



City of Jacksonville Beach

Regular Meeting Agenda

Board of Adjustment

11 North Third Street
Jacksonville Beach, Florida

Tuesday, June 6, 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 May 2, 2023
- B. Regular Board of Adjustment meeting held on May 17, 2023

CORRESPONDENCE

OLD BUSINESS

A. **Case Number(s): BOA#22-100092**

Applicant: Matthew Lents

Agent: N/A

Owner: Matthew Lents

Property Address: 1201 3rd Street North

Parcel ID: 174613-0000

Legal Description: Lot 12, Block 123, *Northern Portion of Pablo Beach*

Current Zoning: C-1

Motion to Consider: 34-377, for 6 on-site parking spaces in lieu of 14 required to allow for construction of a second story office space addition and a third story auxiliary dwelling unit to an existing one-story office building

NEW BUSINESS

A. **Case Number(s): BOA#23-100039**

Applicant: Michael Cowart

Agent: Judy Cowart

Owner: Michael & Judy Cowart

Property Address: 1848 Evans Drive South

Parcel ID: 179997-7045

Legal Description: Lot 9, Block 1, *Oakbreeze Cove*
Current Zoning: RS-1
Motion to 34-336(e)(1)c.3, for a rear yard setback of 16 feet in lieu of 30 feet
Consider: minimum; 34-336(e)(1)e, for lot coverage of 42.58% in lieu of 35% maximum, to allow for a new side addition to an existing single-family dwelling

B. **Case Number(s): BOA#23-100040**

Applicant: Alison Ballentine
Agent: N/A
Owner: Michael Ballentine
Property Address: 1612 Tanglewood Road
Parcel ID: 178514-0000
Legal Description: Lot 18, Block 13, *Ocean Forest Unit Three*
Current Zoning: RS-1
Motion to 34-336(e)(1)c.2, for side yard setbacks of 8.2 feet on the south property
Consider: line and 7 feet on the north property line in lieu of 10 feet minimum; and 34-336(e)(1)c.3, for a rear yard setback of 5 feet in lieu of 30 feet minimum; and 34-336(e)(1)e, for lot coverage of 38% in lieu of 35% maximum, to allow for a new rear addition and attached breezeway and to rectify existing non-conformities at an existing single-family dwelling

C. **Case Number(s): BOA#23-100042**

Applicant: Brad Wester
Agent: Brad Wester
Owner: Peter Gibson
Property Address: 3527 Ocean Drive
Parcel ID: 181423-0000
Legal Description: Lots 7 and 8, Block 1, *Atlantic Shores Ocean Front Section Division "A"*
Current Zoning: RS-1
Motion to 34-336(e)(1)e, for lot coverage of 40% in lieu of 35% maximum, to allow for
Consider: construction of a new single-family dwelling

D. **Case Number(s): BOA#23-100045**

Applicant: Vanessa White Weaver
Agent: N/A
Owner: Vanessa White Weaver
Property Address: 3839 Poinciana Boulevard
Parcel ID: 181323-0000
Legal Description: Lot 21, Block 8, *Ocean Terrace*
Current Zoning: RS-1
Motion to 34-336(e)(1)e, for lot coverage of 51% in lieu of 35% maximum; and
Consider: 34:373(d), for a parking area setback of zero feet in lieu of 5 feet minimum, to allow for expansion of an existing driveway at an existing single-family dwelling

E. **Case Number(s): BOA#23-100047**

Applicant: Jeffrey & Natalie Brewster
Agent: Paul Zebouni
Owner: Jeffrey & Natalie Brewster

Property Address: 2519 Independence Drive
Parcel ID: 181076-1426
Legal Description: Lot 147, *Constitution Cove Unit Five*
Current Zoning: RS-2
Motion to 34-337(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet
Consider: minimum to allow for construction of a new addition to an existing single-family dwelling

F. **Case Number(s): BOA#23-100048**

Applicant: Casey Lee
Agent: N/A
Owner: Ellen Peterswon
Property Address: 725 3rd Street North
Parcel ID: 174266-0000
Legal Description: Lot 6, Block 73, *Pablo Beach Improvement Company's Plat of Part of the Northern Portion of Pablo Beach*
Current Zoning: C-1
Motion to 34-342(e)(3)a, for a front yard setback of 8 feet in lieu of 10 feet minimum;
Consider: 34-342(e)(5), for 100% lot coverage in lieu of 85% maximum; 34-373(b) for a two way parking isle width of 8 feet 10 inches in lieu of 23 feet minimum; 34-373(c), for no turning and maneuvering space in lieu of required space for commercial parking; 34-373(d), for a parking setback of zero feet in lieu of 5 feet required; 34-377, for one parking space in lieu of 8 spaces required for a new beauty shop (skin care) use located in the C-1 zoning district; 34-425(a)(3) for zero trees in lieu of one required tree; 34-425(b)(1), for no landscape buffer adjacent to the public right-of-way in lieu of 5 feet required; and 34-425(c)(1), for no interior landscape islands in lieu of one required island, to allow for the renovation and re-use of an existing non-conforming commercial mixed use structure

PLANNING DEPARTMENT REPORT

A. The next scheduled meeting will be Wednesday, June 21, 2023. There are five scheduled cases.

COURTESY OF THE FLOOR TO VISITORS

ADJOURNMENT

NOTICE

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

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

consideration and will be limited to a maximum of three minutes or less, at the discretion of the presiding officer.

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

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

cc: Mike Staffopoulos, City Manager; City Attorney

**Minutes of Board of Adjustment Meeting
held Tuesday, May 2, 2023, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

Vice-Chair Owen Curley called the meeting to order at 5:59 P.M.

ROLL CALL:

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

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

APPROVAL OF MINUTES:

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

- Regular Board of Adjustment Meeting held on April 18, 2023

CORRESPONDENCE:

Senior Planner Christian Popoli stated correspondence was located on the dais.

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: **BOA#23-100028**
Applicant/Owner: Gaylord Candler & Georgette Dumont
Agent: N/A
Property Address: 507 16th Avenue South
Parcel ID: 176933-0000

City of Jacksonville Beach Land Development Code Section(s): 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.

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

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to move BOA#23-100028 to the end of the agenda.

In a voice vote, the motion passed unanimously.

B. Case Number: **BOA#23-100032**
Applicant/Owner: Kevin O'Malley
Agent: N/A
Property Address: 712 Bonaire Circle
Parcel ID: 180949-1220

City of Jacksonville Beach Land Development 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.

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

Applicant: Kevin O'Malley, 712 Bonaire Circle, Jacksonville Beach, stated the hardship was the condition of the property upon purchase.

A discussion ensued about HOA and City approval, the driveway, the site survey, the deck, and the paver patio.

Public Hearing:

The following submitted an email [on file] in opposition to the variance:

- Jerome and Mary Gallegos-Bird, 704 Bonaire Circle, Jacksonville Beach
- Ocean Cay Homeowners Association, Inc., 920 3rd Street, Suite B, Neptune Beach

The following spoke on the variance:

- Gary Paetau, 725 Bonaire Circle, Jacksonville Beach

Mr. O'Malley reiterated his position.

A discussion ensued about the conforming lot, the side yard setback, and the Ocean Cay Homeowners Association letter.

Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to deny BOA#23-100032 for failure to meet the standards as special circumstances which do not result in the application as the property is conforming in size.

Discussion: A discussion ensued about lot coverage, the [Special] Magistrate case, nonconformities created by the homeowner, and lack of hardship.

Roll Call Vote: Ayes – Jeff Truhlar, Todd Smith, John Moreland, Jennifer Williams, Owen Curley
The motion to deny passed unanimously.

C. Case Number: **BOA#23-100033**
Applicant/Owner: Jeffrey & Monica Green
Agent: Charles Hosea, Bee Tree Homes, Inc.
Property Address: 434 9th Avenue North
Parcel ID: 174458-0060

City of Jacksonville Beach Land Development 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.

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

Agent: Charles Hosea, 13751 Saxon Lake Drive, Jacksonville, stated the hardship was a nonconforming lot. Mr. Hosea clarified they were requesting the two parking spaces on the west side of the property.

A discussion ensued about parking.

Public Hearing:

No one came forth to speak on this item. Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#23-100033 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about existing nonconformities and lot coverage.

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

D. Case Number: **BOA#23-100034**
Applicant/Owner: Russell & Michelle Rendon
Agent: N/A
Property Address: 1379 Plantation Oaks Drive North
Parcel ID: 179997-5060

City of Jacksonville Beach Land Development 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.

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

Applicant: Russell Rendon and Michelle Rendon, 1379 Plantation Oaks Drive North, Jacksonville Beach, stated the hardship was pool safety. Mr. Rendon noted he would be willing to move or replace the nonconforming shed.

A discussion ensued about the pool, coping, pavers, lot coverage, safety, and hardship. Mr. Rendon provided a handout [on file].

Public Hearing:

The following submitted an email [on file] in support of the variance:

- Paul Anello, 1367 Plantation Oaks Drive, Jacksonville Beach
- Greg Barnett, 1280 Plantation Oaks Drive, Jacksonville Beach
- Jason Lee, 1381 Plantation Oaks Drive South, Jacksonville Beach
- Adam Lane, 1532 Ashford Oaks Way, Jacksonville Beach
- Wyatt Cheek, 1281 Plantation Oaks Drive East, Jacksonville Beach
- Tim Boyd, 1372 Plantation Oaks Drive North, Jacksonville Beach
- Greg & Lisa Terrell, Jacksonville Beach

Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Moreland, seconded by Mr. Truhlar, to approve BOA#23-100034 as it would be within the standards of the Land Development Code and that it be for only 40% [lot coverage].

Discussion: A brief discussion ensued about the HOA support and standards.

Motion to Amend: It was moved by Mr. Metz, seconded by Mr. Truhlar, to amend the motion to approve BOA#23-100034 to reduce from the requested lot coverage of 43% to 40% and not include the accessory structure set back of 3 feet in lieu of 5 feet minimum on the northern property line and to attach the 3 feet eastern property line setback to the existing shed.

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

Discussion: None.

Amended Roll Call Vote: Ayes – Todd Smith, John Moreland, Jeff Truhlar, Jennifer Williams, Owen Curley
The amended motion passed unanimously.

A. Case Number: **BOA#23-100028**
Applicant/Owner: Gaylord Candler & Georgette Dumont
Agent: N/A
Property Address: 507 16th Avenue South
Parcel ID: 176933-0000

City of Jacksonville Beach Land Development Code Section(s): 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.

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

Applicant: Georgette Dumont, 507 16th Avenue South, Jacksonville Beach, stated the hardship was a nonconforming lot.

Public Hearing: No one came forth to speak. Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Moreland, to approve BOA#23-100028 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about the pavers and lot coverage.

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

PLANNING DEPARTMENT REPORT:

The next scheduled meeting is Wednesday, May 17, 2023, at 6:00 P.M. There are three scheduled cases.

Mr. Popoli announced the May 31, 2023, Joint Workshop on the Comprehensive Plan and Land Development Code.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:14 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

**Minutes of Board of Adjustment Meeting
held Wednesday, May 17, 2023, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

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

ROLL CALL:

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

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

APPROVAL OF MINUTES: None

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: **BOA#23-100021**
Applicant Gene Novak
Agent: N/A
Owner: Matthew Hanson & Gene Novak
Property Address: 194 Saint George Court
Parcel ID: 181753-1012

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.1, for a front yard setback of 17.8 feet in lieu of 25 feet minimum; 34-336(e)(1)c.3, for a rear yard setback of 26.5 feet in lieu of 30 feet minimum; 34-336(e)(1)e, for lot coverage of 45% in lieu of 35% maximum; and 34-336(e)(1)g, for an accessory structure setback of one foot along the eastern property line in lieu of 5 feet minimum, to allow for the construction of a new detached accessory structure, rectify existing non-conformities and a new addition to the rear of an existing single-family dwelling.

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

Applicant: Gene Novak and Matt Hanson, 194 Saint George Court, Jacksonville Beach, stated the hardship was a nonconforming lot.

A discussion ensued about the sun deck, pergola, correct lot coverage, neighbor outreach, public notice, and deferral. Senior Planner Christian Popoli confirmed the lot coverage request was incorrectly noticed for 45% instead of 55%.

Public Hearing:

The following spoke in support of the variance:

- Ron May, 193 Saint George Court, Jacksonville Beach

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

- Susan Hartman, 193 Saint George Court, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar, to postpone BOA#23-100021 until June 21, 2023.

Discussion: A brief discussion ensued about an open-air structure.

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

The motion to postpone passed unanimously.

B. Case Number: **BOA#23-100031**
Applicant/Owner: Liam & Whitney Page Waugh Toal
Agent: N/A
Property Address: 902 2nd Avenue North
Parcel ID: 173813-0010

City of Jacksonville Beach Land Development Code Section(s): 34-339(e)(3)c.1, for a front yard setback of 17.3 feet in lieu of 20 feet minimum; 34-339(e)(3)c.2, for a side yard setback of 6.8 feet in lieu of 10 feet minimum along the western property line; 34-339(e)(3)c.3, for a rear yard setback of 4.9 feet in lieu of 30 feet minimum; and 34-377, for two parking spaces in lieu of 4 spaces minimum at a two-unit multi-family property, to allow for the conversion of an existing garage into an efficiency apartment.

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

Applicant: Whitney Page Waugh Toal, 4213 2nd Street South, Jacksonville Beach, stated the hardship was a nonconforming lot.

A discussion ensued about parking, lot coverage, and the carport.

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100031 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about parking.

Motion to Amend: It was moved by Mr. Curley, seconded by Mr. Truhlar, to amend BOA#23-100031 so the approved variance was attached to the current structures and not future structures.

Discussion: None

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

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

PLANNING DEPARTMENT REPORT:

The next scheduled meeting is Tuesday, June 6, 2023, at 6:00 P.M. There are seven scheduled cases.

Mr. Popoli announced a Joint Workshop with the Board of Adjustment, Planning Commission and Community Redevelopment Agency (CRA) to discuss the Comp Plan / LDC update on Wednesday, May 31, 2023, at 6:00 p.m. He announced additional public workshops.

He also introduced the new City Planner, Danevsky Joseph.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:34 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date



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BOA#22-100092

Zoning: C-1
RE: 174613-0000
Legal: Lot 12, Block 123, Pablo Beach North
Address: 1201 N 3rd Street

Request

Section(s): 34-377, for 6 on-site parking spaces in lieu of 14 required to allow for construction of a second story office space addition and a third story auxiliary dwelling unit to an existing one-story office building

Existing Conditions

The subject property is comprised of a lot of record, (circa 1913) located in the Commercial future land use category. The property is currently zoned Commercial Limited: C-1. The Subject lot is 100 feet deep and 62 feet wide, with an overall area of 6,250 square feet. The lot is currently occupied by an existing one story office structure. The existing structure is 1,750 square feet in area, and per the LDC section 34-377 they are required to have 6 parking spaces. The applicant is proposing to add two additional stories to the structure, thus increasing the square footage to 5,250 square feet. The proposed design would turn the second floor into more office area, and the top floor into an accessory dwelling unit, a single dwelling unit in association with an existing commercial use as allowed in the C-1 zoning district. The proposed additional area would add the requirement for another 6 spaces for the additional office use and the third story dwelling would add a required two spaces. This increases the total required parking to 14 spaces, one of which must be ADA compliant.

UPDATE: This application was deferred from September 7th, 2022, to give the applicant the time needed to seek possible offsite parking agreements to help address the deficiencies in parking created by the addition of two more stories to the existing structure. The application was deferred to a date specific meeting of June 6, 2023.

There are no previous Variances and no active code enforcement cases.

Staff Analysis

The subject lot is an existing office structure owned and operated by a tax preparation office. The proposed additions would triple the square footage of the



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structure, but would only double the office space, as the third floor would be used and an accessory dwelling unit / residential space. The existing structure is conforming to all current zoning codes, even though it was built in 1973. The proposed new additions would mirror the footprint of the existing structure, adding a second and third floor on top of the existing structure, thus not adding any additional setback encroachments. The site currently has six parking spaces, though none are currently striped for ADA space designs. Based on staff's review, there is enough room to turn one of the existing parking spaces into an ADA accessible space. The applicant has stated that they currently only have the ability to serve three customers at once and that would not change with the additional office space. The owner has not stated what the total number of employees are. There are several on street parking spaces adjacent to the property that, although do not count towards required parking, are available for public use and certainly could and likely are used by customers of the existing structure.

Minimum development and parking standards

- Minimum lot area: None.
- Minimum lot width: None.
- Minimum yards:
 - Front yard: Ten (10) feet.
 - Side yard: None, except where adjacent to streets. If adjacent to a street ten (10) feet, for a corner lot, the side yard on the corner shall be ten (10) feet.
 - Rear yard: None. For oceanfront lots, the rear yard shall be the yard adjacent to the ocean, or the easterly yard, and the front yard shall be the westerly yard, or yard opposite the rear yard.
- (4) Floor area: None.
- (5) Maximum lot coverage: Eighty-five (85) percent.
- (6) Height: Thirty-five (35) feet.
- Other professional or business offices: one (1) space per three hundred (300) sq. ft. of floor area.
- Dwelling: (two) 2 spaces per dwelling unit.

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;**



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Staff **does not** find that there are circumstances unique to the subject parcel of land. The site is zone C-1 and has no minimum lot size requirement, but is rather small for any type of commercial use. As is common in the C-1 zoning both north and south on 3rd Street, existing commercial lots are very small and difficult to bring into compliance with the current parking demand. Unlike other properties in the area, this structure currently meets the demand for required onsite parking based on its current square footage.

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 lot is a lot of record, platted in 1913. As the property exists today, it meets the parking requirement based on square footage. The request to add additional square footage is the reason for the parking request and is not caused by the existing condition of the property.

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

Staff finds that the proposed variance **will not** confer special privileges. Throughout the C-1 zoning district, there are many small commercial properties in the area that are unable to meet the onsite parking demand based on the existing structures. This property is unique in that it currently does meet the required parking demand based on its small square footage, but it is a common need for existing structures to require parking variances.

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 standards in both number and design, the viability of many redevelopment projects would be unlikely, as most smaller commercial lots cannot accommodate all the required infrastructure and not need some relief from the code.

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



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Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed new home. The proposed use, as described would not have the maximum need for parking required in the LDC, and may have less of an impact to on street parking, however, it is unlikely it will have no impact, but the requested relief is the minimum needed to address the three story request.

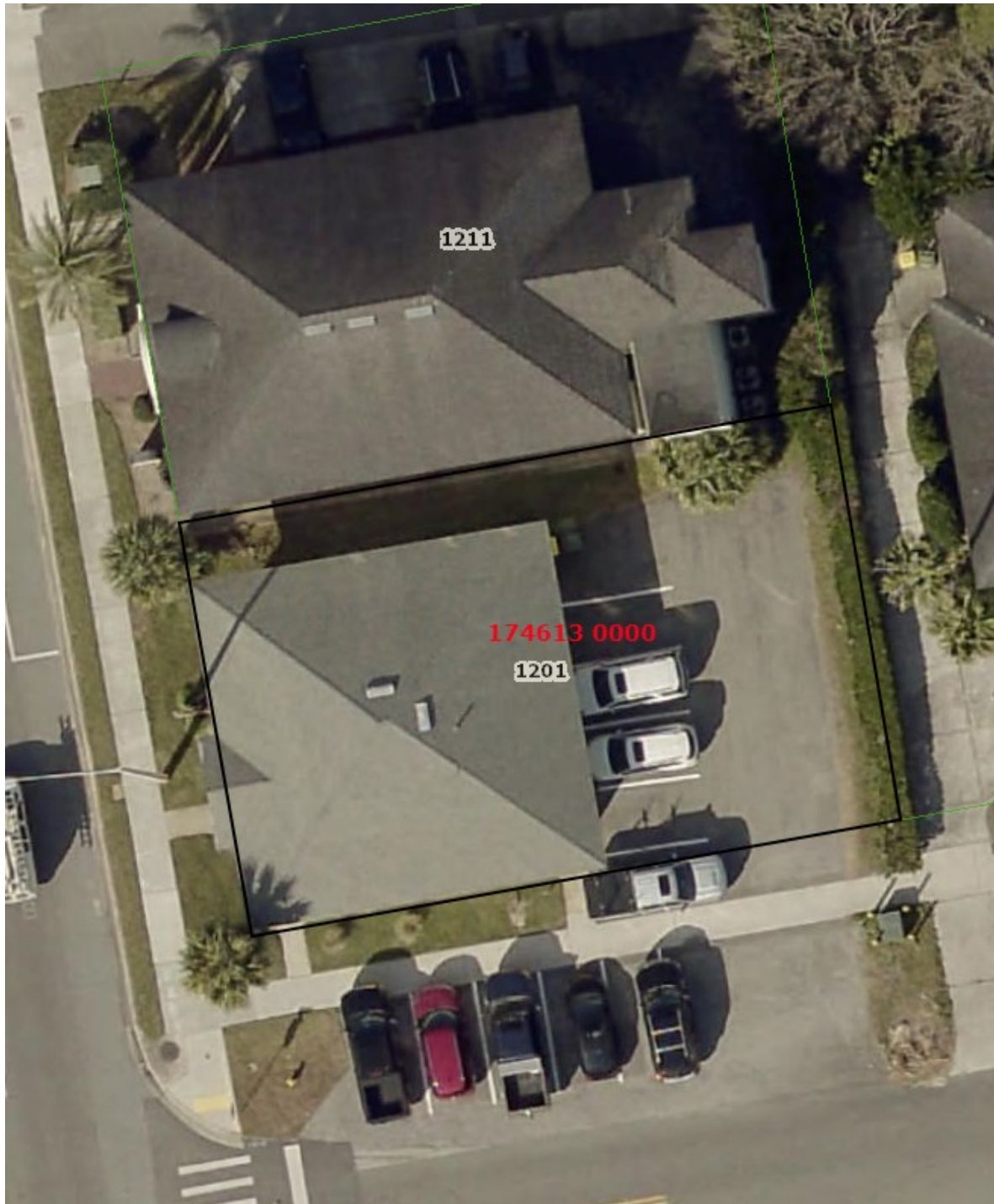
- 6. Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.**

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.

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#22-100092**

Location Map (property boundaries are representative only)



[illegible]

PLA



APPLICATION FOR VARIANCE

BOA No. 22-100092
HEARING DATE 9.7.22

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

REQUIRED DOCUMENTATION

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

JUL 14 2022

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: MATTHEW LENTS Telephone: 904-315-1408
Mailing Address: 1201 NORTH THIRD STREET E-Mail: mlents@taxadvantage.org
JACKSONVILLE, FL 32250 mattlents@gmail.com
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: SAM AS ABOVE Telephone: _____
Mailing Address: _____ E-Mail: _____

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

VARIANCE DATA

Street address of property and Real Estate Number: 1201 N 3RD ST, JACKSONVILLE BEACH, FL 32250 Re # 174613-0000
Legal description of property (Attach copy of deed): DEED INCLUDED
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).
ADDING A SECOND (COMMERCIAL) AND THIRD (RESIDENTIAL) FLOOR TO EXISTING BUILDING. PLEASE SEE SUMMARY ATTACHED. - AND THEREFORE PARKING VARIANCE IS REQUESTED.

AFFIDAVIT

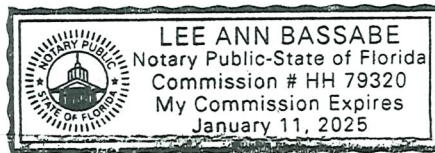
I, MATTHEW RYAN LENTS, being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary 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: [Signature] PRINT APPLICANT NAME: MATTHEW RYAN LENTS DATE: 7/5/2022

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 14 day of July, 2022, by Matthew R. Lents, who is personally known to me or produced FL Drivers License as identification.

NOTARY PUBLIC SIGNATURE: [Signature]
PRINT NOTARY NAME: Lee Ann Bassabe



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: C-1

FLOOD ZONE: AE/X-shaded

CODE SECTION (S):

34-377, for 6 on-site parking spaces in lieu of 14 required to allow for construction of a second story office space addition and a third story auxiliary dwelling unit to an existing one-story office building

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-160092

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

Answers to Questions listed in Application for Variance:

- 1) Yes – It is an existing building. There is currently no extra room to add parking spaces based on the current structure and layout.
- 2) Yes – Existing building was purchased “as is”. We have no room for left expansion on the current lot, hence, leaving no real alternative, absent building upwards.
- 3) Yes - Nothing we are asking for is out of the ordinary, or egregious in nature. We are currently restricted respective of the aforementioned structural restraints we have, and hence must respectfully request a variance to obtain additional parking spaces.
- 4) Yes – there would be cost prohibitive restraints, for other alternatives outside of expansion. Further, even if we removed the building, and built a garage as the first floor, it still would not be enough spaces predicated on the current promulgated parking regulations set forth by the city of Jacksonville Beach
- 5) Yes – as discussed in the general summery – our expansion would be sufficiently served by the current parking arrangements as is – for several reasons, however, we aim to be fully compliant in all of our affairs.
- 6) Yes – We will be obtaining a lease arrangement with a neighboring business owner within 50 feet of our property which will include the required number of spaces set forth as the direction from the decision the board communicates from the variance meeting.

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22-100092

JUL 14 2022

PLANNING & DEVELOPMENT

To the Relevant Parties Intended-

PLANNING & DEVELOPMENT

Thank you for taking time and consideration in the matter relating to the variance request for 1201 North Third Street, Jacksonville Beach, FL 32250. We hope you find the enclosed information along with the summary below to be sufficient for your processing. We look forward to working with you throughout this process.

General Summary

Tax Advantage has been a local business staple in the Jacksonville community since 1998. We are excited that we have grown to the point where we are in search of extra office space. Our location and our traditional building holds a special place in our heart and our hope and dream is to grow through expansion by adding space to our existing structure. We desire to remain a local staple in the Jacksonville Beach community.

Our goal is to add two floors to the existing building structure. The first floor being for commercial use and the second floor being a small loft/studio apartment. As suggested, I am listing a few relevant notes below that could potentially help:

- 1) We currently utilize twelve parking spaces (not consistently) – six of which are part of our property (east side of the building structure) and six of which have been used regularly for business by Tax Advantage customers only for 25 years (on the south side of the building).
- 2) There is also one parking space directly in front of our building which is used primarily by Tax Advantage customers
- 3) It is our understanding that adding a commercial floor of equivocal size and a residential floor would elicit the need of potentially 2 more parking spaces in addition to the aforementioned currently utilized (and owned) spaces.
- 4) We have agreed with neighboring business that they are receptive to leasing the spots needed in order to be compliant with Jacksonville Beach parking regulations. The number of such spaces will be determined by the direction of the board reviewing this variance notice. We will await direction as such.
- 5) Please note the following:
 - a. Never have we seen all of the current 12 (or 13) spots filled to capacity historically
 - b. Because we only have three offices which are client serving – the maximum amount of clients in our building at one time is three vehicles.
 - c. Our busy season (as we are tax professionals) runs from February 2-April 18. It is only during this ten week period that we see the aforementioned number of clients in meeting at one time
 - d. As the year progress we are seeing many clients move away from the traditional “in person” tax meetings/consultation and more to a virtual friendly environment (COVID - 19 actually had a significant impact on seeing an uptick away from in person meetings.

- e. Although the Jacksonville Beach rules stipulate two spaces required for each 300 sq foot (or perhaps one space per office is a possible approach as well) – we will be using the second floor of the building for back office (non-client facing employees) so there will not be an increase in customer car flow related to the new offices on the second floor.
- f. The third floor is being erected with the goal of safety in mind. As the owner of this business, during the ten-week period of tax season, and sporadically through the course of the year, there are some weeks which hours are worked that are pretty rigorous. Having the option to reside upstairs in this building would provide the comfort of 1) saving myself a few hours a day of a commute home and back 2) relieve the stress of driving in the late night/early morning hours, under slept and over worked, putting myself, and other drivers at risk of possible sleep fatigue.
- g. In relation to parking and the impact of the third floor – please note that I would be the only occupant of this floor (one vehicle). Further, the only time it would be parked in would be after hours and/or weekends. Lastly – as an employee/owner of the business, this vehicle would effectively be double counted as it would be taking a space during the day for office hours, and also a space at night. We are excited to be compliant with all rules – but effectively with this in mind – the two extra spaces required by a residential piece of this project would be negated by a single car – which is mine as the owner.
- h. In reviewing the calendar appointments and document drop off list and tax return pick ups occurring in the business for the prior ten weeks – coupled with observing our spaces since our meeting with Christian on June 17 – we are very comfortable in saying that there have not been more than three spots utilized by clients during the “off season” which constitutes 42 weeks of the year. This leaves four total spaces unutilized (albeit some of them being outside of our ownership) as a reserve margin of spaces as options consistently.
- i. Our current ADA compliant parking space which is on the south side of the building for the last 20+ years provides access to our ADA compliant ramp we built to the front door and has been sufficient with no issues to serve all customer base clients whom have the need for ADA compliant amenities as such.

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JUL 14 2022

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JUL 14 2022

Prepared by and return to:

Megan Staples

Paralegal

FOGEL LAW GROUP

2500 North Military Trail Suite 200

Boca Raton, FL 33431

561-393-9111

File Number: 19-1438.57

PLANNING & DEVELOPMENT

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 15th day of November, 2019 between Tax Advantage, Inc., a Florida corporation, whose post office address is 1201 N. 3rd Street, Jacksonville Beach, Florida, 32250, grantor, and Lents & Associates, PLLC, a Florida limited liability company, whose post office address is 2380 Companion Circle W., Jacksonville, FL 32224, grantee:

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

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Duval County, Florida**, to-wit:

Lot 12, Block 123 of NORTHERN PORTION OF PABLO BEACH, according to the Plat thereof as recorded in Plat Book 5, Page(s) 66, of the Public Records of Duval County, Florida.

Parcel Identification Number: 174613-0000

Subject to taxes for the year 2020 and all subsequent years; covenants, conditions, reservations, restrictions and easements of record, if any,

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

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

Tax Advantage, Inc., a Florida corporation

By:

James K. Reese, President

Name:

Kameron Knowlton

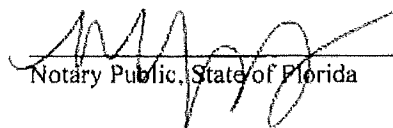
Name:

Megan Staples

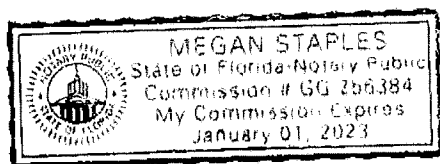
STATE OF FLORIDA)
) ss.:
COUNTY OF Duval)

The foregoing instrument was acknowledged before me this 15 day of November, 2019, by James K. Reese, as the President of Tax Advantage, Inc., a Florida corporation, who is personally known to me or has produced a FL driver's license as identification.

My Commission Expires:



Notary Public, State of Florida





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22-100092
JUL 14 2022

PLANNING & DEVELOPMENT

Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Limited Liability Company
LENTS & ASSOCIATES, PLLC

Filing Information

Document Number L19000229016
FEI/EIN Number 84-3465900
Date Filed 09/12/2019
Effective Date 09/21/2019
State FL
Status ACTIVE

Principal Address

2380 COMPANION CIRCLE WEST
JACKSONVILLE, FL 32224

Mailing Address

2380 COMPANION CIRCLE WEST
JACKSONVILLE, FL 32224

Registered Agent Name & Address

LENTS, MATTHEW R
2380 COMPANION CIRCLE WEST
JACKSONVILLE, FL 32224

Authorized Person(s) Detail

Name & Address

Title MGR

LENTS, MATTHEW R
2380 COMPANION CIRCLE WEST
JACKSONVILLE, FL 32224

Annual Reports

Report Year	Filed Date
2020	01/16/2020
2021	05/04/2021
2022	01/18/2022

Document Images

ALTA/NSPS LAND TITLE SURVEYS

DESCRIPTION:

LOT 12, BLOCK 123, NORTHERN PORTION OF PABLO BEACH, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5 PAGE(S) 66 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



TO FOGEL LAW GROUP, FIRSTAMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS NONE OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON 11/04/2019.

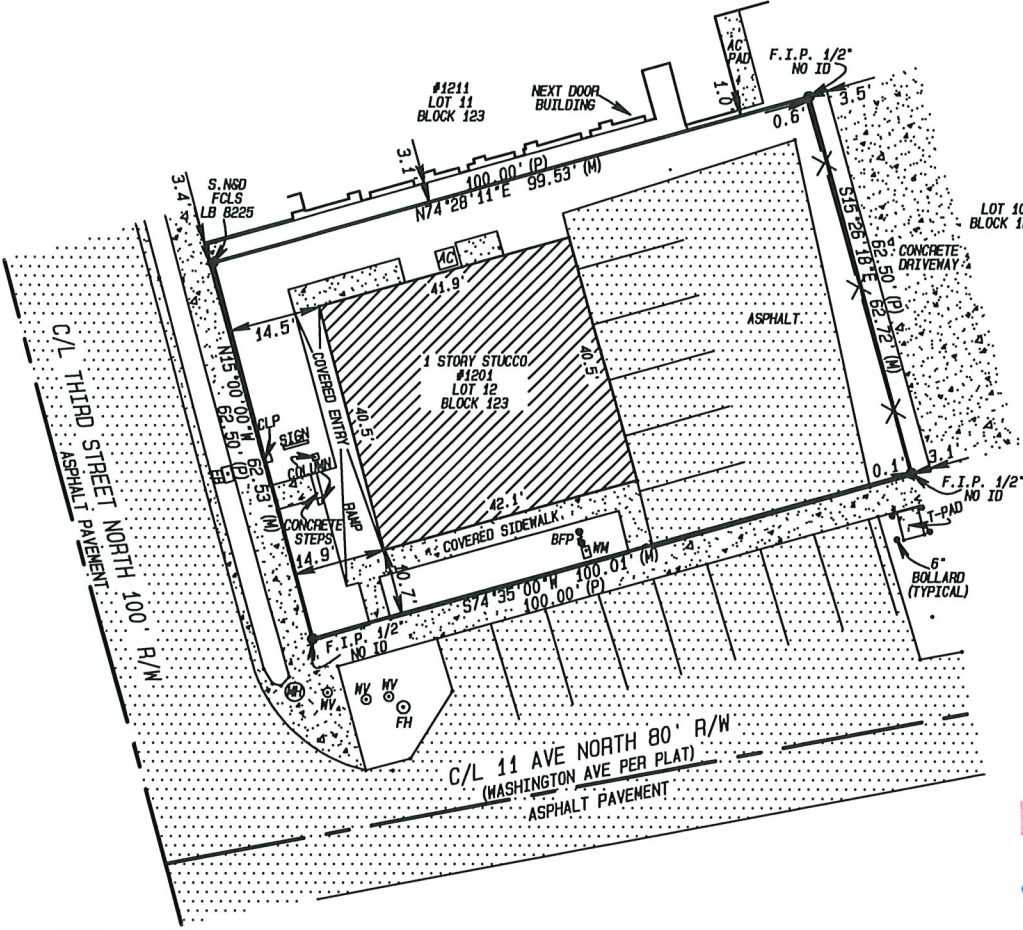
DATE OF PLAT OR MAP: 11/04/2019

SCALE: 1" = 30'

SURVEY NOTES:

- #1 PLAT PROVIDES NO ANGLES OR BEARINGS THEREFORE THE BEARING OF THE SOUTHWEST LINE LOT 12, BLOCK 123 WAS SCALED FROM THE RECORD MAP AS BEING N15°00'00"W.
- #2 UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED BY THIS SURVEY.
- #3 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP PANEL NO. 12031C 0417 J, EFFECTIVE 11/02/2018, THE PROPERTY DESCRIBED HEREON APPEARS TO LIE IN ZONE "AE".
- #4 THIS SURVEY PERFORMED WITH BENEFIT OF AN ABSTRACT, TITLE SEARCH, TITLE OPINION OR TITLE INSURANCE. FILE NO. 1062-4530071 OCTOBER 30, 2019 08:00AM
- #5 DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF AND ARE PLAT AND MEASURED UNLESS SHOWN OTHERWISE.
- #6 ALL EASEMENTS ARE PER PLAT UNLESS SHOWN OTHERWISE.
- #7 THERE MAY BE ADDITIONAL RESTRICTIONS THAT APPLY WHICH ARE NOT SHOWN ON THIS SURVEY WHICH CAN BE FOUND IN PUBLIC RECORDS OF SAID COUNTY.
- #8 THIS SURVEY DOES NOT GUARANTEE OWNERSHIP.
- #9 TEMPORARY, NON-PERMANENT IMPROVEMENTS AND/OR MAN-MADE ITEMS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING: BUILDING MATERIAL, STORAGE PODS, PAVER BLOCKS, RUBBERMAID OR PLASTIC UTILITY BUILDINGS, VEHICLES ON BLOCKS MAY BE ON THIS PROPERTY BUT NOT LOCATED OR SHOWN.
- #10 LEGAL DESCRIPTION PROVIDED BY CLIENT.

NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT EXPRESS WRITTEN CONSENT OF THE SURVEYOR.



CERTIFIED TO AND FOR THE EXCLUSIVE BENEFIT OF:
FOGEL LAW GROUP
CENTERSTATE BANK, N.A., ISAOA, ATIMA
LENTS & ASSOCIATES, LLC
FIRST AMERICAN TITLE INSURANCE COMPANY
STREET ADDRESS:
1201 3RD STREET NORTH
JACKSONVILLE, FLORIDA

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22-100092
JUL 14 2022

PLANNING & DEVELOPMENT

CLYDE O. VAN KLEECK
FLORIDA REGISTERED SURVEYOR AND MAPPER NO. 2546
NOT VALID WITHOUT THE SIGNATURE & THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

F.C.M. - FOUND CONCRETE MONUMENT
F.I.R.C. - FOUND IRON ROD AND CAP
F.I.R. - FOUND IRON ROD
F.I.P. - FOUND IRON PIPE
S.I.R.C. - SET IRON ROD AND CAP
F.N&D - FOUND NAIL AND DISK
(M) - FIELD MEASUREMENT
(C) - CALCULATED MEASUREMENT
6' W.F. - 6' WIDE FENCE
4' C.L.F. - 4' CHAIN LINK FENCE

C.M. - CONCRETE MONUMENT
P.T. - POINT OF TANGENCY
P.C. - POINT OF CURVATURE
U.E. - UTILITY EASEMENT
D.E. - DRAINAGE EASEMENT
C & G - CURB & GUTTER
R/W - RIGHT OF WAY
C/L - CENTERLINE

D - DEED
P.I. - POINT OF INTERSECTION
A/C - AIR CONDITIONING UNIT
R - RADIUS
L - ARC LENGTH
PB - PHONE BOX
CB - CABLE BOX
EB - ELECTRIC BOX

F/H - FIRE HYDRANT
BVR - BURIED VALVE
FND - FOUND
(P) - PLAT
EL - ELEVATION
CONC. - CONCRETE
ESMT - EASEMENT
COR - CORNER

OHE - OVERHEAD ELECTRIC
C.L.F. - CHAIN LINK FENCE
W.F. - WOOD FENCE
C.B. - CHORD BEARING
WM - WATER METER
WP - WOOD POLE
C - CURVE
LP - LIGHT POLE

FIELD SURVEY DATE

PLOT PLAN
BOUNDARY : 11/04/2019
FORMBOARD
FOUNDATION
FINAL

FIRST COAST LAND SURVEYORS, INC.

3161-4 ST JOHNS BLUFF ROAD S, JACKSONVILLE, FL. 32246
PHONE (904) 779-2062 FAX (904) 779-7784
CERTIFICATE NO. LB 8225
WWW.FIRSTCOASTLANDSURVEYING.COM

PROJECT INFORMATION

ORDER NO: 30587
DRAWN BY: KMP
REVIEWED BY: HF
CHECKED BY: VAN



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

BOA#23-100039

Zoning: RS-1
RE: 179997-7045
Legal: Lot 9, Block 1, Oakbreeze Cove
Address: 1848 Evans Dr. South

Request

Section(s): 34-336(e)(1)c.3, for a rear yard setback of 16 feet in lieu of 30 feet minimum; 34-336(e)(1)e, for lot coverage of 42.58% in lieu of 35% maximum, to allow for a new side addition to an existing single-family dwelling

Existing Conditions

The subject property is a legal **conforming** lot of record (circa 1989) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The subject property is irregular in shape, being somewhat pie shaped, with a more narrow front width than the rear. The subject home was constructed in 1991, just prior to the adoption of the current Land Development Code. The subject home with driveway and rear patios is currently over lot coverage maximums, with an existing coverage at 37.89% (38%) and with existing rear yard setback encroachments for the rear of the house, with a current rear yard setback of roughly 18 feet. There was a previous variance granted for the construction of the new home for a 24 foot rear setback, but it appears the home was built closer than this, and this encroachment was never rectified and neither was the lot coverage in excess of 35%.

BZA#22-91: for a rear yard setback of 24 feet in lieu of 30 feet minimum, for a new single family dwelling. No active code enforcement.

Staff Analysis

The subject property is properly sized in both area and dimensions. The lot was platted in 1989, and the home was constructed in 1991. There is a variance from this time that was approved for a reduction in the rear yard setback to 24 feet, but it appears the existing house was built at 18 feet from the rear property line. Additionally the existing lot coverage is roughly 38%. Although the lot is conforming, there are, at a minimum, nonconformities that should be addressed. Additionally, the proposed new addition would only encroach into the rear yard setback two more feet than the current home. With regards to lot coverage, although the lot is conforming in size, the home was built at 38%, and the proposed addition would add



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roughly 505 square feet to the lot coverage, raising it to 42.58%. In principal staff agrees with the proposed variance, but would recommend the applicant find ways to reduce lot coverage to bring the total closer to the existing 38% through the reduction in the existing hardscape, or the use of pervious materials.

Minimum Dimensional Standards

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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject structure was built encroaching into the rear setback more than the previously granted variance allows. Additionally, the home was built at 38% lot coverage, thus creating nonconformities, even with the previously approved variance.



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

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

Staff **does not** find that circumstances are a result of the applicant. The structure was built in 1991, and at the time of construction exceeded the rear yard setback, even as modified by the previous variance. Additionally the home was built at roughly 38% lot coverage. The proposed addition would intensify these nonconformities.

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

Staff finds that the proposed variance **will not** confer special privileges. The property was developed with the existing nonconformities in 1991, and these nonconformities would need to be addressed for any substantial renovation to the home, this is a request that is common to the RS-1 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. Literal interpretation of the code would leave the current home with exiting nonconformities. Additionally, if the applicant can reduce the lot coverage, the additional two foot encroachment into the rear yard would be nominal and allow the addition to the home, a right commonly enjoyed by property owners with older homes in the RS-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 existing nonconformities as well as the proposed new porch. The proposed variances would address several existing nonconformities in the form of existing encroachments into the rear yard, and if the applicant would reduce the lot coverage to something closer to that of the current house, staff would consider the request minimal.



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

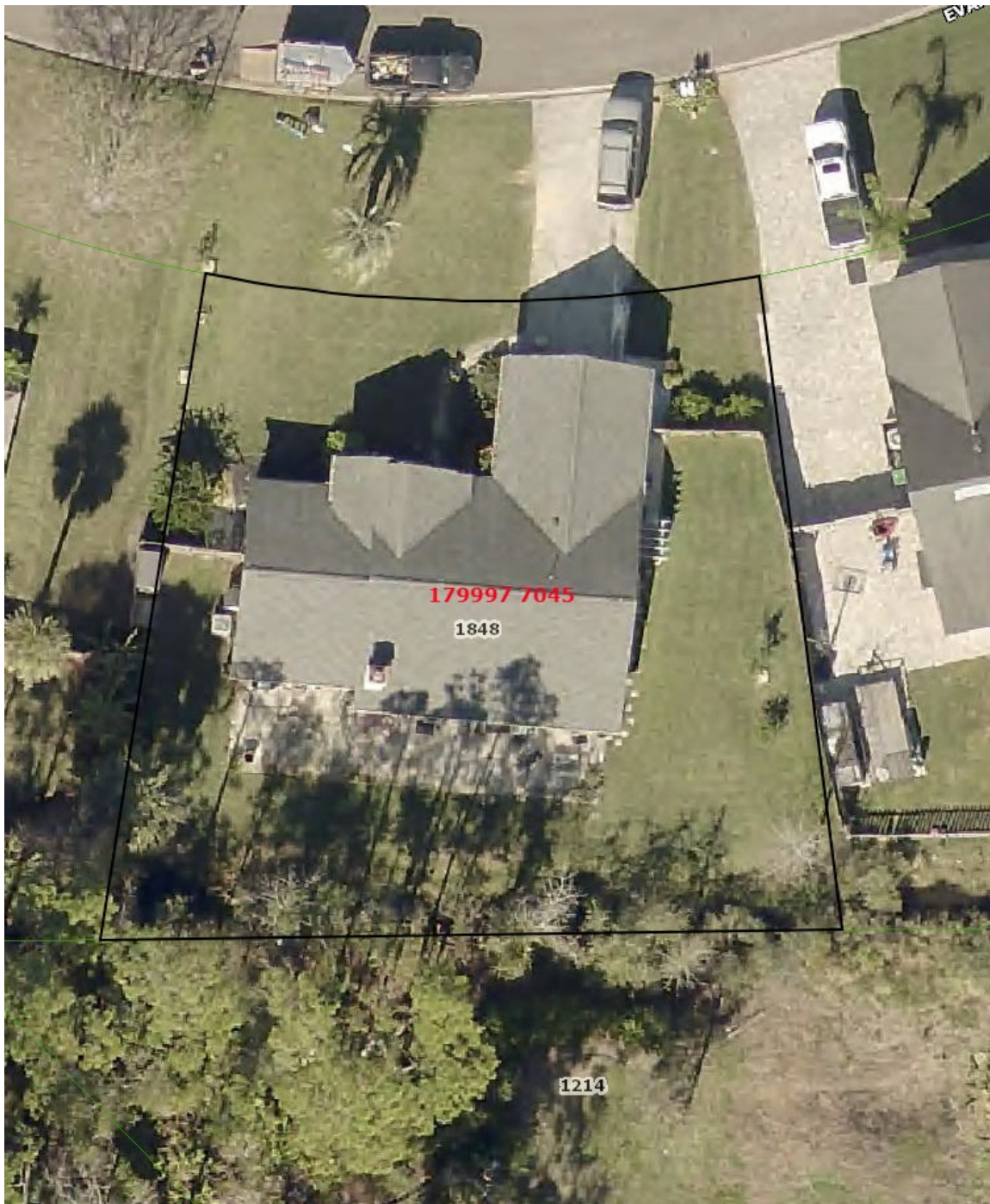
6. **Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.**

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

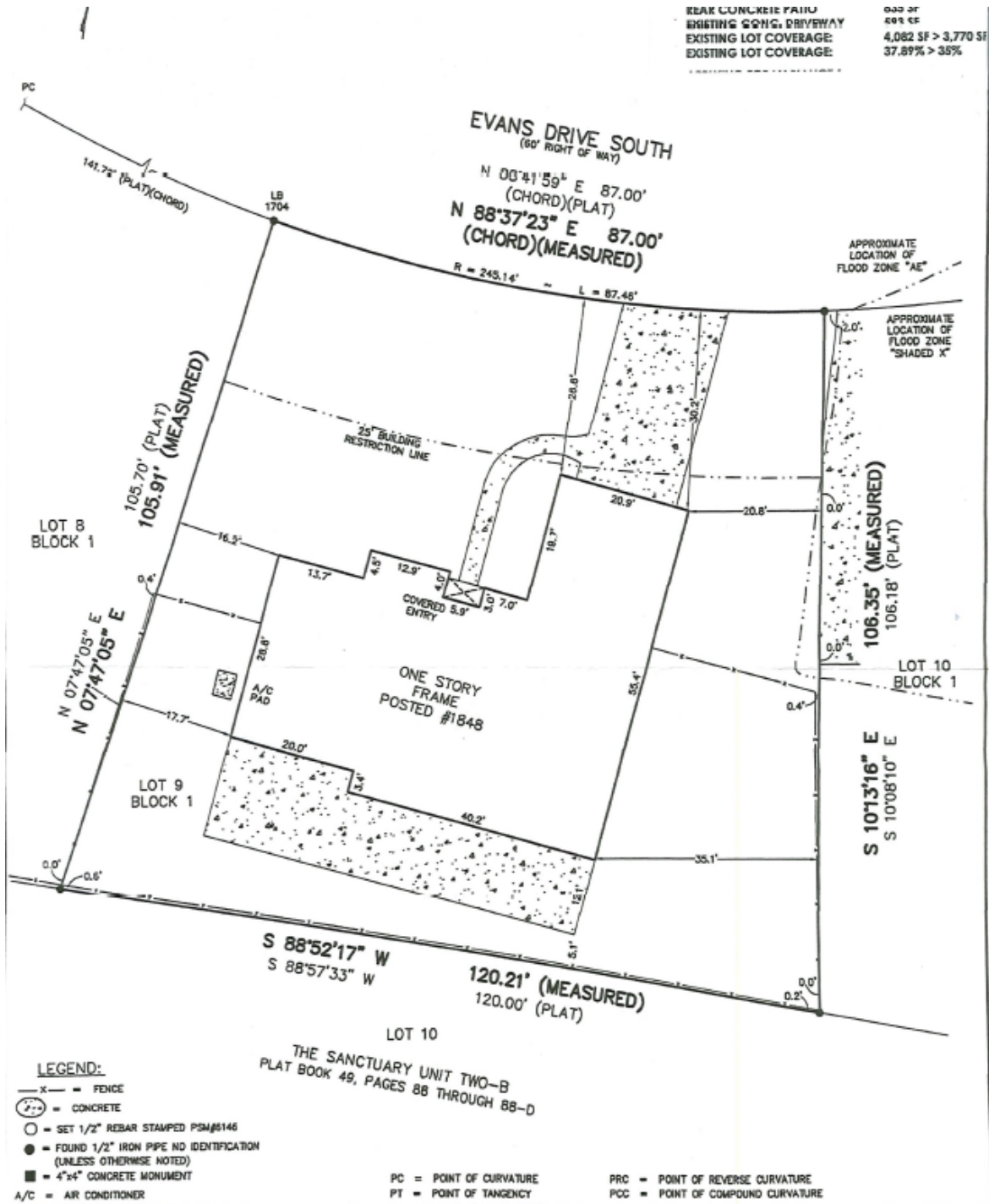
Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#23-100039 with the condition that the applicant reduce the lot coverage to closer to the existing 38% through the reduction of existing hardscaping.**

Location Map (property boundaries are representative only)



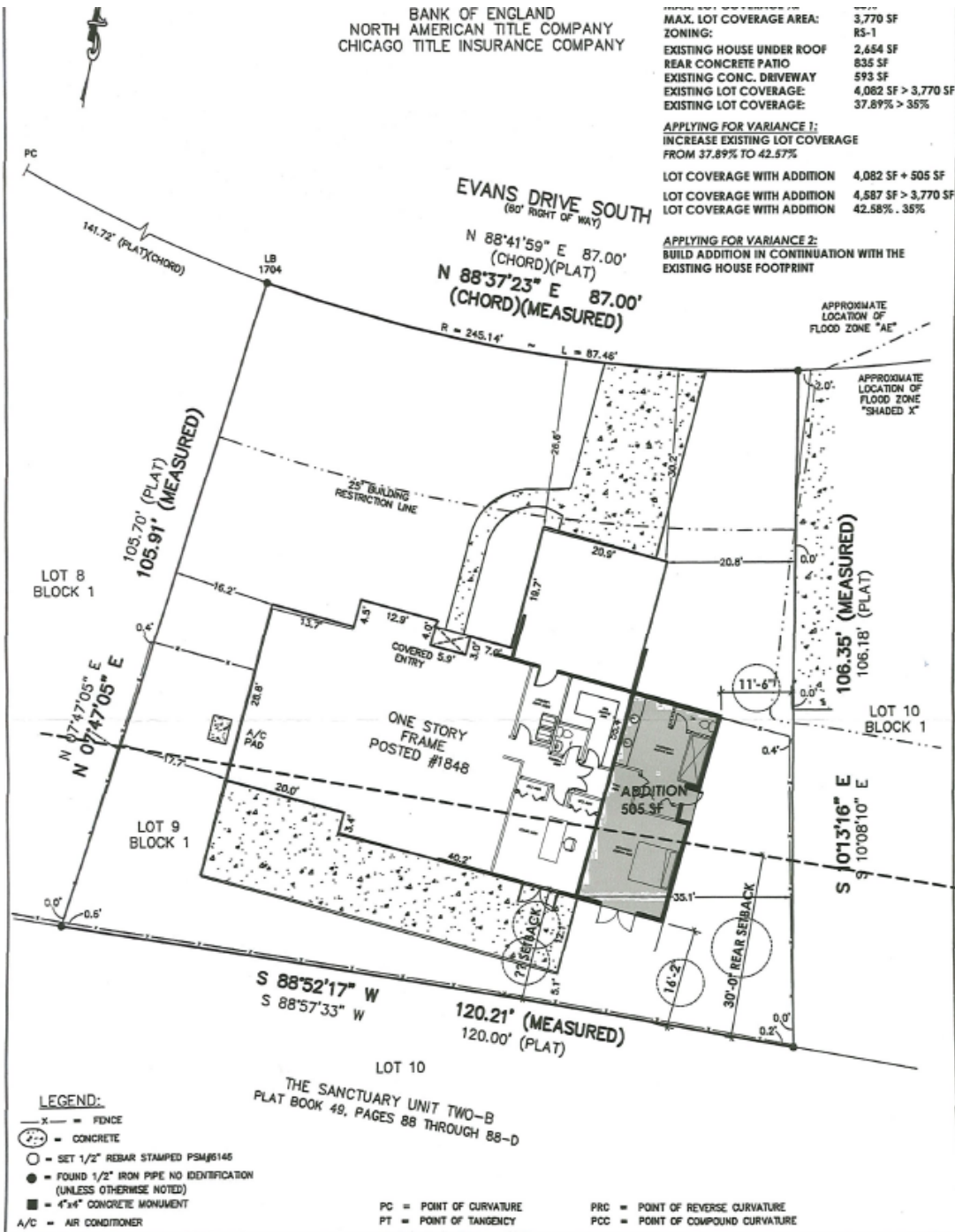
Existing Survey





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

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100039
HEARING DATE 6/6/23

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.

MAR 24 2023

APPLICANT INFORMATION

PLANNING & DEVELOPMENT

Applicant Name: Michael D. Cowart +1
Mailing Address: 1848 Evans Dr. S.
Jacksonville Beach, FL 32250
Telephone: 904-294-7333
E-Mail: mcowart@kemper.com

Agent Name: Judi Cowart
Mailing Address: 1848 Evans Dr. S.
Jacksonville Beach, FL 32250
Telephone: 904-662-6258
E-Mail: jcowart@floridaplanninglaw.com

Landowner Name: JUDI + MICHAEL
Mailing Address: SAME AS ABOVE
Telephone:
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: 1848 Evans Dr. S., Jacksonville Beach, FL 32250 RE#: 179
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 adjustment to build an addition onto our home.

AFFIDAVIT

I, Michael Cowart, 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

Judi Cowart

PRINT APPLICANT NAME

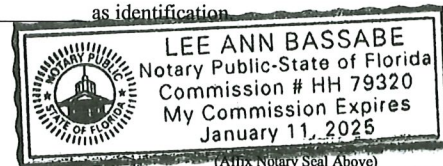
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 24 day of March, 2023 by Judi Cowart, who is personally known to me or produced FL Drivers License as identification.

NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1 FLOOD ZONE: AE
CODE SECTION (S):
34-336(e)(1)c.3, for a rear yard setback of 16 feet in lieu of 30 feet minimum; 34-336(e)(1)e, for lot coverage of 42.58% in lieu of 35% maximum, to allow for a new side addition to an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No.

23-100039

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 24 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 home was built in 1991, prior to the current code rules, and the existing lot coverage is over the maximum allowed under the code of 35%. Our addition would add 500 sq.ft. and we are asking for a variance for that amount as well as the 
Special circumstances and conditions do not result from the actions of the applicant.	YES	We bought the home in 2015, and have made no changes to the lot coverage. Our lot is already non-conforming as to the setback.
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	There are many homes in our neighborhood and in our area that have as much, if not more, lot coverage and setbacks.
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	There are many other homes in our area that have non-conforming lot coverage, or have received a variance to deviate from the maximum lot coverage. Other homeowners in our area have been granted variances for setbacks 
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	We are asking for the minimum variance to improve our property and home.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	YES	Granting of the variance will not affect adjacent land. Our neighbors on each side support this application.

See attached

See attached

Separate Writing for Variance Application for:

Michael & Judi Cowart
1848 Evans Dr. S.
Jacksonville Beach. FL 32250

RECEIVED
23-100039
APR 27 2023

PLANNING & DEVELOPMENT

Standard #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.

The home was built in 1991, prior to the current code rules, and the existing lot coverage is already non-conforming as to the setback (over the maximum allowed under the code of 35%). Our addition would add 500 sq.ft. and we are asking for a variance for that amount, as well as a variance for a setback on the east side of the lot.

Standard #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 hardship.

There are other homes in our neighborhood and in our area that are non-conforming as to their setbacks and have obtained variances. Other homeowners in our area have been granted variances for setbacks. It would be an unnecessary hardship to deprive of us of the ability to improve our property in a way that increases its value and provides us with the same enjoyment and privilege afforded other homeowners.

1848 Evans Dr. S.
Jacksonville Beach, FL 32250

Ogy Vojnovic
Ogy Designs
904 716 6335
Ogiflo@comcast.net

RECEIVED
23-100039
MAR 24 2023

PLANNING & DEVELOPMENT

THIS INSTRUMENT PREPARED BY
AND RECORD AND RETURN TO:

Frederick R. Short, Jr., Esquire
The Law Firm of Short & Setzer, P.A.
625 Atlantic Boulevard
Atlantic Beach, FL 32233

RECEIVED
J3-100039
MAR 24 2023

PLANNING & DEVELOPMENT

QUITCLAIM DEED

THIS QUITCLAIM DEED is made this 29th day of December, 2016, between **MICHAEL D. COWART**, a married man, joined by his wife, **JUDITH L. COWART**, ("Grantor"), whose post office address is 1848 South Evans Drive, Jacksonville Beach, FL 32250, and **MICHAEL D. COWART AND JUDITH L. COWART**, husband and wife, ("Grantees") whose post office address is 1848 South Evans Drive, Jacksonville Beach, FL 32250.

WITNESSETH, THAT Grantor, for the sum of \$10.00 and in exchange for other good and valuable consideration, to his hand paid by Grantees, the receipt whereof is hereby acknowledged, does hereby remise, release and quit-claim unto Grantees any and all right, title, interest, claim and demand which Grantor has in and to that certain parcel of land, situate, lying and being in the County of Duval, State of Florida, as more particularly described as follows:

**LOT 9, BLOCK 1, OAKBREEZE COVE, ACCORDING TO THE MAP OR
PLAT THEREOF, AS RECORDED IN PLAT BOOK 45, PAGE(S) 11, 11A
AND 11B, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.**

RE#: 179997-7045
Physical Address: 1848 Evans Dr., S.,
Jacksonville Beach, FL 32250

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.

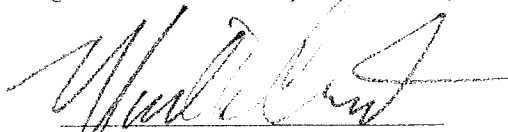
**THIS PARCEL IS THE HOMESTEAD OF THE GRANTOR AND WILL
CONTINUE TO BE THE HOMESTEAD OF THE GRANTEEES**

AND the Grantor hereby covenants with said Grantees 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

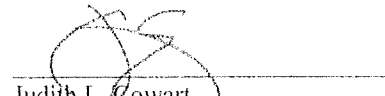
QCD_Cowart

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.

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



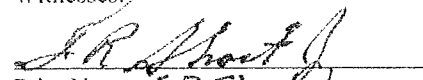
Michael D. Cowart
Grantor



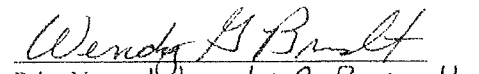
Judith L. Cowart
Spouse of Grantor

Signed, sealed, and delivered
In the Presence of:

Witnesses:



Print Name: F.R. Short Jr.

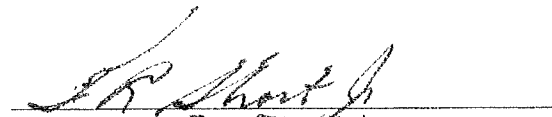


Print Name: Wendy G. Brandt

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 29th day of December, 2016, by MICHAEL D. COWART and JUDITH L. COWART, husband and wife, who are personally known to me.





Print Name: F.R. Short Jr.
Notary Public, State of Florida
Commission No. FF027665
My Commission Expires: 6/13/2017

QCD_Cowart

PROPOSED

RECEIVED
23-100039
MAR 24 2023

PLANNING & DEVELOPMENT

MAP SHOWING BOUNDARY SURVEY OF

LOT 9, BLOCK 1, OAKBREEZE COVE, AS RECORDED IN PLAT BOOK 45,
PAGES 11 & 11-A, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
MICHAEL D. COWART
BANK OF ENGLAND
NORTH AMERICAN TITLE COMPANY
CHICAGO TITLE INSURANCE COMPANY

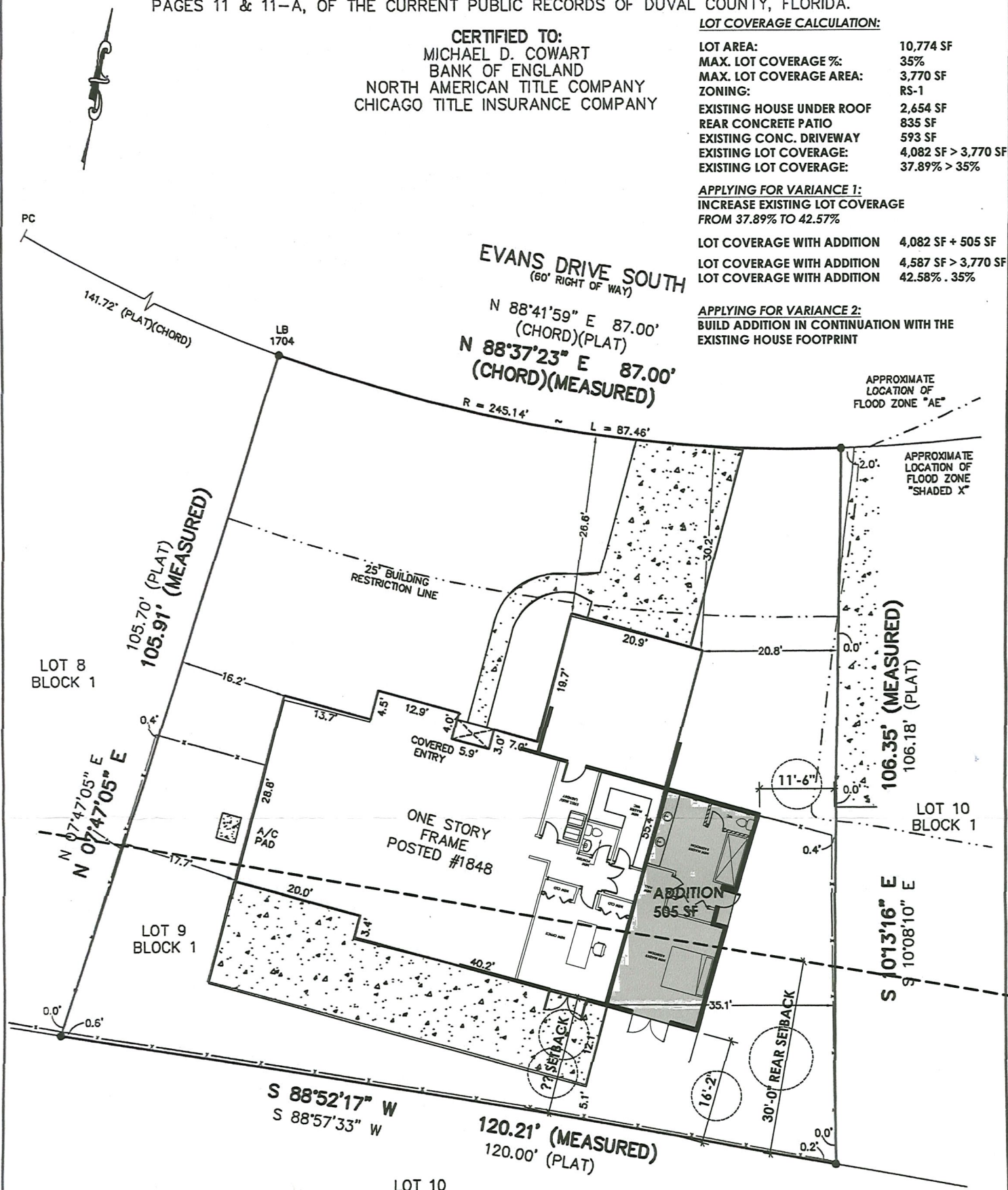
LOT COVERAGE CALCULATION:

LOT AREA: 10,774 SF
MAX. LOT COVERAGE %: 35%
MAX. LOT COVERAGE AREA: 3,770 SF
ZONING: RS-1
EXISTING HOUSE UNDER ROOF: 2,654 SF
REAR CONCRETE PATIO: 835 SF
EXISTING CONC. DRIVEWAY: 593 SF
EXISTING LOT COVERAGE: 4,082 SF > 3,770 SF
EXISTING LOT COVERAGE: 37.89% > 35%

APPLYING FOR VARIANCE 1: INCREASE EXISTING LOT COVERAGE FROM 37.89% TO 42.57%

LOT COVERAGE WITH ADDITION: 4,082 SF + 505 SF
LOT COVERAGE WITH ADDITION: 4,587 SF > 3,770 SF
LOT COVERAGE WITH ADDITION: 42.58% . 35%

APPLYING FOR VARIANCE 2: BUILD ADDITION IN CONTINUATION WITH THE EXISTING HOUSE FOOTPRINT



LEGEND:

- x — = FENCE
- = CONCRETE
- = SET 1/2" REBAR STAMPED PSM#6146
- = FOUND 1/2" IRON PIPE NO IDENTIFICATION (UNLESS OTHERWISE NOTED)
- = 4"x4" CONCRETE MONUMENT
- A/C = AIR CONDITIONER

PC = POINT OF CURVATURE
PT = POINT OF TANGENCY

PRC = POINT OF REVERSE CURVATURE
PCC = POINT OF COMPOUND CURVATURE

NOTES:

- BEARINGS ARE BASED ON THE PLAT BEARING OF N 07°47'05" E ALONG THE WESTERLY BOUNDARY LINE OF SUBJECT PARCEL.
- BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONES "SHADED X & AE", AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED JUNE 3, 2013, COMMUNITY NUMBER 120078, PANELS 0418 H & 0419 H.
- THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER RECORDED PLAT &/OR TITLE COMMITMENT IF SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED.
- THIS SURVEY IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

REVISIONS

DATE	DESCRIPTION

JOB # 26352 DATE OF FIELD SURVEY: 4-2-2015

SCALE: 1" = 20'



Ray Thompson
SURVEYING, Inc.

Going the DISTANCE for You

1825 University Boulevard West
Jacksonville, Florida 32217
(Phone) 904-448-5125
(Fax) 904-448-5178

CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS AND PRACTICES SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 420.27, FLORIDA STATUTES.

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

LAND SURVEYS

○

CONSTRUCTION SURVEYS

○

SUBDIVISIONS

RECEIVED
23-100039
MAR 28 2023

EXISTING

PLANNING & DEVELOPMENT

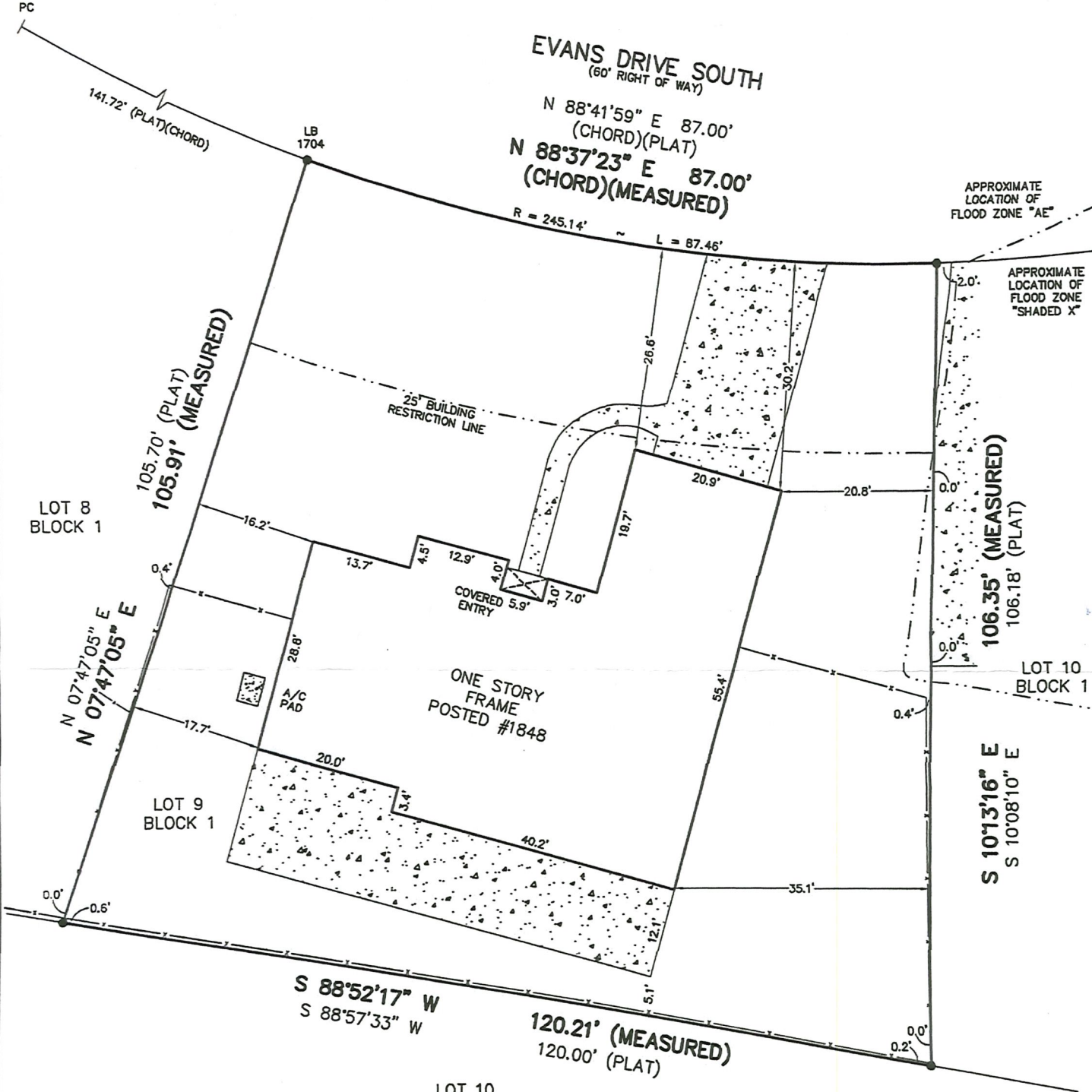
MAP SHOWING BOUNDARY SURVEY OF

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CERTIFIED TO:
MICHAEL D. COWART
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CHICAGO TITLE INSURANCE COMPANY

LOT COVERAGE CALCULATION:

LOT AREA:	10,774 SF
MAX. LOT COVERAGE %:	35%
MAX. LOT COVERAGE AREA:	3,770 SF
ZONING:	RS-1
EXISTING HOUSE UNDER ROOF	2,654 SF
REAR CONCRETE PATIO	835 SF
EXISTING CONC. DRIVEWAY	593 SF
EXISTING LOT COVERAGE:	4,082 SF > 3,770 SF
EXISTING LOT COVERAGE:	37.89% > 35%



LEGEND:

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- = CONCRETE
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NOTES:

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REVISIONS

DATE	DESCRIPTION

JOB # 26352 DATE OF FIELD SURVEY: 4-2-2015

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Ray Thompson
SURVEYING, Inc.

Going the DISTANCE for You

1825 University Boulevard West
Jacksonville, Florida 32217
(Phone) 904-448-5125
(Fax) 904-448-5178

CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS AND PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 422.22, FLORIDA STATUTES.

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

LAND SURVEYS

O

CONSTRUCTION SURVEYS

SUBDIVISIONS



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

BOA#23-100040

Zoning: RS-1
RE: 178514-0000
Legal: Lot 18, Block 13, Ocean Forest Unit 3
Address: 1612 Tanglewood Road.

Request

Section(s): 34-336(e)(1)c.2, for side yard setbacks of 8.2 feet on the south property line and 7 feet on the north property line in lieu of 10 feet minimum; and 34-336(e)(1)c.3, for a rear yard setback of 5 feet in lieu of 30 feet minimum; and 34-336(e)(1)e, for lot coverage of 38% in lieu of 35% maximum, to allow for a new rear addition with attached breezeway 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 1952) 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 75 feet in width and 100 feet deep if the irregular sides are averaged. This yields a total area of roughly 7,500 square feet in area. The existing home was constructed in 1959, and is one story, 4 bedroom, and 2 bath house. The house currently has an attached rear deck, and a separate shed towards the rear of the property. The existing house does not meet either side yard setback of 10 feet, with 7 feet along the northern side yard and 8.2 along the southern side yard. There is one previous variance for a northern side yard of 7.5 feet, however, the house appears closer than this based on the provided survey.

BOA#76-97 for a northern side yard of 7.5 feet in lieu of 10 feet minimum.

Staff Analysis

The subject property is substandard in nature in both lot width and lot area for the RS-1 zoning district. The applicant has existing setback nonconformities, and has requested some additional relief to address a unique addition design. The applicant is proposing to replace the existing shed with a new structure that would serve as a mother-in-law suite without an additional kitchen, but a full bath. The applicant is proposing to attach the new addition with a long breezeway from the rear of the house to the new structure. The new structure, occupying roughly the same



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location as the shed, but now attached to the house, will necessitate a reduction in the rear yard, as it will no longer be a detached accessory structure like the shed, but an addition to the primary house, and thus must abide by the primary structure rear yard setback of 30 feet, or seek relief. The proposed new rear yard setback would be 5 feet, whereas the current shed is only two feet off the property line. Additionally, the proposed new structure and breezeway will add an additional 3% lot coverage, with the removal of the rear deck and old shed, bringing the requested lot coverage to 38% total. Although unconventional, the overall effect on the property will be a reduction in rear yard encroachment from a practical standpoint, as the current shed is only 2 feet off the rear property line and the new structure, although technically attached, will now be 5 feet from the rear property line. Without the proposed breezeway, the new structure would not be permitted a full bath.

Minimum Dimensional Standards

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



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Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject structure was built encroaching into the side yard setbacks at the time of construction. Additionally the subject property has a nonconforming shed that encroaches 3 feet into the rear yard accessory setback.

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 house was built in 1959, and the side yard encroachments were part of the original footprint. Additionally the lot is substandard in width and area.

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. Rectifying the existing nonconformities is a common request for the renovation of an existing home in the RS-1 zoning district. Additions are also a common request, and help persevere the neighborhood feel, by maintaining the existing homes while allowing the owners to add living space, rather than build new, larger structures that may be out of scale for the surrounding homes.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Literal interpretation of the code would leave the current home with exiting nonconformities. Additionally the lot is substandard, and without relief from the code, the applicant could not add onto the home, a right enjoyed by many homeowners in the RS-1 zoning district.



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 existing nonconformities as well as the proposed new porch. The proposed variances would address existing nonconformities in the form of encroachments into the side yards. The home could be added onto in a more traditional manner, though attachment via a common wall, but the location of the existing home would still require a reduction in the rear yard for any new addition, as there is not room on the sides of the house and the rear of the existing home is roughly 35 feet from the rear property line, meaning any new addition would still require relief.

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#23-100040**

Location Map (property boundaries are representative only)



Hand-drawn site plan of a residential property. The plan shows a 1-story concrete block and brick residence (#1612) with a deck and porch. A wood shed with a wood floor is located in the upper left. The property is bounded by a 10' easement for driveway and utilities on the left and top. The plan includes various dimensions for the building, shed, and setbacks. The residence is labeled '1-STORY CONCRETE BLOCK & BRICK & FRAME RESIDENCE #1612'. The shed is labeled 'WOOD SHED WOOD FLOOR'. The deck is labeled 'DECK' and the porch is labeled 'PORCH'. The plan also shows a '3x3 A/C PAD' and a 'CONC.' area. The property is bounded by a 10' easement for driveway and utilities on the left and top. The plan includes various dimensions for the building, shed, and setbacks. The residence is labeled '1-STORY CONCRETE BLOCK & BRICK & FRAME RESIDENCE #1612'. The shed is labeled 'WOOD SHED WOOD FLOOR'. The deck is labeled 'DECK' and the porch is labeled 'PORCH'. The plan also shows a '3x3 A/C PAD' and a 'CONC.' area. The property is bounded by a 10' easement for driveway and utilities on the left and top. The plan includes various dimensions for the building, shed, and setbacks.



APPLICATION FOR VARIANCE

BOA No. 23-100040
HEARING DATE 6-6-23

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 24 2023

APPLICANT INFORMATION

Applicant Name: Alison Ballentine Telephone: 904-599-6838
Mailing Address: 1612 Tanglewood Rd, Jacksonville Beach, Florida 32250 E-Mail: AJBALLEN@LIVE.COM
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: Michael Ballentine Telephone: 904-241-0976
Mailing Address: 1612 Tanglewood Rd, Jacksonville Beach, Florida 32250 E-Mail: MDAVEBS@AOL.COM

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

VARIANCE DATA

Street address of property and Real Estate Number: 1612 Tanglewood Rd. /RE #: 178514-0000
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 allowance to be increased from 35% to 38% for an accessory dwelling unit.

AFFIDAVIT

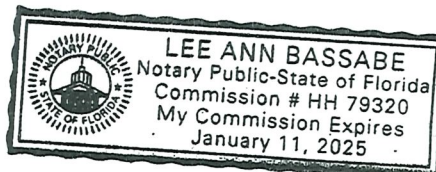
I, ALISON BAUENTINE, being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary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

Alison Ballentine Alison Ballentine
APPLICANT SIGNATURE PRINT APPLICANT NAME
DATE 03/24/2023

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 24 day of March, 2023, by Alison L. Ballentine, who is personally known to me or produced FL Drivers License, as identification.

Lee Ann Bassabe
NOTARY PUBLIC SIGNATURE
PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1 FLOOD ZONE: X
CODE SECTION (S):
34-336(e)(1)c.2, for side yard setbacks of 8.2 feet on the south property line and 7 feet on the north property line in lieu of 10 feet minimum; and 34-336(e)(1)c.3, for a rear yard setback of 5 feet in lieu of 30 feet minimum; and 34-336(e)(1)e, for lot coverage of 38% in lieu of 35% maximum, to allow for a new rear addition and attached breezeway and to rectify existing non-conformities at an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100046

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 24 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.	Y	Granting this variance would be a special condition/circumstance for this specific parcel of land which other parcels of land in the area do not have.
Special circumstances and conditions do not result from the actions of the applicant.	Y	The special conditions/circumstances exist due to size and age of this parcel of land in its respective zoning assignment.
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.	Y	Granting this variance does not give me any special privileges that others in the area would not have.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Y	The current planning/zoning codes are not suited for lots of this size given the year it was originally established.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Y	Current lot coverage is approx. 35%, the proposed plan would make the lot coverage approx. 38%.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Y	If variance is granted it will be only for the proposed plans and will not adversely affect adjacent land.

23 MARCH 2023

MICHAEL S. BALLENTINE
1612 TANGLEWOOD ROAD
JACKSONVILLE BEACH, FL 32250

RECEIVED
23-100040
MAR 24 2023

PLANNING & DEVELOPMENT

TO WHOM IT MAY CONCERN;

WE, MICHAEL S. AND MARJORIE D. BALLENTINE HEREBY GRANT
PERMISSION FOR OUR GRANDDAUGHTER ALISON L. BALLENTINE TO BUILD
A TINY HOUSE ON OUR PROPERTY.

THE TINY HOUSE WILL BE BUILT IN THE BACKYARD OF OUR PROPERTY
LOCATED AT 1612 TANGLEWOOD ROAD, JACKSONVILLE BEACH.

IF WE CAN BE OF ANY FURTHER ASSISTANCE PLEASE CONTACT
US AT THE ABOVE ADDRESS OR (904)241-0976 / (904) 511-1826.

SINCERELY,

Michael S Ballentine
Marjorie D. Ballentine
MICHAEL S. BALLENTINE
MARJORIE D. BALLENTINE

State of Florida, County of Duval

The foregoing instrument was
acknowledged before me this

23 day of March, 2023
By: Michael S Ballentine and Marjorie D Ballentine
Personally Known _____
Produced Identification ✓
Type of ID FL DL





City of Jacksonville Beach

ELEVEN NORTH THIRD STREET •

JACKSONVILLE BEACH, FLORIDA 32250

RECEIVED

23-100040

MAR 24 2023

October 27, 1997

Michael S. Ballentine, Sr.
1612 Tanglewood Road
Jacksonville Beach, FL 32250

PLANNING & DEVELOPMENT

RE: Case Number BOA #76-97
1612 Tanglewood Road

Dear Mr. Ballentine:

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:30 p.m. October 21, 1997 to consider your variance application.

As indicated in the application, the request was for a variance of a northerly side yard of seven and one-half (7.5') feet in lieu of ten (10') feet required to allow a room addition. This request was granted as written.

You are required to make application for a building permit for this project. A copy of the building permit application is attached, please complete and submit along with two (2) copies of your plans and survey to our office before you begin any work on this project.

Should you have any questions regarding this variance, please contact our office at (904) 247-6235.

Sincerely,

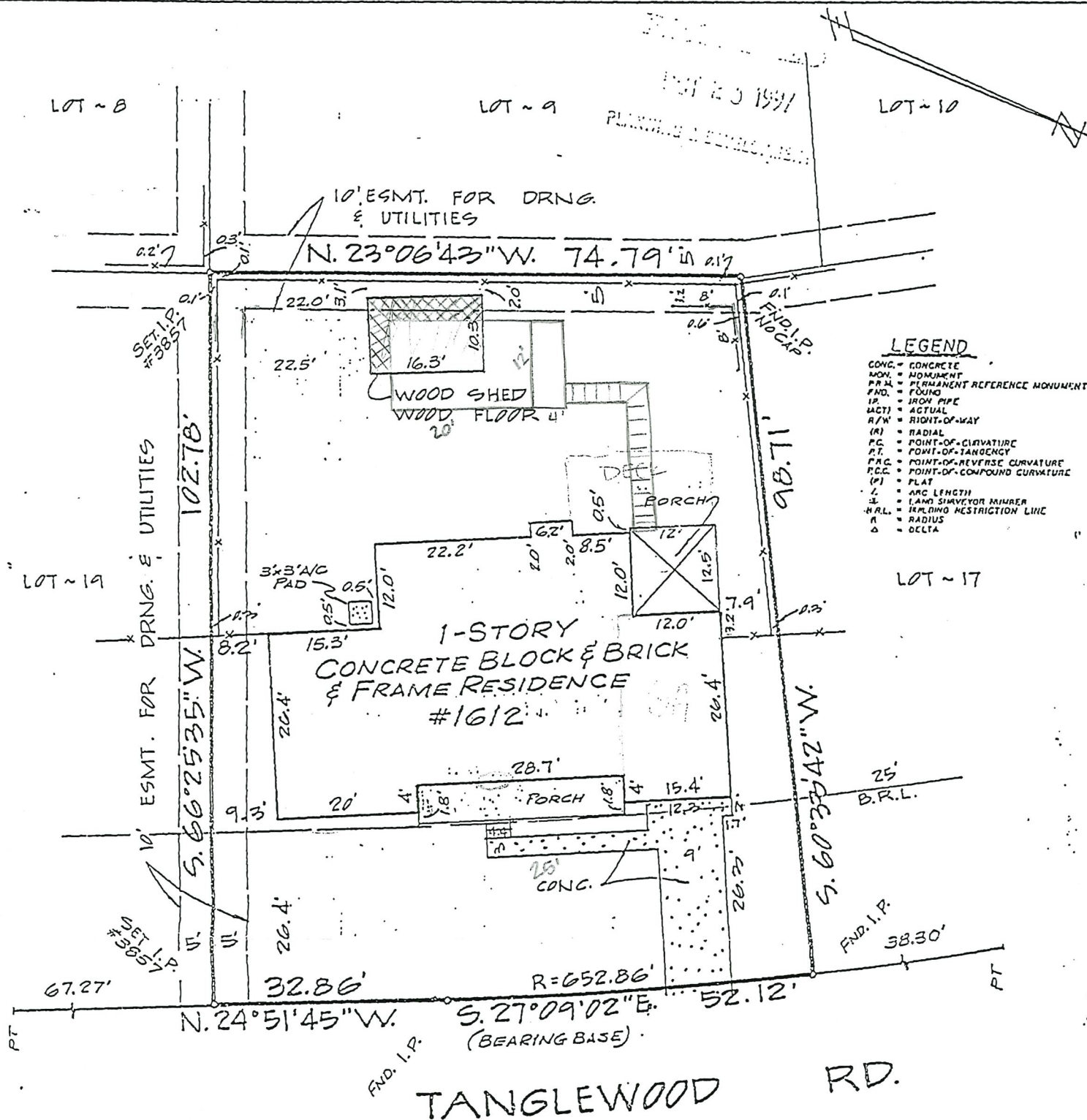
Marie Hobbs
Administrative Secretary

Attachment

PROPOSED

MAP SHOWING BOUNDARY SURVEY OF
LOT 18 BLOCK 13 AS SHOWN ON MAP OF
OCEAN FOREST ~ UNIT THREE

AS RECORDED IN PLAT BOOK 29 PAGE 33, 33A, 33B OF PUBLIC RECORDS OF DUVAL CO. FLA.
FOR: MICHAEL S. & MARJORIE D. BALLENTINE; PONTA VEDRA MORTGAGE CORP.;
FIRST AMERICAN TITLE INSURANCE CO.; WATSON & OSBORNE.



RECEIVED: W.O. 93-6392, 11-28-93 (FIELD).

THERE MAY BE ADDITIONAL EASEMENTS AND/OR
RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY
IT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

BEARINGS BASED ON PLAT AS SHOWN

I HEREBY CERTIFY THAT THE LOT SHOWN HEREON IS IN THE SPECIAL FLOOD HAZARD ZONE X AS SHOWN
ON FLOOD INSURANCE RATE MAP 0001D FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA DATED 4-17-89.

ALL AMERICAN SURVEYORS, INC.

LAND SURVEYORS - 8789 SAN JOSE BLVD. JACKSONVILLE, FLORIDA, 32217 - 904/739-2217
SUITE 301

LEGEND

- CONC. MON.
- IRON COR.
(SET WITH CAP
PLB 3857)
- FENCE
- IRON COR.
(FOUND)
- CROSS CUT

I HEREBY CERTIFY THAT THE ABOVE LANDS WERE SURVEYED UNDER MY
RESPONSIBLE SUPERVISION AND DIRECTION. THAT THERE ARE NO
ENCROACHMENTS EXCEPT AS SHOWN AND THAT THE SURVEY SHOWN
HEREON MEETS THE TECHNICAL STANDARDS SET FORTH BY THE
FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027,
FLORIDA, STATUTES

SCALE 1" = 20'

DATE 9-17-82

JAMES D. HARRISON, J.H. P., L. S. No. 2647

REGISTERED SURVEYOR, STATE OF FLORIDA



250-46

ORDER NO. G-1517

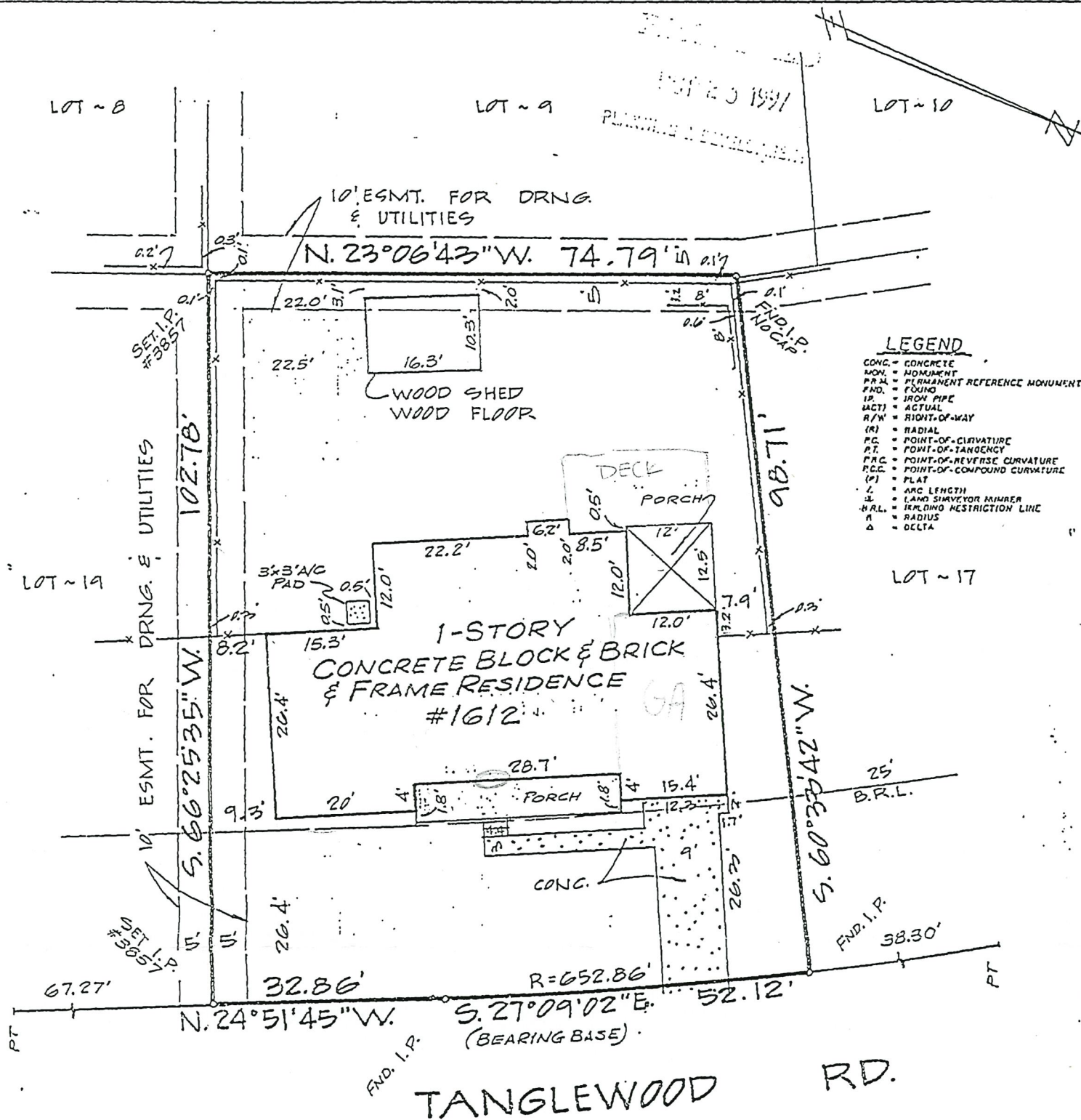
RECEIVED
23-100040
MAR 24 2023

PLANNING & DEVELOPMENT

EXISTING

MAP SHOWING BOUNDARY SURVEY OF
LOT 18 BLOCK 13 AS SHOWN ON MAP OF
OCEAN FOREST ~ UNIT THREE

AS RECORDED IN PLAT BOOK 29 PAGE 33, 33A, 33B OF PUBLIC RECORDS OF DUVAL CO. FLA.
FOR: MICHAEL S. & MARJORIE D. BALLENTINE; PONTA VEDRA MORTGAGE CORP.;
FIRST AMERICAN TITLE INSURANCE CO.; WATSON & OSBORNE.



RECEIVED: W.O. 93-6392, 11-28-93 (FIELD).

THERE MAY BE ADDITIONAL EASEMENTS AND/OR
RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY
BUT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

BEARINGS BASED ON PLAT AS SHOWN

I HEREBY CERTIFY THAT THE LOT SHOWN HEREON IS IN THE SPECIAL FLOOD HAZARD ZONE X AS SHOWN
ON FLOOD INSURANCE RATE MAP 0001D FOR THE CITY OF JACKSONVILLE BEACH, FLORIDA DATED 4-17-89.

ALL AMERICAN SURVEYORS, INC.

LAND SURVEYORS - 8789 SAN JOSE BLVD. JACKSONVILLE, FLORIDA, 32217 - 904/739-2217
SUITE 301

- LEGEND
- 1 CONC. MON.
 - 2 IRON COR.
(SET WITH CAP
#LB 3857)
 - 3 FENCE
 - 4 IRON COR.
(FOUND)
 - 5 CROSS CUT

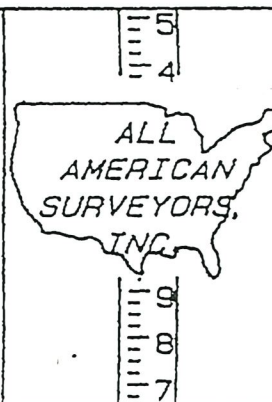
I HEREBY CERTIFY THAT THE ABOVE LANDS WERE SURVEYED UNDER MY
RESPONSIBLE SUPERVISION AND DIRECTION, THAT THERE ARE NO
ENCROACHMENTS EXCEPT AS SHOWN AND THAT THE SURVEY SHOWN
HEREON MEETS THE TECHNICAL STANDARDS SET FORTH BY THE
FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 472.027,
FLORIDA STATUTES

JAMES D. HARRISON, JR. P. L. S. No. 2647

SCALE 1" = 20'

DATE 9-17-82

REGISTERED SURVEYOR, STATE OF FLORIDA



250-46

ORDER NO. G-1517

RECEIVED
23-100040
MAR 24 2023

PLANNING & DEVELOPMENT



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

BOA#23-100042

Zoning: RS-1
RE: 181423-0000
Legal: Lots 7 & 8, Block 1, Atlantic Shores Division A, Replat
Address: 3527 Ocean Drive South.

Request

Section(s): 34-336(e)(1)e, for lot coverage of 40% in lieu of 35% maximum, to allow for construction of a new single-family dwelling

Existing Conditions

The subject property is a legal **conforming** lot of record (circa 1929) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The subject lot is roughly 100 feet in width and 150 feet in depth, with an overall area of 14,709 square feet. The subject property is currently occupied by a single family dwelling constructed in 1957. The existing home is constructed over both lots with a footprint of roughly 3,513 square feet. All additional hardscaping, plus the existing home total 7,200 square feet of lot coverage, or roughly 48.9%. Additionally, the existing home does not meet side yard setbacks for either the north or south property lines.

No previous Variance, No active code cases.

Staff Analysis

The subject property exceeds the minimum lot size for a lot in the RS-1 Zoning District. The lot is comprised of two lots of record, which historically have been united for the construction of the existing house. The current home was constructed in 1957, and exceeds lot coverage by roughly 14%. As noted above, the existing home does not meet required side yard setbacks either. The applicant has proposed the demolition of the existing home, and the construction of a new home in its place. The proposed new structure would meet the required side yard setbacks, and would reduce the overall lot coverage to 40%. Although the lot exceeds the minimum lot coverage, if the new home is constructed, it would result in an overall reduction in lot coverage by almost 10%, and would result in a home that meets current side yard setback requirements of 10 feet. Although the applicant has proposed the use of some pervious material on the rear pool deck, better use of such products for the driveway and walkways may get the applicant's proposed design within the lot coverage limits.



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

Minimum Dimensional Standards

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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject structure was built encroaching into the side yard setbacks at the time of construction. Additionally the existing structure occupies almost 50% lot coverage. The removal of the existing structure would allow the applicant to bring the property further into compliance with regards to setbacks and reduce the existing lot coverage.

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 subject house was built in 1957, and the side yard encroachments were part of the original footprint. Additionally the lot coverage was well in excess of 35%. The



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applicant could choose to renovate the existing structure, and seek a variance for the existing lot coverage and setbacks. The proposed new construction would reduce the nonconforming impact of the property. However, the applicant could better utilize permeable products or other methods to bring the home into compliance with lot coverage given the large size of the lot.

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

Staff finds that the proposed variance will confer special privileges. The property is zoned RS-1, and the lot exceeds the minimum lot requirements by a large margin. The applicant would be allowed additional lot coverage without any real hardship of the property, and removing the existing nonconforming house would eliminate and requirements for relief from the code. They applicant can build a house to meet the 35% lot coverage.

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. Literal interpretation of the code would still allow the applicant more room than most in the RS-1 district and specifically the surrounding area than typical lots in the RS-1 district. The applicant would not have any difficulty building a home that met all the dimensional standards on this lot. .

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 construct a new single family home. The removal of the existing house would eliminate any nonconformities with the home or lot, and give the applicant a blank slate to build a new home that meets all the lot coverage and setback requirements.

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



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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#23-10042**

Location Map (property boundaries are representative only)



LOT 9

1-STOREY MASONRY #3515 (2' EAVES)

LOT 8

1-STOREY MASONRY #3515 (2' EAVES)

LOT 7

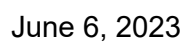
2-STOREY FRAME #3527 (2' EAVES)

LOT 6

2-STOREY FRAME #3601 (2' EAVES)

GRID N: 2155070.016
GRID E: 535307.703
LATITUDE: N 30°15'39.784"
LONGITUDE: W-81°22'58.156"

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA NO. 23.100042

HEARING DATE 6-6-23

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 30 2023

APPLICANT INFORMATION

Applicant Name: Brad C. Wester **Telephone:** (904) 294-3768
Mailing Address: 1 Independent Drive, Suite 1200 **E-Mail:** bwester@drivermcafee.com
Jacksonville, Florida 32202
Agent Name: Brad C. Wester **Telephone:** (904) 294-3768
Mailing Address: 1 Independent Drive, Suite 1200 **E-Mail:** bwester@drivermcafee.com
Jacksonville, Florida 32202
Landowner Name: Peter Gibson **Telephone:** _____
Mailing Address: 3527 Ocean Drive South **E-Mail:** pjgpbv@gmail.com
Jacksonville Beach, Florida 32250

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

VARIANCE DATA

Street address of property and Real Estate Number: 3527 Ocean Drive South (RE#181423-0000)
 Legal description of property (Attach copy of deed): See attached "Exhibit A"
 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).
1 variance request for lot coverage. See attached separate sheet for details. (Exhibit B)

AFFIDAVIT

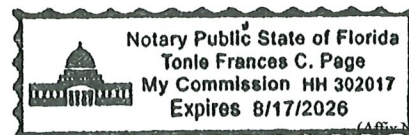
I, Brad C. Wester, being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary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

Brad C. Wester 3/25/23
 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 29 day of March, 2023, by Bradley Webster, who is personally known to me or produced FL Drivers License as identification.

Tonle Frances C. Page
 NOTARY PUBLIC SIGNATURE
Tonle Frances C. Page
 PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1 FLOOD ZONE: X/X-shaded/AE

CODE SECTION (s):
34-336(e)(1)e, for lot coverage of 40% in lieu of 35% maximum, to allow for construction of a new single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. **23-100042**

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 variance request is to allow the redevelopment of the property that is made up of two (2) lots of record: Lots 7 and 8, Block 1, Atlantic Shores Ocean Front Section Division "A". The lots have been customarily built on as one over time, since at least the 1950's and the lot coverage for the structures and improvements is calculated at 7,200 square feet (48.9% coverage). The lot coverage for the proposed structures and Improvements is calculated at 5,841 square feet (39.7% coverage). See Exhibit B.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	A rebuild in keeping with the same combined lots and generally the same footprint over the centerline of what would have been side yard setbacks and restrictions inherently increases the lot coverage percentage because those areas are part of the unified plan as they've always been. The variance request to accommodate this hardship of customarily building over the centerline (normally side yard lot lines for surrounding and abutting properties) includes an overall net reduction in the lot coverage for the proposed residence. The size and shape of the lot is slightly irregular and a lot coverage increase would also accommodate the proposed plan to be in character with the general style and context of what has existed there for 50+ years. See Exhibit B.
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 variance request is site specific and unique to this property as described and does not confer upon the applicant any special privileges denied to other parcels of land or buildings/structures in the same zoning in the neighborhood.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	Literal interpretation and enforcement of the Code with regard to the customary use of a house plan over the two existing lots of record would work an unnecessary hardship as described. See Exhibit B.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	The variance requests are the minimal amount needed, and reasonable for the maximum function and enjoyment in keeping within character and harmony with the long standing customary use of the property, and the surrounding lots and residences. See Exhibit B.
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 granting of this variance application is generally consistent with the GOPs of the Comprehensive Plan and LDC, and will not adversely affect adjacent land as described in this application and exhibits. See Exhibit B.

Exhibit A
Legal Description
3527 Ocean Drive South

LOTS 7 AND 8, BLOCK 1, ATLANTIC SHORES OCEAN FRONT SECTION "A" AS
RECORDED IN MAP BOOK 11, PAGE 11 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

RECEIVED

MAR 30 2023

23-100042

PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT

Exhibit B
3527 Ocean Drive South
Gibson Residence Lot Coverage Variance Request

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23-100042
MAR 30 2023

PLANNING & DEVELOPMENT

Character Summary & Variance Request:

A comparison of the lot coverage calculations from the previous residence and the proposed residence result in an approximate 9.2% reduction overall. The variance request is to allow the redevelopment of the property that is made up of two (2) lots of record: Lots 7 and 8, Block 1, Atlantic Shores Ocean Front Section Division "A". The lots have been customarily built on as one over time, since at least the 1950's and the lot coverage for the structures and improvements is calculated at 7,200 square feet (48.9% coverage). The lot coverage for the proposed structures and improvements is calculated at 5,841 square feet (39.7% coverage).

A rebuild in keeping with the same combined lots and generally the same footprint over the centerline of what would have been side yard setbacks and restrictions inherently increases the lot coverage percentage because those areas are part of the unified plan as they've always been. The variance request to accommodate this hardship of customarily building over the centerline (normally side yard lot lines for surrounding and abutting properties) includes an overall net reduction in the lot coverage for the proposed residence. The size and shape of the lot is slightly irregular and a lot coverage increase would also accommodate the proposed plan to be in character with the general style and context of what has existed there for 50+ years.

The request is to increase the maximum lot coverage from 35% to 40% for inclusion of all elements of the home, including driveways, IPE decking, hardscape, and other elements as depicted on the plan. The total percentage on the plan is 39.7% and the owner will strive to achieve that. However, based on final engineering and field construction changes to accommodate possible unforeseen elements we respectfully request a variance for up to 40% for the lot coverage. The proposed residence will include the latest in building codes, technology and environmentally conscious approaches like xeriscape and low impact development applications.

Prepared by:
Jessica Wright
Beaches Title Services, LLC
11437 Central Parkway - Suite 102
Jacksonville, Florida 32224

File Number: 1031-121
Consideration \$5,500,000.00

RECEIVED
23-100042
MAR 30 2023

PLANNING & DEVELOPMENT

General Warranty Deed

Made this May 24, 2022 by **Barbara J Fletcher, an unmarried widow**, whose address is: 1331 First St N, #902, Jacksonville Beach, FL 32250, hereinafter called the grantor, to **Peter John Gibson**, whose post office address is: 3527 Ocean Dr S, Jacksonville Beach, FL 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 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:

LOTS 7 AND 8, BLOCK 1, ATLANTIC SHORES OCEAN FRONT SECTION DIVISION "A",
ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 11,
OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

Parcel ID Number: 181423-0000

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2021.

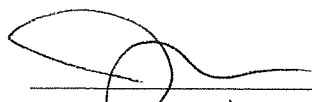
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Prepared by:
Jessica Wright
Beaches Title Services, LLC
11437 Central Parkway - Suite 102
Jacksonville, Florida 32224

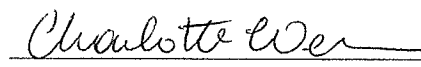
File Number: 1031-121
Consideration \$5,500,000.00

Signature page for Warranty Deed

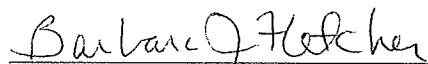
Signed, sealed and delivered in our presence:



Witness Printed Name Jessica K. Wagner



Witness Printed Name Charlotte Werner

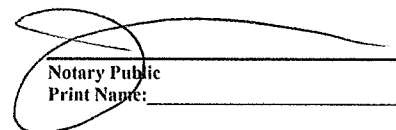


Barbara J Fletcher (Seal)
Address: _____

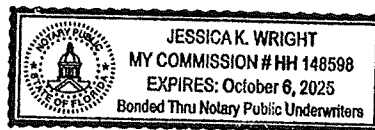
(Seal)
Address: _____

State of Florida
County of Duval

The foregoing instrument was acknowledged by means of ☒ physical presence or ☐ online notarization, this 29 day of May, 2022, by Barbara J Fletcher, who is personally known to me or who has produced FDL as identification.



Notary Public
Print Name: _____
My Commission Expires: _____



Agent Authorization

RECEIVED
23-100042
MAR 30 2023

City of Jacksonville Beach
Planning and Development Department
City Hall First Floor
11 North Third Street
Jacksonville Beach, Florida 32250

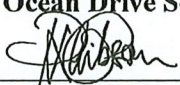
PLANNING & DEVELOPMENT

**Re: Agent Authorization for 3527 Ocean Drive South, Jacksonville Beach, FL
32250 (RE# 181423-0000)**

Ladies and Gentlemen:

You are hereby advised that Peter Gibson, owner of above referenced property, hereby authorizes and empowers Driver, McAfee, Hawthorne & Diebenow, PLLC, to act as agent to file an application for a variance or other approvals as may be required for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Beach Planning and Development Department.

3527 Ocean Drive South



Peter Gibson, owner

STATE OF FL
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 17th day of MARCH, 2023 by Peter Gibson, who is ☒ personally known to me or ☐ has produced N/A as identification.

[Notary Seal]



(Notary Signature)

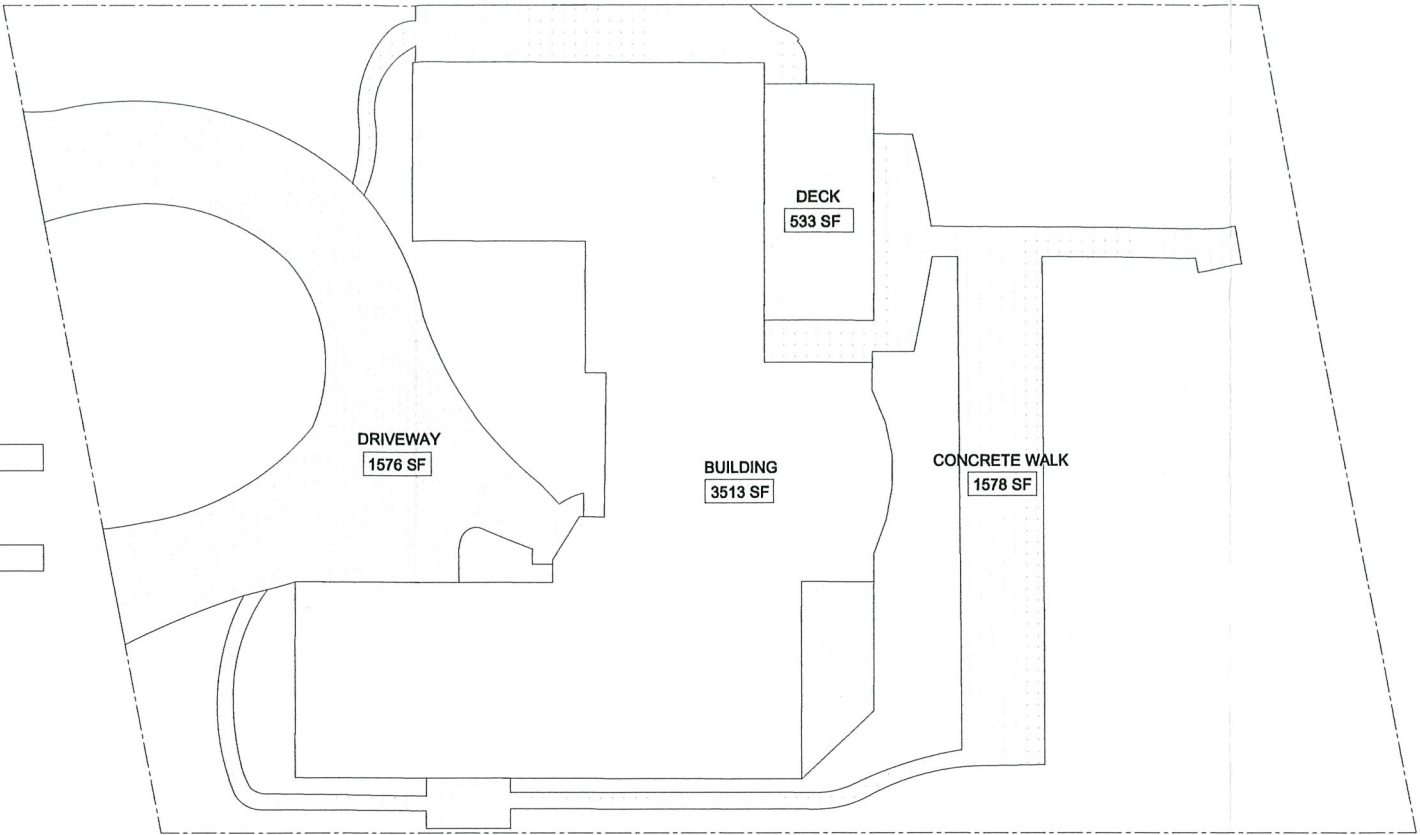


LOT COVERAGES

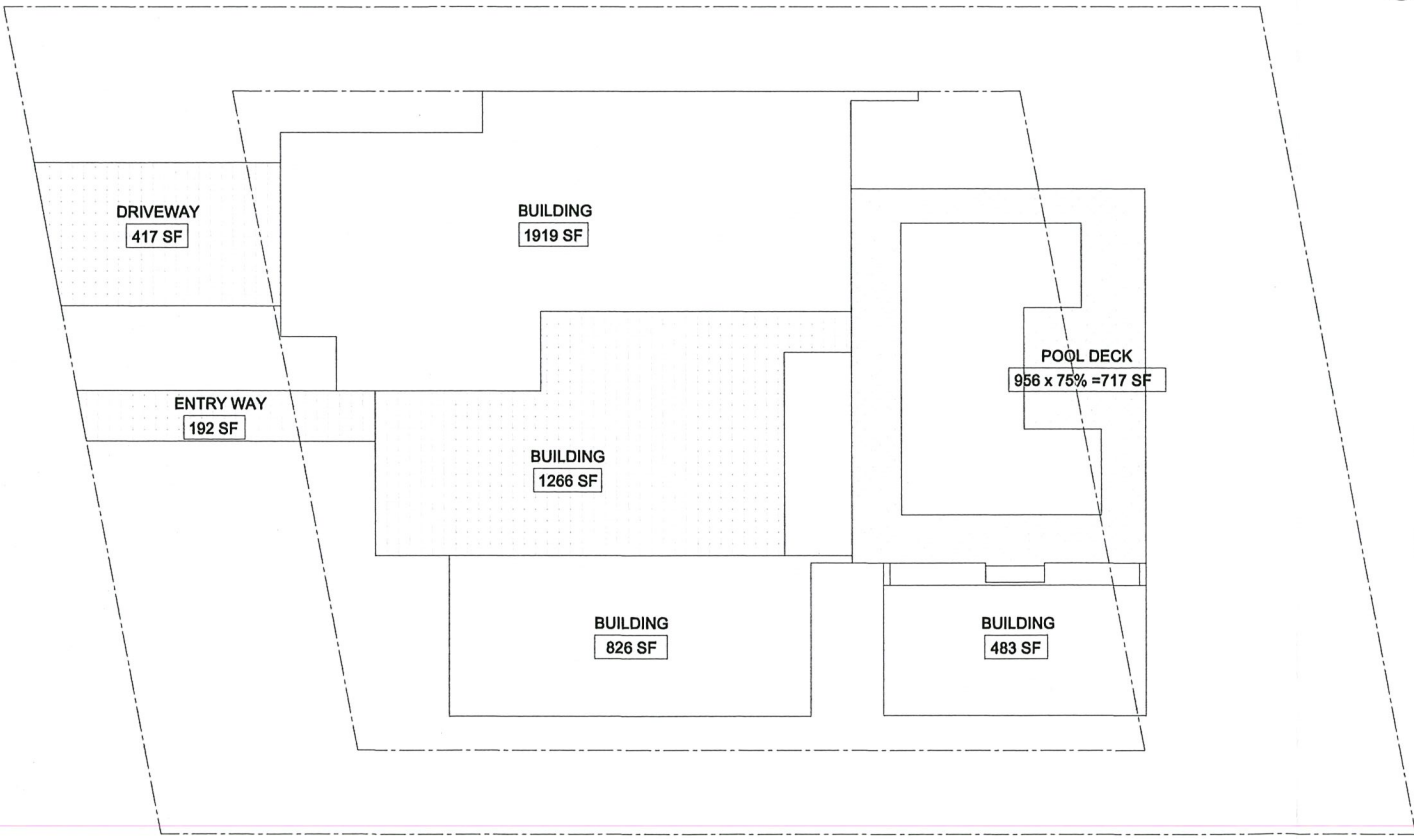
DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

LOT COVERAGE	
- LOT AREA	14,709 SF
IMPERVIOUS AREA	
- BUILDING	3,513 SF
- DECK	533 SF
- DRIVEWAY	1576 SF
- CONCRETE WALK	1578 SF
TOTAL IMPERVIOUS AREA	7,200 SF

7,200 SF = 48.9% LOT COVERAGE > 35% MAXIMUM
ALLOWABLE LOT COVERAGE



2 EXISTING LOT COVERAGE DIAGRAM
SCALE: 1/16" = 1'-0"



1 NEW LOT COVERAGE DIAGRAM
SCALE: 1/16" = 1'-0"

LOT COVERAGE	
- LOT AREA	14,709 SF
IMPERVIOUS AREA	
- BUILDING	4,513 SF
- POOL DECK (25% discount)	717 SF
- DRIVEWAY	417 SF
- ENTRY WAY	192 SF
TOTAL IMPERVIOUS AREA	5,839 SF

5,839 SF = 39.7% LOT COVERAGE > 35% MAXIMUM
ALLOWABLE LOT COVERAGE

RECEIVED
23-100042
MAR 30 2023

PLANNING & DEVELOPMENT

CRONK DUCH
ARCHITECTURE

1936 San Marco Blvd. Studio 101 San Marco, Florida 32207
904.302.9848 / 904.426-5453
240 Worth Ave. Studio 202, Palm Beach, Florida 33480
Office: 561.331.6382
161 King Street, Studio B, Charleston, South Carolina

CONSULTANTS:
STRUCTURAL:

REVISION	DATE

ARCHITECT'S SEAL

CADD DWG. FILE NO.

SCALE:
AS SHOWN

CADD USER ID:

ERM

LEGAL DESCRIPTION:

PROJECT PHASE:

DESIGN DEVELOPMENT

PROJECT NUMBER

NEW
CONSTRUCTION

JACKSONVILLE

GIBSON RESIDENCE

ISR
COMPARISON

AS1.1B

PROGRESS SET - 03/28/2023

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PROPOSED

GIBSON RESIDENCE (PROPOSED) R-1

SITE DATA - IMPERVIOUS / PERVIOUS CALCULATIONS	
SITE AREA:	14,709 SQ. FT.
MAXIMUM IMPERVIOUS AREA ALLOWANCE:	35% (5,148 SQ. FT.)
HARDSCAPE TAKE-OFFS:	
IMPERVIOUS	
BUILDING COVERAGE	4,513 SQ. FT.
DRIVEWAY	417 SQ. FT.
ENTRY WAY	192 SQ. FT.
POOL DECK IPE (1/2" gaps - 25% reduction)	717 SQ. FT.
TOTAL IMPERVIOUS:	
5,839	SQ. FT.
PERCENTAGE OF SITE IMPERVIOUS:	
39.7%	
VARIANCE REQUEST - 40% MAX. ISR	

DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

CRONK DUCH
ARCHITECTURE

1936 San Marco Blvd, Studio 101 San Marco, Florida 32207
904.302.9848 / 904.626.3452
240 Worth Ave., Studio 202 Palm Beach, Florida 33480
Office: 561.335.6382
141 King Street, Studio B, Charleston, South Carolina

CONSULTANTS:
STRUCTURAL:

REVISION	DATE

ARCHITECT'S SEAL

RECEIVED

MAR 30 2023

23-100042

PLANNING & DEVELOPMENT

CADD DWG. FILE NO.

SCALE:
AS SHOWN

CADD USER ID:
ERM

LEGAL DESCRIPTION:

PROJECT PHASE:
DESIGN/DEVELOPMENT

PROJECT NUMBER

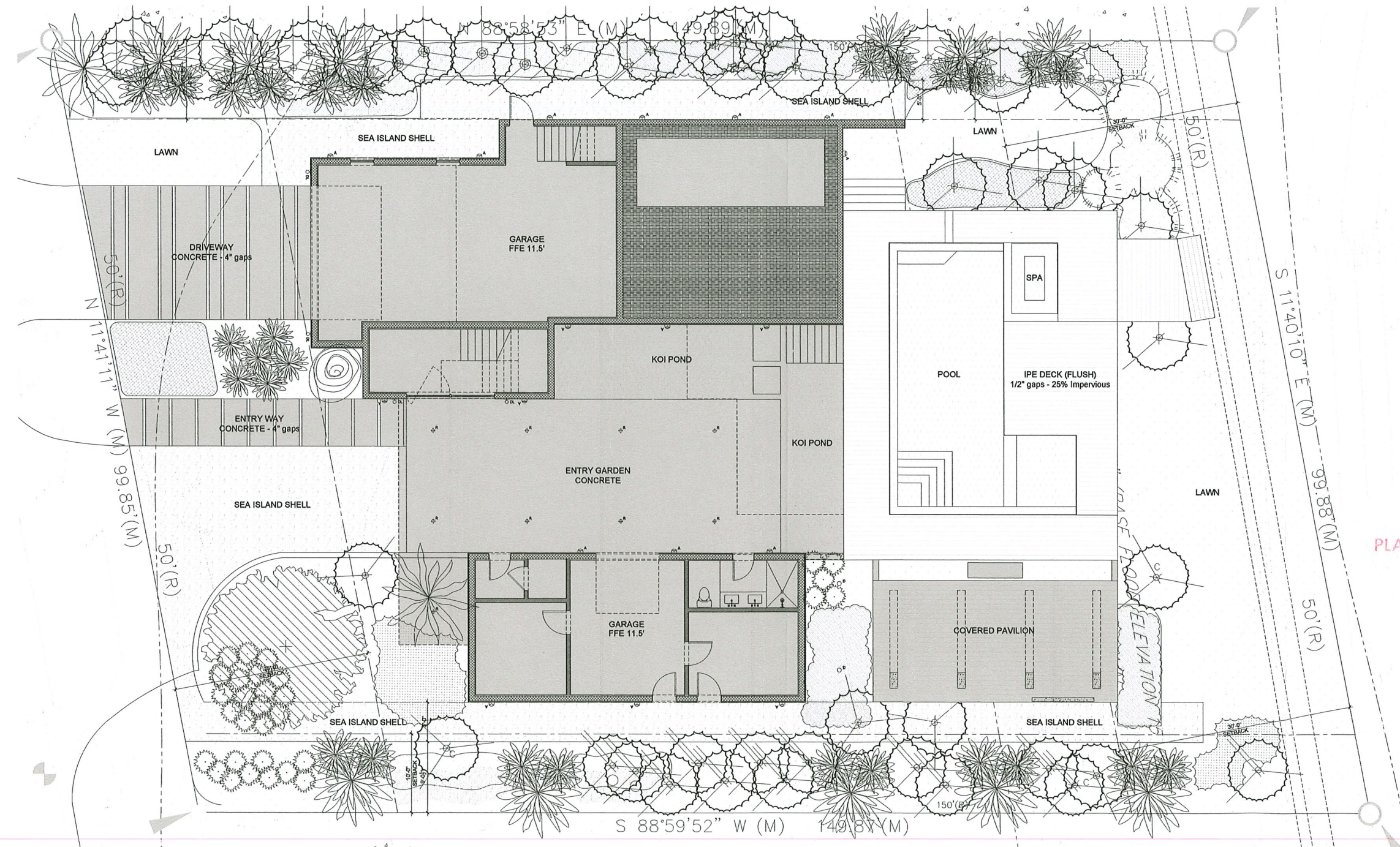
NEW
CONSTRUCTION

JACKSONVILLE

GIBSON RESIDENCE

PERVIOUS /
IMPERVIOUS
SITE PLAN

AG1.3



1 PERVIOUS/IMPERVIOUS SITE PLAN
SCALE: 3/16" = 1'-0"



PROGRESS SET - 03/28/2023

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EXISTING

DO NOT MEASURE DRAWINGS
NOTIFY ARCHITECT OF ANY AND ALL DISCREPANCIES
PRIOR TO CONSTRUCTION. SEE GENERAL NOTES

CRONK DUCH
ARCHITECTURE

1916 San Marco Blvd, Studio 101 San Marco, Florida 32207
904.562.9848 / 904.526.5452
240 Worth Ave, Studio 202 Palm Beach, Florida 33480
Office: 561.335.6382
161 King Street, Studio B, Charleston, South Carolina

CONSULTANTS:
STRUCTURAL:

REVISION	DATE

ARCHITECT'S SEAL

RECEIVED

MAR 30 2023
23-100042

PLANNING & DEVELOPMENT

CADD DWG. FILE NO.

SCALE:

AS SHOWN

CADD USER ID:

ERM

LEGAL DESCRIPTION:

PROJECT PHASE:

DESIGN DEVELOPMENT

PROJECT NUMBER

NEW
CONSTRUCTION

JACKSONVILLE

GIBSON RESIDENCE

SURVEY
ENLARGED

AG1.2B

GRID N: 2155208.981
GRID E: 535343.451
LATITUDE: N 30°15'41.161"
LONGITUDE: W-81°22'57.753"

COASTAL FLOOD PLAIN
FLOOD ZONE "VE" (BASE FLOOD ELEVATION 15 FEET)

GRID N: 2155206.316
GRID E: 535193.581
LATITUDE: N 30°15'41.130"
LONGITUDE: W-81°22'59.462"

LONGITUDE: W-81°22'59.228"
LATITUDE: N 30°15'40.163"
GRID E: 535213.806
GRID N: 2155108.539

GRID N: 2155111.161
GRID E: 535363.654
LATITUDE: N 30°15'40.194"
LONGITUDE: W-81°22'57.519"

COASTAL FLOOD PLAIN
FLOOD ZONE "VE" (BASE FLOOD ELEVATION 15 FEET)

UNPLATTED LANDS
TOWNSHIP 3 SOUTH,

1 SURVEY PLAN

SCALE: 1/16" = 1'-0"



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PROGRESS SET - 03/28/2023



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

BOA#23-100045

Zoning: RS-1
RE: 181323-0000
Legal: Lot 21, block 8, Ocean Terrace
Address: 3839 Poinciana Boulevard.

Request

Section(s): 34-336(e)(1)e, for lot coverage of 51% in lieu of 35% maximum; and 34:373(d), for a parking area setback of zero feet in lieu of 5 feet minimum, to allow for expansion of an existing driveway at an existing single-family dwelling

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1925) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The subject lot is 50 feet in width and 133 feet in depth, with an overall lot area of 6,650 square feet. The lot is both substandard in width and lot area. The property was approved for 44% lot coverage and a rear yard setback of 17.5 feet for a rear screened room addition. The property otherwise has a home that is conforming in setbacks and minimum size and has a required garage. The lot is consistent with other lots in the immediate area in size, as this section of the City was platted at the same time in 1925.

BOA#16-100203 for lot coverage of 44% and a rear yard setback of 17.5 feet.

Staff Analysis

The subject property is nonconforming in both area and width. The existing home and rear screen enclosure cover 44% of the lot. The applicant is proposing to expand the existing driveway to the south, to create additional paved space for car or boat parking. The property has two existing storm water drains along the north side of the front yard, necessitating the new paved area be shifted to the south property line. As there is less space along the south property line, the applicant is requesting to reduce the driveway setback to zero, and expand the lot coverage to 51% to accommodate the additional parking area. The applicant is proposing to add pavers along the southern side of the house, from the street to roughly a third the length of the house towards the rear. This will allow for additional space to park a boat or car and allow for overflow parking. If the property were a full sized lot, the proposed lot coverage would be 34%.



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

Minimum Dimensional Standards

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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject parcel is substandard in width and area for a property located in the RS-1 zoning district. Additionally, the subject property has two existing storm water drains along the north side of the front property line, dictating where any additional paves must go, to the south of the existing driveway.

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



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

Staff **does not** find that circumstances are a result of the applicant. The subject lot was platted in 1925 and is substandard as a result of the platted lot size. The applicant purchased the home in 2015.

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

Staff finds that the proposed variance **will not** confer special privileges. The lot is substandard in the RS-1 zoning district, and the ability to add onto a driveway or expand a rear patio is a typical enhancement to a single family home. More often these types of improvements are in the form of rear patios and swimming pools.

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 deny the applicant the ability to add improvements to the home in the form of driveway expansion. Additionally the applicant is creating a new parking location for their boat, which will be behind the front plane of the house, which will free up driveway space for additional parking.

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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the existing nonconformities as well as the proposed new porch. The proposed variances would be the minimum needed for the proposed parking area and access to this new parking area from the street. The location and reduction in setbacks for the driveway is a result of the existing storm water infrastructure.

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

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



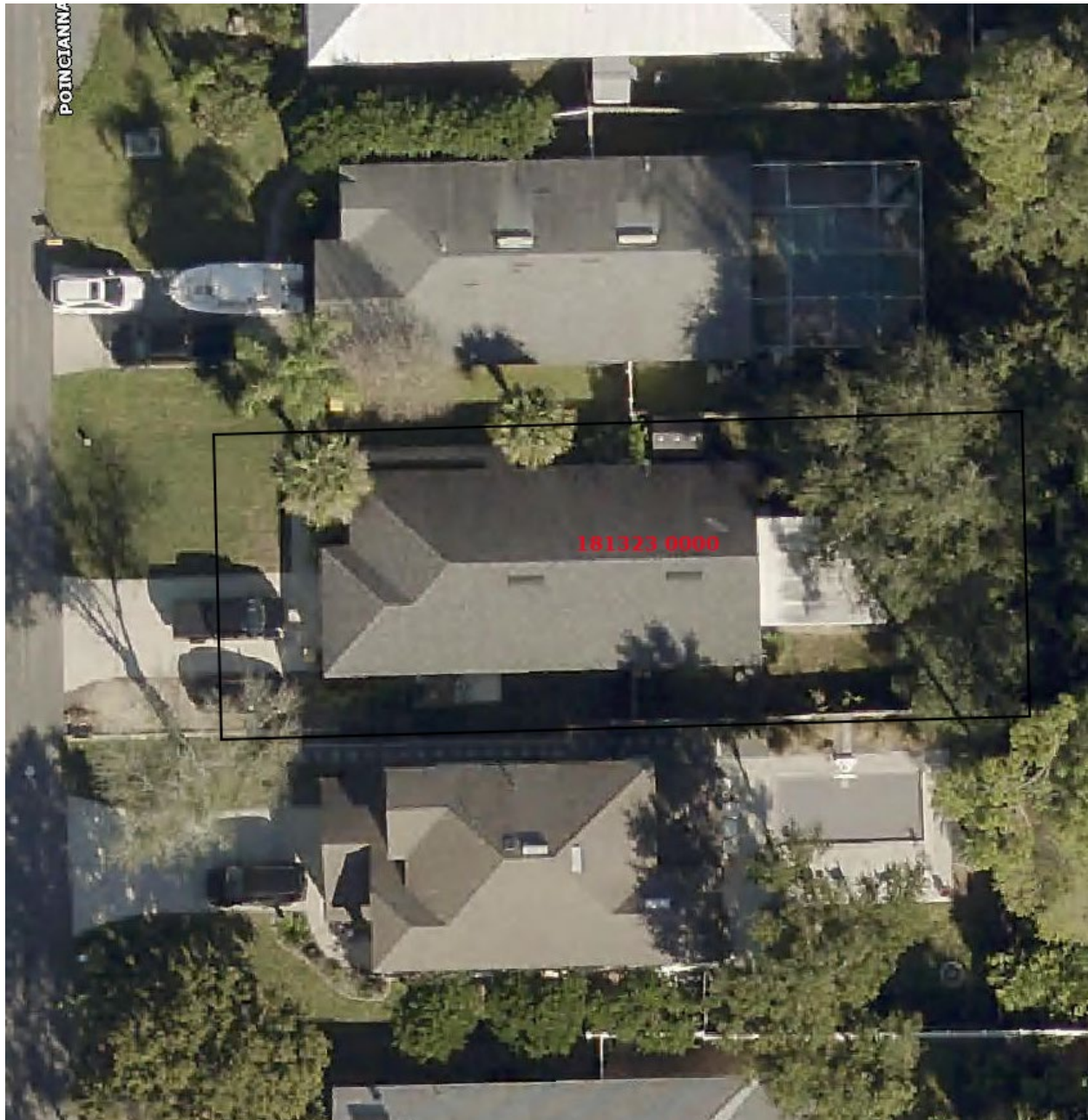
City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

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

Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#23-100045**

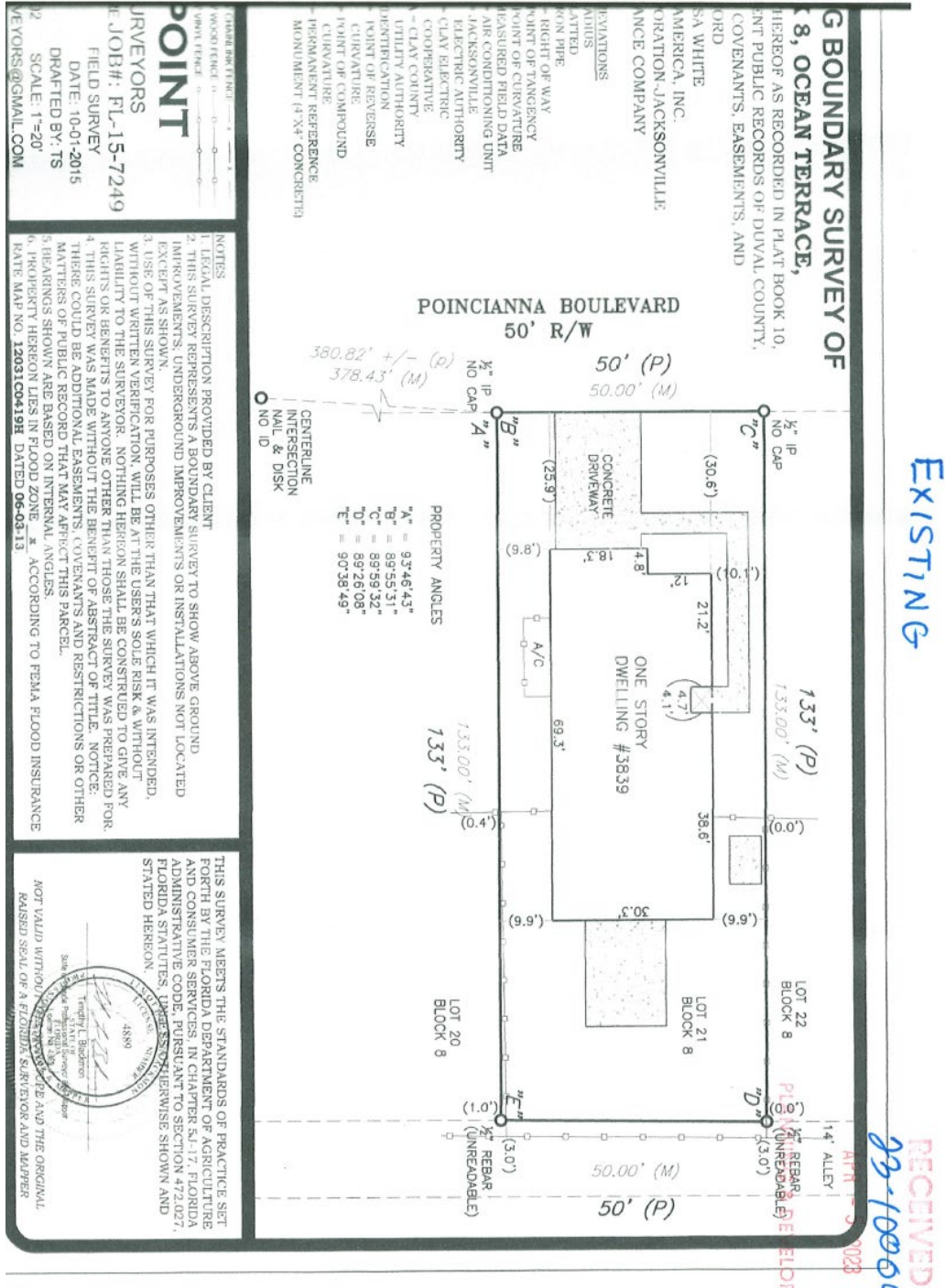
Location Map (property boundaries are representative only)





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

Existing Survey



[illegible]



APPLICATION FOR VARIANCE

BOA No. 23-100045
HEARING DATE 6-6-23

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.

APR - 5 2023

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: Vanessa White Weaver Telephone: (904) 607-1812
Mailing Address: 3839 Poinciana Blvd E-Mail: vwhite1212@gmail.com
Jacksonville Beach, FL 32250
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: Vanessa White Weaver 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: 3839 Poinciana Blvd. 181 323-0000
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).
Side yard minimum of zero ft from property line in lieu of 5 ft from property line for pavers to extend parking due to inability to use opposite side because of two drains, city water access, and the cable utility box. Also, request variance for 51% Impervious Surface Area from previous 44% ISA.

AFFIDAVIT

I, Vanessa White Weaver, 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.

Vanessa White Weaver
APPLICANT SIGNATURE

Vanessa White Weaver
PRINT APPLICANT NAME

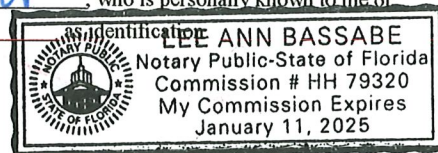
March 27, 2023
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 5th day of April, 2023, by Vanessa White Weaver, who is personally known to me or produced Florida Drivers License

Lee Ann Bassabe
NOTARY PUBLIC SIGNATURE

Lee Ann Bassabe
PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X

CODE SECTION (s):
34-336(e)(1)e, for lot coverage of 51% in lieu of 35% maximum; and 34:373(d), for a parking area setback of zero feet in lieu of 5 feet minimum, to allow for expansion of an existing driveway at an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No 23-100045

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	Unable to use north side of driveway to park due to two drains, the city water access hole, and the cable utility junction box. Unable to park on street due to small width of street. Therefore, need south side rocks covered in pavers to property line for additional parking area (boat/car). This also requires 51% Impervious Surface Area from previous 48% ISA.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	One drain on north side of driveway was present at purchase, the second drain was recently added when city added curbs.
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 north side of property will continue to enforce the rule due to the inability to use the north side for parking (previously mentioned the drains on this side and cable utility box).
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	It would be impossible to place pavers 5 ft from property line on the south side of property and obtain any use from it for parking due to the location of the driveway/garage
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Any less than 5 ft from property line would not allow the space needed to park a boat/car without blocking the garage door. Property has 2 front yard storm drains and 2 backyard storm drains.
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 pavers extending to property line instead of the rocks will be aesthetically pleasing to adjacent properties and will not adversely affect.

Neighborhood was established in 20's & is RS1,
therefore lot size is very small and ~~and~~ therefore
not able to meet the standards for RS1.
The lot is undersized in width as well.

16-100203

Prepared by:
Bonnie L. Wilson
Dominion Title Corporation-Jacksonville
6620 Southpoint Drive South, Suite 510
Jacksonville, Florida 32216

File Number: 15-0068

RECEIVED
23-100045
APR - 5 2023

PLANNING & DEVELOPMENT

General Warranty Deed

Made this October 9, 2015 A.D. By **Joseph A. Seibers and Sarah P. Seibers, husband and wife** whose address is: 2828 St. Johns Blvd., Jacksonville Beach, Florida 32250, hereinafter called the grantor, to **Vanessa Ann White, a single woman**, whose post office address is: 2103 Renaissance Way, Boynton Beach, Florida 33426, 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 21, Block 8, OCEAN TERRACE, according to the plat thereof, recorded in Plat Book 10, Page(s) 2, of the Public Records of Duval County, Florida.

Parcel ID Number: 181323-0000

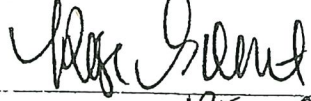
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

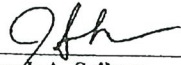
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2014.

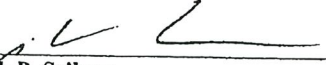
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Printed Name Rose Gilbert


Witness Printed Name Bonnie L. Wilson


Joseph A. Seibers (Seal)
Address: 2828 St. Johns Blvd., Jacksonville Beach, Florida 32250


Sarah P. Seibers (Seal)
Address: 2828 St. Johns Blvd., Jacksonville Beach, Florida 32250

State of Florida



CERTIFIED MAIL# 7016 2140 0000 5138 5089

December 21, 2016

Mr. James Couturier,
2216 Saye Drive East
Jacksonville, FL 32225

RE: BOA# 16-100203
3839 Poincianna Boulevard
(Lot 21, Block 8, *Ocean Terrace*)

Dear Mr. Couturier,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, December 20, 2016 to consider Vanessa White's application for a variance from the requirements of the Land Development Code.

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

- 34-336(e)(1)c.3., for a rear yard setback of 17.5 feet, in lieu of 30 feet required
- 34-336(e)(1)e., for 44% lot coverage, in lieu of 35% maximum; to allow a screen room addition to an existing single-family dwelling

To allow a screen room addition to an existing single-family dwelling.

The Board **approved** the request as written.

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

Sincerely,

Heather Ireland, AICP
Senior Planner

RECEIVED
23-100045
APR - 5 2023
Reference
PLANNING & DEVELOPMENT

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6231
Fax: 904.247.6107
Planning@jaxbchfl.net

www.jacksonvillebeach.org



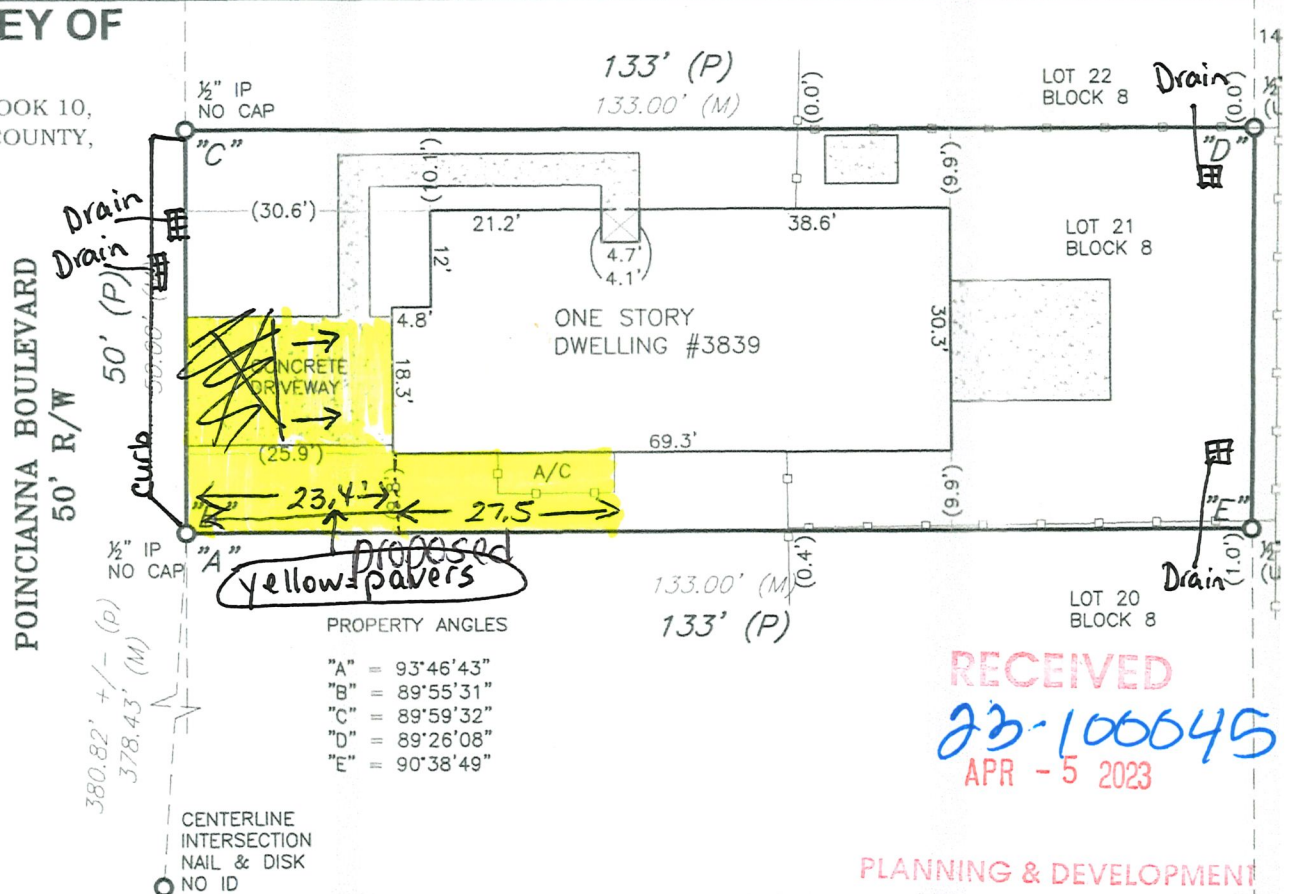
PROPOSED

SHOWING BOUNDARY SURVEY OF 21, BLOCK 8, OCEAN TERRACE,

RDING TO PLAT THEREOF AS RECORDED IN PLAT BOOK 10,
2, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY,
DA, SUBJECT TO COVENANTS, EASEMENTS, AND
CTIONS OF RECORD

IFIED TO: VANESSA WHITE
MORTGAGE OF AMERICA, INC.
NION TITLE CORPORATION-JACKSONVILLE
GO TITLE INSURANCE COMPANY

ABBREVIATIONS
R = RADIUS
P = PLATTED
IP = IRON PIPE
R/W = RIGHT OF WAY
PT = POINT OF TANGENCY
PC = POINT OF CURVATURE
M = MEASURED FIELD DATA
A/C = AIR CONDITIONING UNIT
JEA = JACKSONVILLE
ELECTRIC AUTHORITY
CEC = CLAY ELECTRIC
COOPERATIVE
CCUA = CLAY COUNTY
UTILITY AUTHORITY
ID = IDENTIFICATION
PRC = POINT OF REVERSE
CURVATURE
PCC = POINT OF COMPOUND
CURVATURE
PRM = PERMANENT REFERENCE
MONUMENT (4"X4" CONCRETE)



RECEIVED
23-100645
APR - 5 2023

PLANNING & DEVELOPMENT

ON POINT
LAND SURVEYORS
CORPORATE SQUARE JOB#: FL-15-7249
ITE 130 FIELD SURVEY
NVILLE, FL 32216 DATE: 10-01-2015
(904) 504-8900 DRAFTED BY: TS
ED BUSINESS #8102 SCALE: 1"=20'
INPOINTLANDSURVEYORS@GMAIL.COM

NOTES
1. LEGAL DESCRIPTION PROVIDED BY CLIENT
2. THIS SURVEY REPRESENTS A BOUNDARY SURVEY TO SHOW ABOVE GROUND IMPROVEMENTS; UNDERGROUND IMPROVEMENTS OR INSTALLATIONS NOT LOCATED EXCEPT AS SHOWN.
3. USE OF THIS SURVEY FOR PURPOSES OTHER THAN THAT WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK & WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREON SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE THE SURVEY WAS PREPARED FOR.
4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF ABSTRACT OF TITLE. NOTICE: THERE COULD BE ADDITIONAL EASEMENTS, COVENANTS AND RESTRICTIONS OR OTHER MATTERS OF PUBLIC RECORD THAT MAY AFFECT THIS PARCEL.
5. BEARINGS SHOWN ARE BASED ON INTERNAL ANGLES.
6. PROPERTY HEREON LIES IN FLOOD ZONE x ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 12031C0419H DATED 06-03-13.

THIS SURVEY MEETS THE STANDARDS OF F
FORTH BY THE FLORIDA DEPARTMENT OF
AND CONSUMER SERVICES, IN CHAPTER 5.
ADMINISTRATIVE CODE, PURSUANT TO SEC
FLORIDA STATUTES, UNLESS OTHERWISE
STATED HEREON.

4889
Timothy L. Blackmon
STATE OF
Florida
Professional Surveyor and Mapper
License No. 4389

NOT VALID WITHOUT THE ORIGINAL AND T
RAISED SEAL OF A FLORIDA SURVEYOR AN

EXISTING

RECEIVED
23-100645

APR - 5 2023

PLANNING & DEVELOPMENT

BOUNDARY SURVEY OF LOT 8, OCEAN TERRACE,

HEREOF AS RECORDED IN PLAT BOOK 10,
PUBLIC RECORDS OF DUVAL COUNTY,
COVENANTS, EASEMENTS, AND
ORD

SA WHITE
AMERICA, INC.
ORATION-JACKSONVILLE
ANCE COMPANY

DEVIATIONS
ADIUS
ATTED
RON PIPE
= RIGHT OF WAY
POINT OF TANGENCY
POINT OF CURVATURE
MEASURED FIELD DATA
AIR CONDITIONING UNIT
JACKSONVILLE
ELECTRIC AUTHORITY
CLAY ELECTRIC
COOPERATIVE
= CLAY COUNTY
UTILITY AUTHORITY
IDENTIFICATION
POINT OF REVERSE
CURVATURE
POINT OF COMPOUND
CURVATURE
PERMANENT REFERENCE
MONUMENT (4"x4" CONCRETE)

POINCIANNA BOULEVARD

50' R/W

50' (P)

50.00' (M)

380.82' +/- (P)
378.43' (M)

CENTERLINE
INTERSECTION
NAIL & DISK
NO ID

PROPERTY ANGLES

"A" = 93°46'43"
"B" = 89°55'31"
"C" = 89°59'32"
"D" = 89°26'08"
"E" = 90°38'49"

133' (P)
133.00' (M)

LOT 22
BLOCK 8

LOT 21
BLOCK 8

LOT 20
BLOCK 8

14' ALLEY

1/2" REBAR
(UNREADABLE)
(3.0')

50.00' (M)

50' (P)

1/2" REBAR
(UNREADABLE)
(1.0')

ONE STORY
DWELLING #3839

CONCRETE
DRIVEWAY

A/C

CHAINLINK FENCE
WOOD FENCE
VINYL FENCE
POINT
SURVEYORS
JOB#: FL-15-7249
FIELD SURVEY
DATE: 10-01-2015
DRAFTED BY: TS
SCALE: 1"=20'
VEYORS@GMAIL.COM

NOTES

- LEGAL DESCRIPTION PROVIDED BY CLIENT
- THIS SURVEY REPRESENTS A BOUNDARY SURVEY TO SHOW ABOVE GROUND IMPROVEMENTS; UNDERGROUND IMPROVEMENTS OR INSTALLATIONS NOT LOCATED EXCEPT AS SHOWN.
- USE OF THIS SURVEY FOR PURPOSES OTHER THAN THAT WHICH IT WAS INTENDED, WITHOUT WRITTEN VERIFICATION, WILL BE AT THE USER'S SOLE RISK & WITHOUT LIABILITY TO THE SURVEYOR. NOTHING HEREON SHALL BE CONSTRUED TO GIVE ANY RIGHTS OR BENEFITS TO ANYONE OTHER THAN THOSE THE SURVEY WAS PREPARED FOR.
- THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF ABSTRACT OF TITLE. NOTICE: THERE COULD BE ADDITIONAL EASEMENTS, COVENANTS AND RESTRICTIONS OR OTHER MATTERS OF PUBLIC RECORD THAT MAY AFFECT THIS PARCEL.
- BEARINGS SHOWN ARE BASED ON INTERNAL ANGLES.
- PROPERTY HEREON LIES IN FLOOD ZONE x ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NO. 12031C0419H DATED 06-03-13.

THIS SURVEY MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES, UNLESS OTHERWISE SHOWN AND STATED HEREON.



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



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

BOA#23-100047

Zoning: RS-2
RE: 181076-1426
Legal: Lot 147, Constitution Cove Unit 5
Address: 2519 Independence Dr.

Request

Section(s): 34-337(e)(1) c.3, for a rear setback of 10 feet in lieu of 30 feet minimum to allow for construction of a new addition to an existing single-family dwelling.

Existing Conditions

The subject property is located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-2. The subject property is 95 feet in width and 100 feet in depth with an overall area of 9,366 square feet. The existing 1,196 square foot home is on a corner lot and was built in 1978 pre dating current land development codes. The home was constructed at an angled orientation to Independence Dr. The corner lot has very limited build - area due to building regulations and side setback.

No previous BOA, No active code enforcement.

Staff Analysis

The subject lot is zoned for single family residential, and is substandard in width on its' side and rear on the north east side of the property. The home was built at an angle and meets lot coverage requirements with the proposed new additions. The applicants purchased the home with the existing configuration and are asking for a variance for a rear set back of 10 feet in lieu of 30 feet minimum. They are proposing to add 680 square feet of living space, a new paver patio, and remove the existing wood deck and existing concrete patio. The new addition would encroach on rear of the property. The proposed changes would increase build area to 4,900 square feet eastern side yard setback of 5 feet and maintain the total lot coverage under 35%.



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

Minimum Dimensional Standards

(1) Single family dwelling unit.

- 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 structure was constructed an irregular angle, thus changing the orientation of the structure to the typical setbacks. This has the effect to make any rear addition to be an encroachment into the required yard setbacks.

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

Staff **does not** find that circumstances are a result of the applicant. The house was constructed in 1978 and constructed at an angle which makes it difficult to add any additions without encroaching on the rear or side yard setbacks. There have been no substantial changes to the structure since its construction.



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

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

Staff **does not** find that the proposed variance will confer special privileges. Relief from the setback standards is a common request in the RS-2 zoning district for additions and rear yard accessory uses. The proposed addition would not be a special privilege but a common request that could otherwise be approved but for the setback encroachment.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. The literal interpretation of the code would make the proposed addition impossible due to the 30 feet minimum set back for the rear of the property.

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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed new home. The requested variances are minimum needed to construct the rear addition and address the existing rear setback nonconformity. Additionally the structure has existing rear yard encroachments that date from the time of construction.

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

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



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

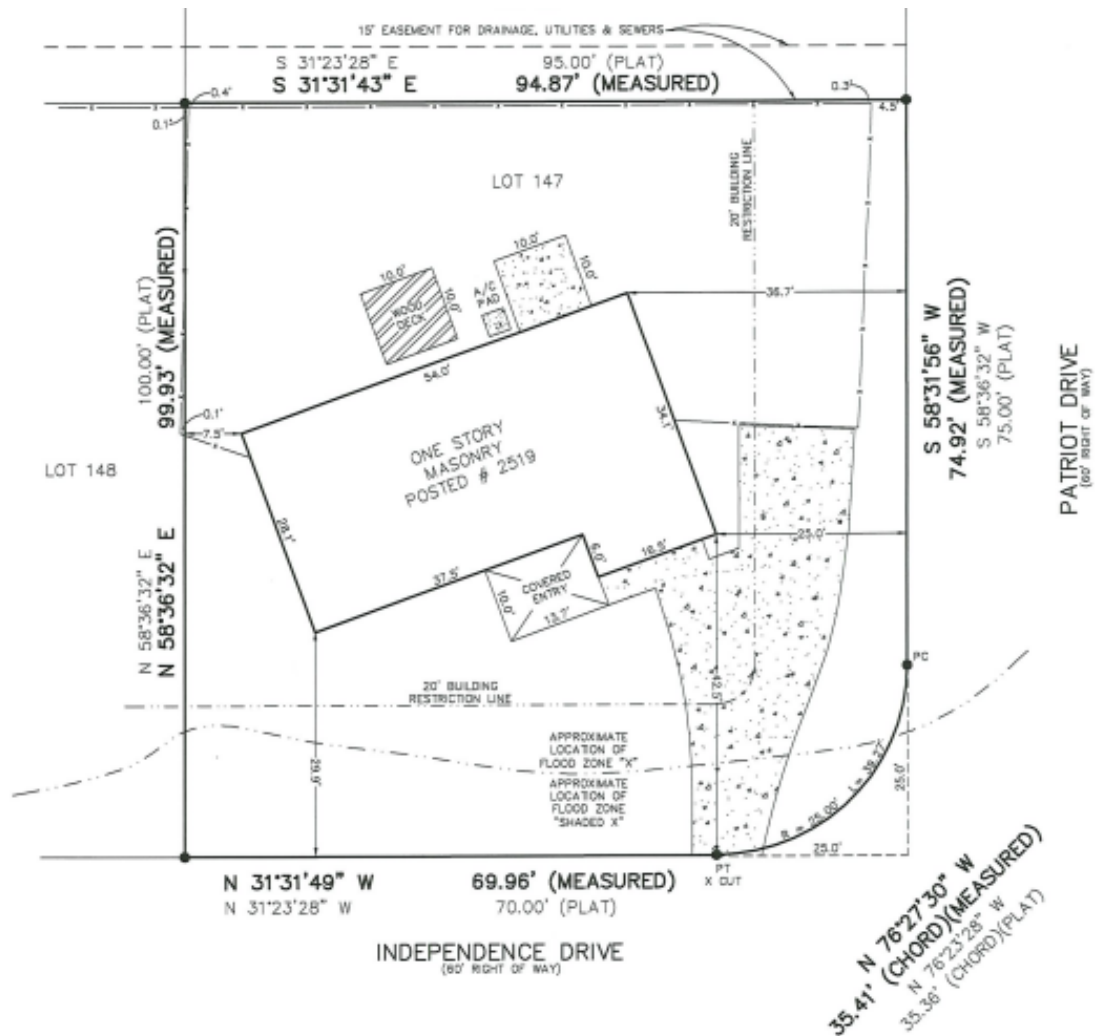
Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval BOA#23-100047**

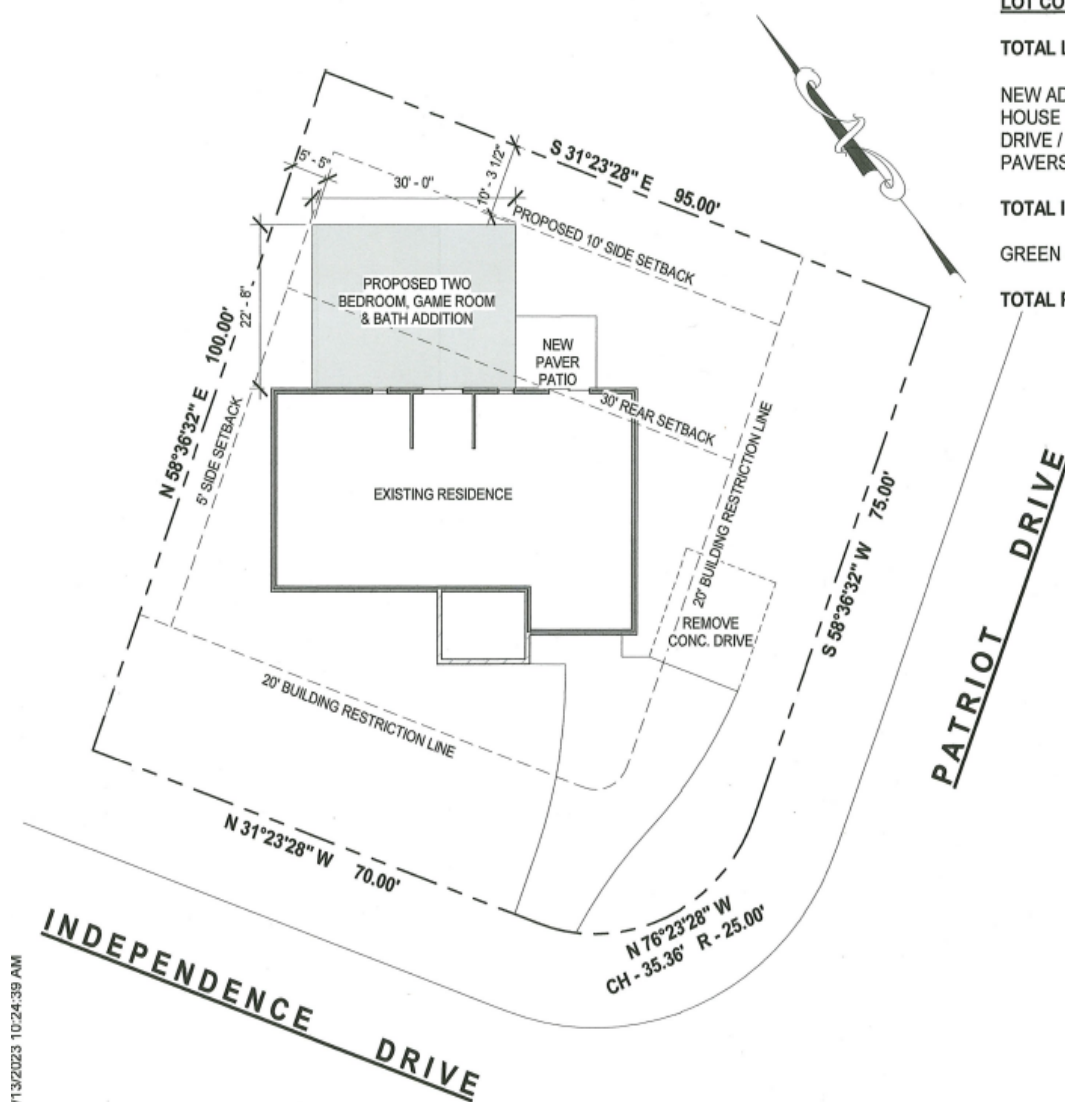
Location Map (property boundaries are reprehensive only)



Existing Survey



Proposed Site Plan



LOT COVERAGE CALCULATIONS - NEW

TOTAL LOT	9366	100%
NEW ADDITION	680	7.26%
HOUSE FOOTPRINT	1753	18.72%
DRIVE / WALK / PAD	715	7.63%
PAVERS	100	1.07%
TOTAL IMPERVIOUS	3248	34.68%
GREEN SPACE	6118	65.32%
TOTAL PERVIOUS	6118	65.32%

1 SITE PLAN - PROPOSED
P03 1/16" = 1'-0"



4/13/2023 10:24:39 AM



APPLICATION FOR VARIANCE

BOA No. 23-100047

HEARING DATE 6.6.23

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

APR 13 2023

APPLICANT INFORMATION

Applicant Name: Jeffrey & Natalie Brewster Telephone: (904) 608-2582
 Mailing Address: 2519 Independence Dr. E-Mail: brewsterpartyof4@gmail.com
Jacksonville Beach, FL 32250
 Agent Name: Paul Zebouni Telephone: (904) 248-0395
 Mailing Address: 822 A1A N. Suite #310 E-Mail: pz@bluewavebuilders.com
Ponte Vedra Beach, FL 32082
 Landowner Name: Jeffrey & Natalie Brewster Telephone: (904) 608-2582
 Mailing Address: 2519 Independence Dr. E-Mail: _____
Jacksonville Beach, FL 32250

PLANNING & DEVELOPMENT

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: 2519 Independence Dr. - #181076-1426
 Legal description of property (Attach copy of deed): 35-96 09-3S-29E Constitution Cove Unit Five Lot 147
 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).

Please see attached Description of Variance

AFFIDAVIT

I, Jeff & Natalie Brewster, 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.

Natalie C. Brewster
 APPLICANT SIGNATURE

Jeff Brewster
 PRINT APPLICANT NAME

4/12/2023
 DATE

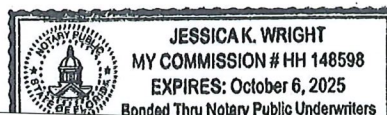
STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 12 day of April, 2023, by Jeff & Natalie Brewster, who is personally known to me or produced _____ as identification.

NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME

Jessica Wright



Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2

FLOOD ZONE: X/X shaded

CODE SECTION (S):
34-337(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum to allow for construction of a new addition to an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100047

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	See attached for circumstances
Special circumstances and conditions do not result from the actions of the applicant.	YES	
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	
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	



City of Jacksonville Beach
Planning and Development
11 North Third St.
Jacksonville Beach, FL 32250

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23-100047
APR 13 2023

PLANNING & DEVELOPMENT

April 11, 2023

RE: Description of Variance for RE #181076-1426, 2519 Independence Dr., Jacksonville Beach, FL 32250

We are seeking variance approval in order to build a 680 SF addition to the rear of the existing home at the above address.

Several characteristics of this lot & home configuration contribute to the need for a variance:

- The existing 1196 SF home was built in 1978, pre-dating current LDC
- The home was constructed at an angled orientation to Independence Dr.
- The 9,336 SF corner lot has a very limited build-area due to the BRLs & side setback
 - Current build-area 3500 SF
 - Front BRL: 20 ft
 - Left-Side BRL (corner): 20 ft
 - Rear BRL: 30 ft
 - Right-Side Setback: 5 ft

The proposed changes & addition would:

- Increase build-area to 4900 SF
- Add 680 SF of living space
- Stay within the existing Right-Side Setback of 5 ft
- Maintain 10 ft from the rear property line
- Maintain total impervious coverage under 35%

Thank you,

Paul Zebouni
CBC1262894
Bluewave Builders, Inc

Bluewave Builders, Inc
CBC1262894
904-248-0395
822 N A1A, Suite 310
Ponte Vedra Beach, FL 32082

This Instrument Prepared By/Return to:
Jim O. Moody, Jr.
Integrity Law, P.A.
2008 Riverside Avenue, Suite 200
Jacksonville, FL 32204

FILE # ILPA497

CONSIDERATION: \$252,000.00

Property Appraisers Parcel I.D. Number(s):
181076-1426

RECEIVED
23-100047
APR 13 2023

PLANNING & DEVELOPMENT

WARRANTY DEED

THIS WARRANTY DEED made and executed this February 29, 2016, by **Joseph G. Weaver and Shannon P. Weaver, a married couple**, whose post office address is 161 Biscayne Avenue, Tampa, FL 33606 hereinafter called the Grantor, to **Jeffrey Brewster and Natalie Brewster** whose post office address is: 2519 Independence Drive, Jacksonville Beach, FL 32250, hereinafter called the Grantee:

(Wherever used herein the terms "first party" and "second party" shall include singular and plural, heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, wherever the context so admits or requires.)

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, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate, lying and being in **Duval County**, State of Florida, viz:

Lot 147, Constitution Cove Unit Five, according to the Plat thereof, recorded in Plat Book 35, Page(s) 96, of the Public Records of Duval County, Florida.

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, and hereby 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 easements, restrictions and reservations of record, if any, and taxes accruing subsequent to January 1st ~~2016~~.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, Sealed and Delivered
In The Presence Of:

Cynthia B. Sutton
Witness Signature

Cynthia B. Sutton
Witness Printed Name

[Signature]
Witness Signature

JOHN B. SUTTON
Witness Printed Name

[Signature]
Joseph G. Weaver

[Signature]
Shannon P. Weaver

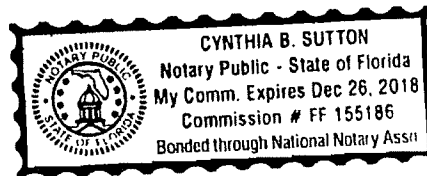
STATE OF Florida
COUNTY OF N. Hillsborough

I hereby certify that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgements, personally appeared Joseph G. Weaver and Shannon P. Weaver, a married couple, who has/have provided proof of identification in the form of a valid Driver's License and who took an oath that he/she/they severally acknowledged executing the same in the presence of two subscribing witnesses freely and voluntarily.

Witness my hand and official seal in the county and state aforesaid this February 25, 2016.

Cynthia B. Sutton
Notary Public Sign Above

Print Name: Cynthia B. Sutton
My Comm Expires: 12/29/18
My Commission #: FF155186



Agent Authorization Affidavit- Property Owner

Date: 04/11/23

City of Jacksonville Beach
Planning and Development
11 North Third St.
Jacksonville Beach, Florida 32250

RECEIVED
23-100047
APR 13 2023

Re: Agent Authorization for the following site location:

RE# 181076-1426
2519 Independence Dr.
Jacksonville Beach, FL 32250

PLANNING & DEVELOPMENT

To Whom it May Concern:

You are hereby advised that the undersigned is the owner of the property described in the Application for Variance attached hereto. Said owner hereby authorizes and empowers Paul Zebouni, CBC1262894 of Bluewave Builders, Inc. to act as agent to file application(s) for Jeffrey & Natalie Brewster for the above-referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

If Owner is Individual:

By Natalie C. Brewster
Print Name: Natalie Brewster
Jeff Brewster

If Owner is Corporate Entity:*

Print Corporate Name:

By _____
Print Name: _____
Its: _____

*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

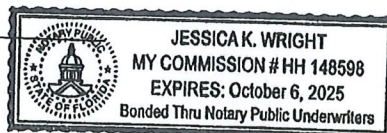
STATE OF FLORIDA
COUNTY OF DUVAL

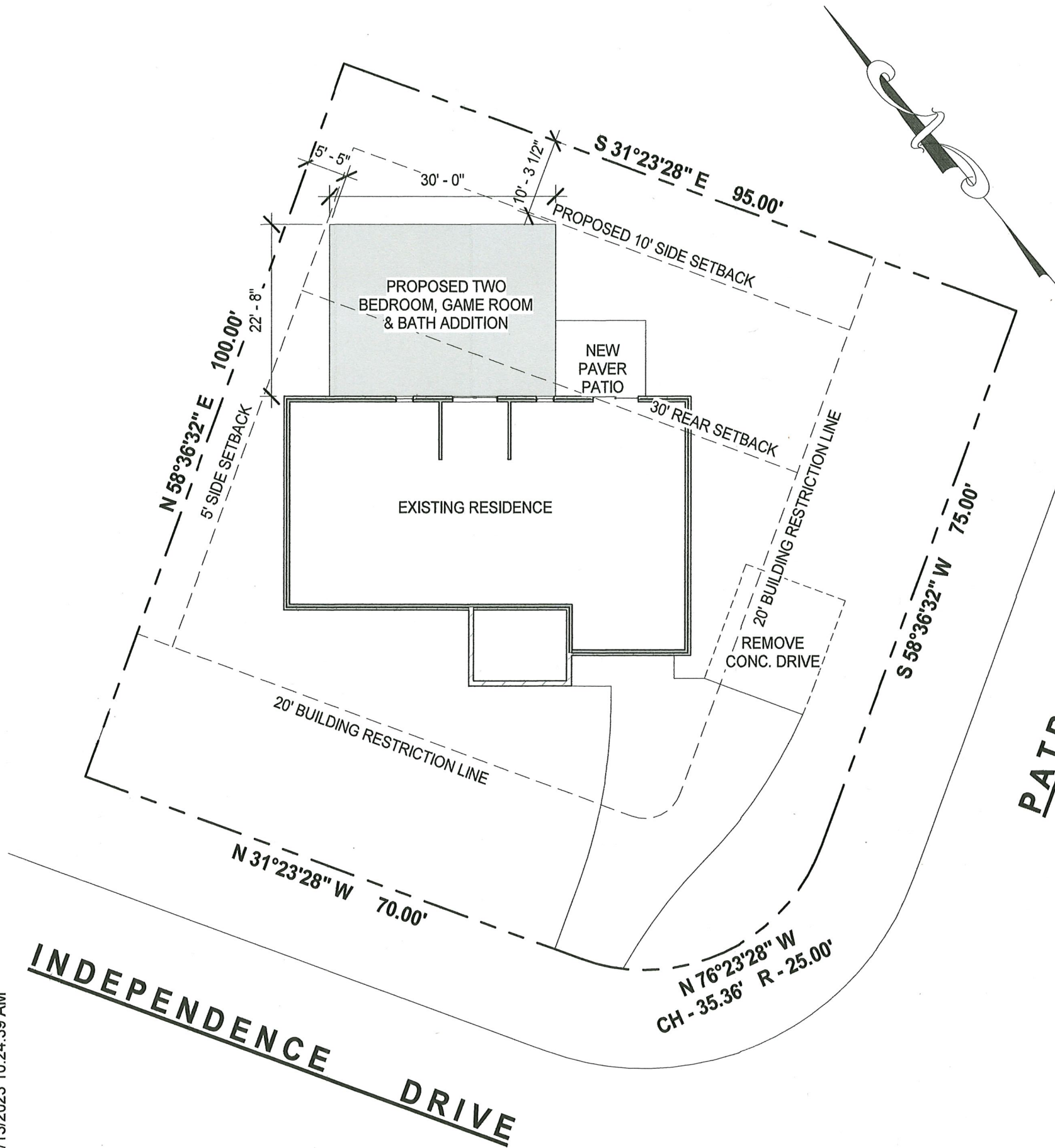
Sworn to and subscribed and acknowledged before me this 12 day of April, 2023, by Natalie & Jeff Brewster, who is personally known to me or who has produced _____ as identification and who took an oath.

(Signature of NOTARY PUBLIC)

Jessica K. Wright
(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: _____





LOT COVERAGE CALCULATIONS - NEW

TOTAL LOT	9366	100%
NEW ADDITION	680	7.26%
HOUSE FOOTPRINT	1753	18.72%
DRIVE / WALK / PAD	715	7.63%
PAVERS	100	1.07%
TOTAL IMPERVIOUS	3248	34.68%
GREEN SPACE	6118	65.32%
TOTAL PERVIOUS	6118	65.32%

PATRIOT DRIVE

1	SITE PLAN - PROPOSED
P03	1/16" = 1'-0"



NEW SITE - 11x17

DRAWING PHASE
☒ PRELIMINARY
☐ PERMIT

ISSUE DATE
APR. 13, 2023

P03

JOB # - 23107

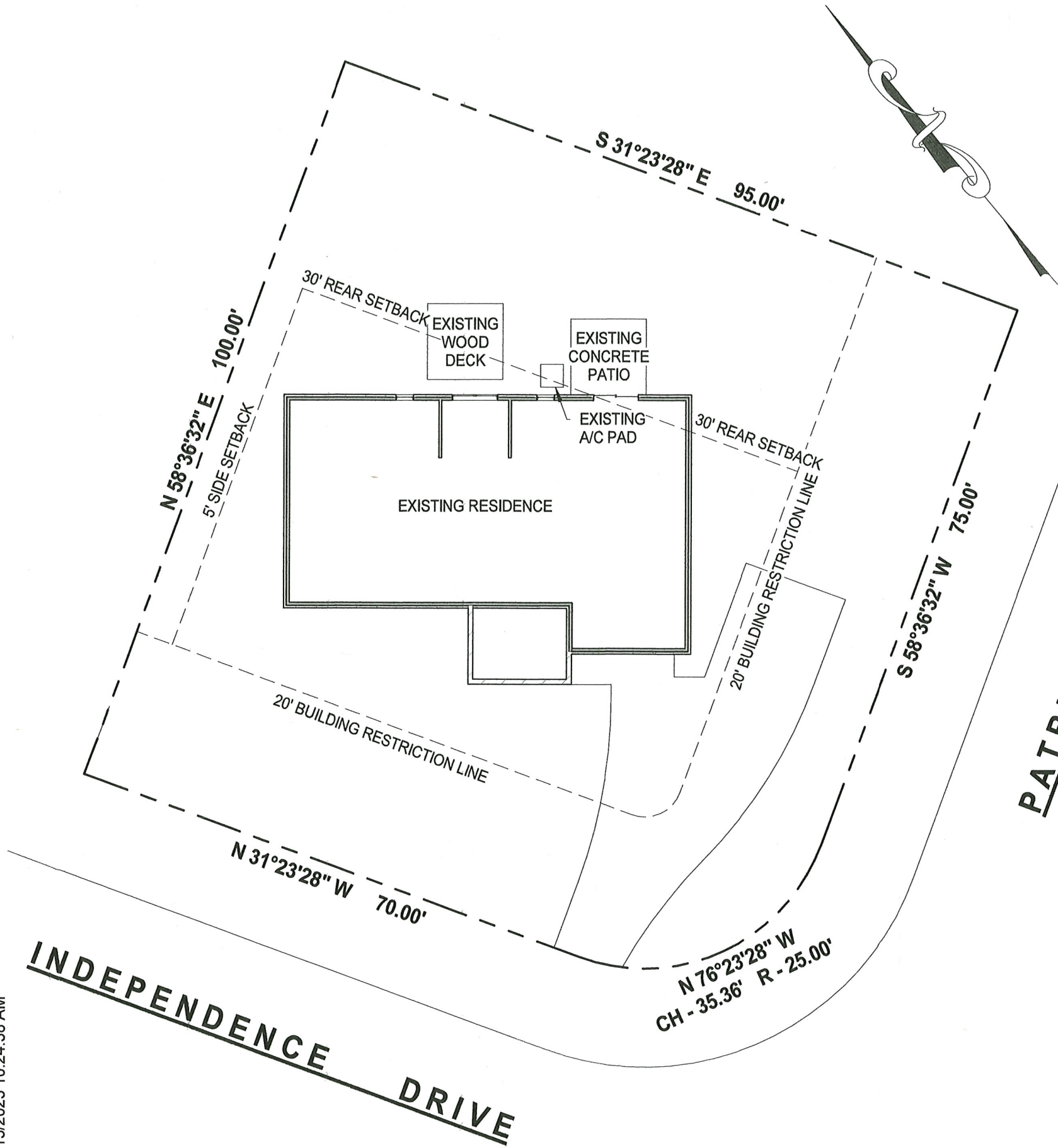
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23-100047
APR 13 2023

PLANNING & DEVELOPMENT

BREWSTER ADDITION

2519 INDEPENDENCE DRIVE
JACKSONVILLE BEACH, FLORIDA

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LOT COVERAGE CALCULATIONS - EXISTING

TOTAL LOT	9366	100%
HOUSE FOOTPRINT	1753	18.72%
CONCRETE DRIVE / WALK	927	9.90%
CONCRETE PATIO / PAD	109	1.16%
WOOD DECK	100	1.07%
TOTAL IMPERVIOUS	2889	30.85%
GREEN SPACE	6477	69.15%
TOTAL PERVIOUS	6477	69.15%

1	SITE PLAN - EXISTING
P02	1/16" = 1'-0"



EXISTING SITE - 11x17

P02

RECEIVED
23-100047
APR 13 2023

PLANNING & DEVELOPMENT

BREWSTER ADDITION

2519 INDEPENDENCE DRIVE
JACKSONVILLE BEACH, FLORIDA

© COPYRIGHT 2023

JOB # - 23107

DRAWING PHASE

PRELIMINARY

PERMIT

ISSUE DATE

APR. 13, 2023

EXISTING

MAP SHOWING BOUNDARY SURVEY OF

LOT 147, CONSTITUTION COVE UNIT FIVE, AS RECORDED IN PLAT BOOK 35,
PAGE 96, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
JEFFREY BREWSTER & NATALIE BREWSTER
UNIVERSITY LENDING GROUP, LLC
INTERGRITY LAW, PA
WESTCOR LAND TITLE INSURANCE COMPANY

RECEIVED

23-100047

APR 13 2023

CONSTITUTION COVE UNIT FIVE
PLAT BOOK 35, PAGES 56 AND 56-A

LOT 82

PLANNING & DEVELOPMENT

15' EASEMENT FOR DRAINAGE, UTILITIES & SEWERS

S 31°23'28" E
S 31°31'43" E

95.00' (PLAT)
94.87' (MEASURED)

LOT 147

LOT 148

100.00' (PLAT)
99.93' (MEASURED)

N 58°36'32" E
N 58°36'32" E

ONE STORY
MASONRY
POSTED # 2519

COVERED
ENTRY

20' BUILDING
RESTRICTION LINE

APPROXIMATE
LOCATION OF
FLOOD ZONE "X"
APPROXIMATE
LOCATION OF
FLOOD ZONE
"SHADED X"

N 31°31'49" W
N 31°23'28" W

69.96' (MEASURED)
70.00' (PLAT)

INDEPENDENCE DRIVE
(60' RIGHT OF WAY)

S 58°31'56" W
74.92' (MEASURED)
S 58°36'32" W
75.00' (PLAT)

PATRIOT DRIVE
(60' RIGHT OF WAY)

35.41' N 76°27'30" W
35.36' (CHORD)(MEASURED)
N 76°23'28" W
35.36' (CHORD)(PLAT)

LEGEND:

- x — = FENCE
○ = CONCRETE
○ = SET 1/2" REBAR STAMPED PSM#5146
● = FOUND 1/2" IRON PIPE NO IDENTIFICATION
(UNLESS OTHERWISE NOTED)
■ = 4"x4" CONCRETE MONUMENT
A/C = AIR CONDITIONER

PC = POINT OF CURVATURE
PT = POINT OF TANGENCY

PRC = POINT OF REVERSE CURVATURE
PCC = POINT OF COMPOUND CURVATURE

NOTES:

- BEARINGS ARE BASED ON THE PLAT BEARING OF N 58°36'32" E ALONG THE NORTHWESTERLY BOUNDARY LINE OF SUBJECT PARCEL.
- BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE "X & SHADED X" AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED JUNE 3, 2013, COMMUNITY NUMBER 120078, PANEL 0419 H.
- THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER RECORDED PLAT &/OR TITLE COMMITMENT IF SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED.
- THIS SURVEY IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

REVISIONS

DATE	DESCRIPTION

JOB # 28992

DATE OF FIELD SURVEY: 2-23-2016

SCALE: 1" = 20'



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

CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS AND PRACTICES SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 460.27, FLORIDA STATUTES.

Raymond Thompson
RAYMOND THOMPSON
REGISTERED SURVEYOR AND MAPPER #5146 STATE OF FLORIDA
LICENSE BUSINESS NO. 7469

LAND SURVEYS

O

CONSTRUCTION SURVEYS

Q

SUBDIVISIONS



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

BOA#23-100048

Zoning: C-1
RE: 174266-0000
Legal: Lot 6, Block 73, Pablo Beach North Replat
Address: 725 3rd Street North

Request

Section(s): 34-342(e)(3)a, for a front yard setback of 8 feet in lieu of 10 feet minimum; 34-342(e)(5), for 100% lot coverage in lieu of 85% maximum; 34-373(b) for a two way parking isle width of 8 feet 10 inches in lieu of 23 feet minimum; 34-373(c), for no turning and maneuvering space in lieu of required space for commercial parking; 34-373(d), for a parking setback of zero feet in lieu of 5 feet required; 34-377, for one parking space in lieu of 8 spaces required for a new beauty shop (skin care) use located in the C-1 zoning district; 34-425(a)(3) for zero trees in lieu of one required tree; 34-425(b)(1), for no landscape buffer adjacent to the public right-of-way in lieu of 5 feet required; and 34-425(c)(1), for no interior landscape islands in lieu of one required island, to allow for the renovation and re-use of an existing non-conforming commercial mixed use structure

Existing Conditions

The subject property is a lot of record, (circa 1913) located in the Limited Commercial future land use category. The property is currently zoned Commercial Limited: C-1. The subject parcel is 62.5 feet in width and 100 feet in depth, with a total area of 6,250 square feet. The subject parcel is occupied by a mixed use structure, with three residential units to the rear and on the second floor, and a vacant commercial space fronting on 3rd Street North. The structure was built in 1968, and was a legal nonconformity with regards to a number of sections of the Land Development Code. The lot is completely covered by the building and paving. The structure was most recently the Seahorse florist, but the flower shop succumbed to the pressures of Covid, and during the lockdown, went out of business. The structure has been vacant for two years, and therefore lost its legal nonconforming status, as it was vacant for more than 6 months. The property has room for roughly 7 parking spaces, one of which will be ADA compatible, towards the front of the property. The property is devoid of any landscaping, save for two palm trees located both in front and to the rear of the structure. The structure directly abuts the commercial structure to the north, and has a small driveway adjacent to the alley to the south. To the rear is a multifamily lot, with two structures. There are two designated on-street parking spaces immediately in front of the structure along 3rd Street.



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Staff Analysis

The subject property is fully developed with a 1968 mixed use structure and the site is almost completely paved, except for two small areas surrounding existing palm trees. The site is a mix of commercial space on the ground floor, and three residential units on the second floor. The residential units are occupied currently. Each residential unit requires two parking spaces per code. Additionally, the proposed beauty salon will have 4 treatment rooms, which will require 8 spaces per code. Additionally the code has specific landscaping requirements for perimeter landscaping adjacent to 3rd street, and interior landscape islands for any parking lot over 10 spaces. As this property is required by code to have 14 spaces, it would require interior landscaping and additional tree planting of two shade trees, for which the existing palms do not account for. Additionally the existing palms are directly next to the structure, which would preclude replacing them with shade trees, as nearly all types of shade trees have a larger space requirement than a palm tree and there likely isn't room to fit them.

The subject property was a functioning retail florist up until Covid. Once the florist closed, the property was vacant long enough that it no longer was considered a legal nonconforming structure. The proposed use is of a lesser parking intensity than the previous use, as a florist is considered retail trade, and would require one space for every 200 square feet of commercial area, which in this case would have required roughly 15 parking spaces as opposed to the required eight for the proposed spa. There is no way for the existing structure and existing site to meet any of the typical LDC requirements for C-1 zoning district dimensional standards, required parking design and number of spaces, nor the majority of the landscape standards. Without relief from the code, there is no commercial use that would be able to use this site, and account for all parking, including the three residential units.

Minimum development and parking standards

Dimensional standards. The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the C-1 Zoning District.

- Minimum lot area: None.
- Minimum lot width: None.
- Minimum yards:
 - Front yard: Ten (10) feet.



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- Side yard: None, except where adjacent to streets. If adjacent to a street ten (10) feet, for a corner lot, the side yard on the corner shall be ten (10) feet.
- Rear yard: None. For oceanfront lots, the rear yard shall be the yard adjacent to the ocean, or the easterly yard, and the front yard shall be the westerly yard, or yard opposite the rear yard.
- Floor area: None.
- Maximum lot coverage: Eighty-five (85) percent.
- Height: Thirty-five (35) feet.

Parking Design Standards:

- *Parking aisles.* The minimum required dimensions of off-street parking aisles shall be based on the angle of the parking stalls to the aisle as follows:

Parking Angle (degrees)	Width of One-Way Aisle (feet)	Width of Two-Way Aisle (feet)
30	12	23
45	12	23
60	16	23
90	23	23

- Turning and maneuvering space. Off-street turning and maneuvering space shall be provided for each lot so that no vehicle shall be required to back onto a public street or alley, with the exception of one- and two-family structures, townhouses, or individual multiple-family structures containing up to four (4) units with attached garages or carports.
- 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. However, no setbacks are required for driveways relative to interior property lines between townhouse lots or individual two-family dwelling lots, or between a driveway and its connection to a right-of-way for vehicular access. Below ground parking garages on oceanfront lots are exempt from setback requirements, provided that they shall be constructed no closer than three (3) feet from any property line, shall be completely roofed and covered, and such roof or cover shall not be elevated more than six (6) inches above the crown of the abutting street.



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Off Street Parking Requirements:

Single-family, mobile home, two-family, townhouse, and multiple-family dwellings	Two (2) spaces per dwelling unit.
Barber and beauty shops	Two (2) spaces per chair or station.

Landscape Standards

- Tree planting and preservation requirements. The following tree planting and preservation standards shall apply to all development. They may be used to satisfy, in whole or in part, the landscape requirements for off-street parking and vehicular use area landscape buffers (section 34-425(b)), the landscape requirements for the interior of parking and vehicular use areas (section 34-425(c))
 - Nonresidential lot. One (1) tree shall be planted or preserved for every six thousand (6,000) square feet of a nonresidential lot or fraction thereof. Fifty (50) percent of all trees required to be planted or preserved in nonresidential zoning districts shall be shade trees. Pervious landscaped area shall be maintained in all zoning districts in accordance with the minimum requirements for the zoning district. In those zoning districts where it is required, the front and corner side yard setbacks shall include a ten-foot landscaped strip. The hedge requirement in the ten-foot landscaped strip is optional unless the ten (10) foot strip separates a parking area from a public right-of-way, in which case, the hedge is mandatory.
- Off-street parking and vehicular use area landscape buffers.
 - (1)Landscape buffers adjacent to public rights-of-way. A landscaped area at least five (5) feet in width shall be located between off-street parking areas and abutting rights-of-way. Wheel stops or curbing shall be used to assure that this five (5) foot strip is not overhung by car bumpers. This landscaped area shall include one (1) shade tree for every twenty-five (25) linear feet of frontage. In addition, a hedge of at least two (2) feet in height upon planting shall be placed along the parking lot side of the landscaped strip. If a barrier of non-living materials is used in-lieu of a hedge to satisfy the landscape buffer requirements of section 34-425(d)(1), such barrier shall not exceed four (4) feet in height. One (1) shrub or vine for every four (4) linear feet of barrier shall be planted abutting all barriers. Required shrubs or vines may be clustered rather than spaced evenly. Required shrubs or vines shall be planted along the street side of such barrier within the required landscape buffer. The remainder of the required landscape buffer shall be landscaped with grass, ground cover, or



- other landscape treatment. Turf grasses shall not comprise more than forty (40) percent of the pervious area.
- Landscape buffers adjacent to public rights-of-way. A landscaped area at least five (5) feet in width shall be located between off-street parking areas and abutting rights-of-way. Wheel stops or curbing shall be used to assure that this five (5) foot strip is not overhung by car bumpers. This landscaped area shall include one (1) shade tree for every twenty-five (25) linear feet of frontage. In addition, a hedge of at least two (2) feet in height upon planting shall be placed along the parking lot side of the landscaped strip. If a barrier of non-living materials is used in-lieu of a hedge to satisfy the landscape buffer requirements of section 34-425(d)(1), such barrier shall not exceed four (4) feet in height. One (1) shrub or vine for every four (4) linear feet of barrier shall be planted abutting all barriers. Required shrubs or vines may be clustered rather than spaced evenly. Required shrubs or vines shall be planted along the street side of such barrier within the required landscape buffer. The remainder of the required landscape buffer shall be landscaped with grass, ground cover, or other landscape treatment. Turf grasses shall not comprise more than forty (40) percent of the pervious area.

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The site is zoned C-1 and is a historically mixed use structure with residential and commercial uses. The structure was built well before the adoption of the existing LDC and has been occupied up until the closure of the previous retail florist. The site is fully developed and is too small to accommodate required parking, and is fully paved, which is necessary to provide any parking and maneuvering space at all, and therefore any attempt to meet landscape standards would only reduce access and available parking.

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 property was developed in 1968, and was never designed to accommodate the modern LDC requirements. Additionally the applicant is intending to use the



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structure as is, with only minimal interior renovations. The deficiencies of the property are not the result of the applicant, and they are requesting this variance prior to any further attempt to renovate or occupy the structure. At this juncture they do not own the property, nor have they made any changes to it.

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

Staff finds that the proposed variance **will not** confer special privileges. Throughout the C-1 zoning district, there are many nonconforming structures that are used for commercial or residential purposes. Approval of this variance will not confer any special privilege but will simply allow the continued use of the existing structure and allow for the completion of the renovations.

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 LDC requirements, the structure could not be renovated and placed back into functional use. Without approval the applicant would have an undue hardship with an unoccupied half renovated structure that could not be completed or placed back into use as a commercial space, which is the primary use in the C-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 simply rectify existing nonconformities and will not intensify any of the nonconformities further.

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



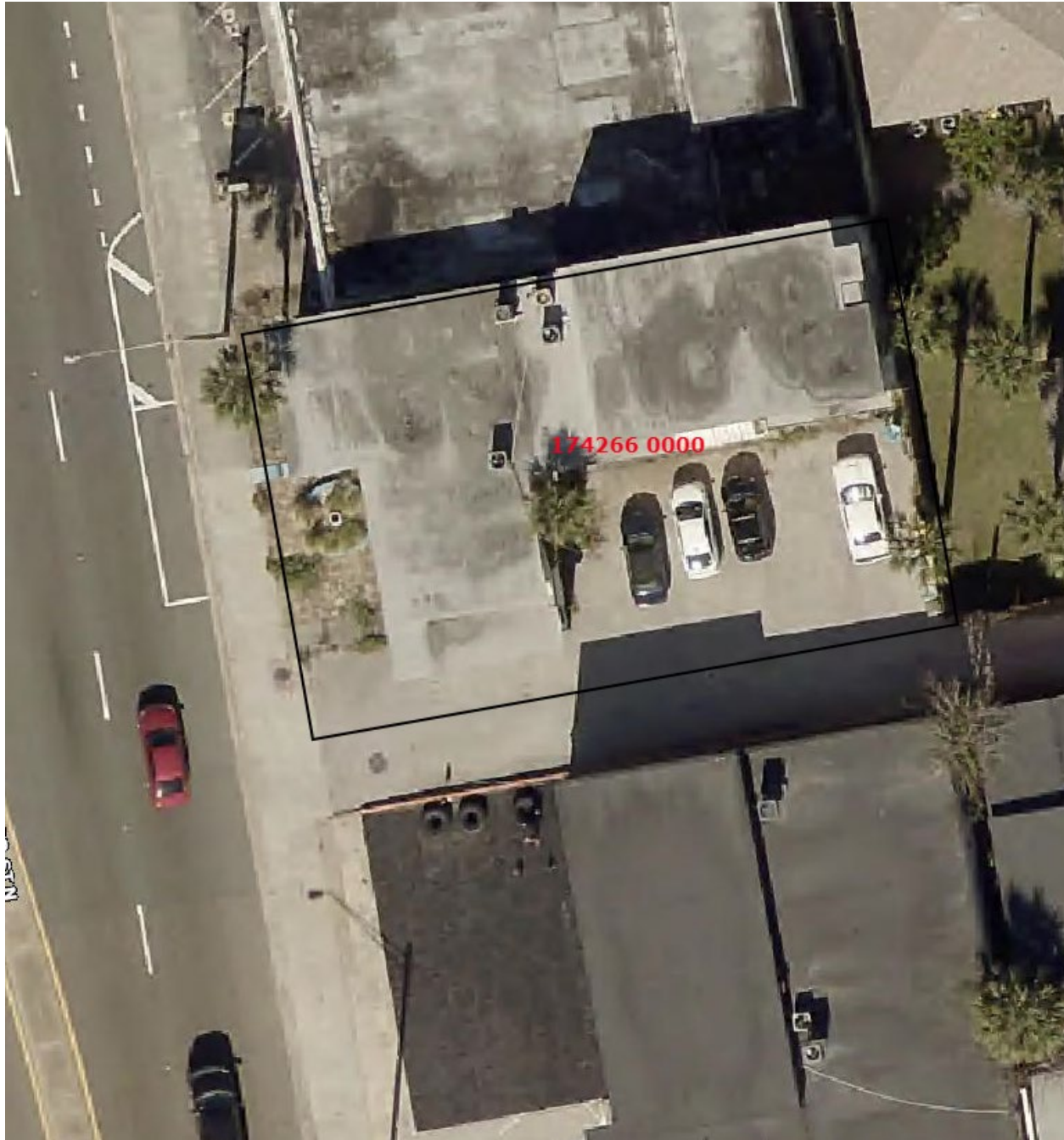
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designation policies and is consistent with the Goals Objectives and Policies of the adopted Comprehensive Plan.

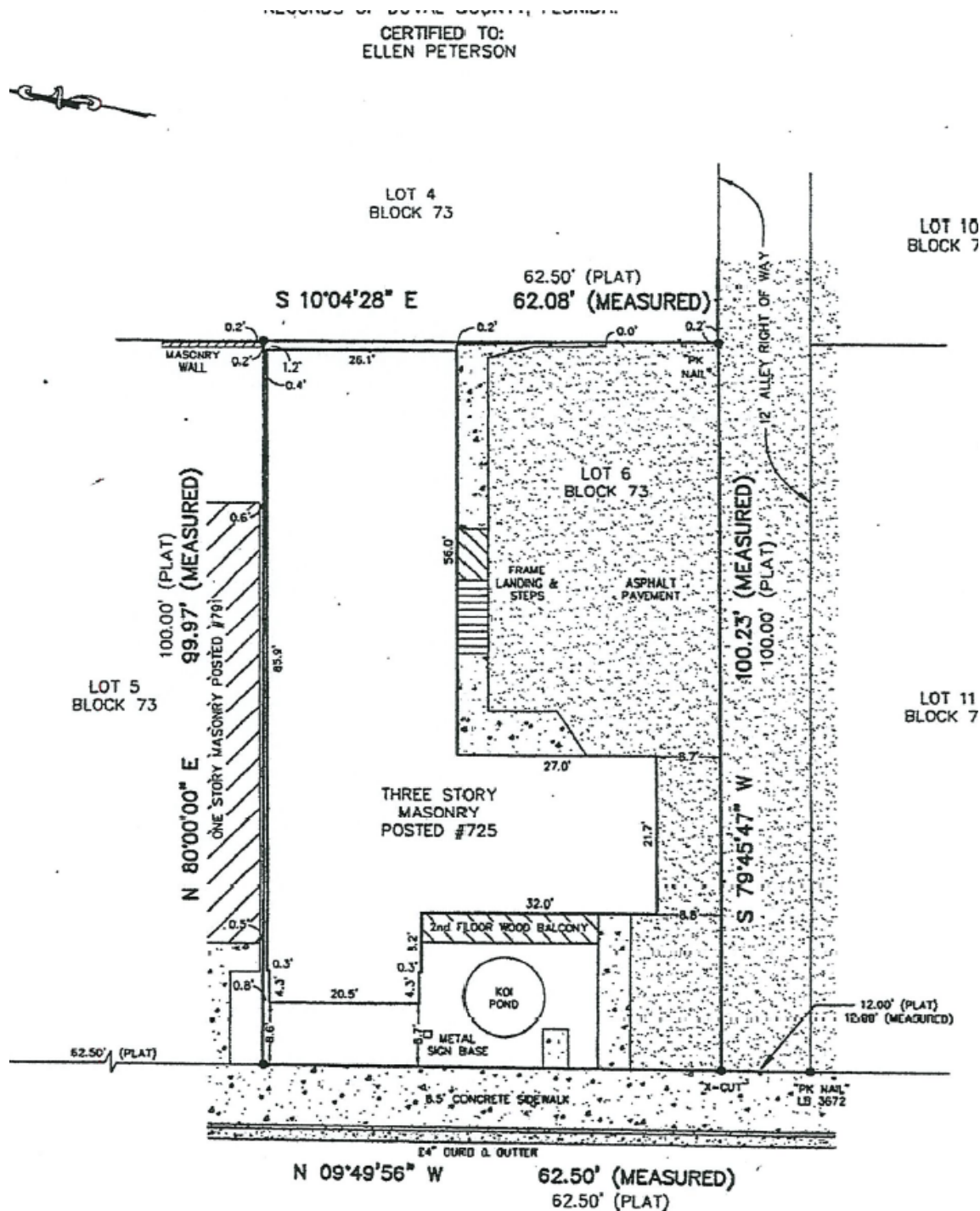
Staff Recommendation

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#23-100048**

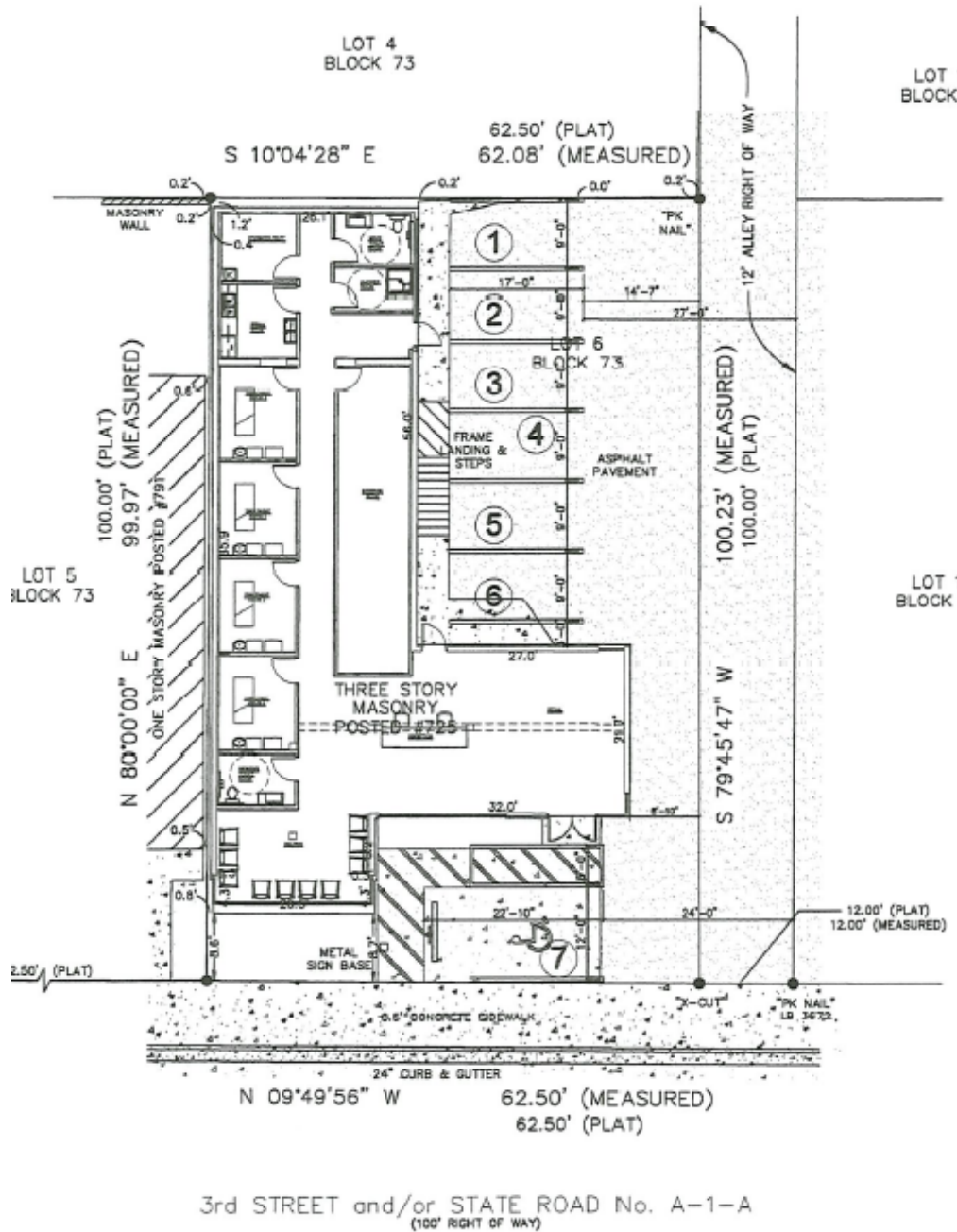
Location Map (property boundaries are representative only)



Existing Survey



Proposed Floor Plan





APPLICATION FOR VARIANCE

BOA No. 23-100048
HEARING DATE 4/6/23

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: Casey Lee Telephone: 904 859 6144
Mailing Address: 840 Holly Dr E-Mail: info@ecoluxe
Jaxbch fl 32250 skinspa.com
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: Ellen Peterson Telephone: 813 340 6468
Mailing Address: 725 3rd St N E-Mail: ellen@summer
Jaxbch fl 32250 breezerealestate.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: 725 3rd St N Jaxbch fl 32250
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).
reduce required parking, lot coverage,
landscaping, turning/maneuverability

AFFIDAVIT

I, Casey Lee, 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

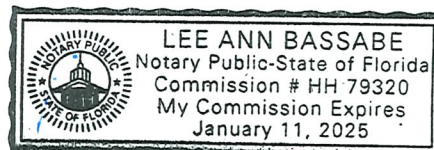
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18 day of April, 2023, by Casey A. Lee, who is personally known to me or produced FL 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: C-1

FLOOD ZONE: X-shaded/AE

CODE SECTION (S):

34-342(e)(3)a, for a front yard setback of 8 feet in lieu of 10 feet minimum; 34-342(e)(5), for 100% lot coverage in lieu of 85% maximum; 34-373(b) for a two way parking isle width of 8 feet 10 inches in lieu of 23 feet minimum; 34-373(c), for no turning and maneuvering space in lieu of required space for commercial parking; 34-373(d), for a parking setback of zero feet in lieu of 5 feet required; 34-377, for one parking space in lieu of 8 spaces required for a new beauty shop (skin care) use located in the C-1 zoning district; 34-425(a)(3) for zero trees in lieu of one required tree; 34-425(b)(1), for no landscape buffer adjacent to the public right-of-way in lieu of 5 feet required; and 34-425(c)(1), for no interior landscape islands in lieu of one required island, to allow for the renovation and re-use of an existing non-conforming commercial mixed use structure

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100048

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	see attached RECEIVED APR 17 2023 PLANNING & DEVELOPMENT
Special circumstances and conditions do not result from the actions of the applicant.	yes	
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	
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	

Prepared by and return to:

Justin Cerrato

Hathaway & Reynolds, PA

50 A1A North, Suite 108

Ponte Vedra Beach, FL 32082

File Number: HRP16064

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APR 17 2023

23-100048

PLANNING & DEVELOPMENT

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this 6th day of May, 2016, between Harry W. Schnabel, an unmarried man whose post office address is 3395 Zephyr Way, Jacksonville Beach, FL 32250, grantor, and EMP Florist, LLC, a Florida limited liability company whose post office address is 725 N. 3rd Street, Jacksonville Beach, FL 32250, grantee:

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

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Duval County, Florida, to-wit:

Lot 6, Block 73, Pablo Beach Improvement Company's Plat of Part of the Northern Portion of Pablo Beach, a subdivision according to the plat thereof recorded at Plat Book 5, Page 66, in the Public Records of Duval County, Florida.

Parcel Identification Number: 174266-0000

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

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

SUBJECT TO covenants, conditions, restrictions, easements of record and taxes for the current year.

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 as specified herein.

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

TWO DIFFERENT WITNESSES HAVE SIGNED BELOW (THE NOTARY MAY BE ONE OF THE WITNESSES) AND NEITHER WITNESS NOR THE NOTARY IS RELATED TO THE GRANTOR OR HAS A BENEFICIAL INTEREST IN THE SALE OF THE PROPERTY DESCRIBED IN THIS WARRANTY DEED.

Signed, sealed and delivered in our presence:

Witness 1 Signature

Justin G. Cerrato

Witness 1 Printed Name

Harry W. Schnabel
Harry W. Schnabel

Witness 2 Signature

Sandy English

Witness 2 Printed Name

State of Florida

County of St. Johns

The foregoing instrument was acknowledged before me this 6 day of May, 2016, by Harry W. Schnabel, he () is personally known to me or (☒) has produced FD ID as identification.



Notary Public

Printed Name: Justin G. Cerrato

My Commission Expires: 8/4/19



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23-100048
APR 17 2023

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

PLANNING & DEVELOPMENT

Detail by Entity Name

Florida Limited Liability Company
EMP FLORIST, LLC

Filing Information

Document Number L16000087068
FEI/EIN Number 81-2563969
Date Filed 05/03/2016
Effective Date 04/27/2016
State FL
Status ACTIVE

Principal Address

725 NORTH 3RD STREET
JACKSONVILLE BEACH, FL 32250

Mailing Address

725 NORTH 3RD STREET
JACKSONVILLE BEACH, FL 32250

Registered Agent Name & Address

Peterson, Ellen Marie
725 NORTH 3RD STREET
JACKSONVILLE BEACH, FL 32250

Name Changed: 04/21/2022

Address Changed: 04/21/2022

Authorized Person(s) Detail

Name & Address

Title AMBR

ELLEN M. PETERSON LIVING TRUST
725 NORTH 3RD STREET
JACKSONVILLE BEACH, FL 32250

Annual Reports

Report Year	Filed Date
2020	04/17/2020
2021	04/30/2021

To whom it may concern,

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23-100048
APR 17 2023

Casey Lee has authorization from Ellen Peterson, owner of 725 3rd St N.,
Jacksonville Beach, FL 32250 to seek variances necessary for the property
described for the purpose of purchasing and moving a business to the property.

Ellen Peterson
EMP Florist LLC,
Seahorse Florist Boutique,
Owner

Ellen M. Peterson

Ellen M. Peterson, Owner

3-31-2023
Date

STATE OF FLORIDA	
COUNTY OF	<u>Duval</u>
The foregoing instrument was acknowledged before me this	
<u>31</u>	day of <u>March</u> , 20 <u>23</u>
by	<u>Ellen Peterson</u>
☐ PERSONALLY KNOWN TO ME	
☒ PRODUCED AS IDENTIFICATION	
<u>FL DL</u>	
Type of Identification	
<i>[Signature]</i>	
Notary Signature	



PREFACE

The iconic Seahorse Florist was built 55 years ago in 1968 as A. David Florist, the first florist in Jacksonville Beach. The David's created a business as well as a home at this location until it was sold to Harry Schnabel, another Jacksonville Beach local. Mr. Schnabel operated Seahorse Florist and the three rental homes above for 35 years before selling to Ms. Ellen Peterson, the current owner. After Covid, the floral business struggled, much like many small businesses, and Ms. Peterson was forced to close, leaving the commercial space and storefront empty for years. This historic building has become a landmark on our beloved stretch of A1A in Jax Beach but requires time and attention to bring it back to life. I'm here in hopes of being able to do just that by creating a new home for my 10 year old small business, Skin Spa.

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APR 17 2023

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APR 17 2023

Description of requested variance:

PARKING: Reduce required parking spaces, allow to use nearby city parking spaces, or accept shared parking agreements from neighbors.

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LANDSCAPING: Excuse from required landscape requirements as there is no space to comply

TURNING/MANEUVERABILITY: Excuse from required turning/maneuvering requirements as there is no space to comply

LOT COVERAGE: Excuse from Lot Coverage requirements as there is no space to comply

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APR 17 2023

PARKING

PLANNING & DEVELOPMENT

- This particular property includes 3 apartments/residences that according to code require 2 parking spaces each. The lot provides 6 spaces in order to be compliant with code, the business is not permitted usage of those spaces.
- There have not been any changes to the structure since being built in 1968, so the amount of parking available is not a result of the actions of the applicant.
- The applicant is not seeking special privileges by granting this variance, just asking for the minimum requirements to move forward with a plan to preserve this beloved building and give it new life.
- Without approval of this request there can be no forward movement from a commercial standpoint, deeming the structure useless in terms of becoming home to a new business.
- As it stands, the proposed floor plan would be a reasonable use of the building and land, it creates a minimum deficiency, and minimum variance.
- Grant of variance will support the purposes and goals, not adversely affect adjacent land while denial would result in unnecessary hardship.
- The proposed floor plan, as a spa, shows 4 treatment rooms, each requiring 2 parking spaces. The plan is to remove a water fountain fixture in order to provide an ADA compliant space near the front door.
- The addition of this space would still leave 7 needed parking spaces. Although there are plans to explore and secure shared parking agreements, a reduction in required parking spaces is needed in order to avoid unnecessary hardship.

LANDSCAPING

- Given the property lines, it would be an impossibility to provide/meet the necessary landscaping requirements.
- There is a requirement for 5 ft between the property and the street and the structure was built before this code existed – now it is impossible to comply without destroying this historic building.
- The proposed plan is not causing the deficiency. Granting the variance would not show special privileges and would provide a reasonable solution to an obstacle that would otherwise prevent any commercial use of the space. It will not affect adjacent land or neighbors.

TURNING/MANEUVERABILITY

- When the structure was built in 1968 with the 6 parking spaces, no code existed pertaining to turning/maneuverability. Since 1968 the building has functioned with a business on the ground level as well as apartments above with only 6 parking spaces.

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APR 17 2023

LOT COVERAGE

PLANNING & DEVELOPMENT

- According to current code, the structure and its footprint cannot exceed 85% of the lot, however, this is a large structure on a relatively small lot.
- In an attempt to avoid destruction of a historical landmark, the applicant is seeking the variance to be granted. It would pose an extreme hardship to comply.
- Granting the variance request would not place a special privilege to the applicant nor would it adversely affect adjacent land.
- Permission to keep the lot "as-is" would make possible the reasonable and continued use of the land.

List of other professionals assisting in the application

Craig Sommers
Doherty Sommers Architects Engineers, INC
370 15th Ave S
Jacksonville Beach, FL 32250
(904)249-0698

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APR 17 2023

23-100048

PLANNING & DEVELOPMENT

SCALE: 1/4" = 1'-0"



A-1.1

DESIGNER EXPRESSLY RESERVES HIS COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE DRAWINGS. THESE DRAWINGS, PLANS & DESIGNS ARE NOT TO BE REPRODUCED, COPIED OR USED IN ANY MANNER WITHOUT EXPRESS WRITTEN PERMISSION AND CONSENT OF DORRISTY SOMMERS ARCHITECTS ENGINEERS, INC. THESE PLANS SHALL NOT BE DISTRIBUTED TO ANY PARTY WITHOUT SAID WRITTEN PERMISSION & CONSENT.

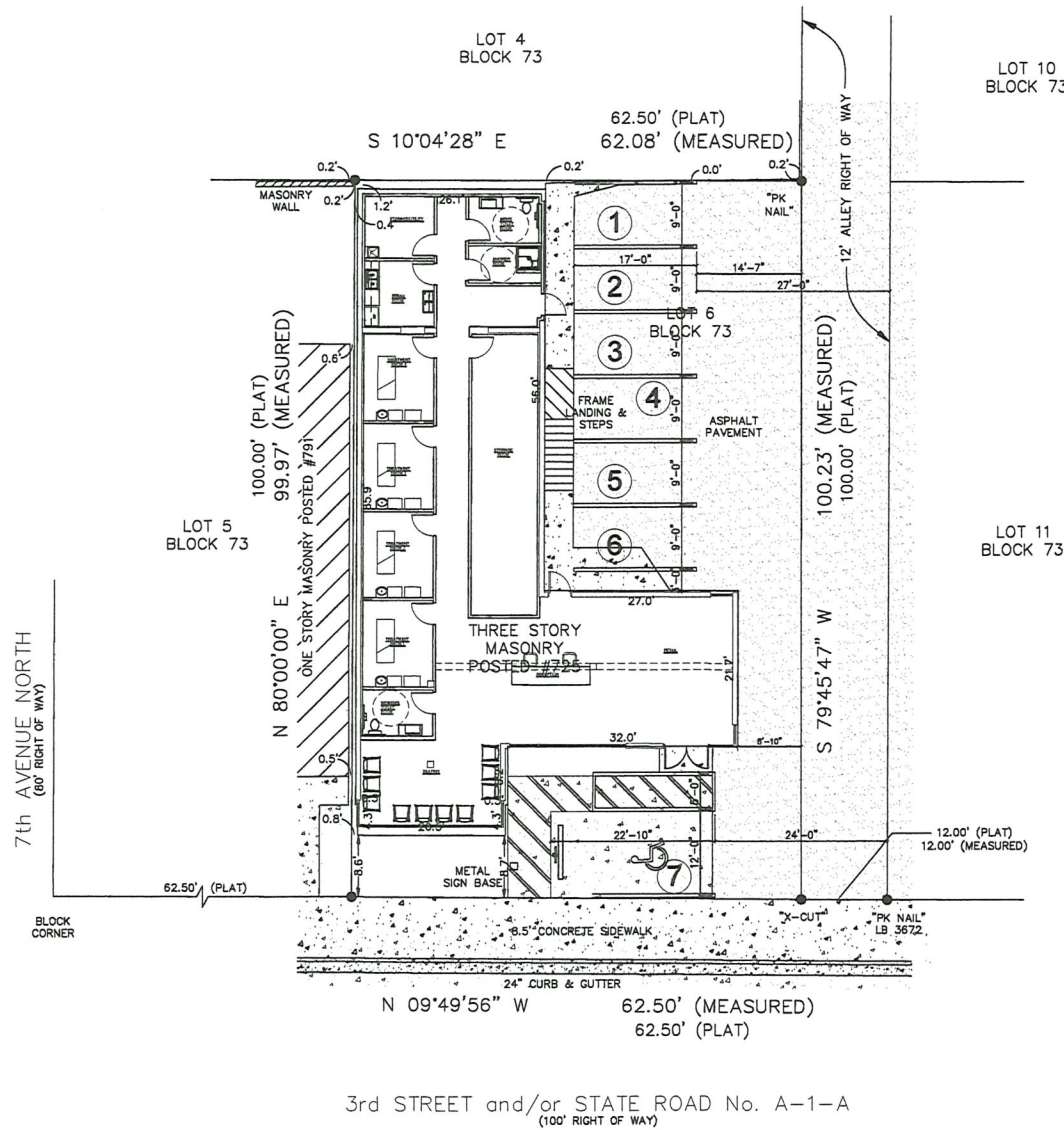
PROPOSED

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23-100048

PLANNING & DEVELOPMENT



ARCHITECTURAL SITE PLAN

SCALE: 1/8" = 1'-0"

3rd STREET and/or STATE ROAD No. A-1-A
(100' RIGHT OF WAY)

CRAB A. SOMMERS, AIA
FL ARCHITECT - A00010469

DOHERTY SOMMERS
ARCHITECTS ENGINEERS, INC.
3701 15th Ave. S., Suite A 15250
0042400000 P
www.dsae.com
Florida Certificate of Auth. No. 00009003
Florida License No. 7430000052

TENANT BUILD-OUT

SKIN SPA

726 3RD ST. N.
JACKSONVILLE BEACH, FL 32250

SHEET TITLE: ARCHITECTURAL SITE PLAN

DRAWN BY: CAS
CHECKED BY: CAS
DATE: 04-18-2023

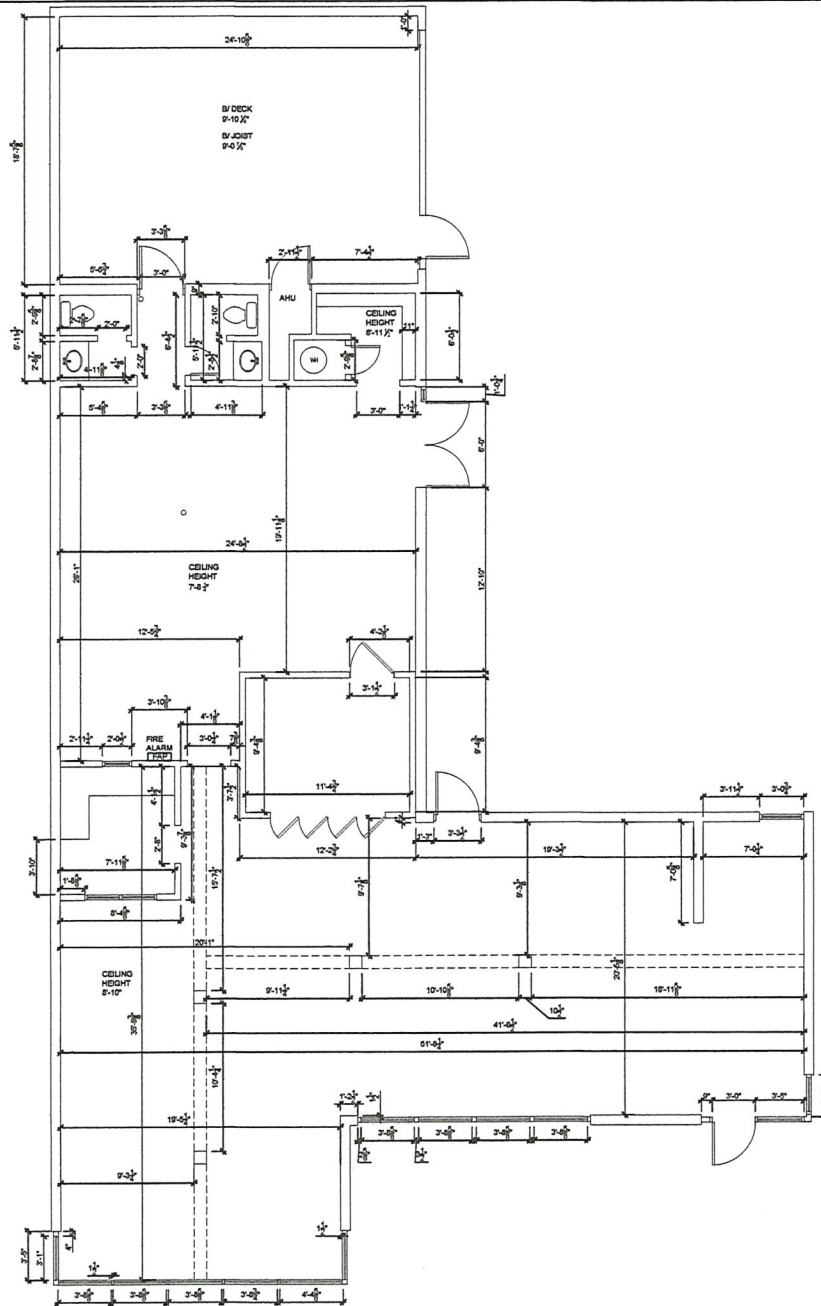
SHEET

C-1

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EXISTING FLOOR PLAN

SCALE: 1/4" = 1'-0"



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FL ARCHITECT - A00016460

CRAGG A. SOMMERS, AIA
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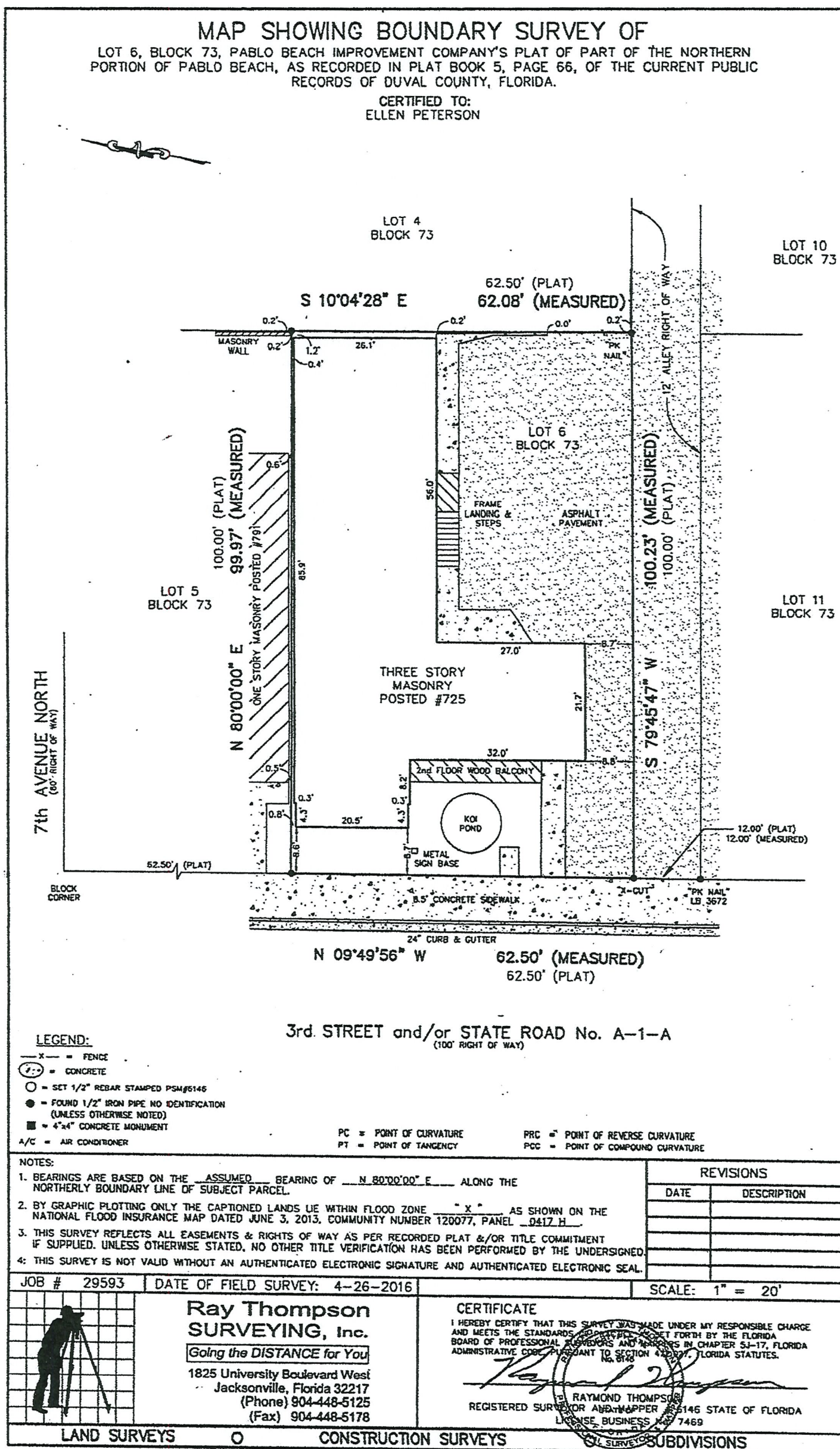
TENANT BUILD-OUT
SKIN SPA
725 3RD ST N
JACKSONVILLE BEACH, FL 32250

SHEET TITLE: EXISTING FLOOR PLAN	
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