



City of Jacksonville Beach

Regular Meeting Agenda

Board of Adjustment

11 North Third Street
Jacksonville Beach, Florida

Tuesday, April 4, 2023

6:00 PM

Council Chambers

MEMORANDUM TO:

Members of the City of Jacksonville Beach Board of Adjustment

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

CALL TO ORDER

ROLL CALL

Alexi Gonzalez (Chairperson), Owen Curley (Vice-Chairperson), John Moreland, Todd Smith, Jeff Truhlar

Alternates: Matt Metz, Jennifer Williams

APPROVAL OF MINUTES

- A. Regular Board of Adjustment Meeting held on March 7, 2023
- B. Regular Board of Adjustment Meeting held on March 22, 2023

CORRESPONDENCE

OLD BUSINESS

A. **Case Number(s): BOA#23-100015**

Applicant: Raphael Ambar

Agent: N/A

Owner: Raphael Ambar

Property Address: 2003 Eastern Drive

Parcel ID: 178146 0000

Legal Description: Lot 7, Block 4, *San Pablo Terrace*

Current Zoning: RS-1

Motion to Consider: 34-336(e)(1)c.1, for a front yard setback of 21 feet in lieu of 25 feet minimum; 34-336(e)(1)c.2, for side yard setbacks of 7.3 feet along the northern property line and 7.2 feet along the southern property line in lieu of 10 feet minimum; 34-336(e)(1)e, for lot coverage of 41% in lieu of 35% maximum, 34-336(e)(1)g, for an accessory structure setback of 1.9 feet along the northern property line in lieu of 5 feet required; and 34-373d, for a parking area setback of zero feet in lieu of 5 feet minimum along the southern property line, to rectify existing non-conformities and allow for a front porch addition to an existing single family dwelling

NEW BUSINESS

A. **Case Number(s): BOA#23-100018**

Applicant: H&H Seaside Development, LLC.
Agent: John Atkins, Atkins Builders
Owner: H&H Seaside Development, LLC
Property Address: 121 16th Avenue South
Parcel ID: 176308-0000
Legal Description: Lot 9, Block 152, *Pablo Beach South*
Current Zoning: RM-2
Motion to Consider: 34-340(e)(3)c.1, for a front yard setback of 10 feet in lieu of 20 feet minimum; 34-340(e)(3)c.2, for side yard setbacks of 5 feet in lieu of 10 feet minimum for both east and west side yards; and 34-340(e)(3)c.3, for a rear yard setback of 20 feet in lieu of 30 feet minimum to allow for construction of a new three-unit multifamily structure

B. **Case Number(s): BOA#23-100019**

Applicant: Christine Lee von Wedel
Agent: Jen Payne, Lifetime Enclosures
Owner: Christine Lee von Wedel
Property Address: 534 16th Avenue North
Parcel ID: 174830-0000
Legal Description: Lot 14, Block 5, *Surf Park – Unit One*
Current Zoning: RS-1
Motion to Consider: 34-336(e)(1)c.3, for a rear yard setback of 26 feet in lieu of 30 feet minimum; and 34-336(e)(1)e, for lot coverage of 40% in lieu of 35% maximum to allow for a roof to be added to an existing rear porch and to rectify existing non-conformities at a single-family dwelling

C. **Case Number(s): BOA#23-100020**

Applicant: Felizardo S. Camilon, Jr.
Agent: Gamel Construction
Owner: Doris A. Smith
Property Address: 1908 Ocean Drive
Parcel ID: 179378-0000
Legal Description: Lot 2, Block K, *of Permenter's Replat of Atlantic Camp Grounds*
Current Zoning: RM-2
Motion to Consider: 34-338(e)(1)c.1, for a front yard setback of 18 feet in lieu of 20 feet minimum; 34-338(e)(1)c.2, for a combined side yard setback of 10 feet in lieu of 15 feet minimum; 34-338(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum; and 34-338(e)1)e, for lot coverage of 51% in lieu of 35% maximum to allow for the construction of a new single family dwelling

D. **Case Number(s): BOA#23-100022**

Applicant: Christopher Joy
Agent: Christopher Joy
Owner: Helen Tatum
Property Address: 1002 24th Street North
Parcel ID: 179211-0100
Legal Description: the South 106.67 feet of Block 90, *Section "A: Jacksonville Beach*, together with the North 25 feet of Vacated 9th Street North (Per Ordinance No. 93-

7569)
Current Zoning: RS-2
Motion to 34-337(e)(1)c.2, for a southern side yard setback of zero feet in lieu of 5
Consider: 34-337(e)e, for 37% lot coverage, OR, for 47% lot coverage
if the City requires the shared street/driveway to be paved; and 34-373(f)
for a gravel driveway in lieu of a paved driveway to allow for construction of
a new single family dwelling

PLANNING DEPARTMENT REPORT

A. The next scheduled meeting is Tuesday, April 18, 2023. There is one scheduled case.

COURTESY OF THE FLOOR TO VISITORS

ADJOURNMENT

NOTICE

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

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

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

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

cc: Mike Staffopoulos, City Manager; City Attorney

**Minutes of Board of Adjustment Meeting
held Tuesday, March 7, 2023, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

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

ROLL CALL:

Chairperson: Alexi Gonzalez
Vice-Chairperson: Owen Curley
Board Members: Jeff Truhlar John Moreland Todd Smith
Alternates: Jennifer Williams (absent) Matt Metz

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

APPROVAL OF MINUTES: None

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: **BOA#23-100006**
Applicant/Owner: David & Trina Middleton
Agent: Lavender House Contracting
Property Address: 824 18th Avenue North
Parcel ID: 175207-0000

City of Jacksonville Beach Land Development 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 nonconformities at an existing single-family dwelling.

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

Agent: Andrea Lambert, 450 Pablo Point Drive, Jacksonville Beach, introduced herself on behalf of the applicant. She stated the hardship was an undersized and nonconforming lot.

A discussion ensued about the garage, support from neighbors, parking, and a carport.

Applicant: Trina Middleton, 824 18th Avenue North, Jacksonville Beach, provided additional comment about the plans.

A brief discussion continued about approving the variance for this structure only.

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100006 based on the standards for a variance outlined in Section 34-286 of the Land Development Code, subject to the condition that the variance is attached to the existing structure.

Discussion: A discussion ensued about the nonconforming lot and lot coverage.

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

B. Case Number: BOA#23-100007
Applicant/Owner: Audrey Lackie
Agent: Robert W. Gray
Property Address: 117 2nd Avenue South
Parcel ID: 175598-0000

City of Jacksonville Beach Land Development 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.

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

Agent: Robert Gray, 5211 Pine Rocklands Avenue, Lithia, stated the hardship was a small building footprint.

A discussion ensued about parking, right-of-way, the yard, and the driveway.

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

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland to approve BOA#23-100007 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about parking and the rear yard setback.

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

C. Case Number: BOA#23-100008
Applicant/Owner: 121 Financial Credit Union, Paul Blackstone, COO
Agent: BGE, Inc., Jennifer Urcan
Property Address: 2017 3rd Street North
Parcel ID: 175438-0000

City of Jacksonville Beach Land Development 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.

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

Agent: Trevor Lee, 1301 River Place Boulevard, Jacksonville, stated the hardship was a potential nuisance created by parking.

A brief discussion ensued about landscaping and conditioning the request to the plans as submitted.

Public Hearing:

The following asked questions but did not express an opinion on the variance:

- Britton Sanders, 2029 3rd Street North, Jacksonville Beach

Mr. Lee addressed Mr. Sanders' questions about the pond and lighting.

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100008 based on the standards for a variance outlined in Section 34-286 of the Land Development Code, and the approval conditioned to the plans that were submitted.

Discussion: A brief discussion ensued about the design.

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

D.	Case Number:	BOA#23-100009
	Applicant	Mike Hanna, Hanna Builders
	Agent:	N/A
	Owner:	Hanna Incorporated
	Property Address:	3090 Sunshine Court
	Parcel ID:	181417-0025

City of Jacksonville Beach Land Development 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.

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

Applicant: Mike Hanna, 134 36th Avenue South, Jacksonville Beach, stated the hardship was a nonconforming lot. Mr. Hanna provided a handout [on file] to the board.

A discussion ensued about the square footage of the residence, lot size, lot coverage, criteria, site plan, and hardship.

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100009 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about lot coverage and the platted lots.

Motion to Amend: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to amend the motion from 50% to 48% lot coverage.

Motion to Amend Roll Call Vote: Ayes – Todd Smith, John Moreland, Jeff Truhlar
Nays – Owen Curley, Alexi Gonzalez
The motion to amend passed 3-2.

Discussion: A discussion continued about lot coverage.

Amended Motion Roll Call Vote: Ayes – John Moreland, Owen Curley, Jeff Truhlar, and Alexi Gonzalez
Nays – Todd Smith
The amended motion passed 4-1.

E. Case Number: **BOA#23-100010**
Applicant: Mike Hanna, Hanna Builders
Agent: N/A
Owner: Hanna Incorporated
Property Address: 3228 Sunshine Court
Parcel ID: 181417-0010

City of Jacksonville Beach Land Development 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.

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

Applicant: Mike Hanna, 134 36th Avenue South, Jacksonville Beach, stated the hardship was a nonconforming lot. Mr. Hanna provided a handout [on file] to the board.

A discussion ensued about square footage.

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

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar, to approve BOA#23-100010 based on the standards for a variance outlined in Section 34-286 of the Land Development Code, subject to the condition of submitted plans only.

Discussion: A brief discussion ensued about lot coverage.

Motion to Amend: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to amend the motion from 50% to 48% lot coverage.

Discussion: None

Motion to Amend Roll Call Vote: Ayes – John Moreland, Jeff Truhlar, Alexi Gonzalez
Nays – Owen Curley, Todd Smith
The motion to amend passed 3-2.

Discussion: None

Amended Motion Roll Call Vote: Ayes – John Moreland, Owen Curley, Jeff Truhlar,
and Alexi Gonzalez
Nays – Todd Smith
The amended motion passed 4-1.

F. Case Number: **BOA#23-100011**
Applicant Kathy Esfahani
Agent: Mike Hanna, Hanna Builders
Owner: KK+A, LLC
Property Address: 3274 Sunshine Court
Parcel ID: 181417-0005

City of Jacksonville Beach Land Development 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.

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

Agent: Mike Hanna, 134 36th Avenue South, Jacksonville Beach, stated the hardship was a nonconforming lot. Mr. Hanna provided a handout [on file] to the board.

A discussion ensued about the lot, line of sight, attached garage, cul-de-sac, setback standards, covered patio, and lot coverage.

Public Hearing:

The following spoke in opposition to the variance:

- Lisa Mills, 3317 Heron Drive North, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Mr. Hanna addressed the concerns expressed by Ms. Mills.

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar, to approve BOA#23-100011 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about the garage, lot coverage, and cul-de-sac width.

Roll Call Vote: Ayes – Owen Curley, Jeff Truhlar, John Moreland, and Alexi Gonzalez
Nays – Todd Smith
The motion passed 4-1.

PLANNING DEPARTMENT REPORT:

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

COURTESY OF THE FLOOR TO VISITORS:

No one came forth to speak.

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:59 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

**Minutes of Board of Adjustment Meeting
held Wednesday, March 22, 2023, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

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

ROLL CALL:

Chairperson: Alexi Gonzalez
Vice-Chairperson: Owen Curley
Board Members: Jeff Truhlar John Moreland Todd Smith (absent)
Alternates: Jennifer Williams Matt Metz

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

APPROVAL OF MINUTES:

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

- Regular Board of Adjustment Meeting held on February 22, 2023

CORRESPONDENCE:

Senior Planner Christian Popoli noted a letter of support for Item B on the dais.

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: **BOA#23-100012**
Applicant/Owner: Michael Stetson
Agent: N/A
Property Address: 1174 24th St. N.
Parcel ID: 179096-0010

City of Jacksonville Beach Land Development Code Section(s): 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 52% in lieu of 35% maximum, to allow for construction of a new rear addition and covered porch attached to an existing single-family dwelling.

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

Applicant: Michael Stetson, 1174 24th St. North, Jacksonville Beach, stated the hardship was lot coverage. Mr. Stetson submitted a letter [on file] in support of the variance from a neighbor.

A discussion ensued about the conforming lot, lot coverage, hardship requirements, reducing the driveway, setbacks, and square footage of the residence.

Public Hearing:

The following submitted a letter [on file] which was read into the record in support of the variance:

- Keith Moody, 1182 North 24th Street, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar, to approve BOA#23-100012 based on the standards for a variance outlined in Section 34-286 of the Land Development Code, subject to the condition of lot coverage limited to 40% maximum.

Discussion: A brief discussion ensued about the lack of hardship.

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

B. Case Number: **BOA#23-100013**
Applicant/Owner: Coastal Curations, LLC.
Agent: William H. Sharp, Jr.
Property Address: 604 3rd Street North
Parcel ID: 174191-0000

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(3)c.1, for a front yard setback of 8 feet in lieu of 20 feet minimum; 34-340(e)(3)c.2, for a corner side yard of zero feet in lieu of 12 feet required; and 34-377 for 7 parking spaces in lieu of 14 spaces required for 4 dwelling units and 1,500 square feet of retail, to allow for a substantial renovation to an existing multi-family structure.

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

Mr. Popoli clarified the staff report incorrectly stated the applicant requested nine parking spaces instead of seven.

Agent: William Sharp, Jr., 604 3rd Street North, Jacksonville Beach, stated the hardship was a nonconforming lot.

A discussion ensued about parking, the number of units, renovation, and retail tenants.

Public Hearing:

The following submitted a letter [on file] which was read into the record in support of the variance:

- Benjamin Hakimian, 7077 Bonneval Road, Suite 400, Jacksonville

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar, to approve BOA#23-100013 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about conditional use, retail space, and parking.

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

- C. Case Number:** **BOA#23-100014**
Applicant/Owner: Jerry Bokota
Agent: N/A
Property Address: 412 13th Avenue South
Parcel ID: 176807-0000

City of Jacksonville Beach Land Development Code Section(s): 34-377(e)(1)c.2, for a combined side yard setback of 6 feet in lieu of 15 feet minimum, with a one foot setback along the western property line; 34- 337(e)(1)e, for lot coverage of 41% in lieu of 35% maximum to allow for the conversion of an existing car port into a garage and the expansion of the existing driveway to the new garage, attached to an existing single family dwelling.

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

Applicant: Jerry Bokota, 412 13th Avenue South, Jacksonville Beach, stated the hardship was a substandard lot.

A discussion ensued about lot size, abutting abandoned property, and driveway parking.

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar. to approve BOA#23-100014 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about the nonconforming lot.

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

- D. Case Number:** **BOA#23-100015**
Applicant/Owner: Raphael Ambar
Agent: N/A
Property Address: 2003 Eastern Drive
Parcel ID: 178146-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.1, for a front yard setback of 21 feet in lieu of 25 feet minimum; 34-336(e)(1)c.2, for side yard setbacks of 7.3 feet along the northern property line and 7.2 feet along the southern property line in lieu of 10 feet minimum; 34-336(e)(1)e, for lot coverage of 41% in lieu of 35% maximum, 34-336(e)(1)g, for an accessory structure setback of 1.9 feet along the northern property line in lieu of 5 feet required; and 34-373d, for a parking area setback of zero feet in lieu of 5 feet minimum along the southern property line, to rectify existing non-conformities and allow for a front porch addition to an existing single family dwelling.

Applicant: The applicant was not present.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to defer BOA#23-100015 to the April 4, 2023, meeting.

Discussion: *None.*

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

PLANNING DEPARTMENT REPORT:

Mr. Popoli stated the next round of workshops for the Land Development Code and Comprehensive Plan would be scheduled in May. He reviewed the timeline.

The next scheduled meeting is Tuesday, April 4, 2023, at 6:00 P.M. There are six scheduled cases.

COURTESY OF THE FLOOR TO VISITORS:

No one came forth to speak.

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:42 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date



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BOA#23-100015

Zoning: RS-1
RE: 178146-0000
Legal: Lot 7, Block 4, San Pablo Terrace
Address: 2003 Eastern Drive

Request

Section(s): 34-336(e)(1)c.1, for a front yard setback of 21 feet in lieu of 25 feet minimum; 34-336(e)(1)c.2, for side yard setbacks of 7.3 feet along the northern property line and 7.2 feet along the southern property line in lieu of 10 feet minimum; 34-336(e)(1)e, for lot coverage of 41% in lieu of 35% maximum, 34-336(e)(1)g, for an accessory structure setback of 1.9 feet along the northern property line in lieu of 5 feet required; and 34-373(d), for a parking area setback of zero feet in lieu of 5 feet minimum along the southern property line, to rectify existing non-conformities and allow for a front porch addition to 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 113 feet deep, with an overall area of 7,883 square feet. The existing home was constructed in 1971, and has been added on to in the rear sometime in the past, prior to the current owners purchasing the property in 2015. The existing home has a total lot coverage of 38%. The home is currently conforming in both front and rear setbacks, however nonconforming in side yard setbacks as well as lot coverage. Additionally the existing driveway has zero setback from the southern property line. Also an existing shed in the rear of the property is nonconforming with regards to setbacks to the northern property line. The home currently has a small covered stoop that the applicant wishes to convert / expand into a functional front porch. The proposed lot coverage would equal 32% lot coverage were this a conforming lot.

No previous variances, no active code enforcement.



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Staff Analysis

The subject lot is substandard in both area and lot width. The RS-1 zoning district requires a minimum lot area of 10,000 square feet in area and minimum lot width of 90 feet. The subject lot is 20 feet too narrow and 2,117 square feet too small in area. The existing home was constructed prior to the current LDC's adoption. The home is nonconforming in lot area currently at 38%, and has nonconforming side yard setbacks on both north and south property lines. Additionally the existing shed in the rear does not meet the current accessory structure setbacks along the northern property line. The proposed front porch will add 240 square feet of lot coverage gross, with the deduction for the existing covered stoop and some portions of the paved walkway. Additionally the porch will encroach into the front setback 4 feet. Finally the proposed variance will address several existing nonconformities.

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 property is substandard in width and in area. Additionally the existing home is nonconforming in side yard setbacks, and the property currently has 38% lot coverage.

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 substandard nature of the existing lot in width and area was not caused by the applicant but was platted in 1954 with these dimensions. The exiting home's original footprint made the side yard setbacks nonconforming when it was built in 1971. Neither of these hardships are the result of the applicants, who purchased the home in 2015.

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 applicant has proposed a modest request to convert the existing stoop into outside living space in the form of a functional front porch. Additions are a common request in the RS-1 zoning district and allow for continued reinvestment into existing homes.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Literal interpretation of the code would leave the current home with exiting nonconformities. Additionally it would prevent the applicant from adding space and value to their existing home, a right extended to other homes in the same zoning district.



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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 existing nonconformities as well as the proposed new porch. The proposed variances would address several existing nonconformities in the form of the home side yard setbacks, the driveway setback, the shed setback as well as at a minimum the existing lot coverage of 38%. The applicant is proposing a modest increase in lot coverage as well as a small front yard encroachment.

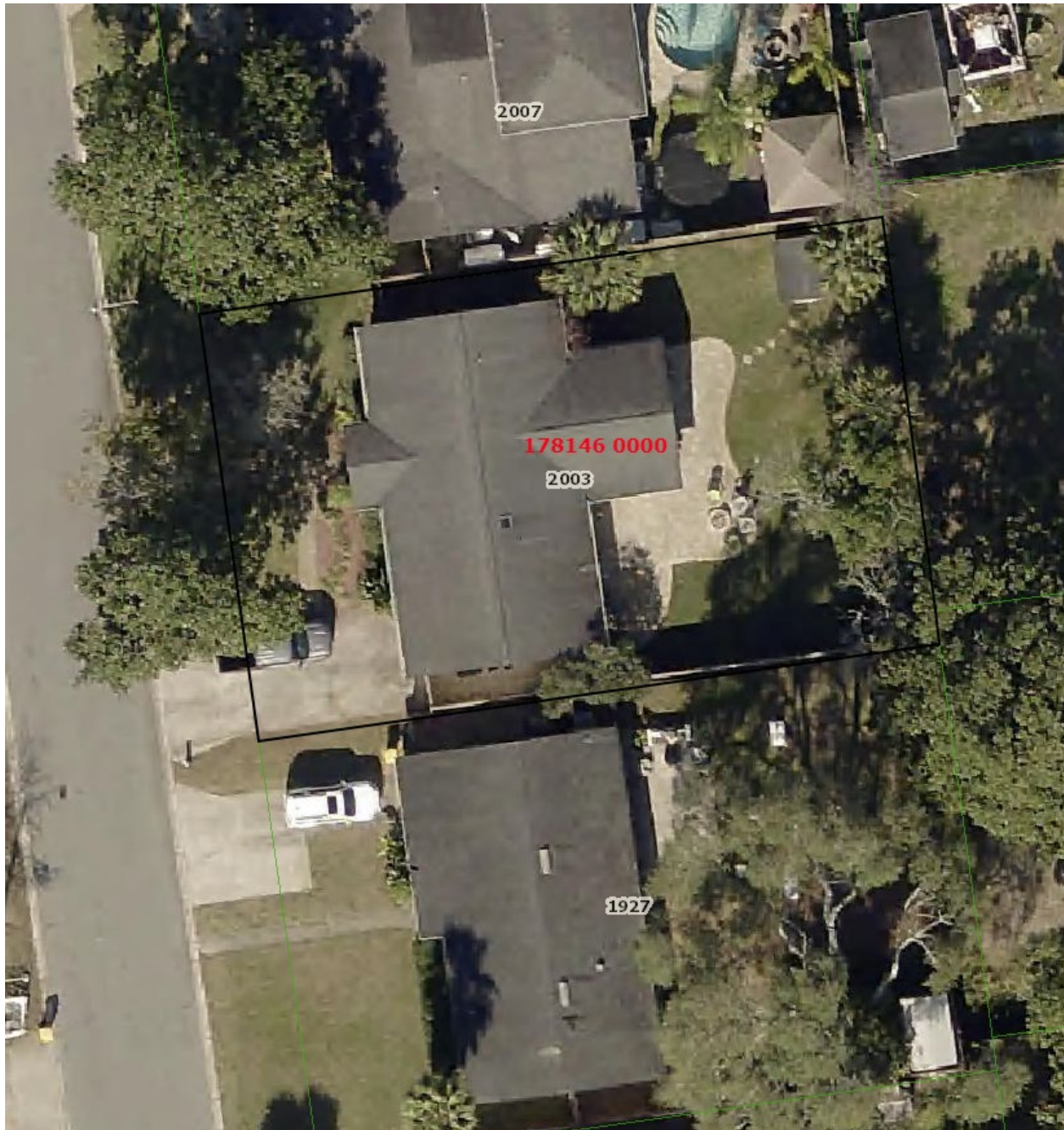
6. Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.

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#23-100015**

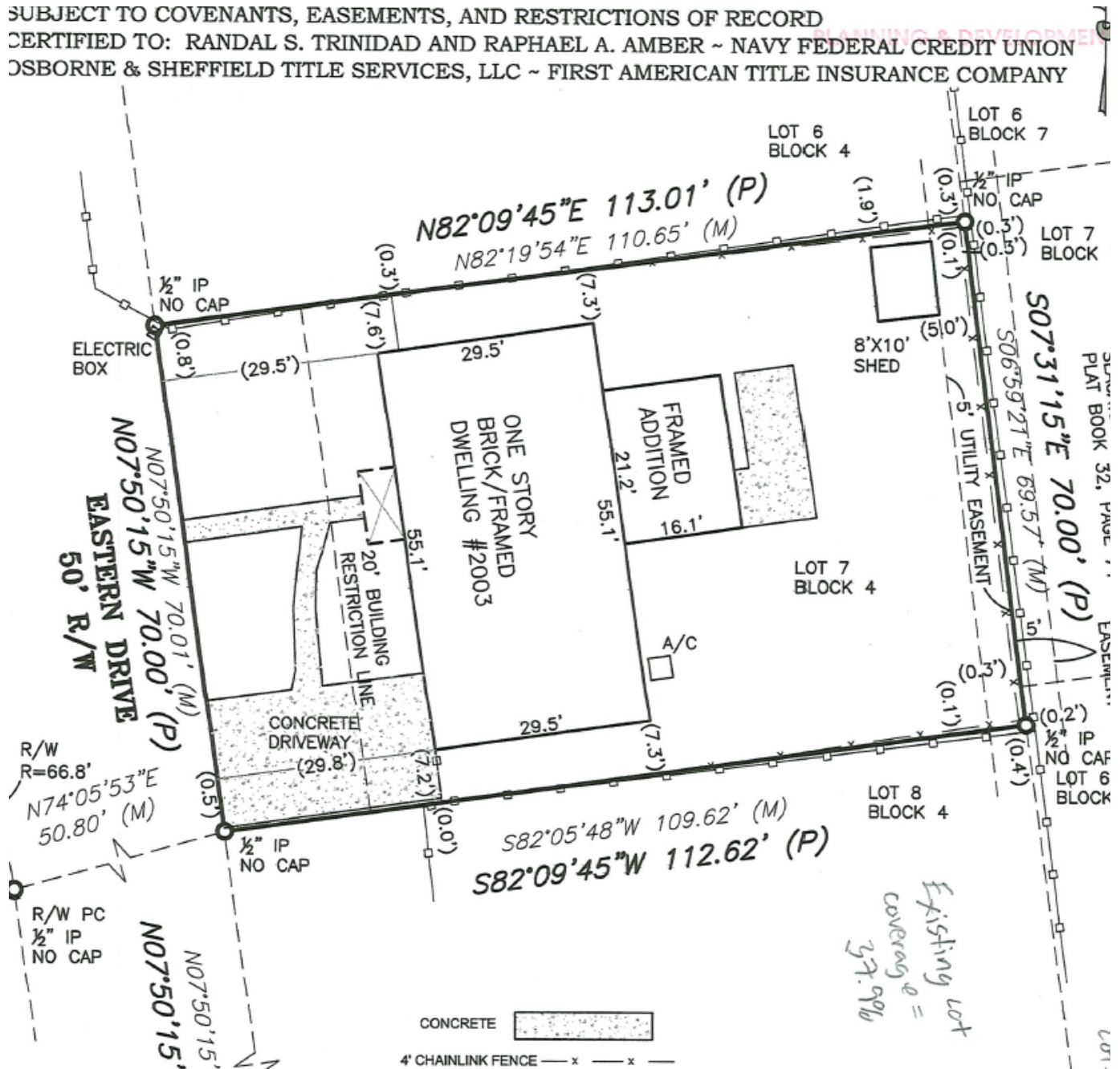
Location Map (property boundaries are representative only)



Existing Survey

SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD

CERTIFIED TO: RANDAL S. TRINIDAD AND RAPHAEL A. AMBER ~ NAVY FEDERAL CREDIT UNION
OSBORNE & SHEFFIELD TITLE SERVICES, LLC ~ FIRST AMERICAN TITLE INSURANCE COMPANY

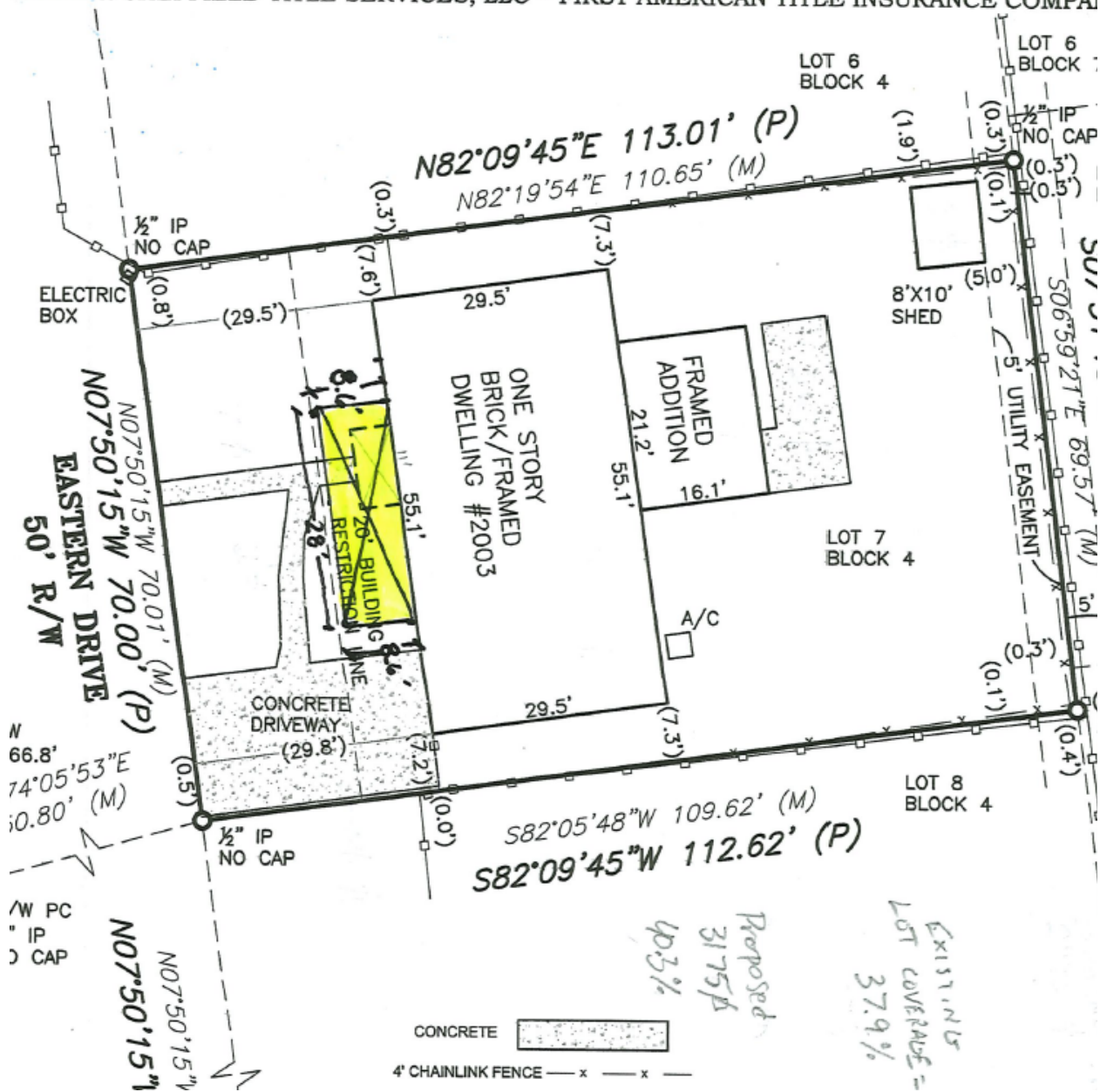




City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Proposed Site Plan

SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD
CERTIFIED TO: RANDAL S. TRINIDAD AND RAPHAEL A. AMBER ~ NAVY FEDERAL CREDIT UNION
BORNE & SHEFFIELD TITLE SERVICES, LLC ~ FIRST AMERICAN TITLE INSURANCE COMPANY





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

BOA#23-100018

Zoning: RM-2
RE: 176308-0000
Legal: Lot 9, Block 152, Pablo Beach South.
Address: 121 16th Avenue South.

Request

Section(s): 34-340(e)(3)c.1, for a front yard setback of 10 feet in lieu of 20 feet minimum; 34-340(e)(3)c.2, for side yard setbacks of 5 feet in lieu of 10 feet minimum for both east and west side yards; and 34-340(e)(3)c.3, for a rear yard setback of 20 feet in lieu of 30 feet minimum to allow for construction of a new three-unit multifamily structure

Existing Conditions

The subject property is comprised of a nonconforming lot of record (circa 1909) located in the Residential Medium future land use category. The property is currently zoned Residential Multifamily: RM-2. The subject property is 50 feet in width, 125 feet in depth, with an overall area of 6,250 square feet. The property is adjacent to a rear alley that is roughly 2/3 paved, and is paved immediately adjacent to the subject property. The property currently has two multifamily units on it, comprised of two separate structures, likely originally a single family home and rear garage. The current property has only adequate parking for the front structure along 16th, though there is parking in the rear accessed off the alley, but not improved parking. The current structures do not meet the minimum requirements for setbacks, as they were constructed in 1959. Adjacent uses are a mix of multifamily structures, townhomes and existing single family.

BOA#123-2003. For a side yard setback of 7 feet in lieu of 10 feet min, and rear yard of 15 feet in lieu of 30 feet minimum. DENIED.

Staff Analysis

The subject property is 50 feet in width and 125 feet deep. Though there is no static minimum lot size, there is a range based on square footage as it related to the number of multifamily units. In this specific case, the existing land use would allow up to 40 units an acre, however, the lot size restrictions in the LDC would only allow three units on this property. As they would be entitled to two units with 5,000 square feet in area, and every unit above two requires an additional 1,000 square feet in area. As they have 6,250 square feet, they can have up to three units. The



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applicants are proposing a three unit multifamily project, with garages for all three units and some additional driveway for parking in the rear, accessed via the alley, attached to the rear unit. The minimum lot width for RM-2 multifamily is 75 feet. With a width reduced by 25 feet from the minimum, a side yard setback reduction is warranted. Additionally, the applicant has proposed the project within the minimum lot coverage requirements of 65% for multifamily. They are additionally requesting a front and rear yard setback reduction. Based on the historic front setback for the existing structure on the property, and the adjacent front setback for the multifamily to the east, the applicant has proposed a similar front setback of 10 feet. Additionally, the applicant is requesting a rear yard setback of 20 feet in lieu of 30 minimum, which again is similar to the existing rear structure currently on site, and the adjacent multifamily properties. As the applicant is meeting lot coverage, the setback reductions appear reasonable, particularly since each unit will have a two car garage, meeting the minimum parking standards. The narrow nature of the lot coupled with its location, in the center of the block, limits the construction design.

Minimum Dimensional Standards

Multiple family dwellings.

- Minimum lot area: Five thousand (5,000) square feet, plus one thousand (1,000) square feet for each unit in excess of two (2), except that the gross density shall not exceed forty (40) units an acre.
- Minimum lot width: Seventy-five (75) feet at the building line and a minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty (20) feet.
 - Side yard: Ten (10) feet for each side yard, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear yard: Thirty (30) feet. For oceanfront lots, the rear yard shall be the yard adjacent to the ocean, or the easterly yard, and the front yard shall be the westerly yard, or yard opposite the rear yard.
- Floor area: Multiple family dwelling unit shall contain the following minimum square feet of conditioned living area excluding garages, carports and breezeways.
 - One bedroom unit—Seven hundred (700) square feet.
 - Two bedroom unit—Nine hundred (900) square feet.
 - Three bedroom unit—One thousand one hundred (1,100) square feet.



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- This square footage requirement shall also apply to units sold as condominiums.
- Maximum lot coverage: Sixty-five (65) percent.
- Height: Thirty-five (35) feet.
- Accessory structures. All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.

Review of Criteria

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

Staff **does** find that there are circumstances unique to the structure. The lot is exceptionally narrow, roughly a third narrower than the required width. This creates a hardship with side yard setbacks, but even with the proposed side yard setback relief, they are still 15 feet narrower than what they could otherwise utilize, and this creates an additional hardship by which the footprint is pressed forward and rear on the property, thus creating a need for front and rear setback relief.

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

Staff **does not** find that circumstances are a result of the applicant. The lot was platted in 1909, is nonconforming in width. Additionally the nature of the exiting property was multifamily with many unrectified nonconformities.

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

Staff **does not** find that the proposed variance will confer special privileges. The request will allow the applicant to build a three unit multifamily structure, allowed by the code as a permitted use, and with the existing lot area, they have the available density for three units, but due to the nature of the lot need relief to fully utilize the property.

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**



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Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Without relief for setbacks, the property would likely be unable to accommodate the required parking on site through the use of garages, and might limit the applicant in their ability to have three units, which they would otherwise be entitled to based on lot area.

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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the multifamily structure. The proposed variance for setbacks is the minimum variance needed to accomplish the proposed design, additionally the applicant will remain within the lot coverage maximum, even with the proposed setback reductions.

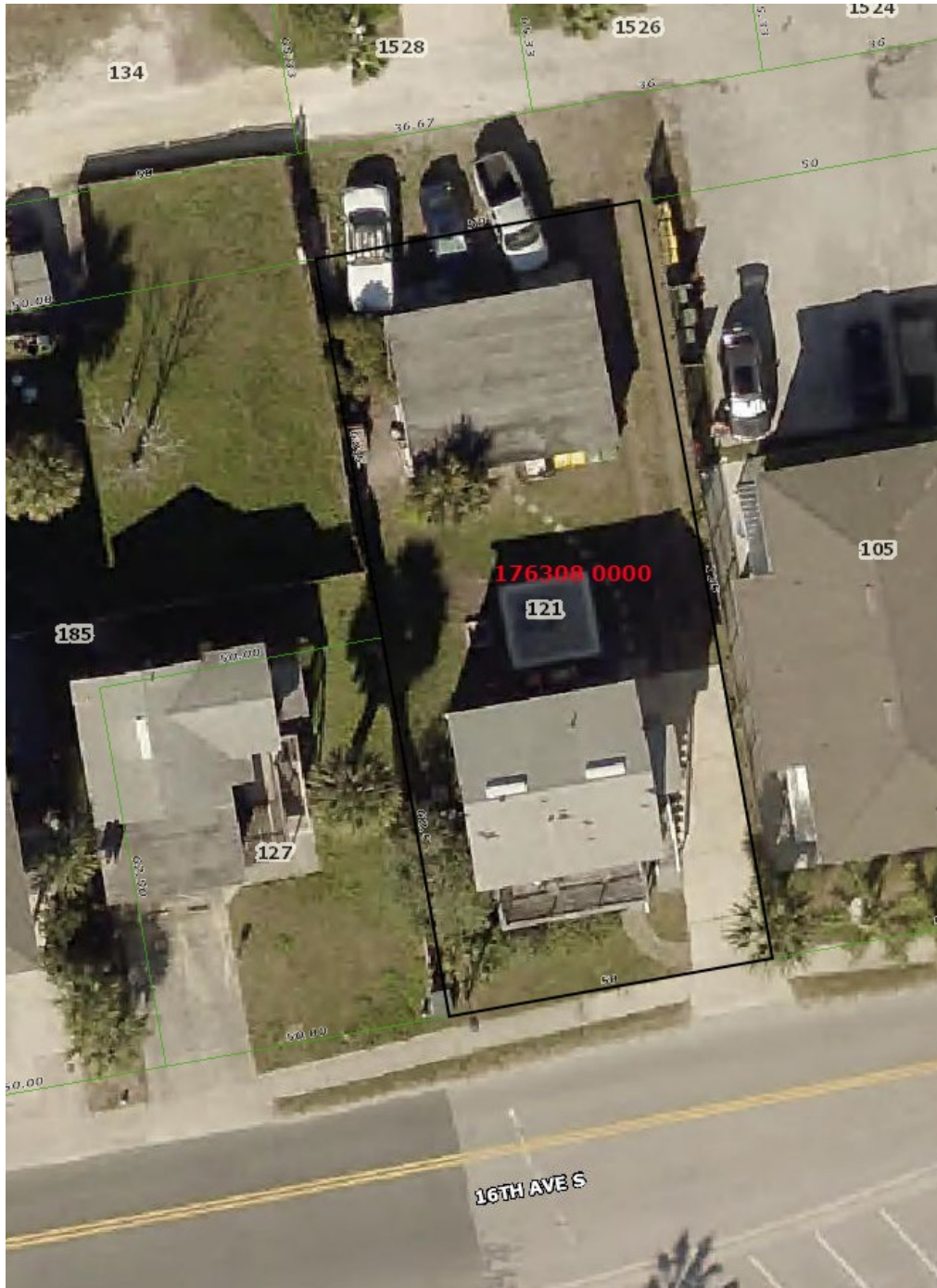
6. Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.

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#23-100018**

Location Map (property boundaries are representative only)



12' ALLEY

SET 1/2" I.P. & L.T.S (F.D. 1" I.P. - 40 I.D. 0.35" W. 0.43" W.)

N. 72° 50' 56" E. (PLAT) 50.00 (ACTUAL) 50.63

125.00' (PLAT) 125.15' (ACTUAL)

85.3' (PLAT) 85.1' (ACTUAL)

100.00' (PLAT) 100.06' (ACTUAL)

SET 1/2" I.P. & L.T.S (F.D. 1" I.P. - 40 I.D. 0.35" W. 0.43" W.)

S. 72° 50' 56" W. (ACTUAL) 50.03 (PLAT) 50.00

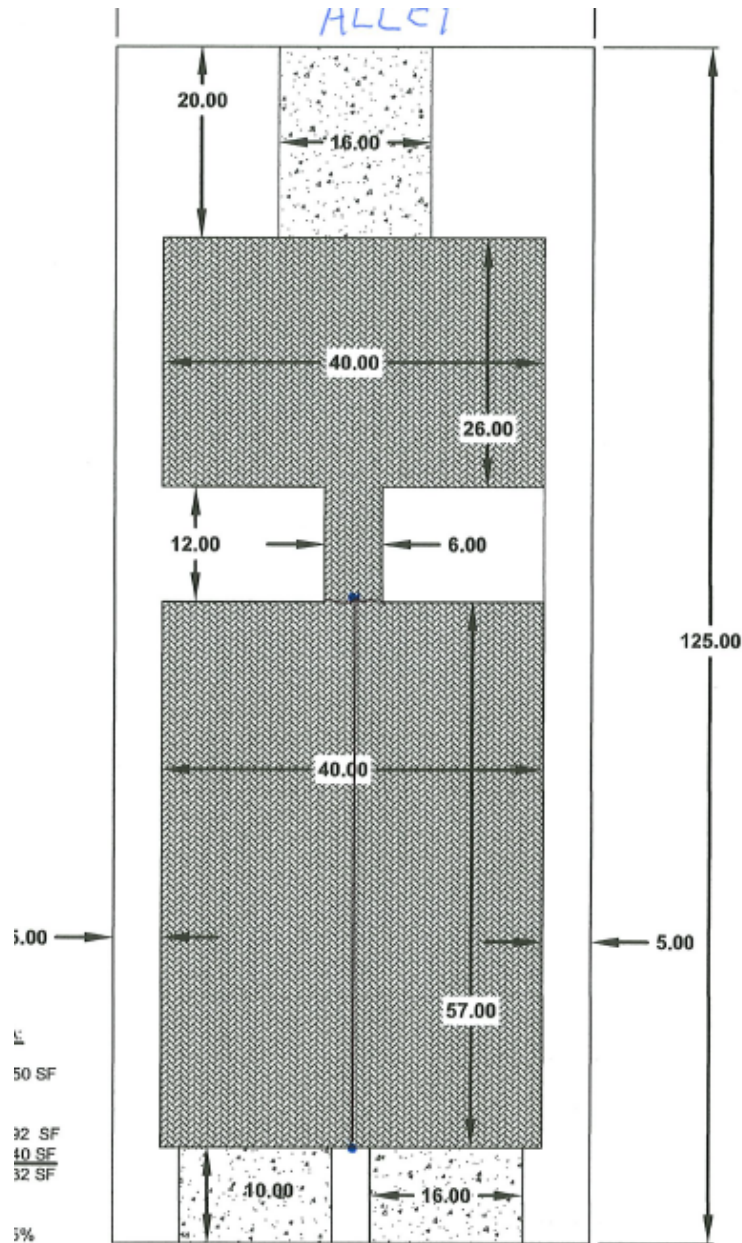
16TH AVENUE SOUTH

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23-100
FEB 14 2023
PLANNING & DEVELOPMENT



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

Proposed Site Plan



16TH AVE S.

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23-100018
FEB 14 2023



APPLICATION FOR VARIANCE

BOA No. 23-100018

HEARING DATE 4.4.23

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.

FEB 14 2023

APPLICANT INFORMATION

PLANNING & DEVELOPMENT

Applicant Name: H & H Seaside Development LLC **Telephone:** (904) 270-2250
Mailing Address: 1713 Penman Road **E-Mail:** h_a_g@bellsouth.net
Jacksonville Beach, FL 32250
Agent Name: John Atkins **Telephone:** (904) 465-3749
Mailing Address: PO Box 51262 **E-Mail:** atkinsbuilders@hotmail.com
Jacksonville Beach, FL 32240
Landowner Name: H & H Seaside Development LLC **Telephone:** (904) 270-2250
Mailing Address: 1713 Penman Road **E-Mail:** h_a_g@bellsouth.net
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: 121 16th Ave S. RE# 176308-0000
 Legal description of property (Attach copy of deed): Lot 9, Block 152, Pablo Beach South, Plat Book 3, Page 28.
 Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
Front yard setback of 10' in lieu of 20' required. Side yard setbacks of 5' in lieu of 10' required. Rear yard setback of 20' in lieu of 30' required.
To build three family structure.

AFFIDAVIT

I, Lynn Hileman, 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.

Lynn Hileman
 APPLICANT SIGNATURE

Lynn Hileman
 PRINT APPLICANT NAME

2-14-23
 DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14th day of February, 2023, by Lynn L. Hileman, who is personally known to me or produced _____ as identification.

Rhonda Poland Lewis
 NOTARY PUBLIC SIGNATURE
RHONDA POLAND LEWIS
 PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RM-2

FLOOD ZONE: AE/X-shaded

CODE SECTION (s):
34-340(e)(3)c.1, for a front yard setback of 10 feet in lieu of 20 feet minimum; 34-340(e)(3)c.2, for side yard setbacks of 5 feet in lieu of 10 feet minimum for both east and west side yards; and 34-340(e)(3) c.3, for a rear yard setback of 20 feet in lieu of 30 feet minimum to allow for construction of a new three-unit multifamily structure

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No.

23-100018

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.

FEB 14 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	Lot is undersized. Lots in RM-2 zoning must be a minimum of 60 feet wide. Lot is only 50 feet wide.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Lot was platted as is.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	Same or more generous variances have been granted to parcels in the same area.
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 same variance has been granted multiple times.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Granting this variance will allow applicant to construct two car garages for each unit. Eliminating any parking problems for the neighborhood.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	Granting the variance will enhance the neighborhood.

Prepared by and return to:
Almand & Heekin, PA
4540 Southside Boulevard, Suite 702
Jacksonville, Florida 32216

RECEIVED
23-100018
FEB 14 2023

Note: This Quitclaim Deed prepared without the benefit of a title examination, title insurance or attorneys opinion of title.

PLANNING & DEVELOPMENT

QUITCLAIM DEED

THIS QUITCLAIM DEED is made the 17 day of May, 2012 by **Robert M. Hamil, Jr. and Lynn L. Hileman** ("Grantor"), whose address is 22 Hopson Road, Jacksonville Beach, FL 32250, conveying non-constitutional homestead property to and in favor of **H&H Seaside Development, LLC, a limited liability company and Bottom Line Ventures, Inc., a Florida corporation** ("Grantee"), whose address is 1713 Penman Road, Jacksonville, FL 32250.

(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:

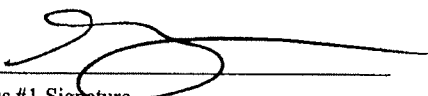
That the Grantor, for \$10.00 and other valuable consideration, has remised, released and quitclaimed to the Grantee, their heirs, successors and assigns forever, that real property located in **Duval** County, Florida, which is described as follows:

Lot 9, Block 152, PABLO BEACH, according to plat thereof as recorded in plat Book 3, Page 28, of the current Public Records of Duval County, Florida

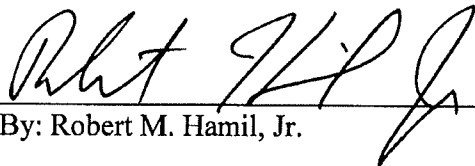
To have and to hold same, together with all the hereditaments and appurtenances thereunto belonging or in anywise appertaining, to the Grantee, their heirs, successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this Quitclaim Deed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

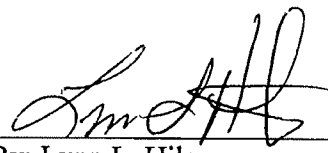

Witness #1 Signature

LISEELLEN C. SAWYER
Witness #1 Printed Name


By: Robert M. Hamil, Jr.

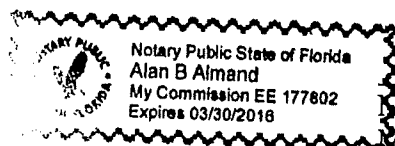

Witness #2 Signature

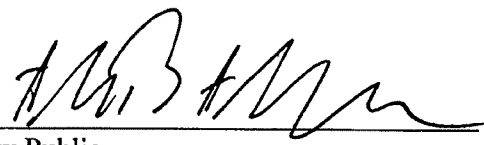
Alan B. Almand
Witness #2 Printed Name


By: Lynn L. Hileman

STATE OF Florida
COUNTY OF Duval

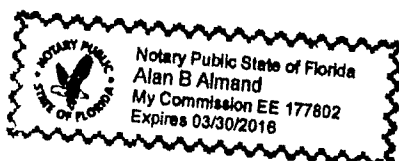
The foregoing instrument was acknowledged before me this 17 day of May, 2012, by **Robert M. Hamil, Jr.** who is/are personally known to me or who produced as identification.




Notary Public
My commission expires:

STATE OF Florida
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 17 day of May, 2012, by **Lyn L. Hileman** who is/are personally known to me or who produced as identification.




Notary Public
My commission expires:



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23-100018
FEB 14 2023

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

PLANNING & DEVELOPMENT

Detail by Entity Name

Florida Limited Liability Company
H & H SEASIDE DEVELOPMENT, L.L.C.

Filing Information

Document Number	L02000006029
FEI/EIN Number	30-0054706
Date Filed	03/13/2002
State	FL
Status	ACTIVE
Last Event	REINSTATEMENT
Event Date Filed	10/28/2008

Principal Address

1713 PENMAN RD
JACKSONVILLE BEACH, FL 32250

Changed: 10/28/2008

Mailing Address

1713 PENMAN RD
JACKSONVILLE BEACH, FL 32250

Changed: 10/28/2008

Registered Agent Name & Address

HILEMAN, LYNN L
1713 PENMAN ROAD
JACKSONVILLE BEACH, FL 32250

Name Changed: 06/08/2006

Address Changed: 06/08/2006

Authorized Person(s) Detail

Name & Address

Title MGRM

HILEMAN, LYNN L
1713 PENMAN ROAD
JACKSONVILLE BEACH, FL 32250

Title MEMB

HILEMAN, VALERIE L
1713 PENMAN ROAD
JACKSONVILLE BEACH, FL 32250

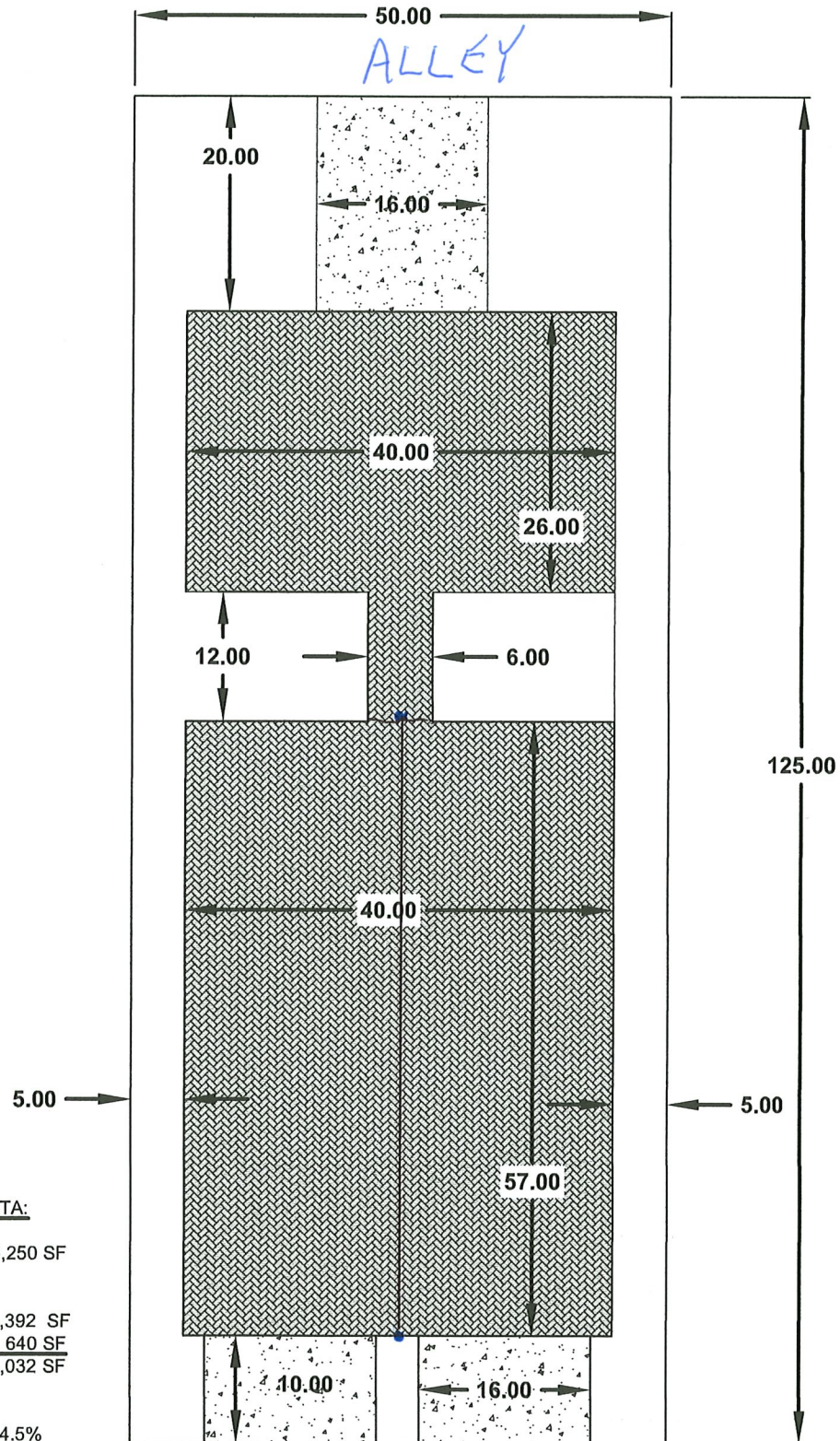
Annual Reports

Report Year	Filed Date
2020	04/29/2020
2021	02/22/2021
2022	02/23/2022

Document Images

02/23/2022 -- ANNUAL REPORT	View image in PDF format
02/22/2021 -- ANNUAL REPORT	View image in PDF format
04/29/2020 -- ANNUAL REPORT	View image in PDF format
04/06/2019 -- ANNUAL REPORT	View image in PDF format
03/06/2018 -- ANNUAL REPORT	View image in PDF format
01/20/2017 -- ANNUAL REPORT	View image in PDF format
05/05/2016 -- ANNUAL REPORT	View image in PDF format
04/28/2015 -- ANNUAL REPORT	View image in PDF format
04/24/2014 -- ANNUAL REPORT	View image in PDF format
04/24/2013 -- ANNUAL REPORT	View image in PDF format
04/16/2012 -- ANNUAL REPORT	View image in PDF format
04/15/2011 -- ANNUAL REPORT	View image in PDF format
06/16/2010 -- ANNUAL REPORT	View image in PDF format
04/29/2009 -- ANNUAL REPORT	View image in PDF format
10/28/2008 -- REINSTATEMENT	View image in PDF format
06/08/2006 -- ANNUAL REPORT	View image in PDF format
04/18/2005 -- ANNUAL REPORT	View image in PDF format
09/14/2004 -- ANNUAL REPORT	View image in PDF format
07/14/2003 -- ANNUAL REPORT	View image in PDF format
03/13/2002 -- Florida Limited Liabilities	View image in PDF format

PROPOSED



POST DEVELOPMENT DRAINAGE DATA:

SITE AREA: +/- 6,250 SF

IMPERVIOUS AREA:

BUILDINGS: 3,392 SF

CONCRETE PAVEMENT: 640 SF

TOTAL: 4,032 SF

PERCENT IMPERVIOUS:

4,032 SF / 6,250 SF 64.5%

16TH AVE S.

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23-100018
FEB 14 2023

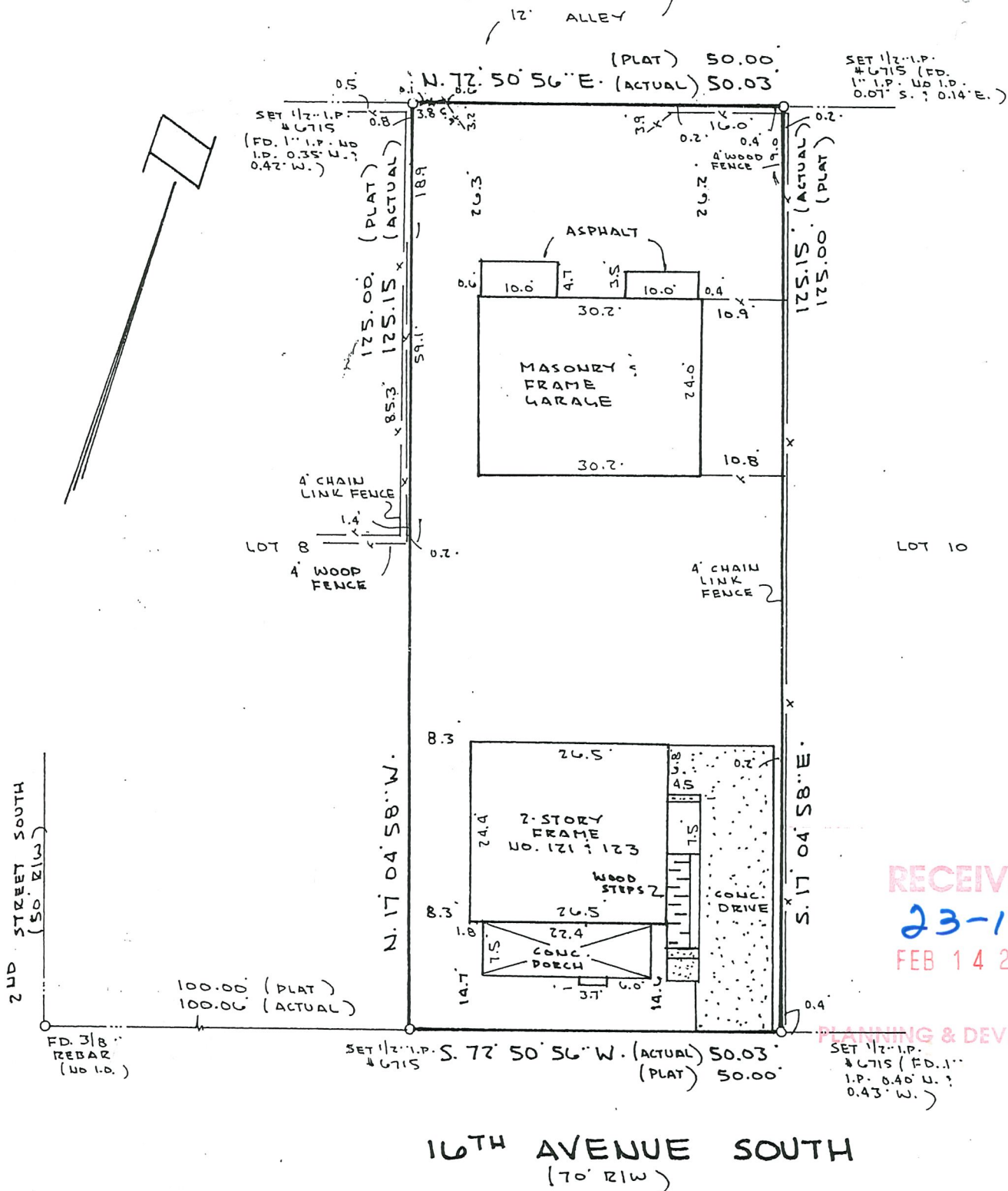
PLANNING & DEVELOPMENT

EXISTING

MAP SHOWING BOUNDARY SURVEY OF
LOT 9 BLOCK 152 AS SHOWN ON MAP OF

PABLO BEACH SOUTH

AS RECORDED IN PLAT BOOK 3 PAGES 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL CO., FL.
CERTIFIED TO: ROBERT M. HAMIL, JR., LYNN HILEMAN, SOUTH TRUST BANK,
COMMONWEALTH LAND TITLE INSURANCE COMPANY



PERRET AND ASSOCIATES, INC.

1614 ATLANTIC UNIVERSITY CIRCLE, JACKSONVILLE, FLORIDA, 32207

PHONE: (904) 805-0030

FAX: (904) 805-9888

GENERAL NOTES:

- (1) BEARINGS SHOWN HEREON ARE BASED ON ULY RIW LINE OF 16TH AVENUE SOUTH BEING S. 77° 50' 56" W.
- (2) THIS PROPERTY HAS NOT BEEN ABSTRACTED FOR EASEMENTS, COVENANTS, RESTRICTIONS
- (3) UNDERGROUND ENCROACHMENTS AND UTILITIES SERVING THIS PROPERTY HAVE NOT BEEN LOCATED OR SHOWN
- (4) THIS PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE X AS SCALED FROM F.E.M.A. FLOOD INSURANCE RATE MAP, PANEL 170078-0002D, DATED 4-17-89

P.C. POINT OF CURVATURE
P.T. POINT OF TANGENCY
P.R.C. POINT OF REVERSE CURVE
P.C.C. POINT OF COMPOUND CURVE
P.O.C. POINT ON CURVE
B.R.L. BUILDING RESTRICTION LINE
C.L. CENTER LINE
I.P. IRON PIPE
F.D. FOUND

LEGEND

R RADIUS
Δ DELTA (INTERIOR ANGLE)
A ARC LENGTH
C CHORD
CB CHORD BEARING
A/C AIR CONDITIONER
CONC. CONCRETE
R/W RIGHT-OF-WAY
O.R.V. OFFICIAL RECORDS VOLUME

SCALE 1" = 20'

7-13-2001

DATE OF FIELD SURVEY

NATHAN E. PERRET, FLA. CERT. NO. 5732
CARL S. COURSON, FLA. CERT. NO. 3129



LB ~ 6715



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

BOA#23-100019

Zoning: RS-1
RE: 174830-0000
Legal: Lot 14, Block 5, Surf Park Unit 1, replat of Pablo Beach.
Address: 534 16th Avenue North.

Request

Section(s): 34-336(e)(1)c.3, for a rear yard setback of 26 feet in lieu of 30 feet minimum; and 34-336(e)(1)e, for lot coverage of 40% in lieu of 35% maximum to allow for a roof to be added to an existing rear porch and to rectify existing non-conformities at a single-family dwelling

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1946) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The subject property is 77 feet in width and 120 feet in depth with an overall area of 9,240 square feet. The lot is substandard in both width and area. The property currently has a home constructed in 2016, and appears to have been constructed at 39.8% lot coverage with no previously approved variances. The applicants purchased the house in 2021, with the existing lot coverage issue. The home is roughly 2,700 square feet plus the driveway and a small patio to the rear. There are no rear yard amenities other than the existing patio, which measures 10 feet in depth and 16 feet in width.

No previous BOA, No active code enforcement.

Staff Analysis

The subject lot is zoned for single family residential, and is substandard in both width and area for the RS-1 zoning district. Though the home was built in 2016, it appears to have been constructed beyond the 35% lot coverage, without any approved variances. The applicants purchased the home with the existing lot coverage. They are proposing to add a small screen enclosure attached to the existing house and would cover the existing rear patio. This would not add any additional lot coverage, but would change the rear setbacks based on the new addition to the existing home, from 30 feet to 26 feet, matching the existing setback of the rear patio. As noted above, the lot coverage is an existing condition of the home at the time of purchase.



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

Minimum Dimensional Standards

- Minimum lot area: Ten thousand (10,000) square feet.
- Minimum lot width: Ninety (90) feet at the building line and a minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty-five (25) feet.
 - Side yard: Ten (10) feet on each side except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear yard: Thirty (30) feet.
- Floor area: A single family dwelling unit shall contain a minimum of one thousand six hundred (1,600) square feet of conditioned living area and a one (1) car garage. The garage shall not be included as part of the single family dwelling unit's minimum square footage.
- Maximum lot coverage: Thirty-five (35) percent.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject property is substandard in width and lot area. The excess lot coverage is an existing nonconformity of the property.

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 house was constructed in 2016 and does not appear to have been altered or any additional lot coverage added, though no variance was approved for the 40% lot coverage. As the applicants did not plat the lot, nor did they construct the house, they did not create a self-imposed hardship.



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. Relief from the dimensional standards is a common request in the RS-1 zoning district for additions and rear yard accessory uses. The proposed screen enclosure would not be a special privilege but a common request that could otherwise be approved but for the setback encroachment.

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 literal interpretation of the code would make the proposed addition impossible and as the lot coverage is an existing nonconformity, without approval the applicant would be hard pressed for any future renovation, as they would need to address the nonconforming lot coverage, but have very little hardscape other than the house, required drive and rear patio.

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 addition. The requested variances are minimum needed to construct the rear screen enclosure and address the existing lot coverage nonconformity.

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

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

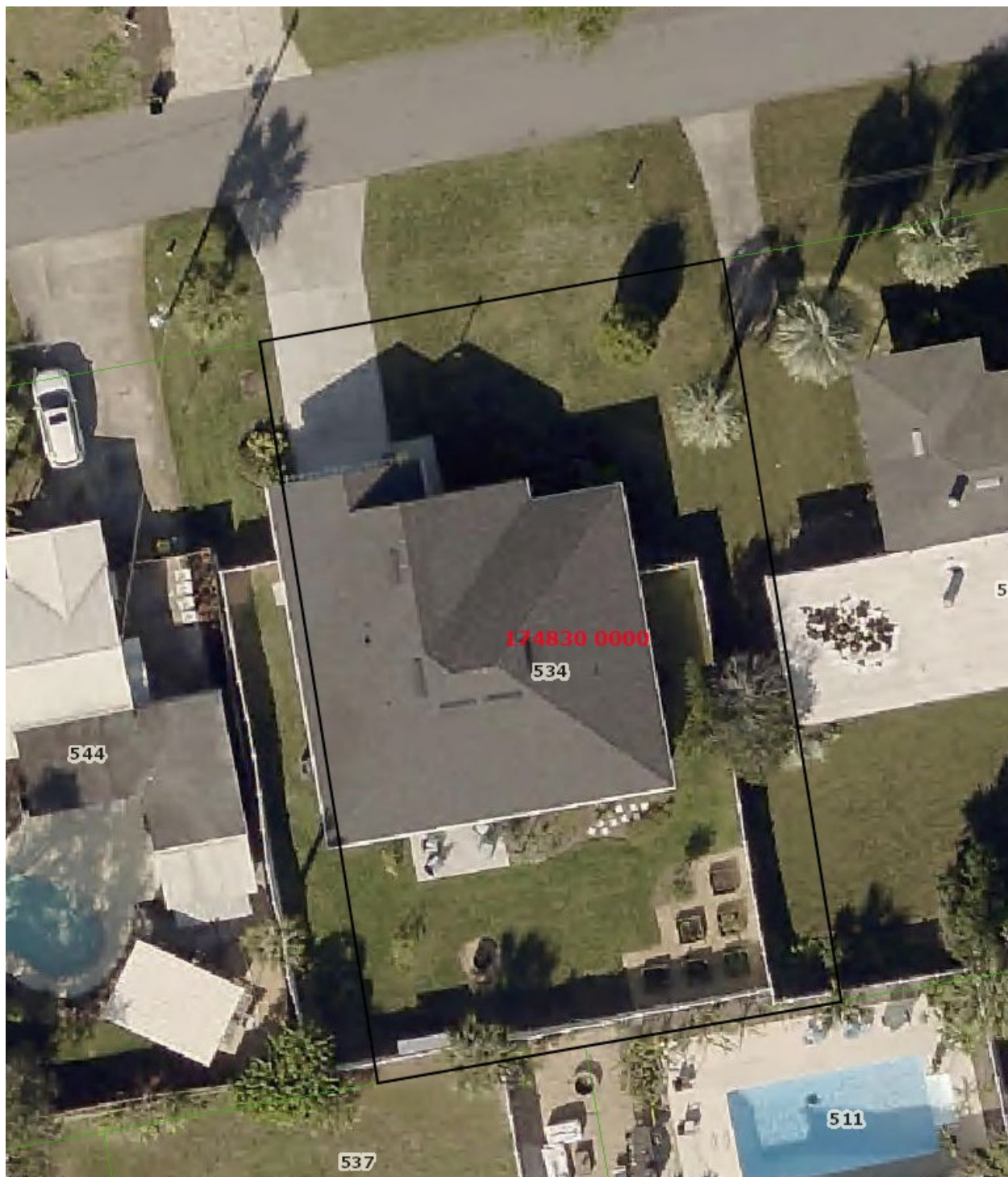


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Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#23-100019**

Location Map (property boundaries are representative only)



ASPHALT ROADWAY
60' RIGHT-OF-WAY
16th AVENUE N

30.0'

77.02'

N79° 04' 20"E

77.02'(P)

FOUND 1/2" IRON PIPE

25.2'

DRIVEWAY

25.8'

25

36.6'

12.5'

SET 1/2" IRON ROD AND CAP "NEXGEN 811"

BUILDING SETBACK LINE(PLAT)

10.0'

COVERED

31.1'

22.2'

11.3'

FENCE 0.7' W

FENCE 0.2' W

N09° 44' 30"W

56.3'

10.9'

53.3'

46.3'

12.8'

37.2'

FENCE 1.1' W

S09° 44' 30"E

120.44'

FENCE 3.3' N 0.0' E

FENCE 0.9' N 0.0' E

FOUND 1/2" IRON PIPE

S80° 15' 30"W

77.00'

LOT 7 0.7' W BLOCK 52.1' N

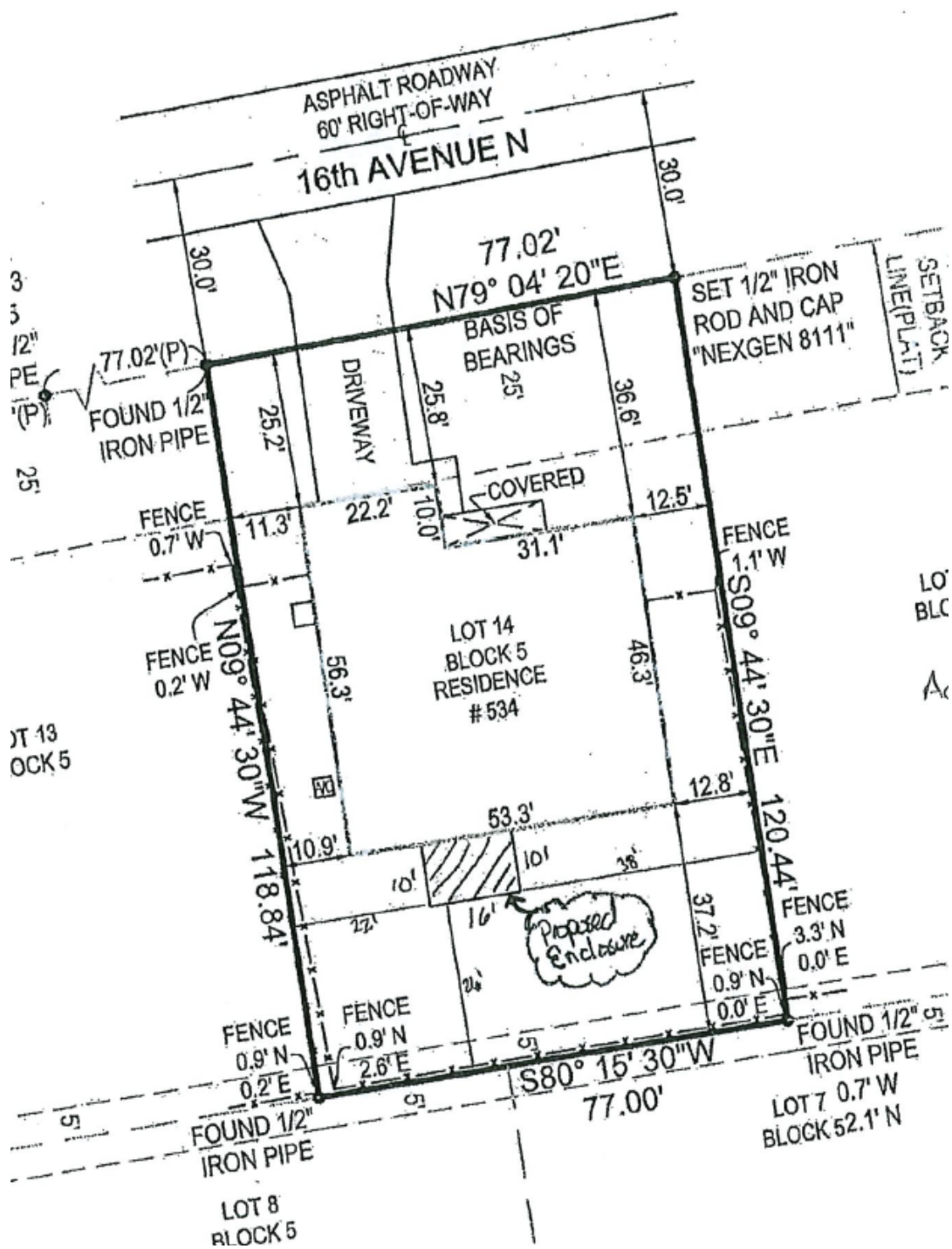
LOT 15

LOT 14 BLOCK 5 RESIDENCE #534

LOT 8

PLAN

Proposed Site Plan





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



APPLICATION FOR VARIANCE

BOA No. 23-100019
HEARING DATE 4-4-23

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.

FEB 15 2023
15:50

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: Christine Lee von Wedel Telephone: 904-553-6866
Mailing Address: 534 16th Ave N., Jacksonville FL 32250 E-Mail: ChristineLeeC@aol.com
Agent Name: Jen Payne - Lifetime Enclosures Telephone: 904-731-5580
Mailing Address: 5521 Chronicle Ct. Jax FL 32256 E-Mail: Jpayne@lifetimeenclosures.com
Landowner Name: Christine Lee von Wedel Telephone: 904-553-6866
Mailing Address: 534 16th Ave N. Jax Bch FL 32250 E-Mail: ChristineLeeC@aol.com

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

VARIANCE DATA

Street address of property and Real Estate Number: 534 16th Ave N. 174830-0000
Legal description of property (Attach copy of deed): 19-39 28-25-29 E SURF PARK, UNIT 1 R/P PT Pablo Beach North Lot 14 B125.
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
Rear yard set back of 26ft in lieu of 30ft. 10x16 patio over on existing concrete

AFFIDAVIT

I, Christine Von Wedel, 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.

Christine von Wedel
APPLICANT SIGNATURE

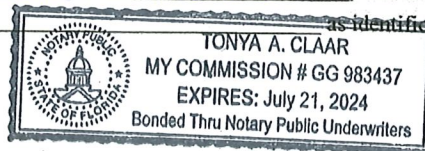
Christine von Wedel
PRINT APPLICANT NAME

11-16-2022
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 16 day of November, 2022, by Christine von Wedel, who is personally known to me or produced DDT as identification.

[Signature]
NOTARY PUBLIC 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/X-shaded

CODE SECTION (S):
34-336(e)(1)c.3, for a rear yard setback of 26 feet in lieu of 30 feet minimum; and 34-336(e)(1)e, for lot coverage of 40% in lieu of 35% maximum to allow for a roof to be added to an existing rear porch and to rectify existing non-conformities at a single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100019

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

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes.	The back of the house is only 34FT. from the rear property line.
Special circumstances and conditions do not result from the actions of the applicant.	Yes.	Current homeowner was not original owner and did not choose house location on lot.
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.	Granting will not confer special privileges to the homeowner.
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.	Homeowner does not have any covered outdoor space to enjoy the outdoors with protection from weather or UV rays.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes.	Current rear yard set back only allows for patio cover projection of 4FT. This is not adequate to stand under. Grant of variance will allow for 10FT projection.
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.	Grant of variance will not interfere negatively with any surrounding properties.

534 16TH AVE. NORTH

APPLICATION FOR VARIANCE

The need for the proposed variance originates from the homeowner's desire to add a patio cover on the existing slab in the backyard. The home itself has a setback of 36ft. This does not provide them the space needed to add a patio cover within the 30ft rear yard setback. The proposed patio cover will be within the boundaries of the existing privacy fence and will require a 26ft rear yard setback in lieu of 30ft.

The proposed deviation will not substantially diminish the property values or change the essential character of the surrounding properties that could be affected by this deviation.

The proposed deviation will not be detrimental to the public health, will not create a nuisance, conflict, or any public expense.

The approval of the proposed deviation is in harmony with the spirit and intent of the zoning code.

Below is a list of homes in the vicinity with similar situations.

601 15th Ave. N.
509 15th Ave. N.
415 15th Ave. N.
506 15th Ave. N.
428 15th Ave. N.
544 16th Ave. N.
426 16th Ave. N.

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23-100019

FEB 15 2023

PLANNING & DEVELOPMENT

RECEIVED
23-100019
FEB 22 2023

PLANNING & DEVELOPMENT

Prepared by and return to:
Thomas Daugustinis, Esq.
Closing Bear, LLC
75 Durbin Station Ct., Suite 304
St. Johns, FL 32259

**ENHANCED LIFE ESTATE DEED
LADY BIRD DEED**

THIS DEED made on this 31 day of March, 2022, by **Christine Lee Von Wedel**, an unmarried woman, whose address is 534 16th Ave N. Jacksonville Beach, FL 32250, hereinafter called the "**Grantor**," to **Christine Lee Von Wedel**, an unmarried woman, whose address is 534 16th Ave N. Jacksonville Beach, FL 32250, for a Life Estate, without any liability for waste, and with full power and authority in the life tenant to sell, convey, mortgage, lease or otherwise manage and dispose of the property described herein, in fee simple, with or without consideration, without joinder of the remainderman, and with full power and authority to retain any and all proceeds generated thereby, and upon the death of the life tenant, the remainder, if any, to **JoAnn Kemp Livingston**, a married person, whose address is 8347 Coralberry Lane, Jacksonville, FL 32244 and **Ronald Nelson Livingston**, a married person, whose address is 8347 Coral Berry Lane, Jacksonville, FL 32244, as **Joint Tenants with Right of Survivorship**, hereinafter referred to as the "**Grantees**".

The Grantor specifically reserves the right (i) to revoke the remainder interest hereunder and divest the remainderman and re-vest the life tenant with fee simple title without joinder of the remainderman, or (ii) to convey the remainder interest created hereunder to another remainderman; all without joinder of the remainderman established under this deed.

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and 00/100 (\$10.00) Dollars and other good and valuable considerations, receipt whereof is hereby acknowledged, hereby remise, release and quit-claim unto the Grantee all of the Grantor's right, title, interest, claim and demand in and to that certain property situated in Duval County, Florida, to-wit:

Lot 14, Block 5, Surf Park Unit One, according to the plat thereof as recorded in Plat Book 19, Page 39, Public Records of Duval County, Florida.

Parcel ID Number: **174830-0000**

Subject to easements, restrictions and reservations of record and taxes for this and subsequent years.

This instrument prepared by Thomas Daugustinis, Attorney at Law. Title to the lands described herein have not been examined, no warranty or other representation is made and no opinion either express or implied is given by said attorney as to the marketability or condition of the title, the location of the boundaries or the existence of liens, unpaid taxes or encumbrances.

Christine Lee Von Wedel
Christine Lee Von Wedel

Signed, sealed and delivered in presence of:

Dayna Cerullo
Witness Signature

DAYNA CERULLO
Printed Name of Witness

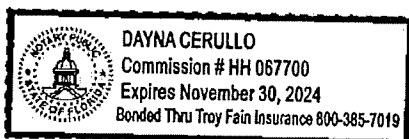
Asenia Ortega
Witness Signature

Asenia Ortega
Printed Name of Witness

STATE OF Florida

COUNTY OF St Johns

The foregoing instrument was acknowledged before me this 31 day of March, 2022 by means of ☒ physical presence or ☐ online notarization by **Christine Lee Von Wedel**, who is personally known to me or has produced FL Drivers License as identification.



NOTARY PUBLIC:

Sign Dayna Cerullo

Print DAYNA CERULLO

My Commission Expires: 11/30/24
(Seal)

Agent Authorization

Date: Nov 14, 2022

RECEIVED
23-100019
FEB 15 2023

Re: Agent Authorization for the following site location:

534 116th Ave N. Jay Bch. FL 32250.

PLANNING & DEVELOPMENT

You are hereby advised that the undersigned is the owner of the property described above

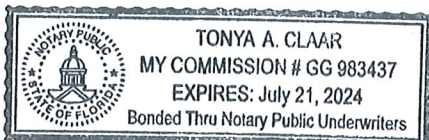
Said owner hereby authorizes and empowers

Jen Payne - Lifetime Enclosures

to act as agent for the above referenced property and in connection with such authorization to file such applications, fees, papers, documents, requests, and other matters necessary.

X Christine von Wedel
(Owner's Signature)

Christine von Wedel
(Owner's Name)



Before me this 16 day of November In
the County of Duval, State of Florida, has personally appeared
Christine von wedel
herin by himself/herself and affirms all statements and declarations
herin are true and accurate.

[Signature]
Notary Public at Large, State of FL, County of
Duval. Personally known or Produced Identification
ID Type DL#

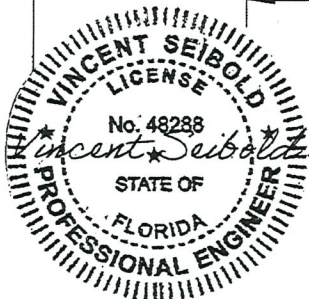
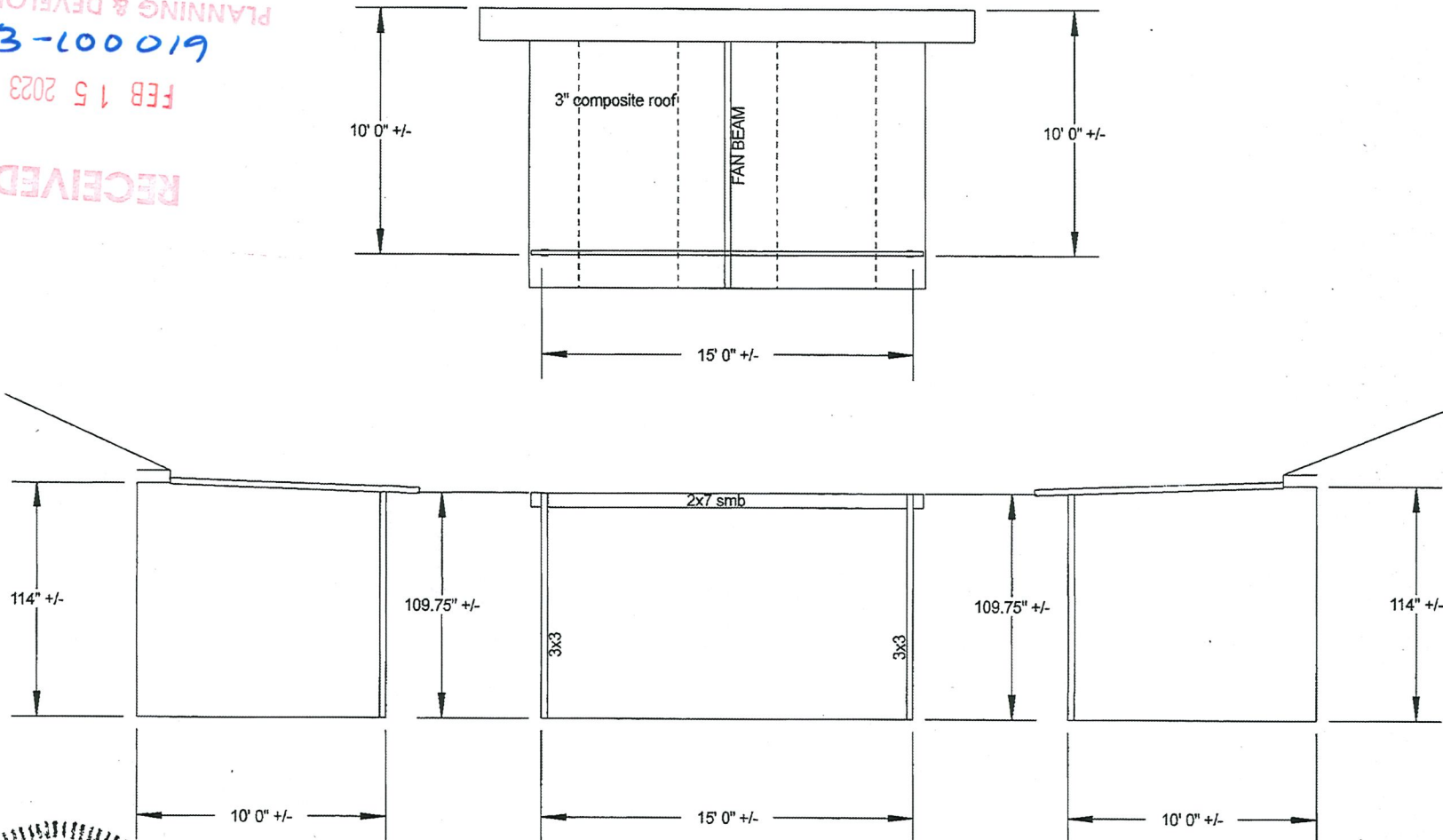
PROPOSED

PLANNING & DEVELOPMENT

610007-23

FEB 15 2023

RECEIVED



This item has been electronically signed and sealed by
Vincent Seibold PE 48288 on September 2, 2022, using a SHA
authentication code.

Printed copies of this document are not considered signed
and sealed and the SHA authentication code must be
verified on any electronic copies

DocuSigned by:

Vincent Seibold

F0B07E8421C9415...

Contractor: Lifetime Enclosures, Inc.

Jeff Blair CR0028471

5821 Charlotte Court

Jacksonville, FL 32258

904-731-5750 fax

1/4"=12"

Date: 7/26/2022

Drawn by: Greg Knight

Von Weid Resident #11804

534 16th Ave N

Jacksonville Beach, FL 32250

White frame patio cover

Existing 4" concrete slab

Design Method: MWFRS Components & Cladding

Basic Wind Speed: 120MPH

Building Category: I

Wind Exposure: B

The design and span shown on this

drawing are based on the load

requirements for the Florida Building

Code 7th Edition, 2020

Vincent Seibold PE 48288
1015 Atlantic Blvd. #128
Atlantic Beach, FL 32233
904-568-4112

534 16th AVENUE NORTH, JACKSONVILLE BEACH, FL. 32250



THE NW
CORNER
OF LOT 13
BLOCK 5
FOUND 1/2"
IRON PIPE

POINT OF
CURVATURE
AT LOT 11
BLOCK 5

LOT 13
BLOCK 5

ASPHALT ROADWAY
60' RIGHT-OF-WAY

60' RIGHT OF WAY
16th AVENUE N

77.02'
N79° 04' 20"E

**BASIS OF
EARNINGS**

SET 1/2" IRON
ROD AND CAP
"NEXGEN 8111"

BUILDING
SETBACK
LINE(PLAT)

AERIAL PHOTOGRAPH
(NOT-TO-SCALE)

RECEIVED

FEB 15 2023

LOT 15
BLOCK 5

Average - 0.21

9240

Gross - 2958

Enclosure - 160 #

Concrete - 559

Total Existing

10.0' 3677

U.E.
(PLAT)

39.794%

- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

SHEET 1 OF 2 (SKETCH OF SURVEY). SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION AND OTHER SURVEY RELATED DATA. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS.

The survey map & report or the copies thereof are not valid without the digital signature and seal of a Florida licensed surveyor and mapper

Date of Field Work : 08-23-2021

Drawn By: Oleg

Order #: 148439

Last Revision Date: None

Boundary Survey prepared by: LB8111

NexGen Surveying, LLC

5601 Corporate Way, Suite #103

West Palm Beach, FL 33407

561-508-6272

NEXGEN
SURVEYING, LLC



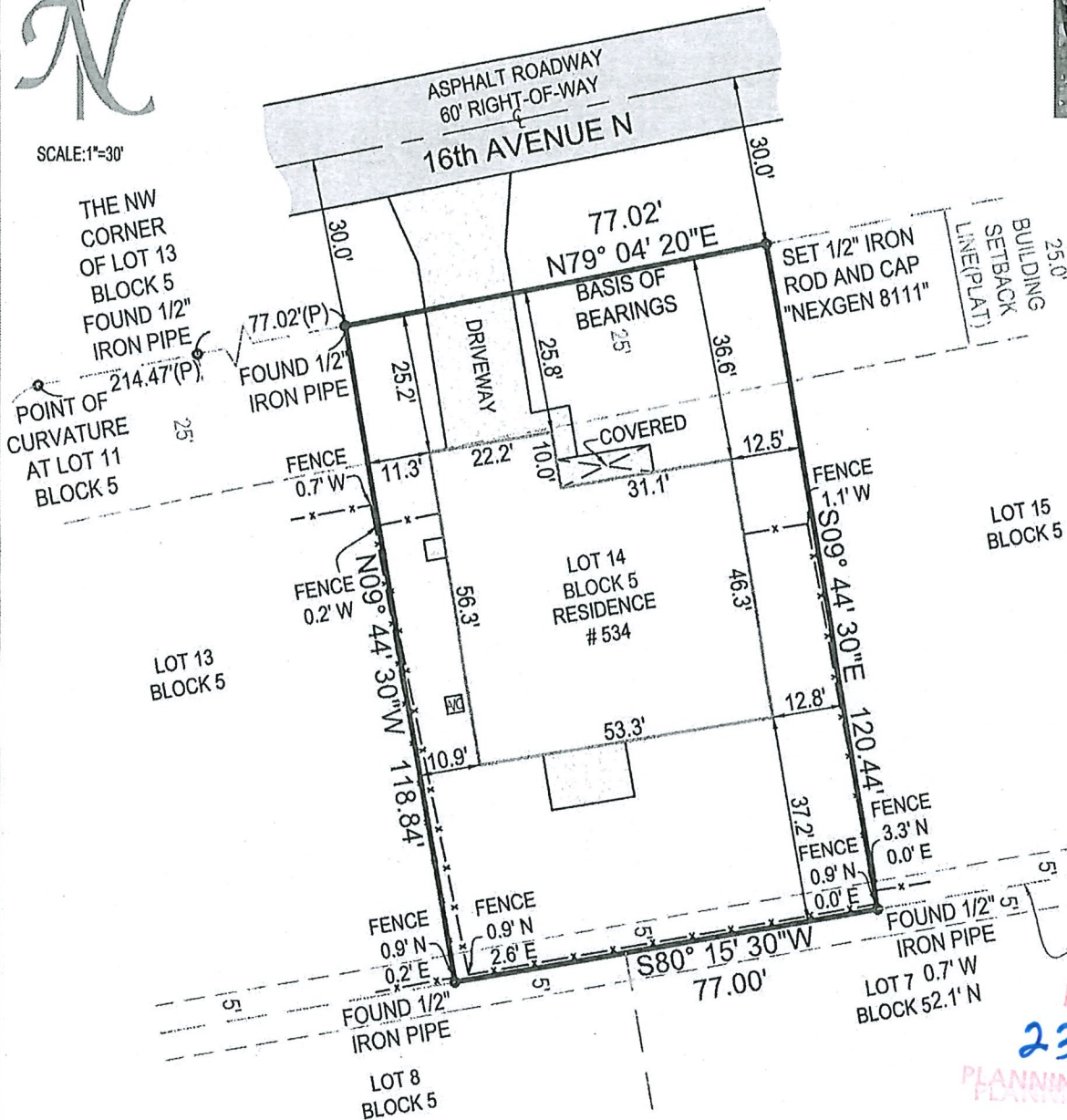
534 16th AVENUE NORTH, JACKSONVILLE BEACH, FL. 32250



SCALE: 1"=30'



AERIAL PHOTOGRAPH
(NOT-TO-SCALE)



- ALL ANGLES AND DISTANCES SHOWN HEREON ARE BOTH RECORD AND MEASURED UNLESS OTHERWISE NOTED

SHEET 1 OF 2 (SKETCH OF SURVEY) - SEE SHEET 2 OF 2 FOR LEGAL DESCRIPTION, AND OTHER SURVEY RELATED DATA. SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

The survey map & report or the copies thereof are not valid without the digital signature and seal of a Florida licensed surveyor and mapper

Date of Field Work : 08-23-2021
 Drawn By: Oleg
 Order #: 148439
 Last Revision Date: None
 Boundary Survey prepared by: LB8111
 NexGen Surveying, LLC
 5601 Corporate Way, Suite #103
 West Palm Beach, FL 33407
 561-508-6272

NEXGEN
 SURVEYING, LLC.



FEB 15 2023
 23-100019

PLANNING & DEVELOPMENT

File #: 2021-20698

SHEET 2 OF 2 (CERTIFICATIONS) SEE SHEET 1 OF 2 FOR SKETCH OF SURVEY.
SURVEY IS NOT COMPLETE WITHOUT ALL SHEETS

Order #: 148439

LEGAL DESCRIPTION OF: 534 16TH AVE N, JACKSONVILLE BEACH, FL, 32250LOT 14, BLOCK 5, SURF PARK UNIT ONE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 19,
PAGE 39, PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.**CERTIFIED TO:**ATLANTIC COAST TITLE & ESCROW
OLD REPUBLIC NATIONAL TITLE
CHRISTINE LEE VON WEDEL**FLOOD ZONE:**12031C0417J
ZONE: X
EFF: 11/02/2018**SURVEY NOTES:**

- DRIVEWAY CROSSES THE BOUNDARY LINE ON NORTHERLY SIDE OF LOT AS SHOWN.
- FENCES LIE NEAR BOUNDARY LINES AS SHOWN, OWNERSHIP NOT DETERMINED.
- FENCES EXTEND THROUGH 5' UTILITY EASEMENT ALONG SOUTHERN BOUNDARY LINE AS SHOWN.
- FENCES CROSS THE BOUNDARY LINES WESTERLY AND EASTERLY SIDES OF LOT AS SHOWN.

LEGEND

A/C	-AIR CONDITIONER
WM	-WATER METER
AL	-ARC LENGTH
(C)	-CALCULATED
(M)	-MEASURED
P.O.B.	-POINT OF BEGINNING
P.O.C.	-POINT OF COMMENCEMENT
&	-AND
P.B.	-PLAT BOOK
PG	-PAGE
U.E.	-UTILITY EASEMENT
D.E.	-DRAINAGE EASEMENT
P.U.E.	-PUBLIC UTILITY EASEMENT
L.A.E.	-LIMITED ACCESS EASEMENT
L.M.E.	-LAKE MAINTENANCE EASEMENT
O.H.E.	-OVERHEAD EASEMENT
R	-RADIUS
(R)	-RECORD
O.R.B.	-OFFICIAL RECORDS BOOK
Sq.Ft.	-SQUARE FEET
Ac.	-ACRES
DB	-DEED BOOK
(D)	-DEED
(P)	-PLAT
EOW	-EDGE OF WATER
TOB	-TOP OF BANK
OHL	-OVERHEAD LINE
C/O	-CLEAN OUT
ELEV	-ELEVATION
FF	-FINISHED FLOOR
LS	-LICENSED SURVEYOR
LB	-LICENSED BUSINESS
PSM	-PROFESSIONAL SURVEYOR & MAPPER
— x —	-FENCE
#	-NUMBER
±	-PLUS OR MINUS
□	-ASPHALT
□	-CONCRETE
□	-PAVER/BRINCK
□	-WOOD
☼	-LIGHT POLE
⊗	-WELL
⊗	-WATER VALVE
⊗	-CENTER LINE
□	-CATCH BASIN
⊗	-FIRE HYDRANT
⊗	-UTILITY POLE
⊗	-MANHOLE
⊗	-ELEVATION

SOME ITEMS IN LEGEND MAY NOT
APPEAR ON DRAWING.RECEIVED
23-100019
FEB 22 2023

PLANNING & DEVELOPMENT

GENERAL NOTES:

- 1) THIS SURVEY IS BASED UPON RECORD INFORMATION BY CLIENT. NO SPECIFIC SEARCH OF THE PUBLIC RECORD HAS BEEN MADE BY THIS OFFICE UNLESS OTHERWISE NOTED.
- 2) IF THIS SURVEY HAS BEEN PREPARED FOR THE PURPOSES OF A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO FUTURE CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT FIRST OBTAINING APPROVAL AND/OR UPDATES FROM NEXGEN SURVEYING, LLC. NEXGEN SURVEYING, LLC, ASSUMES NO RESPONSIBILITY FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
- 3) ANY FENCES SHOWN HEREON ARE ILLUSTRATIVE OF THEIR GENERAL POSITION ONLY. FENCE TIES SHOWN ARE TO GENERAL CENTERLINE OF FENCE. THIS OFFICE WILL NOT BE RESPONSIBLE FOR DAMAGES RESULTING SOLELY ON THEIR PHYSICAL RELATIONSHIP TO THE MONUMENTED BOUNDARY LINES.
- 4) GRAPHIC REPRESENTATIONS MAY HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE MEASURED RELATIONSHIPS.
- 5) DIMENSIONS SHALL HAVE PRECEDENCE OVER SCALED POSITIONS.
- 6) UNDERGROUND IMPROVEMENTS HAVE NOT BEEN LOCATED EXCEPT AS SPECIFICALLY SHOWN.
- 7) ELEVATIONS ARE BASED UPON NATIONAL GEODETIC VERTICAL DATUM (N.G.V.D. 1929) OR NORTH AMERICAN VERTICAL DATUM (N.A.V.D. 1988).
- 8) ALL BOUNDARY AND CONTROL DIMENSIONS SHOWN ARE FIELD MEASURED AND CORRESPOND TO RECORD INFORMATION UNLESS SPECIFICALLY NOTED OTHERWISE.
- 9) CORNERS SHOWN AS "SET" ARE 5/8" IRON RODS IDENTIFIED WITH A PLASTIC CAP MARKED LS (LICENSED SURVEYOR)



www.NexGenSurveying.com

561.508.6272

Fax: 561.508.6309

LB 8111

5601 Corporate Way | Suite 103

West Palm Beach, FL 33407



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

BOA#23-100020

Zoning: RM-2
RE: 179378-0000
Legal: Lot 2, Block K, Permenters Replat of Atlantic Camp.
Address: 1908 Ocean Drive

Request

Section(s): 34-338(e)(1)c.1, for a front yard setback of 18 feet in lieu of 20 feet minimum; 34-338(e)(1)c.2, for a combined side yard setback of 10 feet in lieu of 15 feet minimum; 34-338(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum; and 34-338(e)1)e, for lot coverage of 51% in lieu of 35% maximum to allow for the construction of a new single-family dwelling

Existing Conditions

The subject property is comprised of a nonconforming lot of record (circa 1925) located in the Residential Medium future land use category. The property is currently zoned Residential Multifamily: RM-2. In the RM-2 zoning district, single family construction reverts to the standards for RS-3. The standards listed below are the RS-3 standards for single family. The existing lot is 40 feet in width and 70 feet in depth, with an overall area of 2,800 square feet. The lot is both substandard in width as well as overall area. The minimum lot size for RS-3 standards in RM-2 is 6,000 square feet in area and a width of 60 feet. The subject lot currently has an existing home with several accessory sheds. This is roughly 70% lot coverage. The home was built 1939, and has been used as a duplex historically.

No previous BOA, no active code cases.

Staff Analysis

The subject property is 40 feet in width and 70 feet deep. It is a very small lot, even for this area. The lot is a historic nonconforming lot of record, and is currently occupied by an existing residential structure. The current lot coverage is 70% and includes three accessory structures. If the applicant were seeking to renovate the existing structure, a variance would still be required due to the nonconformities that exist. The proposed house would reduce the exiting nonconformities, by reducing lot coverage to 51%, and the proposed front yard setback would be more compatible with the surrounding two structures, one which is more forward the other which is more rearward. The lot's current configuration is such that if the applicant were to meet the required setbacks, they would have a footprint of only 500 square



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

feet. Meaning to meet the minimum home size per the code, it would have to be 3 stories with an included garage. The substandard nature of the lot requires relief to allow the construction of a new home, which is the least intensive use in RM-2.

Minimum Dimensional Standards

Single Family Dwelling RM-2 (RS-3 Standards)

- Minimum lot area: Six thousand (6,000) square feet.
- Minimum lot width: Sixty (60) feet at the building line and a minimum of thirty-five (35) feet at the street
- Minimum yards:
 - Front yard: Twenty (20) feet.
 - Side yard: Fifteen (15) feet total for both side yards provided that no side yards are less than five (5) feet, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear yard: Thirty (30) feet.
- Floor area: A single family dwelling unit shall contain a minimum of one thousand two hundred (1,200) square feet of conditioned living area and a one (1) car garage or carport. Garages or carports shall not be included as part of the single family dwelling unit's minimum square footage.
- Maximum lot coverage: Thirty-five (35) percent
- Height: Thirty-five (35) feet.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.

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 structure. The lot is exceptionally small, and is clearly substandard in both width, but especially area. While there is no minimum lot depth, the lot's depth of 70 feet is very atypical for even other substandard lots in RM-2

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



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Staff **does not** find that circumstances are a result of the applicant. As noted above the lot is a legally platted nonconforming lot of record, so the conditions were created at the time of the plats recording, in 1925.

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

Staff **does not** find that the proposed variance will confer special privileges. The lowest intensity use for RM-2 is single family. The applicant would not receive any special privilege, but would simply be allowed to utilize their property for the intended use of residential construction.

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 code were applied literally, the applicant would struggle to meet all the requirements for home size, garage or car port requirements, paved access, and overall be severely hampered in design as compared to other structures in the RM-2 district and other properties immediately adjacent.

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 single family home. The applicant will be reducing the lot coverage from its current amount with the existing house as well as reducing most of the setback encroachments from where they are now. They also will be using a front setback that will allow for a more consistent front setback and therefore streetscape. Finally they are proposing the lowest impact driveway design, wheel strips, to help mitigate lot coverage. This would be the minimum request to allow for construction the home as proposed.

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

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



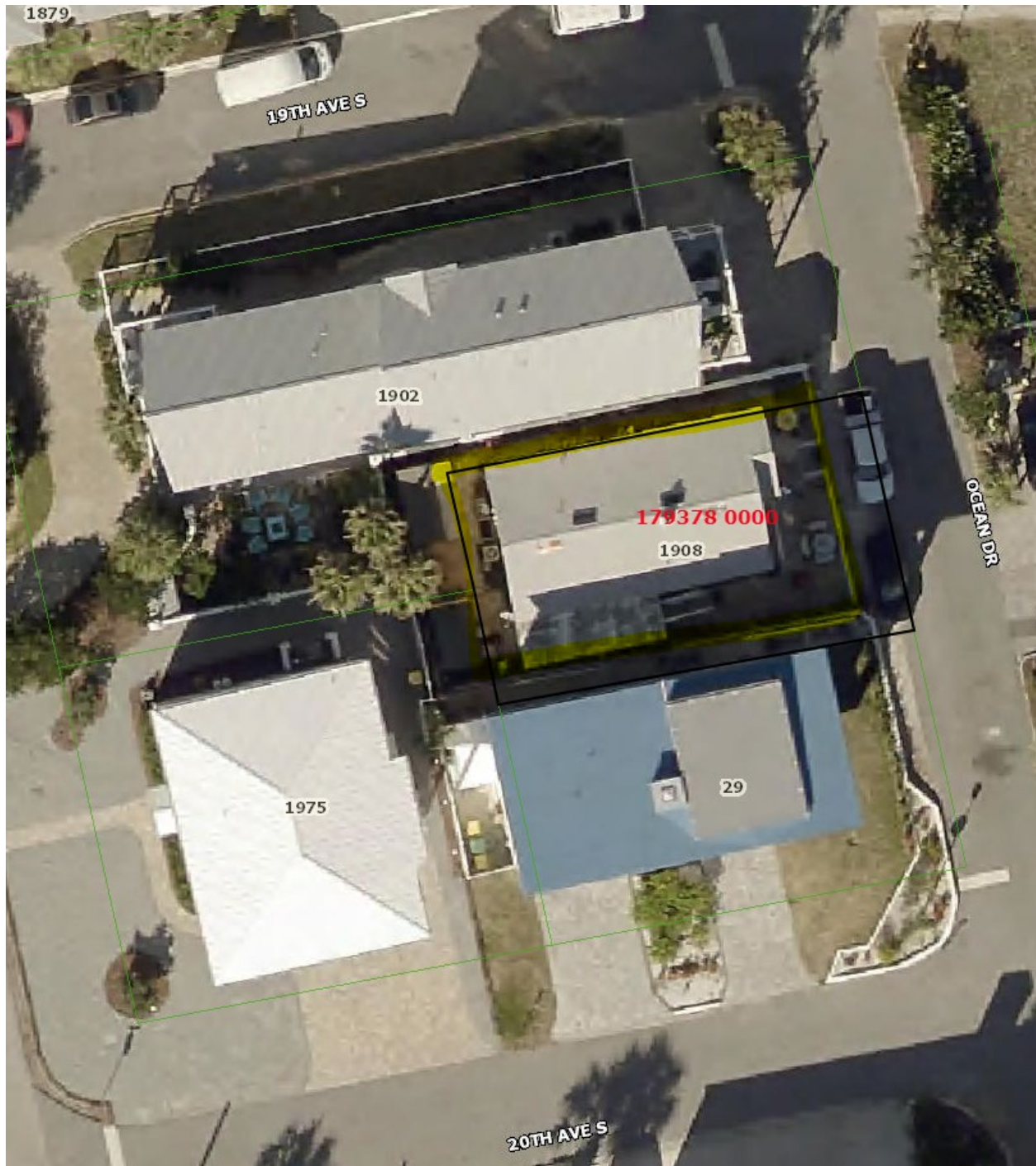
City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

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

Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#23-100020**

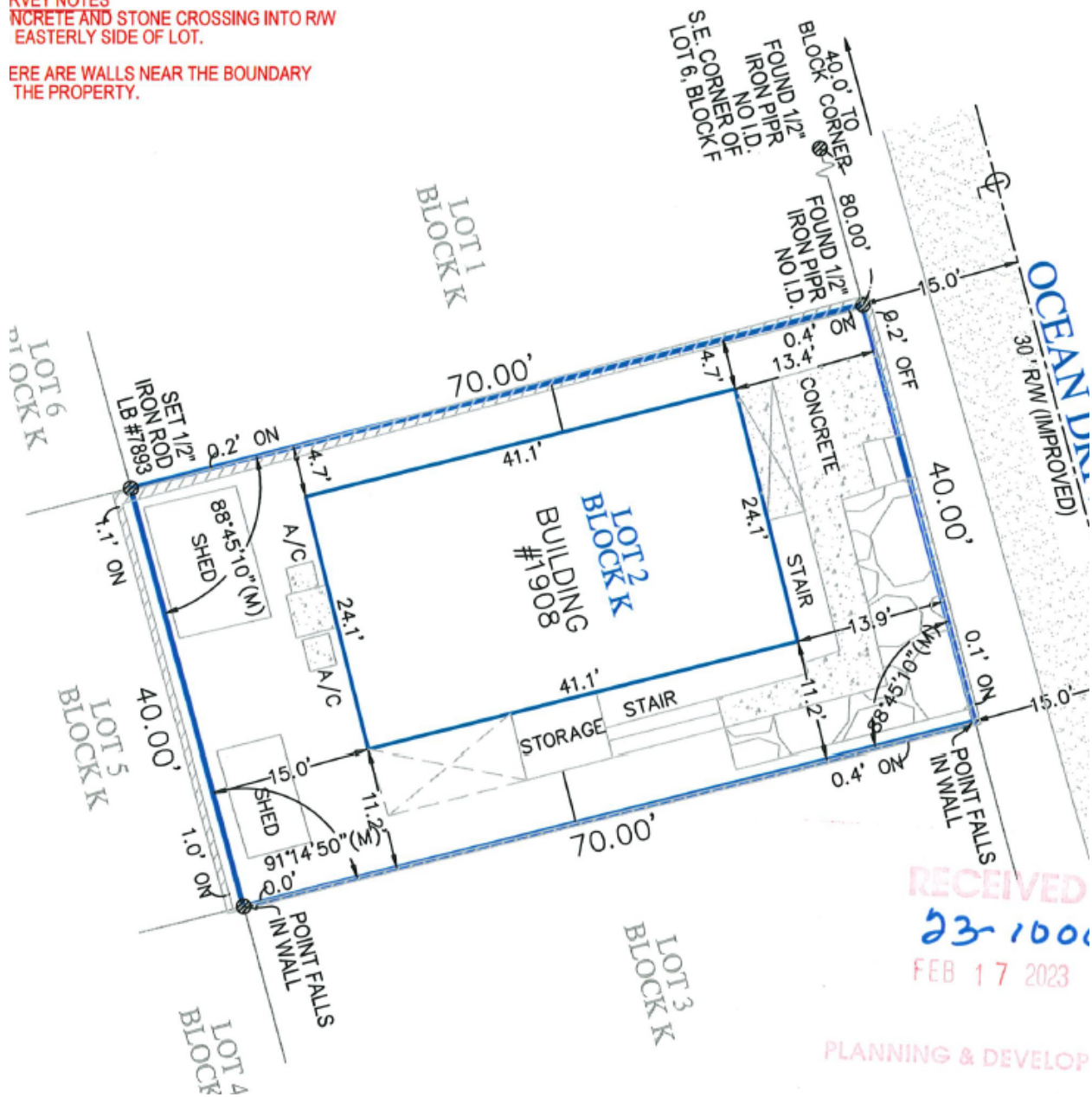
Location Map (property boundaries are representative only)



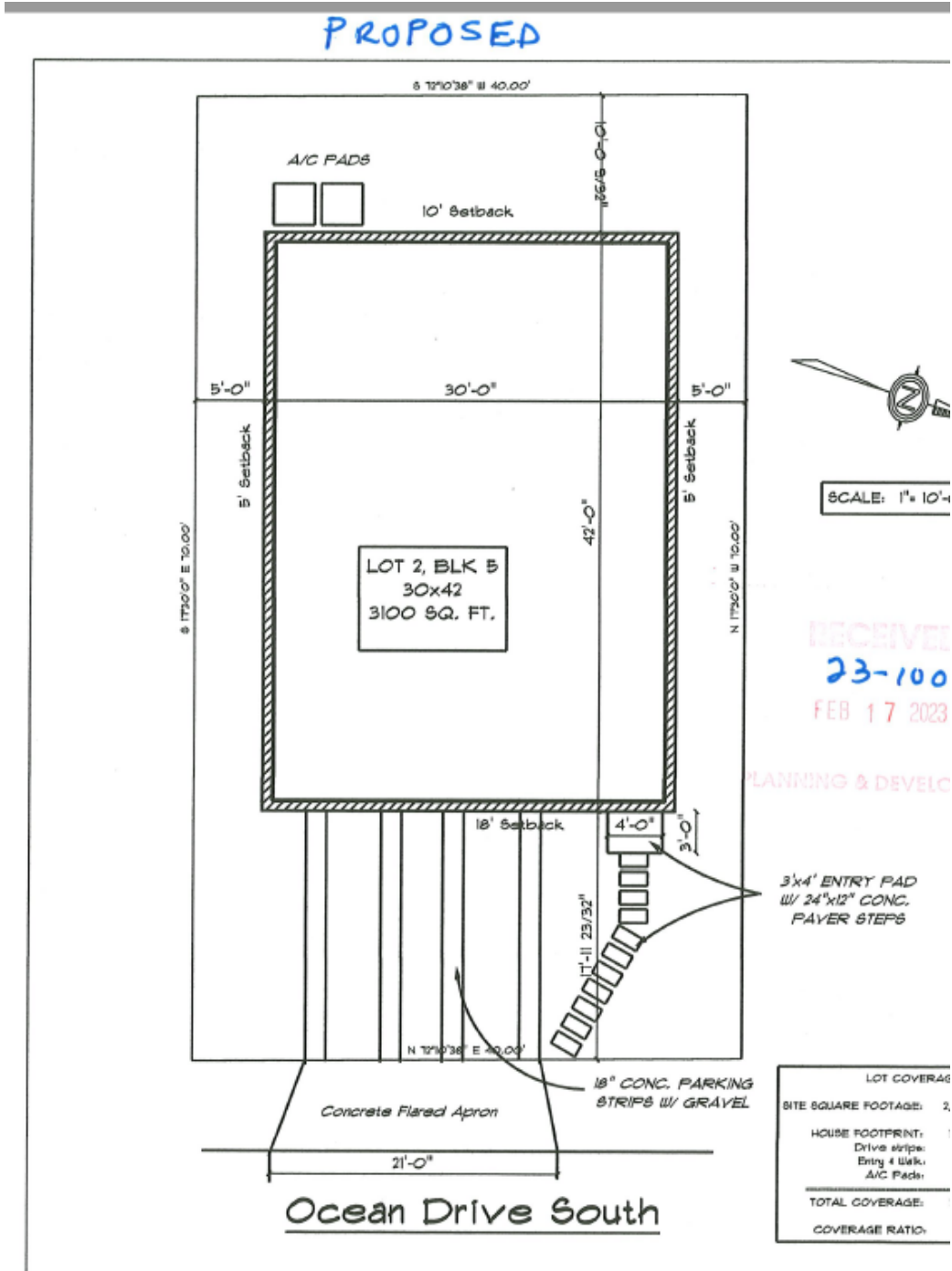
Existing Survey

REVEY NOTES
CONCRETE AND STONE CROSSING INTO R/W
EASTERLY SIDE OF LOT.

ERE ARE WALLS NEAR THE BOUNDARY
THE PROPERTY.



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100020HEARING DATE 4.4.23

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

FEB 17 2023

APPLICANT INFORMATION

Applicant Name: FELIZARDO S. CAMILON JR. Telephone: 914.392.4847
Mailing Address: 505 S. MAIN ST STE 275 E-Mail: abmolarante@yahoo.com
ORANGE, CA 92868
Agent Name: Gamel Construction Telephone: 904.868.0449
Mailing Address: 1223 Trailwood Dr. E-Mail: gamelconstruction@gmail.com
NEPTUNE BEACH, FL 32266
Landowner Name: Loris G Smith Telephone: 904.532.4076
Mailing Address: P.O. Box 331474 E-Mail: _____
Atlantic Beach, FL 32233

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: 1908 Ocean Drive S., Jay Beach, FL 32250
Legal description of property (Attach copy of deed): 9-44 03-3S-29E Permenters R/P Atlantic cam
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). Grounds. Lot 2 B11C E

See Attached (Exhibit 1)179378-0000

AFFIDAVIT

I, FELIZARDO S. CAMILON JR., 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

FELIZARDO S. CAMILON JR.

PRINT APPLICANT NAME

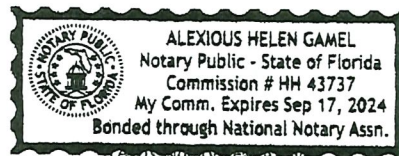
2/10/2023
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10 day of February, 2023, by Felizardo Camilon, Jr., who is personally known to me or produced Driver's License as identification.

NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME

Alexious H. Gamel

(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RM-2FLOOD ZONE: X/X-shaded

CODE SECTION (S):

34-338(e)(1)c.1, for a front yard setback of 18 feet in lieu of 20 feet minimum; 34-338(e)(1)c.2, for a combined side yard setback of 10 feet in lieu of 15 feet minimum; 34-338(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum; and 34-338(e)1)e, for lot coverage of 51% in lieu of 35% maximum to allow for the construction of a new single family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100020

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.

FEB 17 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 _____	The minimum lot requirement is 60 ft wide with a total square footage of 6,000 SQFT. This lot is 40 ft wide and only 2,800 SQFT. If we were to update the current structure, we'd exceed the 50% rule & would have to ask for even more lot coverage (currently at 70%). This is lowering the lot coverage.
Special circumstances and conditions do not result from the actions of the applicant.	yes _____	Buying property as is. Currently at 70% lot coverage and doesn't meet setbacks now. Our updates will lower the density of people. It will add a married couple that will make this property their primary residence and they are excited to be a part of the community.
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 _____	We are asking for less than what is currently there. Single Family residential is the best use for this lot. It will have a lower unit density than it currently has
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 _____	Can't build a single family home & meet the requirements (see attached drawing). If we had a 6,000 SQFT lot, the home we're allowed to currently build on this lot would only be 23%-24% lot coverage. Direct neighbors have been approved for 75% and 55%
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	yes _____	Can't build single family home and meet requirements. With a two car garage on the first floor there wouldn't be any living space. We aren't asking for a pool. Structure + outdoor walkways & driveway = 51%
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 lot doesn't have enough room for multifamily. Lowering the density from 2 units to 1 home.

2/9/2023

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23-100020
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To Whom It May Concern,

PLANNING & DEVELOPMENT

Per the Last Will and Testament and Probate documents on the Estate of John P Quant and Eve Marie Widmann, Doris A Smith is the personal representative of the estate and had the right to sign any and all documents required for the sale of the property.

I, Doris A Smith, give Filizardo S. Camillon Jr. and Althea B Molarte permission to apply for variance for building purposes with the City of Jacksonville Beach for the property address 1908 S Ocean Dr. Jacksonville Beach, FL 32250 RE# 179378 0000. I also give permission for the above referenced to discuss and fill out any documentation with the City of Jacksonville Beach, Beaches Energy and any municipal entity.

Please feel free to contact me with any questions.

Doris A Smith

Doris A Smith, Personal Representative

2-10-2023

Date

904-532-4076

Phone Number

[Signature]

Notary Signature

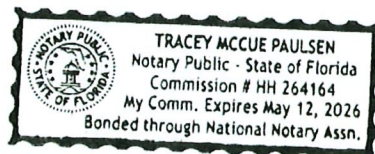
Feb 10, 2023

Tracey Paulsen #264164

Notary Name Commission #

5/12/2023

Commission Expiration



2/3/2023

To Whom it May Concern

Per the Last Will and Testament and Probate documents on the Estate of John P Quant and Eve Marie Widmann, Doris A Smith is the personal representative of the estate and has the rights to sign any and all documents required for the sale of the property.

Doris A. Smith

Doris A Smith, Personal Representative

2.3.2023

Date

[Signature]

Notary Signature

2/3/2023

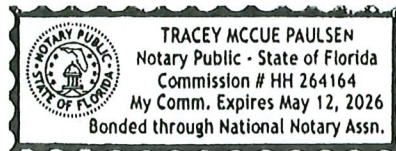
Date

Tracey McCue Paulsen

Notary Name

HH 264164 5-12-2026

Commission Expiration



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23-100020

FEB 17 2023

PLANNING & DEVELOPMENT

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

PROBATE DIVISION

FILE NUMBER: 16-2022-CP-002927

DIVISION: PR-B

IN RE: ESTATE OF

JOHN P. QUANDT,
a/k/a JOHN POWERS QUANDT,

Deceased.

ORDER DETERMINING HOMESTEAD STATUS OF REAL PROPERTY
(testate - devised to person other than heirs, no spouse
or minor child - not exempt from claims)

On the petition of DORIS A. SMITH for an order determining homestead status of real property (the "Property"), all interested persons having been served proper notice of the petition and hearing, or having waived notice thereof, the court finds that:

1. The decedent died testate and was domiciled in Duval County, Florida;
2. The decedent was not survived by a spouse or minor child;
3. Decedent's homestead was devised to a person who is not a protected heir of the decedent;
4. At the time of death, the decedent owned and resided on the Property described in the petition; it is

ADJUDGED that the following described Property:

1908 Ocean Drive South
Jacksonville Beach, Florida 32250-6245

Parcel ID: 179378-0000

Lot Two (2) in Block "K", of Permenter's Replat of Atlantic Camp Grounds, according to plat thereof as recorded in Plat Book 9, page 44, of the current public records of Duval County, Florida.

constituted the homestead of the decedent within the meaning of Section 4 of Article X of the Constitution of the State of Florida. It is

ADJUDGED FURTHER that the Property was validly devised to:

NAME	ADDRESS	RELATIONSHIP	SHARE
DORIS A. SMITH	2521 Glade Springs Drive Jacksonville, FL 32246	Friend	100%

It is ADJUDGED FURTHER that the Property is not exempt from the claims of the decedent's creditors and is subject to administration in the decedent's estate.

ORDERED on _____, 2023.

ORDER SIGNED

FEB 06 2023

/s/ THOMAS M. BEVERLY
CIRCUIT JUDGE

CIRCUIT JUDGE

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23-100020
FEB 17 2023

PLANNING & DEVELOPMENT

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

PROBATE DIVISION

FILE NUMBER: 16-2022-CP-002927

DIVISION: PR-B

IN RE: ESTATE OF

JOHN P. QUANDT
a/k/a JOHN POWERS QUANDT,

Deceased.

LETTERS OF ADMINISTRATION

TO ALL WHOM IT MAY CONCERN

WHEREAS, JOHN P. QUANDT, a resident of Duval County, Florida, died on August 24, 2022, owning assets in the State of Florida, and

WHEREAS, DORIS A. SMITH has been appointed personal representative of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Administration in the estate.

NOW, THEREFORE, I, the undersigned circuit judge, declare DORIS A. SMITH duly qualified under the laws of the State of Florida to act as personal representative of the estate of John P. Quandt a/k/a John Powers Quandt, deceased, with full power to administer the estate according to law; to ask, demand, sue for, recover and receive the property of the decedent; to pay the debts of the decedent as far as the assets of the estate will permit and the law directs; and to make distribution of the estate according to law.

ORDERED on November 7, 2022.

STATE OF FLORIDA
DUVAL COUNTY

I, UNDERSIGNED Clerk of the Circuit & County Courts, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing, consisting of 1 pages, is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit & County Courts of Duval County, Florida.

WITNESS my hand and seal of Clerk of Circuit & County Courts, Duval County, Florida, this the 14 day of Nov, A.D., 2022 at Jacksonville, Florida, this the 14 day of Nov, A.D., 2022

Clerk, Circuit and County Courts,
Duval County, Florida
By [Signature]
Deputy Clerk

[Signature]
CIRCUIT JUDGE

FILED 11/8/2022 JPM/8/2022

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

PROBATE DIVISION

FILE NUMBER: 16-2022-CP-002927

DIVISION: PR-B

IN RE: ESTATE OF

JOHN P. QUANDT
a/k/a JOHN POWERS QUANDT,

Deceased.

LETTERS OF CURATORSHIP

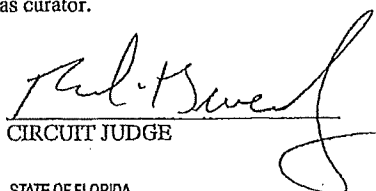
TO ALL WHOM IT MAY CONCERN

WHEREAS, JOHN P. QUANDT, a resident of Duval County, Florida, died on August 24, 2022, owning assets in the State of Florida, and

WHEREAS, DORIS A. SMITH has been appointed curator of the estate of the decedent and has performed all acts prerequisite to issuance of Letters of Curatorship in the estate,

NOW, THEREFORE, I, the undersigned circuit judge, do grant to DORIS A. SMITH the curatorship of the estate, until a personal representative can be appointed, with all powers of a personal representative under Florida law, except and excluding the power to make distributions to beneficiaries of the decedent's estate; and all persons in possession of assets of the decedent are ordered and directed to deliver them to DORIS A. SMITH as curator.

ORDERED on October 6, 2022.


CIRCUIT JUDGE

STATE OF FLORIDA
DUVAL COUNTY

I, UNDERSIGNED Clerk of the Circuit & County Courts, Duval County, Florida, DO HEREBY CERTIFY the within and foregoing, consisting of 1 pages, is a true and correct copy of the original as it appears on record and file in the office of the Clerk of Circuit & County Courts of Duval County, Florida.

WITNESS my hand and seal of Clerk of Circuit & County Courts at Jacksonville, Florida, this the 9 day of October, A.D., 2022.

Clerk, Circuit and County Courts
Duval County, Florida

By 
(Deputy Clerk)

FILED 10/6/22 PM 1:35 PHILIPS

Exhibit 1
Description of Requested Variance

Front Setback:
18' in lieu of 20'

Combined Side Setback:
10' in lieu of 15'

Rear Setback:
10' in lieu of 30'

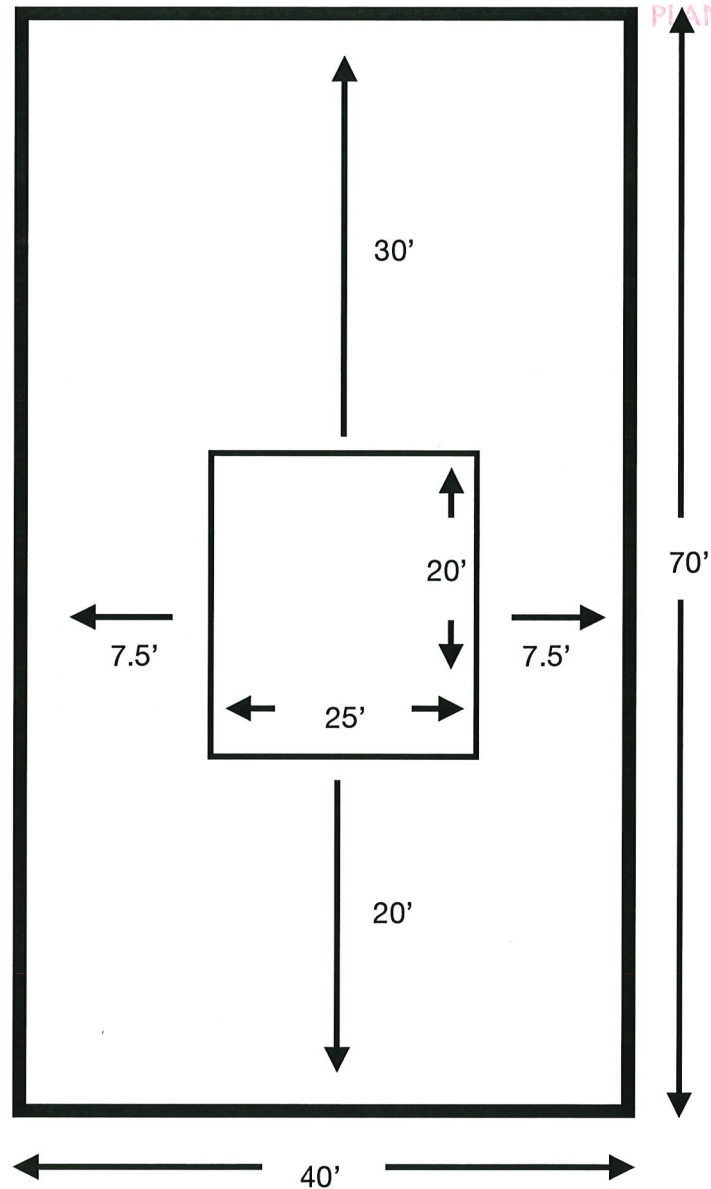
Lot Coverage:
51% in lieu of 35% broken down as follows:
49% House Footprint
2% Auxiliary Coverage: Parking, Walkway & AC Pad(s)

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23-100020
FEB 17 2023

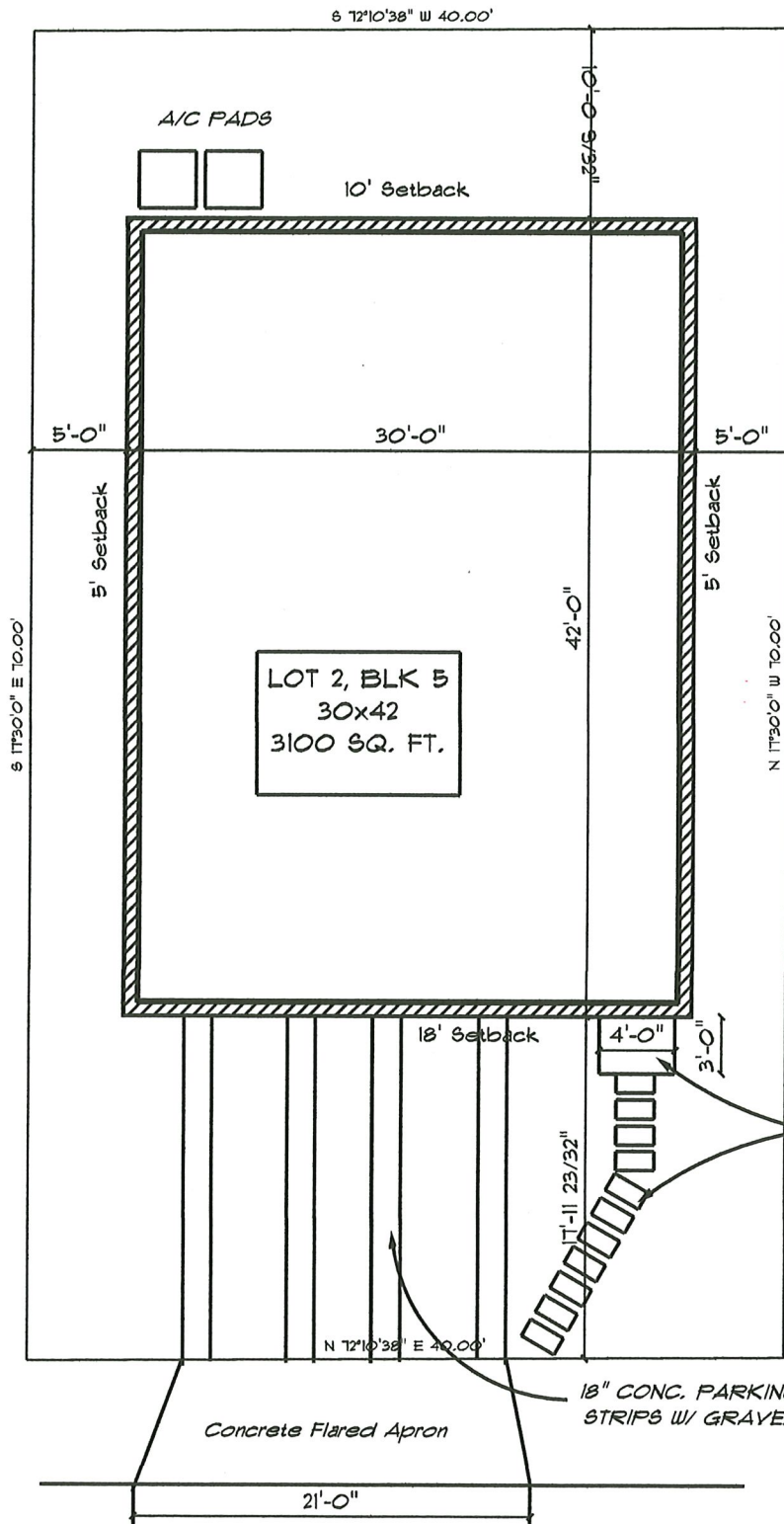
PLANNING & DEVELOPMENT

Exhibit 2
Depiction of Buildable Area with Current Setbacks
& Lot Coverage

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23-100020
FEB 17 2023



PROPOSED



SCALE: 1" = 10'-0"

RECEIVED

23-100020

FEB 17 2023

PLANNING & DEVELOPMENT

3'x4' ENTRY PAD
W/ 24"x12" CONC.
PAVER STEPS

LOT COVERAGE:

SITE SQUARE FOOTAGE:	2,800 SF
HOUSE FOOTPRINT:	1,260 SF
Drive strips:	108 SF
Entry & Walk:	34 SF
A/C Pads:	18 SF
TOTAL COVERAGE:	1,420 SF
COVERAGE RATIO:	50.71 %

Ocean Drive South

Proposed Site Plan for
CAMILON-MOLARTE RESIDENCE
1908 Ocean Drive South
Lot 2, Block K - South Pablo
Jacksonville Beach, Florida

LEGAL DESCRIPTION AND CERTIFICATION

LOT 2, BLOCK K, OF PERMENTER'S REPLAT OF ATLANTIC CAMP GROUNDS, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 9, PAGE 44, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FL.

Community Number: 120078 Panel: 0419 Suffix: J F.I.R.M. Date: Flood Zone: X Field Work: 2/1/2023

Certified To:

GIBRALTAR TITLE SERVICES; FIDELITY NATIONAL TITLE INSURANCE COMPANY

Property Address:

1908 OCEAN DRIVE SOUTH
JACKSONVILLE BEACH, FL 32250

Survey Number: 573810

Client File Number: GTS-2310090

ABBREVIATION DESCRIPTION:

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

SYMBOL DESCRIPTIONS:

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

PAGE 1 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 2)

GENERAL NOTES:

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



SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

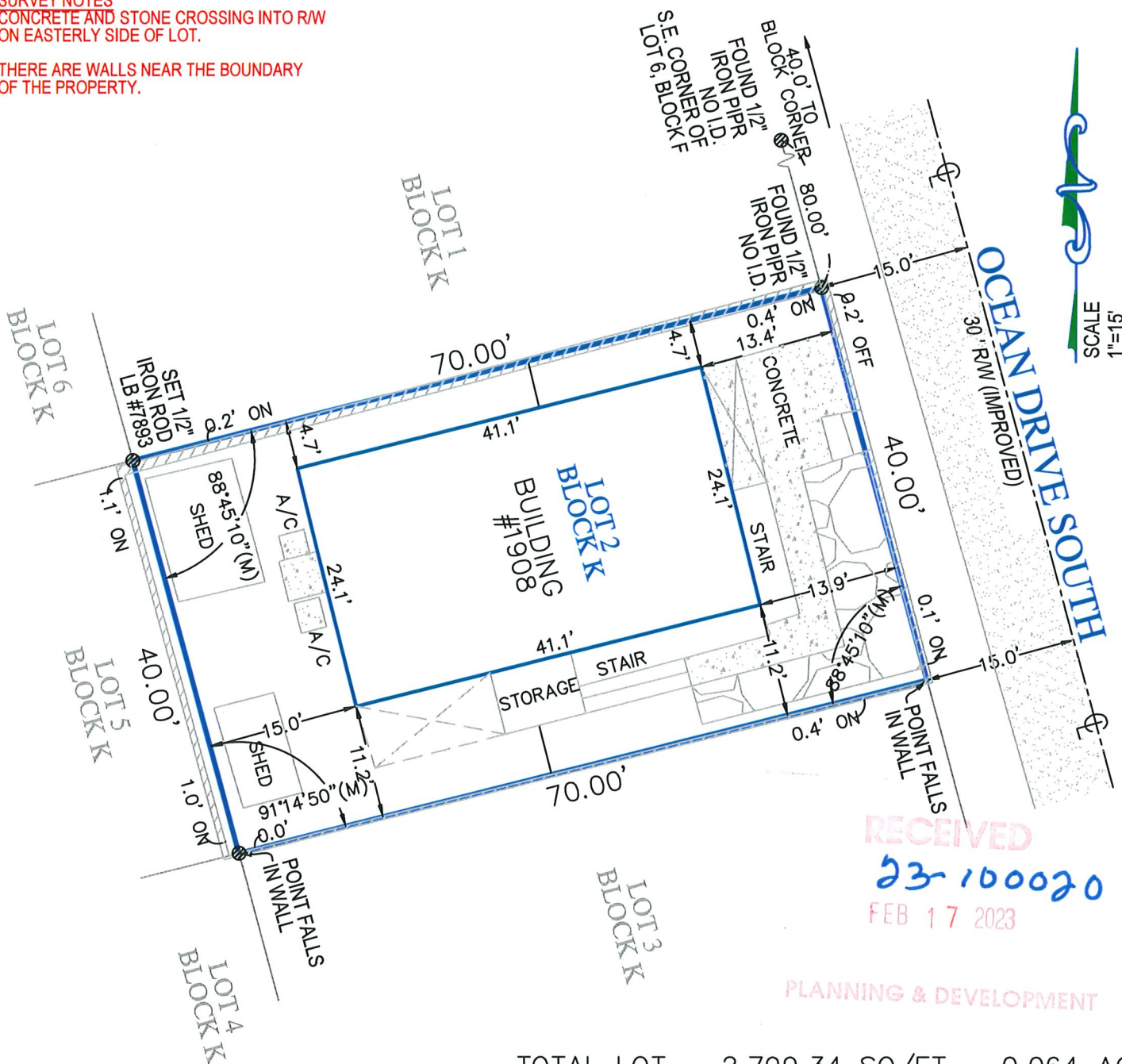
BOUNDARY SURVEY

COMM

SURVEY NOTES

CONCRETE AND STONE CROSSING INTO R/W
ON EASTERLY SIDE OF LOT.

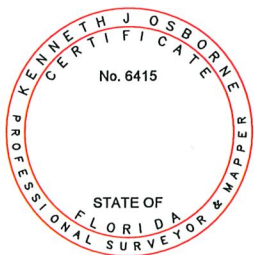
THERE ARE WALLS NEAR THE BOUNDARY
OF THE PROPERTY.



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23-100020
FEB 17 2023

PLANNING & DEVELOPMENT

TOTAL LOT - 2,799.34 SQ/FT - 0.064 AC
IMPERVIOUS - 1,980.71 SQ/FT - 0.0454 AC
PERVIOUS - 818.63 SQ/FT - 0.0187 AC



SURVEYORS CERTIFICATE

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

Kenneth Osborne

Digitally signed by
Kenneth Osborne
Date: 2023.02.03
14:39:23 -05'00'

PAGE 2 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 1)



LB #7893

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WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

(SIGNED)

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

*Next door to the North



City of Jacksonville Beach

ELEVEN NORTH THIRD STREET • JACKSONVILLE BEACH, FLORIDA 32250

May 17, 2006

Mrs. Janet C. Wylie
1905 Bowling Green Trail
Raleigh, NC 27613

RE: BOA #06-100077
1902 South Ocean Drive

Reference
23-100020

Dear Mrs. Wylie:

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on May 16, 2006 to consider your variance application.

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

- 34-340 (e)(3) c.1, for a front yard of 8 feet in lieu of 20 feet required,
- 34-340 (e)(3) c.2, for a southerly side yard of 5 feet in lieu of 10 feet required, and
- 34-340 (e)(3) e, for 79% lot coverage in lieu of 65% maximum

The results of the meeting were; *amended and approved for:*

- 34-340 (e)(3) c.1, for a front yard of 11.5 feet in lieu of 20 feet required,
- 34-340 (e)(3) c.2, for a southerly side yard of 5 feet in lieu of 10 feet required, and
- 34-340 (e)(3) e, for 75% lot coverage in lieu of 65% maximum
- For non-substantial improvement
- Limited to the plan, as submitted

To allow for non-substantial improvement to an existing multi-family residential structure.

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,

Jon Hays, CBO
Building Department

JCH/ct

*Next door to the south



Jacksonville Beach

ELEVEN NORTH THIRD STREET • JACKSONVILLE BEACH, FLORIDA 32250

June 7, 2006

Mr. Robert Ford

→ 29 South 20th Avenue
Jacksonville Beach, FL 32250

RE: BOA #06-100101
29 South 20th Avenue

reference
23-100020

RECEIVED

JUN 15 2010

DEVELOPMENT

Dear Mr. Ford:

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on June 6, 2006 to consider your variance application.

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

- 34-338 (e)(1) c.1, for a front yard of 9 feet in lieu of 20 feet required,
- 34-338 (e)(1) c.3, for a rear yard of 7 feet in lieu of 30 feet required, and
- 34-338 (e)(1) e, for 55% lot coverage in lieu of 35% maximum

The results of the meeting were; *amended and approved for:*

- 34-338 (e)(1) c.1, for a front yard of 9 feet in lieu of 20 feet required,
- 34-338 (e)(1) c.3, for a rear yard of 7 feet in lieu of 30 feet required, and
- 34-338 (e)(1) e, for 55% lot coverage in lieu of 35% maximum
- Balconies are limited to open air
- To remain as submitted

To allow for a new single-family dwelling.

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,


Jon Hays, CBO
Building Department

JCH/ct



April 7, 2010

Franklin Legal PL
418 Seagate Avenue
Neptune Beach, FL 32266

RE: BOA 10-100025
29 20th Avenue South

Dear Mr. Franklin:

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, April 6, 2010 to consider your variance application.

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

- 34-338(e)(1)c.1, for a front yard of 5 feet in lieu of 20 feet required
- 34-338(e)(1)e, for 53% lot coverage in lieu of 35% maximum
- 34-373(a)(1), for off street parking of 10 feet in length in lieu of 17 feet required

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

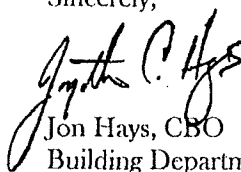
- 34-338(e)(1)c.1, for a front yard of 5 feet in lieu of 20 feet required
- 34-338(e)(1)e, for 53% lot coverage in lieu of 35% maximum
- 34-373(a)(1), for off street parking of 10 feet in length in lieu of 17 feet required
- Limited to pool as presented and discussed
- 10 feet parking to lapse under substantial improvement to property

To allow for improvements to a single family dwelling.

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,


Jon Hays, CBO
Building Department

cc: Robert Ford

JACKSONVILLE BEACH

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

* Behind

DEPARTMENT OF PLANNING & DEVELOPMENT

CERTIFIED MAIL # 7010 1670 0000 5632 8710

Reference
23-100020

January 9, 2014

Anthony Nettuno
1734 Muirfield Drive
Green Cove Springs FL 32043

RE: BOA# 13-100240
1975 South 1st Street
(Lot 4 and the south ½ of Lot 5, Block K, *Permenter's Replat of Atlantic Camp Grounds*)

Dear Mr. Nettuno,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, January 7, 2014, to consider your application for a variance from the requirements of the Land Development Code.

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

- 34-338(e)(1)c.2, for a corner side yard of 1 foot in lieu of 12 feet required and
- 34-338(e)(1)c.3, for a rear yard of 10 feet in lieu of 30 feet required

To allow for construction of a new single family dwelling.

The Board **Amended** and **Approved** the request as written:

- 34-338(e)(1)c.2, for a 5 foot setback for the 2nd and 3rd floor and a corner side yard of 12 feet in lieu of 12 feet required and
- 34-338(e)(1)c.3, for a rear yard of 10 feet in lieu of 30 feet required

Please remove the public hearing notice posted on your property. Information about building permits, applications and checklists is available in our office or online at <http://www.jacksonvillebeach.org/business/building-permit-applications-and-checklists>. Please submit a copy of this approval letter when applying for any future development or building permit applications. If you have any questions regarding this variance or the permitting process, please feel free to call me at (904) 247-6235.

Sincerely,



Steven G. Lindorff
Director of Planning & Development



*New Build 1/2 Block Away



DEPARTMENT OF PLANNING & DEVELOPMENT

CERTIFIED MAIL RETURN - RECEIPT REQUESTED

CM# 7017 3040 0000 2086 2099

Reference
23-10002-0

November 11, 2020

New Atlantic Builders, Inc.
c/o Stephen Williams
5875 Mining Terrace Suite 206
Jacksonville, FL 32257

RE: **DEVELOPMENT ORDER**
BOA#20-100170
1828 Ocean Drive South
Lot 5, Block F, *Permenter's Replat of South Pablo or Atlantic Camp Grounds*

Dear Mr. Williams,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Wednesday, November 4, 2020, in the City Council Chambers located 11 3rd Street North, Jacksonville Beach, Florida, to consider the above application(s) for a variance from the requirements of the Land Development Code.

As indicated in the application(s), the following deviations were requested:

- 34-338(e)(1)c.1, for a front yard setback of 18 feet in lieu of 20 feet minimum;
- 34-338(e)(1)c.2, for total side yard setbacks of 10 feet in lieu of 15 feet minimum;
- 34-338(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum; and
- 34-338(e)(1)e, for 49.7% lot coverage in lieu of 35% maximum

To allow for construction of a new single-family dwelling on Lot 5.

Based on the Board's review and discussion of said application(s), applicant testimony, and/or public testimony provided during the public hearing, it was determined this application met the standards applicable for authorizing a variance pursuant to Land Development Code Section 34-286.

The Board **Approved** the application(s) for a variance.

This development order does not constitute final approval to commence the development proposed in the referenced application(s). The applicant shall comply with all other applicable requirements of the Land Development Code, including any additional review requirements, and shall apply for and obtain all necessary permits before initiating development.

CONTINUED ON PAGE 2

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

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* New Build 1/2 Block Away

DEPARTMENT OF PLANNING & DEVELOPMENT



CERTIFIED MAIL RETURN - RECEIPT REQUESTED

CM# 7017 3040 0000 2086 1573

Reference
23-100020

FILE COPY

September 4, 2020

Daniel Elmaleh
1879 1st Street South
Jacksonville Beach, FL 32250

RE: BOA#20-100124

1886 ~~1828~~ Ocean Drive South
Lot 6 (except the portion deeded to COJB), Block F, Permenter's
Replat of South Pablo or Atlantic Camp Grounds

Dear Mr. Elmaleh,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, September 1, 2020, in the City Council Chambers located 11 3rd Street North, Jacksonville Beach, Florida, to consider the above application for a variance from the requirements of the Land Development Code.

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

- 34-338(e)(1)c.1, for a front yard setback of 13 feet in lieu of 20 feet minimum;
- 34-338(e)(1)c.2, for a corner side yard setback of 5 feet in lieu of 10 feet minimum and total side yards of 10 feet in lieu of 15 feet;
- 34-338(e)(1)c.3, for a rear yard setback of 2 feet as measured to the adjacent city owned parcel and 10 feet as measured to the westerly property line, both in lieu of 30 feet minimum; and
- 34-338(e)(1)e, for 51% lot coverage in lieu of 35% maximum

To allow for construction of a new single family dwelling on Lot 6.

Based on the Board's review and discussion of said application, applicant testimony, and/or public testimony provided during the public hearing, it was determined that this request met the standards applicable for authorizing a variance pursuant to Land Development Code Section 34-286.

The Board **Approved** the request.

This letter does not constitute final approval to commence the development proposed in the referenced application. The applicant shall comply with all other applicable requirements of the Land Development Code, including any additional review requirements, and shall apply for and obtain all necessary permits before initiating development.

City of

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FL 32250

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CONTINUED ON PAGE 2



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

BOA#23-100022

Zoning: RS-2
RE: 179211-0100
Legal: South 106.67 feet of block 90, Section A, Jacksonville Beach
Address: 1002 24th Avenue North

Request

Section(s): 34-337(e)(1)c.2, for a southern side yard setback of zero feet in lieu of 5 feet minimum and for a combined side yard setback of 5 feet in lieu of 15 feet minimum; 34-337(e)e, for 37% lot coverage, OR, for 47% lot coverage if the City requires the shared street/driveway to be paved; and 34-373(f) for a gravel driveway in lieu of a paved driveway to allow for construction of a new single-family dwelling

Existing Conditions

The subject property is a legal *conforming* lot of record (circa 2023). The lot was created by the applicant, by splitting his mother in law's property. The lot meets the minimum lot requirements for the RS-2 zoning district, with regards to lot area and lot width of 75 feet. The lot could only be newly created under the condition that it conform to the minimum requirements. The applicant is proposing to build a new single family home on the newly created lot. The new lot, although 75 feet in width at the front line of the proposed home, narrows to 35 feet in width once it becomes parallel to the existing home on the parent parcel. The existing home is roughly center in the whole lot, both side to side and front to back. This creates a situation where the lot was split so as to leave a minimum 5 foot setback on the existing home, so the existing house and remainder of the lot are not nonconforming, but this necessitates the narrow nature of the new lot in the rear. Additionally the lot is comprised of a portion of a closed right of way for 9th Avenue North, which the northern 25 feet were transferred to the parent parcel when the City Abandoned the right of way.

Previous BOA#465-85 for a corner side yard setback of 15 feet in lieu of 20 for the property adjacent to 9th Avenue North unopened right of way, approved.



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Staff Analysis

The subject lot is a conforming, newly created lot, comprised of a portion of a historic lot of record, and the north 25 feet of the abandoned 9th Ave North right of way. The lot meets all the minimum width and area requirements for the RS-2 zoning district. The applicant created the new lot from the existing parent parcel owned by his mother in law. The intent was to construct a new home adjacent to her property, while preserving enough room on her remaining lot, so that her lot and home would not be rendered nonconforming by the action. The new lot is 75 feet in width at the front plane of the proposed home, but narrows to 35 feet as it continues west towards the marsh. The location of the existing home drove the decision to make the lot the shape it became, and this does create a hardship with regards to siting a new home on the property. The applicant has proposed an elongated design with a semi-attached front garage with room above, connected by a breezeway. There are other existing conditions on the property, such as the shared driveway with the southern neighbor, all or most of which is not paved and consists of gravel or lime rock. Other constraints on the property include a 50 foot rear natural buffer required from the mean high water line of the marsh inward on the property, making the rear 50 feet unbuildable for structures other than docks.

Minimum Dimensional Standards

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



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Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. There are special conditions on the lot, based on the location of the existing home that influenced the shape and width of the new lot. The existing home was built prior to the current LDC and is completely centered on the lot, limiting the shape of the new lot.

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

Staff **does** find that circumstances are a result of the applicant. Although the new lot is conforming, the splitting of the parcel is what drives at least some of the variance requests. The need to split the parcel and the choice to do so was a result of the applicant's actions. The existing driveway and the request to continue to use the unimproved driveway for the new home makes sense is not a result of the applicant.

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

Staff finds that the proposed variance **will** confer special privileges. The applicant is seeking setback relief for the construction of a new home and to address some unique paving issues related to a shared driveway. Nothing in this request would be considered a special privilege for the applicant, as a residential structure in the RS-2 zoning district is the intended use of the property.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Literal interpretation of the code would limit the size and width of the proposed house and may influence its location front to back



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

on the lot. Without relief, the house would have to be located in the front, wider portion of the lot, where the rear and front setbacks would then be the issue. Without relief for setbacks in some capacity, constructing of a new home will be difficult.

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 not** find that the requested variances are the minimum variance needed. The minimum variance needed to build anything on the new lot is difficult to determine based on the unique shape of the lot, however, the least intensive request currently proposed is the use of pervious gravel / lime rock for the driveway, which matches the existing shared drive. Whether the home could be redesigned to reduce the encroachment is possible but unknown at this time. It is worth noting that the proposed zero(0) side yard setback is adjacent to the other portion of the abandoned right of way for 9th Avenue North, so the realistic impact to the southern neighbor is negligible.

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#23-100022**

Location Map (property boundaries are representative only)

