



City of Jacksonville Beach

Regular Meeting Agenda

Board of Adjustment

11 North Third Street
Jacksonville Beach, Florida

Tuesday, August 15, 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. Minutes for July 18, 2023 meeting

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

A. **Case Number(s): BOA#23-100066**

Applicant: David Fox

Agent: N/A

Owner: Anthony Sleiman

Property Address: 460 33rd Avenue South

Parcel ID: 18057-0600

Legal Description: Lot 3 and part of Lot 4, Block 4, Atlantic Shores No. 1 Replat

Current Zoning: RS-2

Motion to Consider: 34-337(e)(1)e., for lot coverage of 48% in lieu of 35% maximum, to allow a widened driveway with pavers to an existing single-family dwelling

B. **Case Number(s): BOA#23-100067**

Applicant: James M. Howard

Agent: N/A

Owner: James M. Howard

Property Address: 4035 Duval Drive

Parcel ID: 181679-0000

Legal Description: Lot 8, Block D3, Ponte Vedra

Current Zoning: RS-1

Motion to Consider: 34-336(e)(1)e, for lot coverage of 38% in lieu of 35% maximum, to allow for stepping stones at an existing single-family dwelling

C. **Case Number(s): BOA#22-100070**

Applicant: Todd Perkins
Agent: Casey Conner
Owner: Todd Perkins
Property Address: 120 Seagrape Drive
Parcel ID: 179771-1020
Legal Description: Lot 10, Seabreeze Woods
Current Zoning: RS-1

Motion to Consider: 34-336(e)(1)e, for lot coverage of 41.7% in lieu of 35% maximum, to allow for an existing pool, rear patio pavers, pavilion and driveway to address existing nonconformities of single-family dwelling

D.

Case Number(s): BOA#23-100071

Applicant: Sharon Bowden
Agent: N/A
Owner: Sharon Bowden
Property Address: 700 11th Avenue South
Parcel ID: 176751-0005
Legal Description: East ½ of Lot 1, Block 118, Ocean Side Park
Current Zoning: RS-3

Motion to Consider: 34-338(e)(1)c.(3), for a rear yard set back of 17 feet in lieu of 30 feet minimum; and 34-336(e)(1)e, for lot coverage of 42.5% in lieu of 35% maximum, to allow for an attached composite studio patio cover

E. **Case Number(s): BOA#23-100072**

Applicant: Brian Sass
Agent: Casey Conner
Owner: BRO Development
Property Address: 525 North 10th Avenue
Parcel ID: 174988-0000
Legal Description: Lot 2, Block 3, Beach Homesite Unit One
Current Zoning: RS-1

Motion to Consider: 34-336(e)(1)e, for lot coverage of 38.9% in lieu of 35% maximum; 34-336(e)(1)(c)3, for a rear yard setback of 15 feet in lieu of 30 feet; and 34-336(e)(1)g., for an accessory structure setback of 1 foot in lieu of 5 feet minimum from the west property line, to allow for new pavers and a shed addition to an existing single-family dwelling and to address existing nonconformities

F. **Case Number(s): BOA#23-100073**

Applicant: Carla Defuira Powell
Agent: N/A
Owner: Carla Defuira Powell
Property Address: 23 Quail Lane
Parcel ID: 179658-0216
Legal Description: Lot 8, Mission Hills Unit No. 4

Current Zoning: RS-1
Motion to 34-336(e)(1)c.(3), for a rear yard setback of 22.9 feet in lieu of 30 feet
Consider: minimum; 34-336(e)(1)g, for an accessory structure (pool deck) set back of
2.7 feet in lieu of 5 feet minimum; 34-336(e)(1)e, for lot coverage of 38% in
lieu of 35% maximum to allow for a new addition, pool pavers and decking

PLANNING DEPARTMENT REPORT

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.

In accordance with Section 286.0114, Florida Statutes, any member of the public can attend a 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 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, July 18, 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 (absent)
Alternates: Jennifer Williams Matt Metz

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

APPROVAL OF MINUTES:

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

- Regular Board of Adjustment Meeting held on June 21, 2023
- Regular Board of Adjustment Meeting held on July 5, 2023

CORRESPONDENCE:

Senior Planner Christian Popoli noted two emails on the dais.

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: **BOA#23-100058**
Applicant/Owner: Craig J. Ansell
Agent: N/A
Property Address: 925 8th Avenue South
Parcel ID: 176596-0000

City of Jacksonville Beach Land Development Code Section(s): Section(s): 34-377, for 10 parking spaces in lieu of 26 spaces required, to allow for expansion of an existing dog play yard at an existing dog care facility.

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

Applicant: Craig Ansell, 133 Laguna Forrest Drive, Ponte Vedra Beach, stated the hardship was the parking area.

A discussion ensued about parking and staffing.

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100058 on the condition this variance approval be conditioned on its use as a dog care facility based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about off-street parking, use, code, and the motion.

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

The motion passed unanimously.

B. Case Number: BOA#23-100060

Applicant/Owner: Scott Adeeb
Agent: N/A
Property Address: 1618 Penman Road
Parcel ID: 177628-0300

City of Jacksonville Beach Land Development Code Section(s): 34-377, for 54 parking spaces in lieu of 92 parking spaces required; and 34-425(b), for no landscape buffer adjacent to public right-of-way in lieu of 5 feet required buffer, to allow for expansion and re-use of an existing commercial building as a restaurant with outdoor seating.

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

Agent: Mark Adukawitz, 1618 Penman Road, Jacksonville Beach, stated the hardship was limited space for parking.

A discussion ensued about the square footage of the building, parking, entryway, golf cart and bicycle parking, and the Penman Road project.

Public Hearing:
No one came forward to speak.

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

- Matt Roberts, 1618 Sunset Drive, Jacksonville Beach

The following submitted an email neither in opposition nor in support of the variance:

- Laurie Santana, 1650 Sunset Drive, Jacksonville Beach

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

- Tony Komarek, 533 11th Avenue S., Jacksonville Beach

Mr. Adukawitz asked about the 92 parking spaces in the request. Mr. Popoli noted it was an error and the required parking would be closer to 78 spaces.

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar, to approve BOA#23-100060 for based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about the motion, the Penman Road project, the use of the building, future conditions of the variance, and parking.

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

The motion passed unanimously.

C. Case Number: **BOA#23-100061**
Applicant/Owner: George J. Albertelli
Agent: N/A
Property Address: 3717 Duval Drive
Parcel ID: 181699-0000

City of Jacksonville Beach Land Development 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 swimming pool deck adjacent to an existing swimming pool at an existing single-family dwelling for property addressed 3717 Duval Drive.

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

Applicant: George J. Albertelli, 3717 Duval Drive, Jacksonville Beach, stated the hardship was a non-conforming lot.

A discussion ensued about lot coverage and neighbor support.

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

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar, to approve BOA#23-100061 for based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about lot coverage and lot shape.

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

The motion passed unanimously.

PLANNING DEPARTMENT REPORT:

The August 1, 2023, meeting is cancelled as there are no scheduled cases. The next scheduled meeting is Tuesday, August 15, 2023, at 6:00 P.M. There are six scheduled cases.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:31 P.M.

Minutes of the Board of Adjustment Meeting
July 18, 2023

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

DRAFT



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

BOA#23-100066

Zoning: RS-1
RE: 180507-0600
Legal: Lot 3 and part of Lot 4, Block 4, Atlantic Shores No. 1 Replat
Address: 460 South 33rd Avenue

Request

Section(s): 34-336(e)(1)e., for lot coverage of 48% in lieu of 35% maximum, to allow a widened driveway with pavers to an existing single-family dwelling **for property addressed** 460 South 33rd Avenue, **RE#** 180507-0600, **legally described as** Lot 3 and part of Lot 4, Block 4, *Atlantic Shores No. 1 Replat*

Existing Conditions

The subject property is a nonconforming lot of record located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The subject property is 52 feet in width and 124 feet in depth with an overall area of 6,493 square feet. The subject home was constructed in 2013. The home is surrounded by similar single-family homes. The applicant plans on widening their driveway with pavers. Additionally, there was two previous variances for this address. The first one was in 2002 to allow a side yard setback of 5 feet, which was denied. The second variance was in 2013 for side yards of 7.5 in lieu of 10 feet required and for 45% lot coverage In lieu of 35% maximum to allow for a new single-family dwelling and swimming pool and it was amended and approved.

BOA#33-2002: For side yards of 5 feet and 42% lot coverage.

BOA#13-100045: For side yards of 7.5 in lieu of 10 feet required and for 45% lot coverage in lieu of 35% maximum.

No active code enforcement cases.



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Staff Analysis

The subject property is substandard in width, it measures 52 in width rather than the 90 feet minimum requirement in the RS-1 zoning district. The applicant is proposing to widen their driveway using pavers. The applicant placed the pavers not realizing they went over their 45% allowable lot coverage from a previous variance. The applicant plans on adding 3% more lot coverage. Before the placement of the pavers, the total lot coverage was 45%, with the addition of the pavers the lot coverage is now 48%. There is no compelling reason in the record to not approve more lot coverage. There is a hardship justified by having a nonconforming lot. Staff would recommend that the application be approved, as this is the minimum variance that will make possible the reasonable use of the parcel of land, building and structure.

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.
- Height: Thirty-five (35) feet.

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is not conforming and substandard. The existing lot does



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have nonconformities that could constitute a hardship as it would be difficult to add to the paver driveway without exceeding 35% lot coverage.

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

Staff **does not** find that circumstances are a result of the applicant. The lot is substandard, the existing lot coverage and setbacks for the home are not the result of the applicant, and therefore are not self-imposed. The expanded paver driveway that would increase the lot coverage without a recognized hardship would not be self-imposed.

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

Staff finds that the proposed variance **will not** confer special privileges. The request to add additional lot coverage to a lot that does not meet the minimum lot size or width for the RS-1 zoning district would not confer a special privilege as compared to other properties in the same zoning district.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Due to the size and shape of this property, you cannot add any accessory structures and meet RS-1 standards. This situation is not the fault of the applicant and will would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district with non-conforming lots.

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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed addition to the exiting property. The minimum variance needed would be to approve the proposed 48% lot coverage.



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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.

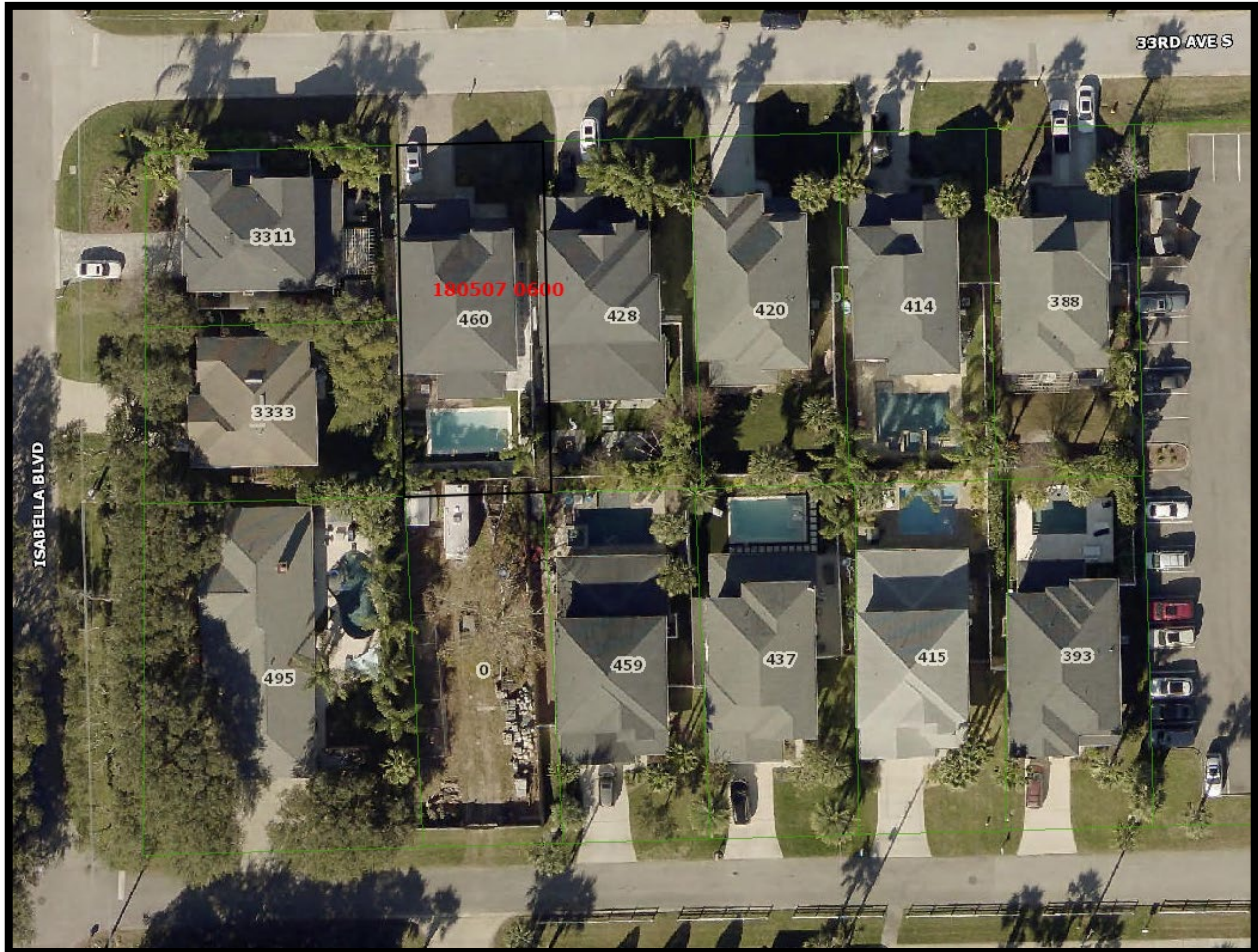
Staff Recommendation

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#23-100066**

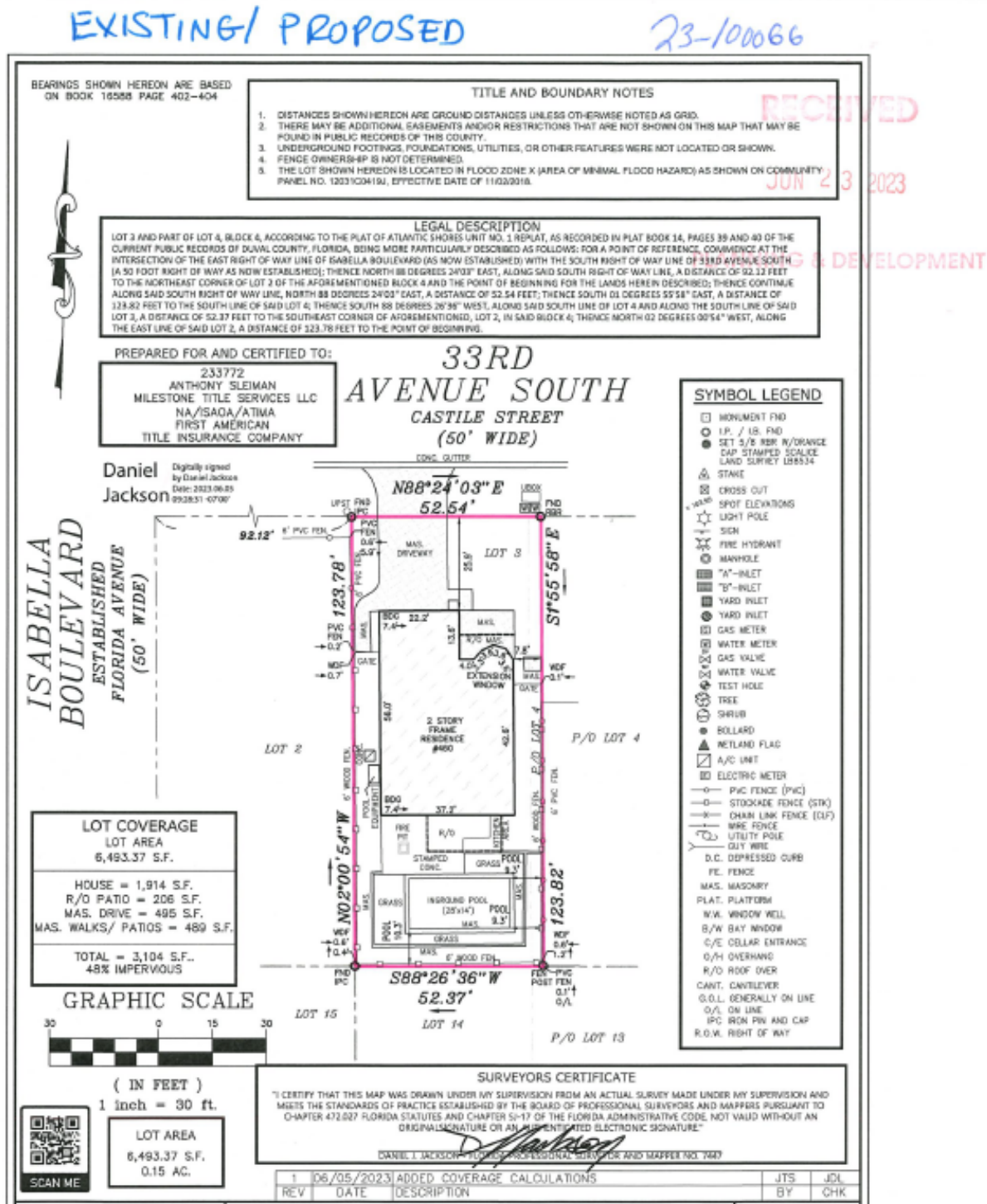


City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Location Map (property boundaries are representative only)



Existing Survey / Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100066

HEARING DATE 8-15-23

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). Front & Back
- ✓ 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

JUN 23 2023

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: David Fox Telephone: (904) 534-2268
 Mailing Address: 35 South Roscoe Boulevard E-Mail: drfox89@gmail.com
Ponte Vedra, FL 32082

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

Landowner Name: Anthony Sleiman Telephone: 904-219-4812
 Mailing Address: 460 33rd Avenue South E-Mail: Hunter.sleiman@gmail.com
Jacksonville, Beach, FL 32250

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

VARIANCE DATA

Street address of property and Real Estate Number: 460 33rd Avenue South #180507-0600

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).

Increase Lot coverage from 45% to 48%. Widened driveway with pavers and did not realize we went over the allowed 45% lot coverage.

AFFIDAVIT

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

[Signature]
 APPLICANT SIGNATURE

David Fox
 PRINT APPLICANT NAME

6/15/2023
 DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 15 day of June, 20 23, by David Fox, who is personally known to me or produced Driver License as identification.

[Signature]
 NOTARY PUBLIC SIGNATURE
Kimberly E. Smith
 PRINT NOTARY NAME



KIMBERLY E. SMITH
 Commission # HH 362701
 Expires January 23, 2027

(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X-Shaded

CODE SECTION (s):

Section(s): 34-337(e)(1)e., for lot coverage of 48% in lieu of 35% maximum, to allow a widened driveway with pavers to an existing single-family dwelling for property addressed 460 South 33rd Avenue, RE# 180507-0600, legally described as Lot 3 and part of Lot 4, Block 4, Atlantic Shores No. 1 Replat

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-10066

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.		Lot size so small and went over variance with Pavers.
Special circumstances and conditions do not result from the actions of the applicant.		Over Lot coverage by 3%
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.		Requesting a lot coverage increase of 3%.
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.		Can't close out a permit without the increase of lot coverage to a minimum of 48%.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.		Minimal variance needed is 48% Allows me to close out a permit
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.		this increase will only affect my land and no other parcels.

In Witness Whereof, Grantors have hereunto set Grantors' hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Erin Wagner

WITNESS

PRINT NAME: Erin Wagner

Paul Wagner

WITNESS

PRINT NAME: Paul Wagner

David R. Fox

David R. Fox

Brandy Fox

Brandy Fox

STATE OF FLORIDA
COUNTY OF SAINT JOHNS

The foregoing instrument was acknowledged before me by means of (X) physical presence or () online notarization this 3rd day of June, 2023, by David R. Fox and Brandy Fox.

Eugene P. Wagner, Jr.

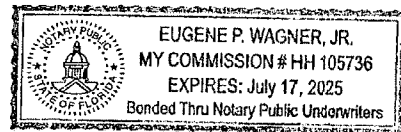
Signature of Notary Public

Print, Type/Stamp Name of Notary

Personally Known: _____ OR Produced Identification: ✓

Type of Identification

Produced: Florida Drivers License





DEPARTMENT OF PLANNING & DEVELOPMENT

23-100066

April 4, 2013

Jason Huntley
830 3rd Street South #206
Jacksonville Beach, FL 32250

RECEIVED

JUN 23 2023

PLANNING & DEVELOPMENT

RE: BOA# 13-100045
460 33rd Avenue South

Dear Mr. Huntley,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, April 2, 2013 to consider your variance application.

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

- 34-336(e)(1)c.2, for side yards of 7.5 feet in lieu of 10 feet required and
- 34-336(e)(1)e, for 45% lot coverage in lieu of 35% maximum

The results of the meeting were:

- 34-336(e)(1)c.2, for side yards of 7.5 feet in lieu of 10 feet required and
- 34-336(e)(1)e, for 45% lot coverage in lieu of 35% maximum
- Limited to as presented and discussed

To allow for a new single family dwelling and swimming pool.

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

Sincerely,

Jon Hays, CBO
Building Department

cc: Nabil Bahri

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



ANTHONY HUNTER SLEIMAN
1805 Ocean Drive South
Jacksonville Beach, Florida 32250

June 28, 2023

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

RECEIVED
23-100066
JUN 28 2023

PLANNING & DEVELOPMENT

Re: 460 33rd Avenue South, Jacksonville Beach, Florida 32250
Real Estate Parcel Number: 180507-0600

Ladies and gentlemen:

This letter will authorize David R. Fox as my authorized agent to obtain a variance on lot coverage for the above referenced property:

Authorized Agent
David R. Fox
35S. Roscoe Blvd.
Ponte Vedra Beach, Florida 32082-0000
904-534-2268

Owner of improvements:
Anthony Hunter Sleiman
1805 Ocean Drive South
Jacksonville Beach, Florida 32250

Owner's interest in property: Fee Simple

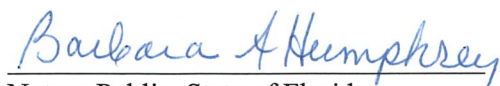
Please contact the undersigned if further information is needed about this authorization.

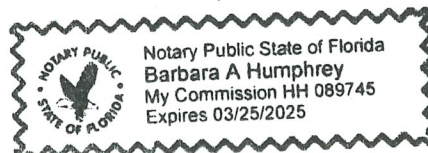
Very truly yours,


Anthony Hunter Sleiman

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me in person this 28th day of June, 2023 by Anthony Hunter Sleiman as the owner who is physically present and personally known to me.


Notary Public, State of Florida



EXISTING/ PROPOSED

23-100066

BEARINGS SHOWN HEREON ARE BASED
ON BOOK 16588 PAGE 402-404

TITLE AND BOUNDARY NOTES

1. DISTANCES SHOWN HEREON ARE GROUND DISTANCES UNLESS OTHERWISE NOTED AS GRID.
2. THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS THAT ARE NOT SHOWN ON THIS MAP THAT MAY BE FOUND IN PUBLIC RECORDS OF THIS COUNTY.
3. UNDERGROUND FOOTINGS, FOUNDATIONS, UTILITIES, OR OTHER FEATURES WERE NOT LOCATED OR SHOWN.
4. FENCE OWNERSHIP IS NOT DETERMINED.
5. THE LOT SHOWN HEREON IS LOCATED IN FLOOD ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS SHOWN ON COMMUNITY PANEL NO. 12031C0419J, EFFECTIVE DATE OF 11/02/2018.

LEGAL DESCRIPTION

LOT 3 AND PART OF LOT 4, BLOCK 4, ACCORDING TO THE PLAT OF ATLANTIC SHORES UNIT NO. 1 REPLAT, AS RECORDED IN PLAT BOOK 14, PAGES 39 AND 40 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF ISABELLA BOULEVARD (AS NOW ESTABLISHED) WITH THE SOUTH RIGHT OF WAY LINE OF 33RD AVENUE SOUTH (A 50 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE NORTH 88 DEGREES 24'03" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 92.12 FEET TO THE NORTHEAST CORNER OF LOT 2 OF THE AFOREMENTIONED BLOCK 4 AND THE POINT OF BEGINNING FOR THE LANDS HEREIN DESCRIBED; THENCE CONTINUE ALONG SAID SOUTH RIGHT OF WAY LINE, NORTH 88 DEGREES 24'03" EAST, A DISTANCE OF 52.54 FEET; THENCE SOUTH 01 DEGREES 55'58" EAST, A DISTANCE OF 123.82 FEET TO THE SOUTH LINE OF SAID LOT 4; THENCE SOUTH 88 DEGREES 26'36" WEST, ALONG SAID SOUTH LINE OF LOT 4 AND ALONG THE SOUTH LINE OF SAID LOT 3, A DISTANCE OF 52.37 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED, LOT 2, IN SAID BLOCK 4; THENCE NORTH 02 DEGREES 00'54" WEST, ALONG THE EAST LINE OF SAID LOT 2, A DISTANCE OF 123.78 FEET TO THE POINT OF BEGINNING.

PREPARED FOR AND CERTIFIED TO:

233772
ANTHONY SLEIMAN
MILESTONE TITLE SERVICES LLC
NA/ISAOA/ATIMA
FIRST AMERICAN
TITLE INSURANCE COMPANY

33RD
AVENUE SOUTH
CASTILE STREET
(50' WIDE)

Daniel
Jackson
Digitally signed
by Daniel Jackson
Date: 2023.06.05
09:28:31 -07'00'

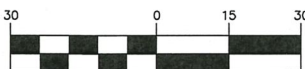
ISABELLA
BOULEVARD
ESTABLISHED
FLORIDA AVENUE
(50' WIDE)

LOT COVERAGE
LOT AREA
6,493.37 S.F.

HOUSE = 1,914 S.F.
R/O PATIO = 206 S.F.
MAS. DRIVE = 495 S.F.
MAS. WALKS/ PATIOS = 489 S.F.

TOTAL = 3,104 S.F.
48% IMPERVIOUS

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



SCAN ME

LOT AREA
6,493.37 S.F.
0.15 AC.

SURVEYORS CERTIFICATE

"I CERTIFY THAT THIS MAP WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AND MEETS THE STANDARDS OF PRACTICE ESTABLISHED BY THE BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES AND CHAPTER 5J-17 OF THE FLORIDA ADMINISTRATIVE CODE, NOT VALID WITHOUT AN ORIGINAL SIGNATURE OR AN AUTHENTICATED ELECTRONIC SIGNATURE."

DANIEL J. JACKSON - FLORIDA PROFESSIONAL SURVEYOR AND MAPPER NO. 7447

1	06/05/2023	ADDED COVERAGE CALCULATIONS
REV	DATE	DESCRIPTION

JTS	JDL
BY	CHK



FIRM LB8534



SCALICE
land surveying

mjslandsurvey.com P:904-413-9355
205 Marketside Avenue, Suite 200
Ponte Vedra, FL 32081

BOUNDARY SURVEY

460 33RD AVENUE SOUTH, JACKSONVILLE BEACH, FLORIDA 32250
LOT 3 AND P/O OF LOT 4, BLOCK 4
MAP OF THE PLAT OF ATLANTIC SHORES, UNIT NO. 1
PLAT BOOK 14, PAGES 39 AND 40
SITUATE JACKSONVILLE BEACH, COUNTY OF DUVAL, FLORIDA

JOB No.
D23-1876

TAX NO.
180507-0600

SCALE: 1" = 30'

DATE SURVEYED:
05/25/2023

CREW: TJ

DR.: MC

(1) UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF LAW. (2) ONLY BOUNDARY SURVEY MAPS WITH THE SURVEYOR'S SEAL & SIGNATURE ARE GENUINE TRUE AND CORRECT COPIES OF THE SURVEYOR'S ORIGINAL WORK AND OFFICIAL. (3) CERTIFICATIONS ON THIS BOUNDARY SURVEY MAP SIGNIFY THAT THE MAP WAS PREPARED IN ACCORDANCE WITH THE CURRENT EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE STATE OF FLORIDA. THE CERTIFICATION IS LIMITED TO PERSONS FOR WHOM THE BOUNDARY SURVEY MAP IS PREPARED, TO THE TITLE COMPARE TO THE GOVERNMENTAL AGENCY, AND TO THE LENDING INSTITUTION LISTED ON THIS BOUNDARY SURVEY MAP. (4) THE CERTIFICATIONS HEREON ARE NOT TRANSFERABLE. (5) THE LOCATION OF UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS ARE NOT ALWAYS KNOWN AND OFTEN MUST BE ESTIMATED. IF ANY UNDERGROUND IMPROVEMENTS OR ENCROACHMENTS EXIST OR ARE SHOWN, THE IMPROVEMENTS OR ENCROACHMENTS ARE NOT COVERED BY THIS SURVEY. (6) THE OFFSET (OR DIMENSIONS) SHOWN HEREON FROM THE STRUCTURES TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND USE AND THEREFORE ARE NOT INTENDED TO GUIDE THE ERECTION OF FENCES, RETAINING WALLS, POOLS, PATIO PLANNING AREAS, ADDITIONS TO BUILDINGS, AND ANY OTHER TYPE OF CONSTRUCTION. (7) THE EXISTENCE OF RIGHTS OF WAY AND/OR EASEMENTS OF RECORD IF ANY, NOT SHOWN ARE NOT GUARANTEED. (8) SURVEY IS SUBJECT TO ANY STATE OF FACTS WHICH AN UP-TO-DATE TITLE EXAMINATION MAY DISCLOSE.



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

BOA#23-100067

Zoning: RS-1
RE: 181679-0000
Legal: Lot 8, Block D3, Ponte Vedra
Address: 4035 Duval Drive

Request

Section(s): 34-336(e)(1)e, for lot coverage of 38% in lieu of 35% maximum, to allow for stepping stones at an existing single-family dwelling **for property addressed** 4035 Duval Drive, **RE#** 181679-0000, **legally described as** Lot 8, Block D3, *Ponte Vedra*

Existing Conditions

The subject property is a legal nonconforming lot of record located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The current home was constructed in 2021, and the lot has a width of 50 feet and is 230 feet in depth, with an overall lot area of 11,475 square feet. The home is on the beachfront and surrounded by similar single-family homes. The applicant plans on adding more lot coverage for stepping stones. Additionally, there are three previous variances for this address. The first one in 1986 for side yard setback of 4 feet in lieu of 10 feet required, to construct an enclosed porch on the north side of the property, which was approved. The second variance was granted in 1991 for a garage enclosure into living space. The most recent variance was in 2021 to increase lot coverage from 35% to 38% to allow for additional paved driveway for a new under construction single family dwelling, which was denied.

BZA#22-86: For side yard setback of 4 feet in lieu of 10 feet required to construct an enclosed porch

BZA#25-91: For 50% lot coverage In lieu of 35% maximum.

BOA#20-100202: For 38% lot coverage in lieu of 35% maximum to allow for additional paved driveway surface.

One active code enforcement case. (23-00000038)



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

Staff Analysis

The subject property is substandard in width, as it only measures 50 in width, however the lot does meet the minimum area requirements for the RS-1 zoning district. The subject home is currently at 35.56% lot coverage, the applicant is proposing to add stepping-stones to an existing single-family dwelling, which would bring the new lot coverage up to 38%. A variance to allow the extra lot coverage to allow the addition of stepping-stones from the front to the rear of the property is a reasonable request, due to the depth of the lot. Additional lot coverage would not be an additional privilege beyond what other nonconforming properties are granted. There is a hardship justified by having a uniquely sized and shaped lot. Staff would recommend that the application be approved, as this is the minimum variance that will make possible the reasonable use of the parcel of land, building and structure.

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.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures



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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is not conforming and substandard in width, but very deep. The existing lot does have nonconformities that could constitute a hardship as it would be difficult to add the stepping stones without exceeding 35% lot coverage.

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

Staff **does not** find that circumstances are a result of the applicant. The lot is substandard in width and uniquely deep, the existing lot coverage and setbacks for the home are not the result of the applicant, and therefore are not self-imposed. The stepping stones that would increase the lot coverage without a recognized hardship would not be self-imposed.

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

Staff finds that the proposed variance **will not** confer special privileges. The request to add minimal additional lot coverage to a lot that does not meet the minimum width for the RS-1 zoning district and is uniquely deep would not confer a special privilege as compared to other properties in the same zoning district.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Due to the size and shape of this property, you cannot add any accessory structures and meet RS-1 standards. This situation is not the fault of the applicant and will would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district with non-conforming lots.



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 variance is the minimum variance needed to accommodate the proposed addition to the exiting property. The minimum variance needed would be to approve the proposed 38% lot coverage.

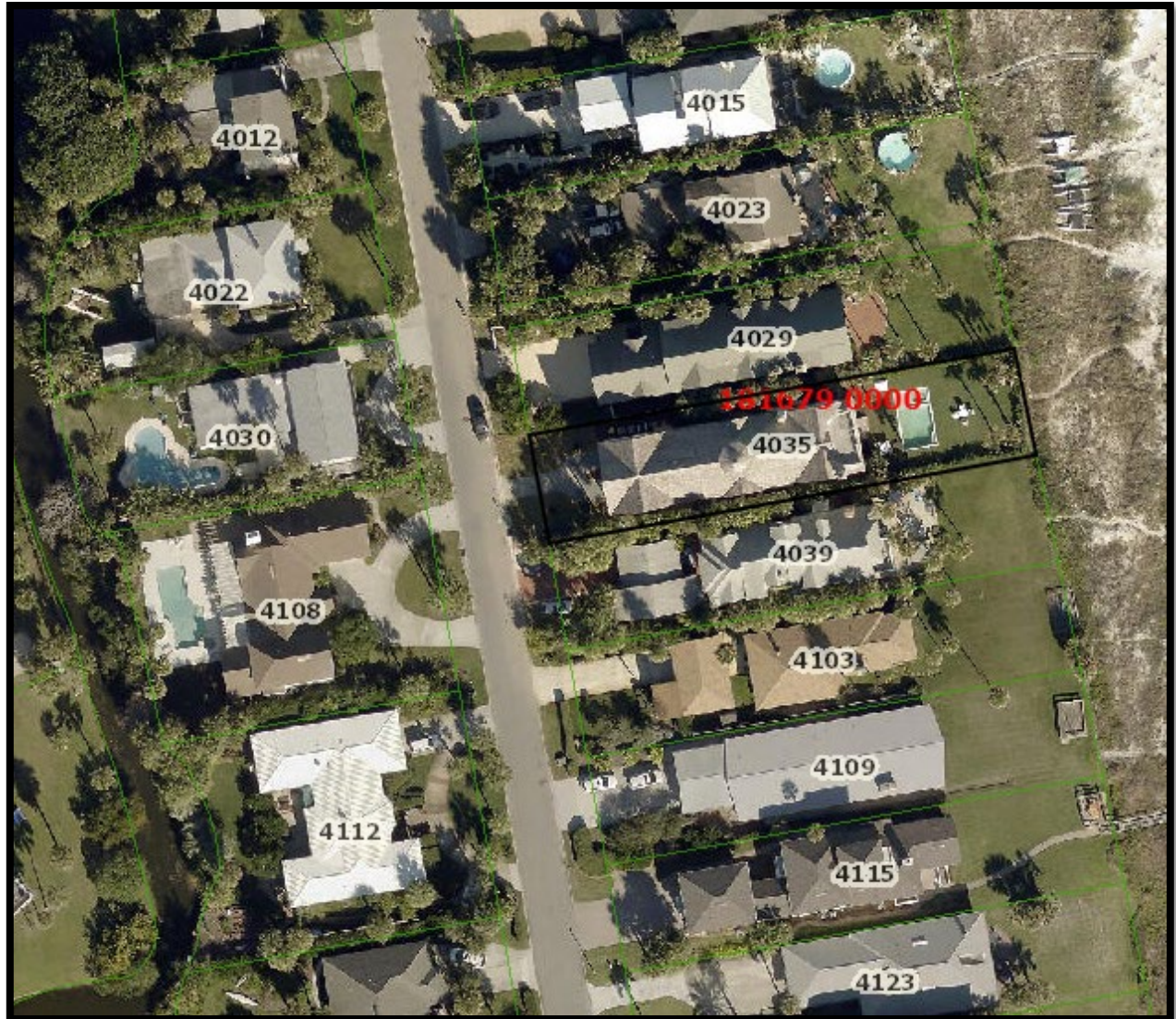
6. Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.

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

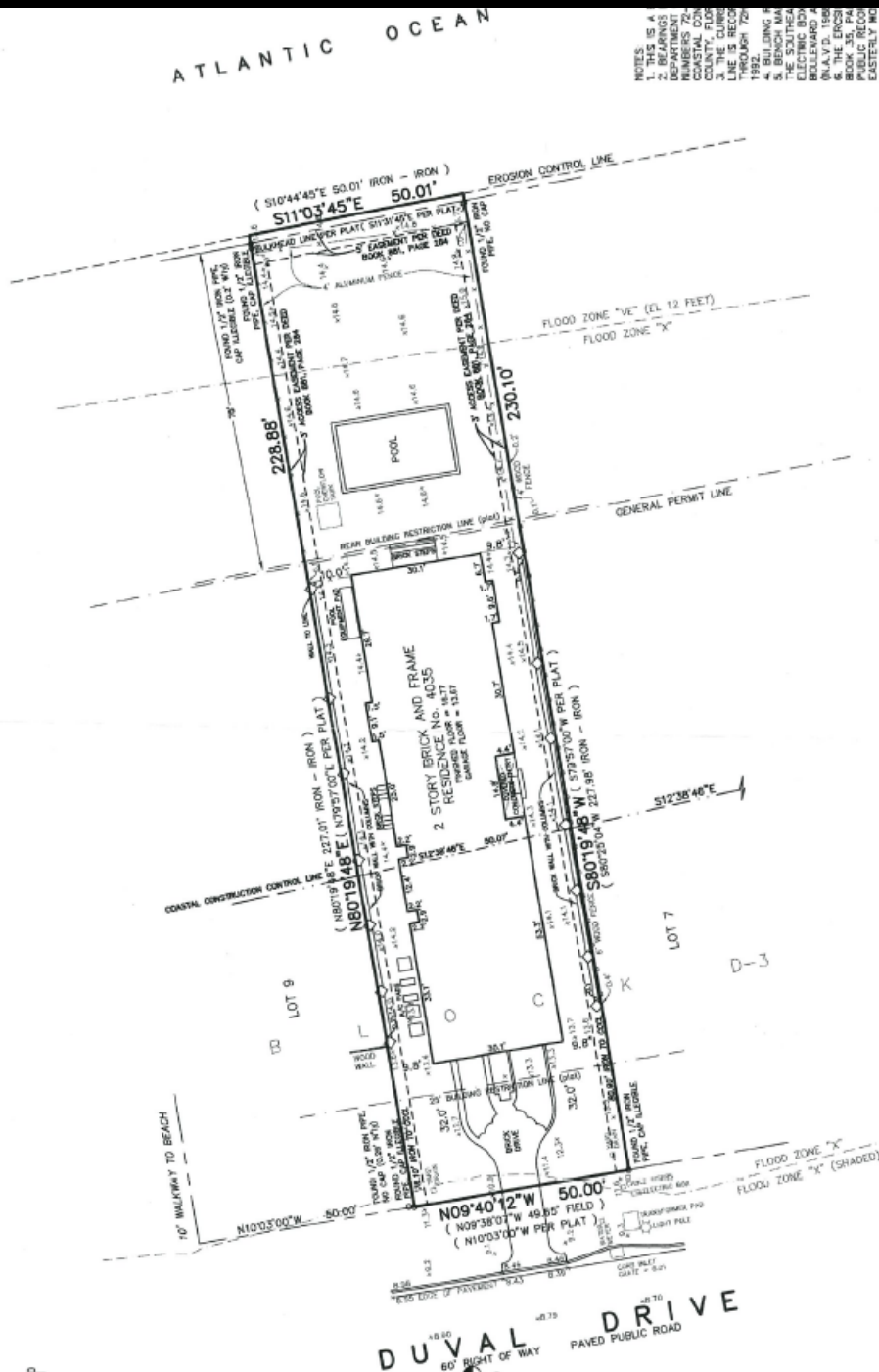
Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#23-100067**

Location Map (property boundaries are representative only)



EXISTING-



NOTES

1. THIS IS A
2. BEARINGS
3. DEPARTMENT
4. NUMBERS 72-
5. COASTAL CO.
6. COUNTY, FLOR
7. 3. THE CURR
8. LINE IS REC
9. THROUGH 72
10. 1992.
11. 4. BUILDING
12. 5. BENCH MA
13. THE SOUTHE
14. ELECTRONIC BO
15. BULLWALD. 1
16. 5. THE ERCS
17. BOOK 35, PA
18. PUBLIC REC
19. EASTERLY MO
20. SAND COUNTY
21. THE GENER
22. RECORDS BO
23. PUBLIC REC

TH-15 SURVEY IS CON-
SOUTH STATE BANK
JAMES M. HOWARD
COASTAL CONSTRUCT
SOUTHERN CARE, TT

IMPERVIOUS CALCULATIONS:

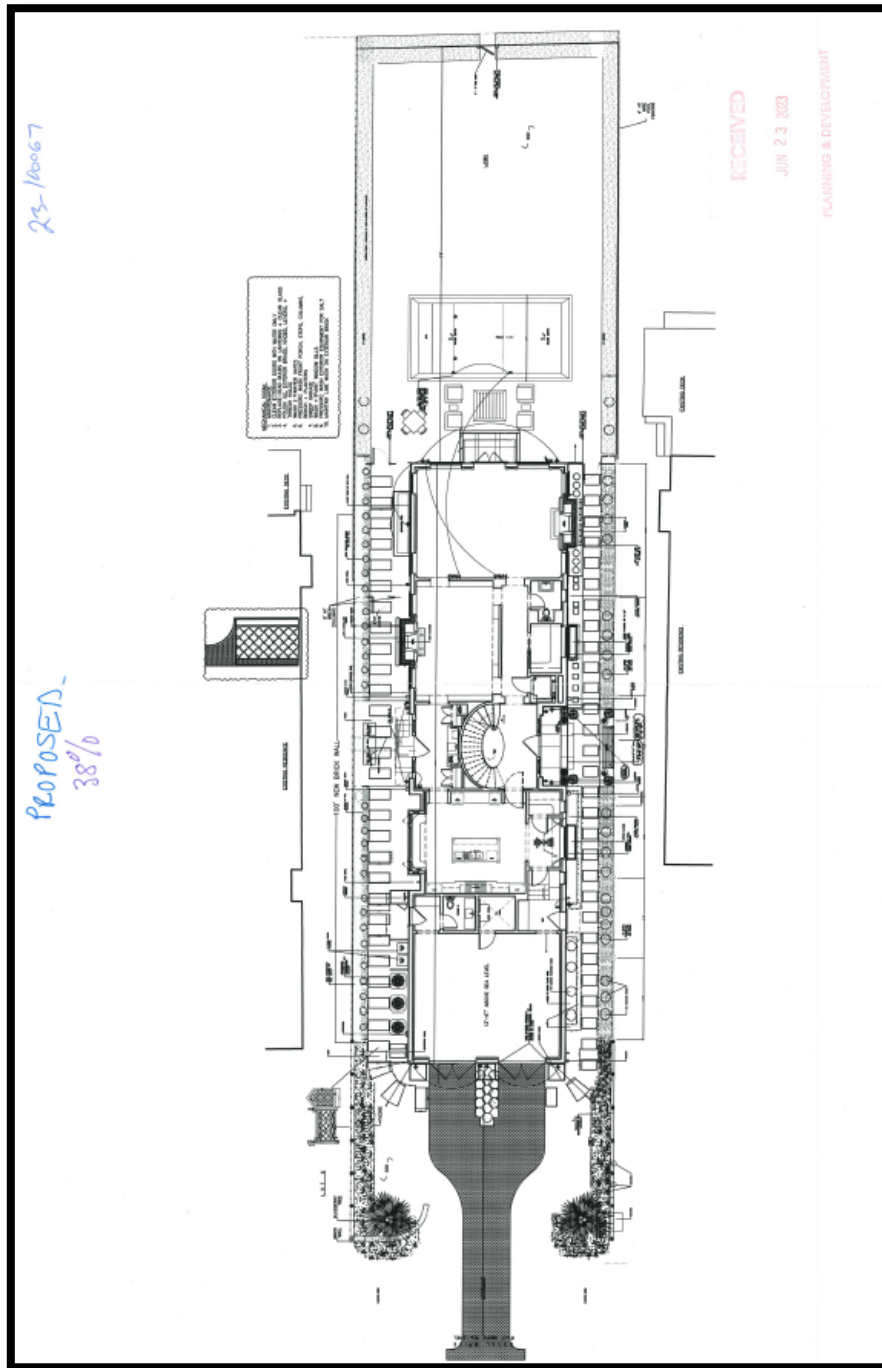
LOT AREA	=	11,475 S.F.
HOUSE	=	3,417 S.F.
BRICK DRIVE	=	275 S.F.
BRICK WALLS	=	238 S.F.
BRICK STEPS	=	80 S.F.
CONCRETE PADS	=	71 S.F.
TOTAL	=	4,081 S.F.
		75.65%

0000 ZONE "X"
0000 ZONE "X"
HAZARD) AND
AS CAN BE
RATE MAP No.
FOR CIVIL



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

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100067
HEARING DATE 8-15-23

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.

JUN 23 2023
14:15

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: James M. Howard Telephone: 904-742-4262
Mailing Address: 4035 Duval Dr. E-Mail: JHoward@JMHoward.net
Jacksonville Beach, FL 32250
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: Same Telephone: _____
Mailing Address: _____ E-Mail: _____

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

VARIANCE DATA

Street address of property and Real Estate Number: 4035 Duval Dr.
Legal description of property (Attach copy of deed): 15-48 10-35-29E Ponte Vedra A S/D, Lots 2, 3 BLK D3
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 more lot coverage by 3% for stepping stones

AFFIDAVIT

I, James M. Howard, 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 22 day of June, 20 23, by James M. Howard, who is personally known to me or produced Drivers License as identification.

NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME



Tim M. Flaherty
Notary Public
State of Florida
Comm# HH099383
Expires 3/2/2025

(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X-Shaded

CODE SECTION (S):

Section(s): 34-336(e)(1)e, for lot coverage of 38% in lieu of 35% maximum, to allow for stepping stones at an existing single-family dwelling for property addressed 4035 Duval Drive, RE# 181679-0000, legally described as Lot 8, Block D3, Ponte Vedra

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No.

23/00067

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.

JUN 23 2023

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	NO	when I built my home I did not think I would want stepping stones, but I do.
Special circumstances and conditions do not result from the actions of the applicant.	NO?	My grand children's feet are getting hurt by a natural beach ground cover
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	NO	They are only stepping stones & are subtle and do not cause any drainage issues
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	yes	The stepping stones are buried in the grass in the proposed design
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	yes	yes, I have provided wide spacing so the appearance is subtle and does not cause any problems to neighbors
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	They will make it possible to travel comfortably on the property

Prepared by William Nussbaum
334 E. Duval St.
Jacksonville, FL 32202

23-100067
RECEIVED
Doc # 2019008940, OR BK 18656 Page 998,
Number Pages: 2
Recorded 01/11/2019 11:46 AM,
RONNIE FUSSELL CLERK CIRCUIT COURT DUVAL
COUNTY
RECORDING \$18.50
DEED DOC ST \$16625.00
JUN 23 2023

Space above for recorder's use

PLANNING & DEVELOPMENT

WARRANTY DEED

THIS WARRANTY DEED dated this 10th day of January, 2019, by the Grantor, **Rodney S. Margol and Elizabeth B. Margol**, husband and wife, (41 Sixth St., Atlantic Beach, FL 32233) to the Grantee(s) **James Howard and Phoebe Howard**, husband and wife, (4128 Herschel St., Jacksonville FL 32210)

WITNESSETH, that the Grantor(s), for good and valuable consideration, receipt of which is acknowledged, has granted, bargained and sold to the Grantee and the Grantee's heirs, successors and assigns, to have and to hold in fee simple forever, that certain land in DUVAL County, Florida:

Lot 8, Block D-3, Ponte Vedra, according to the map or plat thereof as recorded in Plat Book 15, Page 48, Public Records of Duval County, Florida.

Property Appraiser's parcel ID # 181679-0000

Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, except for real property taxes accruing after December 31, 2018, and the following: (1) The nature, extent or existence of riparian rights. (2) Access easement along each side lot line. (3) Rear building restriction line. (4) Easement along rear lot line. (5) Bulkhead and erosion control line along rear lot line. (6) General permit line. (7) Coastal Construction Control Line.

IN WITNESS WHEREOF, the Grantor, in the presence of the witnesses, has signed and sealed these presents on the date set forth above.

GRANTOR

Rodney S. Margol SEAL

Elizabeth B. Margol SEAL
Elizabeth B. Margol

Signed in the presence of these Witnesses ↓

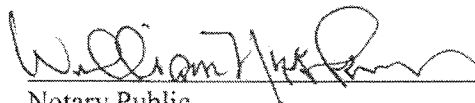
Sign: William Nussbaum
William Nussbaum

Sign: Missy DeKay
Print name: Missy DeKay

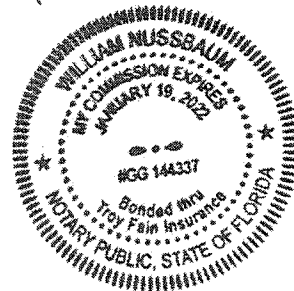
ACKNOWLEDGEMENT

STATE OF FLORIDA
COUNTY OF DUVAL

On this 10th day of January, 2019, the foregoing instrument was acknowledged before me by **Rodney S. Margol and Elizabeth B. Margol** who did not take an oath, and who is/are personally known to me or who produced as identification the following: _____



Notary Public



Ref- 23-100067

BOARD OF ZONING AND ADJUSTMENT
CITY OF JACKSONVILLE BEACH

MEMORANDUM OF ACTION, CASE NO. BZA 22-86-84

The Board of Zoning at their meeting of 6-3-86
1984, considered the (application)(appeal) of Frank
Dickinson (name) of 4035 Duval Dr
(address)
and decided as follows:

The (application)(appeal) was

☒ Granted

☐ Granted with stipulations attached thereto as follows:

☐ Denied for following reasons: _____

☐ The application was carried over to the meeting
of _____ 1984 and must be (reposted), (readvertised),
prior to the next meeting.

The action of the Board was by (unanimous () aye),

() nay) vote.

6-3-86

Date

Charles R. Jolly
Chairman

*Additional info added to include pertinent case information

BOARD OF ZONING AND ADJUSTMENT
CITY OF JACKSONVILLE BEACH

MEMORANDUM OF ACTION, CASE NO. BZA 25-91

The Board of Zoning at their meeting of _____,
19__, considered the (application) (appeal) of _____
_____ (name) of _____ (address)
and decided as follows:

The (application) (appeal) was

☒ Granted

☐ Granted with stipulations attached thereto as follows:

☐ Denied for following reasons: _____

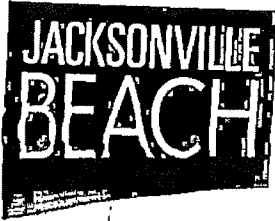
☐ The application was carried over to the meeting of _____
_____, 19__ and must be (reposted) (readvertised), prior
to the next meeting.

The action of the Board was (unanimous (3 aye), (2 nay) vote.

DATE 2/16/91

Brad Cowan
CHAIRMAN

Ref- 23-100067



DEPARTMENT OF PLANNING & DEVELOPMENT

CERTIFIED MAIL RETURN - RECEIPT REQUESTED

CM# 7017 3040 0000 2086 2365

January 13, 2021

Coastal Construction & Consulting
103 Burning Pine Court
Ponte Vedra Beach, FL 32082

 **FILE COPY**

RE: **DEVELOPMENT ORDER**
BOA#20-100202
4035 Duval Drive
Lot 8, Block D3, *Ponte Vedra excepting therefrom any lands lying east of the Erosion Control Line for said County*

Dear Mr. Tabb,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, January 5, 2021, in the City Council Chambers located at 11 3rd Street North, Jacksonville Beach, Florida, to consider the above development permit application(s) for a variance from the requirements of the Land Development Code.

As indicated in the application(s), the following deviation was requested:

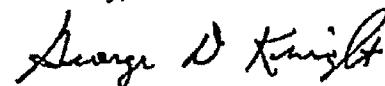
- 34-336(e)(1)e, for 38% lot coverage in lieu of 35% maximum

Based on the review and discussion of said application(s) and the consideration of any testimony provided during the duly advertised public hearing, the Board of Adjustment determined this application for development did not meet the standards applicable for authorizing a variance pursuant to Land Development Code § 34-286.

The Board **Denied** the requested variance to allow for additional paved driveway surface for a new (under construction) single-family dwelling.

Pursuant to Section 34-158, successive applications for all or part of the same land shall not be considered for a period of one (1) year unless the subsequent applications are materially different. Please remove the public hearing notice(s) posted on your property. Attached is a copy of the submitted site plan for your records. If you have any questions regarding this development order please feel free to call me at (904) 247-6231.

Sincerely,



George D. Knight, CBO
Building Official

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



CONTINUED ON PAGE 2

Related Cases & Inspection Selection

11:50:24

Property address, ID . . : 4035 DUVAL DR

PARCEL NUMBER : 181679.0000.

R.E. NUMBER : 181679-0000

**FILE COPY**

Type options, press Enter.

1=View case summary 5=View case detail

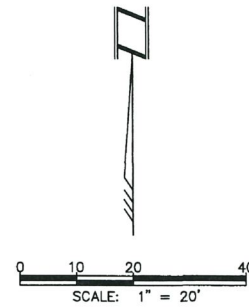
Opt	Number	Status	Date	Insp	Description
_	23 00000038	ACTIVE	4/06/23	NB	BUILDING CODE VIOL. CHAPTER 7

Bottom

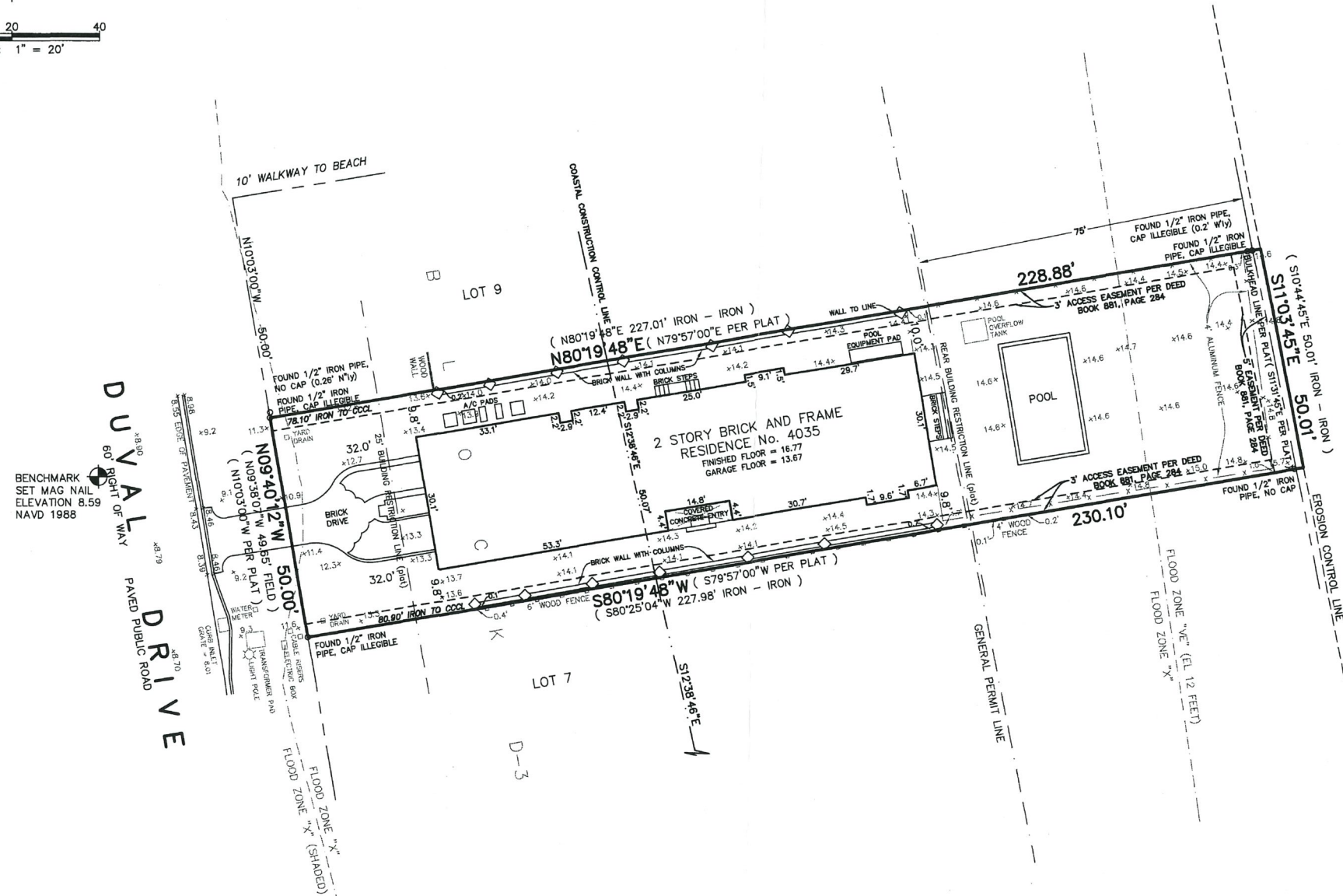
F3=Exit F9=Display open F10=Cases only F11=View 2 F12=Cancel

EXISTING.

23-10067



MAP SHOWING SURVEY OF
LOT 8, BLOCK D3, PONTE VEDRA, AS RECORDED IN PLAT BOOK 15, PAGES
48 and 48A OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA,
EXCEPTING THEREFROM ANY LANDS LYING EAST OF THE EROSION CONTROL
LINE FOR SAID COUNTY AS RECORDED IN PLAT BOOK 35, PAGES 59, 59A
and 59B OF SAID PUBLIC RECORDS.



NOTES:
1. THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY.
2. BEARINGS BASED ON A CALCULATED LINE BETWEEN
DEPARTMENT OF NATURAL RESOURCES MONUMENT
NUMBERS 72-81-A33 AND 78-79-A09 PER THE
COASTAL CONSTRUCTION CONTROL LINE FOR DUVAL
COUNTY, FLORIDA BASED ON GPS OBSERVATIONS
3. THE CURRENT COASTAL CONSTRUCTION CONTROL
LINE IS RECORDED IN MAP BOOK C, PAGES 72
THROUGH 72H, DUVAL COUNTY, RECORDED JULY 21,
1992.
4. BUILDING RESTRICTION LINES SHOWN PER PLAT.
5. BENCH MARK USED IS SJC No. 940, AN X CUT IN
THE SOUTHEAST CORNER OF A CONCRETE PAD FOR AN
ELECTRIC BOX AT THE INTERSECTION OF PONTE VEDRA
BOULEVARD AND SAN JUAN DRIVE. ELEVATION=9.67
(N.A.V.D. 1988)
6. THE EROSION CONTROL LINE AS RECORDED IN PLAT
BOOK 35, PAGES 59, 59A & 59B OF THE CURRENT
PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA IS THE
EASTERLY MOST PROPERTY LINE FOR PRIVATE LANDS IN
SAID COUNTY.
7. THE GENERAL PERMIT LINE SHOWN AS PER OFFICIAL
RECORDS BOOK 12975, PAGE 1781 OF THE CURRENT
PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE "X"
(AREA OF MINIMAL FLOOD HAZARD), FLOOD ZONE "X"
(SHADED), (0.2% ANNUAL CHANCE FLOOD HAZARD) AND
FLOOD ZONE "VE" (EL. 12 FEET) AS WELL AS CAN BE
DETERMINED FROM THE FLOOD INSURANCE RATE MAP No.
12031C0419J, REVISED NOVEMBER 2, 2018 FOR DUVAL
COUNTY, FLORIDA.

IMPERVIOUS CALCULATIONS:
(IN SQUARE FEET (S.F.))
LOT AREA = 11,475 S.F.
HOUSE = 3,417 S.F.
BRICK DRIVE = 275 S.F.
BRICK WALLS = 238 S.F.
BRICK STEPS = 80 S.F.
CONCRETE PADS = 71 S.F.
TOTAL = 4,081 S.F.
= 35.56%

THIS SURVEY IS CERTIFIED TO:
SOUTH STATE BANK, N.A.
JAMES M. HOWARD
COASTAL CONSTRUCTION & CONSULTING, LLC
SOUTHERN CAPE TITLE AGENCY, INC.

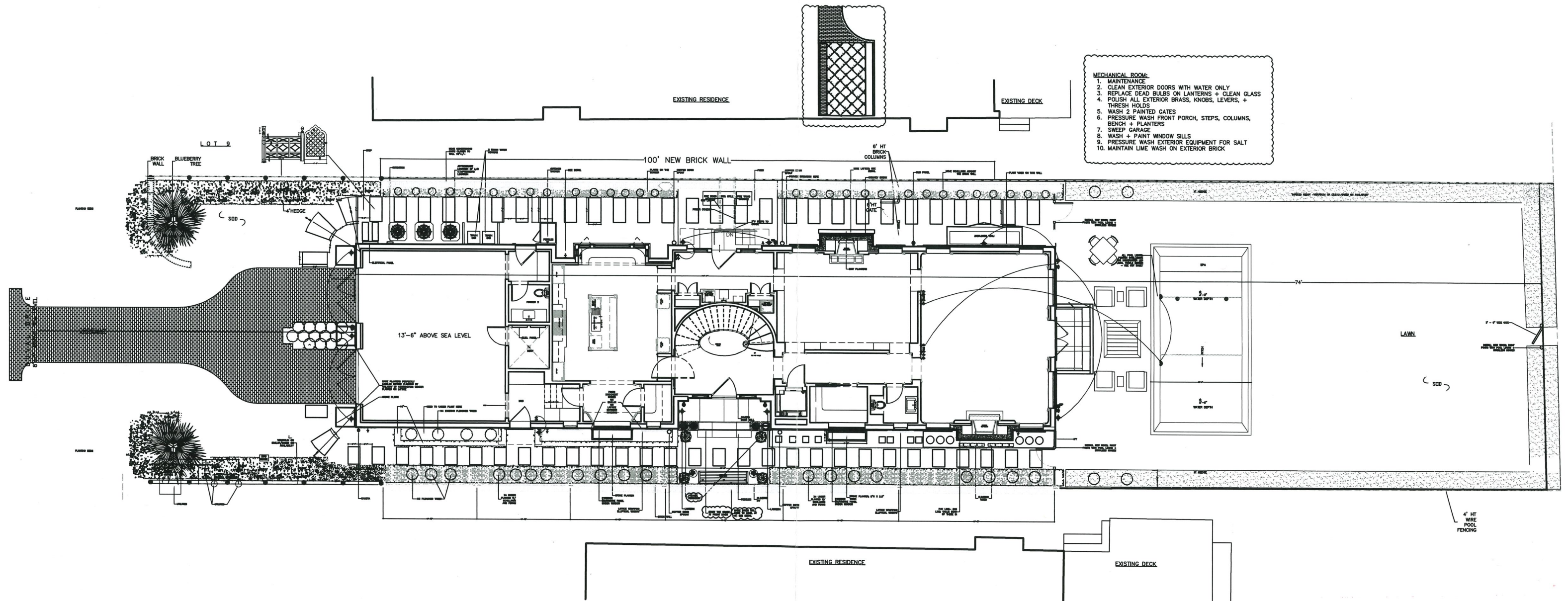
JASON D. BOATWRIGHT, P.S.M.
FLORIDA LICENSED SURVEYOR and MAPPER No. LS 7292
FLORIDA LICENSED SURVEYING & MAPPING BUSINESS No. LB 3672

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

CERTIFICATIONS CHANGED: MARCH 8, 2022

PROPOSED
38%

23-100067



RECEIVED

JUN 23 2023

PLANNING & DEVELOPMENT



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

BOA#23-100070

Zoning: RS-1
RE: 179771-1020
Legal: Lot 10, Seabreeze Woods
Address: 120 Seagrape Drive

Request

Section(s): 34-336(e)(1)e, for lot coverage of 41.7% in lieu of 35% maximum, to allow for an existing pool, rear patio pavers, pavilion and driveway to address existing nonconformities of single-family dwelling **for property addressed** 120 Seagrape Drive, **RE#** 179771-1020, **legally described as** Lot 10, Seabreeze Woods

Existing Conditions

The subject property is a legal conforming lot of record located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The lot is 90 feet in width, and 126.89 feet in depth, with an overall lot area of 11,389 square feet. The subject home was constructed in 1978, prior to the current LDC. The lot coverage is currently nonconforming at 41.7%. The lot currently has an existing house, pool, rear patio pavers, pavilion, and driveway, which do not conform with current lot coverage regulations in the RS-1 zoning district. The applicant is applying for this variance to address existing nonconformities. If the variance is not granted, the applicant plans on removing the existing wood deck shed, pool deck area, driveway pavers, and screen porch to get to 35% lot coverage. The existing home is conforming in all setbacks, but with the existing pool, rear patio pavers, pavilion, and driveway is nonconforming in lot coverage.

No previous BOA, no active code case.



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Staff Analysis

The subject lot is a conforming lot of record located in the Residential Single Family: RS-1 zoning designation. The lot meets all the minimum width and area requirements for the RS-1 zoning district. The property with existing pool, rear patio pavers, pavilion, and driveway is currently 41.7% lot coverage. A variance to allow the existing lot coverage to be addressed as a nonconformity is a reasonable request, as the pool, rear patio pavers, pavilion, and driveway are existing conditions that cannot be reasonable rectified without major changes to the property and may trigger other nonconformities. However, as the lot is conforming in width and area, there is no real hardship related to the lot coverage above the existing nonconformity. Additional lot coverage would be an additional privilege beyond what other conforming properties are granted.

Minimum Dimensional Standards

- Minimum lot area: Six thousand (10,000) square feet.
- Minimum lot width: Sixty (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 or carport. Garages or carports shall not be included as part of the single-family dwelling unit's minimum square footage.
- Maximum lot coverage: Thirty-five (35) percent.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.
- Height: Thirty-five (35) feet.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.



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

Review of Criteria

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

Staff **does not** find that there are circumstances unique to the subject parcel of land. The subject lot is conforming in size and width, but with the existing pool, rear patio pavers, pavilion, and driveway is nonconforming in 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 applicant added the non-conformities and is willing to rectify the changes by removing some accessory structures.

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

Staff finds that the proposed variance **will** confer special privileges. The request to keep additional lot coverage to a lot that does meet the minimum lot size and width for the RS-1 zoning district would confer a special privilege as compared to other properties in the surrounding area.

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. With regards to the existing lot coverage at 41.7% is a nonconforming condition of the property that is self-imposed.

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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed addition to the exiting property. The minimum variance needed would be to approve the existing 41.7% lot coverage.



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 not** find that the request is consistent with the comprehensive plan.

The applicant is requesting deviations from the established future land use designation policies and is not consistent with the Goals Objectives and Policies of the adopted comprehensive plan.

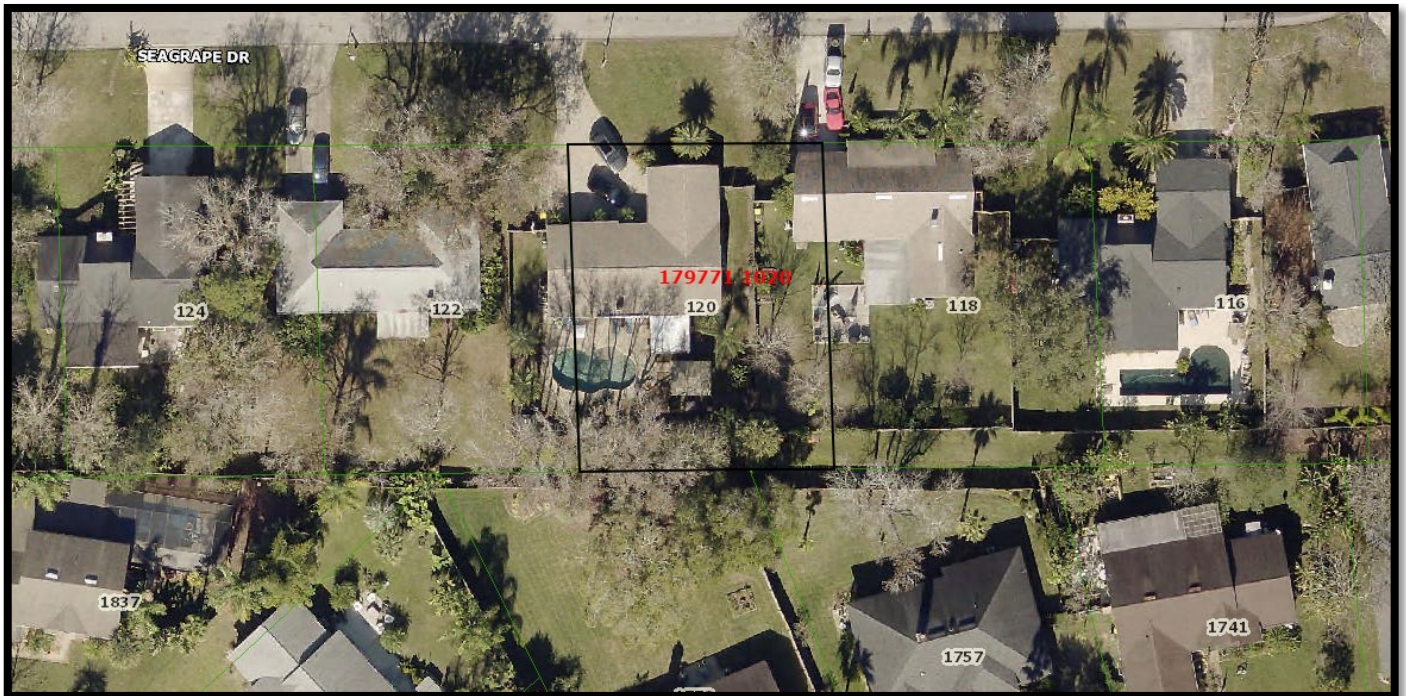
Staff Recommendation

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#23-100070**



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

Location Map (property boundaries are representative only)



EXISTING / PROPOSED #1

23-100070

MAP SHOWING SURVEY OF

LOT 10, SEABREEZE WOODS AS RECORDED IN PLAT BOOK 35, PAGE 50, OF THE
CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

LOT COVERAGE CALCULATION

LOT AREA	= 11,389 S.F.
BUILDING AREA	= 2,174 S.F.
PAVER DRIVE	= 1,319 S.F.
CONCRETE	= 17 S.F.
SCREENED PORCH	= 199 S.F.
WOOD DECK/SHED	= 77 S.F.
EQUIPMENT PADS	= 22 S.F.
POOL (NOT INCLUDED)	= 399 S.F.
POOL DECK	= 940 S.F.

TOTAL IMPERVIOUS AREA = 2,588 S.F.
EXISTING LOT COVERAGE = 41.7%

SEAGRAPE DRIVE
60' RIGHT-OF-WAY (PAVED PUBLIC ROAD)

WVIM

N88°40'12"E 88.93' (FIELD)
N88°40'00"E 90.00'

FOUND 1/2" IRON PIPE (ILLEGIBLE)

555.00'

N88°40'00"E

N01°20'00"W N01°15'11"W

N01°19'40"E S01°19'40"E

FOUND 1/2" IRON PIPE (ILLEGIBLE)

FOUR 1/2" IRON PIPE (ILLEGIBLE)

126.22' 126.15' (FIELD)

N01°20'00"W

LOT 11

PAPER DRIVEWAY

1-STORY WOOD FRAME RESIDENCE No. 120

PAVERS

POOL

PAVERS

SCREENED PORCH

WOOD DECK

10' CASEMENT

6' WOOD FENCE

A/C

CONE

GATE

EQUIPMENT

FLOOD ZONE "X" (SHADED)

FLOOD ZONE "AE" (EL 5)

LOT 9

LOT 16

LOT 18

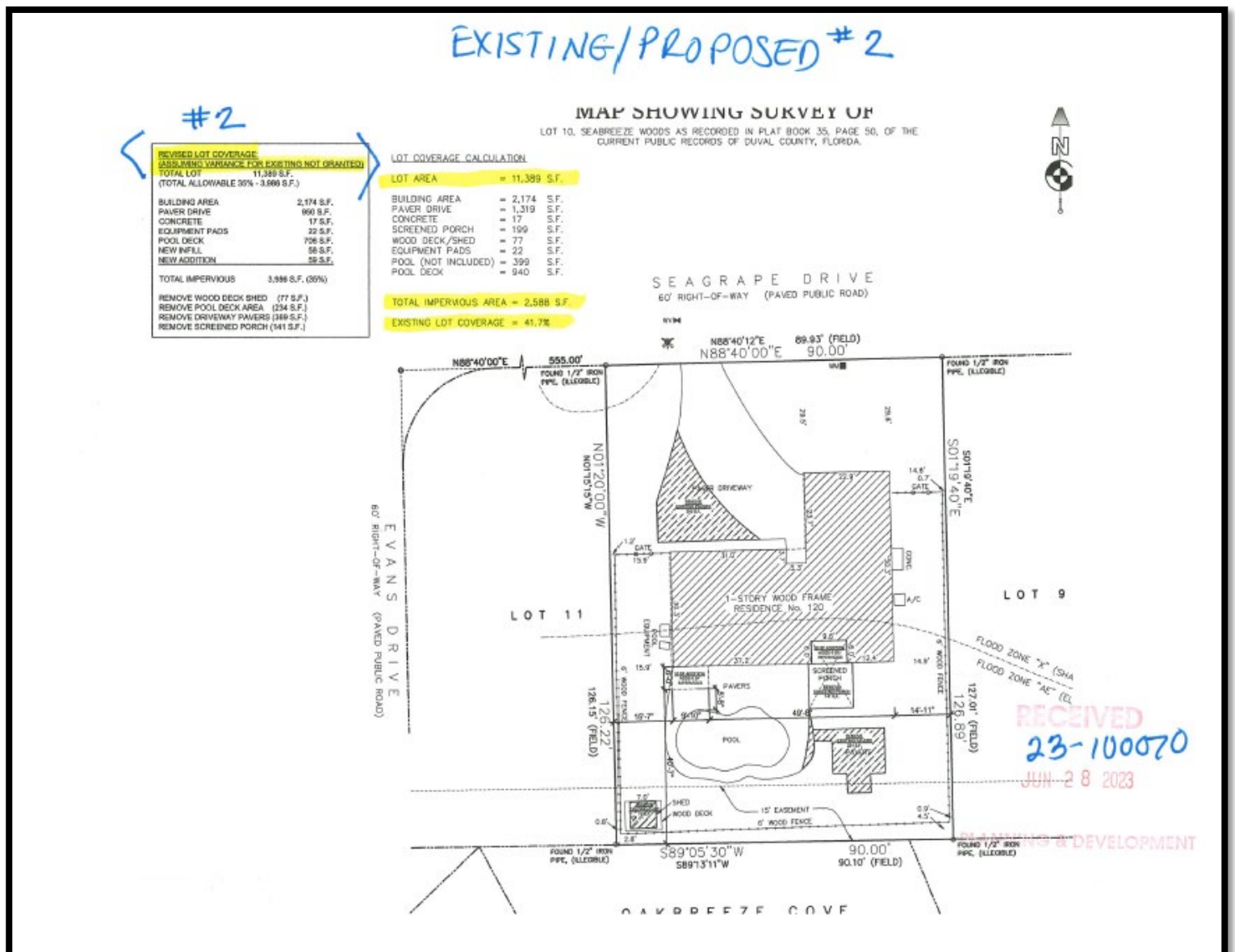
LOT 19

OAKBREEZE COVE
PLAT BOOK 45, PAGES 11, 11A AND 11B



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

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100070

HEARING DATE 8-15-23

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
JUN 28 2023

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: Todd Perkins **Telephone:** (904) 571-3987
Mailing Address: 120 Seagrape Drive, Jacksonville Beach, FL 32250 **E-Mail:** toddperkins@comcast.net

Agent Name: Casey Conner - Epic Contractors, Inc. **Telephone:** (904) 588-4490
Mailing Address: 56 Evans Drive, Jacksonville Beach, FL 32250 **E-Mail:** epiccontractorsinc@gmail.com

Landowner Name: Todd Perkins **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: 120 Seagrape Drive, RE 179771-1020
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 Existing Pool and paver with structures at 41.7%

AFFIDAVIT

I, Todd Perkins, 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.

Todd Perkins
APPLICANT SIGNATURE

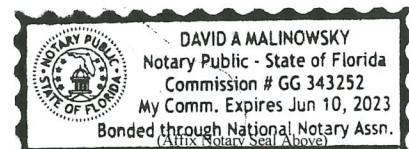
Todd Perkins
PRINT APPLICANT NAME

6/8/23
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 8 day of June, 2023, by Todd A. Perkins, who is personally known to me or produced DL as identification.

David Malinowsky
NOTARY PUBLIC SIGNATURE
PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X-Shaded

CODE SECTION (s):

Section(s): 34-336(e)(1)e, for lot coverage of 41.7% in lieu of 35% maximum, to allow for an existing pool, rear patio pavers, pavilion and driveway to address existing nonconformities of single-family dwelling for property addressed 120 Seagrape Drive, RE# 179771-1020, legally described as Lot 10, Seabreeze Woods

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100070

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.

RECEIVED

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.

JUN 28 2023
PLANNING & DEVELOPMENT

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	Non Conforming Lot
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Existing conditions of coverage.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	Extending Conditioned Space over Existing Paver within existing setbacks of lot.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	Similar to other homes in the area.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Allows use of yard and positive drainage.
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	Does not affect adjacent properties.

23-100070

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JUN 28 2023

Epic Contractors INC.

56 Evans Drive, Jacksonville Beach, FL 32250 · 904-588-4490

PLANNING & DEVELOPMENT

Jacksonville Beach Building Department

120 Seagrape Drive, Jacksonville Beach, FL 32250
Todd Perkins Residence

Building Department,

Please accept this letter as acknowledgement that the existing site conditions of lot coverage are above the conforming requirements of 35%. We plan to submit for a variance for the existing pool, rear patio pavers, pavilion and driveway. In efforts to move the renovation project forward on the home, we wish to request this letter to be considered by Zoning until the variance meeting has been completed in mid August.

We plan to remove the existing shed in an attempt to lower the existing coverage and avoid any structures in the city easements.

Should we not be granted permission to exceed the 35% lot coverage variance, we will make the adjustments as demonstrated on the attached site plan to meet the conformity requirements.

Respectfully,

Casey Conner
Epic Contractors, Inc.
President
904-588-4490

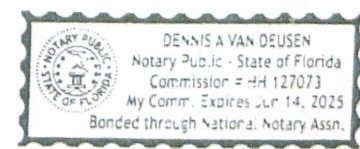
Owner: Todd Perkins

Date: 6/13/23

Before me this 13th day of June 2023 in the County of Duval, State of Florida, has personally appeared Todd Perkins Notary Public at Large, State of Florida, County of Duval.

My commission expires: 06/14/2025
Personally Known: _____
Produced Identification: FD-2

Dennis A. Van Deusen



23-100070

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JUN 28 2023

PLANNING & DEVELOPMENT

PREPARED BY, RECORD AND RETURN TO:
Osborne & Sheffield Title Services, LLC
4776 Hodges Boulevard, Suite 206
Jacksonville, Florida 32224

File #: 2009-615

Parcel Identification Number:
179771-1020

22/8/32
2

WARRANTY DEED

THIS WARRANTY DEED made this 17th day of November, 2009, by Mildred Ibarreche, a single person, hereinafter called Grantor, whether one or more, whose post office address is 4600 Middleton Park Circle E., Apt. #B-611, Jacksonville, Florida 32224, to Todd A. Perkins and Adrian Perkins, husband and wife, hereinafter called Grantee, whether one or more, and whose post office address is 120 Seagrape Dr., Jacksonville Beach, Florida 32250.

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

WITNESSETH:

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

Lot 10, SEABREEZE WOODS SUBDIVISION, according to plat thereof recorded in Plat Book 35, Page(s) 50 and 50A, of the current current Public Records of Duval County, Florida.

Grantee's Federal ID #: _____

SUBJECT TO taxes accruing subsequent to December 31, 2009.

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

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

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

23-100070

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

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

Signed, sealed and delivered
in our presence:

Witness #1 signature

LEE S. OSBORNE

Witness #1 printed name

Mildred Ibarreche

Witness #2 signature

Delilah Bumbarger

Witness #2 printed name

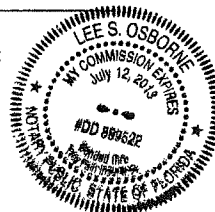
STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 17th day of November, 2009, by Mildred Ibarreche, a single person, who is/are personally known to me, has/have produced a valid driver's license(s) or has/have produced _____ as identification.

Notary Public

My Commission Expires:

(Notary Seal)



EXISTING/PROPOSED #2

#2

MAP SHOWING SURVEY OF

LOT 10, SEABREEZE WOODS AS RECORDED IN PLAT BOOK 35, PAGE 50, OF THE
CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

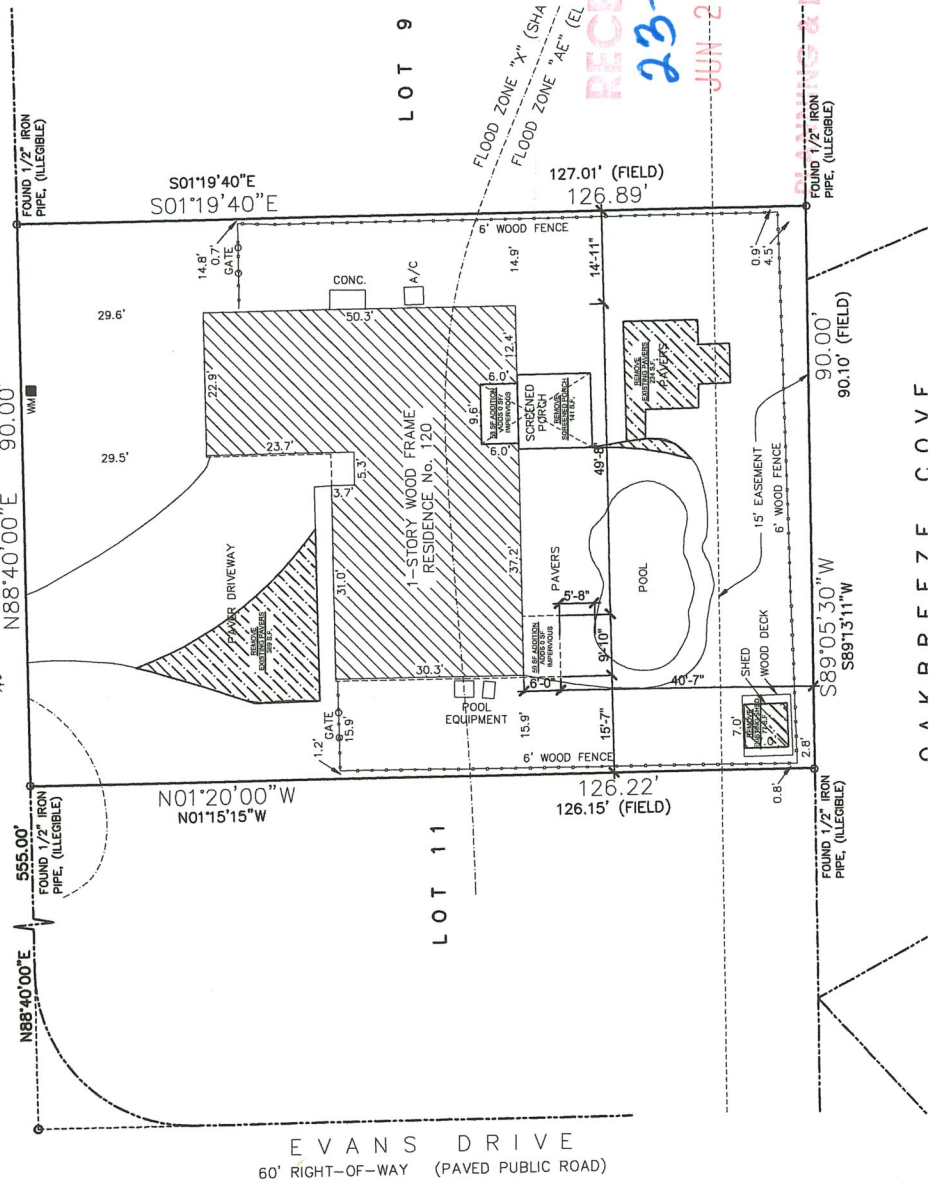
REVISED LOT COVERAGE (ASSUMING VARIANCE FOR EXISTING NOT GRANTED)	
TOTAL LOT	11,389 S.F.
(TOTAL ALLOWABLE 35% - 3,986 S.F.)	
BUILDING AREA	2,174 S.F.
PAVER DRIVE	960 S.F.
CONCRETE	17 S.F.
EQUIPMENT PADS	22 S.F.
POOL DECK	706 S.F.
NEW INFILL	58 S.F.
NEW ADDITION	59 S.F.
TOTAL IMPERVIOUS	3,986 S.F. (35%)
REMOVE WOOD DECK SHED (77 S.F.)	
REMOVE POOL DECK AREA (234 S.F.)	
REMOVE DRIVEWAY PAVERS (369 S.F.)	
REMOVE SCREENED PORCH (141 S.F.)	

LOT COVERAGE CALCULATION

LOT AREA	= 11,389 S.F.
BUILDING AREA	= 2,174 S.F.
PAVER DRIVE	= 1,319 S.F.
CONCRETE	= 17 S.F.
SCREENED PORCH	= 199 S.F.
WOOD DECK/SHED	= 77 S.F.
EQUIPMENT PADS	= 22 S.F.
POOL (NOT INCLUDED)	= 399 S.F.
POOL DECK	= 940 S.F.
TOTAL IMPERVIOUS AREA	= 2,588 S.F.
EXISTING LOT COVERAGE	= 41.7%



SEAGRAPH DRIVE
60' RIGHT-OF-WAY (PAVED PUBLIC ROAD)



RECEIVED
23-100070
JUN 28 2023

PLANNING & DEVELOPMENT

C A V D E E F F C O V F

MAP SHOWING SURVEY OF

LOT 10, SEABREEZE WOODS AS RECORDED IN PLAT BOOK 35, PAGE 50, OF THE
CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

LOT COVERAGE CALCULATION

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TOTAL IMPERVIOUS AREA = 2,588 S.F.

EXISTING LOT COVERAGE = 41.7%

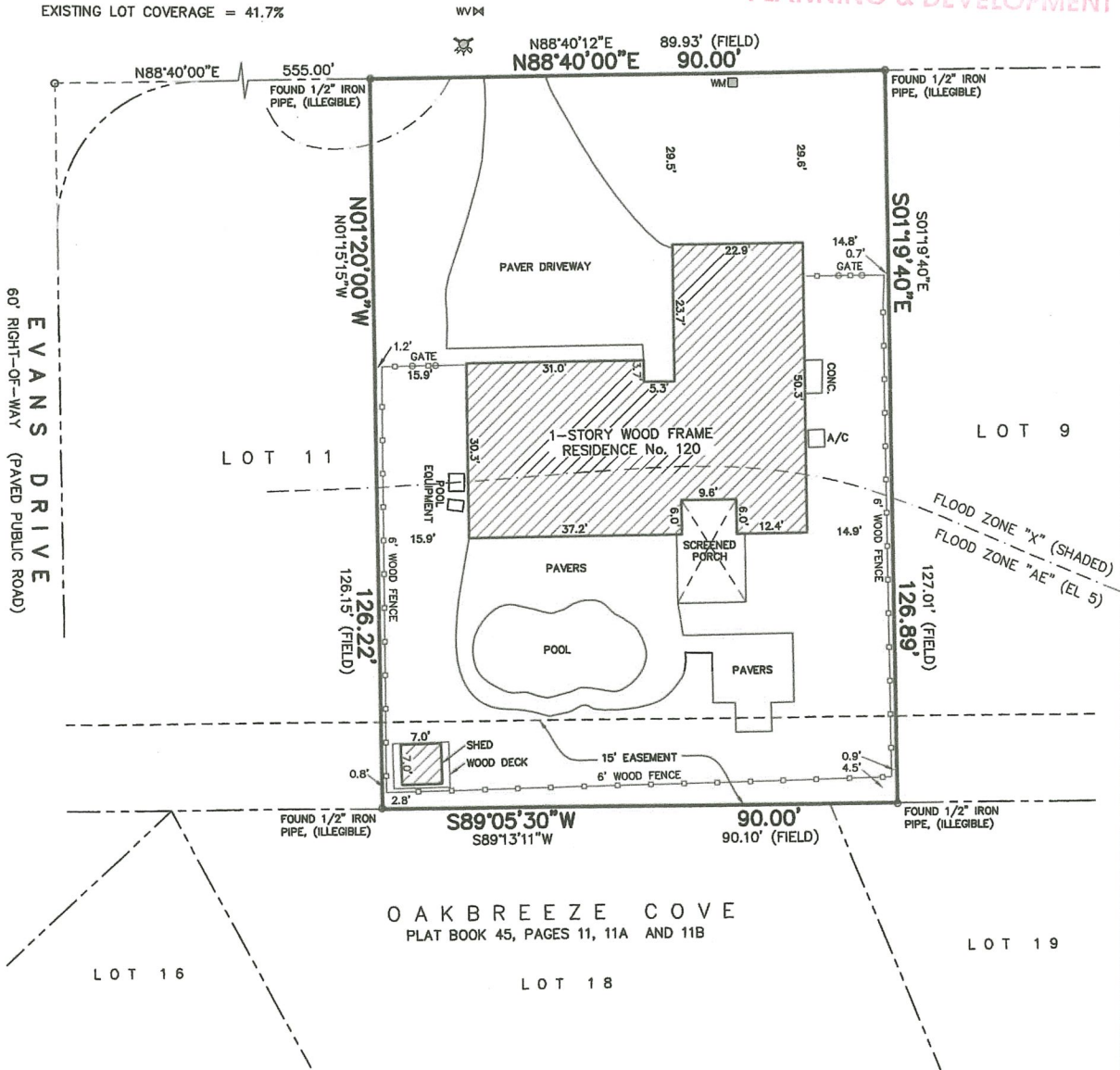
SEAGRAPE DRIVE

60' RIGHT-OF-WAY (PAVED PUBLIC ROAD)

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JUN 28 2023

PLANNING & DEVELOPMENT



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

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

GENERAL SURVEY NOTES

- THIS IS A BOUNDARY SURVEY.
- BEARINGS ARE BASED ON THE EASTERLY LINE OF LOT 10, BEING SOUTH 01°19'40" EAST, AS PER PLAT.
- THIS SURVEY WAS PREPARED WITHOUT AN ABSTRACT OF TITLE; THEREFORE THE UNDERSIGNED MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT OF WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS.
- NO UNDERGROUND INSTALLATIONS, IMPROVEMENTS OR ENCROACHMENTS HAVE BEEN LOCATED EXCEPT THOSE SHOWN HEREON.
- NO BUILDING RESTRICTION LINES, AS PER PLAT.
- THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X" SHADED (0.2% ANNUAL CHANCE FLOOD HAZARD) AND ZONE "AE" (EL 5) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP NO. 12031C0419J, REVISED NOVEMBER 2, 2016 FOR DUVAL COUNTY, FLORIDA.
- ALL EASEMENTS SHOWN HEREON ARE FOR UTILITIES AND DRAINAGE.

CERTIFIED TO:
TODD PERKINS;
ADRIAN PERKINS

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

FILE: 2023-0292
DRAWN BY: KJC-P
SCALE: 1" = 20'

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

DATE:
FEBRUARY 23, 2023
SHEET 1 OF 1



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

BOA#23-100071

Zoning: RS-3
RE: 176751-0005
Legal: East ½ of Lot 1, Block 118, Ocean Side Park
Address: 700 South 11th Avenue

Request

Section(s): 34-338(e)(1)c.(3), for a rear yard setback of 17 feet in lieu of 30 feet minimum; and 34-338(e)(1)e, for lot coverage of 42.5% in lieu of 35% maximum, to allow for an attached composite studio patio cover **for property addressed** 700 South 11th Avenue, **RE#** 176751-0005, **legally described as** East ½ of Lot 1, Block 118, *Ocean Side Park*

Existing Conditions

The subject property is a nonconforming lot of record located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-3. The subject property is approximately 25 feet in width and 125.7 feet in depth, with an overall area of 3,125 square feet. The subject property is occupied by one half of a two-unit townhome building that was constructed in 2020. Additionally, there is one previous variance for this address, which the board denied in 2020. The variance was for 38% lot coverage in lieu of 35% maximum.

BOA#20-100155: For 38% lot coverage in lieu of 35% maximum.

No active code enforcement cases.

Staff Analysis

The subject property is substandard in width, as it originally measured 50 in width rather than the 60 feet minimum requirement in the RS-3 zoning district. The applicant is requesting for a rear setback of 17 feet in lieu of 30 feet minimum and for lot coverage of 42.5% in lieu of 35% maximum, to allow for an attached composite studio patio cover. There is a hardship justified by having a nonconforming lot. Staff would recommend that the application be approved, as this is the minimum variance that will make possible the reasonable use of the parcel of land, building and structure.



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

Minimum Dimensional Standards

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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is not conforming and substandard. The existing lot does have nonconformities that could constitute a hardship as it would be difficult to add the attached composite studio patio cove without exceeding 35% lot coverage.

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

Staff **does not** find that circumstances are a result of the applicant. The lot is substandard, the existing lot coverage and setbacks for the home are not the result of the applicant, and therefore are not self-imposed. The new attached composite studio patio cover that would increase the lot coverage without a recognized hardship would not be self-imposed.



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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 request to add additional lot coverage to a lot that does not meet the minimum lot size or width for the RS-3 zoning district would not confer a special privilege as compared to other properties in the same zoning district.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Due to the size and shape of this property, you cannot add any accessory structures and meet RS-3 standards. This situation is not the fault of the applicant and will would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district with non-conforming lots.

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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed addition to the exiting property. The minimum variance needed would be to approve the proposed 42.5% lot coverage.

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

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

Staff Recommendation

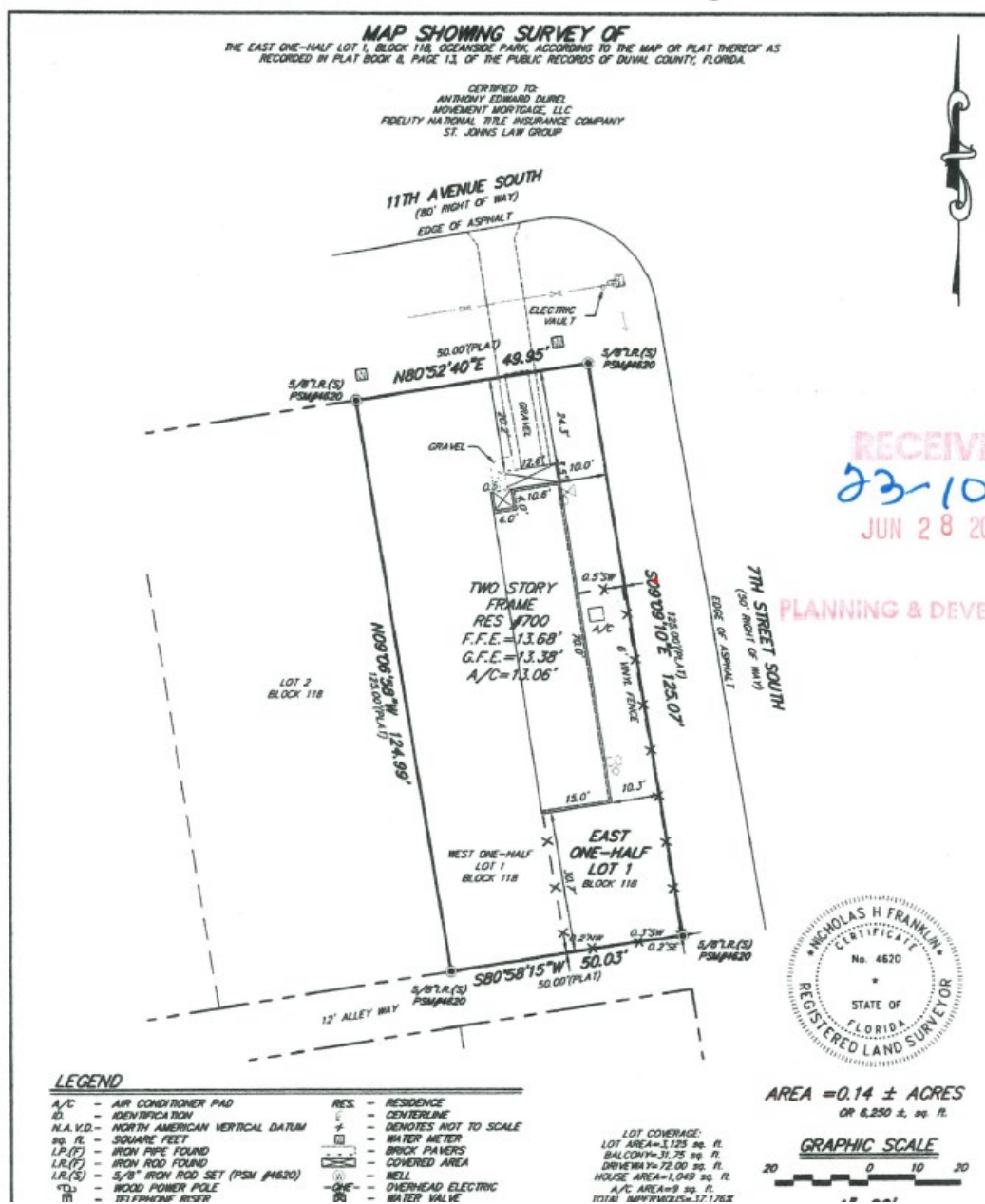
Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#23-100071**

Location Map (property boundaries are representative only)



Existing Survey

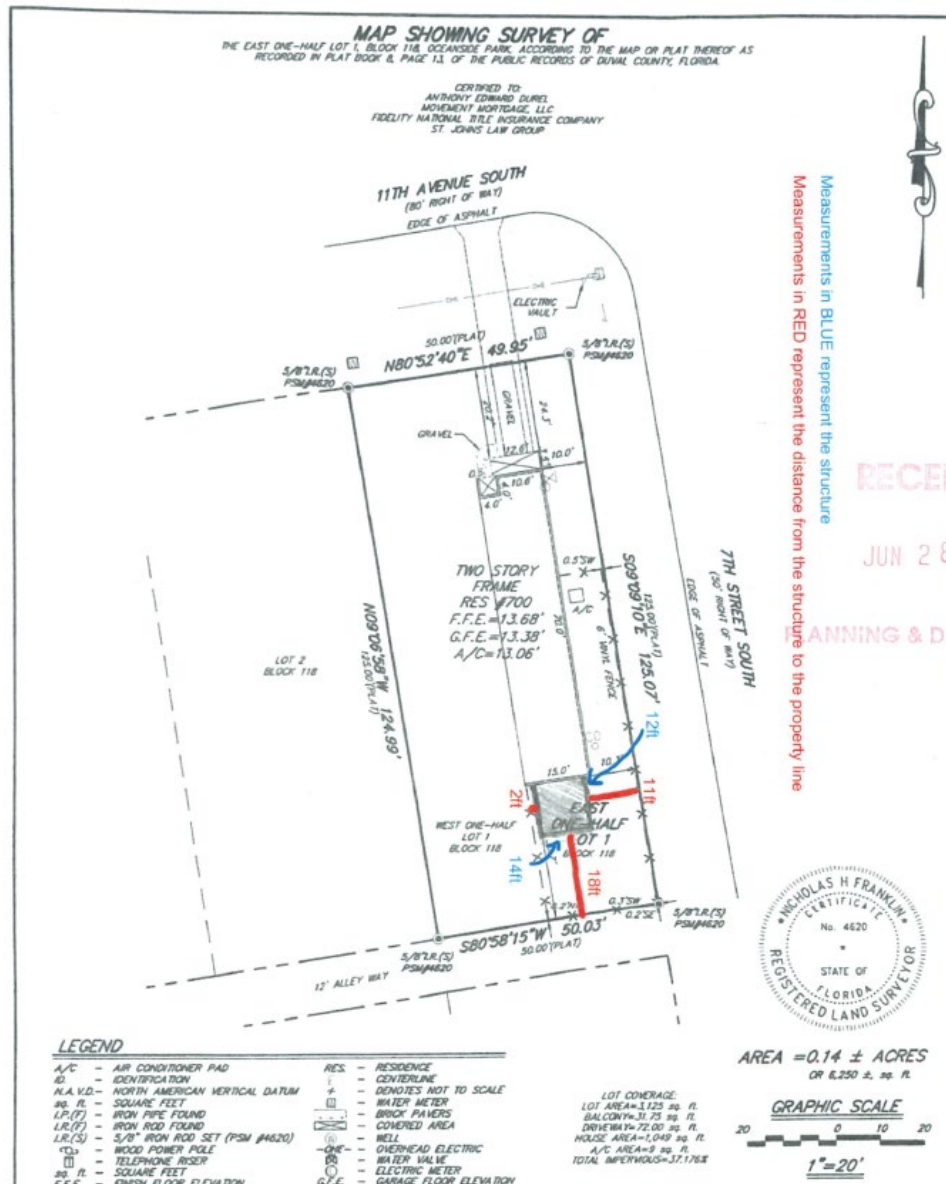
EXISTING



Proposed Site Plan

PROPOSED

23-100071





APPLICATION FOR VARIANCE

BOA No. 23-100071

HEARING DATE 8-15-23

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.

JUN 28 2023

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: Sharon Bowden **Telephone:** (904) 923-2771
Mailing Address: 700 11th Ave S **E-Mail:** sbowden2771@gmail.com
Jacksonville Beach, FL 32250
Agent Name: _____ **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____
Landowner Name: Sharon Bowden **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: 176751-0005 700 11th Ave S.
 Legal description of property (Attach copy of deed): 8-13-04-3S-29E .07 OCEANSIDE PARK E 1/2 LOT 1 BLK 118
 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).
Would like to install 16' x 13' composite studio patio cover attached to the house over the sliding door on the back of the house with a gutter and downspout. I am requesting to reduce the rear yard set back from 30 ft to 17 ft and increase the impervious lot coverage to allow for 208 sq ft for the patio cover.

AFFIDAVIT

I, Sharon Bowden, 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.

Sharon Bowden Sharon Bowden
 APPLICANT SIGNATURE PRINT APPLICANT NAME

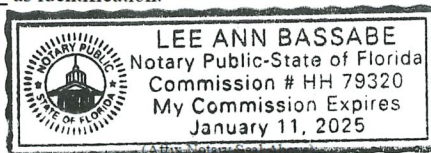
DATE 8/28/23

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28 day of June, 2023 by Sharon M. Bowden who is personally known to me or produced Florida Drivers License as identification.

Lee Ann Bassabe
 NOTARY PUBLIC SIGNATURE

Lee Ann Bassabe
 PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-3

FLOOD ZONE: X

CODE SECTION (S):

Section(s): 34-338(e)(1)c.(3), for a rear yard set back of 17 feet in lieu of 30 feet minimum; and 34-336 (e)(1)e, for lot coverage of 42.5% in lieu of 35% maximum, to allow for an attached composite studio patio cover for property addressed 700 South 11th Avenue, RE# 176751-0005, legally described as East 1/2 of Lot 1, Block 118, Ocean Side Park

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-10071

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

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	Lot was split so 2 unit townhome building could be built, reducing allowable impervious lot coverage.
Special circumstances and conditions do not result from the actions of the applicant.	No	
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	No	
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	Lot was split before the home was purchased. I would like to install the patio cover for shade to enjoy the back yard. There are other homes in the neighborhood with similar patio covers.
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	If we can install a gutter with a downspout on the patio cover and connect an underground drain pipe to the downspout with a pop up to drain water on the subject property this would keep water off the lot of the neighboring unit that is attached to the subject property.



CERTIFIED MAIL RETURN - RECEIPT REQUESTED

CM# 7017 3040 0000 2086 1986

October 23, 2020

Mr. Robert E. Barnes, Sr.
3317 Royal Palm Drive
Jacksonville Beach, FL 32250



RE: **DEVELOPMENT ORDER**
BOA#20-100154 BOA#20-100155
700 11th Avenue South 702 11th Avenue South
Lot 1, Block 118, *Oceanside Park*

Dear Mr. Barnes,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, October 20, 2020, in the City Council Chambers located 11 3rd Street North, Jacksonville Beach, Florida, to consider the above application(s) for a variance from the requirements of the Land Development Code.

As indicated in the application(s), the following deviation was requested:

- Section 34-338(e)(2)f, for 38% lot coverage in lieu of 35% maximum

To allow for the construction of a new two-family dwelling on Lot 1.

Based on the Board's review and discussion of said application(s), applicant testimony, and/or public testimony provided during the public hearing, it was determined these applications were not consistent with the code and therefore did not meet the standards applicable for authorizing a variance pursuant to Land Development Code Section 34-286.

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

Pursuant to Section 34-158, successive applications for all or part of the same land shall not be considered for a period of one (1) year unless the subsequent applications are materially different from the prior proposal or unless the person or four (4) members of the Board determine that the prior denial was based on a material mistake of fact.

Please remove the public hearing notice(s) posted on your property. Attached is a copy of the submitted site plan for your records. If you have any questions regarding this development order please feel free to call me at (904) 247-6231.

Sincerely,


George D. Knight, CBO
Building Official

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

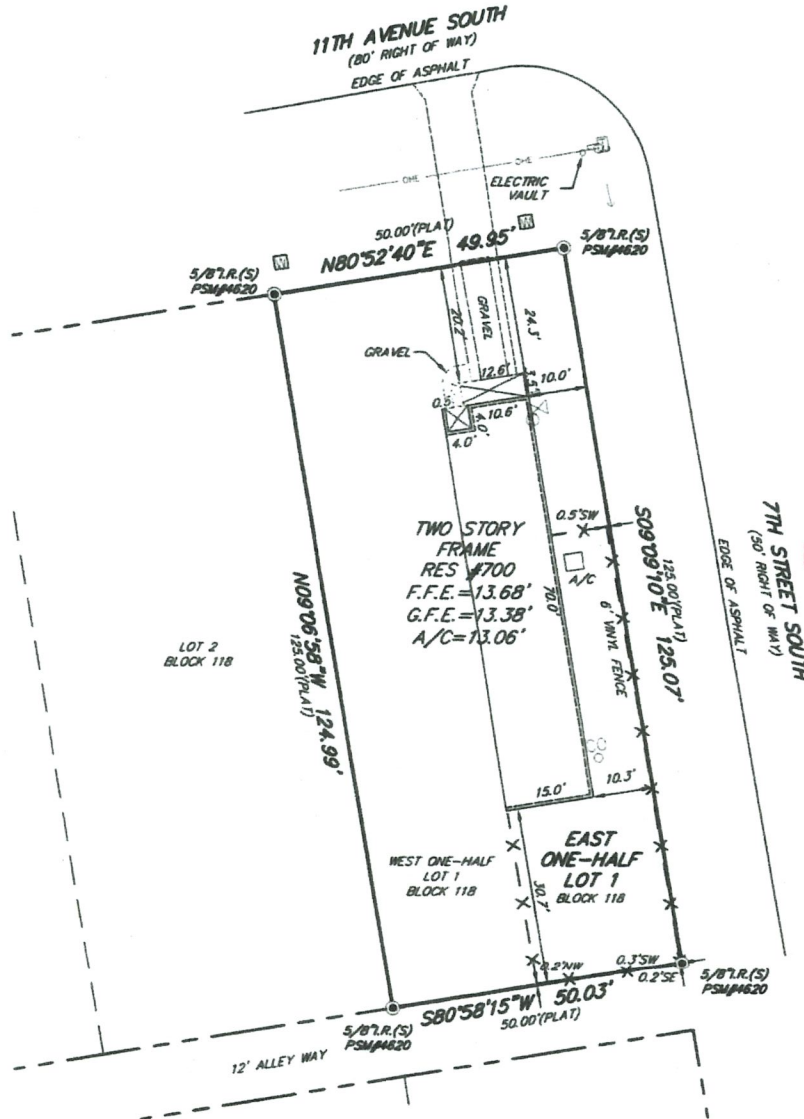


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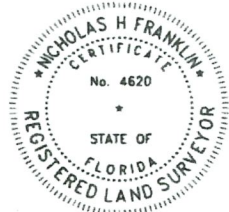
MAP SHOWING SURVEY OF THE EAST ONE-HALF LOT 1, BLOCK 118, OCEANSIDE PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 13, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
ANTHONY EDWARD DUREL
MOVEMENT MORTGAGE, LLC
FIDELITY NATIONAL TITLE INSURANCE COMPANY
ST. JOHN'S LAW GROUP



RECEIVED
23-100071
JUN 28 2023

PLANNING & DEVELOPMENT



LEGEND

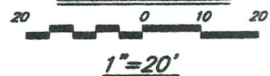
- A/C - AIR CONDITIONER PAD
- ID. - IDENTIFICATION
- N.A.V.D. - NORTH AMERICAN VERTICAL DATUM
- sq. ft. - SQUARE FEET
- I.P.(F) - IRON PIPE FOUND
- I.R.(F) - IRON ROD FOUND
- I.R.(S) - 5/8" IRON ROD SET (PSM #4620)
- WOOD POWER POLE
- TELEPHONE RISER
- sq. ft. - SQUARE FEET
- F.F.E. - FINISH FLOOR ELEVATION

- RES. - RESIDENCE
- CENTERLINE
- DENOTES NOT TO SCALE
- WATER METER
- BRICK PAVERS
- COVERED AREA
- WELL
- OVERHEAD ELECTRIC
- WATER VALVE
- ELECTRIC METER
- GARAGE FLOOR ELEVATION
- CLEANOUT

LOT COVERAGE:
LOT AREA=3,125 sq. ft.
BALCONY=31.75 sq. ft.
DRIVEWAY=72.00 sq. ft.
HOUSE AREA=1,049 sq. ft.
A/C AREA=9 sq. ft.
TOTAL IMPERVIOUS=37,176%

AREA = 0.14 ± ACRES
OR 6,250 ± sq. ft.

GRAPHIC SCALE



GENERAL NOTES

- This survey was made without benefit of an abstract of title. No right of way or easement of record was furnished to this firm except as shown.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not abstracted to its office of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the existence of any such claims.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor.
- Nothing herein shall be intended to give any rights or benefits to anyone other than those the survey was prepared for.
- All disputes, here or hereafter, shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- No underground structures, utilities or foundations were located or determined by this survey.
- For building setbacks call the appropriate county codes enforcement office.
- All distances, bearings or angles are as field measured. Used in place measurements are noted as different.
- The measurements for this survey were made in accordance with the United States Standards.
- Elevations as shown hereon are only those above ground, visible objects observed by the surveyor.

This survey is certified to the best field data.
This survey does not reflect or determine ownership.
The specific rights implied by this survey are not transferable.
This surveyor's liability shall not extend further as stated by this surveyor.

NOTE:

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

According to the Federal Emergency Management Agency FIRM Map No. 120312D418J effective date 11/02/2018, the property described herein appears to be in Zone X.
Basis of bearing structure: BEARING BASIS ASSUMED

BOOK OF RECORDS	N.A.V.D.	DATE	SCALE	DATE	DATE	DATE
20-0438	12/07/20	1" = 20'	12/07/20	12/07/20	12/07/20	12/07/20
BY	BOUNDARY/TITLE					

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NICHOLAS H. FRANKLIN
6170 A1A SOUTH #318
ST. AUGUSTINE, FLORIDA 32086
(904) 471-6877 FAX (904) 471-6876

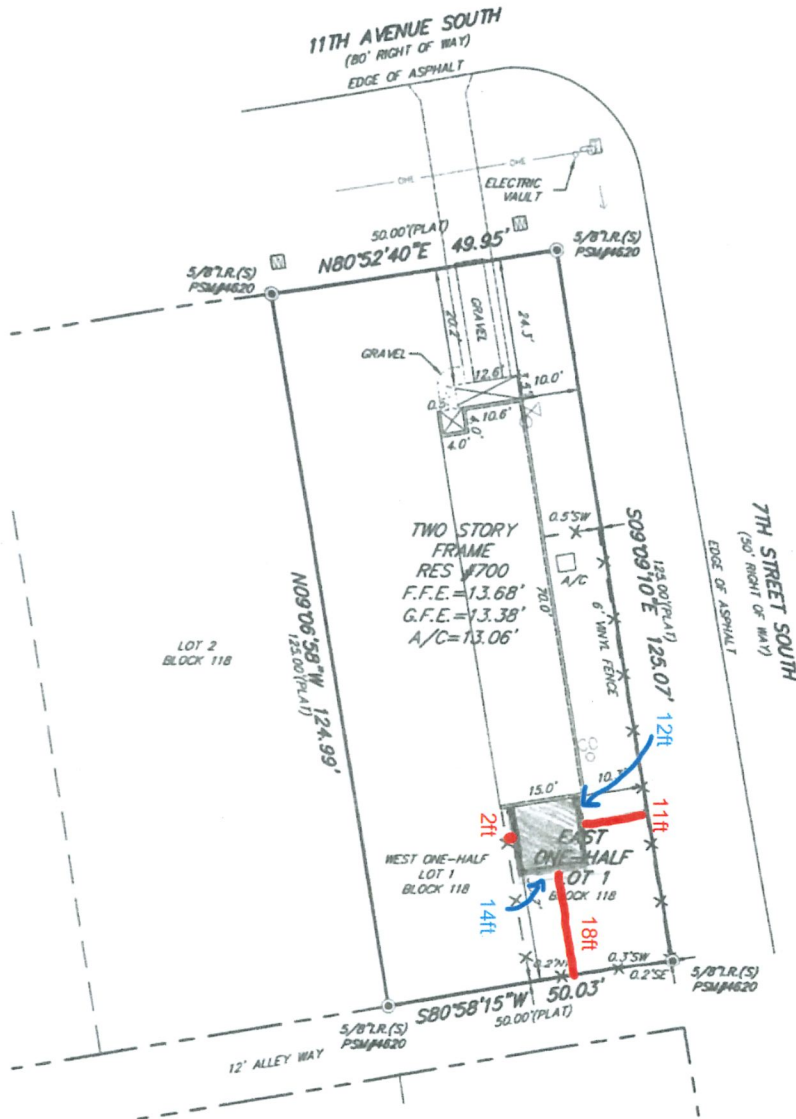
NICHOLAS H. FRANKLIN, P.L.S. #4620
FOR LANDTECH AND ASSOCIATES

PROPOSED

23-100071

MAP SHOWING SURVEY OF THE EAST ONE-HALF LOT 1, BLOCK 118, OCEANSIDE PARK, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 8, PAGE 13, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
ANTHONY EDWARD DUREL
MOVEMENT MORTGAGE, LLC
FIDELITY NATIONAL TITLE INSURANCE COMPANY
ST. JOHN'S LAW GROUP



Measurements in BLUE represent the structure
Measurements in RED represent the distance from the structure to the property line

RECEIVED

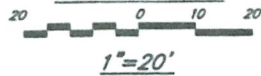
JUN 28 2023

PLANNING & DEVELOPMENT



AREA = 0.14 ± ACRES
OR 6,250 ± sq. ft.

GRAPHIC SCALE



LEGEND

- | | |
|--|------------------------|
| A/C - AIR CONDITIONER PAD | RES. - RESIDENCE |
| ID. - IDENTIFICATION | CENTERLINE |
| N.A.V.D. - NORTH AMERICAN VERTICAL DATUM | DENOTES NOT TO SCALE |
| sq. ft. - SQUARE FEET | WATER METER |
| I.P.(F) - IRON PIPE FOUND | BRICK PAVERS |
| I.R.(F) - IRON ROD FOUND | COVERED AREA |
| I.R.(S) - 5/8\" | WELL |
| WOOD POWER POLE | OVERHEAD ELECTRIC |
| TELEPHONE RISER | WATER VALVE |
| sq. ft. - SQUARE FEET | ELECTRIC METER |
| F.F.E. - FINISH FLOOR ELEVATION | GARAGE FLOOR ELEVATION |
| | CLEANOUT |

LOT COVERAGE:
LOT AREA=3,125 sq. ft.
BALCONY=31.75 sq. ft.
DRIVEWAY=72.00 sq. ft.
HOUSE AREA=1,049 sq. ft.
A/C AREA=9 sq. ft.
TOTAL IMPERVIOUS=37,176 sq. ft.

GENERAL NOTES

- This survey was made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- The verification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not been notified in a timely manner of any recorded claims of title, easements, or restrictions. This surveyor shall not be held liable for the existence of any such claims.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor.
- Any change in the location of the survey shall be made by the user, not the surveyor.
- All disputes shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- No underground structures, utilities or foundations were located or determined by this survey.
- For building setbacks, call the appropriate county codes enforcement office.
- All dimensions, bearings or angles are as field measured. Sides or angle measurements are stated if different.
- The measurements for this survey were made in accordance with the United States Standards.
- Encroachments to show hereon are only those above ground, visible objects observed by the surveyor.

- This survey is certified to the best field data.
- This survey does not reflect or deliberate sampling.
- The specific rights implied by this survey are not transferable.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

NOTE:

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

According to the Federal Emergency Management Agency (FEMA) Map No. 15000001M, effective date 11/02/2018, the property described herein appears to be in Zone X.

Based on bearing structure BEARING BASE ASSUMED

Block of elevations	N.A. VERT. DATUM	DATE	BY	FOR
20-04M	12/02/20	1" = 20'	781/29	M.N.F.

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NICHOLAS H. FRANKLIN
6170 A1A SOUTH #316
ST. AUGUSTINE, FLORIDA 32086
(904) 471-6877 FAX (904) 471-6876

NICHOLAS H. FRANKLIN, P.L.S. 4620
FOR LANDECH AND ASSOCIATES



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

BOA#23-100072

Zoning: RS-1
RE: 174988-0000
Legal: Lot 2, Block 3, Beach Homesite Unit One
Address: 525 North 10th Avenue

Request

Section(s): 34-336(e)(1)e, for lot coverage of 38.9% in lieu of 35% maximum; 34-336(e)(1)(c)3, for a rear yard setback of 15 feet in lieu of 30 feet; and 34-336(e)(1)g., for an accessory structure setback of 1 foot in lieu of 5 feet minimum from the west property line, to allow for new pavers and a shed addition to an existing single-family dwelling and to address existing nonconformities **for property addressed** 525 North 10th Avenue, **RE#** 174988-0000, **legally described as** Lot 2, Block 3, *Beach Homesite Unit One*

Existing Conditions

The subject property is a nonconforming lot of record located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The lot is 74.96 feet in width, and 100.35 feet in depth, with an overall lot area of 7,500 square feet. The subject home was constructed in 1951, prior to the current LDC. The lot coverage is currently nonconforming at 41.6%. The lot currently has an existing house, paver driveway, paver side walk, rear patio, and shed, which do not conform with current lot coverage regulations in the RS-1 zoning district. The applicant is applying for this variance to address existing nonconformities for lot coverage of 38.9% in lieu of 35% maximum; for rear yard setback of 15 feet in lieu of 30 feet; and for an accessory structure set-back of 1 foot in lieu of 5 feet minimum from the west property line, to allow for new pavers and a shed addition to an existing single-family dwelling and to rectify the existing nonconforming rear yard setback. The applicant proposes to reduce the square footage of their rear patio and remove a sidewalk and existing shed, decreasing their lot coverage from 41.6% to 38.9%.

No previous BOA, no active code case.



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Staff Analysis

The subject property is substandard in width, it measures 74.96 in width rather than the 90 feet minimum requirement in the RS-1 zoning district and is nonconforming in size at 7,500 square feet. The applicant is proposing to remove some of the nonconformities and to add smaller accessory structures to address lot coverage matters. The applicant plans to reduce the lot coverage from 41.6% to 38.9%, with an addition of a smaller shed that will encroach into the side yard setback by 4 feet and the addition of a smaller new paver patio. A variance to allow reduced lot coverage and new rear and accessory structure setbacks to address the nonconformities is a reasonable request, as the applicant is reducing total lot coverage and adding smaller accessory structures. There is a hardship justified by having a nonconforming lot. Staff would recommend that the application be approved, as this is the minimum variance that will make possible the reasonable use of the parcel of land, building and structure.

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.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures



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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is nonconforming and substandard in size and width.

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

Staff **does not** find that circumstances are a result of the applicant. The applicant purchased the property with the nonconforming conditions.

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 request to reduce additional lot coverage, new rear and accessory structure set-backs to a lot that does not meet the minimum lot size or width for the RS-1 zoning district would not confer a special privilege as compared to other properties in the same zoning district.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Due to the size and shape of this property, you cannot add any accessory structures and meet RS-1 standards. This situation is not the fault of the applicant and will would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district with non-conforming lots.



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

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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed addition to the exiting property. The minimum variance needed would be to approve the proposed 38.9%% lot coverage, rear setbacks of 15 feet, and an accessory structure setback of 1.

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

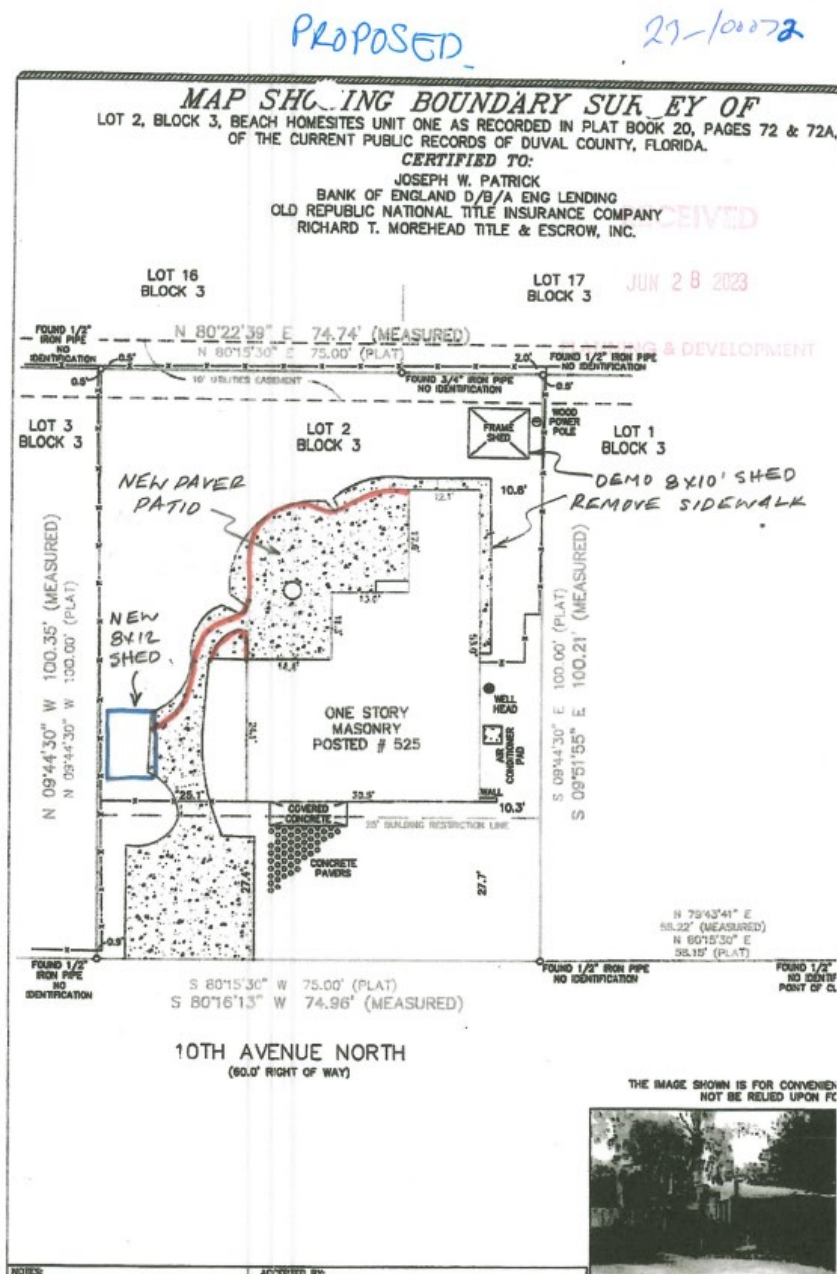
Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#23-100072**

**525 10th Ave N
Lot Coverage Calculation**

Area	Existing	Proposed
House	1,449	1,449
Driveway	487	487
Front Sidewalk	75	75
Rear Patio and Sidewalk	1,028	813
Shed	80	96
TOTAL	3,119	2,920
 Lot	 7,500	 7,500
 Coverage %	 41.6%	 38.9%

Existing Survey

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100078
HEARING DATE 8-15-23

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
2:30 PM
JUN 28 2023

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: Brian Sass - Managing Member BRO Development **Telephone:** (770) 316-3936
Mailing Address: 249 Rivershore Lane, St Augustine, FL 32084 **E-Mail:** brian@bscventures.com

Agent Name: Casey Conner - Epic Contractors, Inc. **Telephone:** (904) 588-4490
Mailing Address: 56 Evans Drive, Jacksonville Beach, FL 32250 **E-Mail:** epiccontractorsinc@gmail.com

Landowner Name: BRO Development **Telephone:** (770) 316-3936
Mailing Address: 249 Rivershore Lane, St Augustine, FL 32084 **E-Mail:** brian@bscventures.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: 525 N 10th Ave Jacksonville Beach, FL 32250, RE 174988-0000
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 for pavers, shed within 5' of property line and less than 30' rear set back.

AFFIDAVIT

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

[Signature]
APPLICANT SIGNATURE

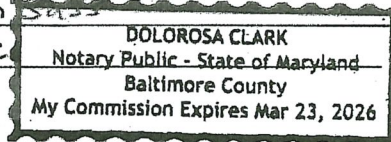
Brian Sass
PRINT APPLICANT NAME

6/28/2023
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28th day of June, 2023, by Brian Sass, who is personally known to me or produced FLORIDA Driver License as identification.

[Signature]



PRINT NOTARY NAME

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X-Shaded

CODE SECTION (S):

Section(s): 34-336(e)(1)e, for lot coverage of 38.9% in lieu of 35% maximum; 34-336(e)(1)(c)3, for a rear yard setback of 15 feet in lieu of 30 feet; and 34-336(e)(1)g., for an accessory structure setback of 1 foot in lieu of 5 feet minimum from the west property line, to allow for new pavers and a shed addition to an existing single-family dwelling and to address existing nonconformities for property addressed 525 North 10th Avenue, RE# 174988-0000, legally described as Lot 2, Block 3, Beach Homesite Unit One

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-100072

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.

JUN 28 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	Non Conforming Lot
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Existing conditions of lot coverage.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	Matching existing conditions of other homes in the area.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	Similar to other homes in the area.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Allows use of yard and structures.
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	Does not affect adjacent properties.

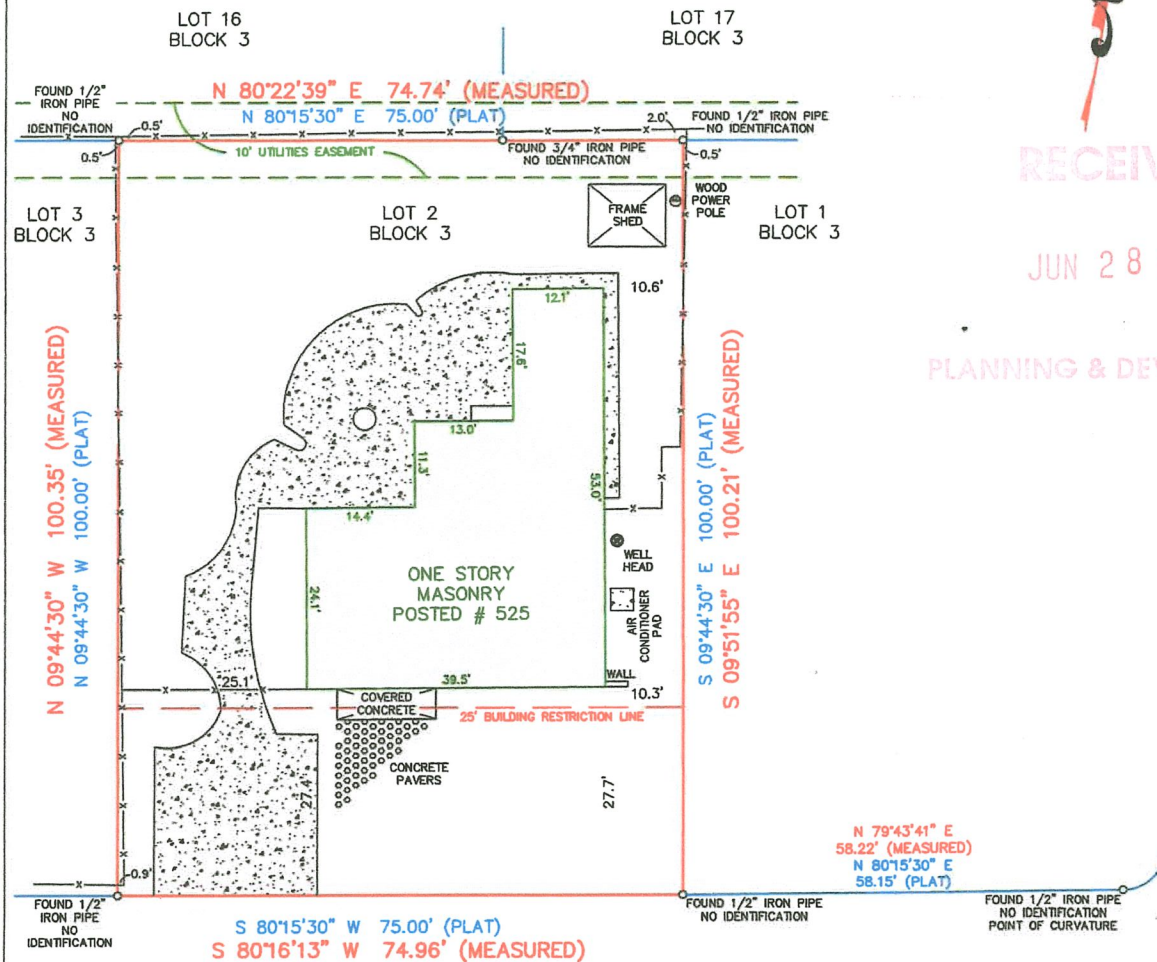
EXISTING

MAP SHOWING BOUNDARY SURVEY OF

LOT 2, BLOCK 3, BEACH HOMESITES UNIT ONE AS RECORDED IN PLAT BOOK 20, PAGES 72 & 72A,
OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:

JOSEPH W. PATRICK
BANK OF ENGLAND D/B/A ENG LENDING
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
RICHARD T. MOREHEAD TITLE & ESCROW, INC.



10TH AVENUE NORTH
(60.0' RIGHT OF WAY)

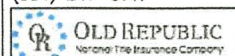
THE IMAGE SHOWN IS FOR CONVENIENCE AND SHOULD
NOT BE RELIED UPON FOR SURVEY DATA



NOTES:	ACCEPTED BY:

JOB # 13-118 DATE OF FIELD SURVEY: 09-25-13 DATE OF ISSUE: 09-26-13 SCALE: 1" = 20'

CLOSING COORDINATED BY:
RICHARD T. MOREHEAD TITLE & ESCROW, INC.
444 THIRD STREET
NEPTUNE BEACH, FL 32266
(904) 247-5147



CHARLES K. McINTOSH
PROFESSIONAL SURVEYOR
& MAPPER -5502
1692 COVINGTON LANE
ORANGE PARK, FL 32003
(Phone) 904-524-3411



MAP NOTES:

1. BEARINGS ARE BASED ON THE PLAT BEARING OF N 09°44'30" W ALONG THE WESTERLY BOUNDARY LINE OF SUBJECT PARCEL.
2. BY GRAPHIC PLOTTING ONLY, THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE X, AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED JUNE 3, 2013, COMMUNITY NUMBER 120078, PANEL 0417 H.
3. THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER RECORDED PLAT. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED.
4. THIS SURVEY IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND EMBOSSED SEAL OF THE CERTIFYING SURVEYOR.

CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE MINIMUM TECHNICAL STANDARDS AS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

Charles K. McIntosh

CHARLES K. McINTOSH
REGISTERED SURVEYOR AND MAPPER # 5502 STATE OF FLORIDA

LEGEND:

- = PROPERTY CORNER
OBSTRUCTED NO EVIDENCE
FOUND OR SET
- = CONCRETE
- X- = FENCE
- R = RADIUS
- L = LENGTH

PROPOSED

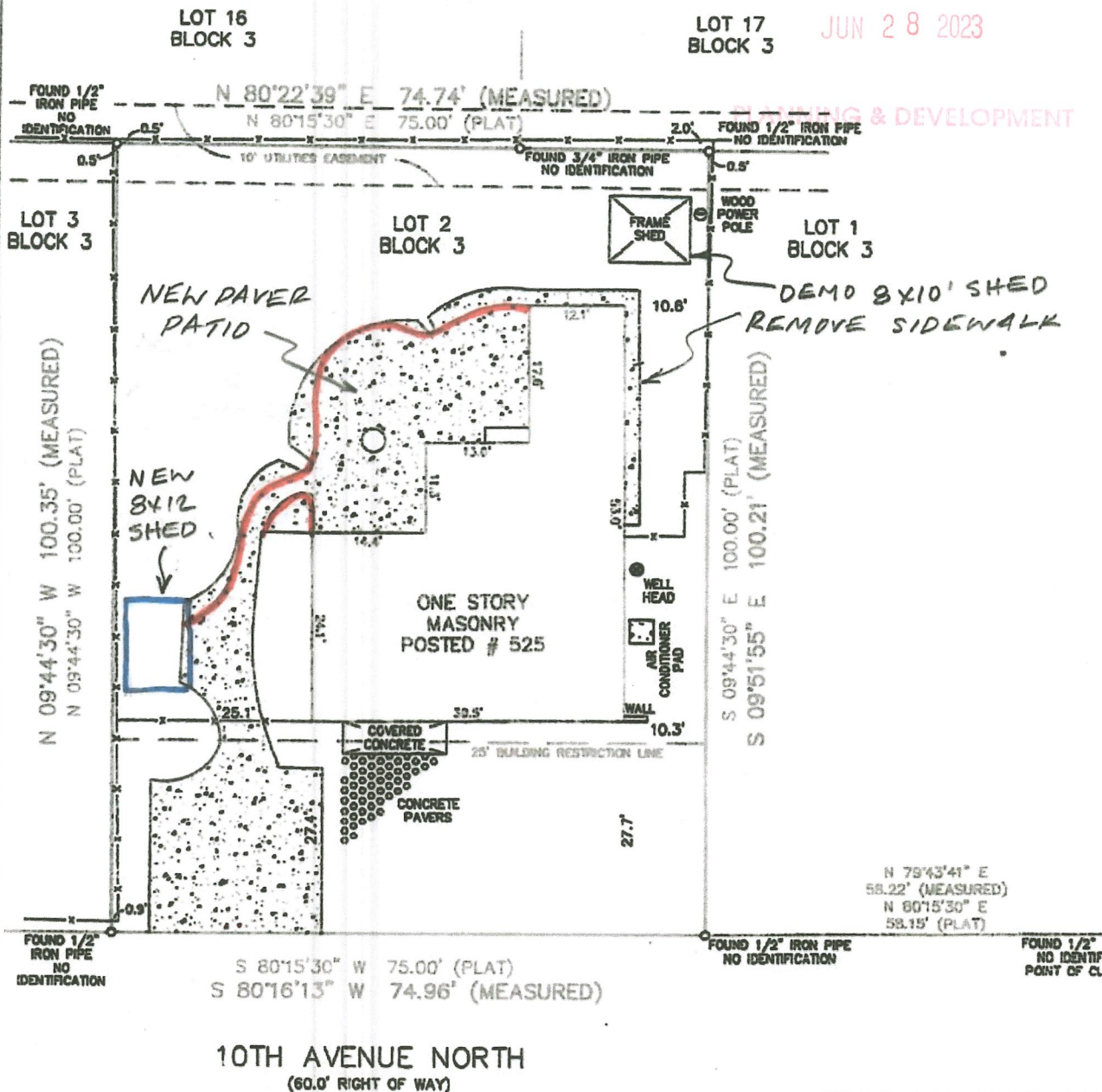
27-100072

MAP SHOWING BOUNDARY SURVEY OF
LOT 2, BLOCK 3, BEACH HOMESITES UNIT ONE AS RECORDED IN PLAT BOOK 20, PAGES 72 & 72A,
OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

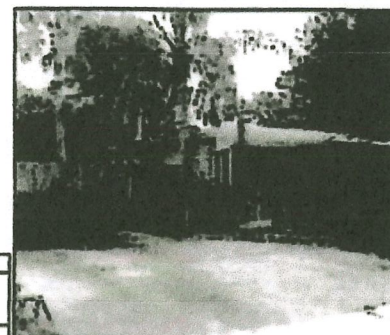
CERTIFIED TO:

JOSEPH W. PATRICK
BANK OF ENGLAND D/B/A ENG LENDING
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
RICHARD T. MOREHEAD TITLE & ESCROW, INC.

JUN 28 2023



THE IMAGE SHOWN IS FOR CONVENIENCE
NOT BE RELIED UPON FOR



NOTES:

ACCEPTED BY:

22-100072

525 10th Ave N
Lot Coverage Calculation

RECEIVED

JUN 28 2023

PLANNING & DEVELOPMENT

Area	Existing	Proposed
House	1,449	1,449
Driveway	487	487
Front Sidewalk	75	75
Rear Patio and Sidewalk	1,028	813
Shed	80	96
TOTAL	3,119	2,920
 Lot	 7,500	 7,500
 Coverage %	 41.6%	 38.9%



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

BOA#23-100073

Zoning: RS-1
RE: 179658-0216
Legal: Lot 8, Mission Hills, Unit Four
Address: 23 Quail Lane

Request

Section(s): 34-336(e)(1)c.(3), for a rear yard setback of 22.9 feet in lieu of 30 feet minimum; 34-336(e)(1)g, for an accessory structure (pool deck) set back of 2.7 feet in lieu of 5 feet minimum; 34-336(e)(1)e, for lot coverage of 38% in lieu of 35% maximum to allow for a new addition, pool pavers and decking **for property addressed** 23 Quail Lane, **RE#** 179658-0216, **legally described as** Lot 8, Mission Hills, Unit Four

Existing Conditions

The subject property is a conforming lot of record located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The lot is 90 feet in width, and 110 feet in depth, with an overall lot area of 11,614 square feet. The existing home was constructed in 1979, prior to the current LDC. The lot coverage is currently conforming at 28.5%. The lot currently has an existing single-family home, concrete driveway, concrete rear patio, rear patio, frame shed, and coping only pool, which do conform to current setback and lot coverage regulations in the RS-1 zoning district. The applicant is applying for a variance from the rear yard setback, accessory structure setback and lot coverage to construct a two-story rear addition to the house, add a wood deck, and a paver patio around three sides of the existing pool. The applicant is requesting a 22.9 foot rear yard setback, a 2.7 foot accessory structure setback and lot coverage of 38%

No previous BOA, no active code case.

Staff Analysis

The subject property is conforming in both width and size, as it is 90 feet wide at the building and 11,614 square feet in size. The applicant is proposing to add a rear addition with stairs, a wood deck, and paving around the existing pool. The current lot coverage of 28.5% is 7% below the maximum lot coverage of 35%. This leaves around 750 square feet of available lot coverage for the property owner to work with and stay within the allowable lot coverage for the RS-1 zoning district. With reasonable adjustments to the proposed site plan, the lot coverage could be kept



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within the limits if the LDC. Due to the placement of the existing pool at a far distance from the house, a large amount of pavers and decking have to be installed in order to provide continuous access from the house to the pool.

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.
- 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 not** find that there are circumstances unique to the subject parcel of land. The subject lot is conforming in both width and size, exceeding the minimum lot size by 1,614 square feet. The current lot coverage is below the maximum of 35%



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** find that circumstances are a result of the applicant. The applicant purchased a conforming property and wishes to add to the lot coverage with decking and pavers and a rear addition to the home.

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

Staff finds that the proposed variance **will** confer special privileges. The request to increase the lot coverage in order to build a new rear addition and accessory structures to a lot that meets the minimum lot size and width for the RS-1 zoning district would confer a special privilege as compared to other properties in the same zoning district.

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

Staff **does not** find that literal interpretation of the code would deprive the applicant of rights and privileges. Due to the conforming size of the property and the existing lot coverage at 28.5%, the applicant is not currently utilizing the full lot coverage availability of the property and does have room to add on.

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 accommodate the proposed additions to the exiting property.

Approval of a rear yard setback is reasonable, considering that there are no other locations to add on the property except the front and rear yards without encroaching into the side yard setbacks. The increase in lot coverage to 35% would be possible with an amended site plan that eliminates approximately 325 square feet of additions to the property.



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.

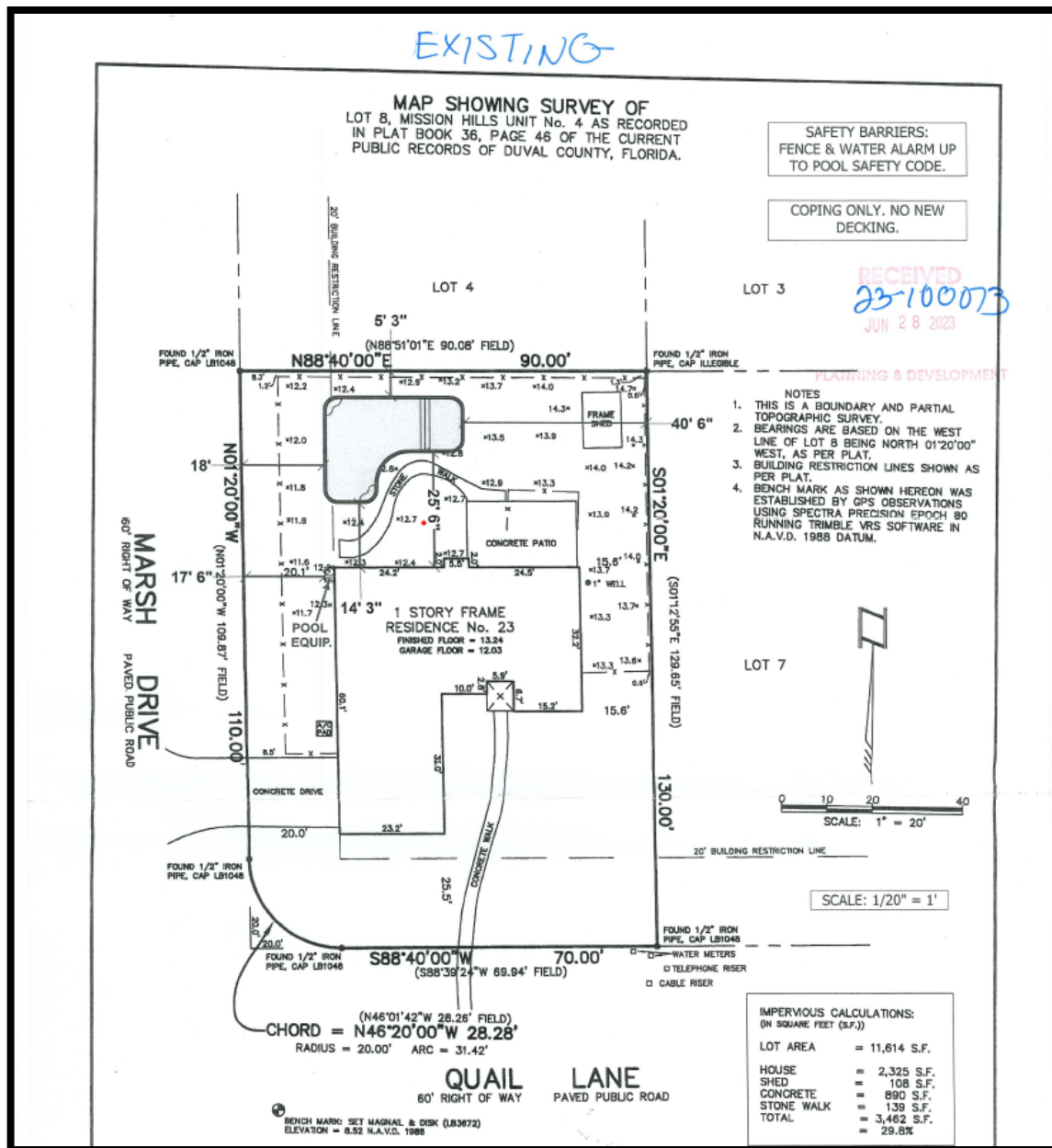
Staff Recommendation

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#23-100073 amended to approval only the rear yard setback of 22.9 feet for the rear yard addition and not lot coverage.**

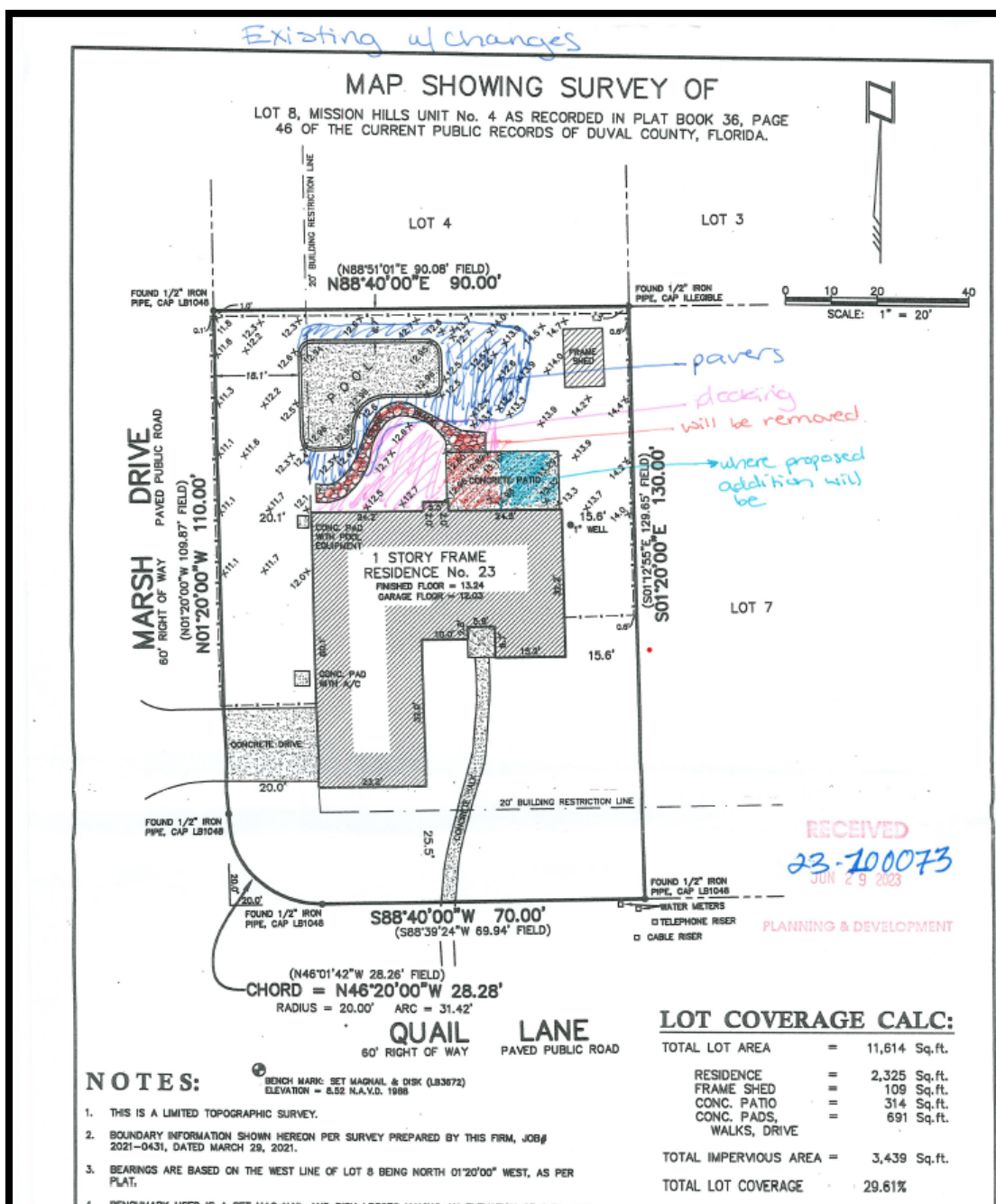
Location Map (property boundaries are representative only)



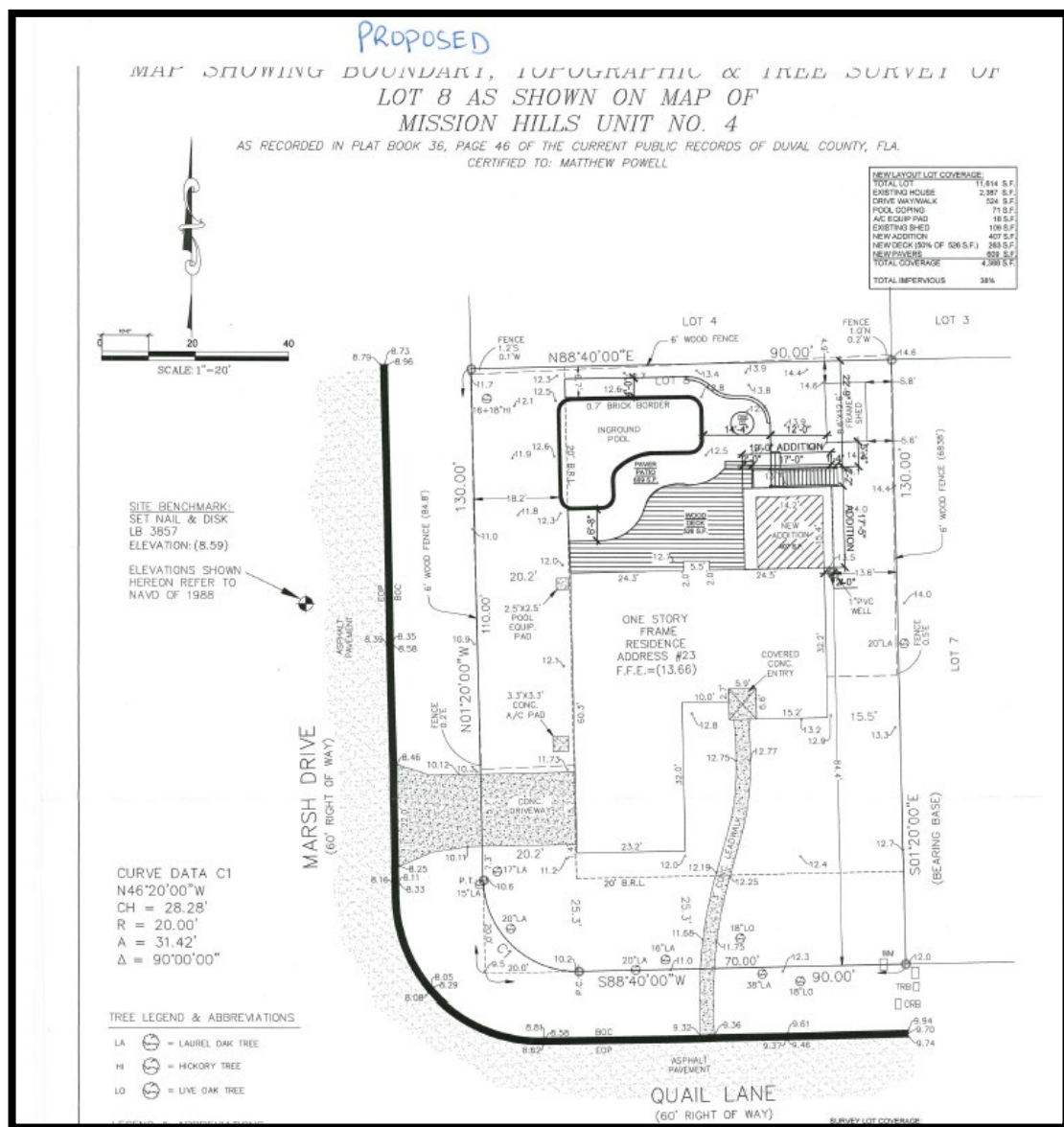
Existing Survey



Existing Survey with Proposed Changes



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No.

HEARING DATE

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: Carla Defuria Powell **Telephone:** (908) 285-8880
Mailing Address: 23 Quail Ln **E-Mail:** carlamdefuria@gmail.com
Jacksonville Beach, FL 32250
Agent Name: _____ **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____
Landowner Name: _____ **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: 23 Quail Ln, Parcel ID - 179658-0216 ?
Legal description of property (Attach copy of deed): one story 3 bedroom, 2 bathroom single family home
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).
back yard setback of 22 ft.9" in lieu of 30 ft, allow us put pavers 4 ft. on the backside of the pool which will be 2 ft 7" to our property line in lieu of 5 ft, lot coverage in lieu of 35% allow us to go to the proposed 38% with our new addition, pavers and decking

AFFIDAVIT

I, Carla Defuria Powell, 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.

Carla Defuria Powell
APPLICANT SIGNATURE

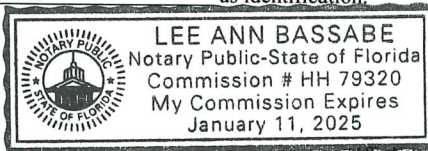
Carla Defuria Powell
PRINT APPLICANT NAME

6/28/23
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28 day of June, 2023, by Carla Defuria, who is personally known to me or produced Florida Drivers License as identification.

Lee Ann Bassabe
NOTARY PUBLIC SIGNATURE
Lee Ann Bassabe
PRINT NOTARY NAME



(Attach Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X

CODE SECTION (S):

Section(s): 34-336(e)(1)c.(3), for a rear yard setback of 22.9 feet in lieu of 30 feet minimum;
34-336(e)(1)g, for an accessory structure (pool deck) set back of 2.7 feet in lieu of 5 feet minimum;
34-336(e)(1)e, for lot coverage of 38% in lieu of 35% maximum to allow for a new addition, pool pavers and decking for property addressed 23 Quail Lane, RE# 179658-0216, legally described as Lot 8, Mission Hills Unit No. 4

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100073

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

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	We are on a corner lot which limits our ability to use much of our side yard that is counted as a front yard and must be set back from the street.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Only asking for setback allowances and lot coverage
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	The variance will not impede on any one else's property.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	The literal interpretation of the code given the multiple set backs on our property would constrict our ability to build our proposed addition.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	We believe our request is reasonable to create our proposed addition and build a functional pool deck area around our newly constructed pool.
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	We will not adversely affect our neighbor behind us and he is willing to write a letter of approval.

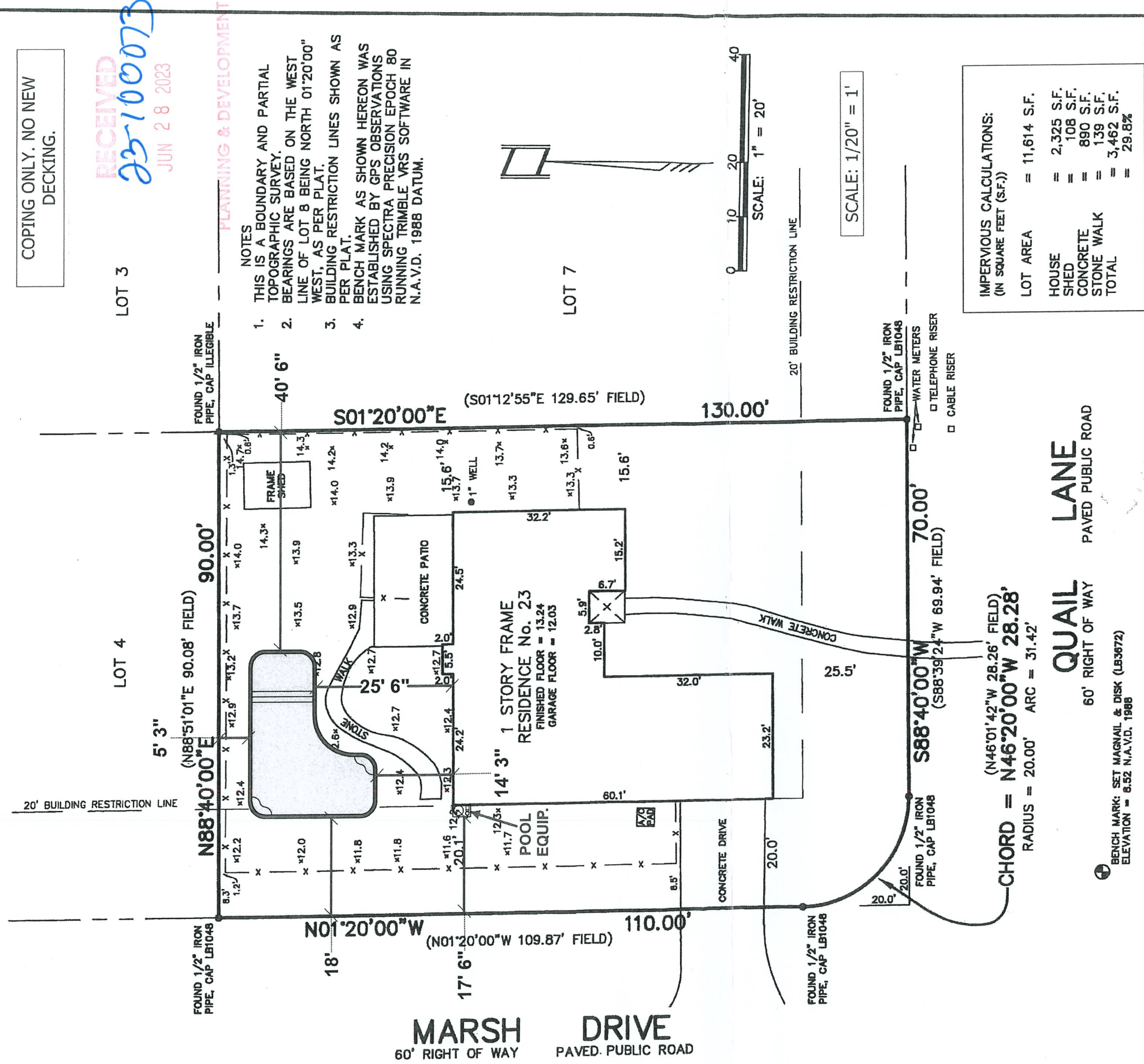
EXISTING

MAP SHOWING SURVEY OF
LOT 8, MISSION HILLS UNIT No. 4 AS RECORDED
IN PLAT BOOK 36, PAGE 46 OF THE CURRENT
PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

SAFETY BARRIERS:
FENCE & WATER ALARM UP
TO POOL SAFETY CODE.

COPING ONLY. NO NEW
DECKING.

RECEIVED
23-100073
JUN 28 2023



SETBACK MEASUREMENTS
TAKEN FROM EDGE OF POOL
SHELL TO PROPERTY LINE.

PERMIT # 21-1081
RESUB# 1 REV#
ROUTED: PX ZN FM BES PW

THIS SURVEY WAS MADE FOR THE BENEFIT OF
CARLA DEFURIA.

THE PROPERTY DESCRIBED HEREON LIES IN FLOOD
ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS
WELL AS CAN BE DETERMINED FROM THE FLOOD
INSURANCE RATE MAP No. 12031C0419J, EFFECTIVE
NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

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

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

CHECKED BY:
DRAWN BY: SWC
FILE: 2021-0431

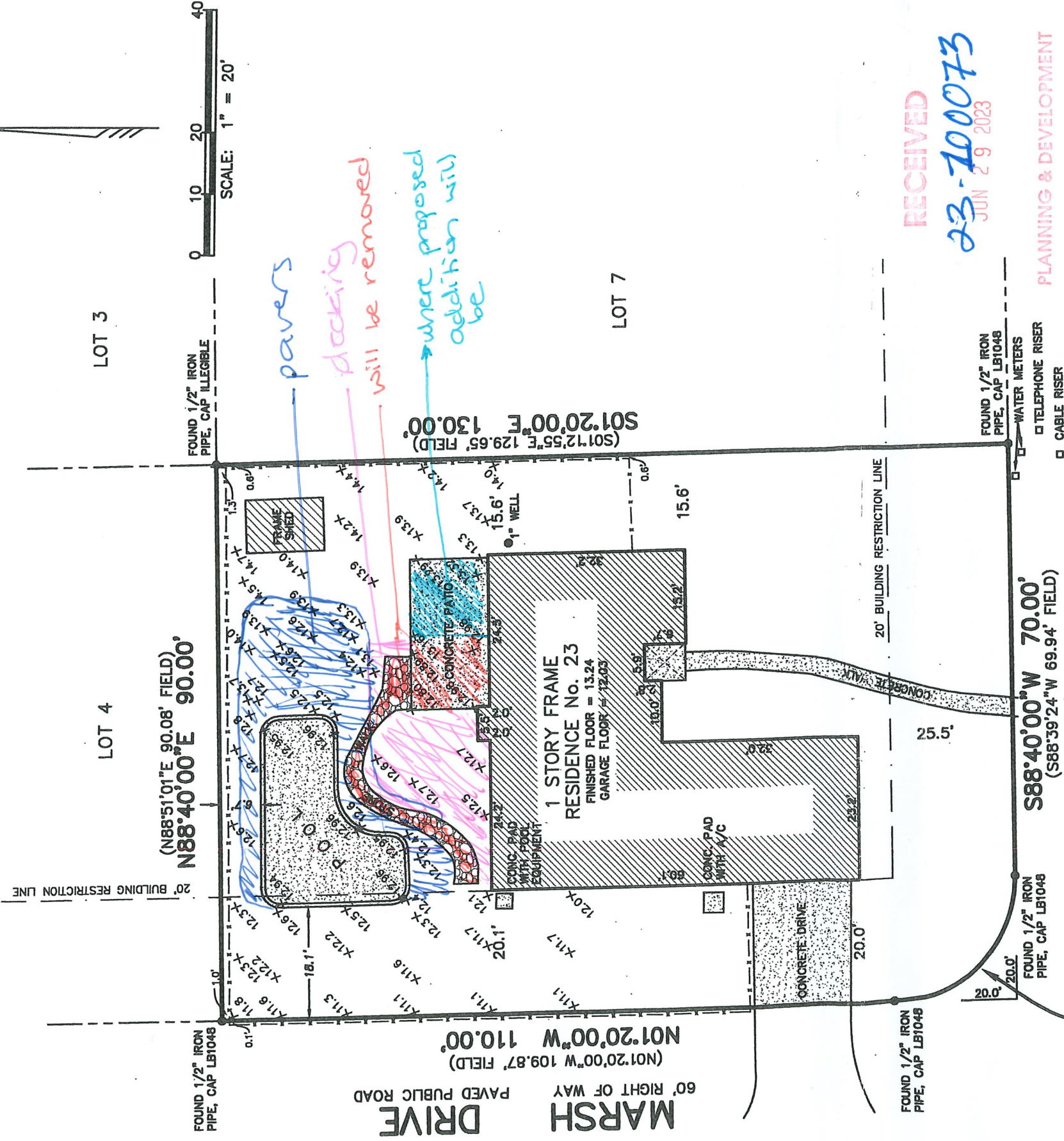
BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA (904)241-8550

DATE: MARCH 29, 2021
SHEET 1 OF 1

Existing w/ changes

MAP SHOWING SURVEY OF

LOT 8, MISSION HILLS UNIT No. 4 AS RECORDED IN PLAT BOOK 36, PAGE 46 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



RECEIVED
23-100073
JUN 29 2023

PLANNING & DEVELOPMENT

LOT COVERAGE CALC:

TOTAL LOT AREA	=	11,614	Sq.ft.
RESIDENCE	=	2,325	Sq.ft.
FRAME SHED	=	109	Sq.ft.
CONC. PATIO	=	314	Sq.ft.
CONC. PADS, WALKS, DRIVE	=	691	Sq.ft.
TOTAL IMPERVIOUS AREA	=	3,439	Sq.ft.
TOTAL LOT COVERAGE		29.61%	

THIS SURVEY IS CERTIFIED TO:
CARLA DEFURIA;

RECEIVED
23-100073
MAY 16 2023

PLANNING & DEVELOPMENT

NOTES:

- THIS IS A LIMITED TOPOGRAPHIC SURVEY.
- BOUNDARY INFORMATION SHOWN HEREON PER SURVEY PREPARED BY THIS FIRM, JOB# 2021-0431, DATED MARCH 29, 2021.
- BEARINGS ARE BASED ON THE WEST LINE OF LOT 8 BEING NORTH 01°20'00" WEST, AS PER PLAT.
- BENCHMARK USED IS A SET MAG NAIL AND DISK LB3672 HAVING AN ELEVATION OF 8.52, AND WAS ESTABLISHED BY GPS OBSERVATION USING SPECTRA PRECISION SP80 L1/L2 EQUIPMENT AND RUNNING TRIMBLE VRS SOFTWARE IN N.A.V.D. 1988 DATUM.
- THIS SURVEY WAS PREPARED WITHOUT AN ABSTRACT OF TITLE; THEREFORE THE UNDERSIGNED MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT OF WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS.
- NO UNDERGROUND INSTALLATIONS, IMPROVEMENTS OR ENCROACHMENTS HAVE BEEN LOCATED EXCEPT THOSE SHOWN HEREON.
- BUILDING RESTRICTION LINES, SHOWN AS PER PLAT.
- THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031C0418J, EFFECTIVE NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

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

JASON D. BOATWRIGHT, P.S.M.

FLORIDA LICENSED SURVEYOR and MAPPER No. LS 7292
FLORIDA LICENSED SURVEYING and MAPPING BUSINESS No. LB 3672

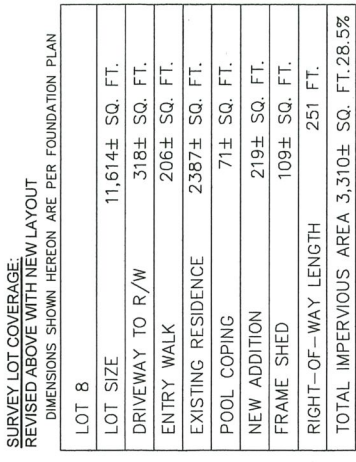
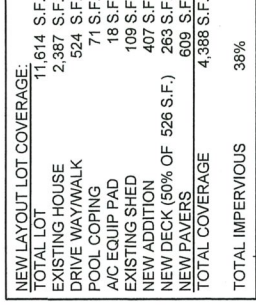
CHECKED BY: _____
DRAWN BY: RLR
FILE: 2022-0459

BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 32218-8550

DATE: APRIL 5, 2022
SHEET 1 OF 1

MAP SHOWING BOUNDARY, INFORMATIONAL & INTER SURVEY OF
LOT 8 AS SHOWN ON MAP OF
MISSION HILLS UNIT NO. 4

CERTIFIED TO: MATTHEW POWELL



SOURCE BENCHMARK:
FND NAIL & DISK
LB 3672
ELEVATION: (8.52)

ELEVATIONS SHOWN
HEREON REFER TO
NAVD OF 1988

RECEIVED
23-100073
JUN 29 2023

00.00 — DENOTES TOPOGRAPHIC SPOT ELEVATION (HARD SHOT)
00.0 — DENOTES TOPOGRAPHIC SPOT ELEVATION (GROUND SHOT)

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

THE LAND SHOWN HEREON IS IN THE SPECIAL FLOOD HAZARD ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP 0419 J FOR DUVAL COUNTY, FLORIDA, F.I.R.M INDEX DATE 11-02-18

UNDERGROUND ENCROACHMENTS NOT LOCATED

ALL AMERICAN SURVEYORS OF FLORIDA, INC.

LAND SURVEYORS - 3751 SAN JOSE PLACE, SUITE 15 - JACKSONVILLE, FLORIDA, 32257 - 904/279-0088 - LICENSED LAND BUSINESS NO. 3857

F.F.E.	=	FINISH FLOOR ELEVATION	F.F.E.	=	FINISH FLOOR ELEVATION
A/C	=	AIR CONDITIONER	A/C	=	AIR CONDITIONER
I.D.	=	IDENTIFICATION	I.D.	=	IDENTIFICATION
P.R.M.	=	PERMANENT REFERENCE MONUMENT	P.R.M.	=	PERMANENT REFERENCE MONUMENT
P.T.	=	POINT OF TANGENCY	P.T.	=	POINT OF TANGENCY
P.C.P.	=	PERMANENT CONTROL POINT	P.C.P.	=	PERMANENT CONTROL POINT
P.C.	=	POINT OF CURVE	P.C.	=	POINT OF CURVE
P.R.C.	=	POINT OF REVERSE CURVE	P.R.C.	=	POINT OF REVERSE CURVE
P.C.M.	=	POINT OF COMMENCEMENT	P.C.M.	=	POINT OF COMMENCEMENT
B.L.	=	BUILDING RESTRICTION	B.L.	=	BUILDING RESTRICTION
F.P.&L	=	FLOOD POWER & LIGHT	F.P.&L	=	FLOOD POWER & LIGHT
(TYP.)	=	TYPICAL	(TYP.)	=	TYPICAL
NGVD	=	NATIONAL GEODETIC VERTICAL DATUM	NGVD	=	NATIONAL GEODETIC VERTICAL DATUM
N.A.V.	=	NORTH AMERICAN VERTICAL	N.A.V.	=	NORTH AMERICAN VERTICAL
N.T.S.	=	NOT TO SCALE	N.T.S.	=	NOT TO SCALE
LB	=	LICENSED BUSINESS	LB	=	LICENSED BUSINESS

THIS IS TO 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 MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 / CHAPTER 61G17-6, FLORIDA STATUTES.

SURVEY NOT VALID UNLESS EMBOSSED BY SEAL
JAMES D. HARRISON, JR., No. 2647
MICHAEL A. GARRETT, No. 6643

SCALE $1''=20'$

