



City of Jacksonville Beach

Regular Meeting Agenda

Board of Adjustment

11 North Third Street
Jacksonville Beach, Florida

Tuesday, May 2, 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 April 18, 2023

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

A. **Case Number(s): BOA#23-100028**

Applicant: Gaylord Candler & Georgette Dumont

Agent: N/A

Owner: Gaylord Candler & Georgette Dumont

Property Address: 507 16th Avenue South

Parcel ID: 176933-0000

Legal Description: Lot 11, Block 156, *Oceanside Park*

Current Zoning: RS-2

Motion to Consider: 34-337(e)(1)e, for lot coverage of 41.2% in lieu of 35% maximum; and 34-337(e)(1)g, for an accessory structure setback of 4.2 feet along the western property line and 3.7 feet along the northern property line in lieu of 5 feet minimum to allow for the installation of a new pervious paver driveway, rear patio and to rectify existing non-conformities at an existing single-family dwelling

B. **Case Number(s): BOA#23-100032**

Applicant: Kevin O'Malley

Agent: N/A

Owner: Kevin O'Malley

Property Address: 712 Bonaire Circle
Parcel ID: 180949-1220
Legal Description: Lot 37, *Ocean Cay Unit One*
Current Zoning: PUD
Motion to Ordinance 2002-7843: Ocean Cay PUD to allow for 57% lot coverage in
Consider: lieu of 45% maximum to rectify existing non-conformities and allow for the
replacement of the driveway and walkways at an existing single-family
dwelling

C. **Case Number(s): BOA#23-100033**

Applicant: Jeffrey & Monica Green
Agent: Charles Hosea, Bee Tree Homes, Inc.
Owner: Jeffrey & Monica Green
Property Address: 434 9th Avenue North
Parcel ID: 174458-0060
Legal Description: Lot 6, Block 95, *Florida Land Investment Company and Pablo Beach
Improvement Company's Replat of Part of Pablo Beach North*
Current Zoning: RM-1
Motion to 34-339(e)(3)c.2, for a side yard setback of 5 feet in lieu of 10 feet minimum
Consider: along the eastern property line; 34-339(e)(3)c.3, for a rear yard setback of
7 feet in lieu of 30 feet minimum; and 34-373(d), for a parking area setback
of zero feet in lieu of 5 feet minimum for the rear structure parking along
the western property line, to rectify existing non-conformities and allow for
additions and renovations to existing multi-family structures

D. **Case Number(s): BOA#23-100034**

Applicant: Russell & Michelle Rendon
Agent: N/A
Owner: Russell & Michelle Rendon
Property Address: 1379 Plantation Oaks Drive North
Parcel ID: 179997-5060
Legal Description: Lot 12, *Plantation Oaks*
Current Zoning: RS-1
Motion to 34-336(e)(1)e, for lot coverage of 43% in lieu of 35% maximum; and 34-
Consider: 336(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet
minimum along the northern property line and 3 feet along the eastern
property line, to allow for the construction of a new swimming pool and pool
deck at an existing single-family dwelling

PLANNING DEPARTMENT REPORT

- A. The next scheduled meeting is Wednesday, May 17, 2023. There are three scheduled cases.
B. Joint Meeting with PC, BOA and CRA for Comp Plan / LDC update is scheduled for May 31st,
at 6:00 p.m. in Council Chambers.

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, April 18, 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 6:05 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 (late)

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. Moreland, and passed unanimously to approve the following minutes:

- Regular Board of Adjustment Meeting held on April 4, 2023

CORRESPONDENCE:

Mr. Senior Planner Christian Popoli noted an email [on file] from the applicant on the dais.

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: **BOA#23-100026**
Applicant/Owner: Walker Capital Holdings, LLC - Scott McAlister
Agent: Driver, McAfee, Hawthorne & Diebenow - Steve Diebenow
Property Address: 201 5th Avenue North
Parcel ID: 174181-0010

City of Jacksonville Beach Land Development Code Section(s): 34-345(e)3, for a rear yard setback of zero (0) feet in lieu of 10 feet minimum; 34-345(e)(7)h.1, for a side entrance in lieu of a corner entrance; 34-373(c), for back out parking in lieu of required turning and maneuvering lanes for a commercial use; 34-373(d), for no setback for parking in lieu of 5 feet required and 10 feet at intersections; and 34-425(b)1, for no (zero) landscape buffers adjacent to parking areas in lieu of required landscaping, to rectify existing non-conformities and allow for renovation of an existing commercial structure.

Mr. Popoli clarified an additional request for six gravel parking spaces as opposed to paved parking spaces.

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

Applicant: Scott McAlister, 1941 Beach Avenue, Atlantic Beach, explained the challenges of the building permit expiring, meeting the 500-foot distance requirement, and unforeseen health issues.

Agent: Steve Diebenow, 1 Independent Drive, Suite 1200, Jacksonville, stated the hardships were the current conditions and non-conformities.

A brief discussion ensued about mixed-use, parking, gravel vs. paved, dumpster corral, and the deck.

Public Hearing:

The following spoke in support of the variance:

- Anthony Morgan, 13045 Sawpit Road, Jacksonville

The following spoke in opposition to the variance:

- Frank Fraser, 525 3rd Street, Jacksonville Beach

Mr. Diebenow and Mr. McAlister responded to concerns expressed by Mr. Fraser.

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100026 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Motion to Amend: It was moved by Mr. Curley, seconded by Mr. Moreland, to amend the motion to make approval of BOA#23-100026 conditioned upon the existing building.

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

Discussion: A brief discussion ensued about parking, payment in lieu of process, and criteria.

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

PLANNING DEPARTMENT REPORT:

Mr. Popoli stated the joint meeting between the Board of Adjustment, Planning Commission, and CRA regarding the Land Development Code would be held on May 31, 2023.

The next scheduled meeting is Tuesday, May 2, 2023, at 6:00 P.M. There are six scheduled cases.

COURTESY OF THE FLOOR TO VISITORS:

No one came forward to speak.

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:41 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

DRAFT



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BOA#23-100028

Zoning: RS-2
RE: 176933
Legal: **Lot 11, Block 156** Oceanside Park
Address: 507 16th Avenue South

Request

Section(s): 34-337(e)(1)e, for lot coverage of 41.2% in lieu of 35% maximum; and 34-337(e)(1)g, for an accessory structure setback of 4.2 feet along the western property line and 3.7 feet along the northern property line in lieu of 5 feet minimum to allow for the installation of a new pervious paver driveway, rear patio and to rectify existing non-conformities at an existing single-family dwelling

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1922) located in the Low Density Residential future land use category. The property is zoned Residential Single Family: RS-2. The subject lot approximately 50 feet in width and 125 feet in depth, with an overall lot area of 6,250 square feet. The subject lot is substandard in both lot area and lot width for the RS-2 zoning district. The subject property was platted in 1922, predating the dimensional standards of the LDC. The subject property with existing hardscaping and a rear patio, deck and shed is at 35% lot coverage. The home was constructed in 1984, again, prior to the adoption of the Land Development Code.

No previous BOA, no active code case.

Staff Analysis

The subject lot is substandard in area and width. The existing lot coverage is currently at 35% or a fraction of a percent above. The applicant is requesting to replace and expand the existing driveway with new pavers and replace the rear deck with a paver patio. The applicant has submitted that they will use 100% pervious pavers, and therefore will get 50% lot coverage credit for the new paver areas. This allows the proposed new lot coverage to be 41.2% The proposed lot coverage, extrapolated to a conforming lot size for the RS-2 zoning district would be 34.3%, thus would be in conformance, if the lot was not substandard. This constitutes a real hardship with regards to lot coverage and the proposed increase



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is an equitable request that restored the basic lot coverage average the applicant would be entitled to, were their lot a conforming size.

Minimum Dimensional Standards

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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is substandard in lot width and area. The lot was platted in 1922, and the house was constructed in 1984. Both predate the LDC. The substandard nature of the lot size reduces the useful area of the lot, based on coverage percentage, and the approval of this application would restore that right.



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

Staff **does not** find that circumstances are a result of the applicant. The subject property was platted in 1922, and its nonconforming status is not the 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 not** confer special privileges. Granting of this request will not confer any special privilege, but rather is a commonly request form of relief on the RS-2 zoning district and the surrounding neighborhood. .

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 deprive that applicant of roughly 6% lot coverage based on the reduced size of the lot. Allowing the improvements as designed would allow the applicant to take advantage of the lot coverage normally granted in the RS-2 zoning district.

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

Staff **does** find that the requested variances are the minimum variance needed to accomplish the proposed design. The applicant is requesting the equivalent of 35% lot coverage for a conforming lot, applied to their nonconforming lot, this is the most equitable request.

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

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

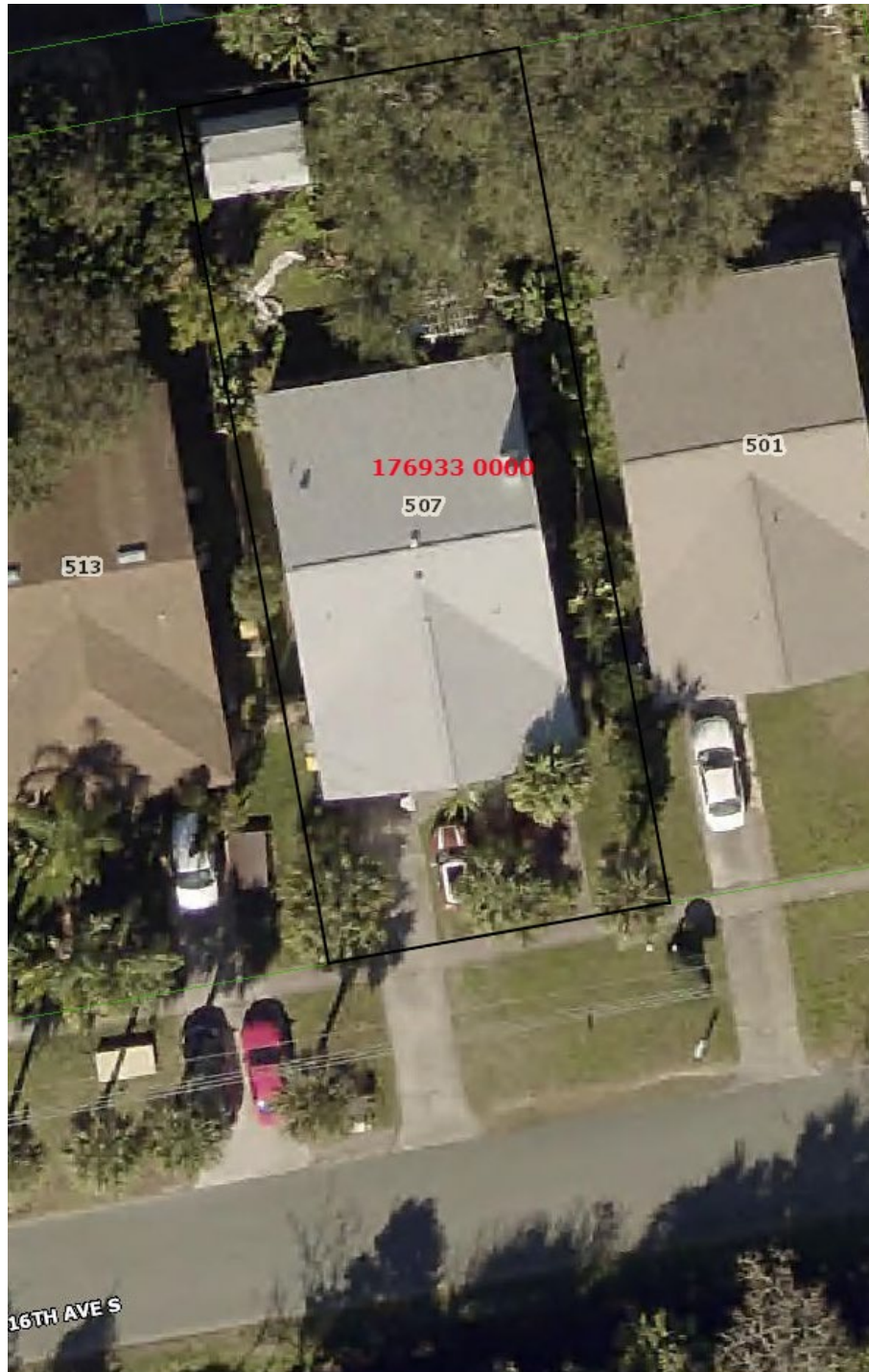


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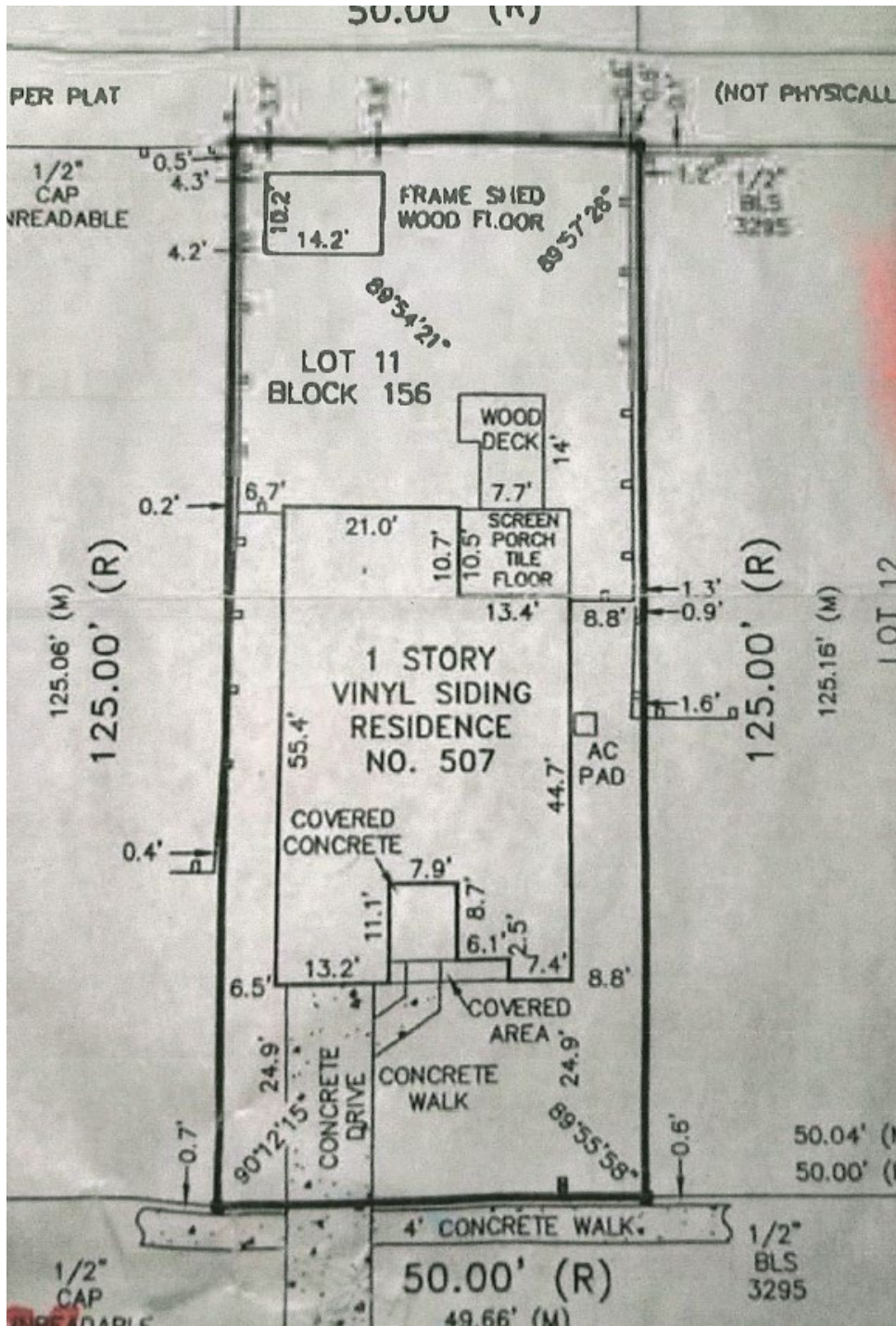
Staff Recommendation

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#23-100028**

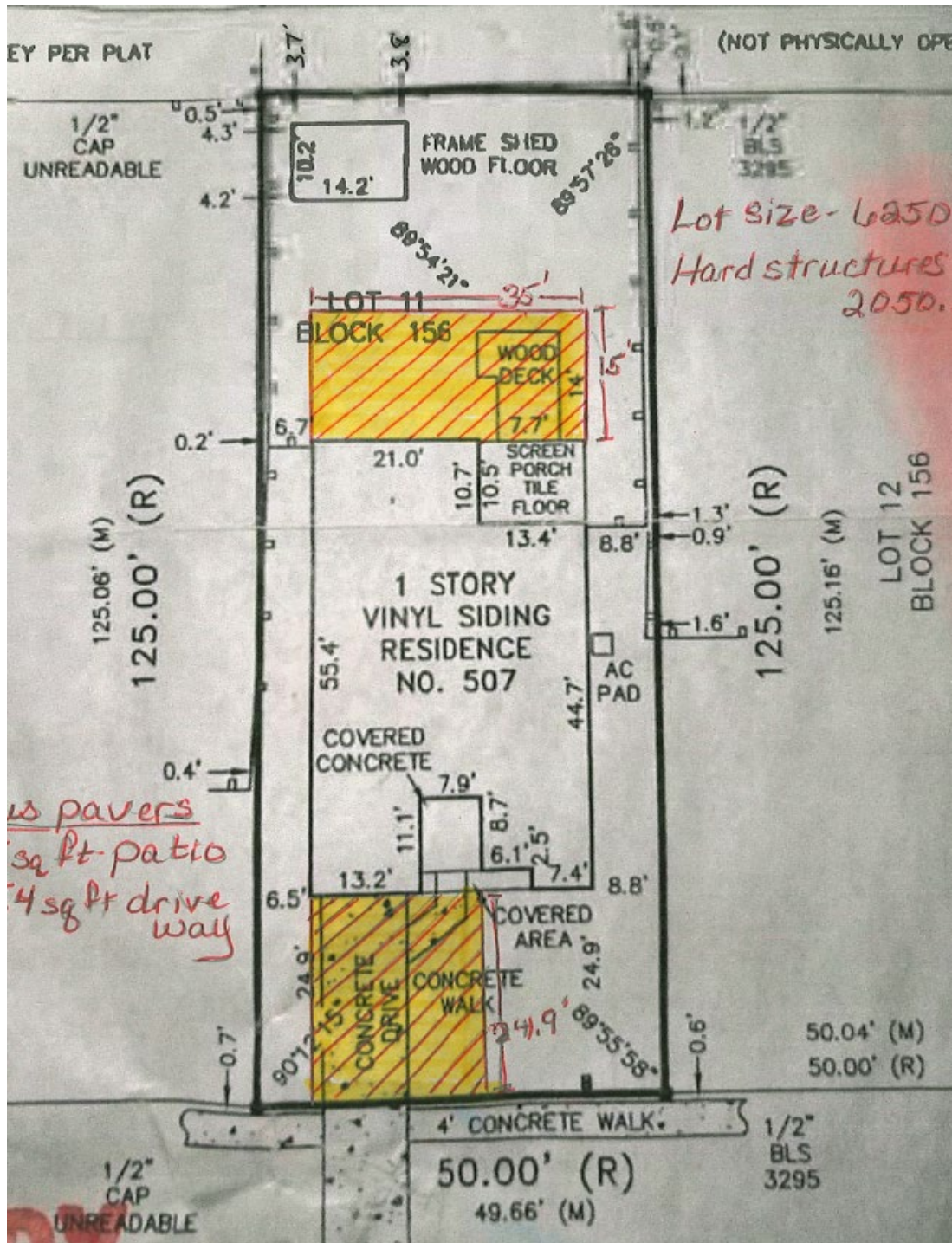
Location Map (property boundaries are representative only)



Existing Survey



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100028
HEARING DATE 5-2-23

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

MAR 10 2023

APPLICANT INFORMATION

Applicant Name: Gaylord Candler & Georgette Dumont Telephone: 904-486-6865
Mailing Address: 507 116th Ave. S. E-Mail: georgette.dumont@gmail.com
Jax Beach, FL 32250
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: same Telephone: _____
Mailing Address: _____ E-Mail: _____

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

VARIANCE DATA

Street address of property and Real Estate Number: 507 116th Ave S. SB, FL 32250 # 176933.0000

Legal description of property (Attach copy of deed): _____

Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).

Lot Coverage of 41.2% in lieu of 35%. This is a non-conforming lot, and if it did conform (7500 sq ft lot), lot coverage would be 34.3%.

AFFIDAVIT

I, Georgette Dumont, 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

Georgette Dumont
PRINT APPLICANT NAME

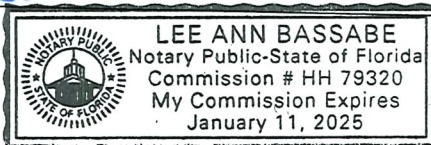
3-10-23
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10 day of March, 2023, by Georgette Dumont, who is personally known to me or produced Fla. Drivers License as identification.

NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2

FLOOD ZONE: AE

CODE SECTION (S):

34-337(e)(1)e, for lot coverage of 41.2% in lieu of 35% maximum; and 34-337(e)(1)g, for an accessory structure setback of 4.2 feet along the western property line and 3.7 feet along the northern property line in lieu of 5 feet minimum to allow for the installation of a new pervious paver driveway, rear patio and to rectify existing non-conformities at an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No.

23-100028

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.

MAR 10 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 lot is 6,250 sq ft and a standard lot in a RS-2 is 7,500.
Special circumstances and conditions do not result from the actions of the applicant.	yes	We purchased the house with the current structures in place. Currently, our lot coverage is 39.79%. This project will remove the concrete and wood deck, make the property far more environmentally friendly at the asked for 41.2%.
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	
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	
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	yes	If the lot was conforming, the proposed work (patio and driveway in pervious pavers) would be 34.3%
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	All pavers will be pervious. In addition, we are removing a concrete driveway & walkway as well as a wooden deck/patio.

Prepared by:

Keith Watson Title Services, Inc.
208 Ponte Vedra Park Drive, Suite 101
Ponte Vedra Beach Florida 32082
File #: 10A255

10039583

Record and return to:
Gaylord G. Candler
1206 S. Twickenham Drive
South Bend, IN 46615

RECEIVED
23-100028
MAR 10 2023

PLANNING & DEVELOPMENT

General Warranty Deed

Made this June 9, 2010 A.D. By **Mike A. Ostlund and Meredith M. Tousey n/k/a Meredith M Ostlund, his wife**, whose address is: 604 McCullum Circle, Neptune Beach, FL 32266, hereinafter called the grantor, to **Gaylord G. Candler and Georgette Duncan, his wife**, whose address is: 1206 S. Twickenham Drive, South Bend, IN 46615, hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of Two Hundred Twenty Two Thousand dollars & no cents, (\$222,000.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

Lot 11, Block 156, Oceanside Park, a subdivision according to plat thereof recorded at Plat Book 8 page 13 in the Public records of Duval County, Florida.

Parcel ID Number:

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2009.

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

Signed, sealed and delivered in our presence:

Witness Printed Name

ROBERT DYKES

Witness Printed Name

CARLITA SEMEGON

State of Florida

County of St. Johns

The foregoing instrument was acknowledged before me this 9th day of June, 2010, by Mike A. Ostlund and Meredith M. Tousey*, his wife, who is/are personally known to me or who has produced **DRIVER LICENSE** as identification.

*n/k/a Meredith M. Ostlund

Mike A. Ostlund

Address: 604 McCullum Circle, Neptune Beach, FL 32266

Meredith M. Tousey n/k/a Meredith M. Ostlund

Address: 604 McCullum Circle, Neptune Beach, FL 32266

Notary Public

Print Name:

ROBERT DYKES

My Commission Expires:



Robert J. Dykes

MY COMMISSION # 00517272 EXPIRES

JUNE 11, 2010

BONDED THRU TROY FAIR INSURANCE, INC

PROPOSED

ALITH IATSON TITLE SERVICES, INC.,
AND NAVY FEDERAL CREDIT UNION.

LOT 3
BLOCK 156

LOT 2
BLOCK 156

LOT 1
BLOCK 156

49.98' (M)
50.00' (R)

12' ALLEY PER PLAT

(NOT PHYSICALLY OPEN)

1/2" CAP
UNREADABLE

10.2'
14.2'

FRAME SIDED
WOOD FLOOR

Lot size - 6250 sq ft
Hard structures -
2050.6 sq ft

LOT 11
BLOCK 156

WOOD
DECK

SCREEN PORCH
TILE FLOOR

1 STORY
VINYL SIDING
RESIDENCE
NO. 507

COVERED
CONCRETE

Pervious pavers
525 sq ft patio
525.4 sq ft drive
way

CONCRETE
DRIVE

COVERED
AREA

CONCRETE
WALK

50.00' (R)
49.66' (M)

COPY

1/2" CAP
UNREADABLE

1/2" BLS
3295

RECEIVED

MAR 10 2023

EXISTING

ALITH TATSU TITLE SERVICES, INC.,
AND NAVY FEDERAL CREDIT UNION.

LOT 3
BLOCK 156

LOT 2
BLOCK 156

LOT 1
BLOCK 156

49.98' (M)
50.00' (R)

12' ALLEY PER PLAT

(NOT PHYSICALLY OPEN)

1/2"
CAP
UNREADABLE

102
14.2'

FRAME SIDED
WOOD FLOOR

1/2"
BLS
3295

LOT 11
BLOCK 156

WOOD
DECK

7.7'

SCREEN
PORCH
TILE
FLOOR

1 STORY
VINYL SIDING
RESIDENCE
NO. 507

AC
PAD

COVERED
CONCRETE

COVERED
AREA

CONCRETE
WALK

CONCRETE
DRIVE

4' CONCRETE WALK

50.00' (R)
49.66' (M)

1/2"
CAP
UNREADABLE

1/2"
BLS
3295

COPY
MUST BE

RECEIVED
MAR 10 2002



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BOA#23-100032

Zoning: PUD
RE: 180949-1220
Legal: Lot 37, Ocean Cay Unit One
Address: 712 Bonaire Circle

Request

Section(s): Ordinance 2002-7843: Ocean Cay PUD to allow for 57% lot coverage in lieu of 45% maximum to rectify existing non-conformities and allow for the replacement of the driveway and walkways at an existing single-family dwelling

Existing Conditions

The subject property is a legal conforming lot of the Ocean Cay Planned Unit Development Subdivision. Per Ordinance 2002-7843, Ocean Cay property owners can apply for a variance for the purpose of exceeding 45% lot coverage that's allowed per the PUD, and reduce rear setbacks for the purpose of construction of swimming pools, patios and unclosed decks. The current owner was cited by code enforcement for building a pool deck and installing a hot tub without any permits in 2018. The applicant was instructed to seek a variance or come into compliance with removal of unpermitted work including the pool deck. The applicant submitted a variance application in 2019, but it was deemed incomplete, and in conflict with the letter received from the HOA. The application was never corrected and no action was taken on by the owner until they recently applied for a permit to reduce the driveway. At that time they were again referred to the variance process. The applicant is now seeking approval for the extra lot coverage in excess of 45%.

Staff Analysis

When the amendment to the PUD was passed in 2002, it did not provide a connection to the specific variance criteria set forth in the LDC, but generally staff will address them in this report, as they should be considered generally as part of the review. The lot is not substandard in anyway, and would not normally be considered to have a hardship, but based on the 2002 ordinance the applicant can request extra lot coverage for pool decking. The applicant constructed the pool deck, and installed a hot tub along with all necessary plumbing and electric work without any permits in 2018. Code enforcement gave the applicant the option of reversing the work, or getting permits and all necessary approvals to keep it. The applicant would have needed an approved variance because the lot coverage then and now is 57%, well above the 45% maximum granted by the original PUD. The



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applicant attempted to apply for a variance in 2019, but the application was deemed incomplete, and they applicant never corrected the deficiencies, so the application never moved forward. Now, 4 years later, the applicant has requested to redo their driveway with matching pavers to what was installed in the back yard. When the applicant applied, it was noted that the previous work was still out of compliance, and therefore a variance would be needed to allow the driveway replacement.

The applicant has failed to remedy the situation that was entirely self-imposed, for over three years. Rather than correct the existing issues, they tried to The applicant will also need approval from the HOA as well as the approved variance for the existing unpermitted work.

Minimum Dimensional Standards

- Minimum lot size of 5,500 square feet
- Minimum home size, 1,700 square feet
- Maximum lot coverage of 45%
- Front yard Setback of 20 feet for front line of house OR 15 for houses with a side entry garage
- Total combined side yard setback of 10 feet, minimum of 5 feet on each side.
- Rear yard setback of 15 feet
- 10 foot corner side yard setback.

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. As noted above, the 2002 amendment to the PUD allows property owners in Ocean Cay to apply for specific variances without any hardship. This criteria does not apply.

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

Staff **does** find that circumstances are a result of the applicant. The applicant had the ability to apply for the variance prior to building the rear patio and hot



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tub, additionally they had many opportunities to rectify the issues in the last 4 years. The violations are entirely self-imposed.

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. All property owners are allowed to request a variance for expansions of lot coverage and setbacks. This property owner did so without the approval of the HOA or the City. Approval of after the fact Variances in Ocean Cay would be considered a special privilege not afforded to other homeowners that chose to follow the rules.

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 not** find that literal interpretation of the code would deprive the applicant of rights and privileges. The applicant is entitled to 45% lot coverage, which is the same for all property in Ocean Cay. They also have the ability to ask for more, in conjunction with the specific limitations in the 2002 amendment, and with approval of the HOA. Failure to secure these two steps is the only reason they are before you now, and not in 2018. Code enforcement has noted complaints of drainage issues from adjoining neighbors in 2018.

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 to accomplish the proposed design. It's unclear what the HOA and the Board would have approved in 2018 prior to the work being installed. Additionally issues related to drainage would have potentially been reviewed with appropriate permits. The burden is on the applicant to prove that 57% is the minimum they need to rectify the issues.

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.**



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

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

Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Denial of BOA#23-100032**

Location Map (property boundaries are representative only)

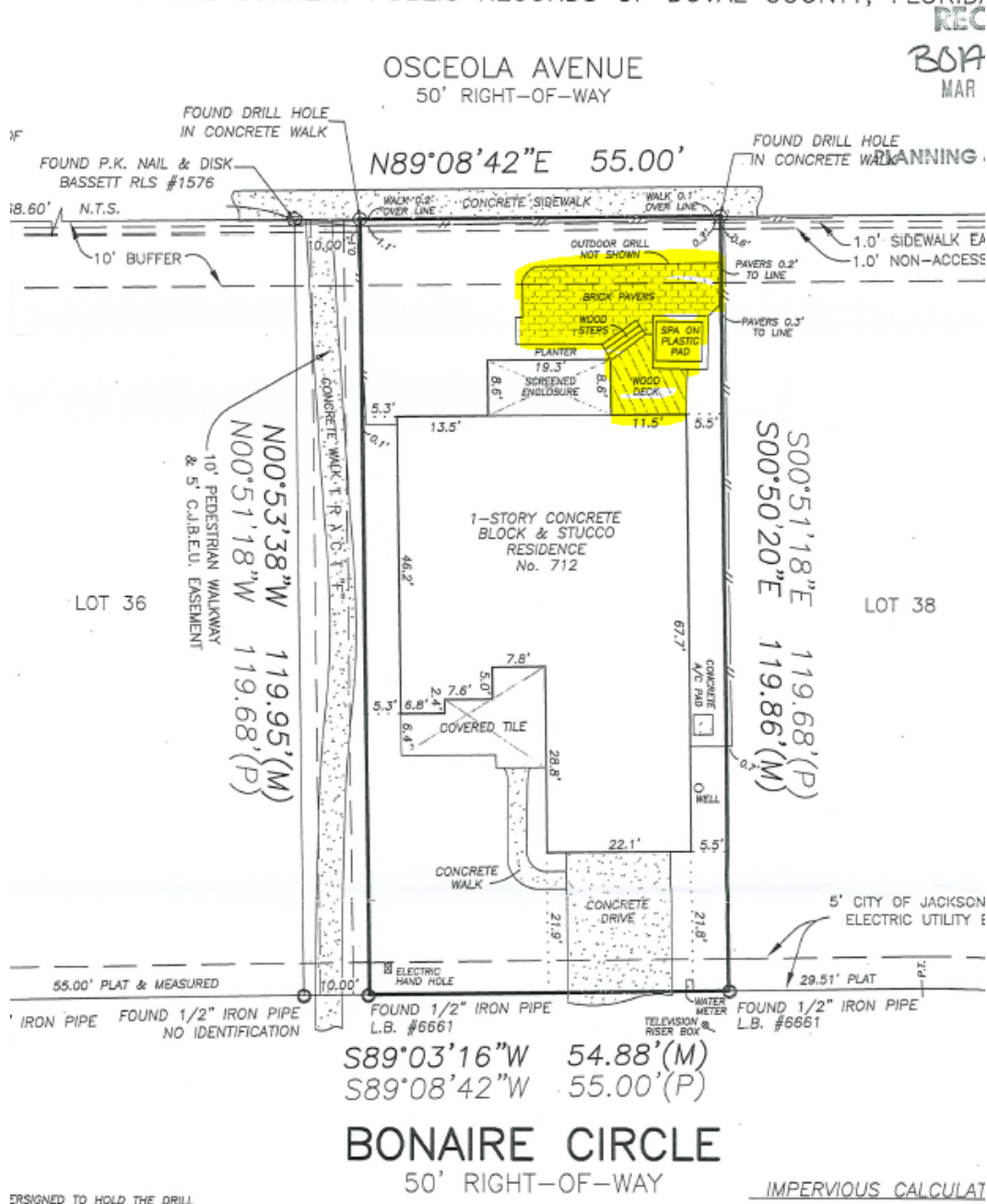




City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Existing Survey

AS SHOWN ON THE SURVEY, AS RECORDED IN PLAT BOOK 31, PAGES 60
SH 65E OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA





APPLICATION FOR VARIANCE

BOA No.

23-100032

HEARING DATE

5-2-23

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

MAR 14 2023

APPLICANT INFORMATION

Applicant Name: Kevin OMalley **Telephone:** (678) 358-6772
Mailing Address: 712 Bonaire Circle Jacksonville Beach FL 32250 **E-Mail:** kpomal@aol.com
Agent Name: _____ **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____
Landowner Name: Same as above 712 Bonaire Circle **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____

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

VARIANCE DATA

Street address of property and Real Estate Number: 712 Bonaire Circle- 180949 - 1220
Legal description of property (Attach copy of deed): Lot 37, ocean cay unit one
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
Lot coverage from 45% to 57%- Initial building driveway and walks are 49.5% presently. Side yard set back 2ft vs 5ft. Replace present cracked and broken concrete driveway and walk with pavers.

AFFIDAVIT

I, Kevin OMalley, 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.

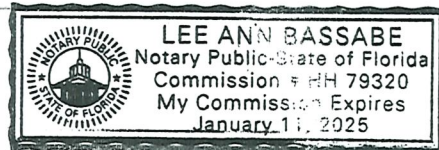
Kevin OMalley 3/14/23
APPLICANT SIGNATURE PRINT APPLICANT NAME DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of March, 2023, by Kevin P. OMalley, who is personally known to me or produced Fla. Drivers License as identification.

NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: PUD

FLOOD ZONE: X

CODE SECTION (S):

Ordinance 2002-7843: Ocean Cay PUD to allow for 57% lot coverage in lieu of 45% maximum to rectify existing non-conformities and allow for the replacement of the driveway and walkways at an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA NO. 23-100032

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	We renovated the backyard in 2018, which was unkempt, overgrown and an eyesore. We removed overgrown bushes which were growing over the back of the house, and replaced the dilapidated and broken up paver patio and deck. We replaced the existing deck and paver patio and added a hot tub (pictures available). Since we replaced the existing patio and deck (installed by the prior owner), and did not change the location or size- we did not realize that we needed HOA or city of Jacksonville Beach approval- and the contractors we hired did not know this as well. The lot coverage was 57% based on the previous owners deck and patio- and the lot coverage is the same with these revisions. The lot coverage was 49.5% when the house was built (with driveway and walks) and has gone from 49.5% to 57%, and the side setback is 2ft vs 5ft.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	See above
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	See above
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 code is (for the best of my knowledge) 45% lot coverage- the house as built cover 49.5 % of the lot- all we did was replace a non functioning deck and patio.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	See above- this makes the backyard usable.
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	Virtually all properties in this sub division have pools and /or patios similar to this plan.

PREPARED BY, RECORD AND RETURN TO:

Osborne & Sheffield Title Services, LLC
4776 Hodges Boulevard, Suite 206
Jacksonville, Florida 32224

File #: 2016-805K

Parcel Identification Number:

180949-1220

RECEIVED
23-100032
MAR 14 2023

PLANNING & DEVELOPMENT

\$ 360,000.00

WARRANTY DEED

THIS WARRANTY DEED made effective the 20th day of September, 2016, by Jared J. Kraeling, a married man, conveying property which is not his constitutional homestead, hereinafter called Grantor, whose post office address is 2344 Darts Cove Way, Mount Pleasant, South Carolina 29466, to Kevin O'Malley and Maureen O'Malley, husband and wife, hereinafter called Grantee, and whose post office address is 712 Bonaire Circle, Jacksonville Beach, Florida 32250.

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

W I T N E S S E T H:

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

Lot 37, of OCEAN CAY UNIT ONE, according to the plat thereof as recorded in Plat Book 51, Pages 65 through 65E, inclusive, of the current Public Records of Duval County, Florida.

SUBJECT TO taxes accruing subsequent to December 31, 2015.

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

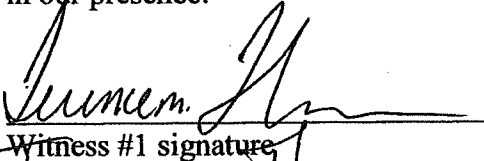
TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

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

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

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

Signed, sealed and delivered
in our presence:

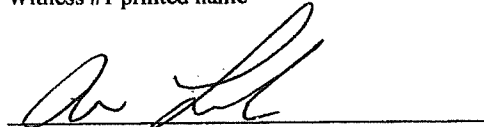


Witness #1 signature

Terence Thompson

Witness #1 printed name


Jared J. Kraeling



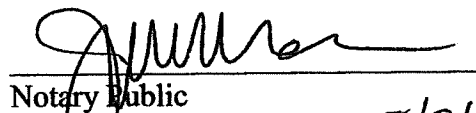
Witness #2 signature

Ann Lesauskas

Witness #2 printed name

STATE OF South Carolina
COUNTY OF Charleston

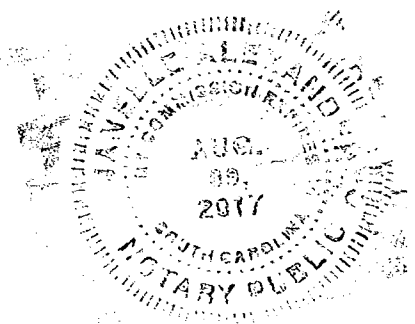
The foregoing instrument was acknowledged before me this 14 day of **September**, 2016, by **Jared J. Kraeling**, a married man, conveying property which is not his constitutional homestead, who is personally known to me, has produced a valid driver's license or has produced SC Drivers License as identification.



Notary Public

My Commission Expires: 8/9/2017

(Notary Seal)



EXISTING.

MAP SHOWING BOUNDARY SURVEY OF:

LOT 37, OCEAN CAY UNIT ONE, AS RECORDED IN PLAT BOOK 51, PAGES 65 THROUGH 65E OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

RECEIVED

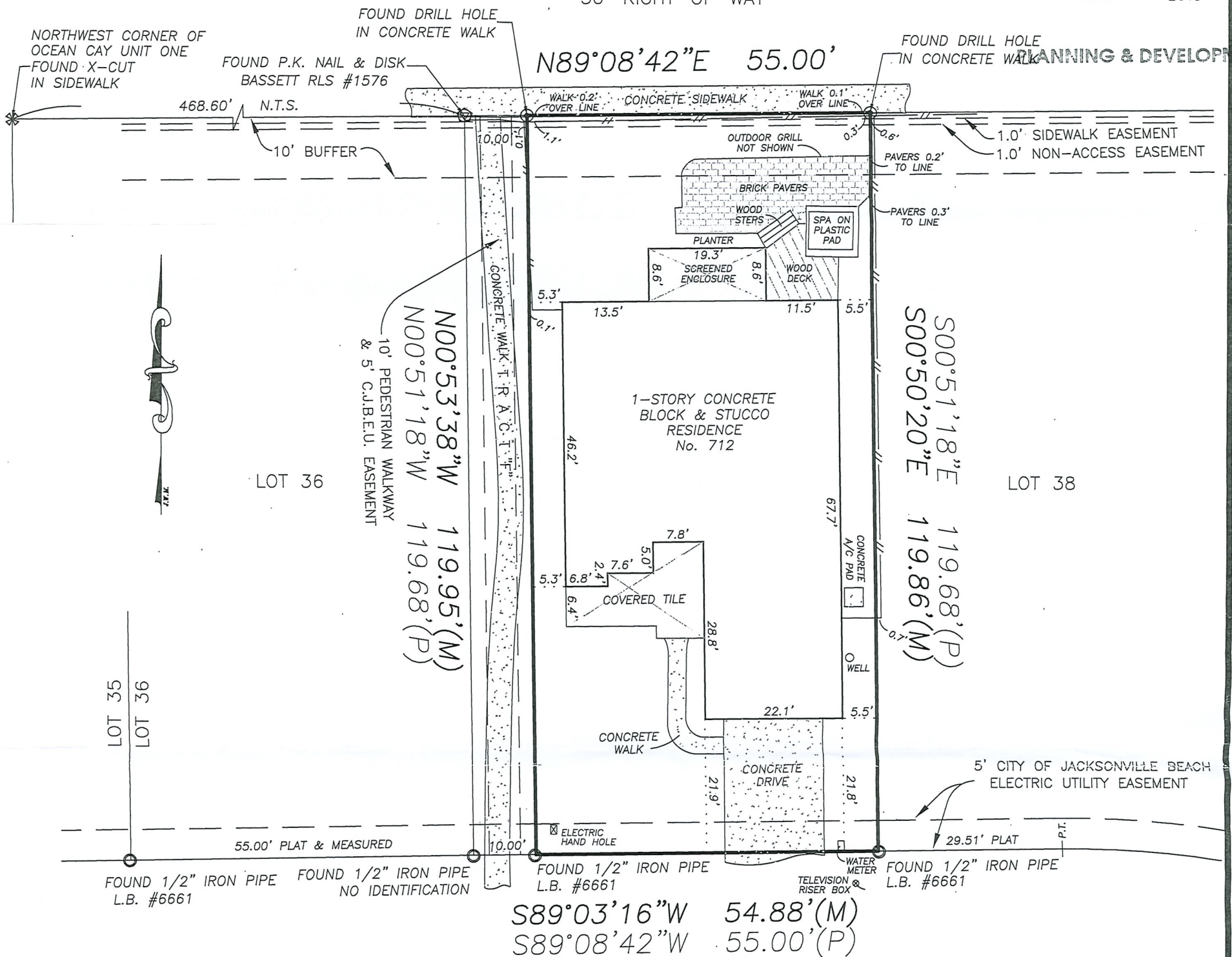
30719-100034

MAR 11 2019

OSCEOLA AVENUE

50' RIGHT-OF-WAY

PLANNING & DEVELOPMENT



BONAIRE CIRCLE

50' RIGHT-OF-WAY

SPECIAL NOTE:

IT IS THE INTENT OF THE UNDERSIGNED TO HOLD THE DRILL HOLES ALONG THE NORTH LINE OF SUBJECT PROPERTY AND THE RECORDED PLAT OF OCEAN CAY UNIT ONE. SAID DRILL HOLES ARE BELIEVED TO BE THE ORIGINAL CORNERS SET BY THE ORIGINAL SURVEYOR OF THE RECORDED PLAT. THE SUBJECT PROPERTY HAS BEEN REVISED TO MATCH THESE LOCATIONS AND ADDITIONAL LOCATIONS FOUND ALONG SAID NORTH LINE.

NOTES:

THIS PROPERTY LIES IN FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP (FIRM), DUVAL COUNTY, COMMUNITY No. 120078, MAP/PANEL No. 12031C-0419-H, REVISED JUNE 3, 2013

BEARINGS BASED ON THE NORTH LINE OF OCEAN CAY UNIT ONE ALSO BEING THE SOUTH RIGHT-OF-WAY LINE OF OSCEOLA AVENUE AS BEING N89°08'42"E

(P) DENOTES PLAT BEARING AND DISTANCE

(M) DENOTES MEASURED BEARING AND DISTANCE

--- DENOTES 6' WOOD FENCE EXCEPT AS NOTED

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

IMPERVIOUS CALCULATIONS

LOT AREA = 6,582± SQUARE FEET

DESCRIPTION	SQUARE FEET
BUILDING AREA	2,600±
ENTRY	231±
PAVERS/DECK	501±
FLATWORK	418±
A/C PAD(S)	9±

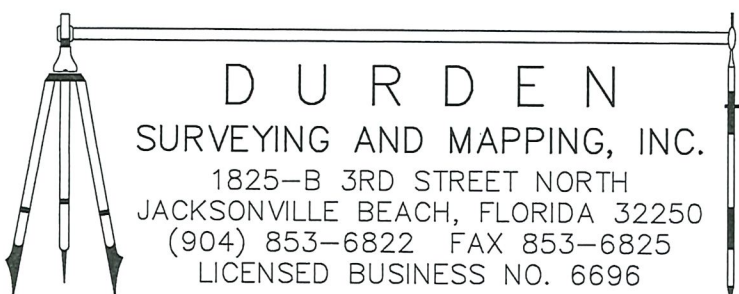
TOTAL IMPERVIOUS AREA = 3,759±

TOTAL DENSITY = 57%

CERTIFIED TO:

KEVIN O'MALLEY

REVISED 08/01/2018 TO ADJUST BOUNDARY TO FIT ORIGINAL PLAT CORNERS (SEE SPECIAL NOTE)



SURVEYOR'S NOTE:

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

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

[Signature]
FLORIDA REGISTERED SURVEYOR No. 4707
H. BRUCE DURDEN, JR.

SIGNED JULY 23, 2018

SCALE: 1" = 20'

WORK ORDER NUMBER: 18511

RECEIVED

23-100032

MAR 14 2023

PLANNING & DEVELOPMENT

B-9346



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

BOA#23-100033

Zoning: RM-1
RE: 174458-0060
Legal: Lot 6, Block 95, Pablo Beach North Replat
Address: 434 9th Avenue North

Request

Section(s): 34-339(e)(3)c.2, for a side yard setback of 5 feet in lieu of 10 feet minimum along the eastern property line; 34-339(e)(3)c.3, for a rear yard setback of 7 feet in lieu of 30 feet minimum; and 34-373(d), for a parking area setback of zero feet in lieu of 5 feet minimum for the rear structure parking along the western property line, to rectify existing non-conformities and allow for additions and renovations to existing multi-family structures

Existing Conditions

The subject property is a nonconforming lot of record, (circa 1915) located in the Residential Medium future land use category. The property is currently zoned Residential Multifamily: RM-1. The subject site is 50 feet wide by 125 feet in depth, with an overall area of 6,250 square feet. The subject lot is currently occupied by two structures that constitute a multifamily use. Both the main structure, which appears to have always been a residence, and the secondary structure which was originally built as a garage, were both constructed in 1948. The applicant purchased the property in 2006. The structure has been used as multifamily historically. The applicant is now wishing to improve the property by renovating and adding onto both structures, while also improving the parking situation, which is currently entirely on street parking. The applicant is requesting relief for both the existing structures and other dimensional standards to allow for the additions and the creation of off street parking on the property itself.

BOA#119-2003 APPROVED for a rear yard of 26 feet in lieu of 30 to allow for renovations to the main house.

BOA#31-99, APPROVED for an east side yard of 7 feet in lieu of 10 and a west side yard of 4 feet in lieu of 10 for the existing structure.

Staff Analysis

The subject property has what was likely constructed in 1948 as a single family home and detached garage. Like many such structures in the RM-1 zoning district, these rear garages were converted into additional living space historically. The lot is



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only 50 feet in width, 15 feet less than the required 75 feet per the RM-1 zoning district standards for multifamily construction. The applicant has owned the property for a number of years and has periodically done maintenance and renovations as needed. Now they are seeking to fully renovate each structure and expand the footprint of both with additions. Also they plan to add improved parking for both units that currently the entire site lacks. The overall lot coverage will be below the maximum even with the new driveways. The applicant is also requesting to use a pervious product to gain additional lot coverage credit. None of the proposed additions will increase the existing nonconforming setbacks, but will stay in line with the existing footprint of the sides of the existing structures, and only expand rearward and forward. A majority of the relief regarding setbacks simply addresses the existing nonconformities, but also to provide the needed parking without being able to meet the parking setbacks on this narrow lot.

Minimum development and parking standards

Multiple family dwellings.

- Minimum lot area: Five thousand (5,000) square feet plus two thousand (2,000) square feet for each unit in excess of two (2), except that the gross density shall not exceed twenty (20) dwelling units an acre.
- Minimum lot width: Seventy-five (75) feet at the building line. A minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty (20) feet.
 - Side yard: Ten (10) feet for each side yard, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear yard: Thirty (30) feet.
- Floor area: Multiple family dwelling units shall contain the following minimum square feet of conditioned living area excluding garages, carports and breezeways.
 - One bedroom unit: Seven hundred (700) square feet.
 - Two bedroom unit: Nine hundred (900) square feet.
 - Three bedroom unit: One thousand one hundred (1,100) square feet.
 - This square footage requirement shall also apply to units sold as condominiums.
- Maximum lot coverage: Sixty-five (65) percent.
- Height: Thirty-five (35) feet.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.



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- Parking area setbacks. Off-street parking areas shall be located at least ten (10) feet from any corner and five (5) feet from any established right-of-way or property line unless otherwise stated in the LDC.

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 by 15 feet. Additionally, the existing two structures were built in 1948 and converted to multifamily historically. The location of the existing structures does not meet the required setbacks per the RM-1 zoning district standards. These two conditions constitute a hardship in the applicant's ability to renovate and add onto the nonconforming structures.

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 structures and the substandard lot both predate the LDC by forty years or more, and are not the result of any action 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 not** confer special privileges. The applicant currently has two nonconforming structures on a nonconforming lot for multifamily use, and will still have this situation upon completion of their renovations. There will be no special privileges assigned to the applicant though this approval.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Without relief from the parking requirements and setbacks, the applicant would not be able to continue to invest in and maintain



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their property, nor provide the needed off street parking the property is lacking currently. The ability to renovate and add onto existing structures is a right commonly enjoyed by property owners in the RM-1 zoning district.

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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed commercial office building. The proposed variance will rectify existing nonconformities and allow for the addition of off street parking for both units. The request is the minimum needed to accomplish this, and the applicant has proposed to use pervious pavers to help reduce any impact to lot coverage.

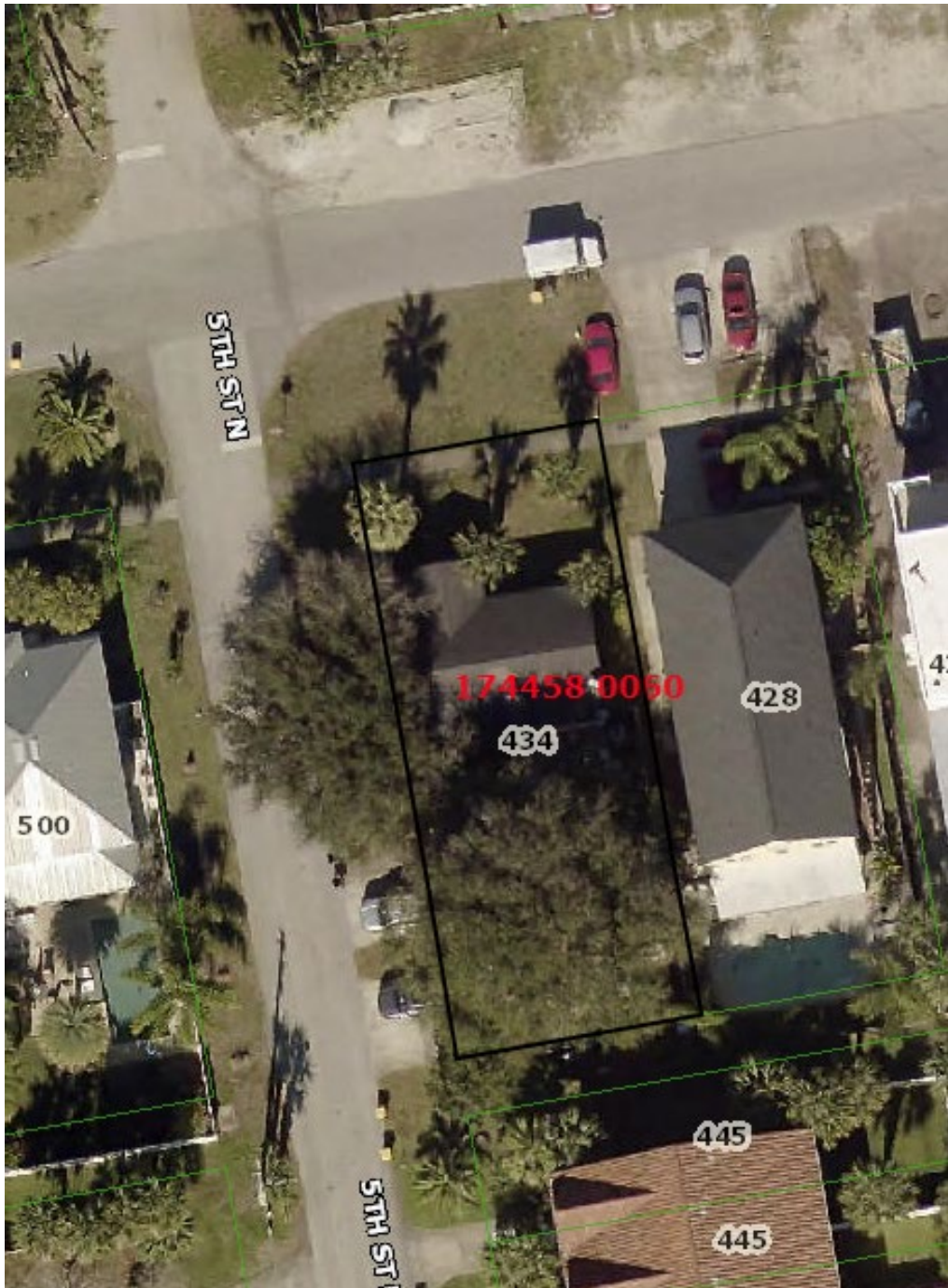
6. Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.

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.

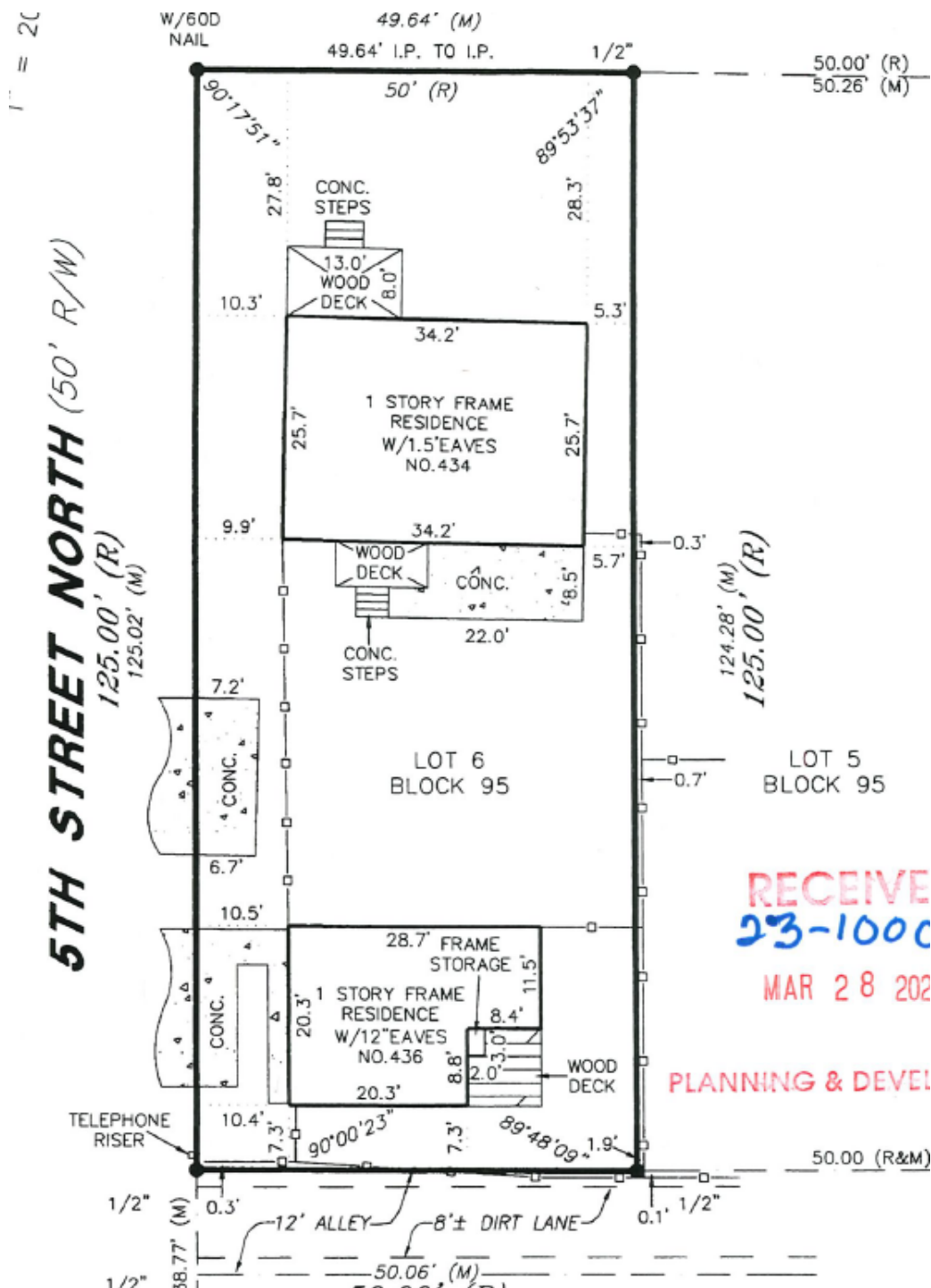
Staff Recommendation

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#23-100033**

Location Map (property boundaries are representative only)



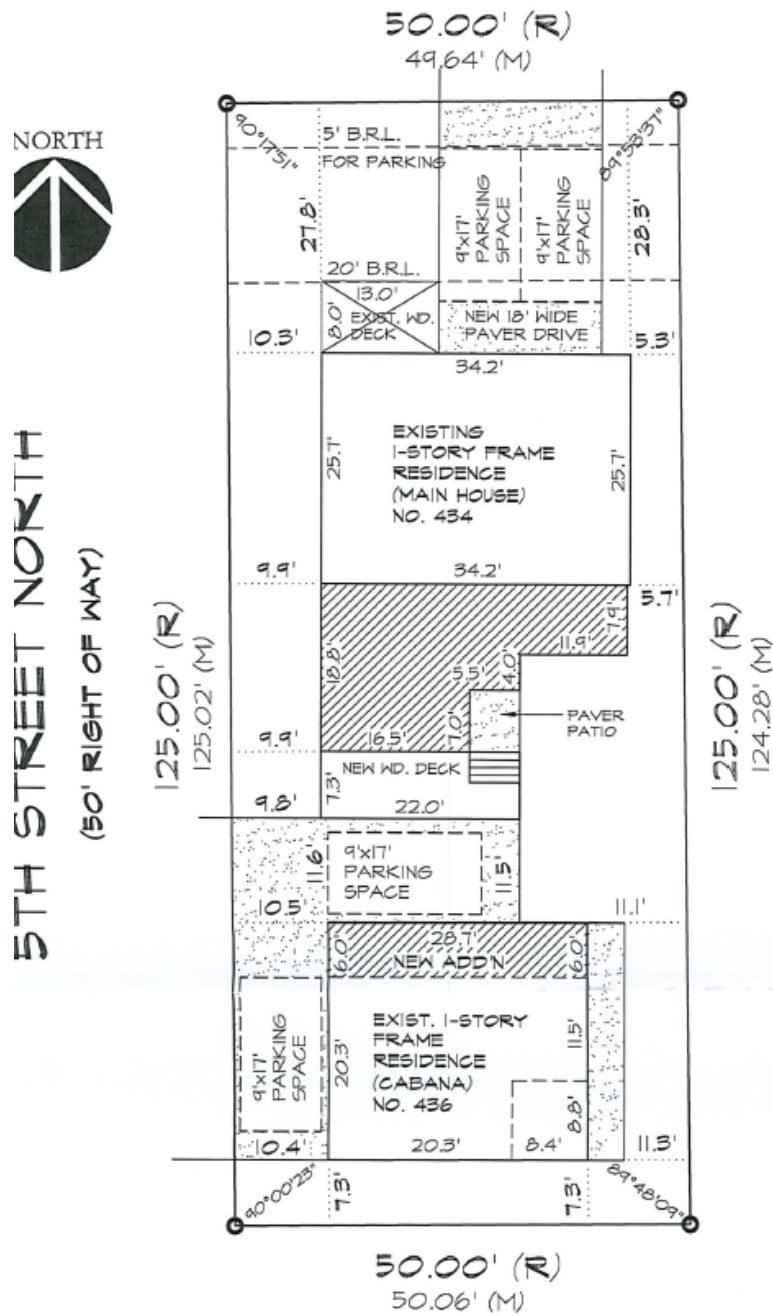
Existing Survey





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

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100033

HEARING DATE 5-2-23

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

REQUIRED DOCUMENTATION

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

APPLICANT INFORMATION

Applicant Name: Jeffrey and Monica Green **Telephone:** 904-333-6187
Mailing Address: PO Box 19889, Jacksonville, FL 32245 **E-Mail:** JEGREEN@theewardburygroup LLC.COM

Agent Name: Charles Hosea, BeeTree Homes, Inc **Telephone:** 904-502-2942
Mailing Address: 11222 St Johns Industrial Parkway, Suite 6 **E-Mail:** chuckhosea@beetreehomes.com
 Jacksonville, FL 32246

Landowner Name: Same as Applicant **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____

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

VARIANCE DATA

Street address of property and Real Estate Number: 434 N 9th Ave, Jacksonville Beach, FL. 174458-0060
 Legal description of property (Attach copy of deed): Lot 6, Block 95, Pablo Beach North
 Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
Side yard setback of 5 feet on main structure in lieu of 10ft, rear setback of 7ft in lieu of 30ft,
configuration of 4 off street parking spots

AFFIDAVIT

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

APPLICANT SIGNATURE

PRINT APPLICANT NAME

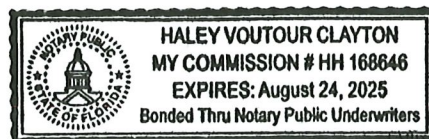
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of March, 20 23, by Charles Hosea, who is personally known to me or produced _____ as identification.

NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME



(Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RM-1

FLOOD ZONE: X/X-shaded

CODE SECTION (S):

34-339(e)(3)c.2, for a side yard setback of 5 feet in lieu of 10 feet minimum along the eastern property line; 34-339(e)(3)c.3, for a rear yard setback of 7 feet in lieu of 30 feet minimum; and 34-373(d), for a parking area setback of zero feet in lieu of 5 feet minimum for the rear structure parking along the western property line, to rectify existing non-conformities and allow for additions and renovations to existing multi-family structures

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA NO. **23-100033**

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

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	The existing structures were constructed in 1948 and the basic footprint has not been altered. The setbacks that were in place at that time were more lenient.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	The existing structures were built in 1948 and the current owners purchased the property 2006. The current owners have not altered the property since that time.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	The renovation of the structures will assist in bringing them more into compliance with the current codes, but the variance is needed in order to accomplish this.
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 structures are need of repair, which would not be available without the variance.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	The request is the minimum that will allow the structures to be brought up to date and within the majority of the current codes.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	The request will allow the property to be brought to more current state which will assist in improving property values of the neighbors and will not encroach on any neighboring property use or enjoyment.

133448
Record and return to:
Monica E. Green
P. O. Box 19889
Jacksonville, Florida 32245

RECEIVED
23-100033
MAR 15 2023

PLANNING & DEVELOPMENT

②
18.50
2310.2

General Warranty Deed

Made this March 31, 2006 A.D. By **Richard K. McDill and Irene T. McDill, his wife**, whose address is: , hereinafter called the grantor, to **Monica E. Green and Jeffrey E. Green, wife and husband**, whose post office address is: P. O. Box 19889, Jacksonville, Florida 32245, hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

Lot 6, Block 95, FLORIDA LAND INVESTMENT COMPANY AND PABLO BEACH IMPROVEMENT COMPANY'S REPLAT OF PART OF PABLO BEACH NORTH, as per plat thereof, recorded in Plat Book 9, Page 32, of the current Public Records of Duval County, Florida

Parcel ID Number: 174458-0060

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

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

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

Signed, sealed and delivered in our presence:

Witness Printed Name _____

Leslie Thornton

Witness Printed Name **LESLIE THORNTON**

State of Florida

County of St. Johns

The foregoing instrument was acknowledged before me this 21st day of March, 2006, by Richard K. McDill and Irene T. McDill, his wife, who is/are personally known to me or who has produced _____ as identification

Driver's Licenses



Richard K. McDill (Seal)
Richard K. McDill

Address: _____

Irene T. McDill (Seal)
Irene T. McDill

Address: 430 9th Avenue North, Jacksonville Beach, Florida 32250

Gerard E. Schloth
Notary Public
Print Name: _____

My Commission Expires: _____

PROPOSED

MAP SHOWING SURVEY OF:

LOT 6, BLOCK 95 ACCORDING TO THE FLAT OF
FLORIDA LAND INVESTMENT CO. AND PABLO BEACH
IMPROVEMENT CO.'S REPLAT OF PART OF PABLO
BEACH NORTH AS RECORDED IN FLAT BOOK 9,
PAGES 32 OF THE CURRENT PUBLIC RECORDS OF
DUVAL COUNTY, FLORIDA.

9TH AVENUE NORTH

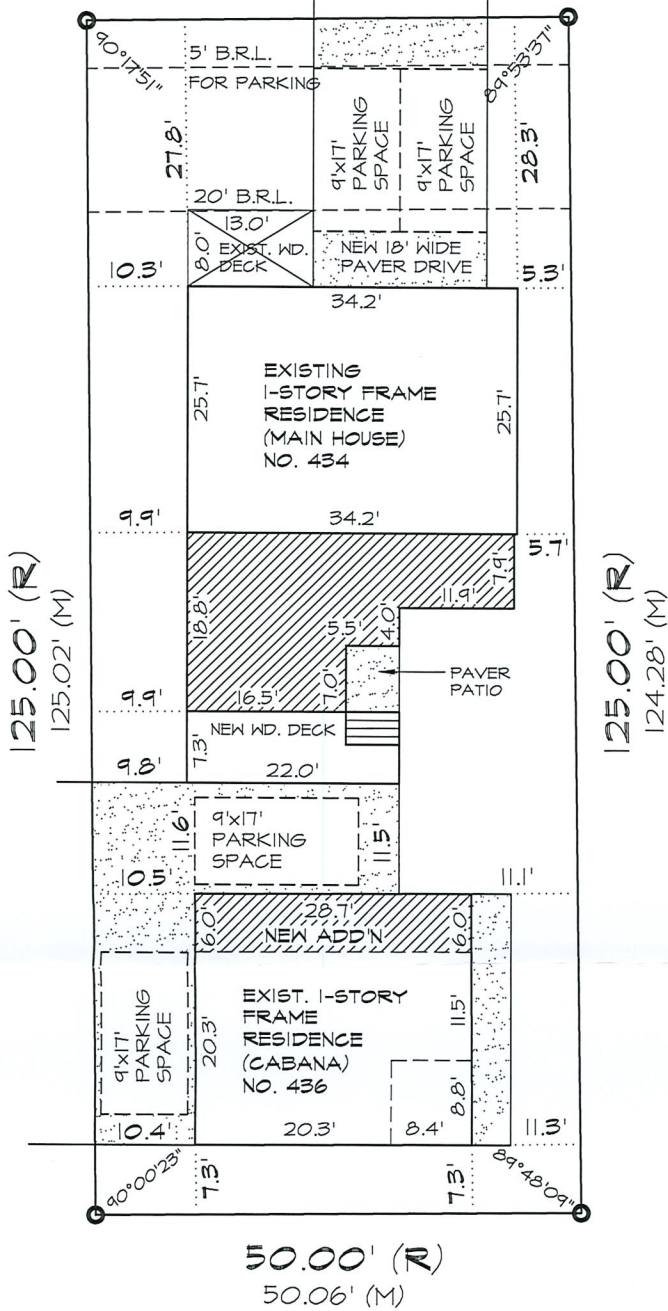
(95' RIGHT OF WAY)

50.00' (R)
49.64' (M)



5TH STREET NORTH

(50' RIGHT OF WAY)



PROPOSED SITE PLAN

SCALE: 1" = 20'

IMPERVIOUS CALCULATIONS

EXISTING MAIN HOUSE = 879 SQ. FT.
EXISTING FRONT PORCH = 104 SQ. FT.
EXISTING CABANA = 583 SQ. FT.

TOTAL EXISTING = 1566 SQ. FT.

NEW MAIN HOUSE ADDITION = 467 SQ. FT.
NEW DECK: 161 SQ. FT.
NEW CABANA ADDITION = 172 SQ. FT.
NEW PAVERS = 1294 SQ. FT. x 75% = 970 SQ. FT.

TOTAL NEW AREA = 1770 SQ. FT.

TOTAL IMPERVIOUS AREA = 3336 SQ. FT.

6269 SQ. FT. TOTAL LOT
% IMPERVIOUS USED FROM LOT = 53 %

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23-100033
MAR 30 2023

PLANNING & DEVELOPMENT



ADDITION AND REMODEL
FOR THE
THE GREEN RESIDENCE
434 9TH AVE. N.
JACKSONVILLE BEACH, FL

DRAWN BY: JRF

CHECKED:

DATE: 03-27-23

SCALE: 1"=20'

JOB NO:

SHEET:

A1.1

EXISTING

original

MAP SHOWING BOUNDARY SURVEY OF LOT 6 BLOCK 95 ACCORDING TO THE PLAT OF FLORIDA LAND INVESTMENT CO. AND PABLO BEACH IMPROVEMENT CO.'S REPLAT OF PART OF PABLO BEACH NORTH

AS RECORDED IN PLAT BOOK 9, PAGE(S) 32 OF THE CURRENT
CERTIFIED TO: PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

JEFFREY GREEN, MONICA GREEN, STEWART TITLE GUARANTY COMPANY,
WATSON & OSBORNE TITLE SERVICES, INC. AND HOMECOMING FINANCIAL, INC.

9TH AVENUE NORTH

(95' R/W)

50.00' (R)

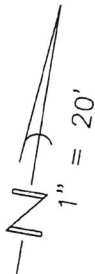
49.64' (M)

49.64' I.P. TO I.P.

1/2"

50.00' (R)
50.26' (M)

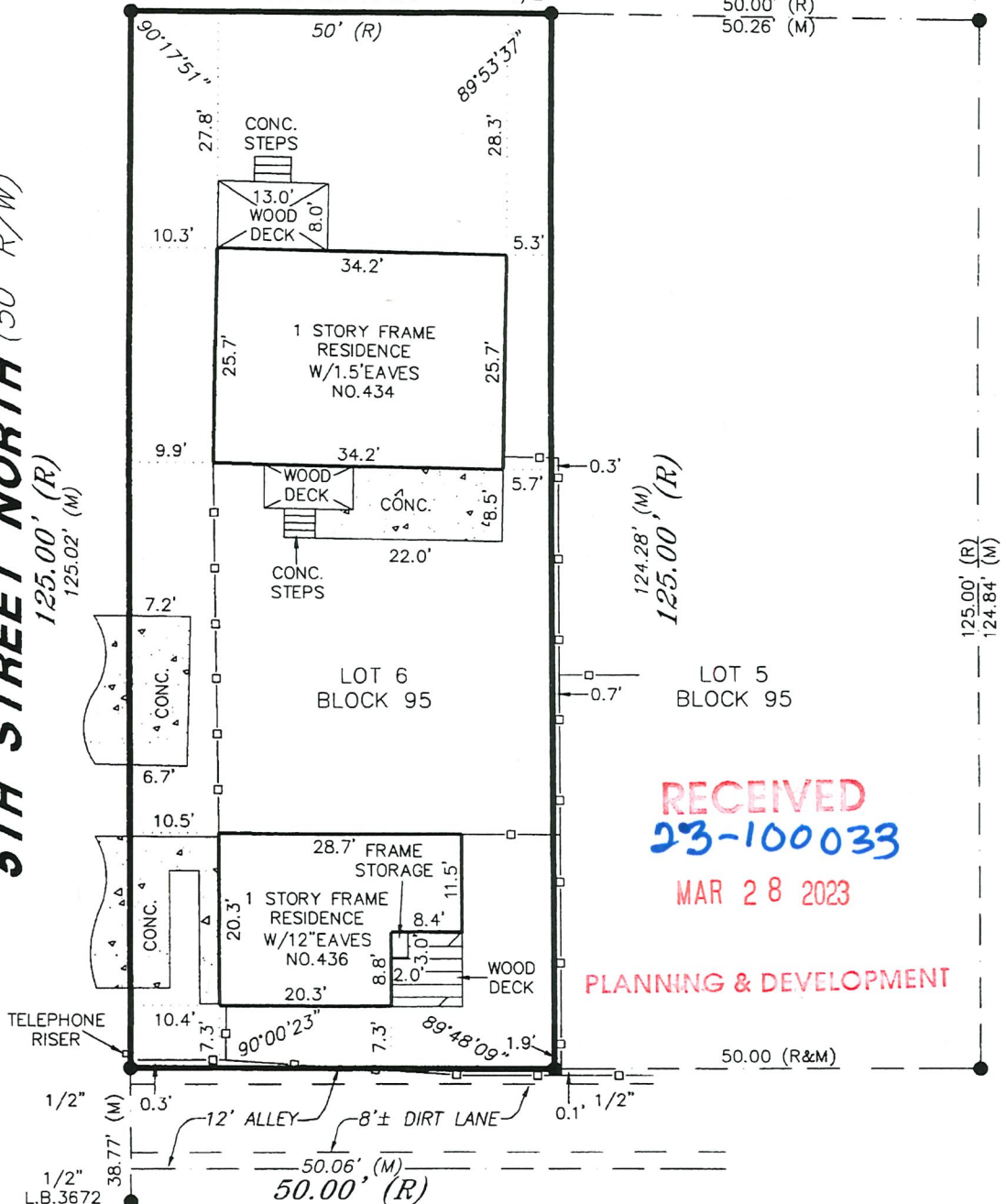
1/2"



1" = 20'

5TH STREET NORTH (50' R/W)

125.00' (R)
125.02' (M)



RECEIVED
23-100033

MAR 28 2023

PLANNING & DEVELOPMENT



ASSOCIATED SURVEYORS INC.

LAND & ENGINEERING SURVEYS

3846 BLANDING BOULEVARD
JACKSONVILLE, FLORIDA 32210
904-771-6468

CERTIFICATE OF AUTHORIZATION NO. LB 0005488

I HEREBY CERTIFY THIS SURVEY WAS DONE UNDER MY DIRECT SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER 61G17-6, FLORIDA ADMINISTRATION CODE, CHAPTER 472, F.S.

BY: *Raymond J. Schaefer*
CHARLES B. HATCHER FLORIDA CERTIFICATE NO. 3771
CHARLES L. STARLING FLORIDA CERTIFICATE NO. 4579
RAYMOND J. SCHAEFER FLORIDA CERTIFICATE NO. 6132

JOB NO. 48957B
SCALE: 1" = 20'

DATE 03-17-2006
DRAFTER W. PADGETT

GENERAL NOTES:

- ANGLES ARE SHOWN FOR THIS SURVEY
- STRUCTURE NO. 434 SHOWN HEREON LIES WITHIN FLOOD ZONE X AS BEST DETERMINED FROM F.E.M.A. FLOOD MAPS PANEL NO. 1 DATED 04-17-1989.
- THIS IS A SURFACE SURVEY ONLY. THE EXTENT OF UNDERGROUND FOOTINGS, PIPES AND UTILITIES, IF ANY, NOT DETERMINED.
- JURISDICTIONAL AND/OR ENVIRONMENTALLY SENSITIVE AREAS IF ANY, NOT LOCATED BY THIS SURVEY.
- THIS SURVEY BASED ON LEGAL DESCRIPTIONS FURNISHED. THE PUBLIC RECORDS WERE NOT SEARCHED BY THIS SURVEYOR FOR EASEMENTS, TITLE, COVENANTS, RESTRICTIONS, CLOSURES, TAKINGS OR ORDINANCES, ETC. THERE COULD BE OTHER MATTERS OF RECORD THAT AFFECT THIS PARCEL.
- UNLESS OTHERWISE STATED ALL IRON PIPES FOUND HAVE NO IDENTIFICATION.

LEGEND/ABBREVIATIONS

- | | | |
|--|---|---------------------|
| ○ SET IRON PIPE OR REBAR | P.C. = POINT OF CURVE | COV'D = COVERED |
| "ASSOC. SURVEY" OR L.B. 5488 | P.T. = POINT OF TANGENCY | E.B. = ELECTRIC BOX |
| ● FOUND IRON PIN OR PIPE (IP) | P.R.C. = POINT OF REVERSE CURVE | |
| ■ FOUND CONCRETE MONUMENT (C.M.) | P.C.C. = POINT OF COMPOUND CURVE | |
| X = CROSS CUT OR DRILL HOLE | (C) = COMPUTED DATA | R/W = RIGHT OF WAY |
| (R) = RECORD (M) = MEASURED | CONC. = CONCRETE | B.T. = BUILDING TIE |
| R = RADIUS L = ARC LENGTH | A/C = AIR CONDITIONER (E.T.) = EAVE TIE | |
| O.R.B. = OFFICIAL RECORD BOOK | W = WATER METER | U = UTILITY POLE |
| O.R.V. = OFFICIAL RECORD VOLUME | P.E.Q. = POOL EQUIPMENT | G = GUY ANCHOR |
| P.R.M. = PERMANENT REFERENCE MONUMENT | -O.U.- = OVER HEAD UTILITIES | CH = CHORD |
| B.R.L. = BUILDING RESTRICTION LINE | X-X = CHAIN LINK FENCE | BTN. = BETWEEN |
| E.T. = ELECTRIC TRANSFORMER & PAD | W-W = WIRE FENCE | -D-D = WOOD FENCE |
| J.E.A. = JACKSONVILLE ELECTRIC AUTHORITY | C & R = COVENANTS & RESTRICTIONS | |

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



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

BOA#23-100034

Zoning: RS-1
RE: 179997-5060
Legal: Lot 12, Plantation Oaks S/D
Address: 1379 Plantation Oaks Drive North

Request

Section(s): 34-336(e)(1)e, for lot coverage of 43% in lieu of 35% maximum; and 34-336(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet minimum along the northern property line and 3 feet along the eastern property line, to allow for the construction of a new pool and pool deck at an existing single-family dwelling

Existing Conditions

The subject property is a legal **conforming** lot of record (circa 1988) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The subject property is roughly 130 feet in depth and 100 feet in width, with an overall area of 13,105 square feet. The subject property is comprised of a single platted lot in the Plantation Oaks subdivision. The subject home was constructed in 1992, at or before the adoption of the Land Development Code. Based on the existing lot coverage of 36.41% it's likely the home was built prior to adoption, or perhaps prior to full implementation of the new code. The home is located roughly in the middle of the lot, with a side entry garage and driveway along the eastern property line. Additionally there is a nonconforming shed in the rear yard that is less than 5 feet off the eastern side yard.

No previous BOA, No active code enforcement.



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

Staff Analysis

The subject property is a conforming lot, platted in 1988. The lot meets all the standards for the RS-1 zoning district. The house itself along with the rear shed are both nonconforming in lot coverage for the main home and setbacks for the rear shed. The applicant is requesting to install a new pool and pool deck in the rear yard. The proposed pool would be 3 feet off the rear property line and the decking would increase the lot coverage from 36.41% to 42.13%. Though the change is small, the lot is of the correct size for the zoning district and therefore has no hardship with regards to area. Though there is a nonconforming lot coverage currently, there is no compelling reason in the record to approve more lot coverage, as there is no hardship. Staff would recommend that the applicant be approved with some limited conditions, as they relate to rectifying the existing nonconformities with the shed and main house. There is nothing that would prevent the applicant from installing a coping only pool and some form of 100% pervious material like gravel or artificial turf around the pool. Also staff does agree that between a required setback from the house and the rear yard, the reduction in rear yard is the better of the two options, as separation from the house is also a building code issue potentially, depending on how the pool is constructed.

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.



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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is conforming and not substandard in any way. The existing home and shed do have nonconformities that could constitute a hardships as it related to potential future renovations, so approving relief for those elements would be reasonable.

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

Staff **does not** find that circumstances are a result of the applicant. Though the lot is not substandard, the existing lot coverage and setback for the shed are not the result of the applicant, and therefore are not self-imposed. The extra pool deck that would increase the lot coverage without a recognized hardship would be self-imposed.

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 request to add additional lot coverage to a lot that not only meets but exceeds the minimum lot size and width for the RS-1 zoning district would confer a special privilege as compared to other properties in the same zoning district.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. As noted, any future renovations would be hampered by the existing nonconforming lot coverage and the location of eh existing shed. Those issues would be an undue hardship to future care of the house. However the additional lot coverage for the pool deck does not constitute a hardship were it denied.



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

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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed addition to the exiting property. The minimum variance needed would be to approve the existing 36.41% lot coverage and the 3 foot setback along the eastern side yard for the existing shed. Anything above 36.41% would not be the smallest variance necessary.

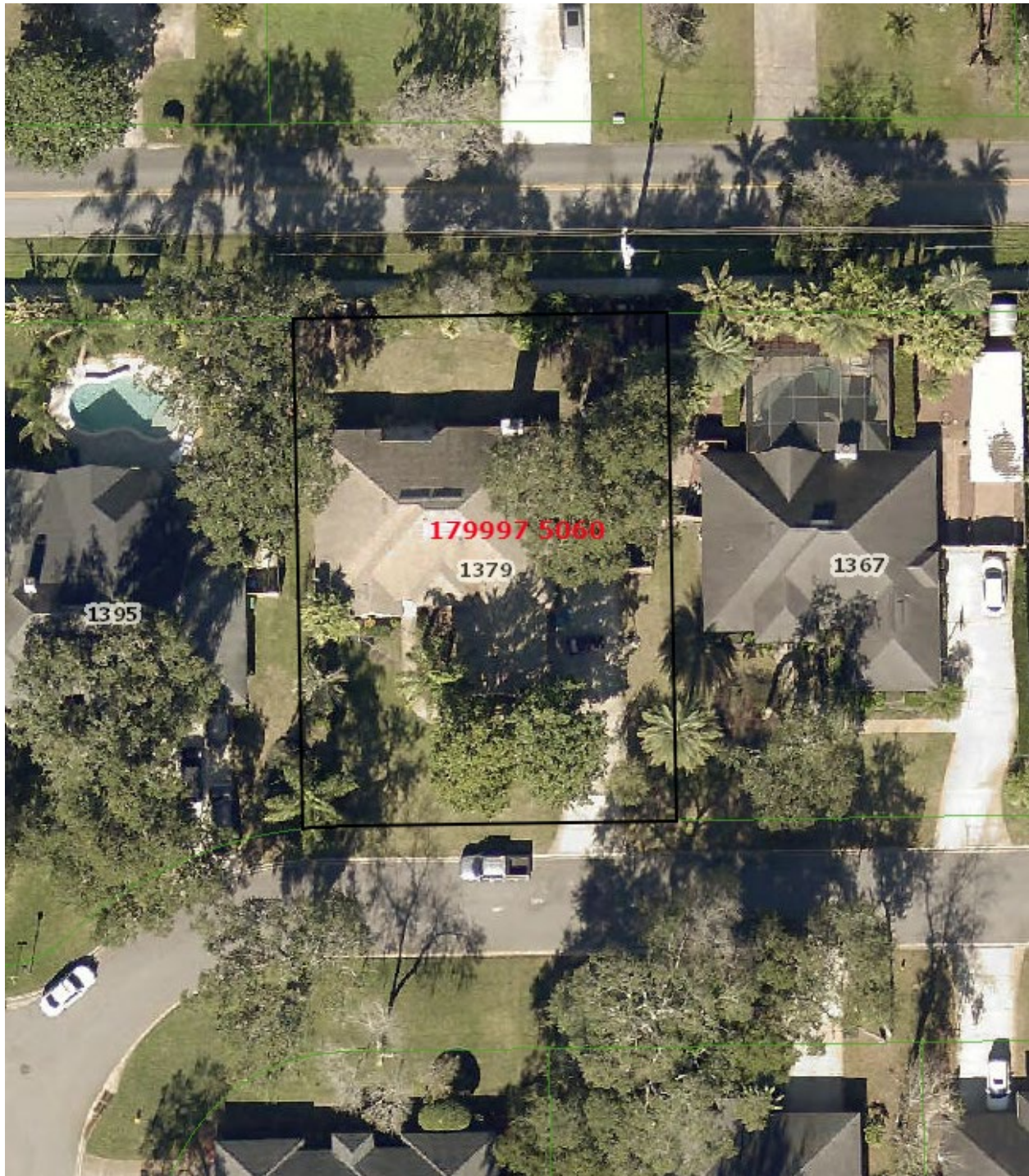
6. Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.

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.

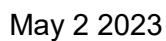
Staff Recommendation

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#23-100034 with the following conditions: 1) lot coverage should be limited to the existing 36.41% and 2) the accessory setback for the shed and proposed pool both be granted at 3 feet for each respectively.**

Location Map (property boundaries are representative only)



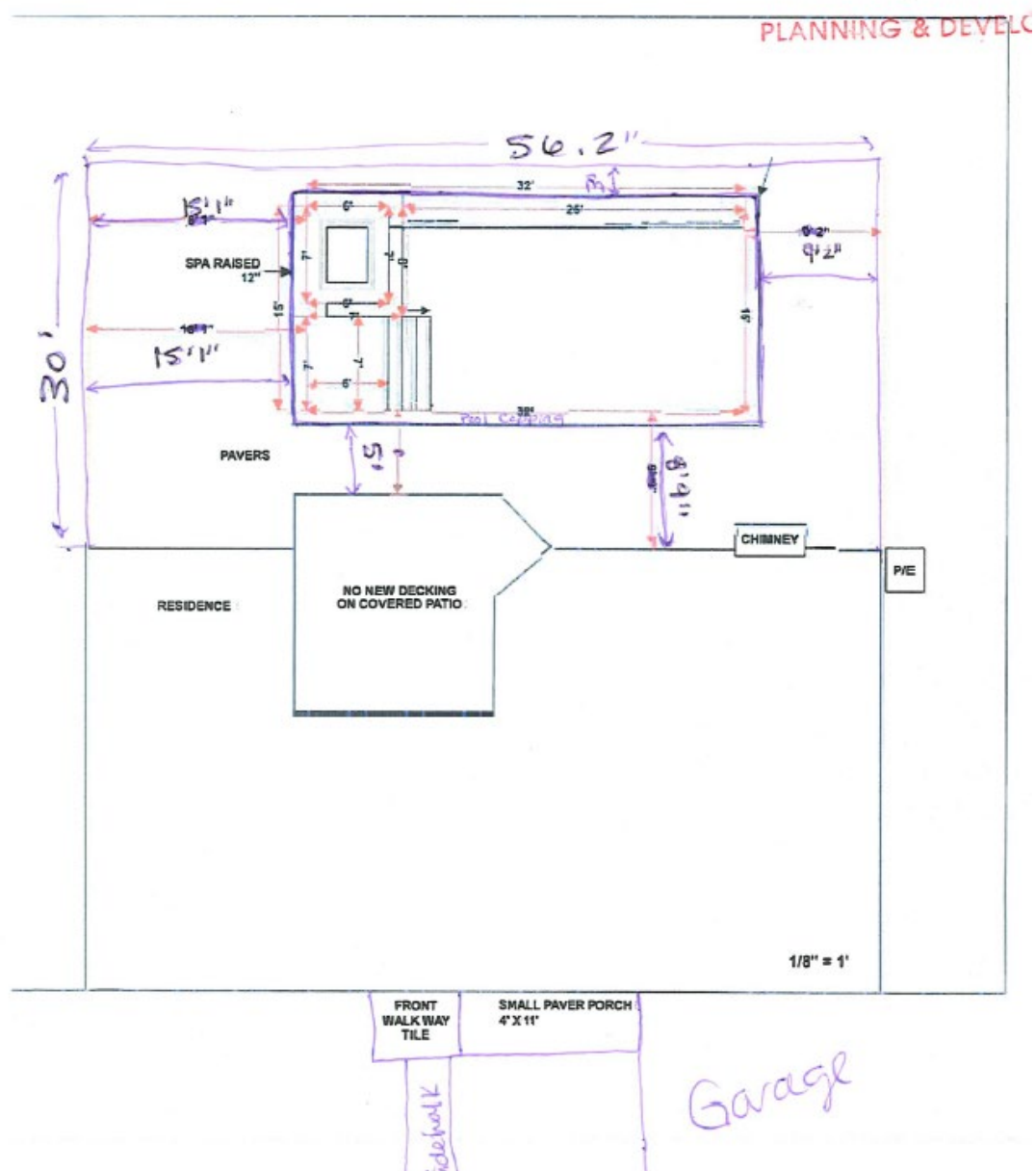
PARCEL "B", OFFICIAL RECORDS VOLUME 754, PAGE 96



Proposed Site Plan

LAYOUT DRAWING PROPOSED PAVER CHANGE

RECEIVED
23-10003
MAR 28 2023





APPLICATION FOR VARIANCE

BOA NO. 23-160034

HEARING DATE 5.2.23

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

REQUIRED DOCUMENTATION

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

APPLICANT INFORMATION

Applicant Name: Russell Rendon and Michelle Rendon **Telephone:** (407) 595-8647
Mailing Address: 1379 Plantation Oaks Drive N **E-Mail:** michellekrendon@gmail.com
Jacksonville Beach, FL 32250
Agent Name: _____ **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____
Landowner Name: Russell and Michelle Rendon **Telephone:** (904) 742-0771
Mailing Address: same **E-Mail:** rendonr@jaguars.nfl.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: 1379 Plantation Oaks Drive N
 Legal description of property (Attach copy of deed): single family dwelling
 Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
Lot coverage in order to put in pavers around pool to a single family dwelling.

AFFIDAVIT

I, Michelle Rendon, 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.

Michelle Rendon
 APPLICANT SIGNATURE

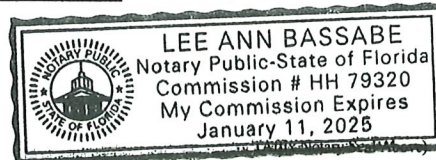
Michelle Rendon
 PRINT APPLICANT NAME

3/15/23
 DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15th day of march, 2023, by Michelle Rendon, who is personally known to me or produced FL Drivers License as identification.

Lee Ann Bassabe
 NOTARY PUBLIC SIGNATURE
 PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X

CODE SECTION (s):
 34-336(e)(1)e, for lot coverage of 43% in lieu of 35% maximum; and 34-336(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet minimum along the northern property line and 3 feet along the eastern property line, to allow for the construction of a new swimming pool and pool deck at an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONSBOA No. 23-100034

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.

MAR 15 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.	No	I am unsure if this applies but our backyard sits up against Fairway and sits higher than the road.
Special circumstances and conditions do not result from the actions of the applicant.	No	Not that we are aware.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	No	Not that we are aware.
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	We purchased the home with a 36.41% variance. We would have utilized the coverage differently to provide adequate pavers around the pool so we can properly secure the perimeter is safe for our three children and our neighborhood full of young friends. Two out of our three children have tripped running into the existing coping only pool siding. We currently have 2 pool alarms installed which is up to code, however we now feel installing a perimeter pool gate would be safer. Unfortunately, this is unable to be installed into the coping only set up. We also have a raccoon problem in our neighborhood. The raccoons are currently defecating in our pool causing unsafe swimming conditions we have to address weekly. We have removed 181 square feet of existing paver to help with the additional space we are adding.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	By granting us this additional variance it will allow our pool deck to extend from the existing dwelling space to create a level plane to walk to from the house and step into pool. We will be able to add additional safety fencing and safely utilize this wonderful pool addition.
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	Please refer to emails sent in from supporting neighbors

Prepared by:

The Law Offices of Rod Schloth, P.A.
2187 South Third Street
Jacksonville Beach Florida 32250
File #: RS13-1856

RECEIVED
23-100034
MAR 15 2023

PLANNING & DEVELOPMENT

Record and return to:
Russell Rendon and Michelle Rendon
1379 Plantation Oaks Drive North
Jacksonville Beach, Florida 32250

General Warranty Deed

Made this November 12, 2013 A.D. By **Sharon Scholl, an unmarried woman**, whose address is: 2049 Selva Marina Drive, Atlantic Beach, Florida 32233, hereinafter called the grantor, to **Russell Rendon and Michelle Rendon, husband and wife**, whose address is: 1379 Plantation Oaks Drive North, Jacksonville Beach, Florida 32250, hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of Three Hundred Forty Thousand dollars & no cents, (\$340,000.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

Lot 12, PLANTATION OAKS, a subdivision according to the plat thereof recorded at Plat Book 44 pages 10, 10A through 10G in the Public Records of Duval County, Florida.

Parcel ID Number:

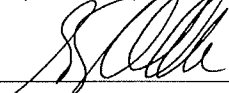
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2013.

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

Signed, sealed and delivered in our presence:



Witness Printed Name G. E. SCHLOTH

Sharon Scholl (Seal)
Sharon Scholl
Address: _____

Evelyn B. Martin

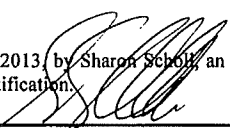
Witness Printed Name EVELYN B. MARTIN

Address: _____

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 12th day of November, 2013, by Sharon Scholl, an unmarried woman, who is/are personally known to me or who has produced _____ as identification.

DRIVERS LICENSE


Notary Public
Print Name: G. E. SCHLOTH
My Commission Expires: _____



LAYOUT DRAWING PROPOSED PAVER CHANGE

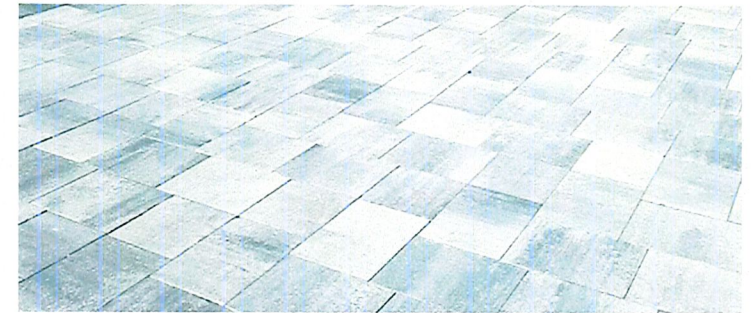
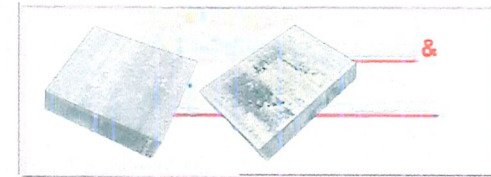
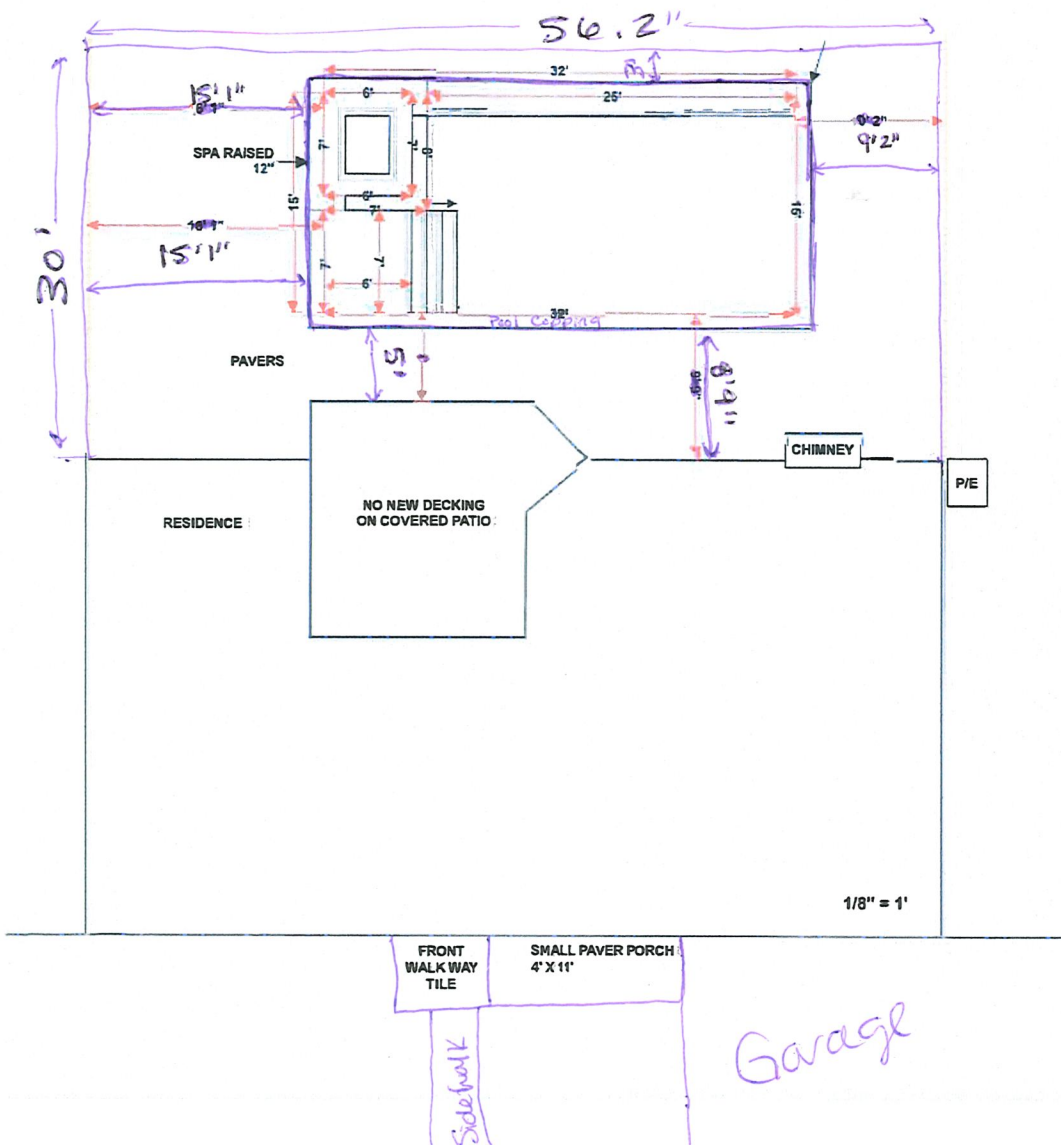
RECEIVED
23-100034
MAR 28 2023

RUSSELL & MICHELLE RENDON
1379 PLANTATION OAKS DRIVE N.
JACKSONVILLE BEACH, FL 32250

LOT AREA = 13,105 SQUARE FEET
HOUSE = 2,935 S.F.
SHED = 80 S.F.
CONCRETE = 1,264 S.F.
TILE = 312 S.F.
NEW PAVERS = 930 S.F.
TOTAL = 5,521 S.F.

NEW VARIANCE = 42.13%

PLANNING & DEVELOPMENT



Current Impervious Calculations:

Lot Area = 13,105 S.F.

House = 2,935 S.F.

Shed = 80 S.F.

Concrete = 1,264 S.F.

Tile = 312 S.F.

Pavers = 181 S.F.

Total = 4,772 S.F.

= 36.41%

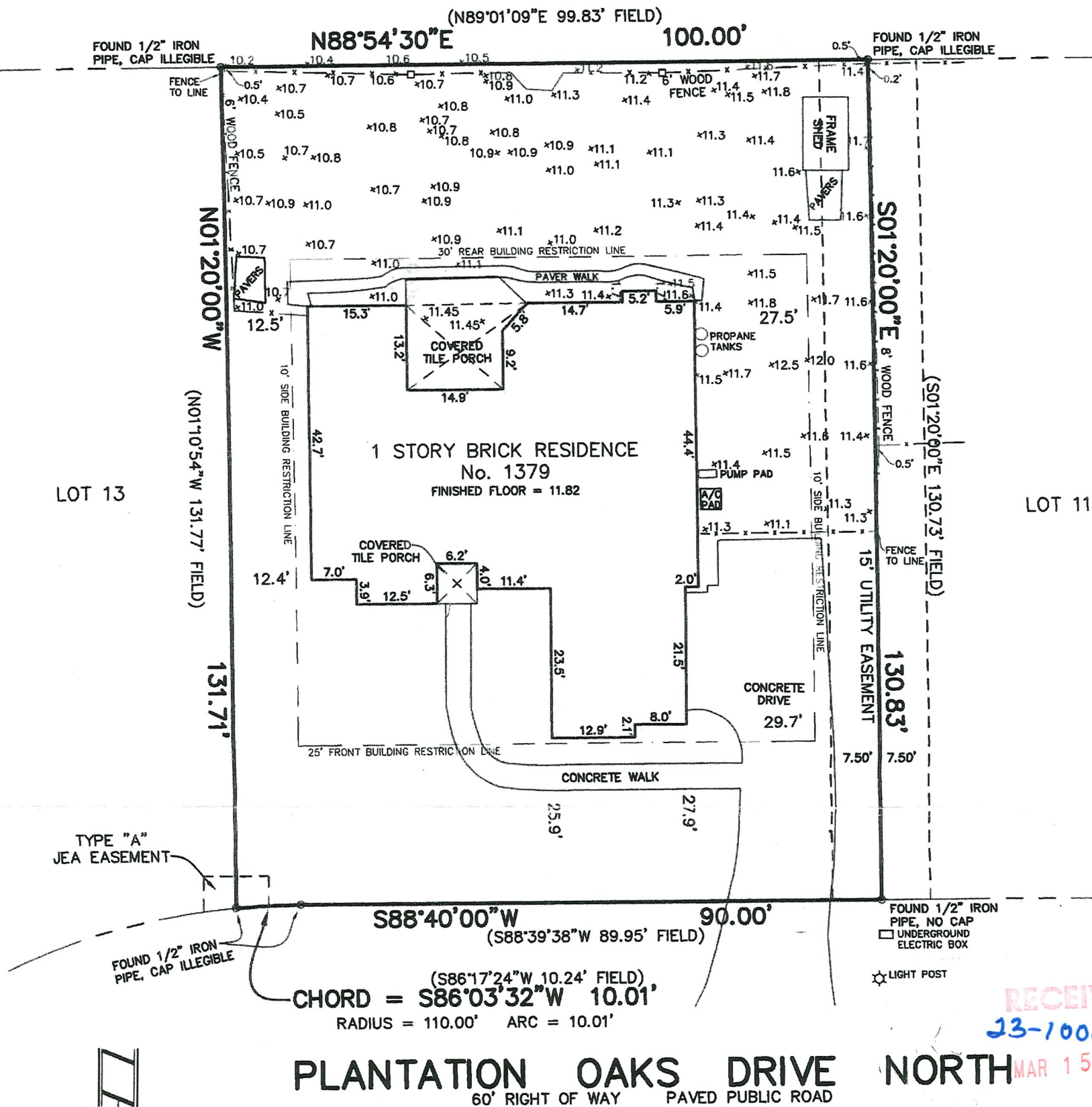
EXISTING

MAP SHOWING SURVEY OF

LOT 12, PLANTATION OAKS, AS RECORDED IN PLAT BOOK 44, PAGES 10-10G OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

FAIRWAY LANE

60' RIGHT OF WAY PAVED PUBLIC ROAD
PARCEL "B", OFFICIAL RECORDS VOLUME 754, PAGE 96



PLANTATION OAKS DRIVE NORTH
60' RIGHT OF WAY PAVED PUBLIC ROAD

BENCH MARK: SET MAGNAIL & DISK
(LB3672) IN SOUTH EDGE OF PAVEMENT.
ELEVATION = 8.92 N.A.V.D. 1988

NOTES

1. THIS IS A BOUNDARY AND LIMITED TOPOGRAPHIC SURVEY.
2. BEARINGS ARE BASED ON THE EAST LINE OF LOT 12 BEING SOUTH 01°20'00\"

IMPERVIOUS CALCULATIONS:
(IN SQUARE FEET (S.F.))

LOT AREA	= 13,105 S.F.
HOUSE	= 2,935 S.F.
SHED	= 80 S.F.
CONCRETE	= 1,264 S.F.
TILE	= 312 S.F.
PAVERS	= 181 S.F.
TOTAL	= 4,772 S.F.
	= 36.41%

THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP NO. 12031C0418J, EFFECTIVE NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

THIS SURVEY IS CERTIFIED TO: MICHELLE & RUSSEL RENDON.

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

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

CHECKED BY: _____
DRAWN BY: SWC
FILE: 2021-1694

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

DATE: DECEMBER 10, 2021
SHEET 1 OF 1