 North Third Street
Jacksonville Beach, Florida 32250
Parcel No. 181417-0025

RECEIVED
23-100009
JAN 25 2023

PLANNING & DEVELOPMENT

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made this 14th day of September, 2022, by and between the CITY OF JACKSONVILLE BEACH, FLORIDA, a municipal corporation organized and existing under the laws of the State of Florida, whose principal address is 11 North Third Street, Jacksonville Beach (Duval County), Florida 32250 ("GRANTOR") and HANNA INCORPORATED, a Florida Profit Corporation, whose principal address is 820 A1A North, Suite W4, Ponte Vedra Beach, FL 32082 ("GRANTEE").

RECITALS

R-1 Grantor is a political subdivision of the State of Florida and is authorized by and pursuant to Florida Statutes §163.370 to acquire and dispose of real property in a community redevelopment area.

R-2 Grantor wishes to convey all rights, title, and interest in the Property to Grantee, on the condition that Grantee will develop, construct, use, and maintain the Property solely as a single-family residence and for no other use. Said condition shall be satisfied by Grantee submitting a building permit within no later than six months from the date above written, commencing construction on the Property within no later than six months from the date of the issuance of a building permit, and completing construction and obtaining a certificate of occupancy within no later than 18 months from the commencement of construction. For purposes of this conveyance, "construction" shall be defined to mean dredging, excavating, grading, building, altering, repairing, demolishing or improving upon the subject real property.

R-3 Grantee agrees, by acceptance and execution of this deed, that all rights, title, and possession in the Property shall automatically, and without further action, revert to and re-vest in the Grantor should Grantee fail to complete construction and obtain a certificate of occupancy within 18 months from the commencement of construction. Upon reversion of rights, title, and possession of the Property to the Grantor, Grantor shall have the right to re-enter the Property to exercise all rights, title, and interest of owner. Upon reversion of rights, title, interest, and possession to the Grantor, all rights, title, interest, and possession in the Grantee shall cease.

R-4 Grantee agrees to cooperate with Grantor upon the reversion of the rights conveyed hereby by filing an Affidavit with the Clerk of the Circuit Court of Duval County, or any such documentation that may be deemed necessary for the retitling of the Property, in the records of the courts or taxing authorities.

R-5 By acceptance and execution of this deed, Grantee waives any objection to the form or operation of the Grantor's right of reversion, as well as to any effect said reversion may have on the marketability of title to said Property.

R-6 The Grantor's right of reversion shall not extend for a period greater than three years from the date of this conveyance, or the maximum period permitted by statute, whichever is less.

WITNESSETH:

NOW THEREFORE, in consideration of the foregoing recitals which are incorporated herein and agreed as terms, and in consideration of the mutual covenants herein, and their acceptance by the Grantee, the GRANTOR, the City of Jacksonville Beach, does hereby GIVE, GRANT, and CONVEY with SPECIAL WARRANTY, unto GRANTEE, HANNA INCORPORATED, its successors and assigns, in fee simple, all those parcels of lands located in the City of Jacksonville Beach, Duval County, Florida more particularly described below ("the Property"):

ALL that certain lot or parcel of land, with the improvements thereon and appurtenances thereunto, lying, being and situate in the City of Jacksonville Beach, Florida being known, numbered and designated as Lot 12, Block 11, South Beach Replat, according to plat thereof as recorded in Plat Book 62, page 122, of the current public records of Duval County, Florida.

Together with all the tenements, hereditaments, easements, and appurtenances thereto bellowing or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of GRANTOR, either in law or equity, for the use, benefit, and profit of the GRANTEE forever.

To have and to hold, the same in fee simple forever.

GRANTOR does hereby covenant to and with said GRANTEE that said GRANTOR is lawfully seized of the land in fee simple, and has full power and authority to convey the above-described property to GRANTEE and to deliver this Deed.

GRANTOR warrants title; GRANTOR further covenants that it has done no act to encumber the Property and that the Property is free and clear from all encumbrances, and will execute such other assurances thereof as may be necessary, and that GRANTOR will forever defend GRANTEE against all persons claiming, by, through, or under GRANTOR.

No other covenants or warranties, expressed or implied, are given by this Special Warranty Deed.

IN WITNESS WHEREOF, the GRANTOR has executed this Special Warranty Deed the day and year above written.

[SIGNATURES ARE ON THE FOLLOWING PAGES]

GRANTOR:

Signed, sealed, and delivered as
to Grantor in the presence of:

CITY OF JACKSONVILLE BEACH

Elice Brosch
Signature of First Witness

Elice Brosch
Print Name of First Witness

Michael J. Staffopoulos
Signature of Grantor

Michael J. Staffopoulos
Print Name of Grantor

Taylor Mobbs
Signature of Second Witness

Taylor Mobbs
Print Name of Second Witness

Approved as to form:

Sandra Robinson
Sandra Robinson, City Attorney

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing Special Warranty Deed was signed, sworn, and acknowledged before me
by means of (☒) physical presence or () online notarization on this 14 day of September
2022, by Michael J. Staffopoulos on behalf of Grantor, who is (☒) personally
known by me or () has produced _____ as identification.



CHRIS WRIGHT
Commission # HH 130509
Expires September 17, 2025
Bonded thru Budget Notary Services

Chris Wright
NOTARY PUBLIC, STATE OF FLORIDA

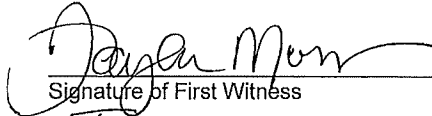
My commission expires: 9/17/25

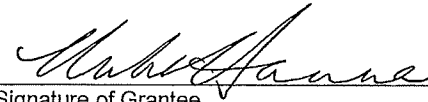
Commission Number: HH 130509

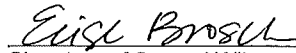
GRANTEE:

Signed, sealed, and delivered as
to Grantee in the presence of:

HANNA INCORPORATED


Signature of First Witness
Taylor Mobbs
Print Name of First Witness


Signature of Grantee
MIKE HANNA
Print Name of Grantee

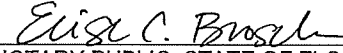

Signature of Second Witness
Elise Brosch
Print Name of Second Witness

STATE OF FLORIDA
COUNT OF DUVAL

The foregoing Special Warranty Deed was signed, sworn, and acknowledged before me
by means of (☒) physical presence or () online notarization on this 14th day of September
2022, by Michael Hanna [NAME], President
[TITLE] of HANNA INCORPORATED, a Florida Profit Corporation, on behalf of the corporation
as Grantee, who is () personally known by me or () has produced _____
as identification.



ELISE C. BROSCH
Commission # HH 049315
Expires September 30, 2024
Bonded Thru Budget Notary Services


NOTARY PUBLIC, STATE OF FLORIDA

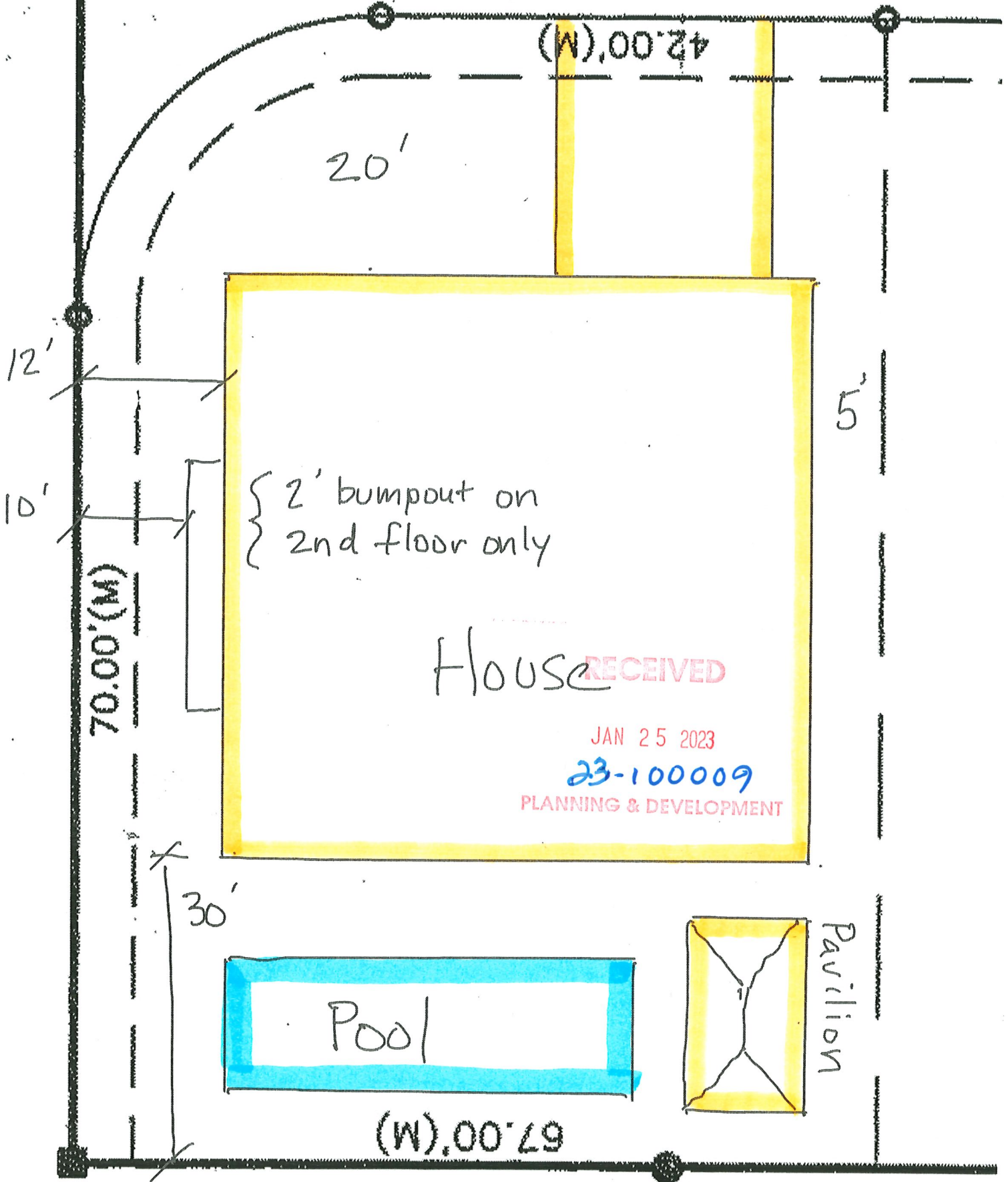
My commission expires: 9.30.24

Commission Number: HH 049315

III

PROPOSED

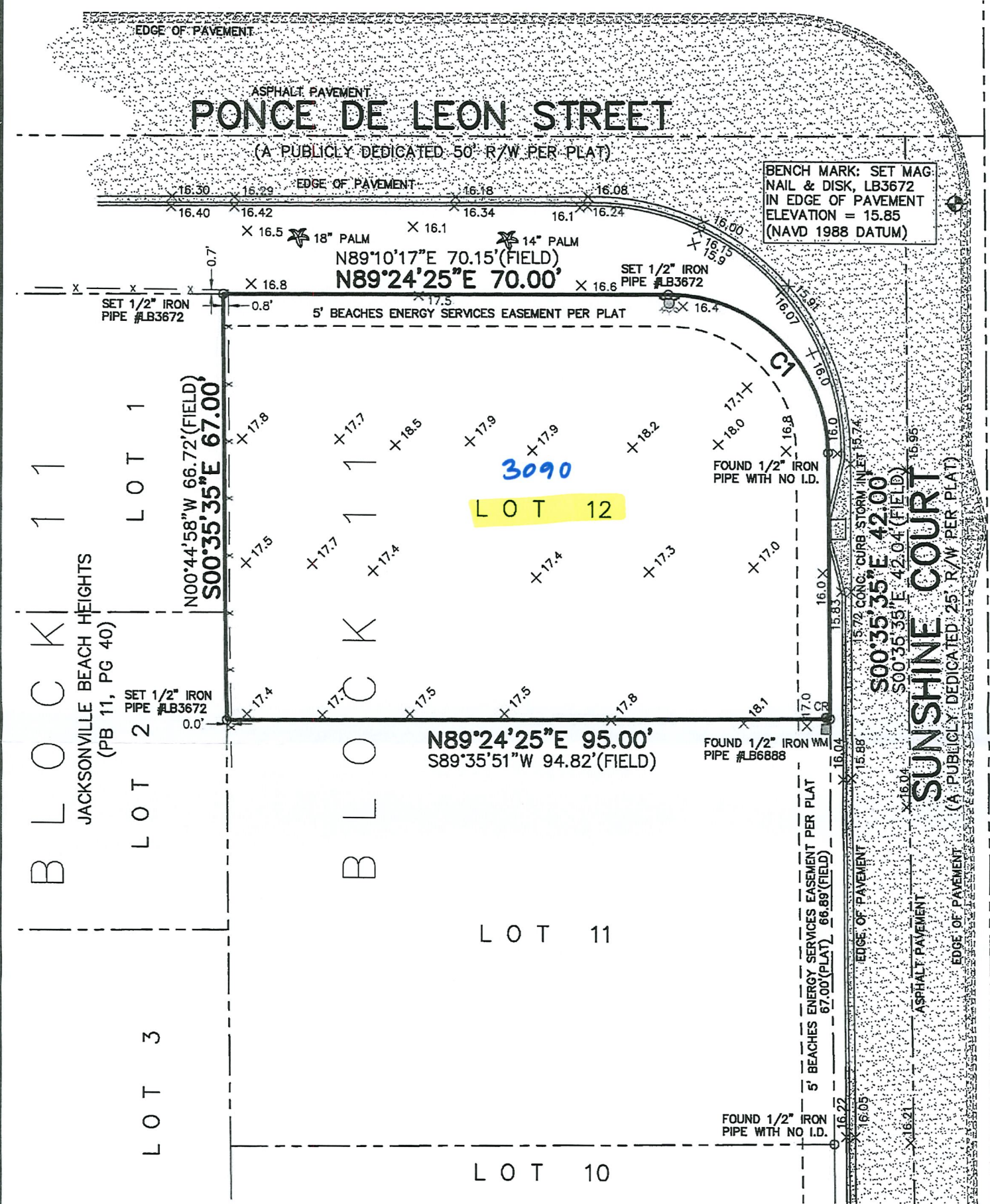
3090



EXISTING

MAP SHOWING SURVEY OF

LOT 12, BLOCK 11, SOUTH BEACH REPLAT AS RECORDED IN PLAT BOOK 62, PAGE 122,
OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



SOUTH BEACH PARKWAY
(COASTAL HIGHWAY BOULEVARD PER PLAT)
(A PUBLICLY DEDICATED 100' R/W PER PLAT)

RECEIVED
23-100009
FEB - 9 2023

PLANNING & DEVELOPMENT

Curve Table

Curve #	Arc	Radius	Delta	Chord per plat	Chord field
C1	39.27	25.00	90.00	S45°35'35\"E 35.36'	S45°05'29\"E 35.45'

SYMBOL LEGEND	
	FIRE HYDRANT
	LIGHT POLE
	GAS VALVE
	WATER VALVE
	CLEAN OUT
	UTILITY POLE
	GUY ANCHOR
	BOLLARD
	WATER METER
	GAS RISER
	CABLE RISER
	ELECTRIC BOX
	SIGN
	TRANSFORMER
	MANHOLE

ABBREVIATION LEGEND	
BFP	BACK-FLOW PREVENTER
(C)	CALCULATED
(FIELD)	FIELD MEASUREMENT
WF	WOOD FENCE
CLF	CHAIN LINK FENCE
VF	VINYL FENCE
CONC.	CONCRETE
R/W	RIGHT-OF-WAY
PB	PLAT BOOK
OR	OFFICIAL RECORDS BOOK
PG	PAGE
MES	METERED END SECTION
CMP	CORRUGATED METAL PIPE
PVC	POLYVINYL CHLORIDE PIPE
RCP	REINFORCED CONCRETE PIPE
EL	ELEVATION
FTE	FINISHED FLOOR ELEVATION
INV	INVERT ELEVATION
PC	POINT OF CURVATURE
PT	POINT OF TANGENCY OF CURVE
PCC	POINT OF COMPOUND CURVE
PRC	POINT OF REVERSE CURVE

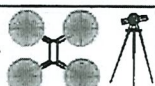
- GENERAL SURVEY NOTES**
1. THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY WITH TREE LOCATIONS.
 2. BEARINGS ARE BASED ON THE WESTER RIGHT-OF-WAY LINE OG SUNSHINE COURT, BEING SOUTH 00°35'35\"

CERTIFIED TO:
HANNA BUILDERS.

JASON D. BOATWRIGHT, P.S.M.
FLORIDA LICENSED SURVEYOR and MAPPER No. LS 7292
FLORIDA LICENSED SURVEYING & MAPPING BUSINESS No. LB 3672
"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

FILE: 2023-0196
DRAWN BY: RLR
SCALE: 1" = 20'

BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 32250 (PH) 904-241-8550



DATE:
FEBRUARY 6, 2023
SHEET 1 OF 1



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

BOA#23-100010

Zoning: RS-2
RE: 181417-0010
Legal: **Lot 9, Block 11**, South Beach Replat
Address: 3228 Sunshine Court

Request

Section(s): 34-337(e)(1)e, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new single-family dwelling and coping only swimming pool

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 2006) located in the Low Density Residential future land use category. The property is zoned Residential Single Family: RS-2. The subject lot is 67 feet wide and 95 feet deep, with an overall area of approximately 6,365 square feet. Lot 9 was originally part of the "Jacksonville Beach Heights" Plat, Block 11 that was platted in 1925. After the City acquired the seven original lots, they were re-platted in 2006 as the "South Beach Replat". This replat created five new lots of record, while also creating Sunshine Court. Sunshine Court was created so that the five new lots of record would not have to be accessed from South Beach Parkway, which has no other direct residential lot access south of Osceola Avenue in the Southend CRA Redevelopment District.

Each of the five new lots were platted at 67 feet wide, and 95 feet deep, with the exception of Lot 8 at the south end of Sunshine Court of which some of the lot is lost to the cul-de-sac and the subject lot of this application. The original seven lots were 50 feet wide by 120 feet deep. The result of the replat was five new lots that were more conforming than the original 7 lots in both area and width, but still are considered nonconforming lots of record pursuant to the Land Development Code and as such are developable. The lots were recently auctioned off to developers with specific deeded requirement for building new single family homes on the City platted lots. The application before you is for the construction of a new single family home on one of these lots. The lots, although replatted, remain substandard in width and area for the RS-2 zoning district.

No previous BOA, no active code case.



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

Staff Analysis

The subject lot was replatted by the City into the current configuration so there would not be driveways onto South Beach Parkway, and the lots would be slightly wider than the historic lots. The lots were recently sold with the intent of requiring the construction of new single family homes. The existing lots are all 67 feet wide and 95 feet deep, making them substandard in both lot width and area for the RS-2 zoning district. The proposed homes will consist of a two story home with a two car garage, small walkway and a covered front entry. Were this a full sized lot, the lot coverage would be roughly 42%. The proposed home meets the minimum size requirements for a home in RS-2 and does contain a garage. The home meets all required setbacks as well. The applicant is proposing to include rear accessory uses such as an outdoor pavilion and coping only swimming pool. These are uses typically requested by future home owners and typically require additional variances.

Minimum Dimensional Standards

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



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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is substandard in lot width and area. The subject is also unique due to the replatted nature of the lot by the City specifically to make them more buildable and attractive to single family home developers. The lot is undersized by nearly 1,200 square feet, and is too narrow by 8 feet.

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

Staff **does not** find that circumstances are a result of the applicant. The subject property was created through the replatting of an existing nonconforming group of lots by the City. **The owner is required to build a single family home as a condition of the purchase. The owner did not create the substandard nature of the lot.**

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 this variance will further the goals of the Southend CRA district. The intent is to have these lots developed as single family homes, and based on the substandard nature of the lot, it would not be a special privilege to build a home on this lot but rather the only allowable use.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. The current lot is substantially substandard in both width and area. Literal interpretation of the code would deny the applicant to build a single family home, for which the lot is zoned, and was a condition of the purchase of the lot from the City.



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

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

Staff **does** find that the requested variances are the minimum variance needed to accomplish the proposed design. The applicant is requesting an increase in lot coverage to allow for the construction of an average sized single family home with a conforming two car garage and rear yard amenities including a pavilion and swimming pool, uses likely to be requested by a future owner.

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#23-100010**

Location Map (property boundaries are representative only)



BLOCK K

LOT 9

3728

N89°24'42"E 95.01'(FIELD)
N89°24'25"E 95.00'

S89°24'25"W 95.00'
S89°18'13"W 95.01'(FIELD)

S00°35'35"E 67.00'
S00°35'35"E 66.78'(FIELD)

FOUND 1/2" IRON PIPE #LB6888

FOUND 1/2" IRON PIPE WITH NO I.D.

11" WATER OAK

12" CEDAR

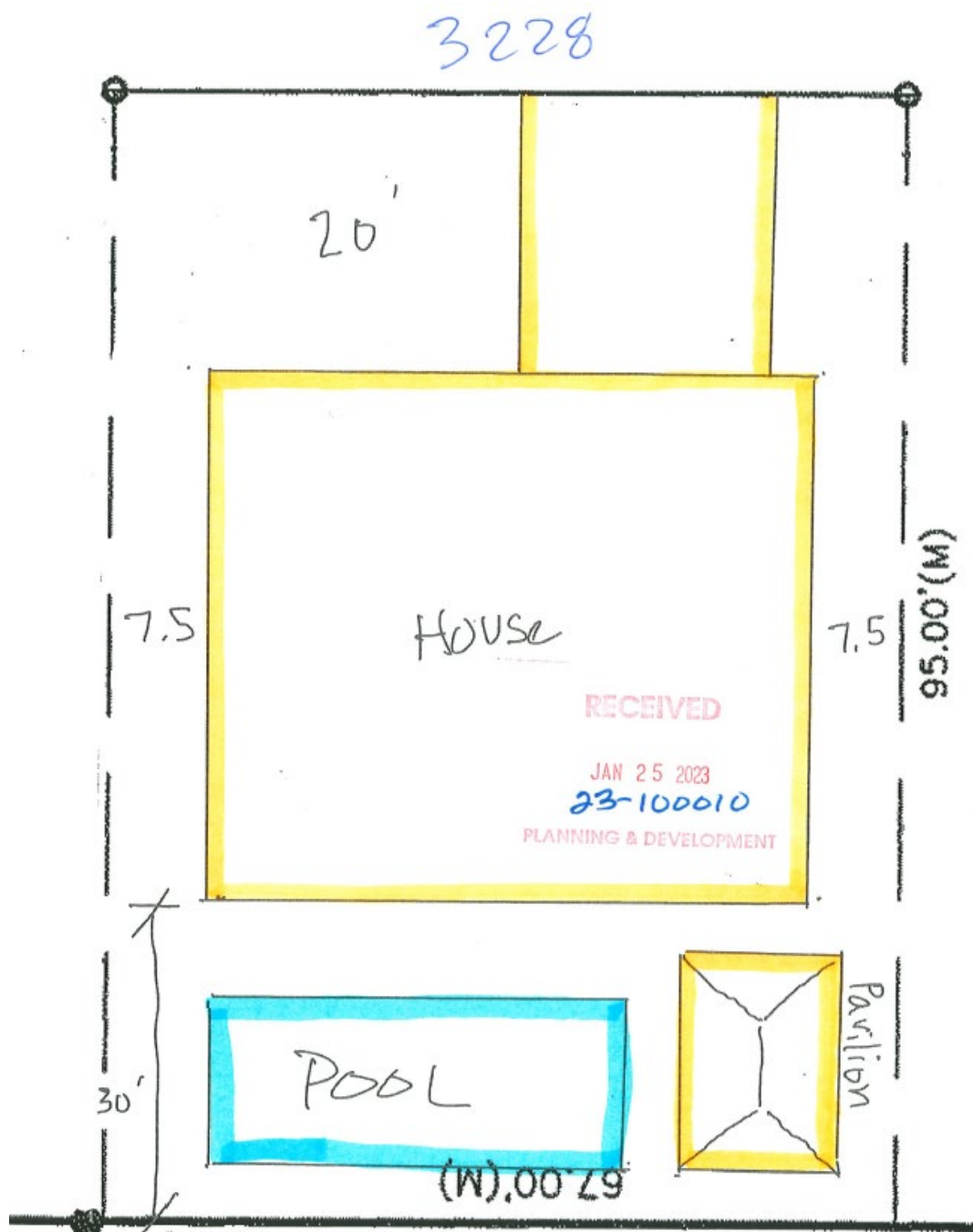
5' BEACHES ENERGY SERVICES EASEMENT PER PLAT

EDGE OF PAVEMENT

36" SEWER MANHOLE

SUNSHINE COURT

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100010
HEARING DATE 3.7.28

3228

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 25 2023

APPLICANT INFORMATION

Applicant Name: MIKE HANNA HANNA BUILDERS Telephone: 904 234 6453
Mailing Address: 134 36th Ave S E-Mail: hannabuilders@yahoo.com
Jax Bch FL 32250
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: same as above Telephone: _____
Mailing Address: _____ E-Mail: _____

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

VARIANCE DATA

Street address of property and Real Estate Number: 3228 Sunshine Ct 181417-0010
Legal description of property (Attach copy of deed): 62-122 09-35-29E.15 South Beach replat Lot 9
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). lot coverage of 50% in lieu of 35% for single family
ten dwelling Blk 11

AFFIDAVIT

I, Mike Hanna, 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.

Mike Hanna
APPLICANT SIGNATURE

MIKE HANNA
PRINT APPLICANT NAME

1-25-23
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 25 day of January, 2023, by Mike Hanna, who is personally known to me or produced as identification.

Jennifer M. Wewer
NOTARY PUBLIC SIGNATURE

Jennifer M. Wewer
PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2 FLOOD ZONE: X

CODE SECTION (s):
34-337(e)(1)e, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new single-family dwelling and swimming pool

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100010

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.		
Special circumstances and conditions do not result from the actions of the applicant.	Yes	City made non-conforming lots when replatting.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.		
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	The city replatted the lots as non-conforming and the city has granted similar variances to similar lots
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.		
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	Similar variances have been granted to lots in the same zoning district

1. **STANDARD:** 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 building in the same zoning district.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** The only way this can be a yes is if there exists at least one conforming RS2 lot in Jax Beach, which there obviously is. So, yes this applies, but since the majority of RS2 lots in Jax Beach are non-conforming, then the special circumstance that exists for this lot exists for a majority of RS2 lots in Jax Beach. Somewhat odd question when nearly all RS2 lots are non-conforming.
2. **STANDARD:** Special circumstances and conditions do not result from the actions of the applicant.
 - a. **APPLIES?:** Yes this applies (and no)
 - b. **EXPLANATION:** It does not apply when you consider I chose to buy the lot. But it does apply when you consider the city chose to create non-conforming lots and put them up for public auction, which is not possible for a regular marketplace developer under the current development code.
3. **STANDARD:** 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.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** Granting the variance will not confer any special privileges denied by the comprehensive plan because the comprehensive plan has accommodations for granting variances to non-conforming lots.
4. **STANDARD:** 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.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** The city chose to develop non-conforming lots against the development code and offer them for sale the public. Denying a variance similar to other variances granted to other RS2 lots would be the definition of depriving the applicant of rights commonly enjoyed by other RS2 lot owners and would be an unnecessary hardship.
5. **STANDARD:** Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building, or structure.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** With emphasis on the word "reasonable", considering the cost of construction and current market, to make the end product marketable for a bare minimum profit, this is the minimum variance in my opinion to make that possible.
6. **STANDARD:** 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.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** Similar, and greater, variances have been granted for other RS2 lots. This is a very high-profile street for Jax Beach. Our goal, being in control of 3 of the 5 lots, is to enhance the streetscape, not just an individual lot. We are not asking for any more than what has been granted dozens of times in the past for other non-conforming RS2 lots.

RECEIVED
23-100010
FEB - 6 2023

RECEIVED

JAN 25 2023
23-100010

PLANNING & DEVELOPMENT

This document was prepared by:
Sandra R. Robinson, FL Bar #0017757
Jacksonville Beach City Attorney
11 North Third Street
Jacksonville Beach, Florida 32250
Parcel No. 181417-0010

SPECIAL WARRANTY DEED

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WITNESSETH:

NOW THEREFORE, in consideration of the foregoing recitals which are incorporated herein and agreed as terms, and in consideration of the mutual covenants herein, and their acceptance by the Grantee, the GRANTOR, the City of Jacksonville Beach, does hereby GIVE, GRANT, and CONVEY with SPECIAL WARRANTY, unto GRANTEE, HANNA INCORPORATED, its successors and assigns, in fee simple, all those parcels of lands located in the City of Jacksonville Beach, Duval County, Florida more particularly described below ("the Property"):

ALL that certain lot or parcel of land, with the improvements thereon and appurtenances thereunto, lying, being and situate in the City of Jacksonville Beach, Florida being known, numbered and designated as Lot 9, Block 11, South Beach Replat, according to plat thereof as recorded in Plat Book 62, page 122, of the current public records of Duval County, Florida.

Together with all the tenements, hereditaments, easements, and appurtenances thereto bellowing or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of GRANTOR, either in law or equity, for the use, benefit, and profit of the GRANTEE forever.

To have and to hold, the same in fee simple forever.

GRANTOR does hereby covenant to and with said GRANTEE that said GRANTOR is lawfully seized of the land in fee simple, and has full power and authority to convey the above-described property to GRANTEE and to deliver this Deed.

GRANTOR warrants title; GRANTOR further covenants that it has done no act to encumber the Property and that the Property is free and clear from all encumbrances, and will execute such other assurances thereof as may be necessary, and that GRANTOR will forever defend GRANTEE against all persons claiming, by, through, or under GRANTOR.

No other covenants or warranties, expressed or implied, are given by this Special Warranty Deed.

IN WITNESS WHEREOF, the GRANTOR has executed this Special Warranty Deed the day and year above written.

[SIGNATURES ARE ON THE FOLLOWING PAGES]

GRANTOR:

Signed, sealed, and delivered as
to Grantor in the presence of:

CITY OF JACKSONVILLE BEACH, FL

Euse Brosch
Signature of First Witness

Euse Brosch
Print Name of First Witness

Michael J. Staffopoulos
Signature of Grantor
Michael J. Staffopoulos
Print Name of Grantor

Taylor Morris
Signature of Second Witness
Taylor Morris
Print Name of Second Witness

Approved as to form: r

Sandra Robinson
Sandra Robinson, City Attorney

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing Special Warranty Deed was signed, sworn, and acknowledged before me
by means of (☒) physical presence or () online notarization on this 14 day of September
2022, by Michael J. Staffopoulos on behalf of Grantor, who is (☒) personally
known by me or () has produced _____ as identification.



CHRIS WRIGHT
Commission # HH 130509
Expires September 17, 2025
Bonded thru Budget Notary Services

Chris Wright
NOTARY PUBLIC, STATE OF FLORIDA

My commission expires: 9/17/25

Commission Number: HH 130509

GRANTEE:

Signed, sealed, and delivered as
to Grantee in the presence of:

HANNA INCORPORATED

Taylor Mm
Signature of First Witness
Taylor Modos
Print Name of First Witness

Mike Hanna
Signature of Grantee
MIKE HANNA
Print Name of Grantee

Elise Brosch
Signature of Second Witness
Elise Brosch
Print Name of Second Witness

STATE OF FLORIDA
COUNT OF DUVAL

The foregoing Special Warranty Deed was signed, sworn, and acknowledged before me
by means of (☒) physical presence or () online notarization on this 14th day of September
2022, by Michael Hanna [NAME], President
[TITLE] of HANNA INCORPORATED, a Florida Profit Corporation, on behalf of the corporation
as Grantee, who is () personally known by me or (☒) has produced FL DL
as identification.



ELISE C. BROSCH
Commission # HH 049315
Expires September 30, 2024
Bonded Thru Budget Notary Services

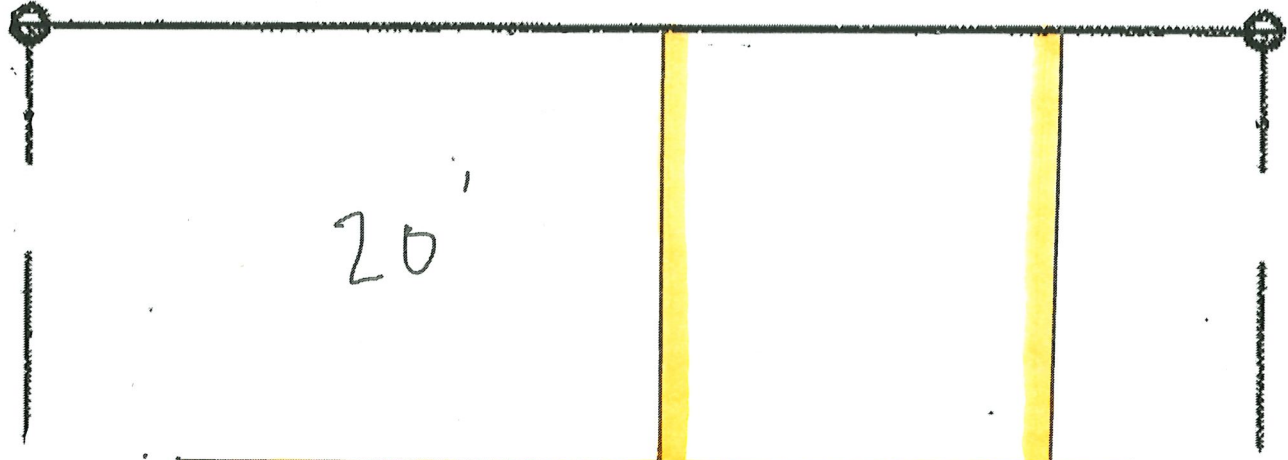
Elise Brosch
NOTARY PUBLIC, STATE OF FLORIDA

My commission expires: 9.30.24

Commission Number: HH 049315

PROPOSED

3228



20'

7.5

HOUSE

7.5

(W).00.56

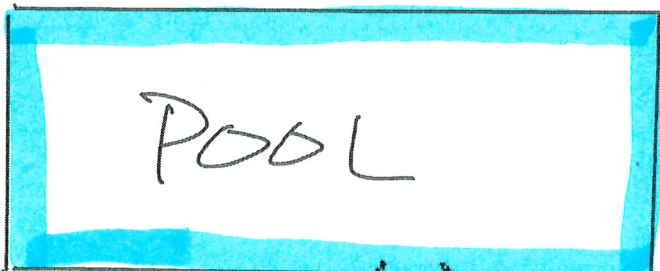
RECEIVED

JAN 25 2023

23-100010

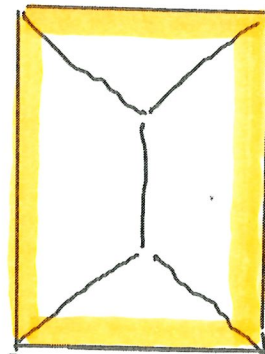
PLANNING & DEVELOPMENT

30'



POOL

(W).00.29

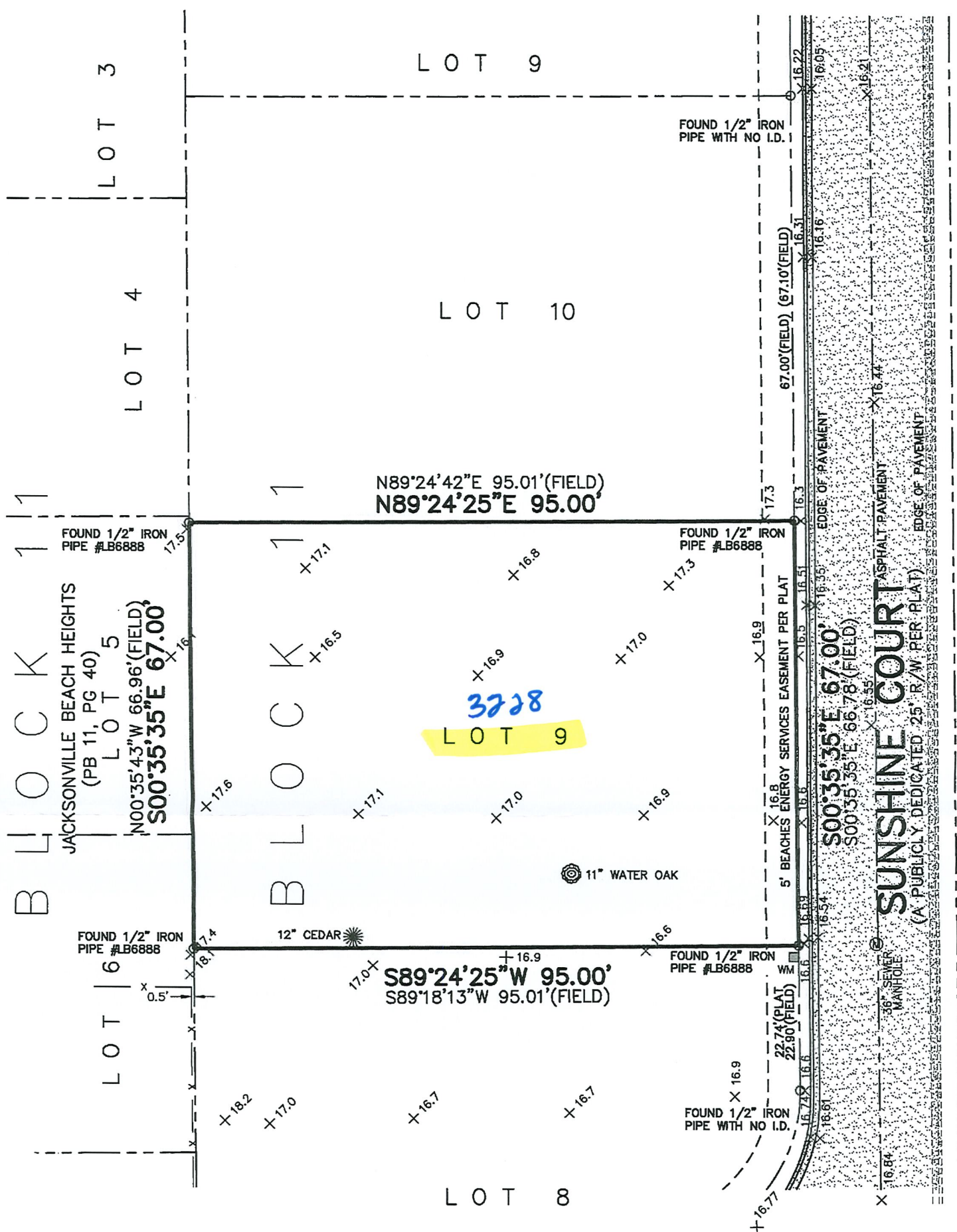


Pavilion

EXISTING

MAP SHOWING SURVEY OF

LOT 9, BLOCK 11, SOUTH BEACH REPLAT AS RECORDED IN PLAT BOOK 62, PAGE 122,
OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



SOUTH BEACH PARKWAY

(COASTAL HIGHWAY BOULEVARD PER PLAT)
(A PUBLICLY DEDICATED 100' R/W PER PLAT)

RECEIVED

FEB - 9 2023

23-100010

PLANNING & DEVELOPMENT

BENCH MARK: FOUND
CONCRETE MONUMENT
"6888"
ELEVATION = 17.10
(NAVD 1988 DATUM)

SYMBOL LEGEND

- FIRE HYDRANT
- LIGHT POLE
- GAS VALVE
- WATER VALVE
- CLEAN OUT
- UTILITY POLE
- GUY ANCHOR
- BOLLARD
- WM WATER METER
- GR GAS RISER
- CR CABLE RISER
- ELB ELECTRIC BOX
- SIGN
- TRANSFORMER
- MANHOLE

ABBREVIATION LEGEND

- BFP BACK-FLOW PREVENTER
- CLF CALCULATED FIELD MEASUREMENT
- WF WOOD FENCE
- CLF CHAIN LINK FENCE
- VF VINYL FENCE
- CONC. CONCRETE
- R/W RIGHT-OF-WAY
- PB PLAT BOOK
- ORB OFFICIAL RECORDS BOOK
- PG PAGE
- MES MITERED END SECTION
- CMP CORRUGATED METAL PIPE
- PVC POLYVINYL CHLORIDE PIPE
- RCP REINFORCED CONCRETE PIPE
- EL ELEVATION
- FFE FINISHED FLOOR ELEVATION
- INV INVERT ELEVATION
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY OF CURVE
- PCC POINT OF COMPOUND CURVE
- PRC POINT OF REVERSE CURVE

GENERAL SURVEY NOTES

- THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY WITH TREE LOCATIONS.
- BEARINGS ARE BASED ON THE WESTER RIGHT-OF-WAY LINE OG SUNSHINE COURT, BEING SOUTH 00°35'35" EAST, AS PER PLAT.
- BENCHMARK USED IS SET MAG NAIL & DISK #LB3672" AT EDGE OF PAVEMENT HAVING AN ELEVATION OF 15.85, AND WAS ESTABLISHED BY GPS OBSERVATION USING SPECTRA PRECISION SP80 L1/L2 EQUIPMENT AND RUNNING TRIMBLE VRS SOFTWARE IN N.A.V.D. 1988 DATUMTHIS
- SURVEY WAS PREPARED WITHOUT AN ABSTRACT OF TITLE; THEREFORE THE UNDERSIGNED MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT OF WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS.
- NO UNDERGROUND INSTALLATIONS, IMPROVEMENTS OR ENCROACHMENTS HAVE BEEN LOCATED EXCEPT THOSE SHOWN HEREON.
- NO BUILDING RESTRICTION LINES, AS PER PLAT.
- THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031C0419J, REVISED NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
HANNA BUILDERS.

JASON D. BOATWRIGHT, P.S.M.
FLORIDA LICENSED SURVEYOR and MAPPER No. LS 7292
FLORIDA LICENSED SURVEYING & MAPPING BUSINESS No. LB 3672
"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

FILE: 2023-0197
DRAWN BY: RLR
SCALE: 1" = 20'

BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 32250 (PH) 904-241-8550

DATE:
FEBRUARY 6, 2023
SHEET 1 OF 1



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

BOA#23-100011

Zoning: RS-2
RE: 181417-0005
Legal: **Lot 8, Block 11**, South Beach Replat
Address: 3274 Sunshine Court

Request

Section(s): 337(e)(1)c.1, for a front yard setback of 6 feet in lieu of 20 feet minimum; 34-337(e)(1)c.2, for a combined side yard setback of 12 feet in lieu of 15 feet minimum; 34-337(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum; and 34-337(e)(1)e, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new single-family dwelling and coping only swimming pool

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 2006) located in the Low Density Residential future land use category. The property is zoned Residential Single Family: RS-2. The subject lot is generally 82 feet wide and 95 feet deep along the northern property line and 64 feet along the southern property line, with an overall area of approximately 6,600 square feet. The subject property is located at the end of Sunshine Court and therefore has a unique shape due to the cull-du-sac along the eastern (front) property line. Lot 8 was originally part of the "Jacksonville Beach Heights" Plat, Block 11 that was platted in 1925. After the City acquired the seven original lots, they were re-platted in 2006 as the "South Beach Replat". This replat created five new lots of record, while also creating Sunshine Court. Sunshine Court was created so that the five new lots of record would not have to be accessed from South Beach Parkway, which has no other direct residential lot access south of Osceola Avenue in the Southend CRA Redevelopment District.

Each of the five new lots were platted at 67 feet wide, and 95 feet deep, with the exception of Lot 8 at the south end of Sunshine Court of which some of the lot is lost to the cul-de-sac and the subject lot of this application. The original seven lots were 50 feet wide by 120 feet deep. The result of the replat was five new lots that were more conforming than the original 7 lots in both area and width, but still are considered nonconforming lots of record pursuant to the Land Development Code and as such are developable. The lots were recently auctioned off to developers with specific deeded requirement for building new single family homes on the City platted lots. The application before you is for the construction of a new single family



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

home on one of these lots. The lots, although replatted, remain substandard in width and area for the RS-2 zoning district.

No previous BOA, no active code case.

Staff Analysis

The subject lot was replatted by the City into the current configuration so there would not be driveways onto South Beach Parkway, and the lots would be slightly wider than the historic lots. The lots were recently sold with the intent of requiring the construction of new single family homes. The existing lots are all 67 feet wide and 95 feet deep, making them substandard in both lot width and area for the RS-2 zoning district. The proposed homes will consist of a two story home with a two car garage, a covered open air breezeway / patio and a rear swimming pool. These are uses typically requested by future home owners and typically require additional variances. Were this a full sized lot, the lot coverage would be roughly 43%. The proposed home meets the minimum size requirements for a home in RS-2 and does contain a garage. The unique shape of the lot makes accommodating a standard home shape difficult without some encroachment into one or more setbacks. The applicant has proposed to follow the general setback of the other lots along Sunshine Court for the front of the proposed structure. This means the general front yard setback is 20 feet, however due to the irregular shape of the lot, a portion of the home ends up to 6 feet from the front property line. Additionally, to accommodate a garage, the home is designed with a detached garage, connected to the main home with an open breezeway. This has the effect of making the garage part of the primary structure which means that it must meet the primary structure setbacks, and not the accessory structure setback of 5 feet. This is why there are rear and side yard setback reductions requested.

Minimum Dimensional Standards

- Minimum lot area: Seven thousand five hundred (7,500) square feet.
- Minimum lot width: Seventy-five (75) feet at the building line and a minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty (20) feet.



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

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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is substandard in lot width and area. The subject is also unique due to the replatted nature of the lot by the City specifically to make them more buildable and attractive to single family home developers. The lot also has a unique shape due to the cull-du-sac at the end of Sunshine Court, making the lot more complicated with regards to meeting all required setbacks. The curved nature of the front property line means the lot is 31 feet deeper on the north property line vs the south.

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

Staff **does not** find that circumstances are a result of the applicant. The subject property was created through the replatting of an existing nonconforming group of lots by the City. **The owner is required to build a single family home as a condition of the purchase. The owner did not create the substandard nature of the lot.**



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

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 this variance will further the goals of the Southend CRA district. The intent is to have these lots developed as single family homes, and based on the substandard nature of the lot, and particularly its unique shape, it would not be a special privilege to build a home on this lot but rather the only allowable use.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. The current lot is substantially substandard in both width and area. Literal interpretation of the code would deny the applicant to build a single family home, for which the lot is zoned, and was a condition of the purchase of the lot from the City.

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

Staff **does** find that the requested variances are the minimum variance needed to accomplish the proposed design. The applicant is requesting an increase in lot coverage and setbacks to allow for the construction of an average sized single family home with a conforming two car garage and rear yard amenities including a pavilion and swimming pool, uses likely to be requested by a future owner.

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.

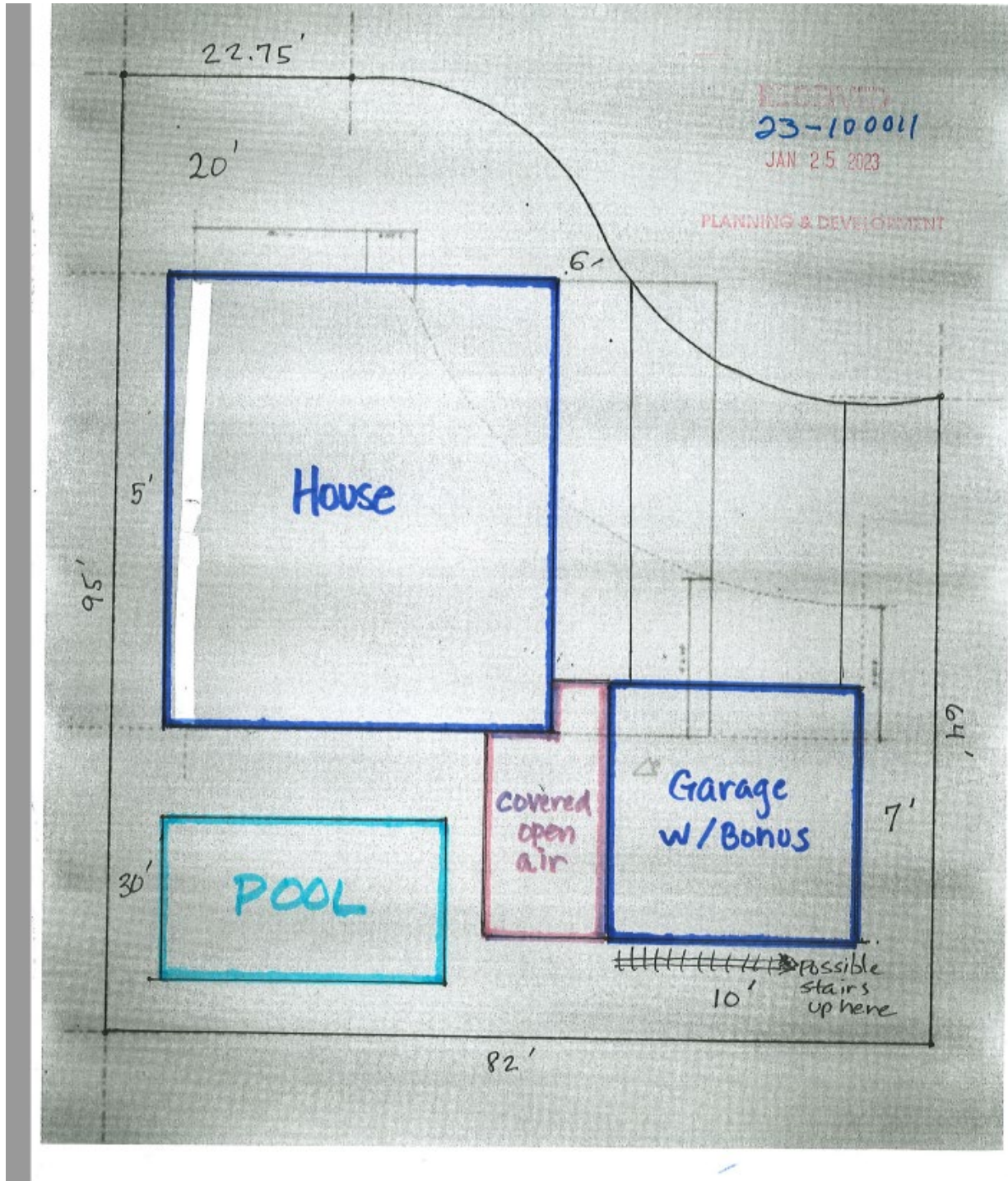


City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

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#23-100011**

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100011
HEARING DATE 3.7.23

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 25 2023

APPLICANT INFORMATION

Applicant Name: Kathy Estahani **Telephone:** 904 610-6182
Mailing Address: 196 N Roscoe Blvd **E-Mail:** Kestahani9@gmail.com
PVB, FL 32082
Agent Name: Mike Hanna **Telephone:** 904 2346453
Mailing Address: 134 36th Ave S Jax Bch 32256 **E-Mail:** hannamikes@yahoo.com
Landowner Name: Kathy Estahani **Telephone:** above
Mailing Address: above **E-Mail:**

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

VARIANCE DATA

Street address of property and Real Estate Number: 3274 Sunshine Ct 181417-0005
Legal description of property (Attach copy of deed): 62-122 09-35-29E .15 South Beach repat
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): combined side yards 12' in lieu of 15' lot 8
lot coverage 50% in lieu of 35% Blk 11
rear yard 10' in lieu of 30' front yard 6' in lieu of 20'

AFFIDAVIT

I, KATHY ESTAHANI, 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

DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25th day of January, 2023, by Kathy Estahani, who is personally known to me or produced as identification.

NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME



(Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION:

RS-2

FLOOD ZONE:

X

CODE SECTION (S):

34-337(e)(1)c.1, for a front yard setback of 6 feet in lieu of 20 feet minimum; 34-337(e)(1)c.2, for a combined side yard setback of 12 feet in lieu of 15 feet minimum; 34-337(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum; and 34-337(e)(1)e, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new single-family dwelling and swimming pool

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100011

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.		
Special circumstances and conditions do not result from the actions of the applicant.	Y	The city replatted the lots as non-conforming lots.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.		
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Y	The city replatted the lots as non conforming lots. and the city has granted other similar lots variances.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.		
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Y	Similar variances have been granted to lots in the same zoning district.

1. **STANDARD:** 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 building in the same zoning district.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** The only way this can be a yes is if there exists at least one conforming RS2 lot in Jax Beach, which there obviously is. So, yes this applies, but since the majority of RS2 lots in Jax Beach are non-conforming, then the special circumstance that exists for this lot exists for a majority of RS2 lots in Jax Beach. Somewhat odd question when nearly all RS2 lots are non-conforming.
2. **STANDARD:** Special circumstances and conditions do not result from the actions of the applicant.
 - a. **APPLIES?:** Yes this applies (and no)
 - b. **EXPLANATION:** It does not apply when you consider I chose to buy the lot. But it does apply when you consider the city chose to create non-conforming lots and put them up for public auction, which is not possible for a regular marketplace developer under the current development code.
3. **STANDARD:** 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.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** Granting the variance will not confer any special privileges denied by the comprehensive plan because the comprehensive plan has accommodations for granting variances to non-conforming lots.
4. **STANDARD:** 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.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** The city chose to develop non-conforming lots against the development code and offer them for sale the public. Denying a variance similar to other variances granted to other RS2 lots would be the definition of depriving the applicant of rights commonly enjoyed by other RS2 lot owners and would be an unnecessary hardship.
5. **STANDARD:** Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building, or structure.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** With emphasis on the word "reasonable", considering the cost of construction and current market, to make the end product marketable for a bare minimum profit, this is the minimum variance in my opinion to make that possible.
6. **STANDARD:** 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.
 - a. **APPLIES?:** Yes this applies
 - b. **EXPLANATION:** Similar, and greater, variances have been granted for other RS2 lots. This is a very high-profile street for Jax Beach. Our goal, being in control of 3 of the 5 lots, is to enhance the streetscape, not just an individual lot. We are not asking for any more than what has been granted dozens of times in the past for other non-conforming RS2 lots.

RECEIVED

23-100011

FEB - 6 2023



RECEIVED
93-100011
JAN 25 2023

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

PLANNING & DEVELOPMENT

Detail by Entity Name

Florida Limited Liability Company
KK+A, LLC

Filing Information

Document Number	L17000170857
FEI/EIN Number	82-2498830
Date Filed	08/10/2017
Effective Date	08/09/2017
State	FL
Status	ACTIVE

Principal Address

196 N. ROSCOE BLVD.
PONTE VEDRA BEACH, FL 32082

Mailing Address

196 N. ROSCOE BLVD.
PONTE VEDRA BEACH, FL 32082

Registered Agent Name & Address

ESFAHANI, KATHY M
849 SAWYER RUN LANE
PONTE VEDRA BEACH, FL 32082

Authorized Person(s) Detail

Name & Address

Title MGR

Esfahani, Kathy
196 N. ROSCOE BLVD.
PONTE VEDRA BEACH, FL 32082

Annual Reports

Report Year	Filed Date
2020	01/14/2020
2021	04/30/2021
2022	04/29/2022

Document Images

This document was prepared by:
Sandra R. Robinson, FL Bar #0017757
Jacksonville Beach City Attorney
11 North Third Street
Jacksonville Beach, Florida 32250
Parcel No. 181417-0005

RECEIVED
23-100061

JAN 25 2023

SPECIAL WARRANTY DEED

PLANNING & DEVELOPMENT

THIS SPECIAL WARRANTY DEED made this 13th day of September 2022, by and between the CITY OF JACKSONVILLE BEACH, FLORIDA a municipal corporation organized and existing under the laws of the State of Florida, whose principal address is 11 North Third Street, Jacksonville Beach (Duval County), Florida 32250 ("GRANTOR") and KK+A, LLC, a Florida Limited Liability Company, whose principal address is 196 North Roscoe Boulevard, Ponte Vedra Beach, FL 32082 ("GRANTEE").

RECITALS

R-1 Grantor is a political subdivision of the State of Florida and is authorized by and pursuant to Florida Statutes §163.370 to acquire and dispose of real property in a community redevelopment area.

R-2 Grantor wishes to convey all rights, title, and interest in the Property to Grantee, on the condition that Grantee will develop, construct, use, and maintain the Property solely as a single-family residence and for no other use. Said condition shall be satisfied by Grantee submitting a building permit within no later than six months from the date above written, commencing construction on the Property within no later than six months from the date of the issuance of a building permit, and completing construction and obtaining a certificate of occupancy within no later than 18 months from the commencement of construction. For purposes of this conveyance, "construction" shall be defined to mean dredging, excavating, grading, building, altering, repairing, demolishing or improving upon the subject real property.

R-3 Grantee agrees, by acceptance and execution of this deed, that all rights, title, and possession in the Property shall automatically, and without further action, revert to and re-vest in the Grantor should Grantee fail to complete construction and obtain a certificate of occupancy within 18 months from the commencement of construction. Upon reversion of rights, title, and possession of the Property to the Grantor, Grantor shall have the right to re-enter the Property to exercise all rights, title, and interest of owner. Upon reversion of rights, title, interest, and possession to the Grantor, all rights, title, interest, and possession in the Grantee shall cease.

R-4 Grantee agrees to cooperate with Grantor upon the reversion of the rights conveyed hereby by filing an Affidavit with the Clerk of the Circuit Court of Duval County, or any such documentation that may be deemed necessary for the retitling of the Property, in the records of the courts or taxing authorities.

R-5 By acceptance and execution of this deed, Grantee waives any objection to the form or operation of the Grantor's right of reversion, as well as to any effect said reversion may have on the marketability of title to said Property.

R-6 The Grantor's right of reversion shall not extend for a period greater than three years from the date of this conveyance, or the maximum period permitted by statute, whichever is less.

WITNESSETH:

NOW THEREFORE, in consideration of the foregoing recitals which are incorporated herein and agreed as terms, and in consideration of the mutual covenants herein, and their acceptance by the Grantee, the GRANTOR, the City of Jacksonville Beach, does hereby GIVE, GRANT, and CONVEY with SPECIAL WARRANTY, unto GRANTEE, KK+A, LLC, its successors and assigns, in fee simple, all those parcels of lands located in the City of Jacksonville Beach, Duval County, Florida more particularly described below ("the Property"):

ALL that certain lot or parcel of land, with the improvements thereon and appurtenances thereunto, lying, being and situate in the City of Jacksonville Beach, Florida being known, numbered and designated as Lot 8, Block 11, South Beach Replat, according to plat thereof as recorded in Plat Book 62, page 122, of the current public records of Duval County, Florida.

Together with all the tenements, hereditaments, easements, and appurtenances thereto bellowing or in anywise appertaining, and all the estate, right, title, interest, lien, equity, and claim whatsoever of GRANTOR, either in law or equity, for the use, benefit, and profit of the GRANTEE forever.

To have and to hold, the same in fee simple forever.

GRANTOR does hereby covenant to and with said GRANTEE that said GRANTOR is lawfully seized of the land in fee simple, and has full power and authority to convey the above-described property to GRANTEE and to deliver this Deed.

GRANTOR warrants title; GRANTOR further covenants that it has done no act to encumber the Property and that the Property is free and clear from all encumbrances, and will execute such other assurances thereof as may be necessary, and that GRANTOR will forever defend GRANTEE against all persons claiming, by, through, or under GRANTOR.

No other covenants or warranties, expressed or implied, are given by this Special Warranty Deed.

IN WITNESS WHEREOF, the GRANTOR has executed this Special Warranty Deed the day and year above written.

[SIGNATURES ARE ON THE FOLLOWING PAGES]

GRANTOR:

Signed, sealed, and delivered as
to Grantor in the presence of:

CITY OF JACKSONVILLE BEACH, FL

Euse C. Brosch
Signature of First Witness

Euse C. Brosch
Print Name of First Witness

Michael J. Staffopoulos
Signature of Grantor

Michael J. Staffopoulos
Print Name of Grantor

Jacob Board
Signature of Second Witness

JACOB BOARD
Print Name of Second Witness

Approved as to form:

[Signature]

Sandra Robinson, City Attorney

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing Special Warranty Deed was signed, sworn, and acknowledged before me
by means of (☒) physical presence or () online notarization on this 13 day of September
2022, by Michael J. Staffopoulos c/o as ~~Grantor~~, who is (☒) personally known by
me or () has produced _____ as identification.



CHRIS WRIGHT
Commission # HH 130509
Expires September 17, 2025
Bonded Thru Budget Notary Services

Chris Wright

NOTARY PUBLIC, STATE OF FLORIDA

My commission expires: 9/17/25

Commission Number: HH130509

GRANTEE:

Signed, sealed, and delivered as
to Grantee in the presence of:

KK+A, LLC

Taylor Mobbs
Signature of First Witness

Taylor Mobbs
Print Name of First Witness

Kathy Estabani
Signature of Grantee

Kathy Estabani
Print Name of Grantee

Elise Brosch
Signature of Second Witness

Elise Brosch
Print Name of Second Witness

STATE OF FLORIDA
COUNT OF DUVAL

The foregoing Special Warranty Deed was signed, sworn, and acknowledged before me
by means of (☒) physical presence or () online notarization on this 13th day of Sept.
2022, by Kathy Estabani [NAME], Manager
[TITLE] of KK+A, LLC, a Florida Limited Liability Company, on behalf of the company as Grantee,
who is () personally known by me or (☒) has produced FL DL
as identification.



ELISE C. BROSCH
Commission # HH 049315
Expires September 30, 2024
Bonded Thru Budget Notary Services

Elise C. Brosch
NOTARY PUBLIC, STATE OF FLORIDA

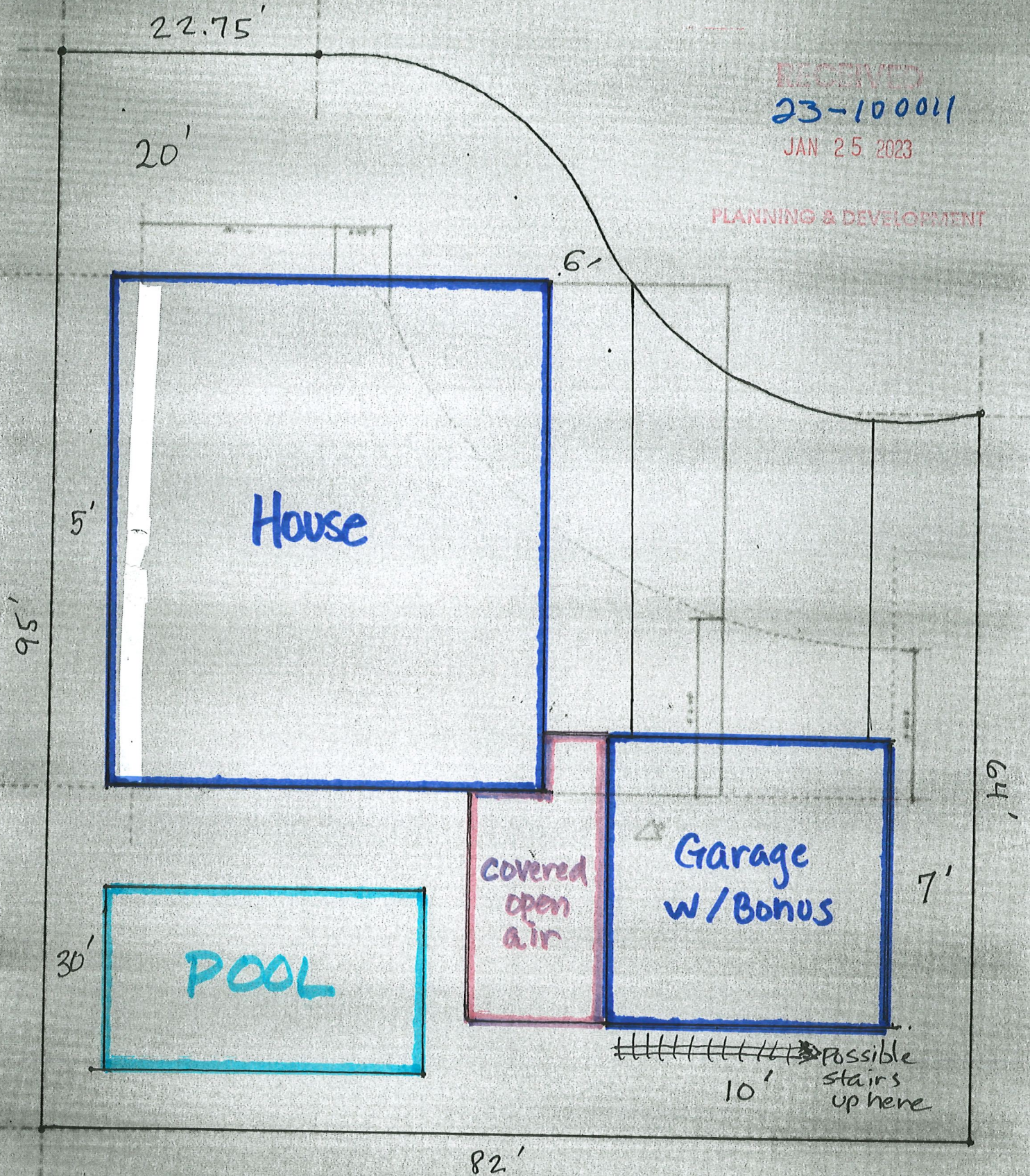
My commission expires: 9-30-24

Commission Number: HH 049315

PROPOSED

RECEIVED
23-100011
JAN 25 2023

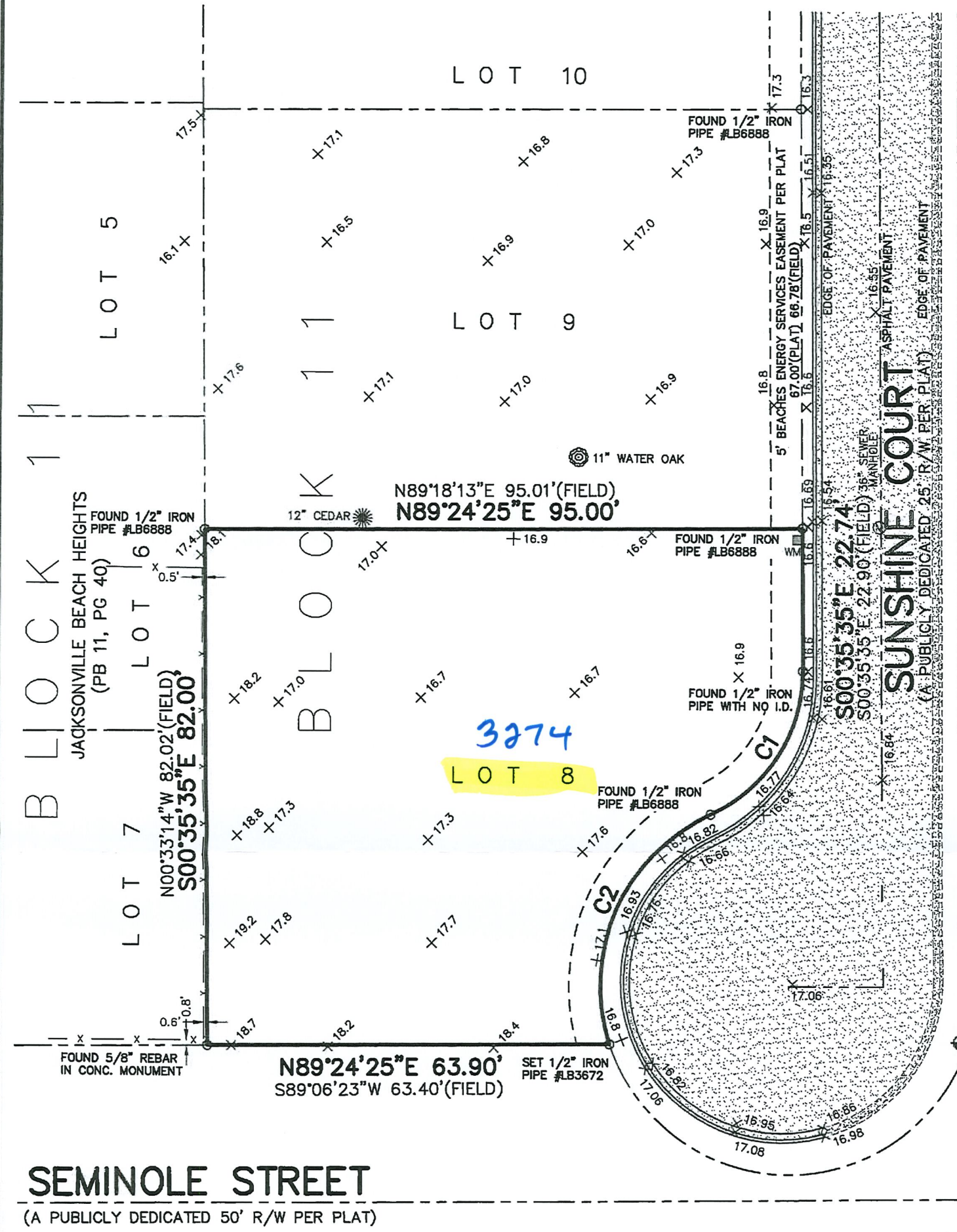
PLANNING & DEVELOPMENT



EXISTING

MAP SHOWING SURVEY OF

LOT 8, BLOCK 11, SOUTH BEACH REPLAT AS RECORDED IN PLAT BOOK 62, PAGE 122,
OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



SOUTH BEACH PARKWAY
(COASTAL HIGHWAY BOULEVARD PER PLAT)
(A PUBLICLY DEDICATED 100' R/W PER PLAT)

BENCH MARK: FOUND
CONCRETE MONUMENT
"6888"
ELEVATION = 17.10
(NAVD 1988 DATUM)

RECEIVED
23-100011
FEB - 9 2023

PLANNING & DEVELOPMENT

Curve Table					
Curve #	Arc	Radius	Delta	Chord per plat	Chord field
C1	28.73	25.00	65.85	S32°19'59"W 27.18'	S32°43'04"W 27.12'
C2	43.70	30.00	83.46	S23°31'53"W 39.94'	S24°12'28"W 39.99'

SYMBOL LEGEND

- FIRE HYDRANT
- LIGHT POLE
- GV GAS VALVE
- WV WATER VALVE
- CLEAN OUT
- UTILITY POLE
- GUY ANCHOR
- BOLLARD
- WM WATER METER
- GR GAS RISER
- CR CABLE RISER
- ELB ELECTRIC BOX
- SIGN
- TRANSFORMER
- MANHOLE

ABBREVIATION LEGEND

- BFP BACK-FLOW PREVENTER
- (C) CALCULATED
- (FIELD) FIELD MEASUREMENT
- WF WOOD FENCE
- CLF CHAIN LINK FENCE
- VF VINYL FENCE
- CONC. CONCRETE
- R/W RIGHT-OF-WAY
- PB PLAT BOOK
- ORB OFFICIAL RECORDS BOOK
- PC PAGE
- MES MITERED END SECTION
- CMP CORRUGATED METAL PIPE
- PVC POLYVINYL CHLORIDE PIPE
- RCP REINFORCED CONCRETE PIPE
- ELEV ELEVATION
- FIN FISHED FLOOR ELEVATION
- INT INVERT ELEVATION
- PT POINT OF CURVATURE
- PC POINT OF TANGENCY OF CURVE
- PCC POINT OF COMPOUND CURVE
- PRC POINT OF REVERSE CURVE

GENERAL SURVEY NOTES

- THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY WITH TREE LOCATIONS.
- BEARINGS ARE BASED ON THE WESTER RIGHT-OF-WAY LINE OG SUNSHINE COURT, BEING SOUTH 00°35'35" EAST, AS PER PLAT.
- BENCHMARK USED IS SET MAG NAIL & DISK #LB3672" AT EDGE OF PAVEMENT HAVING AN ELEVATION OF 15.85, AND WAS ESTABLISHED BY GPS OBSERVATION USING SPECTRA PRECISION SP80 L1/L2 EQUIPMENT AND RUNNING TRIMBLE VRS SOFTWARE IN N.A.V.D. 1988 DATUMTHIS
- SURVEY WAS PREPARED WITHOUT AN ABSTRACT OF TITLE; THEREFORE THE UNDERSIGNED MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT OF WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS.
- NO UNDERGROUND INSTALLATIONS, IMPROVEMENTS OR ENCROACHMENTS HAVE BEEN LOCATED EXCEPT THOSE SHOWN HEREON.
- NO BUILDING RESTRICTION LINES, AS PER PLAT.
- THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031C0419J, REVISED NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
HANNA BUILDERS.

JASON D. BOATWRIGHT, P.S.M.
FLORIDA LICENSED SURVEYOR and MAPPER No. LS 7292
FLORIDA LICENSED SURVEYING & MAPPING BUSINESS No. LB 3672
"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."

2023 Project Folder\2023-0197 (3090 SUNSHINE CT)\2023-0197.dwg

LeeAnn Bassabe

RECEIVED

From: lisperone@gmail.com
Sent: Tuesday, February 28, 2023 5:09 PM
To: Planning Division; Gmail
Subject: Re: BOA#23-100011 Public Hearing Date March 7, 2023

MAR - 1 2023

23-100011

PLANNING & DEVELOPMENT

Caution: This email originated from outside the City. Do not click links or open attachments unless you recognize the sender and know the content is safe

Dear Department of Planning and Development,

Re: BOA #23-100011

This email is in opposition to a Public Notice regarding property at 3274 Sunshine Court. This is the 4th notice we have received requesting variance from the requirements of the land development code for Sunshine Court. Three of these variances requested lot coverage of 50% in lieu of the 35% maximum allowance. We are not in agreement with allowing exceptions to the existing laws, but realize the town already allowed for the 50% for the first two properties. Time and time again these so called development codes are just disregarded, allowing for oversized homes on tiny parcels of land.

This particular home at 3274 Sunshine Court is situated on the cul-de-sac which is already undersized. Large vehicles, including garbage trucks, that approach this cul-de-sac must make several attempts by driving back and forth in order to negotiate the small turning radius. This is with no cars, garbage cans, or debris in their way. This land owner is requesting not only the 50% variance for land use, but also an expanse of all the borders surrounding the home because they want to make a pool to fit. The homeowner is requesting a 6 foot front yard, which is just unbelievable considering this property is directly on the undersized cul-de-sac! A 10 foot front yard means that the home and pool construction will have to include blocking off this cul-de-sac, at the same time the other homes are also being constructed. To request a pool on this small lot is just not feasible. It is also being requested that the side yard be reduced to 12 feet (instead of 15), and a rear yard of 10 feet, in lieu of 30 feet! This means the pool will be directly against the neighbors fence. Not to mention that this request is for 50 % lot coverage, yet the boarder around this house is nearly used up! It can not possibly be only 50 % coverage with these requested boarders on this small of a lot!

There is no room for, nor any planned drainage for this entire development on Sunshine Court. There will most certainly be drainage issues, especially during hurricane season. There is no where for the water to go on this property. This not only effects this home owner, but the remaining homeowners living around this home.

These parcels of land are extremely small. It is not the bordering neighbor's fault that this land owner was willing to pay a quarter of a million dollars for a postage stamp yard! To expect to expand the boarders as well as expand the land use, (at 50%, which is not to be believed), is just unconscionable! We request that the board refuse to allow for any variance in the perimeters of this property, as well as the total land use to be violated for this homeowner. The other properties do not allow for these perimeter variance, and there should be no exception. This homeowner is well aware that this property is not sufficiently sized for a home and a pool. There is a reason we have these codes in place. Please do not allow this to continue to happen in our community by allowing these multiple variances on this home!

Sincerely,

Ed and Lisa Mills
3317 Heron Dr. N
Jacksonville Beach, FL 32250