



City of Jacksonville Beach

Regular Meeting Agenda

Board of Adjustment

11 North Third Street
Jacksonville Beach, Florida

Wednesday, September 6, 2023

6:00 PM

Council Chambers

MEMORANDUM TO:

Members of the City of Jacksonville Beach Board of Adjustment

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

CALL TO ORDER

ROLL CALL

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

Alternates: Matt Metz, Jennifer Williams

APPROVAL OF MINUTES

A. Minutes for August 15, 2023 Board of Adjustment meeting

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

A. **Case Number(s): BOA#23-100076**

Applicant: Scott & Maureen Jakubczak

Agent: John Crawford

Owner: Scott & Maureen Jakubczak

Property Address: 3840 Poincianna Boulevard

Parcel ID: 181372-0000

Legal Description: Lot 6 and part of Lot 4, Block 12, Ocean Terrace

Current Zoning: RS-1

Motion to Consider: **Section(s):** 34-337(e)(1)e., for lot coverage of 40% in lieu of 35% maximum, to allow for the addition of a coping only swimming pool to an existing single-family dwelling **for property addressed** 3840 Poincianna Boulevard, **RE#** 181372-0000, **legally described** as Lot 6 and part of Lot 4, Block 12, *Ocean Terrace*

B. **Case Number(s): BOA#23-100077**

Applicant: Nancy Lawing

Agent: Robert W Gray III

Owner: Nancy Lawing

Property Address: 836 N 6th Ave

Parcel ID: 174232-0000
Legal Description: Lot 5, Block 69, Pablo Beach
Current Zoning: RS-2
Motion to Consider: **Section(s):** 34-337(e)(1)c.(1), for a front yard setback of 9 feet in lieu of 20 feet minimum and 34-337(e)(1)c.(2), for a corner side yard of 1 foot in lieu of 12.5 feet minimum to allow for the construction of a new carport and for a corner side yard of 10 feet in lieu of 12.5 feet minimum, to address existing nonconformities and allow for a front porch addition to an existing single-family dwelling **for property addressed** 836 N 6th Ave, **RE#** 174232-0000, **legally described as** Lot 5, Block 69, *Pablo Beach*

C. **Case Number(s): BOA#23-100079**

Applicant: James Smithson
Agent: Straum Contracting & Construction Management LLC
Owner: James Smithson
Property Address: 422 6th Ave S
Parcel ID: 176328-0000
Legal Description: Lot 3, Block 1 , Oceanside Park
Current Zoning: RS-2
Motion to Consider: **Section(s):** 34-337(e)(1)c.(1), for front yard setback of 14.6 feet in lieu of 20 feet minimum; and 34-337(e)(1)c.(3), for a rear yard setback of 17 feet in lieu of 30 feet minimum to allow for a covered front patio to an existing single-family dwelling **for property addressed** 422 South 6th Avenue, **RE#** 176328-0000, **legally described as** Lot 3, Block 1 , *Oceanside Park*

D. **Case Number(s): BOA#23-100080**

Applicant: 0 2nd Street Acquisition, LLC
Agent: N/A
Owner: 0 2nd Street Acquisition, LLC
Property Address: 0 2nd Street South and 215 16th Avenue South
Parcel ID: 176317-0000 & 176315-0000
Legal Description: The South half lots of 11 and 12, Block 153, Pablo Beach South & Lot 10, Block 153 Pablo Beach South
Current Zoning: C-1
Motion to Consider: **Section(s):** 34-342(e)(3)a., for front yard setbacks of 6.9 feet in lieu of 10 feet minimum along 2nd Street South and for a front yard setback of 3.3 feet in lieu of 10 feet minimum along 16th Avenue South; and 34-377, for 26 off street (on site) parking spaces in lieu of 58 spaces required to allow for new office buildings **for property addressed** '0' 2nd Street South and 215 16th Avenue South, **RE#** 176317-0000 & 176315-0000, **legally described as** The South half lots of 11 and 12, Block 153, *Pablo Beach South* & Lot 10, Block 153 *Pablo Beach South*

E. **Case Number(s): BOA#23-100081**

Applicant: Frank Gamel Jr.
Agent: Frank Gamel Jr.
Owner: Felizardo S. Camilon
Property Address: 1908 Ocean Drive
Parcel ID: 179378-0000
Legal Description: Lot 2, Block K, Permenters Replat of Atlantic Camp Grounds

Current Zoning: RM-2
Motion to Consider: **Section(s):** 34-338(e)(1)e, for lot coverage of 54.60% in lieu of 35% maximum; and 34-340(e)(1)c.(1), for a front yard setback of 14.6 feet in lieu of 20 feet minimum, to allow for 2nd and 3rd floor balcony additions to an existing single-family dwelling **for property addressed** 1908 Ocean Drive, **RE#** 179378-0000, **legally described as** Lot 2, Block K, *Permenters Replat of Atlantic Camp Grounds*

F. **Case Number(s): BOA#23-100082**

Applicant: Mitchell Tidwell
Agent: N/A
Owner: Daniel Ryan
Property Address: 111 North 11th Avenue
Parcel ID: 174600-0005
Legal Description: Lot 8, Block 122 Pablo Beach North R/P
Current Zoning: RM-2
Motion to Consider: **Section(s):** 34-338(e)(1)e, for lot coverage of 55.67% in lieu of 35% maximum to allow for a new swimming pool and pool deck at an existing single-family dwelling **for property addressed** 111 North 11th Avenue, **RE#** 174600-0005, **legally described as** Lot 8, Block 122 *Pablo Beach North R/P*

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, August 15, 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 (absent) John Moreland (absent) Todd Smith

Alternates: Matt Metz Jennifer Williams (absent)

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

Ms. Gonzalez offered the option for applicants to defer their case based on the number of Board members present. No applicant opted to defer.

APPROVAL OF MINUTES:

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

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

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: BOA#23-100066

Applicant: David Fox
Agent: N/A
Owner: Anthony Sleiman
Property Address: 460 33rd Avenue South
Parcel ID: 18057-0600

City of Jacksonville Beach Land Development Code 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.

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

Applicant: David Fox, 460 33rd Avenue South, Jacksonville, stated the hardship was an undersized lot.

A discussion ensued about parking.

Public Hearing:

The following did not speak in support of or opposition to the variance but asked questions:

- Nancy Martin, 3333 Isabella Boulevard, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#23-100066 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about the zoning district and lot size.

Roll Call Vote: Ayes – Owen Curley, Todd Smith, Matt Metz, and Alexi Gonzalez.

The motion passed unanimously.

B. Case Number: **BOA#23-100067**
Applicant/Owner: James M. Howard
Agent: N/A
Property Address: 4035 Duval Drive
Parcel ID: 181679-0000

City of Jacksonville Beach Land Development Code 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.

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

Applicant: James Howard, 4035 Duval Drive, Jacksonville Beach, stated the hardship was an undersized lot.

A discussion ensued about the stepping stones and lot coverage.

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

Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#23-100067 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about the lot size and standards criteria.

Roll Call Vote: Ayes – Owen Curley, Todd Smith, and Alexi Gonzalez.
Nays – Matt Metz

The motion passed 3-1.

C. Case Number: **BOA#23-100070**
Applicant/Owner: Todd Perkins
Agent: Casey Conner
Property Address: 120 Seagrape Drive
Parcel ID: 179771-1020

City of Jacksonville Beach Land Development Code 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 a single-family dwelling.

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

Agent: Casey Connor [no address provided] stated the hardships were existing nonconformities.

Applicant: Todd Perkins, 120 Seagrape Drive, provided background on the pool and lot coverage.

A discussion ensued about lot coverage, shed, accessory structure, and pool.

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#23-100070 for lot coverage of 39.7% based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about the accessory structure.

Roll Call Vote: Ayes – Todd Smith, Owen Curley, Matt Metz, and Alexi Gonzalez.

The motion passed unanimously.

D.

Case Number:	BOA#23-100071
Applicant/Owner:	Sharon Bowden
Agent:	N/A
Property Address:	700 11th Avenue South
Parcel ID:	176751-0005

City of Jacksonville Beach Land Development Code Section(s): 34-338(e)(1)c.(3), for a rear yard setback 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.

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

Applicant: Sharon Bowden, 700 11th Avenue South, Jacksonville Beach, introduced herself as the applicant.

Agent: John Hunt [no address provided] stated the hardship was a substandard lot.

A discussion ensued about side yard setbacks, a gutter downspout, and communication with neighbors.

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#23-100071 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about the lot size.

Roll Call Vote: Ayes – Todd Smith, Owen Curley, Matt Metz, and Alexi Gonzalez.

The motion passed unanimously.

E. Case Number: BOA#23-100072

Applicant: Brian Sass
Agent: Casey Conner
Owner: BRO Development
Property Address: 525 North 10th Avenue
Parcel ID: 174988-0000

City of Jacksonville Beach Land Development Code 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.

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

Applicant: Brian Sass, 849 Riversword Lane, St. Augustine, introduced himself as the applicant.

Agent: Casey Connor [no address provided] stated the hardship was a nonconforming lot.

A discussion ensued about the patio, lot coverage, and shed.

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#23-100072 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about the lot coverage.

Roll Call Vote: Ayes – Owen Curley, Todd Smith, Matt Metz, and Alexi Gonzalez.

The motion passed unanimously.

F. Case Number: **BOA#23-100073**
Applicant/Owner: Carla Defuira Powell
Agent: N/A
Property Address: 23 Quail Lane
Parcel ID: 179658-0216

City of Jacksonville Beach Land Development Code 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.

Ex-Parte Communication: Mr. Smith disclosed he had a phone call with Mr. Powell regarding the variance application procedure. No additional Board members had ex-parte communication on this item.

Applicant: Matthew & Carla Powell, 23 Quail Lane, Jacksonville Beach, stated the hardships were the corner lot and setbacks.

A discussion ensued about the pool, lot coverage, and setbacks.

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to approve BOA#23-100073 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about the hardship.

Roll Call Vote: Ayes – Owen Curley, Todd Smith, Matt Metz, and Alexi Gonzalez.

The motion passed unanimously.

PLANNING DEPARTMENT REPORT:

The next scheduled meeting is Wednesday, September 6, 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 6:59 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

DRAFT



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BOA#23-100076

Zoning: RS-1
RE: 181372-0000
Legal: Lot 6 and part of Lot 4, Block 12, *Ocean Terrace*
Address: 3840 Poinciana Boulevard

Request

Section(s): 34-337(e)(1) e., for lot coverage of 40% in lieu of 35% maximum, to allow for the addition of a coping only swimming pool to an existing single-family dwelling **for property addressed** 3840 Poinciana Boulevard, **RE#** 181372-0000, **legally described as** Lot 6 and part of Lot 4, Block 12, *Ocean Terrace*

Existing Conditions

The subject property is a nonconforming lot of record located in the South Beach District future land use category. The property is currently zoned Residential Single Family: RS-1. The lot is 50 feet in width, and 133 feet in depth, with an overall lot area of 6,650 square feet. The subject home was constructed in 1985, prior to the current LDC. The lot coverage is currently conforming at 33%. The lot currently has an existing house and screen patio which do conform with current lot coverage regulations in the RS-1 zoning district. The applicant is applying for this variance for lot coverage of 40% in lieu of 35% maximum, to allow for coping only pool to an existing single-family dwelling. The applicant purchased the lot as is and will construct this pool to aid disabled spouse in aqua therapy. Staff does find that the requested variances are the minimum variance needed to accommodate the proposed addition to the exiting property.

No previous BOA, no active code case.



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Staff Analysis

The subject property is substandard in width, it measures 50 feet in width rather than the 90 feet minimum requirement in the RS-1 zoning district and is nonconforming in size at 6,650 square feet. The applicant is proposing to build a swimming pool and associated deck. A variance to allow for more lot coverage for a coping pool decking is a reasonable request, as the applicant is not at fault regarding the circumstances existing to the subject parcel of land. 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



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Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is a nonconforming lot of record 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 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, the applicant cannot add any accessory structures and meet RS-1 standards. This situation is not the fault of the applicant and 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 the proposed 40% 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.

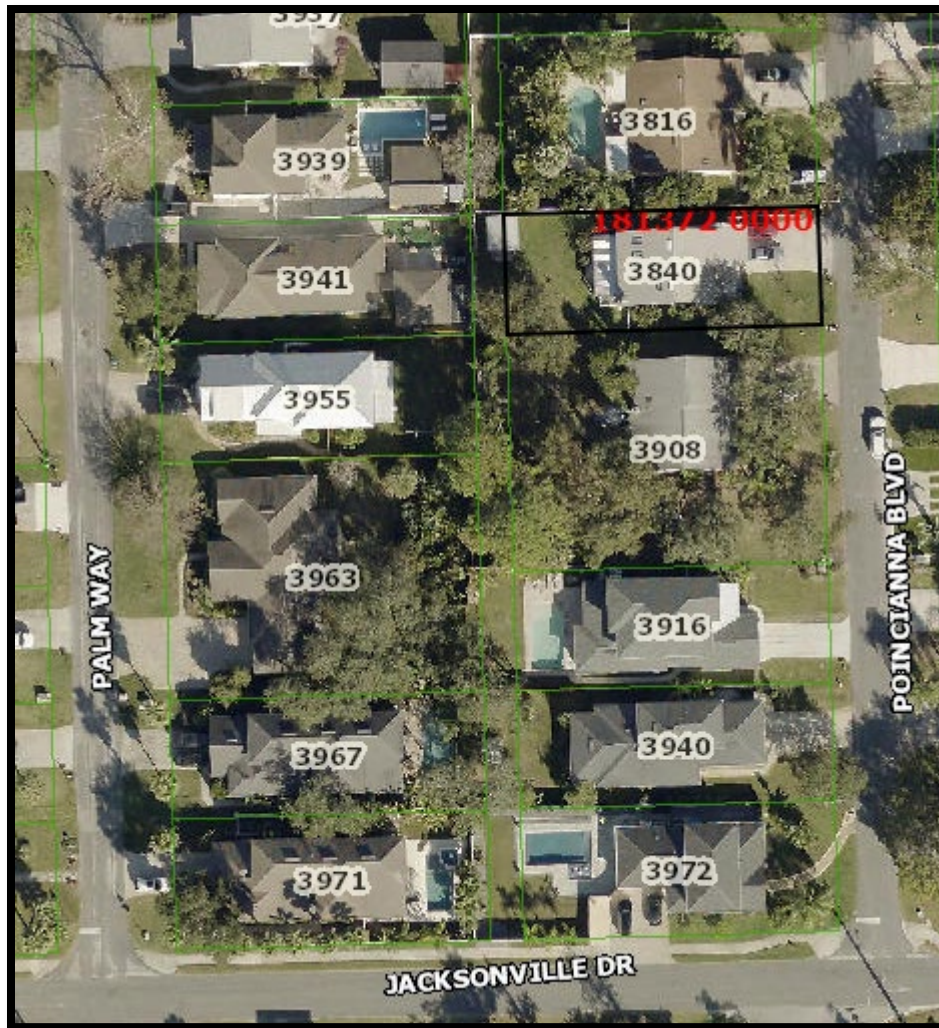
Staff Recommendation

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#23-100076**



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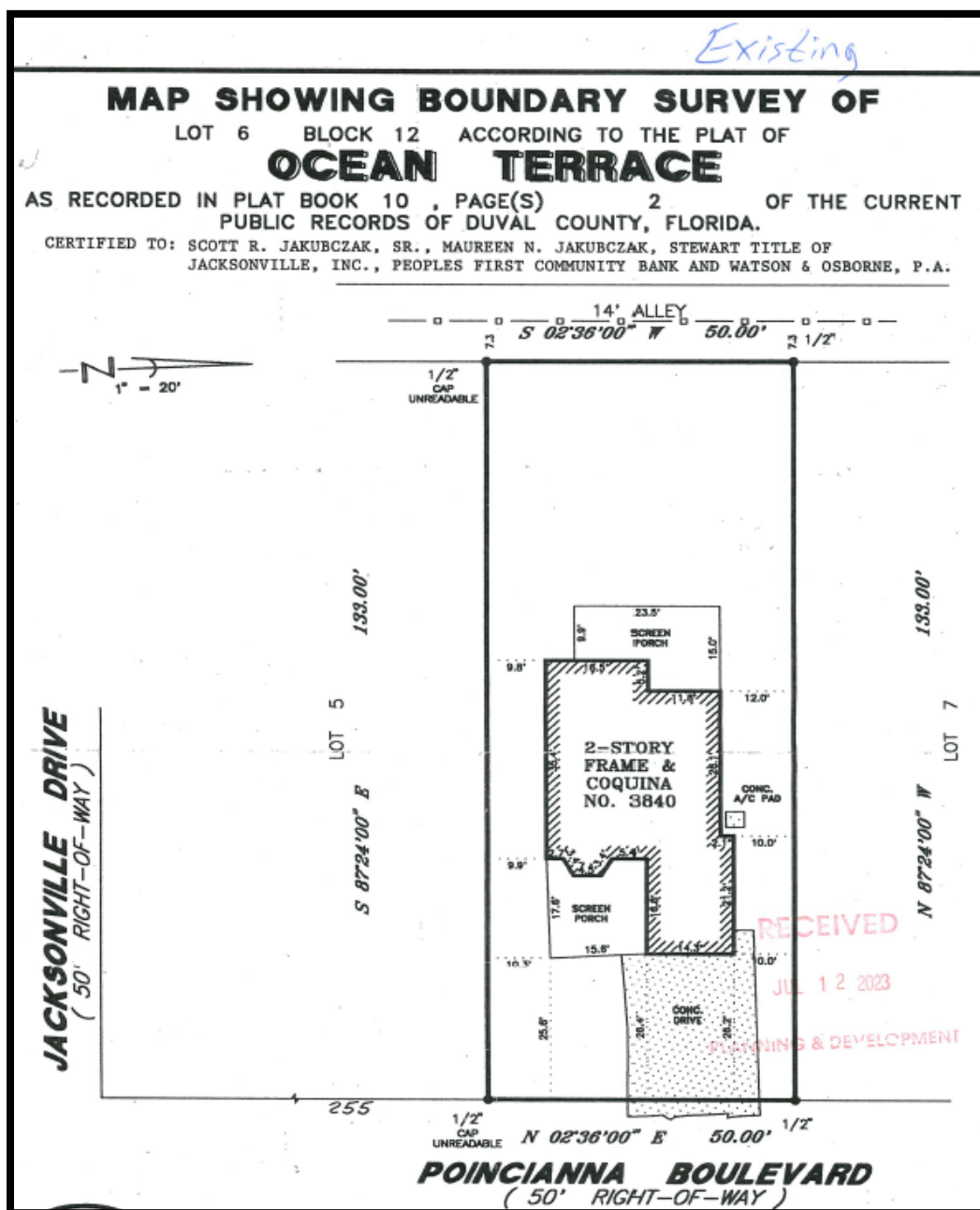
Location Map (property boundaries are representative only)





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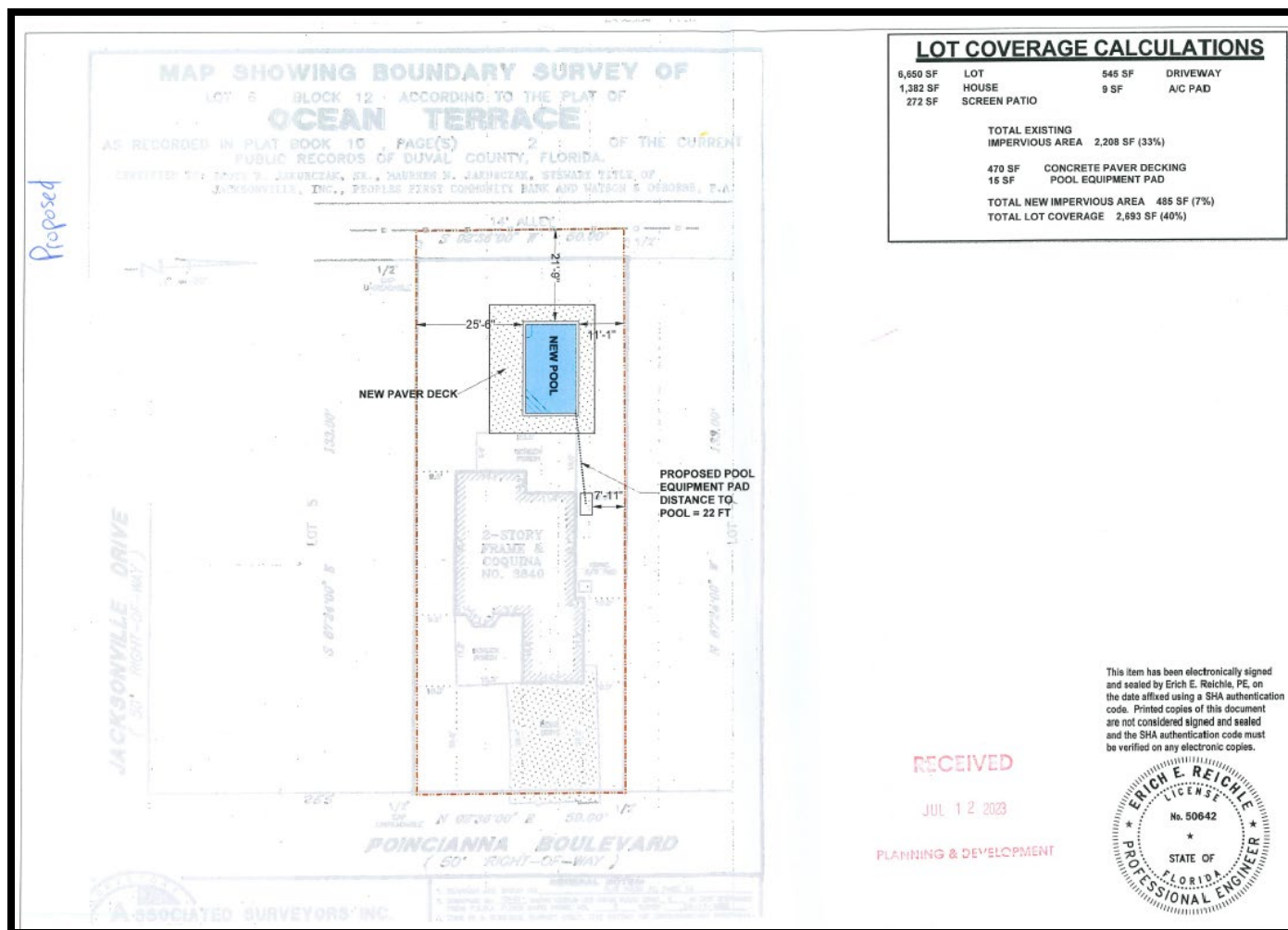
Existing Survey



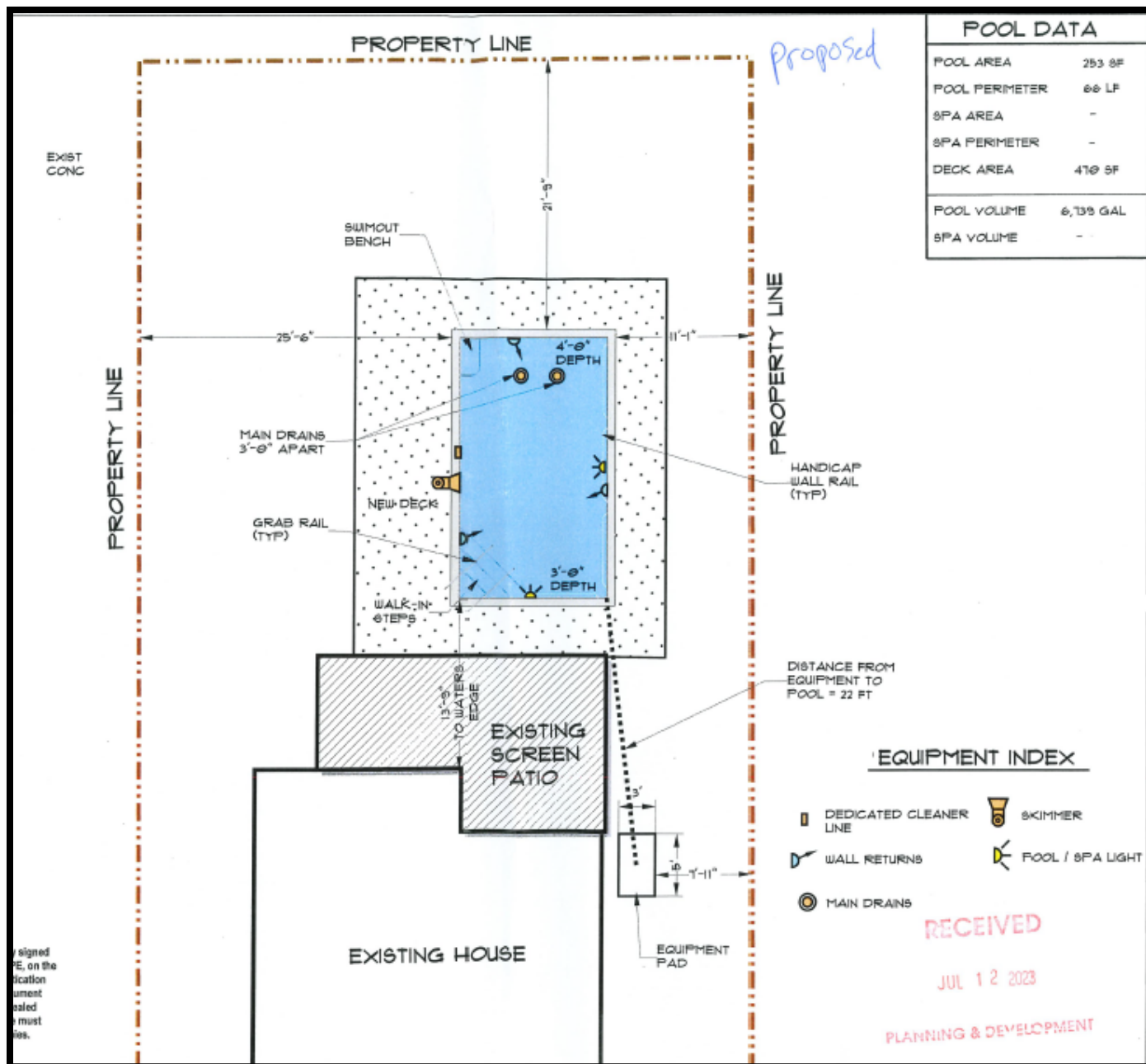


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Proposed Site Plan



Proposed Pool Data



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

JUL 12 2023

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: SCOTT/MAUREEN JAKUBCZAK Telephone: 904-477-1392
Mailing Address: 3840 POINCIANNA BLVD E-Mail: REENIEJAX@GMAIL.COM
JAX BCH, FL 32250
Agent Name: JOHN CRAWFORD Telephone: 904-993-2569
Mailing Address: 14556 SOUTH LUTH DR JAX FL 32250 E-Mail: _____
Landowner Name: SCOTT/MAUREEN JAKUBCZAK Telephone: 904-477-1392
Mailing Address: 3840 POINCIANNA BLVD E-Mail: REENIEJAX@GMAIL.COM
JAX BCH, 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: 3840 Poincianna Blvd.
Legal description of property (Attach copy of deed): Lot 6 Block 12 Ocean Terrace PB 10 pg 2
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 coping only pool

AFFIDAVIT

I, MAUREEN JAKUBCZAK, 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.

Maureen Jakubczak
APPLICANT SIGNATURE

MAUREEN JAKUBCZAK
PRINT APPLICANT NAME

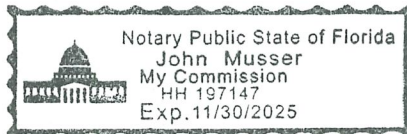
6/28/2023
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 28 day of JUNE, 2023, by MAUREEN JAKUBCZAK, who is personally known to me or produced FLDL as identification.

John Musser
NOTARY PUBLIC SIGNATURE

PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X

CODE SECTION (s):

Section(s): 34-337(e)(1)e., for lot coverage of 40% in lieu of 35% maximum, to allow for the addition of a coping only swimming pool to an existing single-family dwelling for property addressed 3840 Poincianna Boulevard, RE# 181372-0000, legally described as Lot 6 and part of Lot 4, Block 12, Ocean Terrace

THIS INSTRUMENT PREPARED BY:
Barbara J. Lamb
WATSON & OSBORNE, P.A.
208 Ponte Vedra Park Drive, Suite 101
Ponte Vedra Beach, Florida 32082

RECORD AND RETURN TO:
Scott R. Jakubczak, Sr.
3840 Poincianna Boulevard
Jacksonville Beach, Florida 32250

RE PARCEL ID #: 181372-0000
BUYER'S TIN:

Book 8703 Pg 840

Bk: 8703
Pg: 840 - 841
Doc# 97186591
Filed & Recorded
08/20/97
04:00:31 P.M.
HENRY W. COOK
CLERK CIRCUIT COURT
DUVAL COUNTY, FL
REC. \$ 10.50
DEED \$ 633.50

WARRANTY DEED

THIS WARRANTY DEED made this 4th day of August, 1997 by Gary Lindros, hereinafter called Grantor, and whose address is P.O. Box 50278, Jacksonville Beach, FL 32250 to Scott R. Jakubczak, Sr. and Maureen N. Jakubczak, his wife, hereinafter called Grantee and whose address is 3840 Poincianna Boulevard, 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 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate, lying and being in Duval County, Florida, viz:

Lot 6, Block 12, OCEAN TERRACE, according to plat thereof as recorded in PlatBook 10, page 2, of the current public records of Duval County, Florida.

The real property described in this instrument is not the constitutional homestead nor the primary physical residence of the Grantor.

RECEIVED

JUL 12 2023

PLANNING & DEVELOPMENT

SUBJECT TO taxes accruing subsequent to December 31, 1996.

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

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

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

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

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

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. _____

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.

JUL 12 2023

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	YES	Lot Too Small
Special circumstances and conditions do not result from the actions of the applicant.	YES	Purchased Lot AS IS.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	YES	Swimming Pool for Disabled spouse's Aqua Therapy
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	NEED Variance to build pool
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	Asking for only enough lot coverage for 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	To be in compliance with comp plans

Existing

MAP SHOWING BOUNDARY SURVEY OF

LOT 6 BLOCK 12 ACCORDING TO THE PLAT OF

OCEAN TERRACE

AS RECORDED IN PLAT BOOK 10 , PAGE(S) 2 OF THE CURRENT
PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO: SCOTT R. JAKUBCZAK, SR., MAUREEN N. JAKUBCZAK, STEWART TITLE OF
JACKSONVILLE, INC., PEOPLES FIRST COMMUNITY BANK AND WATSON & OSBORNE, P.A.



JACKSONVILLE DRIVE
(50' RIGHT-OF-WAY)

LOT 5
S 87°24'00" E 133.00'

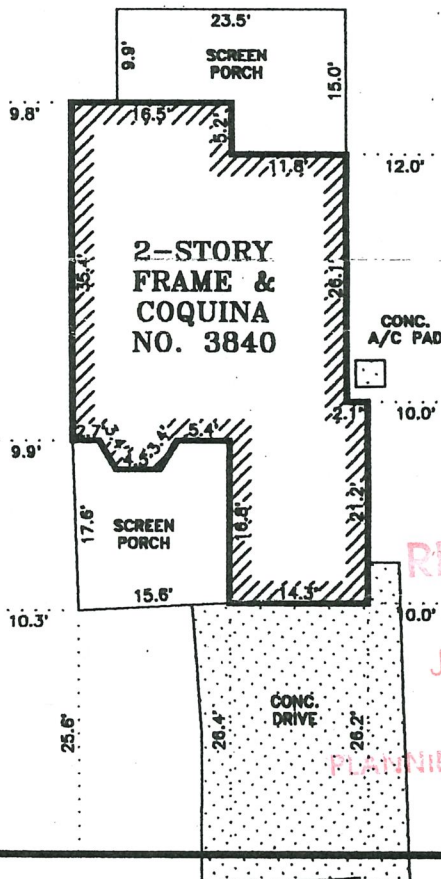
LOT 7
N 87°24'00" W 133.00'

255

1/2" CAP UNREADABLE

N 02°36'00" E 50.00' 1/2"

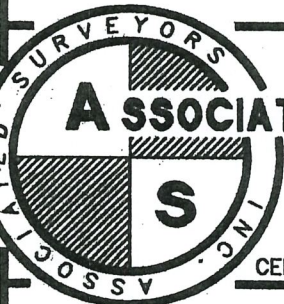
POINCIANNA BOULEVARD
(50' RIGHT-OF-WAY)



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PLANNING & DEVELOPMENT



ASSOCIATED SURVEYORS INC.

LAND & ENGINEERING SURVEYS
P.O. BOX 382017
5915 CEDAR HILLS BOULEVARD
JACKSONVILLE, FLORIDA 32210
904-771-6468

CERTIFICATE OF AUTHORIZATION NO. LB 0005488

I HEREBY CERTIFY THIS SURVEY WAS DONE UNDER MY
DIRECT SUPERVISION AND MEETS THE MINIMUM TECHNICAL
STANDARDS FOR LAND SURVEYING PURSUANT TO CHAPTER
61G17-6, FLORIDA ADMINISTRATION CODE, CHAPTER 477, F.S.

BY: CHARLES B. HATCHER
FLORIDA CERTIFICATE NO. 3771

JOB NO. 15967

SCALE: 1" = 20'

DATE 07-22-1997

DRAFTER J.L. Hill

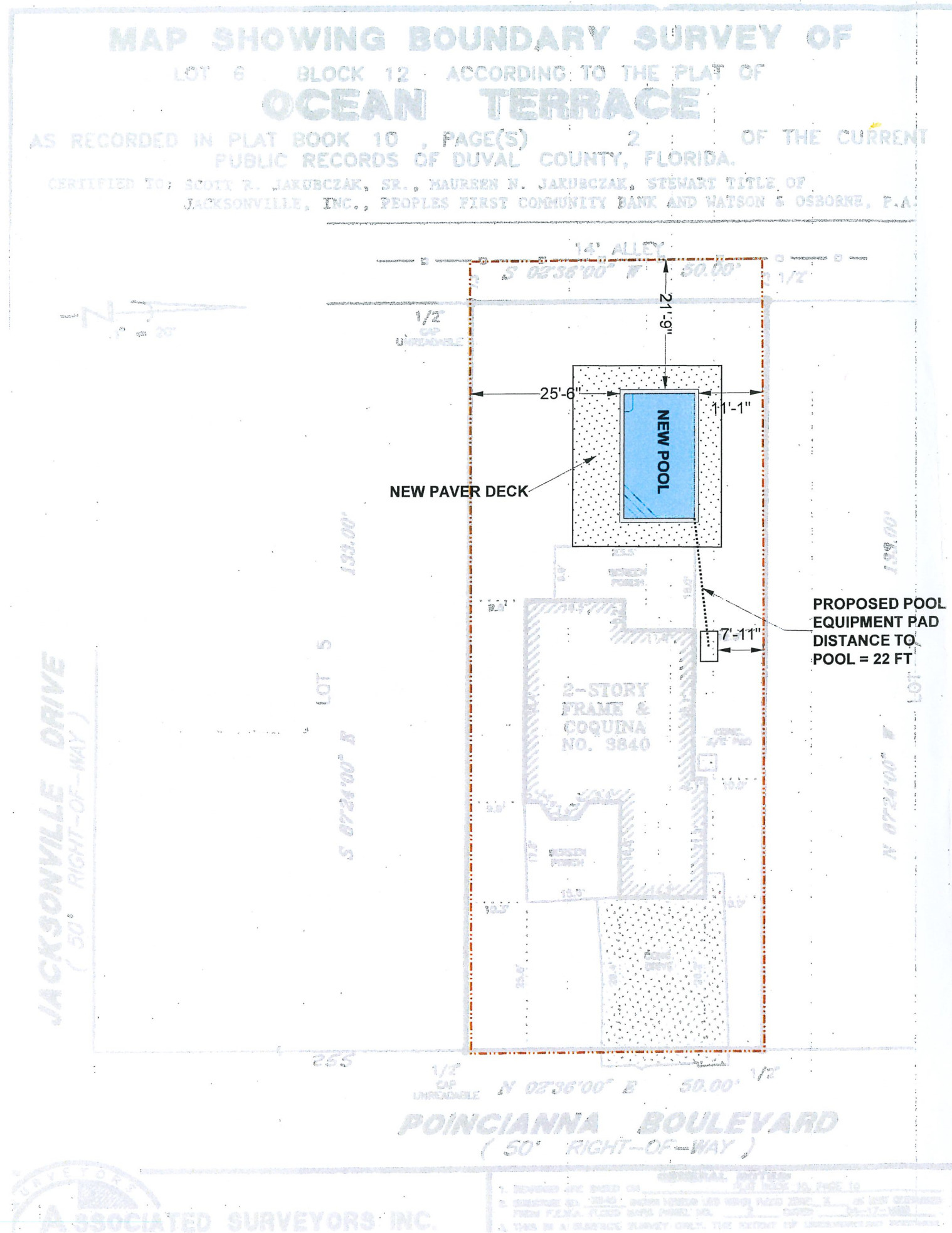
GENERAL NOTES:

1. BEARINGS ARE BASED ON PLAT BOOK 10, PAGE 10
2. STRUCTURE NO. 3840 SHOWN HEREON LIES WITHIN FLOOD ZONE X AS BEST DETERMINED FROM F.E.M.A. FLOOD MAPS PANEL NO. 2 DATED 04-17-1988
3. THIS IS A SURFACE SURVEY ONLY. THE EXTENT OF UNDERGROUND FOOTINGS, PIPES AND UTILITIES, IF ANY, NOT DETERMINED.
4. JURISDICTIONAL AND/OR ENVIRONMENTALLY SENSITIVE AREAS IF ANY, NOT LOCATED BY THIS SURVEY.
5. THIS SURVEY WAS BASED ON LEGAL DESCRIPTIONS FURNISHED AND THE PUBLIC RECORDS WERE NOT SEARCHED BY THIS SURVEYOR FOR EASEMENTS, TITLES, COVENANTS OR RESTRICTIONS THAT MAY AFFECT THIS PARCEL.
6. UNLESS OTHERWISE STATED ALL IRON PIPES FOUND HAVE NO IDENTIFICATION.
7. NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LEGEND/ABBREVIATIONS

○	SET IRON PIPE MARKED	P.C.	POINT OF CURVE
"	" ASSOC. SURVEY " OR LB. 5488	P.T.	POINT OF TANGENCY
●	FOUND IRON PIN OR PIPE	P.R.C.	POINT OF REVERSE CURVE
■	FOUND CONCRETE MONUMENT	P.C.C.	POINT OF COMPOUND CURVE
X	CROSS CUT OR DRILL HOLE	C/L	CENTERLINE
X-X	CHAIN LINK FENCE	I.P.	IRON PIPE OR PIN
W-W	WIRE FENCE	R/W	RIGHT OF WAY
D-D	WOOD FENCE	B.R.L.	BUILDING RESTRICTION LINE
Δ	CENTRAL ANGLE	(R)	RECORD
R	RADIUS	(M)	MEASURED
A	ARC LENGTH	CONC.	CONCRETE

Proposed



LOT COVERAGE CALCULATIONS

6,650 SF	LOT	545 SF	DRIVEWAY
1,382 SF	HOUSE	9 SF	A/C PAD
272 SF	SCREEN PATIO		

TOTAL EXISTING IMPERVIOUS AREA 2,208 SF (33%)

470 SF CONCRETE PAVER DECKING
15 SF POOL EQUIPMENT PAD

TOTAL NEW IMPERVIOUS AREA 485 SF (7%)

TOTAL LOT COVERAGE 2,693 SF (40%)

SHEET
Cl. 0

CHECKED BY: ER
DRAWN BY: ER
DATE: 1/21/2023
SCALE: 1" = 20'

REVISIONS:
1. ---/---/---

A NEW RESIDENCE POOL FOR
THE JAKUBCZAK FAMILY
3840 POINCIANNA BOULEVARD
JACKSONVILLE BEACH, FL 32250

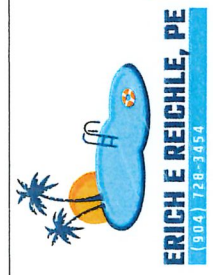
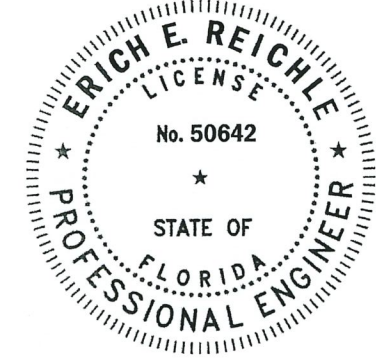
SITE PLAN

This item has been electronically signed and sealed by Erich E. Reichle, PE, on the date affixed using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

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GENERAL NOTES:

1. ALL WORK SHALL CONFORM TO:

- * FLORIDA BUILDING CODE - 11TH EDITION (2020)
- * 2017 NATIONAL ELECTRIC CODE

2. CONSTRUCTION TYPE: 1 (NON-COMBUSTIBLE)

3. OCCUPANCY CLASS: GROUP R3

4. SPRINKLER SYSTEM TO BE REMOVED FROM POOL, DECK, U/G PLUMBING RUN, & POOL EQUIPMENT AREAS PRIOR TO LAYOUT

5. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS

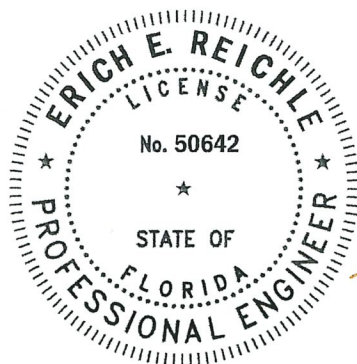
6. POOL EQUIPMENT LOCATION & U/G PLUMBING RUN SUBJECT TO VARIATION PENDING UNFORESEEN SITE CONDITIONS. LOCATION CANNOT BE MOVED CLOSER TO POOL WITHOUT REVISED TDH CALCS.

7. SEE OWNER FOR CONSTRUCTION ACCESS

8. OWNER TO PROVIDE POOL BARRIER TO MEET THE REQUIREMENTS OF FLORIDA BUILDING CODE 450.17

SHOTCRETE CHECKLIST:

- ☐ 1. LIGHT NICHE(S) INSTALLED & STRAIGHT
- ☐ 2. STEEL RISERS FOR GROUNDING
- ☐ 3. SPA JETS ARE AT 90 DEGREE ANGLE TO BENCH AFTER SHOT (IF APPLICABLE)
- ☐ 4. BENCHES & STEPS ARE CORRECT LOCATIONS, WIDTHS & LENGTHS
- ☐ 5. RAISED BEAM HEIGHTS MATCH PLANS (IF APPLICABLE)
- ☐ 6. CORRECT DEPTHS
- ☐ 7. CONCRETE EQUIPMENT PAD POURED (IF APPLICABLE)



This item has been electronically signed and sealed by Erich E. Reichle, PE, on the date affixed using a SHA authentication code. Printed copies of this document are not considered signed and sealed and the SHA authentication code must be verified on any electronic copies.

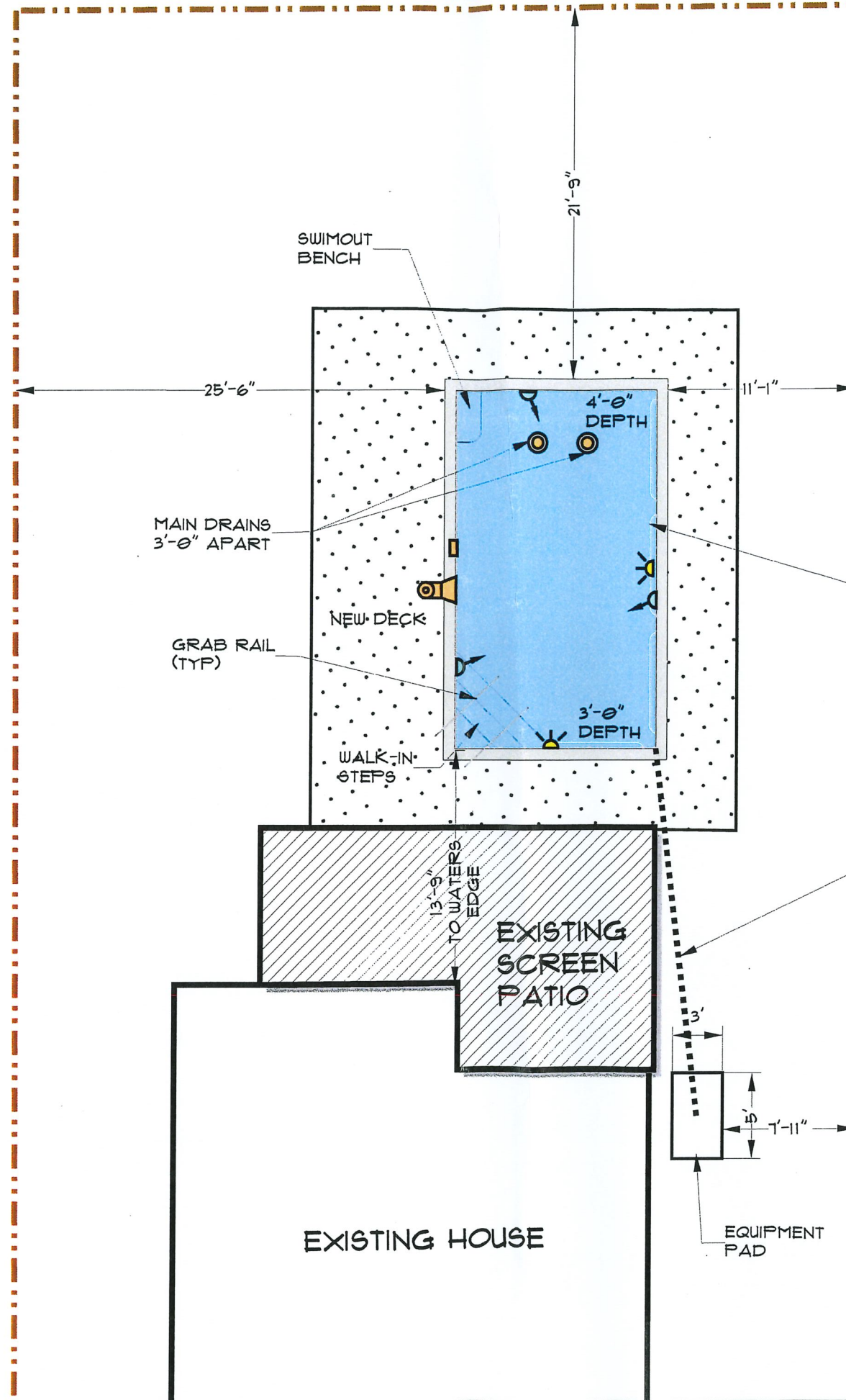
EXIST
CONC

PROPERTY LINE

PROPERTY LINE

Proposed

PROPERTY LINE



POOL DATA

POOL AREA	253 SF
POOL PERIMETER	66 LF
SPA AREA	-
SPA PERIMETER	-
DECK AREA	470 SF
POOL VOLUME	6,139 GAL
SPA VOLUME	-

SHEET
C1.1

CHECKED BY: ER
DRAWN BY: ER
DATE: 6/17/2023
SCALE: 1/8" = 1'

REVISIONS:
1.

A NEW RESIDENCE POOL FOR
THE JAKUBCZAK FAMILY
3840 PONCIANA BOULEVARD
JACKSONVILLE BEACH, FL 32250

POOL PLAN

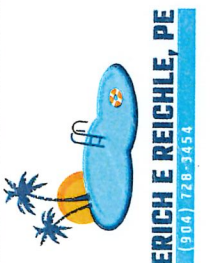
EQUIPMENT INDEX

- DEDICATED CLEANER LINE
- SKIMMER
- WALL RETURNS
- POOL / SPA LIGHT
- MAIN DRAINS

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PLANNING & DEVELOPMENT





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

BOA#23-100077

Zoning: RS-2
RE: 174232-0000
Legal: Lot 5, Block 69, Pablo Beach
Address: 836 N 6th Ave

Request

Section(s): 34-337(e)(1)c.(1), for a front yard setback of 9 feet in lieu of 20 feet minimum and 34-337(e)(1)c.(2), for a corner side yard of 1 foot in lieu of 12.5 feet minimum to allow for the construction of a new carport and for a corner side yard of 10 feet in lieu of 12.5 feet minimum, to address existing nonconformities and allow for a front porch addition to an existing single-family dwelling **for property addressed** 836 N 6th Ave, **RE#** 174232-0000, **legally described as** Lot 5, Block 69, *Pablo Beach*

Existing Conditions

The subject property is a nonconforming lot of record located in the Medium Density Residential future land use category. The property is currently zoned Residential Single Family: RS-2. The lot is 62.57 feet in width, and 125.30 feet in depth, with an overall lot area of 7,840 square feet. The subject home was constructed in 1955, prior to the current LDC. The lot currently has an existing house, wood deck, and shed, which do not conform with current lot coverage regulations in the RS-2 zoning district. The applicant is applying for this variance for a front yard setback of 9 feet in lieu of 20 feet minimum, for a corner side yard of 1 foot in lieu of 12.5 feet minimum to allow for the construction of a new carport and for a corner side yard of 10 feet in lieu of 12.5 feet minimum, and to address existing nonconformities and allow for a front porch addition to an existing single-family dwelling. The original house on the corner side encroaches into the current setback, the carport request of 9 feet in lieu of 20 feet is located where there is an existing culvert and will remain in use. Upon completion of the proposed improvements, the building will meet current zoning requirements excluding carport and front porch addition.

No previous BOA, no active code case.



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Staff Analysis

The subject property is substandard in width, it measures 62.57 feet in width rather than the 75 feet minimum requirement in the RS-2 zoning district and is conforming in size at 7,840 square feet. The applicant is proposing to construct a new carport either in front of the home or on the corner side and to address existing nonconformities to allow for a front porch addition. A variance to allow the proposed project and to address the nonconformities is a reasonable request, as the applicant cannot add the additions without encroaching on corner side and front setbacks. There is a hardship justified by having a nonconforming lot in width. 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 (7,500) square feet.
- Minimum lot width: Ninety (75) 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 in total for both side yards provided that no side yards are less than five (5) feet, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear yard: Thirty (30) feet.
- Floor area: A single family dwelling unit shall contain a minimum of one thousand two hundred (1,200) square feet of conditioned living area and a one (1) car garage or carport. The garage or carport shall not be included as part of the single-family dwelling unit's minimum square footage.
- Maximum lot coverage: Thirty-five (35) percent.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.



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Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is 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 construct a new carport and a front porch addition to a lot that does not meet the minimum lot width for the RS-2 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-2 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.



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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed addition to the exiting property. The minimum variance needed would be to approve the proposed front yard setback of 9 feet, a corner side yard of 1 foot, and a corner side yard of 10 feet.

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#23-100077**

Location Map (property boundaries are representative only)



Proposed Site Plan A



[illegible]



APPLICATION FOR VARIANCE

BOA No. 23-100077

HEARING DATE 9-6-23

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

REQUIRED DOCUMENTATION

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

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JUL 13 2023

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: Nancy Delaine Overton-Lawing Telephone: 904-708-2231
Mailing Address: 10 Sea Bass Lane E-Mail: laniecats@yahoo.com
Ponte Vedra, FL 32082
Agent Name: Robert W. Gray III Telephone: 904-222-1176
Mailing Address: 619 Cassat Ave E-Mail: rwgray3@gmail.com
Jacksonville, FL 32205
Landowner Name: Nancy Delaine Overton-Lawing Telephone: 904-708-2231
Mailing Address: 10 Sea Bass Lane E-Mail: laniecats@yahoo.com
Ponte Vedra, FL 32082

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: 836 N 6th Ave, Jax Bch FL-174232-0000
Legal description of property (Attach copy of deed): 566-3325 29 E BIA AT PABLO B N
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).

- A. Corner Side Yard of 10' i.l.o. 12.5' required
B. Front Yard of 9' i.l.o. 20' required-limited to carport. Preferred loc
C. Corner Side yard of 1' i.l.o. 12.5' required-limited to carport

AFFIDAVIT

I, Nancy Overton Lawing, 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.

Nancy Overton Lawing
APPLICANT SIGNATURE

N. Delaine Overton Lawing
PRINT APPLICANT NAME

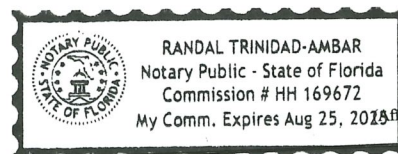
6/11/23
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11 day of JULY, 2023, by Nancy Overton Lawing, who is personally known to me or as identification.

Produced FDL

Randal Trinidad-Ambar
NOTARY PUBLIC SIGNATURE
PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2

FLOOD ZONE: X

CODE SECTION (S):
Section(s): 34-337(e)(1)c.(1), for a front yard setback of 9 feet in lieu of 20 feet minimum and 34-337(e)(1)c.(2), for a corner side yard of 1 foot in lieu of 12.5 feet minimum to allow for the construction of a new carport and for a corner side yard of 10 feet in lieu of 12.5 feet minimum, to address existing nonconformities and allow for a front porch addition to an existing single-family dwelling for property addressed 836 N 6th Ave, RE# 174232-0000, legally described as Lot 5, Block 69, Pablo Beach

OFFICIAL RECORDS

THIS INSTRUMENT PREPARED BY:
Keith Watson
Law Offices of Keith Watson
372 36th Avenue South
Jacksonville Beach, Florida 32250

RE PARCEL ID #: 174232-0000
BUYER'S TIN: 400-94-2230

RECORD AND RETURN TO:
Nancy Delaine Overton
836 6th Avenue North
Jacksonville Beach, Florida 32250

FOR RECORDER

WARRANTY DEED

THIS WARRANTY DEED made this 29 day of March, 1993 by Van Alan Shively and Angela Louise Shively, his wife, hereinafter called Grantor, and whose address is Box 99, RD 1, Winfield, Pennsylvania 17889 to Nancy Delaine Overton, a single woman, hereinafter called Grantee and whose address is 836 6th Avenue North, 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 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate, lying and being in Duval County, Florida, viz:

The West 12.5 feet of Lot 5 and all of Lot 6, Block 69, PABLO BEACH IMPROVEMENT COMPANY'S REPLAT OF PART OF THE NORTHERN PORTION OF PABLO BEACH, according to plat thereof as recorded in Plat Book 5 page 66 of the current public records of Duval County, Florida.

350.00
515301
J. M. [Signature]
County Clerk

SUBJECT TO taxes accruing subsequent to December 31, 1992.

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

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

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

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

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

Signed, sealed and delivered in our presence:

Paul H. Force
Witness Signature

PAUL H. FORCE
Witness Printed Signature

Barbara A. Force
Witness Signature

Barbara A. Force
Witness Printed Signature

STATE OF PENNSYLVANIA
COUNTY OF Northumberland

The foregoing instrument was acknowledged before me this 29th day of March 1993 by Van Alan Shively and Angela Louise Shively, his wife who produced Ph. Drivers License as identification and who did not take an oath.

Notary Public, State and County Aforesaid

Barbara A. Force
Notary Signature

Barbara A. Force
Notary Printed Signature

Notary Seal
Barbara A. Force, Notary Public
Sunbury, Northumberland County
My Commission Expires March 10, 1994
Member, Pennsylvania Association of Notaries

Van Alan Shively
Van Alan Shively
Angela Louise Shively
Angela Louise Shively

FILED AND RECORDED
IN PUBLIC RECORDS
OF DUVAL COUNTY FLA

93-0040811

93 APR -6 AM 10:55
RECORDS
CLERK OF CIRCUIT COURT

(Title or Rank)

(Serial No., if any)

JUL 13 2023

VARIANCE APPLICATION STANDARDS AND CONDITIONS

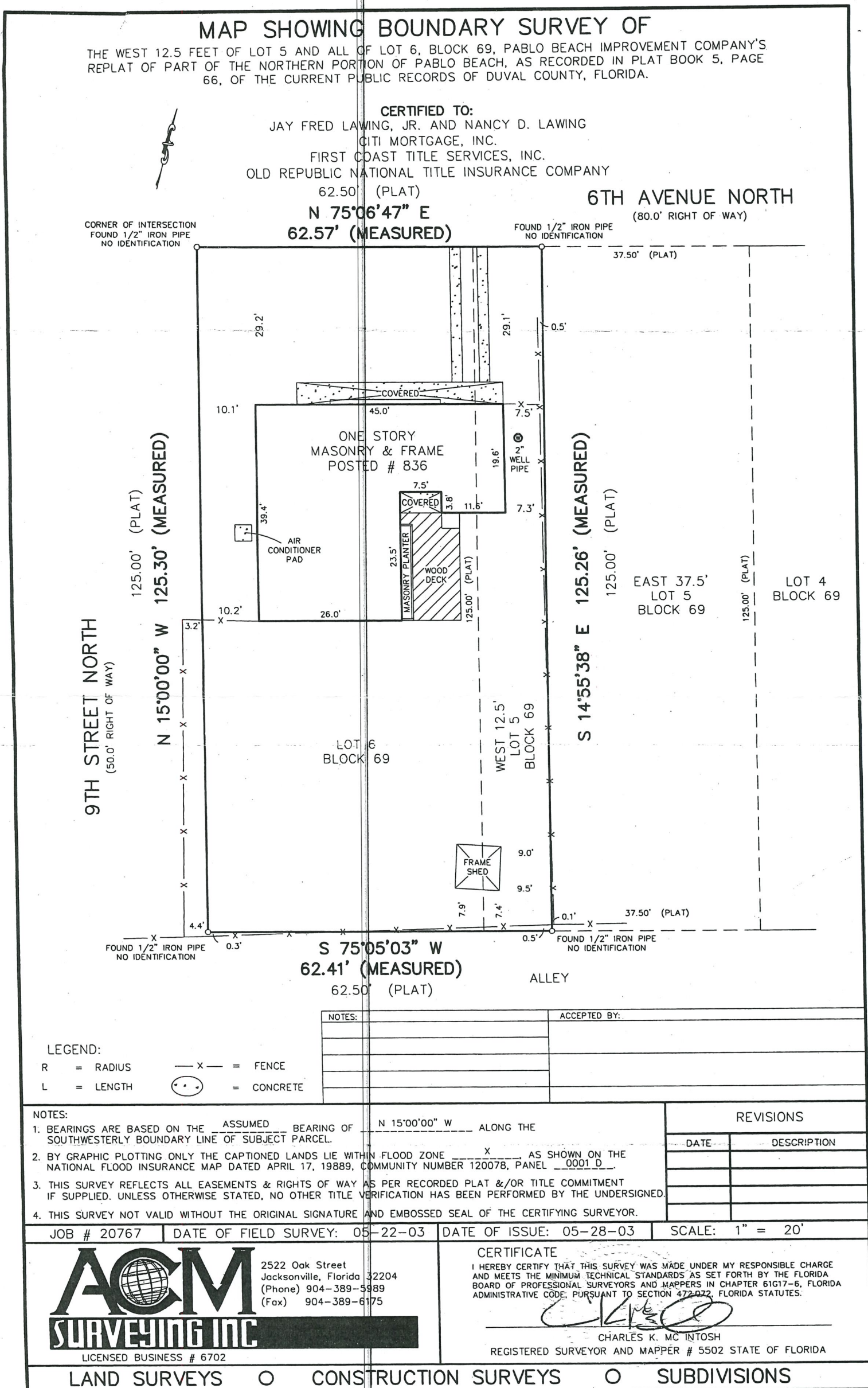
BOA No. _____

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

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	YES	The proposed addition maintains the existing CMU wall in the updated version. This part of the house is 2'-5" into the corner side setback. The home was constructed in 1955, prior to the existing requirements and the configuration is unique to this property. The carport request is limited to a single car to match the current culvert.
Special circumstances and conditions do not result from the actions of the applicant.	YES	The original house on the Corner Side encroaches into the current setback and is a hardship. The Carport request of Front Yard of 9' i.l.o 20' is located where there is an existing culvert and will remain in use.
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 request is limited to the hardship imposed by the original building configuration and culvert placement. Both are unique to the parcel.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	YES	Literal interpretation would force the removal of the existing CMU wall and force a new building configuration to expand to the rear side to reach the minimum square footage requirement and reduce rear yard size.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	The request seeks to maintain the original building functions inherited and limit expansion as required to meet current zoning requirements.
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	Building does not currently meet the current zoning requirements but will upon completion of the proposed improvements.

EXISTING

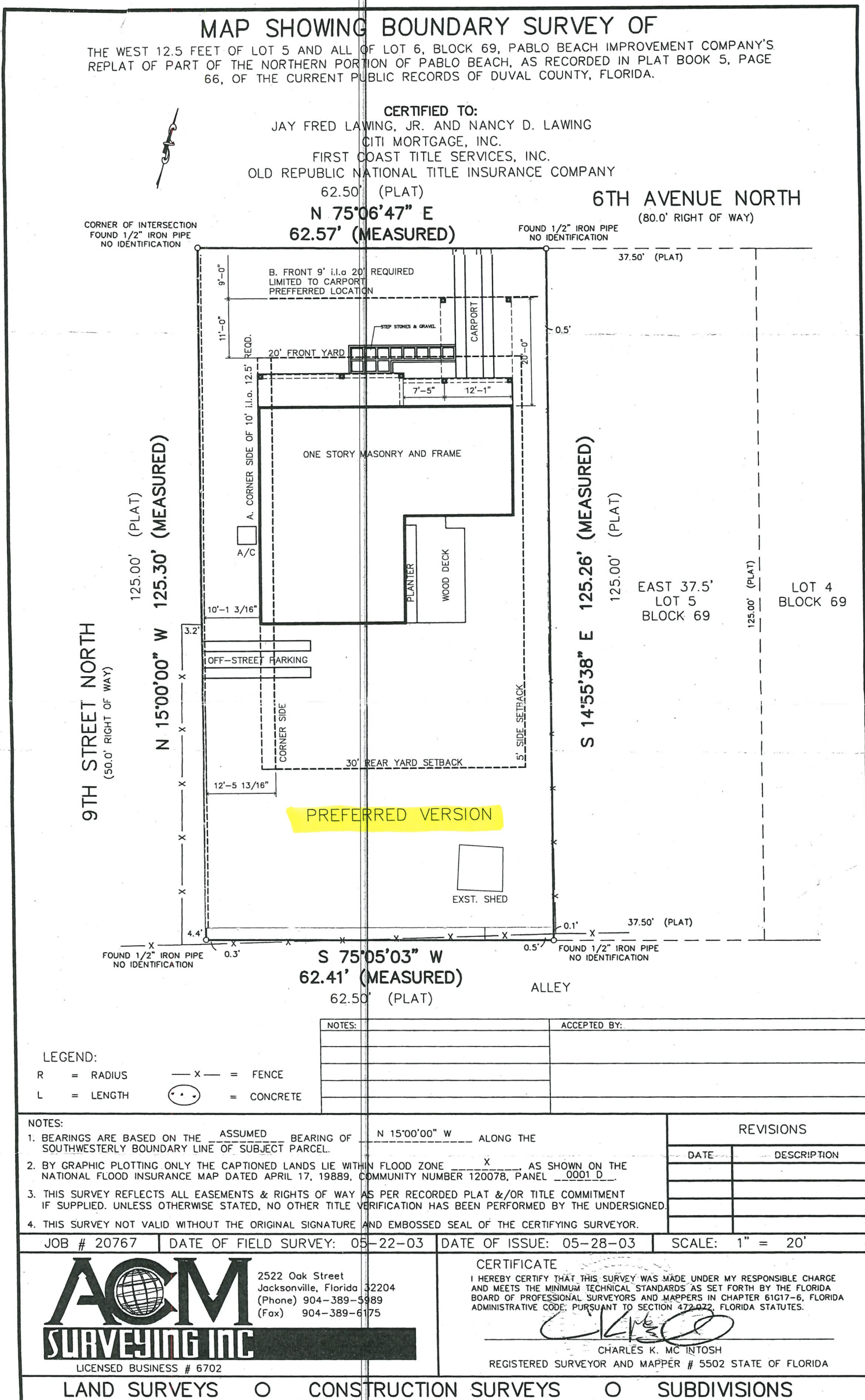


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PLANNING & DEVELOPMENT

PROPOSED "A"

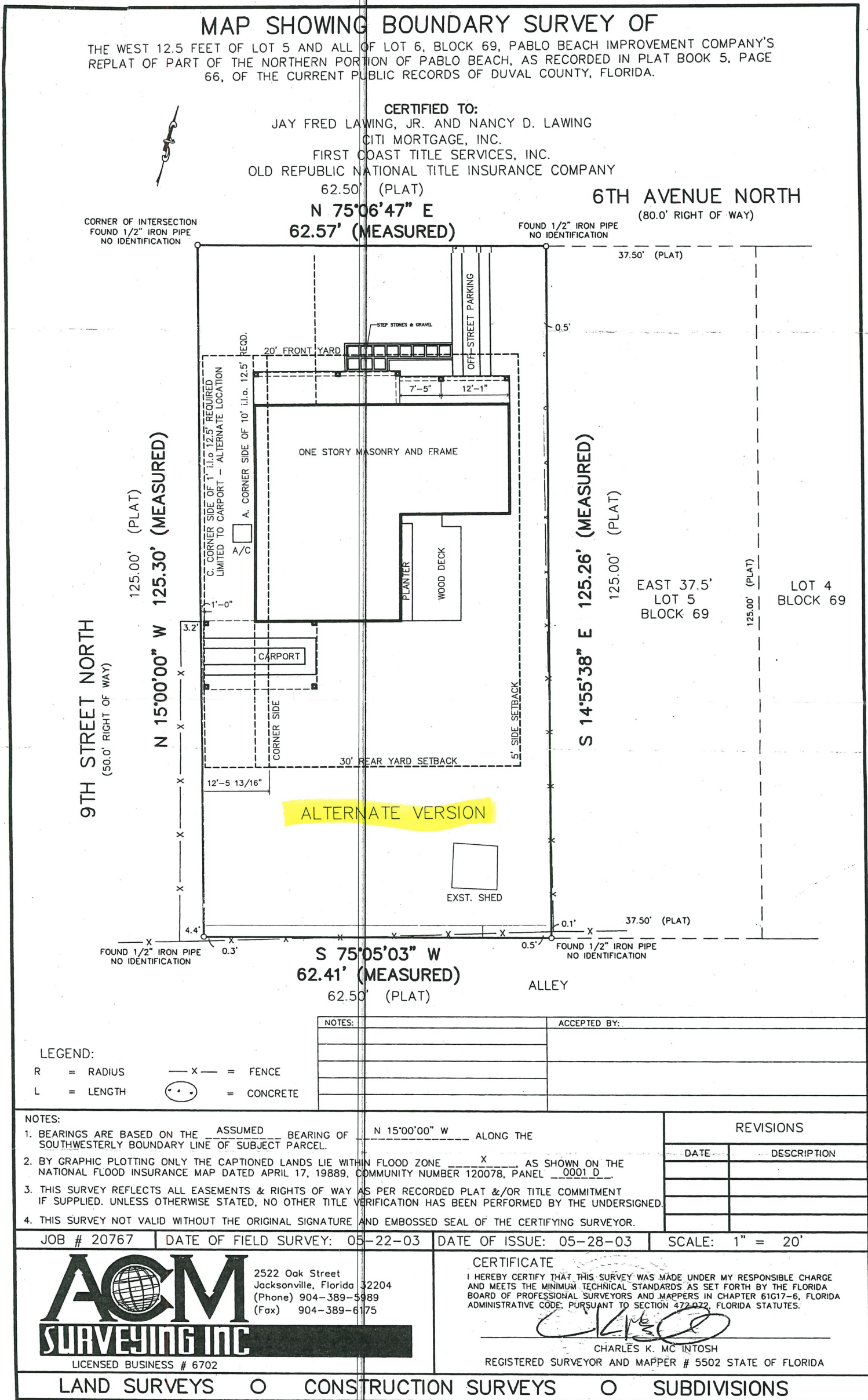


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PROPOSED "B"



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PLANNING & DEVELOPMENT



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

BOA#23-100079

Zoning: RS-2
RE: 176328-0000
Legal: Lot 3, Block 1, *Oceanside Park*
Address: 422 South 6th Ave

Request

Section(s): 34-337(e)(1)c.(1), for front yard setback of 14.6 feet in lieu of 20 feet minimum; and 34-337(e)(1)c.(3), for a rear yard setback of 17 feet in lieu of 30 feet minimum to allow for a covered front patio to an existing single-family dwelling **for property addressed** 422 South 6th Avenue, **RE#** 176328-0000, **legally described as** Lot 3, Block 1 , Oceanside Park

Existing Conditions

The subject property is a nonconforming lot of record located in the Medium Density Residential future land use category. The property is currently zoned Residential Single Family: RS-2. The lot is 50 feet in width, and 100 feet in depth, with an overall lot area of 5,000 square feet. The subject home was constructed in 1986, prior to the current LDC. The lot currently has an existing house and rear screened porch. The applicant is applying for this variance for a front yard setback of 14.6 feet and for a rear yard setback of 17 feet for a front patio and expanded rear covered patio.

No previous BOA, no active code case.

Staff Analysis

The subject property is substandard in width, it measures 50 feet in width rather than the 75 feet minimum requirement in the RS-2 zoning district and is nonconforming in size at 5,000 square feet. The applicant is proposing to construct a front patio and rear covered patio. A variance to allow the proposed project is a reasonable request, as the applicant cannot add the additions without encroaching on in front and rear setbacks. 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.



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Minimum Dimensional Standards

- Minimum lot area: Ten thousand (7,500) square feet.
- Minimum lot width: Ninety (75) 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 in total for both side yards provided that no side yards are less than five (5) feet, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear yard: Thirty (30) feet.
- Floor area: A single family dwelling unit shall contain a minimum of one thousand two hundred (1,200) square feet of conditioned living area and a one (1) car garage or carport. The garage or carport shall not be included as part of the single-family dwelling unit's minimum square footage.
- Maximum lot coverage: Thirty-five (35) percent.
- 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 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.



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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 construct a front patio and cover rear patio addition to a lot that does not meet the minimum lot width for the RS-2 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-2 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 for a front yard setback of 14.6 feet and for a rear yard setback of 17 feet for a front patio and expanded rear covered patio.

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.**

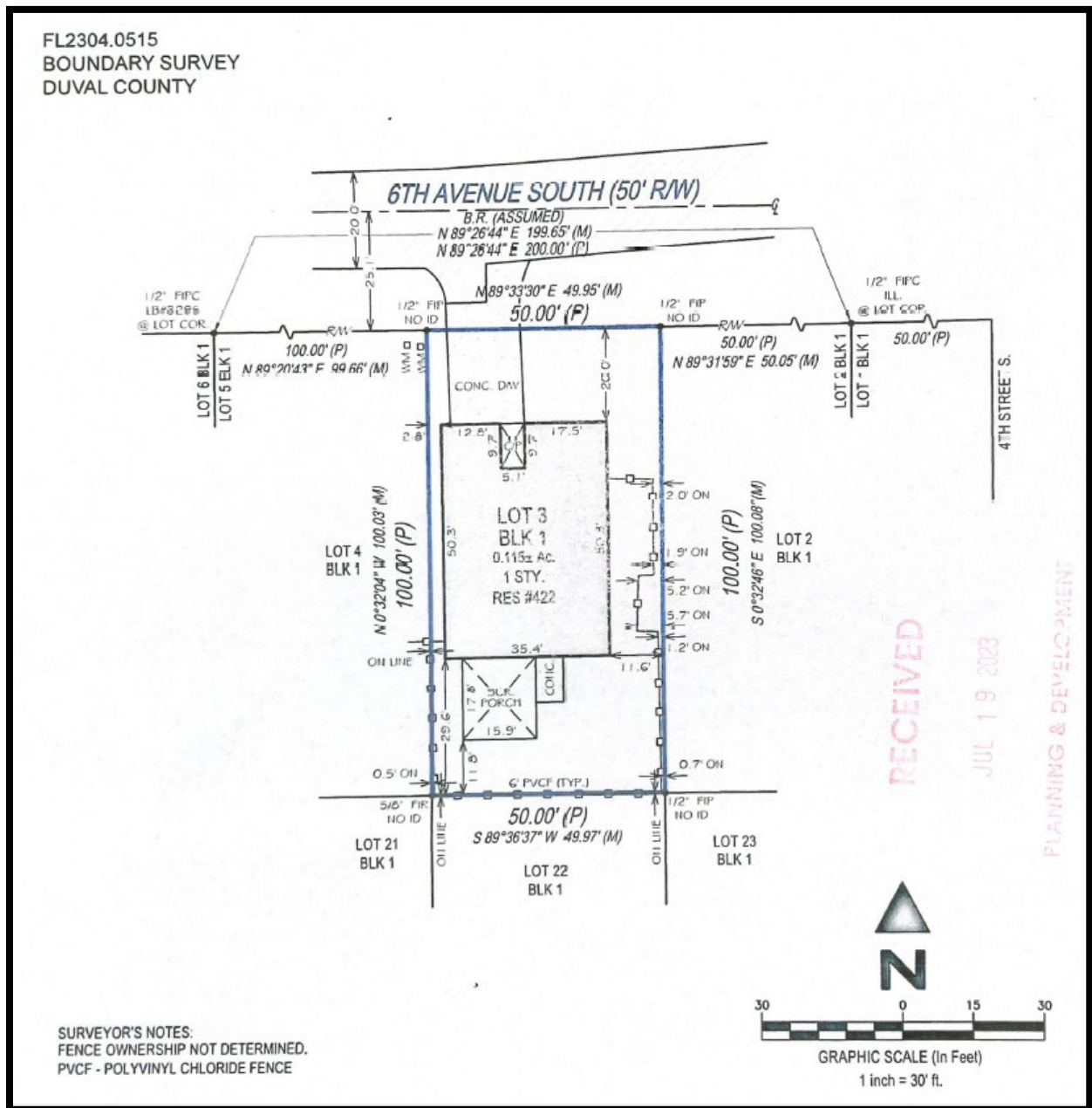
Staff **does** find that the request is consistent with the comprehensive plan. The applicant is not requesting any deviations from the established future land use designation policies and is consistent with the Goals Objectives and Policies of the adopted comprehensive plan.

Staff Recommendation

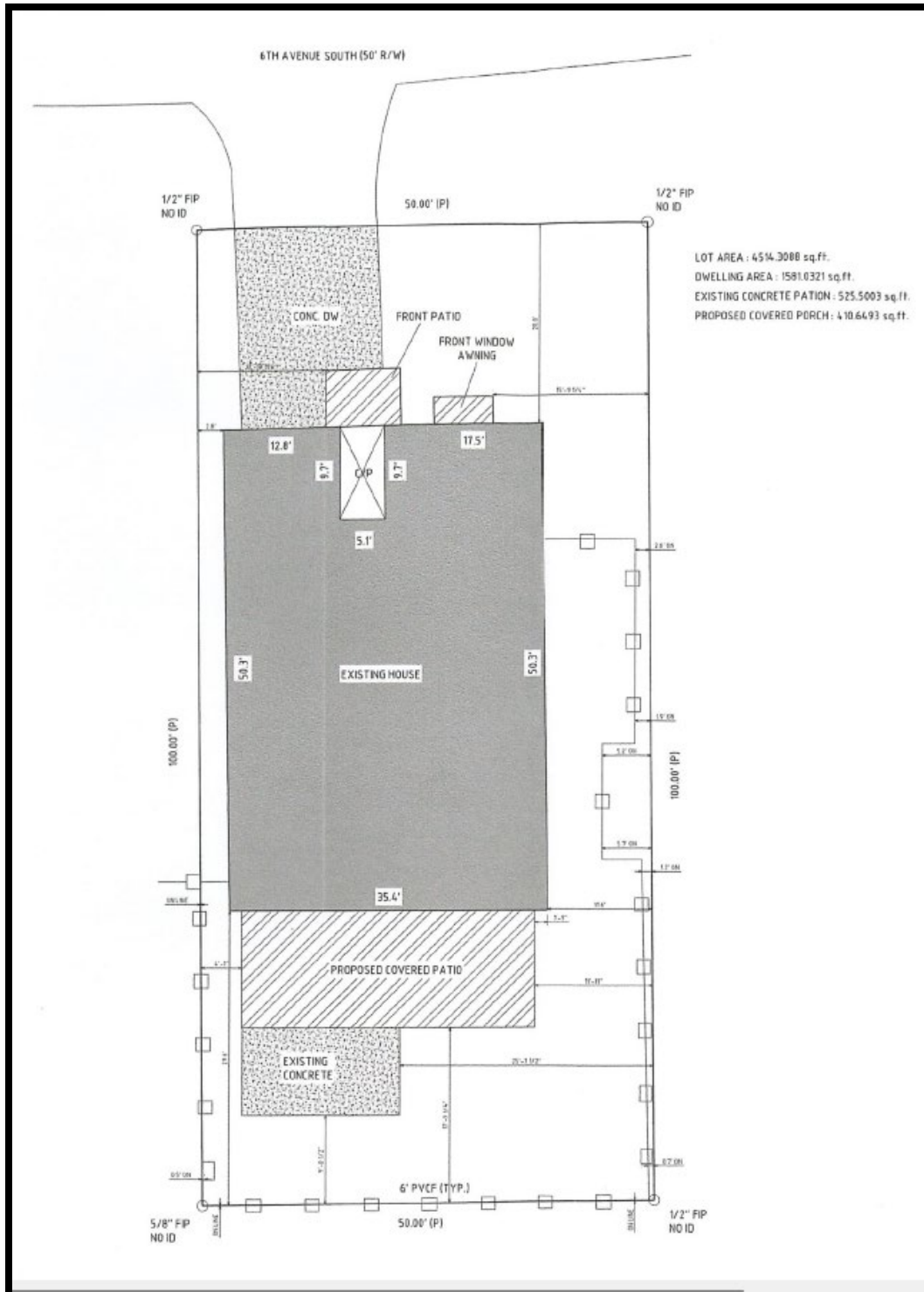
Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#23-100079**

Location Map (property boundaries are representative only)





Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100079
HEARING DATE 9-06-23

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

REQUIRED DOCUMENTATION

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

APPLICANT INFORMATION

Applicant Name: James Smithson **Telephone:** (904) 523-5649
Mailing Address: 45 W 6th Street **E-Mail:** jsmithson@stratumcorporation.com
Atlantic Beach, FL 32233
Agent Name: Stratum Contracting & Construction Management LLC **Telephone:** (904) 720-2783
Mailing Address: 45 W 6th Street **E-Mail:** _____
Atlantic Beach, FL 32233
Landowner Name: James Smithson **Telephone:** (904) 523-5649
Mailing Address: 422 6th Ave South **E-Mail:** _____
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: 422 6th Ave S 176328.0000
Legal description of property (Attach copy of deed): Lot 3 Block 1 Oceanside Park
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
Front yard set back of 14'6" in lieu of 20ft front covered patio addition to enhance front gable ended residence. This patio will be placed over an existing portion of the driveway so no added impervious area. Front yard addition of window awning (smaller bump out) to match commensurate with front patio addition. See drawings attached for review.

AFFIDAVIT

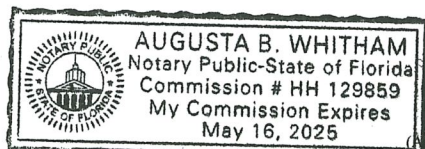
I, James Smithson, being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary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

James Smithson 7/19/2023
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 19th day of July, 2023, by James Smithson, who is personally known to me or produced _____ as identification.

Augusta B. Whitham
NOTARY PUBLIC SIGNATURE
Augusta B. Whitham
PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2 FLOOD ZONE: XS/AE
CODE SECTION(S):
Section(s): 34-337(e)(1)c.(1), for front yard setback of 14.6 feet in lieu of 20 feet minimum; and 34-337(e)(1)c.(3), for a rear yard setback of 17 feet in lieu of 30 feet minimum to allow for a covered front patio to an existing single-family dwelling for property addressed 422 South 6th Avenue, RE# 176328-0000, legally described as Lot 3, Block 1, Oceanside Park

Prepared by and return to:
Lynn Shippee
Ponte Vedra Title, LLC
50 A1A North, Suite 108
Ponte Vedra Beach, FL 32082

File Number: **23-1242**

Doc # 2023092343, OR BK 20670 Page 1772,
Number Pages: 2
Recorded 05/08/2023 03:11 PM,
JODY PHILLIPS CLERK CIRCUIT COURT DUVAL
COUNTY
RECORDING \$18.50
DEED DOC ST \$4200.00

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this **26th day of April, 2023**, between **Fletcher Don Rydalch, an unmarried man**, whose post office address is **565 Pioneer Road, Unit 138, Rexburg, ID 83440**, grantor, and **James T. Smithson, an unmarried man**, whose post office address is **422 6th Avenue South, Jacksonville Beach, FL 32250**, grantee:

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

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

Lot 3, Block 1 of OCEANSIDE PARK, according to the Plat thereof as recorded in Plat Book 8, Page(s) 13, of Public Records of Duval County, Florida.

Parcel Identification Number: 176323-0000

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

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

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

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

RECEIVED

JUL 19 2023

PLANNING & DEVELOPMENT

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

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

Signed, sealed and delivered in our presence:



Witness 1 Signature

Herbert Reynolds

Witness 1 Printed Name


Fletcher Don Rydalch



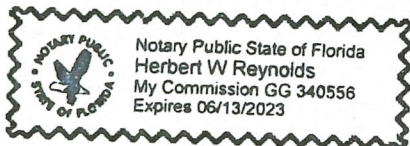
Witness 2 Signature

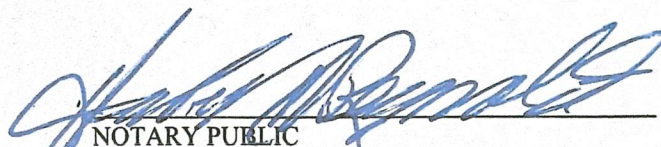
Lynn Shippee

Witness 2 Printed Name

State of **Florida**
County of **St. Johns**

The foregoing instrument was acknowledged before me by means of (☒) Physical Presence or (☐) Online Notarization, this **26th day of April, 2023**, by **Fletcher Don Rydalch**, an unmarried man, who (☐) is personally known to me or (☒) has produced Valid Driver License as identification.




NOTARY PUBLIC
Printed Name: Herbert Reynolds
My Commission Expires: _____

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JUL 19 2023

PLANNING & DEVELOPMENT

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. _____

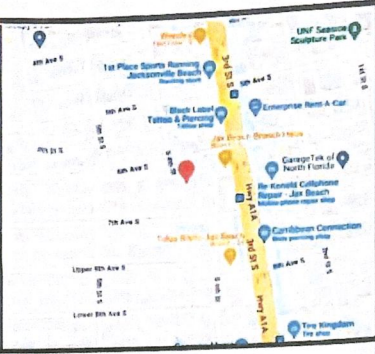
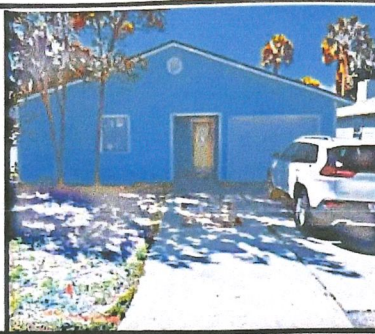
Section 34-281 Purpose. Variances are deviations from the terms of the LDC, which would not be contrary to the public interest when owing to special circumstances or conditions; the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

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 parceled in 1921. Lot sizing is under existing city standard.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Allowing/approving variance allows property to more closely conform to existing city lot sizing standard
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	Approving variance on the front and backyard only allow a flat faced gable ended building to more closely conform to the cities updated codes and building standards.
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	Due to the 1921 lot design standard versus current city lot minimum lot standards.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Adjusting the set back on the front of the parcel will allow reason use of property without impeding or interfering with other properties or city defined easements.
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	Approval of the variance will put this lot in closer conformance to current city lot standards even though this is an undersized lot. (50x100)



www.exactaland.com | office: 866.735.1916 | fax: 866.744.2882

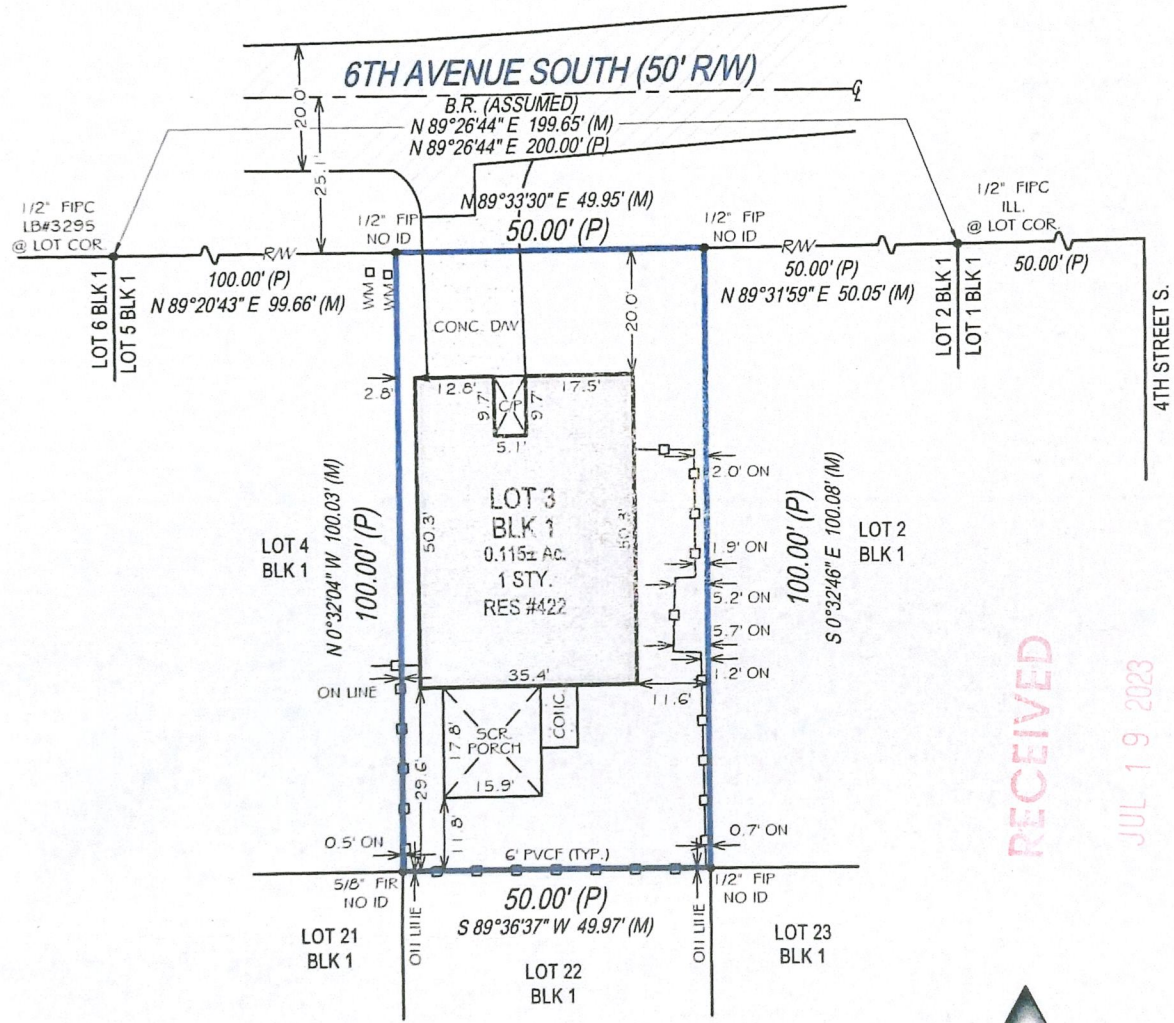


PROPERTY ADDRESS: 422 6TH AVENUE S, JACKSONVILLE BEACH, FLORIDA 32250

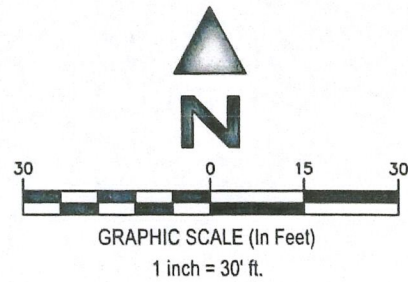
SURVEY NUMBER: FL2304.0515

existing

FL2304.0515
BOUNDARY SURVEY
DUVAL COUNTY



SURVEYOR'S NOTES:
FENCE OWNERSHIP NOT DETERMINED.
PVCF - POLYVINYL CHLORIDE FENCE



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JUL 19 2023

PLANNING & DEVELOPMENT



RAYMOND J. SCHAEFER
State of Florida Professional Surveyor and Mapper
License Number 6132
Exacta Land Surveyors, LLC | LB# 8291

SURVEYORS CERTIFICATION:

I hereby certify that this Survey of the lands described hereon was made under my direct supervision, and to the best of my knowledge and belief is a true and accurate representation of said lands and meets the Standards of Practice set forth in Chapter 5J-15.050 through 5J-15.053, Florida Administrative Code, pursuant to section 472.027, Florida Statutes. This survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper, except when the electronic signature and seal of a Florida licensed surveyor and mapper is affixed hereto.

POINTS OF INTEREST:
NONE VISIBLE



Exacta Land Surveyors, LLC
LB# 8291
o: 866.735.1916 | f: 866.744.2882
3846 Blanding Boulevard, Jacksonville, FL 32210



AFFILIATE
MEMBERS

DATE SIGNED: 04/18/23
FIELD WORK DATE: 4/15/2023
REVISION DATE(S): (REVO 4/18/2023)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION
PAGE 1 OF 2 - NOT VALID WITHOUT ALL PAGES

This item has been electronically signed and sealed by
Mina A. Mikaeel, P.E., on the Date/Time Stamp shown
using a digital signature certified by Entrust.
Printed copies of this document are not considered signed
and sealed, and the signature must be verified on any
electronic copies.

CONCRETE EXPOSED TO WEATHER SHALL BE AIR ENTRAINED TO 5% (+-1%) WITH AN ADMIXTURE THAT CONFORMS TO ASTM C-260.

DRAWING NO.	
S0	0 of 3
comm. no.	
date	09.06.2023
ID.	NO. 001

RECEIVED

JUL 19 2023

PLANNING & DEVELOPMENT

VIPSD



STRATUM

CONTRACTING & CONSTRUCTION MANAGEMENT





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

BOA#23-100080

Zoning: C-1
RE: 176317-0000 & 176315-0000
Legal: Lot 10 & the South half of lots 11 & 12, Block 153, Pablo Beach South.
Address: 0 2nd Street and 215 16th Ave South

Request

Section(s): 34-342(e)(3)a., for front yard setbacks of 6.9 feet in lieu of 10 feet minimum along 2nd Street South and for a front yard setback of 3.3 feet in lieu of 10 feet minimum along 16th Avenue South; and 34-377, for 26 off street (on site) parking spaces in lieu of 58 spaces required to allow for new office buildings

Existing Conditions

The subject property is comprised of one full lot and the south half of two lots of record, (circa 1908) located in the Commercial future land use category. The property is currently zoned Commercial Limited: C-1. The original subject sight is 100 feet wide by 62.5 feet in depth, with an overall area of 6,250 square feet. A second lot was acquired, which currently has an unused former drycleaner structure on site, which will be demolished. With the new additional lot, which is additionally 6,250, the total lot size is 12,500 square feet approximately. The two lots connect at a perpendicular angle, making the space roughly "L" shaped. The site is surrounded by a mix of uses including multifamily to the north, commercial retail gas sales to the west, multifamily to the east, and City recreational park use to the south. The proposed use is a professional office. The applicant received a variance in August of 2022 for parking reductions related to the first floor parking and office use, and a second and a second variance in February of 2023 related to setbacks for cantilevered balconies. This request is in essence the same as the two previous requests, but now incorporates the second lot, and extends the structure into this new area. This also increased the parking demand based on square footage, therefore a new variance is required. Some of the previous variance approvals would carry forward, such as the use of compact spaces and bicycle parking, so these are not incorporated into this request as those elements would be redundant. The applicant has not requested any lot coverage increases nor landscaping relief, but given the size of the new lot configuration and the building shape, they should be able to meet the 85% lot coverage maximum and provide the required landscaping on the perimeter of the property, which is allowed under chapter 34-425.

BOA #22-100085 for 3 compact parking spaces in lieu of three full sized spaces, and 11 parking spaces and one bicycle space in lieu of 28 spaces minimum.



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BOA#23-100002 for a front setback of 6 feet 9 inches in lieu of 10 feet minimum and a corner side yard setback of 3 feet three inches in lieu of 10 feet minimum to allow for two cantilevered balconies attached to a new commercial structure.

Staff Analysis

The proposed redevelopment of this currently vacant lot will consist of a three story office building, where by the first floor will be parking only, with limited access points for stairs and elevator, and the remaining two floors will be elevated above the parking on columns, while maintaining the maximum height of 35 feet. The proposed revised office design will still be on two smaller lots, but with the added difficulty of the lots being perpendicular to one another, forming an “L” shape. This creates some complicated internal design. The parcels are both relatively small, and then expanded lot area is hindered by the setbacks and the unusual shape. As previously noted, the applicant will meet lot coverage requirements, and will have underground storm water storage and pervious pavers under the structure. Though these will not afford much lot coverage credit, except those portions of the parking that are not covered by the footprint of the structure or the balconies, they will aid in addressing any potential runoff. The subject parcel is smaller than some residential parcels, but is currently zoned C-1. Given the small nature of the parcel with its unusual shape, and the fact that the proposed encroachments are only along public rights of way at the third floor, staff does not feel this will have a negative impact on surrounding properties. Additionally the innovative approach to the design, with first floor parking, coupled with the boards previous review of the project, staff’s opinion is that the proposed new design is substantially similar, though larger in scope, as the first two approvals.

Minimum development and parking standards

- Minimum lot area: None.
- Minimum lot width: None.
- Minimum yards:
 - Front yard: Ten (10) feet.
 - Side yard: None, except where adjacent to streets. If adjacent to a street ten (10) feet, for a corner lot, the side yard on the corner shall be ten (10) feet.
 - Rear yard: None. For oceanfront lots, the rear yard shall be the yard adjacent to the ocean, or the easterly yard, and the front yard shall be the westerly yard, or yard opposite the rear yard.
- Floor area: None.



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

- Maximum lot coverage: Eighty-five (85) percent.
- 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 site is zone C-1 and has no minimum lot size requirement, but is rather small for any type of commercial use, even with the expanded lot area from the second lot, the shape is also a hindrance to a more traditional design. The proposed design utilizes the first floor for parking and access only, and the building's bulk and massing will primarily be within the setbacks. The lot, being small and on a corner, adds additional setbacks to two of the street fronting sides, which reduces the buildable area as compared to other commercial lots in the area.

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 lots are comprised of one full lot and partial lots from a 1908 platted subdivision. The applicant purchased the property in its current configuration with the two opposing lot directions.

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

Staff finds that the proposed variance **will not** confer special privileges. Throughout the C-1 zoning district, there are many small commercial properties that are unable to provide adequate parking when constructed at one story, as many in the area struggle with. The use of the first floor as parking allows the applicant to provide parking, but pushes the occupied area up and forces them to maximize the lot area on the remaining two stories. Many of these are existing structures that could not be occupied by many or all uses in the C-1 district without relief



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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. Without relief from the corner side yard and front yard setbacks, and the fact that the first floor must be dedicated to parking alone, would limit the useful area of the building in square footage. Approval of the proposed setback reductions allows for a small increase in occupied area, and the proposed parking reduction would be based on the type of use, which has been previously demonstrated to not generate traffic based.

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

Staff **does** find that the requested variances are the minimum variance needed to accommodate the proposed new home. The proposed balconies encroach along the third floor only, and will not impact the ground and pedestrian setbacks along the structure, adequate landscaping will still be provided, and the proposed encroachment is the smallest variance needed to accomplish the proposed project. Additionally, they are providing as much parking as they physically can, and are only asking for relief for those spaces they cannot actually fit on site.

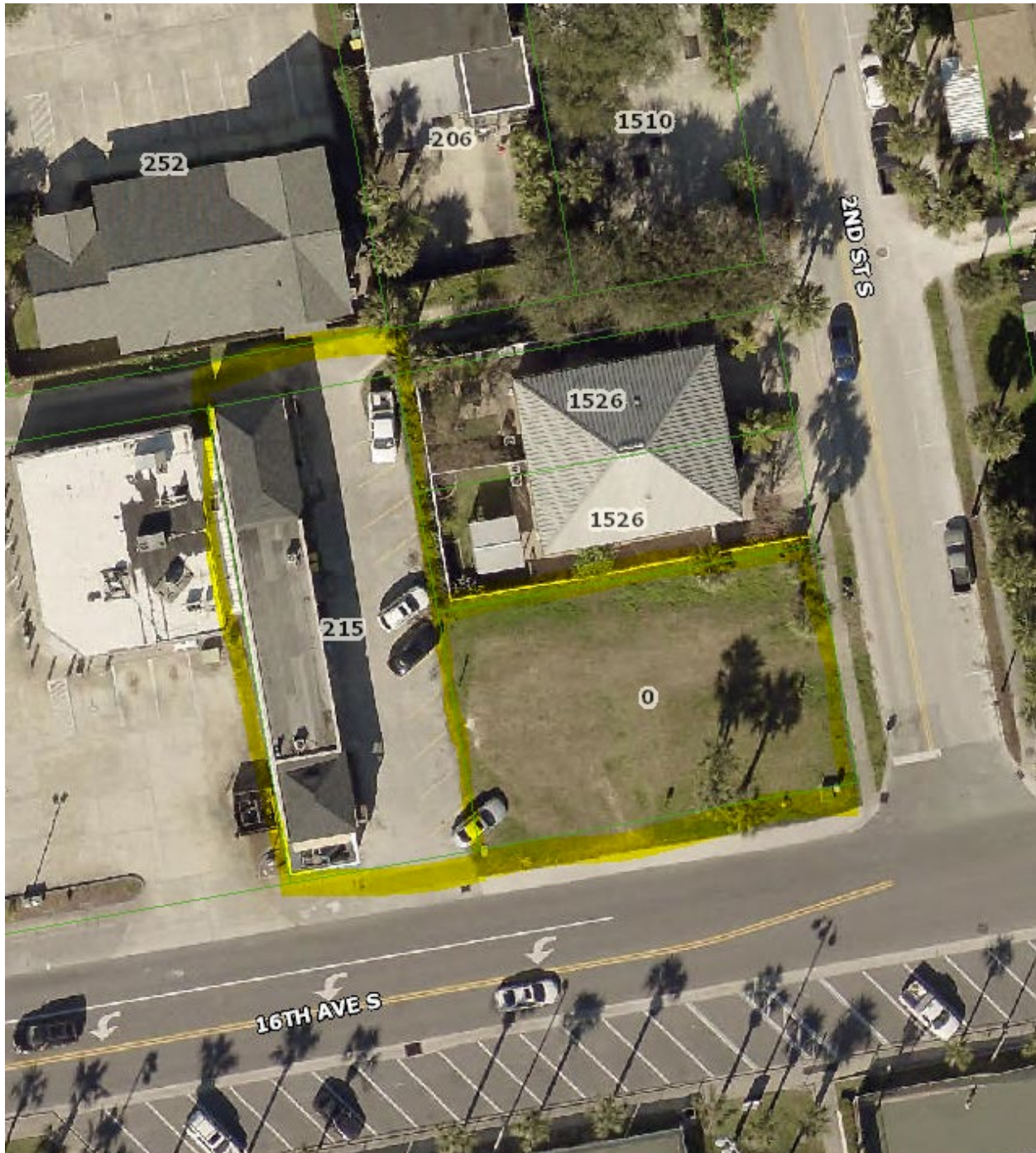
6. **Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.**

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#23-100080**

Location Map (property boundaries are representative only)



Existing Survey



Proposed Site Plan





WARREN EQUITY PARTNERS SHELL BUILDING - VARIANCE
PARCELS NO. 176317 0000 & 176315 0000 JACKSONVILLE BEACH, FL.

[illegible]

WARREN EQUITY PARTNERS SHELL BUILDING - VARIANCE
PARCELS NO. 176317 0000 & 176315 0000 JACKSONVILLE BEACH, FL.



SOUTHWEST STREET VIEW - 16TH AVENUE SOUTH - VARIANCE
PARCELS NO. 176317 0000 & 176315 0000 JACKSONVILLE BEACH, FL.





APPLICATION FOR VARIANCE

BOA NO. 23-100080

HEARING DATE 9.6.23

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

REQUIRED DOCUMENTATION

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

APPLICANT INFORMATION

Applicant Name: 0 2nd Street Acquisition, LLC **Telephone:** (904) 746-7027
Mailing Address: 5555 Gate Parkway, Suite 150 **E-Mail:** wacaster@warrenequity.com
Jacksonville, FL 32256
Agent Name: _____ **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____
Landowner Name: 0 2nd Street Acquisition, LLC **Telephone:** (904) 746-7027
Mailing Address: 5555 Gate Parkway, Suite 150 **E-Mail:** wacaster@warrenequity.com
Jacksonville, FL 32256

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

VARIANCE DATA

0 2nd Street South, Jacksonville Beach, FL 32250, 176317-0000 & 215 16th Avenue South, Jacksonville Beach, FL 32250, 176315.0000

Street address of property and Real Estate Number:

Legal description of property (Attach copy of deed): The south half lots of 11 and 12, block 153, Pablo Beach South & Lot 10, block 153, Pablo Beach South

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).

See Attachment 'A'

AFFIDAVIT

I, Steven Wacaster, 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.

Steven Wacaster 07/18/2023
 APPLICANT SIGNATURE PRINT APPLICANT NAME DATE

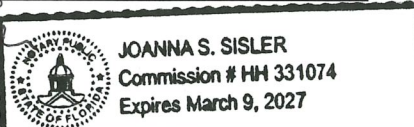
STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 18th day of JULY, 2023, by Steven Wacaster, who is personally known to me or produced _____ as identification.

Joanna S. Sisler
 NOTARY PUBLIC SIGNATURE

Joanna S. Sisler

PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: C-1

FLOOD ZONE: AE

CODE SECTION (s):

Section(s): 34-342(e)(3)a., for front yard setbacks of 6.9 feet in lieu of 10 feet minimum along 2nd Street South and for a front yard setback of 3.3 feet in lieu of 10 feet minimum along 16th Avenue South; and 34-377, for 26 off street (on site) parking spaces in lieu of 58 spaces required to allow for new office buildings for property addressed '0' 2nd Street South and 215 16th Avenue South, RE# 176317-0000 & 176315-0000, legally described as The South half lots of 11 and 12, Block 153, Pablo Beach South & Lot 10, Block 153 Pablo Beach South

PREPARED BY AND AFTER
RECORDING RETURN TO:

D.R. Repass, P.A.
111 Solana Road, Suite B
Ponte Vedra Beach, FL 32082

File Number: 23-9075

CORPORATE WARRANTY DEED

THIS Indenture, made July 11, 2023, between ALO Management, LLC, a Florida limited liability company, whose address is: 317 N. Roscoe Blvd., Ponte Vedra Beach, Florida 32082, (hereinafter called the "Grantor"), and 0 2nd Street Acquisition LLC, a Florida limited liability company, whose address is: 215 16th Avenue South, Jacksonville Beach, Florida 32250 (hereinafter called the "Grantee).

(Wherever used herein, the terms "grantor" and "grantee" shall include the singular and plural, heirs, legal representatives, successors and assigns of individuals, and the successors and assigns of corporations, as the context requires.)

W I T N E S S E T H:

Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto Grantee, all that certain land situated in Duval County, Florida (the "Property"), and more particularly described as:

Lot 10, Block 153, PABLO BEACH SOUTH, according to the map or plat thereof as recorded in Plat Book 3, Page(s) 28 of the public records of Duval County, Florida.

Parcel Number: 176315-0000

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

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

AND, Grantor hereby covenants with Grantee that it is lawfully seized of the Property in fee simple; that it has good right and lawful authority to sell and convey the Property; and Grantor hereby covenants that Grantor will warrant and defend title to the Property against the lawful claims of all persons claiming by, through or under Grantor alone, but against none other.

The Property is subject to future taxes, easements, covenants, restrictions and other matters of record; however, this reference shall not serve to reimpose same.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSES:

Sign: [Signature]
Witness #1
Print: D. R. Repass

Sign: Candace Taylor
Witness #2
Print: Candace Taylor

ALO Management, LLC, a Florida limited liability company

By: [Signature]
Name: Layth Adamo, Manager

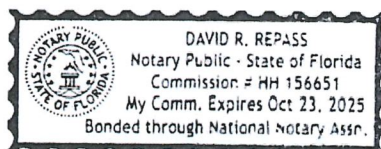
By: [Signature]
Name: Omar Adamo, Manager

STATE OF FLORIDA
COUNTY OF ST JOHN'S

I hereby certify that the foregoing instrument was acknowledged before me by means of X physical presence or online notarization, this 11th day of July, 2023, by Layth Adamo and Omar Adamo, Managers of ALO Management, LLC, a Florida limited liability company, on behalf of the company. They [] is personally known to me, or [X] has produced Florida Driver License as identification.

Affix Notary Stamp or Seal Below:

[Signature]
NOTARY PUBLIC – signature above
Printed Name: David R. Repass



Prepared By and Return To:
St. Johns Title, LLC
Attn: Rachel R. Kotchkowski
5000 Sawgrass Village Circle, Suite 8
Ponte Vedra Beach, FL 32082

Order No.: 22-01007

Property Appraiser's Parcel I.D. (folio) Number:
176317-0000

WARRANTY DEED

THIS WARRANTY DEED dated May 5, 2022, by **Rose Mary Bateh, individually and as Trustee of the RB IPUG Trust, dated September 25, 2015**, whose post office address is 13055 Sandwedge Ct., Jacksonville, Florida 32224 (the "Grantor"), to **0 2nd Street Acquisition, LLC, a Florida Limited Liability Company**, whose post office address is 5555 Gate Pkwy., Ste. 150, Jacksonville, Florida, 32256 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of DUVAL, State of Florida, viz:

The South half of Lots 11 and 12, Block 153, Pablo Beach South, according to the map or plat thereof as recorded in Plat Book 3, Page 28, of the current public records of Duval County, Florida.

The land described herein is not the homestead of the grantor(s), and neither the grantor(s) nor the grantor(s) spouse, nor anyone for whose support the grantor(s) is responsible, resides on or adjacent to said land.

Subject to easements, restrictions, reservations and limitations of record, if any.

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

TO HAVE AND TO HOLD the same in Fee Simple forever.

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

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

Signed, sealed and delivered in presence of:

Rachel Kotch
Witness Signature

Rachel Kotchkowski
Printed Name of First Witness

Andrew Aleman
Witness Signature

Andrew Aleman
Printed Name of Second Witness

Rose Mary Bateh, as Trustee of the RB IPUG Trust, dated September 25, 2015

BY: Rose Bateh
Rose Mary Bateh
Individually and as Trustee

Grantor Address:
13055 Sandwedge Ct.
Jacksonville, FL 32224-8419

STATE OF FLORIDA

COUNTY OF St. Johns

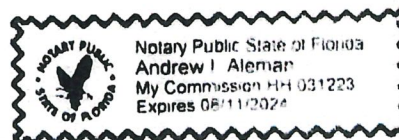
I, Andrew Aleman, a Notary Public for the State of Florida, do hereby certify that Rose Mary Bateh, individually and as Trustee of the RB IPUG Trust, dated September 25, 2015 personally appeared before me this day by means of physical presence, presented Drivers License as identification, and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 5 day of May, 2022.

Andrew Aleman
Notary Public

My Commission Expires:

(SEAL)



VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. _____

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	1. In addition to the provided 26 off-street parking spaces the site is surrounded by 52 public street parking spaces (see attached aerial map). 2. The 3rd floor balconies are 19'-6" above grade and firetruck clearance requires 13'-6".
Special circumstances and conditions do not result from the actions of the applicant.	YES	1. The proposed office building is single-owner use with only 26 employees and minimal visitors. Office hours are 9 am-5 pm M-F. No weekends or holidays. 2. 3rd Floor balconies do not interfere with fire department access and they have been approved by the Fire Marshal.
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	Landscape buffers along the north property line are not required because the developments to the north are not single family and they are within C-1 zoning.
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 variances have been granted in the past. The requests made above are due to the owner purchasing an adjacent property and proposing to double the development size. Previous variance approvals are attached.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	For the reasons noted above.
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	For the reasons noted above.

Warren Equity Partners Office Building
Jacksonville Beach, Florida
Application for Variance

VARIANCE DATA ATTACHMENT

This site is zoned C-1 and the proposed new development will be office use. The expanded proposed office building will be approximately 17,400 gross s.f. with 14,100 net useable s.f. (excluding restroom core, exit stairwells, etc.) To the north of the site is a multi-family duplex development also zoned C-1. There are 52 existing public street parking spaces within 300 feet of this site's entry (see attached aerial map).

Request the following variance:

1. Jacksonville Beach Code Sec. 34-377 requires for a professional or business offices development to provide one (1) off-street parking space per 300 s.f. of floor area totaling:
 - Required parking calculated based on gross s.f.: 58 spaces required
 - Required parking calculated using useable s.f.: 47 spaces required
 - Total off-street (on-site) parking provided: 25 spaces plus bicycle parking (bicycle parking counts as 1 parking space as per Jacksonville Beach Code Section 34-373(6)).
 - Total 26 off-street (on-site) spaces
2. Sec. 34.342(c) requires 10 foot building front yard setbacks along 2nd Street South and 16th Avenue South. 3rd floor cantilevered balconies located at the building southeast and southwest corners reduce the setback along 2nd Street South to 6'-9" and along 16th Avenue South to 3'-4".

The 3rd floor cantilevered balconies are 19'-6" above grade and fire truck access requires 13'-6" vertical clearance. This condition has been reviewed and approved by the Jacksonville Beach Fire Marshal.

NOTE: Identical prior variances were granted for the original 8,600 gross s.f. building design. The owner purchased the adjacent parcel and the building size has expanded requiring this new variance request.

ADDITIONAL APPLICANT INFORMATION

Design Professionals Assisting the Owner:

Architect: RDB Design Associates
Jacksonville, Florida
Carlos DelValle, AIA LEED AP, BD + C
Principal – Architect
carlos.delvalle@rdbi.net

Civil Engineer: Kennedy Civil Services
Charles Kennedy, P.E.
President
chuck@kennedycivilservices.com

RECEIVED
JUL 19 2023
PLANNING & DEVELOPMENT



DEPARTMENT OF PLANNING & DEVELOPMENT
CERTIFIED MAIL RETURN - RECEIPT REQUESTED

7020 2450 0000 7999 6721

RECEIVED

JUL 19 2023

PLANNING & DEVELOPMENT

August 19, 2022

0 2nd Street Acquisition, LLC
Steve Wacaster
5555 Gate Parkway, Ste. 150
Jacksonville, FL 32256

DEVELOPMENT ORDER FOR VARIANCE

BOA#22-100085

'0' 2nd Street South

The South half of Lots 11 and 12, Block 153, *Pablo Beach South*

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 6:00 p.m. on Tuesday, August 16, 2022, in the City Council Chambers located at 11 3rd Street North, Jacksonville Beach, Florida, to consider development permit application(s) requesting to deviate from the requirements of the Land Development Code as described below:

- 34-373(a)(1), for three compact parking spaces of 8 feet in width in lieu of 9 feet in width; and
- 34-377, for 11 parking spaces and one bicycle parking area in lieu of 28 spaces required

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



To allow for construction of a new professional office building

In support of its request for a variance, the applicant submitted an application, with supporting documentation. At the public hearing, the applicant supplemented the application with testimonial evidence.

Based on the review and discussion of said application and the consideration of any competent and substantial evidence in the form of the staff report and testimony provided during the duly advertised public hearing, the Board of Adjustment determined this application for development **met** all the standards applicable for authorizing a variance pursuant to Land Development Code Section 34-286.

Upon this competent substantial evidence, The Board **Approved** the request based on the applicant's ability to provide sufficient evidence to meet all the standards.

This development order does not constitute final approval to commence the development proposed in the referenced application(s). The applicant shall comply with all other applicable requirements of the Land Development Code, including any additional review requirements, and shall apply for and obtain all necessary permits before initiating development. Information about permitting, including official address assignments, application forms, and checklists, is available in our office or online at www.jacksonvillebeach.org/building.

CONTINUED ON PAGE 2



DEPARTMENT OF PLANNING & DEVELOPMENT

Attached is a copy of the submitted site plan for your records. Copies of this development order and the attached site plan shall be submitted when applying for any future development or building permit applications.

Sincerely,

Christian Popoli
Senior Planner

DISCLAIMER

As provided by subsection 166.033(6), Florida Statutes, issuance of a variance by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. It is hereby a condition that all other applicable state or federal permits be obtained before commencement of the development.

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org



BOA#22-100085



DEPARTMENT OF PLANNING & DEVELOPMENT
CERTIFIED MAIL RETURN - RECEIPT REQUESTED

7020 2450 0000 7999 1625

March 1, 2023

0 2nd Street Acquisition, LLC
Steven Wacaster
5555 Gate Parkway, Suite 150
Jacksonville, FL 32256

PLANNING & DEVELOPMENT

DEVELOPMENT ORDER FOR VARIANCE

BOA#23-100002

'0' 2nd Street South

The South half of Lots 11 and 12, Block 153, *Pablo Beach South*

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 6:00 p.m. on Wednesday, February 22, 2023, in the City Council Chambers located at 11 3rd Street North, Jacksonville Beach, Florida, to consider development permit application(s) requesting to deviate from the requirements of the Land Development Code as described below:

- 34-342(e)(3)a, for a front yard setback of 6 feet 9 inches (6'9") in lieu of 10 feet minimum; and
- 34-342(e)(3)b, for a corner side-yard setback of 3 feet 3 inches (3'3") in lieu of 10 feet minimum

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



To allow for the addition of third floor cantilevered balcony on a proposed new commercial office structure

In support of its request for a variance, the applicant submitted an application, with supporting documentation. At the public hearing, the applicant supplemented the application with testimonial evidence.

Based on the review and discussion of said application and the consideration of any competent and substantial evidence in the form of the staff report and testimony provided during the duly advertised public hearing, the Board of Adjustment determined this application for development **met** all the standards applicable for authorizing a variance pursuant to Land Development Code Section 34-286.

Upon this competent substantial evidence, The Board **Approved** the request based on the applicant's ability to provide sufficient evidence to meet all the

This development order does not constitute final approval to commence the development proposed in the referenced application(s). The applicant shall comply with all other applicable requirements of the Land Development Code, including any additional review requirements, and shall apply for and obtain all necessary permits before initiating development. Information about permitting, including official address assignments, application forms, and checklists, is available in our office or online at www.jacksonvillebeach.org/COAST.

Continued on Page 2



Attached is a copy of the submitted site plan for your records. Copies of this development order and the attached site plan shall be submitted when applying for any future development or building permit applications.

Sincerely,

A handwritten signature in black ink, appearing to read "Christian Popoli", written over a horizontal line.

Christian Popoli
Senior Planner

DISCLAIMER

As provided by subsection 166.033(6), Florida Statutes, issuance of a variance by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. It is hereby a condition that all other applicable state or federal permits be obtained before commencement of the development.

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

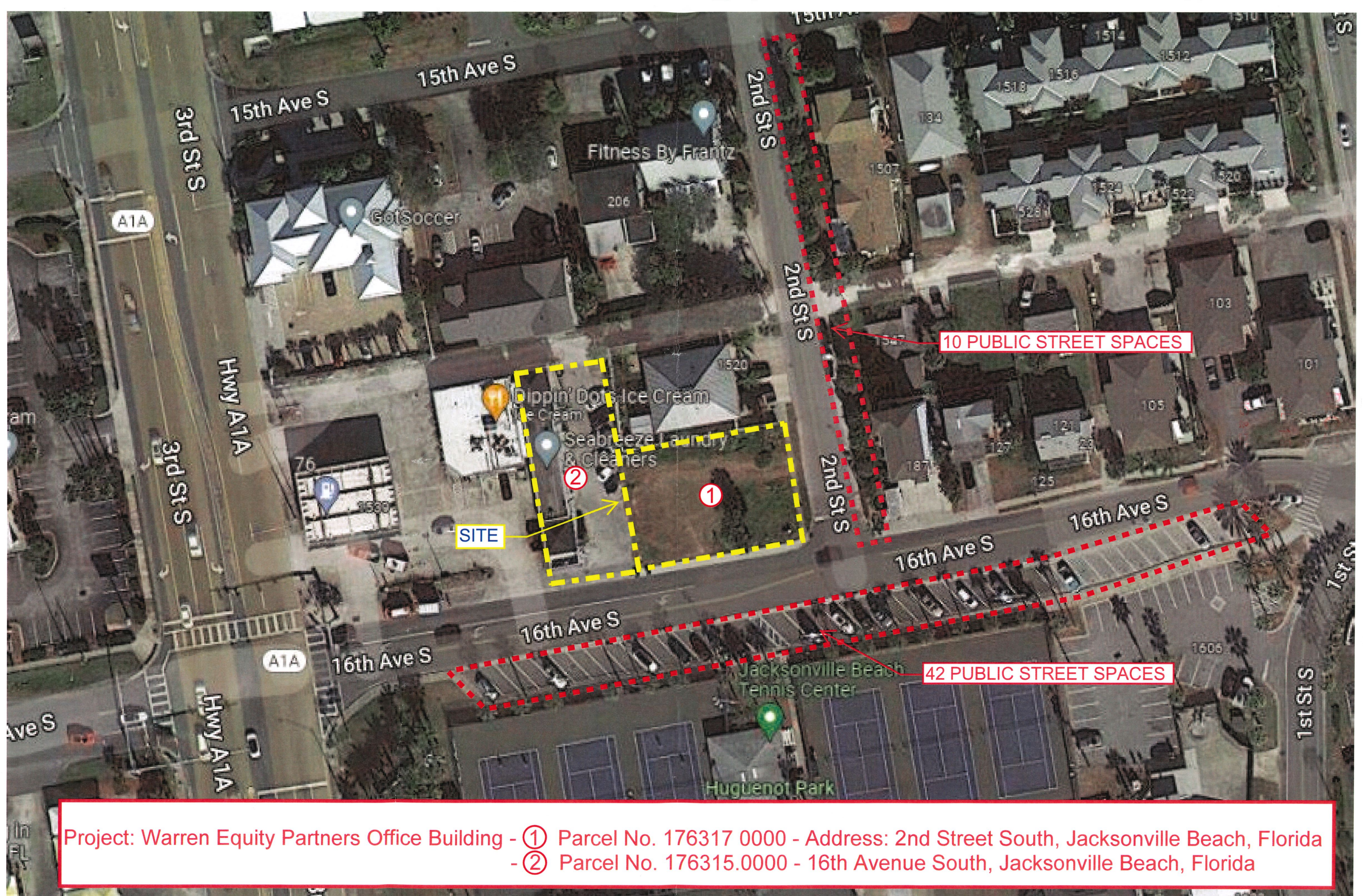
Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org



BOA#23-100002



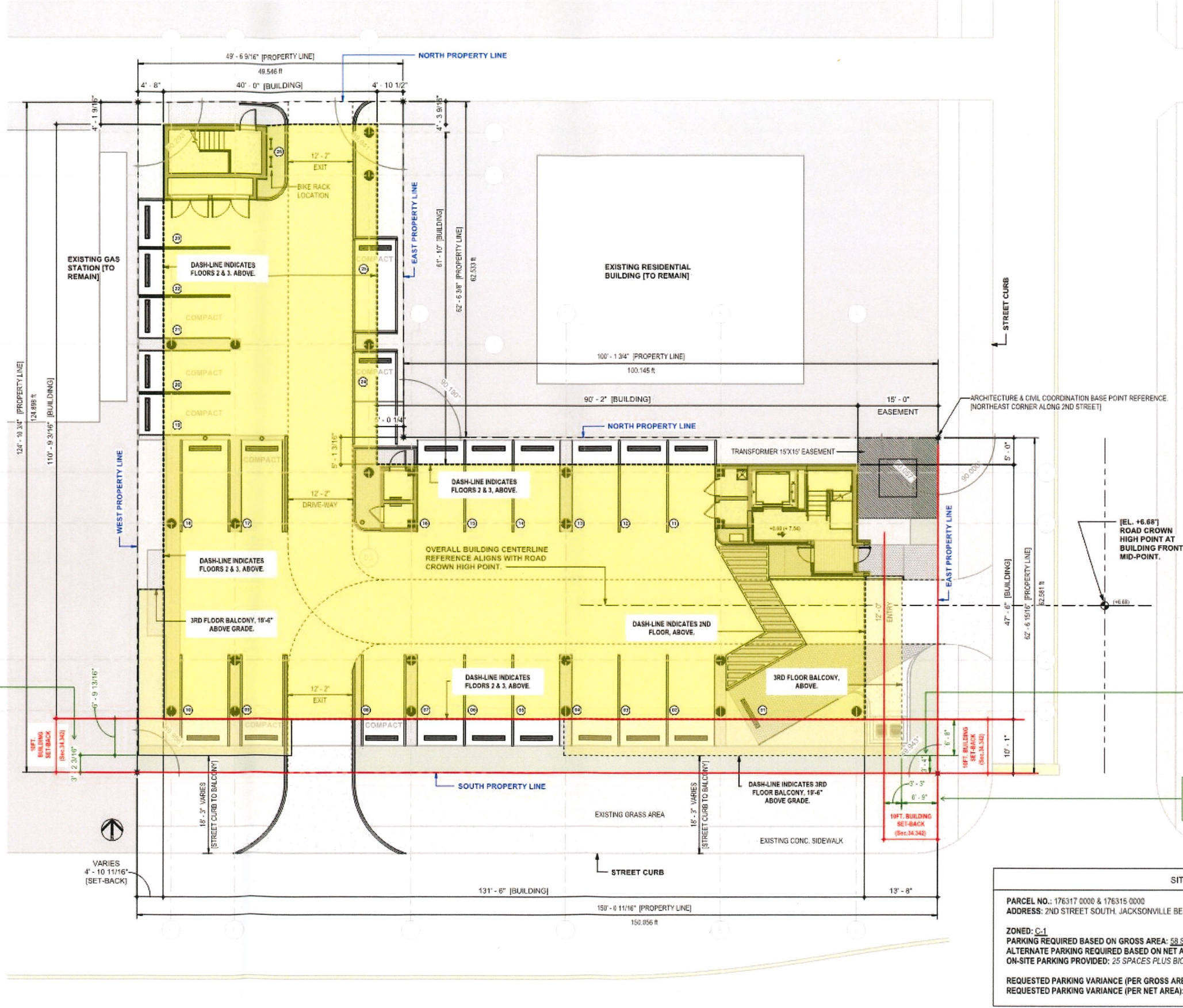
Project: Warren Equity Partners Office Building - ① Parcel No. 176317 0000 - Address: 2nd Street South, Jacksonville Beach, Florida
- ② Parcel No. 176315.0000 - 16th Avenue South, Jacksonville Beach, Florida

RECEIVED

JUL 19 2023

PLANNING & DEVELOPMENT

Proposed



REQUESTED 3'-2 3/16\"

ZONING (Sec.34-342): COMMERCIAL C-1
FRONT YARD BLDG. SETBACKS: TEN (10) FEET
SIDE YARD BLDG. SETBACK: NONE
REAR YARD BLDG. SETBACK: NONE

TEXT LEGEND
■ CODE SETBACK REQUIREMENT
■ REQUESTED SETBACK VARIANCE
■ BUILDING FOOTPRINT AT GROUND LEVEL

PREVIOUSLY APPROVED 3' - 4\"

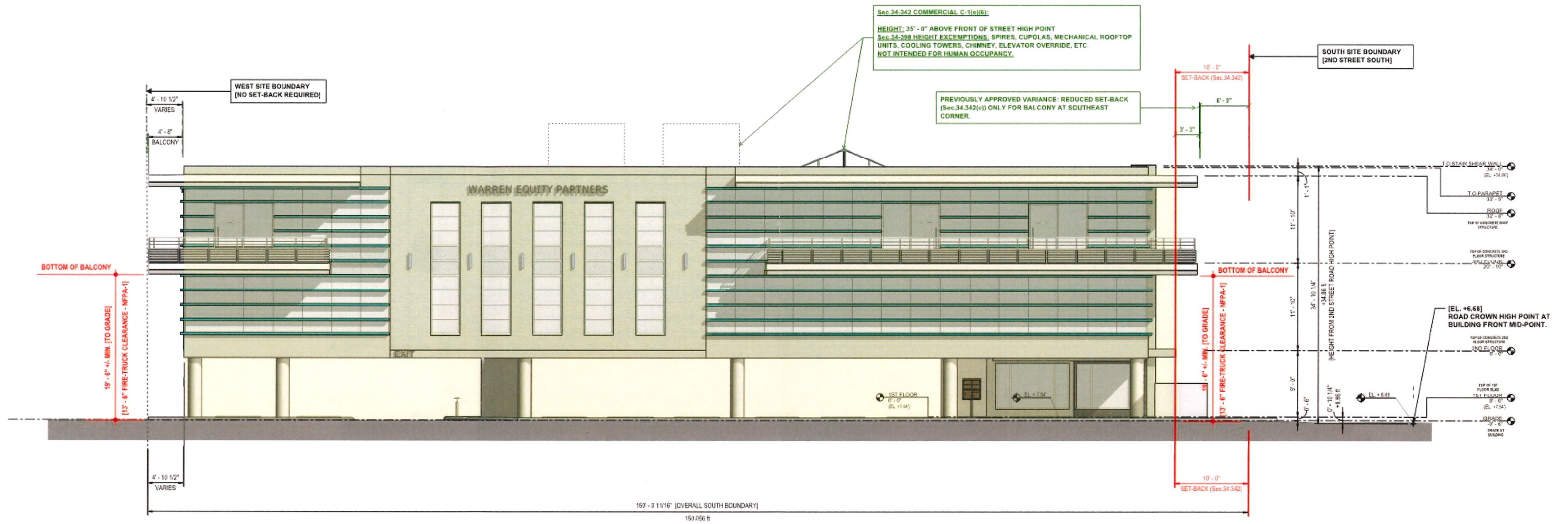
PREVIOUSLY APPROVED 6' - 9\"

SITE PARKING
PARCEL NO.: 176317 0000 & 176315 0000
ADDRESS: 2ND STREET SOUTH, JACKSONVILLE BEACH, FL
ZONED: C-1
PARKING REQUIRED BASED ON GROSS AREA: 58 SPACES (17,400 SF. / 300 SF.)
ALTERNATE PARKING REQUIRED BASED ON NET AREA: 47 SPACES (14,100 SF. / 300 SF.)
ON-SITE PARKING PROVIDED: 25 SPACES PLUS BICYCLE PARKING: 26 TOTAL SPACES
REQUESTED PARKING VARIANCE (PER GROSS AREA): 32 SPACES
REQUESTED PARKING VARIANCE (PER NET AREA): 21 SPACES

OVERALL ARCH. SITE PLAN

SCALE: N.T.S.

WARREN EQUITY PARTNERS SHELL BUILDING - VARIANCE
PARCELS NO. 176317 0000 & 176315 0000 JACKSONVILLE BEACH, FL.



ZONING (Sec.34-342): COMMERCIAL C-1
FRONT YARD BLDG. SETBACKS: TEN (10) FEET
SIDE YARD BLDG. SETBACK: NONE
REAR YARD BLDG. SETBACK: NONE

TEXT LEGEND

- CODE SETBACK REQUIREMENT
- REQUESTED SETBACK VARIANCE
- BUILDING FOOTPRINT AT GROUND LEVEL

SOUTH BLDG. ELEVATION
SCALE: N.T.S.

WARREN EQUITY PARTNERS SHELL BUILDING - VARIANCE
PARCELS NO. 176317 0000 & 176315 0000 JACKSONVILLE BEACH, FL.







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

BOA#23-100081

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

Request

Section(s): 34-338(e)(1)e, for lot coverage of 54.60% in lieu of 35% maximum; and 34-340(e)(1) c. (1), for a front yard setback of 14.6 feet in lieu of 20 feet minimum, to allow for 2nd and 3rd floor balcony additions to an existing single-family dwelling **for property addressed** 1908 Ocean Drive, **RE#** 179378-0000, **legally described as** Lot 2, Block K, *Permenters Replat of Atlantic Camp Grounds*

Existing Conditions

The subject property is a nonconforming lot of record located in the High Density Residential future land use category. The property is currently zoned Residential Multiple Family: RM-2. The lot is 40 feet in width, and 70 feet in depth, with an overall lot area of 2,799.34 square feet. The subject home was constructed in 1939, prior to the current LDC. The subject lot currently has an existing home with several accessory sheds, which do not conform to the current lot coverage regulations in the RM-2 zoning district. The applicant is applying for this variance, for lot coverage of 54.60% in lieu of 35% maximum, and a front yard setback of 14.6 feet in lieu of 20 feet minimum, to allow for 2nd and 3rd floor balcony additions to an existing single-family dwelling. The applicant was granted a variance at the BOA meeting on April 4th of this year for lot coverage of 51% in lieu of 35% maximum to allow for the construction of a new single-family dwelling.

BOA#23-100020: 34-338(e)(1) c.1, for a front yard setback of 18 feet in lieu of 20 feet minimum; 34-338(e)(1) c.2, for a combined side yard setback of 10 feet in lieu of 15 feet minimum; 34-338(e)(1) c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum; and 34-338(e)1) e, for lot coverage of 51% in lieu of 35% maximum to allow for the construction of a new single-family dwelling



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

Staff Analysis

The subject property is substandard in width, it measures 40 feet in width rather than the 60 feet minimum requirement in the RM-2 zoning district and is conforming in size at 6,000 square feet. The applicant is proposing to construct 2nd and 3rd floor balcony additions to an existing single-family dwelling. A variance to allow the proposed project is a reasonable request, as the applicant is not at fault regarding the circumstances existing to the subject parcel of land. There is a hardship justified by having a nonconforming lot. The cantilevered balconies will not lower or impede street visibility and will not reduce room for driveway parking. 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 (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: Ten (10) feet for each side yard, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear yard: Thirty (30) feet.
- Floor area: A two-family dwelling structure shall contain a minimum of one thousand six hundred (1,600) square feet of conditioned living area. Each unit within a duplex structure shall contain a minimum of eight hundred (800) square feet of conditioned living area excluding garage or carport.
- Wall separation. Two-family dwellings shall contain a two (2) hour fire resistant wall between units.
- Maximum lot coverage: Thirty-five (35) percent.
- Height: Thirty-five (35) feet.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.



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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is 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 lowest intensity use for RM-2 is single family. The applicant would not receive any special privilege, but would simply be allowed to utilize their property for the intended use of residential construction. Given the limited size of the rear yard, a front balcony addition would add outside space on smaller lot for single family development.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. If the code were applied literally, the applicant would struggle to meet all the requirements for home size, garage or car port requirements, paved access, and overall be severely hampered in design as compared to other structures in the RM-2 district and other properties immediately adjacent.



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 lot coverage of 54.60% in lieu of 35% maximum, and a front yard setback of 14.6 feet in lieu of 20 feet minimum, to allow for 2nd and 3rd floor balcony additions.

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.

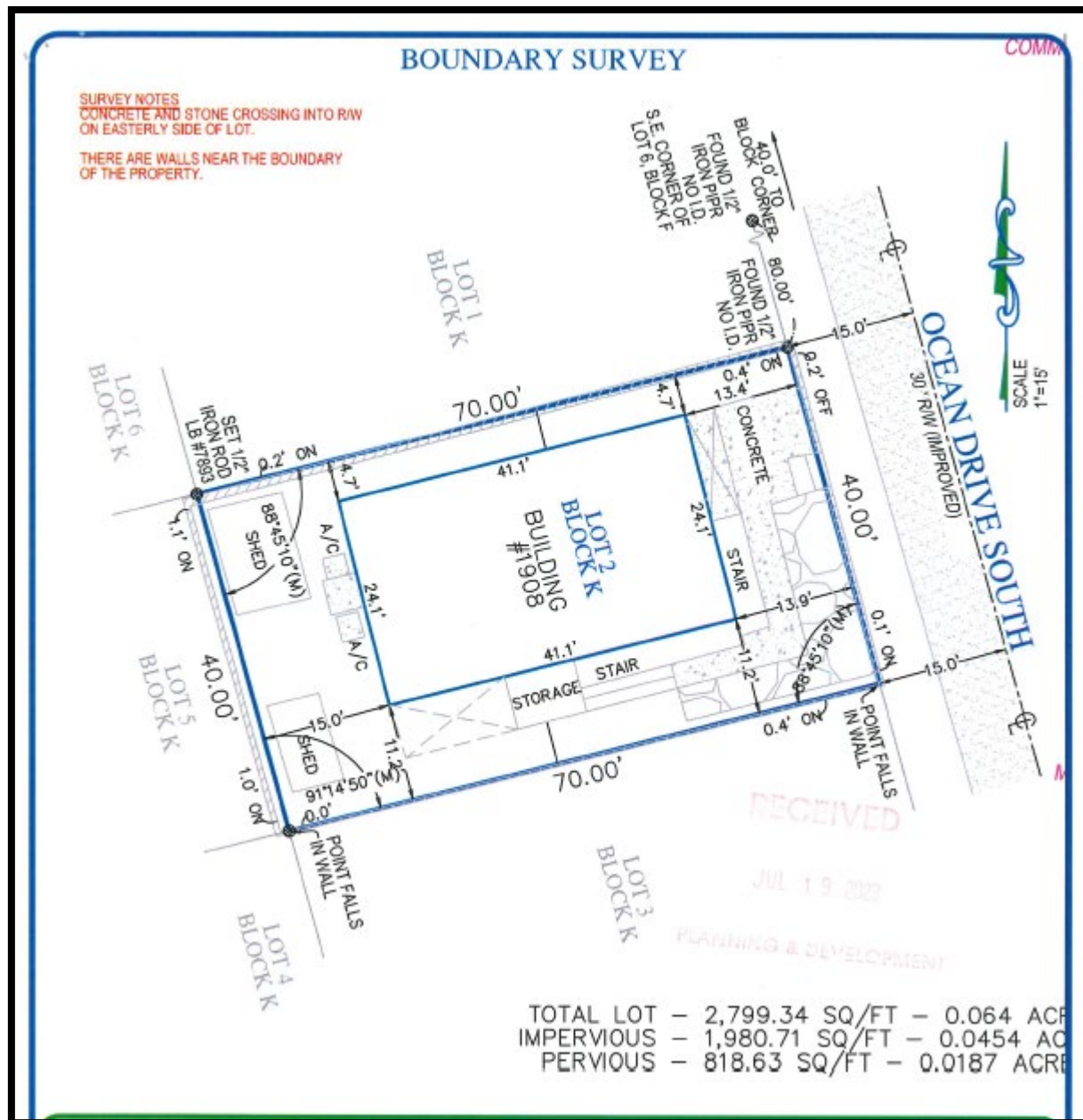
Staff Recommendation

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#23-100081**

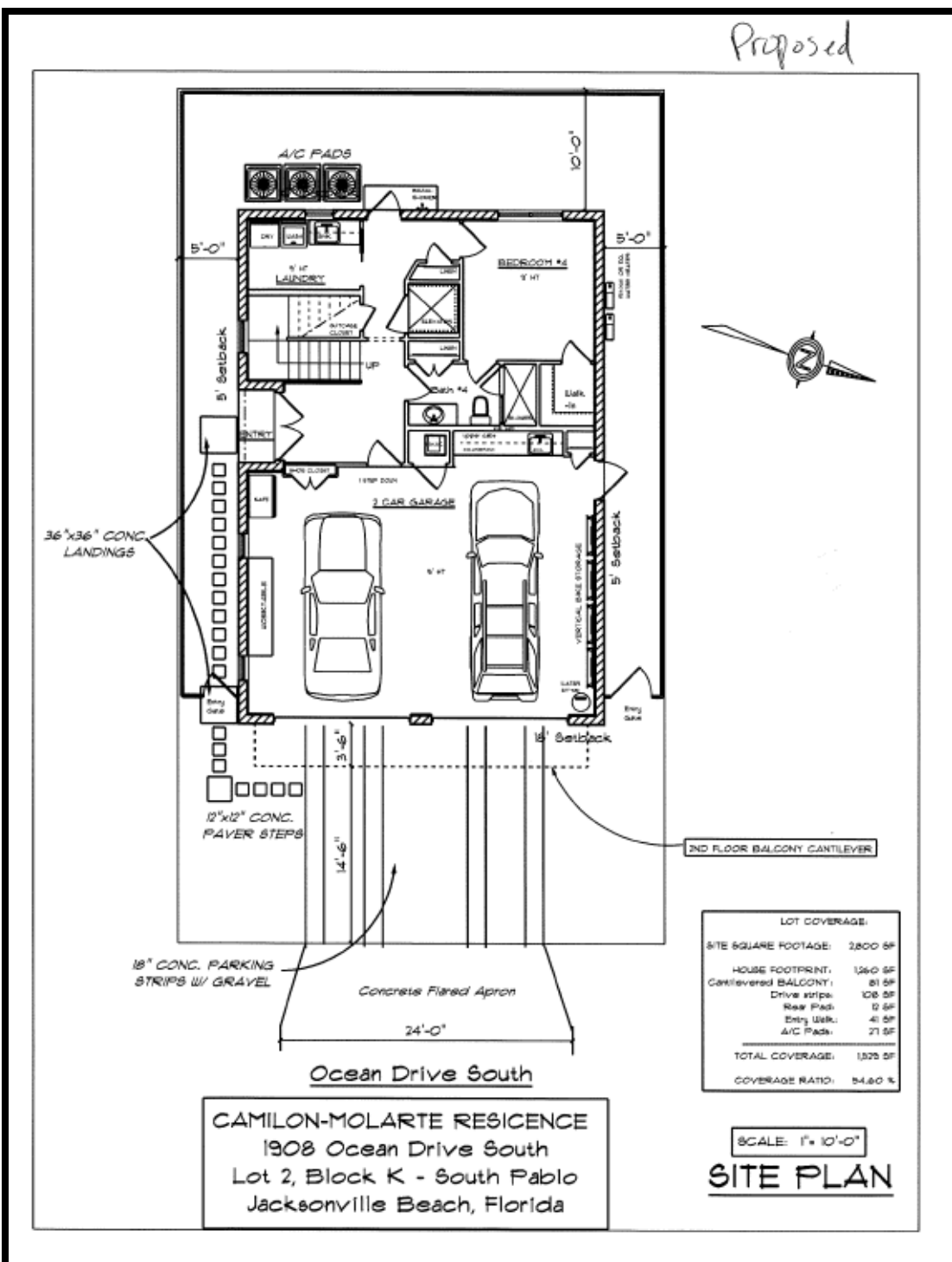
Location Map (property boundaries are representative only)



Existing Survey



Proposed Site Plan





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

Proposed Elevation Plan





APPLICATION FOR VARIANCE

BOA No. 23-100681

HEARING DATE 9-6-23

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

REQUIRED DOCUMENTATION

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

APPLICANT INFORMATION

Applicant Name:	Frank Gamel, Jr./Gamel Construction Co., Inc.	Telephone:	904.868.0449
Mailing Address:	1223 Trailwood Drive Neptune Beach, FL 32268	E-Mail:	gamelconstruction@gmail.com gamelconstruction.alexis@gmail.com
Agent Name:	Frank Gamel, Jr./Gamel Construction Co., Inc.	Telephone:	904.868.0449
Mailing Address:	1223 Trailwood Drive Neptune Beach, FL 32268	E-Mail:	gamelconstruction@gmail.com gamelconstruction.alexis@gmail.com
Landowner Name:	Felizardo S. Camilon, Jr. & Althea B. Molarte	Telephone:	714.392.4847
Mailing Address:	505 Main Street, Suite 275 Orange, CA 92868-4547	E-Mail:	abmolarte@yahoo.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: 1908 Ocean Drive South, Jacksonville Beach, FL 32250
 Legal description of property (Attach copy of deed): 9-44 03-3S-29E Permenters R/P Atlantic Camp Grounds Lot 2 Blk K
 Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary):
Front Setback: 14' 6" for the 2nd & 3rd floor in lieu of 18'

AFFIDAVIT

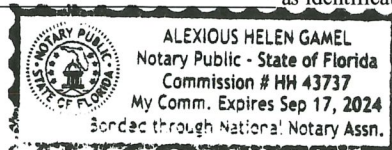
I, Frank Gamel, Jr., being first duly sworn, attest that I am applying for a variance pursuant to Article 6, Section 6.6 of the Jacksonville Beach Land Development Code for the property described above; that all answers to questions in this application, the submitted boundary survey and other supplementary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

[Signature] Frank Gamel, Jr. 7/19/2023
 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 19 day of July, 2023, by Frank Gamel, Jr., who is personally known to me or produced as identification.

[Signature]
 NOTARY PUBLIC SIGNATURE
 Alexis H. Gamel



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RM-2 FLOOD ZONE: X
 CODE SECTION (S):
 Section(s): 34-338(e)(1)e, for lot coverage of 54.60% in lieu of 35% maximum; and 34-340(e)(1)c.(1), for a front yard setback of 14.6 feet in lieu of 20 feet minimum, to allow for 2nd and 3rd floor balcony additions to an existing single-family dwelling for property addressed 1908 Ocean Drive, RE# 179378-0000, legally described as Lot 2, Block K, Permenters Replat of Atlantic Camp Grounds

Prepared By:

Gibraltar Title Services, LLC
Attn: Kristen Arranz
4190 Belfort Rd., Suite 475
Jacksonville, FL 32216

Return To:

Gibraltar Title Services, LLC
Attn: David Ubbens
4190 Belfort Rd., Suite 475
Jacksonville, FL 32216

RECEIVED

JUL 19 2023

Order No.: GTS-2310090

PLANNING & DEVELOPMENT

Property Appraiser's Parcel I.D. (folio) Number:
179378-0000

WARRANTY DEED

THIS WARRANTY DEED dated April 4, 2023, by Doris A. Smith, an unmarried woman, whose post office address is 2521 Glade Springs Drive, Jacksonville, Florida 32246-7122 (the "Grantor"), to Felizardo S. Camilon, Jr. and Althea B. Molarte, husband and wife, whose post office address is 505 South Main Street, Suite 275, Orange, California, 92868-4547 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of Duval, State of Florida, viz:

Lot 2, Block K, PERMENTER'S REPLAT OF SOUTH PABLO OR ATLANTIC CAMP GROUNDS, according to the map or plat thereof, as recorded in Plat Book 9, Page(s) 44, of the Public Records of Duval County, Florida.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Subject to easements, restrictions, reservations and limitations of record, if any.

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

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2022.

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

Signed, sealed and delivered in presence of:

[Signature]
Witness Signature

JAMES A CRUNDEN
Printed Name of First Witness

[Signature]
Witness Signature

Kristen W. Aranz
Printed Name of Second Witness

Doris A. Smith
Doris A. Smith

Grantor Address:
2521 Glade Springs Drive
Jacksonville, FL 32246-7122

State of Florida
County of Duval

THE FOREGOING instrument was acknowledged before me by means of (X) physical presence or () online notarization, this 4th day of April, 2023, by Doris A. Smith, who has produced her driver's license as identification.

[Signature]
Notary Public - State of Florida

JAMES A CRUNDEN
Name of Notary Typed, Printed or Stamped

My Commission Expires: JAN 23, 2025

(Notary Seal)



VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. _____

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

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	The minimum lot requirement is 60' wide with a total square footage of 6,000 sq/ft. This lot is 40' wide and only 2,800 sq/ft.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	The proposed lot coverage, including the cantilevered balcony is currently 54.6%, which is below the granted variance (BOA#23-100020) which allows for lot coverage up to 51%.
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 cantilevered balcony will not lower or impede street visibility and will likewise not reduce room for driveway parking.
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	If the lot met the minimum requirement of 60' wide x 100' deep this house would be within the required setbacks. Several neighboring properties have been approved for similar front setback variances: BOA#06-100077: 11.5' in lieu of 20' BOA#06-100101: 9' in lieu of 20' BOA#10-100025: 5' in lieu of 20' BOA#20-100124: 13' in lieu of 20' BOA#21-100028: 14' in lieu of 25'
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	The cantilevered balconies are a minimally invasive way to enjoy outdoor living space & ocean views while still being under the granted coverage ratio of 51% while not further impeding street visibility and parking. (Current plan coverage ratio is 54.6%.)
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.	Yes	This property will be a primary residence for a married couple, who are very excited to be an active part of the local community. The elevation of the proposed home is consistent with nearby residences and will add value and aesthetic to the neighboring properties.

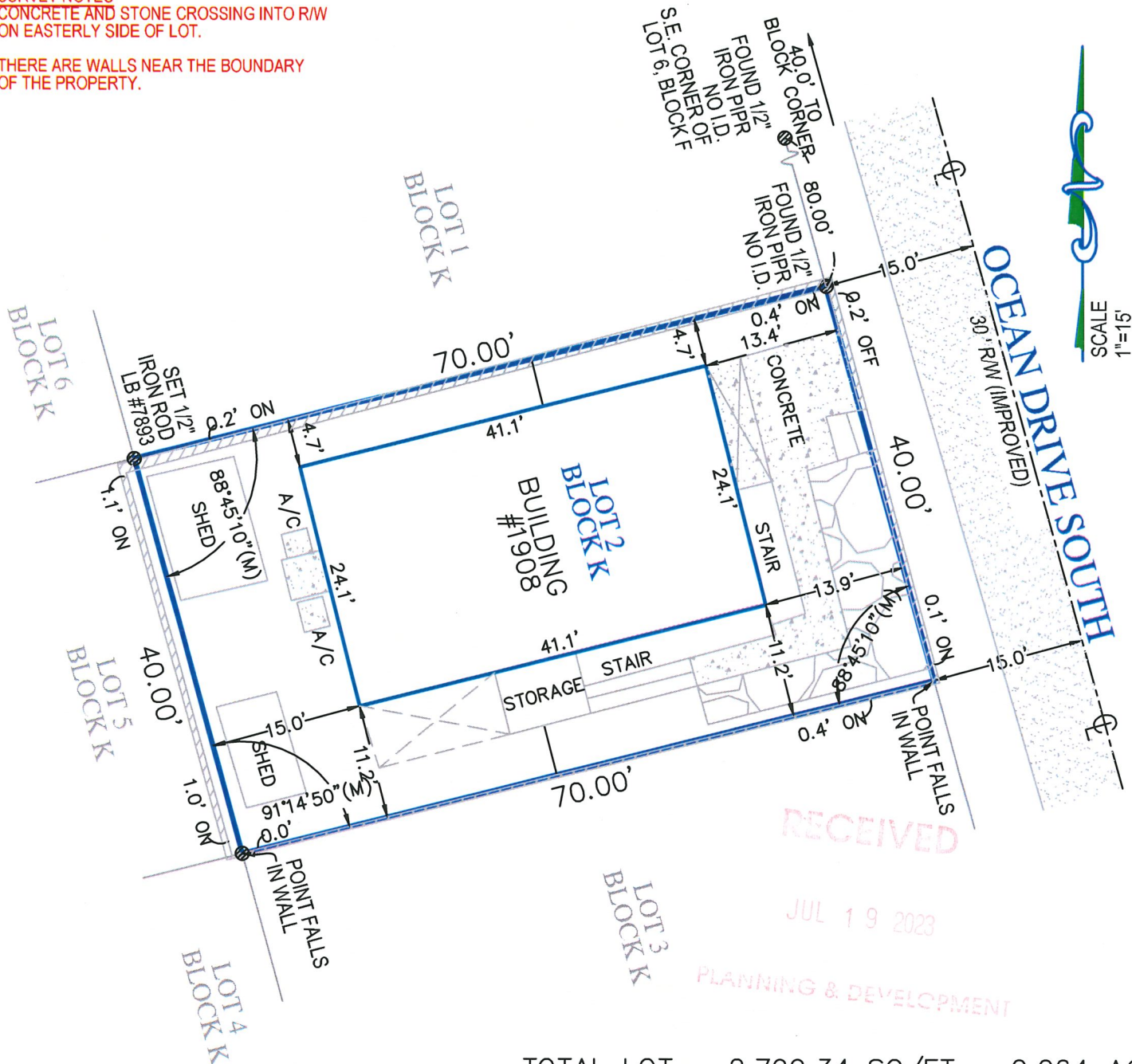
BOUNDARY SURVEY

COMM

SURVEY NOTES

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

THERE ARE WALLS NEAR THE BOUNDARY
OF THE PROPERTY.

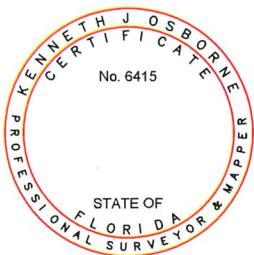


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PLANNING & DEVELOPMENT

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



SURVEYORS CERTIFICATE

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

**Kenneth
Osborne**

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



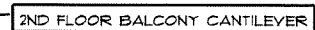
SERVING FLORIDA

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

(SIGNED)

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

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



LOT COVERAGE:	
SITE SQUARE FOOTAGE:	2,800 SF
HOUSE FOOTPRINT:	1,260 SF
Cantilevered BALCONY:	81 SF
Drive strips:	108 SF
Rear Pad:	12 SF
Entry Walk:	41 SF
A/C Pads:	27 SF
TOTAL COVERAGE:	1,529 SF
COVERAGE RATIO:	54.60 %

SITE PLAN

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

7022 3330 0001 5233 1793

FILE COPY

April 7, 2023

Felizardo S. Camilon , Jr.
505 S. Main St. Ste 275
Orange, CA 92868

cc: gamelconstruction@gmail.com

DEVELOPMENT ORDER FOR VARIANCE

BOA#23-100020
1908 Ocean Drive
Lot 2, Block K, of *Permenter's Replat of Atlantic Camp Grounds*

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 6:00 p.m. on Tuesday, April 4, 2023, in the City Council Chambers located at 11 3rd Street North, Jacksonville Beach, Florida, to consider a development permit application requesting to deviate from the requirements of the Land Development Code as described below:

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

To allow for construction of a new single-family dwelling

In support of its request for a variance, the applicant submitted an application, with supporting documentation. At the public hearing, the applicant supplemented the application with additional documentation and testimonial evidence.

Based on the review and discussion of said application and the consideration of any competent substantial evidence in the form of the staff report and testimony provided during the duly advertised public hearing, the Board of Adjustment determined these application for development met all the standards applicable for authorizing a variance pursuant to Land Development Code Section 34-286.

Upon this competent substantial evidence, The Board **Approved** the request based on the applicant's ability to provide sufficient evidence to meet all the standards.

This development order does not constitute final approval to commence the development proposed in the referenced application(s). The applicant shall comply with all other applicable requirements of the Land Development Code, including any additional review requirements, and shall apply for and obtain all necessary permits before initiating development. Information about permitting, including official address assignments, application forms, and checklists, is available in our office or online at www.jacksonvillebeach.org/coast.

CONTINUED ON PAGE 2

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org





DEPARTMENT OF PLANNING & DEVELOPMENT

Attached is a copy of the submitted site plan for your records. Copies of this development order and the attached site plan shall be submitted when applying for any future development or building permit applications.

Sincerely,

Christian Popoli
Senior Planner

DISCLAIMER

As provided by subsection 166.033(6), Florida Statutes, issuance of a variance by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. It is hereby a condition that all other applicable state or federal permits be obtained before commencement of the development.

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org

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JUL 19 2023

PLANNING & DEVELOPMENT



BOA#23-100020

July 15, 2023

Felizardo S. Camilon, Jr.
Althea B. Molarte
505 Main Street, Suite 275
Orange, CA 92868-4547

RE: 1908 Ocean Drive, Jacksonville Beach, FL 32250
RE# 179378-0000

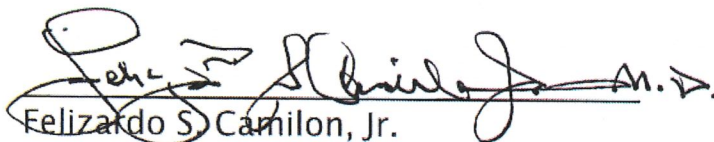
To Whom It May Concern,

We, Felizardo S. Camilon, Jr. & Althea B. Molarte, lawful owners of the real property located at:

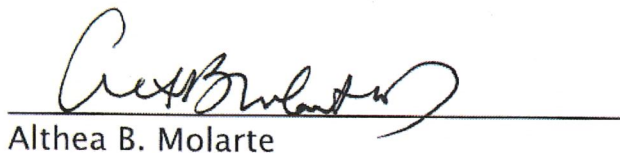
1908 Ocean Drive, Jacksonville Beach, FL 32250
RE# 179378-0000

Authorize:
Frank Gamel, Jr. & Gamel Construction Company, Inc.

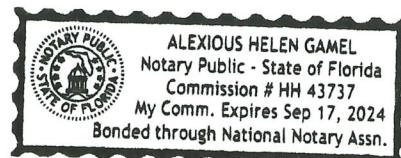
To act on our behalf as our agent in regard to the variance request for building purposes with the City of Jacksonville Beach. We likewise, authorize Frank Gamel, Jr. to discuss and fill out any and all documentation with the City of Jacksonville Beach, Beaches Energy or any and all municipal entities in connection with the variance request or the building process.


Felizardo S. Camilon, Jr.

July 15, 2023


Althea B. Molarte

July 15, 2023



 7/15/2023



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

BOA#23-100082

Zoning: RM-2
RE: 174600-0005
Legal: Lot 8, Block 122 Pablo Beach North R/P
Address: 111 N 11th Ave

Request

Section(s): 34-338(e)(1)e, for lot coverage of 55.67% in lieu of 35% maximum to allow for a new swimming pool and pool deck at an existing single-family dwelling **for property addressed** 111 North 11th Avenue, **RE#** 174600-0005, **legally described as** Lot 8, Block 122 *Pablo Beach North R/P*

Existing Conditions

The subject property is apportion of a nonconforming lot of record located in the High Density Residential future land use category. The property is currently zoned Residential Multiple Family: RM-2. The lot is 59.96 feet in width, and 52.95 feet in depth, with an overall lot area of 3,176.55 square feet. The subject home was constructed in 2022, and was granted a variance for front yard setbacks of 5 feet for the west half and 6 feet for the east half in lieu of 30 feet minimum; for rear yard set back of 12 feet in lieu of 30 feet minimum; and for 40.38% lot coverage in lieu of 35% maximum. The property was initially constructed as a two family dwelling and was subsequently split after construction, resulting in a substandard lot. The applicants purchased the property in 2023, after the lot was divided. The previous variance was approved at the Tuesday, May 18, 2021 meeting. The subject property has a current lot coverage of 44.97% after the lot split and is asking for a variance to increase lot coverage to 55.67% in lieu of 35% maximum to allow for a new swimming pool and pool deck at an existing single-family dwelling.

BOA#21-100045 & 21-100045: 34-340(e)(1) c.1, for front yard setbacks of 5 feet for the west half and 6 feet for the east half in lieu of 20 feet minimum; 34-340(e)(1) c.2, for a rear yard setback of 12 feet in lieu of 30 feet minimum; and 34-340(e)(1)f, for 40.38% lot coverage in lieu of 35% maximum.



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

Staff Analysis

The subject property is substandard in size, it measures 3,176.55 square feet in rather than the 6,000 square feet minimum requirement in the RM-2 zoning district. The applicant is proposing to construct a new swimming pool and pool deck to an existing single-family dwelling. A variance to allow the proposed project is a reasonable request, as the applicant is not at fault regarding the circumstances existing to the subject parcel of land. 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 (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: Ten (10) feet for each side yard, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear yard: Thirty (30) feet.
- Floor area: A two-family dwelling structure shall contain a minimum of one thousand six hundred (1,600) square feet of conditioned living area. Each unit within a duplex structure shall contain a minimum of eight hundred (800) square feet of conditioned living area excluding garage or carport.
- Wall separation. Two-family dwellings shall contain a two (2) hour fire resistant wall between units.
- Maximum lot coverage: Thirty-five (35) percent.
- Height: Thirty-five (35) feet.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.



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

Review of Criteria

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

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

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. Though they were created recently, the applicant is a new owner and was not responsible for the creation of the new lot.

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

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

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. If the code were applied literally, the applicant would struggle to meet all the requirements for home size, pool, and decking requirements and overall be severely hampered in design as compared to other structures in the RM-2 district and other properties immediately adjacent. Additionally, the home is already nonconforming even from the previous variance as the lots were not split evenly with the subject property smaller than the lot created on the corner, leaving this lot over the previously approved lot coverage.



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 lot coverage of 55.67% in lieu of 35% maximum.

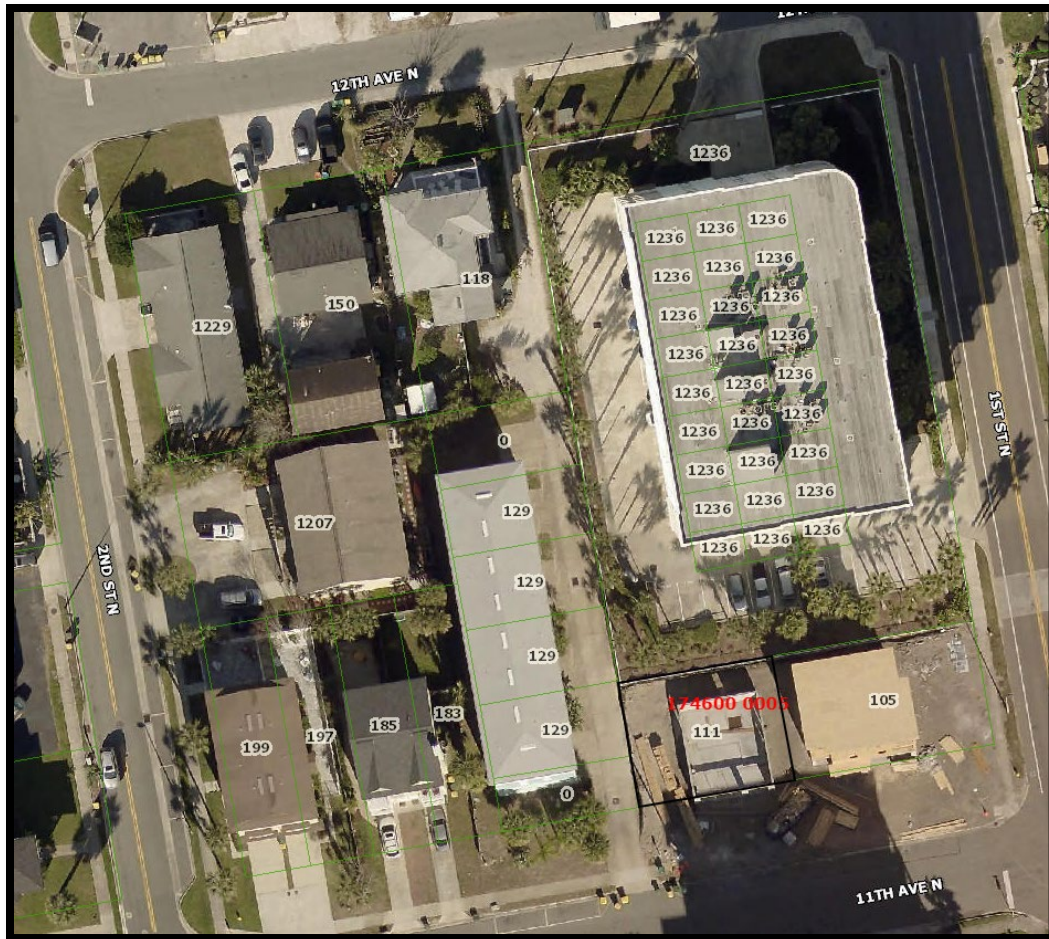
6. Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.

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.

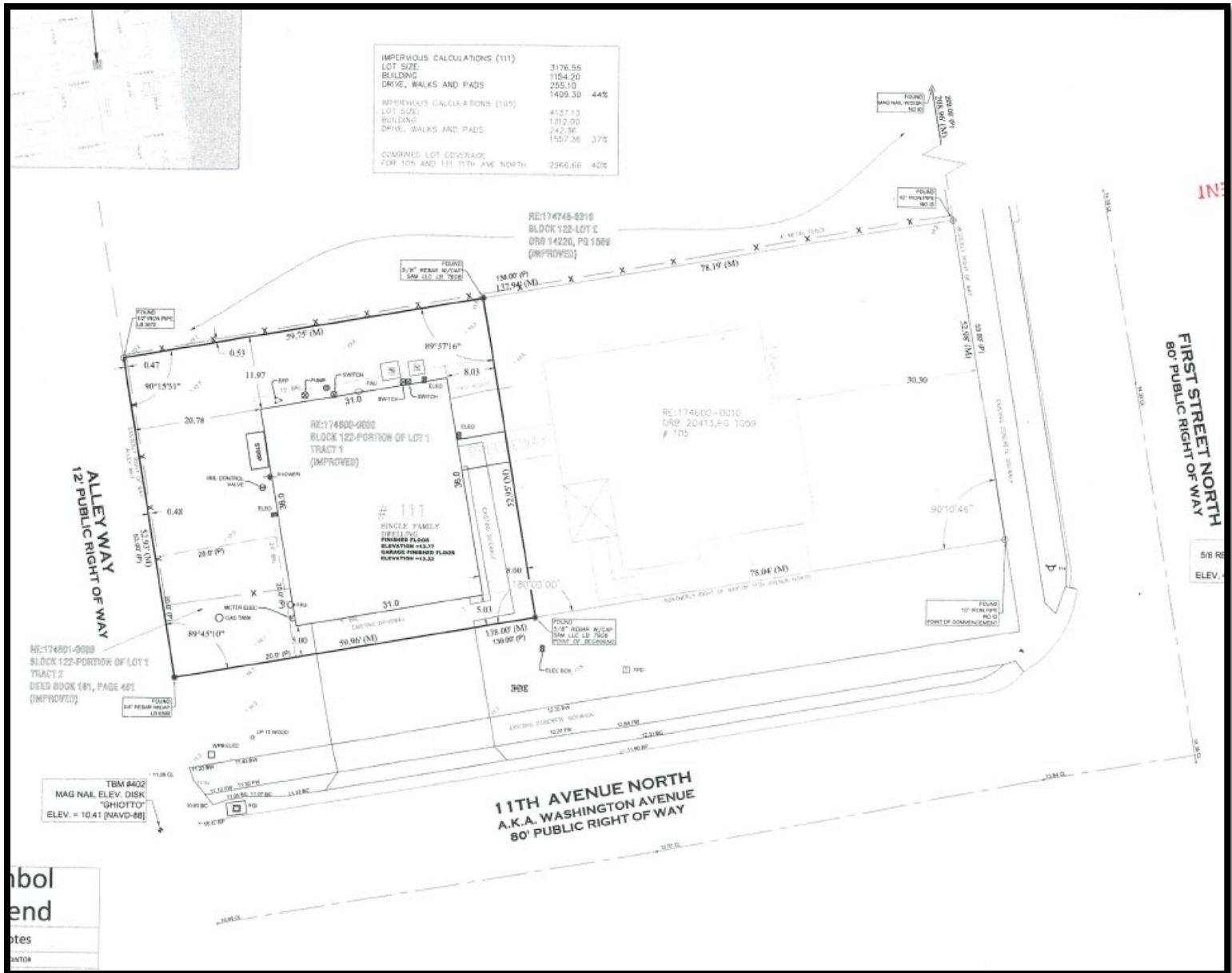
Staff Recommendation

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#23-100082**

Location Map (property boundaries are representative only)



IMPERVIOUS CALCULATIONS (111)	
LOT SIZE	3176.55
BUILDING	1154.20
DRIVE, WALKS AND PAD	255.10
	1409.30 44%
IMPERVIOUS CALCULATIONS (105)	
LOT SIZE	4127.13
BUILDING	1212.00
DRIVE, WALKS AND PAD	242.36
	1557.36 37%
COMBINED LOT COVERAGE	
FOR 105 AND 111 11TH AVE NORTH	2966.66 40%



[illegible]

[illegible]



APPLICATION FOR VARIANCE

BOA No. 23-100082
HEARING DATE 9.6.23

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

REQUIRED DOCUMENTATION

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

APPLICANT INFORMATION

Applicant Name: MITCHELL TIDWELL **Telephone:** (904) 885-3263
Mailing Address: 2208 HUNTERWOOD CT **E-Mail:** mitch@tauruspools.com
JACKSONVILLE, FL 32225

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

Landowner Name: DANIEL RYAN **Telephone:** (904) 708-5282
Mailing Address: 111 11TH AVE N **E-Mail:** daniel.j.ryan@me.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: 111 11TH AVE N, JACKSONVILLE BEACH, FL 32250 - RE#174600-0005
Legal description of property (Attach copy of deed): 5-66 28-2S-29E .07 PABLO BEACH NORTH R/P PT LOT 1 BLK 122
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).

REQUESTING LOT COVERAGE VARIANCE TO 55.67% TO ALLOW INSTALLATION OF NEW POOL AND DECKING. THIS WOULD BE THE EQUIVALENT OF 29.48% LOT COVERAGE IF THE LOT WERE THE STANDARD 6,000 SF. SEE ATTACHED DRAWINGS.

AFFIDAVIT

I, MITCHELL TIDWELL, 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

MITCHELL TIDWELL
PRINT APPLICANT NAME

7/19/23
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19th day of July, 2023, by Mitchell Tidwell, who is personally known to me or produced _____ as identification.

[Signature]
NOTARY PUBLIC SIGNATURE
David Godward
PRINT NOTARY NAME



David Godward
Notary Public
State of Florida
Comm# HH151804
Expires 7/11/2025

(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RM-2

FLOOD ZONE: X

CODE SECTION (S):
Section(s): 34-338(e)(1)e, for lot coverage of 55.67% in lieu of 35% maximum to allow for a new swimming pool and pool deck at an existing single-family dwelling for property addressed 111 North 11th Avenue, RE# 174600-0005, legally described as Lot 8, Block 122 Pablo Beach North R/P

This Instrument Prepared by:
Blake F. Deal, III., Esquire
Briley & Deal, LLC
1525B The Greens Way, Suite 200
Jacksonville Beach, Florida 32250
File No. 22-0059

Corporate Warranty Deed

This Indenture, made this 6th day of October, 2022, between **Atkins Builders, Inc., a Florida corporation**, whose post office address is: **PO Box 51262, Jacksonville Beach, Florida 32240**, Grantor, and **Daniel James Ryan and Julie Ann Ryan, husband and wife**, whose post office address is: **111 11th Ave. N., Jacksonville Beach, Florida 32250**, Grantee.

Witnesseth, that the said Grantor, for and in consideration of the sum of \$1,600,000.00, to it in hand paid by the said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee forever, the following described land, situate, lying and being in the County of **Duval**, State of Florida, to wit:

See Exhibit A attached hereto and by reference made a part hereof.

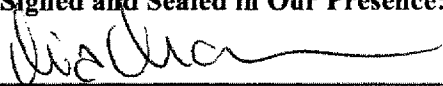
Parcel Identification No.: 174600-0000

Subject to taxes subsequent to December 31, 2021, covenants, restrictions and easements of record, if any.

And the said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said Grantor has caused this instrument to be executed in its name by its duly authorized officer and caused its corporate seal to be affixed the day and year first above written.

Signed and Sealed in Our Presence:



First Witness Signature

Mia Miskovic

Print Witness Name



Second Witness Signature

Nancy A. McAlum

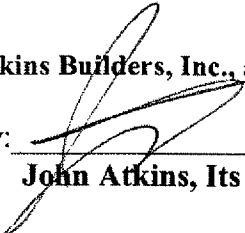
Print Witness Name

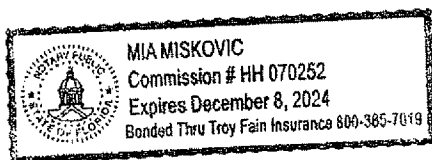
State of Florida
County of Duval

The foregoing instrument was acknowledged before me by means of ☒ physical presence or [] online notarization, this 6th day of October, 2022, by John Atkins, the President of Atkins Builders, Inc., a Florida corporation existing under the laws of the State of Florida, on behalf of the corporation, who is personally known to me or has produced a driver's license as identification.

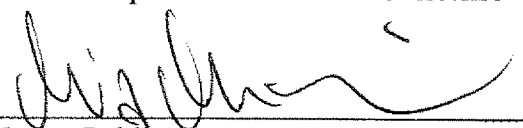
Atkins Builders, Inc., a Florida corporation

By:


John Atkins, Its President



Notary Seal


Notary Public
My Commission Expires

This instrument prepared by
(without examination of title)
and after recording return to:

Mark F. Moss
Law Offices of Mark F. Moss, PLLC
12276 San Jose Blvd
Suite 520
Jacksonville, Florida 32223

174600-0000
Property Appraiser's Parcel
Identification Number(s)

WARRANTY DEED
(Enhanced Life Estate Deed)

The Grantors, Daniel James Ryan and Julie Ann Ryan, husband and wife, in consideration of Ten and No/100 Dollars (\$10.00) and other valuable consideration received from the Grantees, hereby grants and conveys to the Grantees, Christine J. Ross, Katheryn L. Ross, and Joshua Ryan, whose mailing addresses are 1412 1st Street North, Apt 305, Jacksonville Beach, FL 32250, 13300 Atlantic Boulevard, #418, Jacksonville, FL 32225, and 104 West Street, Swanzey, NH 03446, respectively, to hold as Joint Tenants with Right of Survivorship, all of the Grantor's right, title and interest in and to certain property located in Duval County, Florida (the "Property"), but subject to the reservation of the Grantor's rights enumerated below. The Property is more particularly, described as follows:

See Exhibit A attached hereto and by reference made a part hereof.

The Grantors reserve to themselves, as Life Tenants, an enhanced life estate in the Property, being the exclusive possession, use and enjoyment of the Property and its rents and profits, without liability for waste, and specifically reserves to themselves the following rights, exercisable without the joinder of the remainder beneficiaries and with or without consideration: to sell, lease, encumber, or pledge the Property; to manage or dispose of all or part of the Property or to grant any interest in the Property, all by gift, sale, or otherwise; to retain any and all proceeds generated by a sale, lease, or encumbrance, as the Life Tenant in their sole discretion decides; to terminate the interest of the Grantees by the exercise of any right retained in this deed, including the right to cancel this deed by further conveyance to themselves or to anyone else. The Grantors retain the present possessory rights to the property described above.

The Grantors warrant that the property is free of all encumbrances, except the lien for real estate taxes not yet due and payable and restrictions, reservations, and easements of record, and that lawful seisin of and good right to convey the property are vested in the Grantors. The Grantors

hereby fully warrants the title to the property and will defend the same against the lawful claims of all persons.

NOTE TO CLERK, DEPARTMENT OF REVENUE AUDITORS, PROPERTY TAX APPRAISER, AND TAX COLLECTOR: This deed is exempt for deed documentary tax pursuant to Letter of Technical Advice No.00B4-024 and does not result in loss of previously filed Homestead Exemption or re-assessment of property value pursuant to FS 193.155, FS 193.1554, and AGO 2001-31 (April 26, 2001).

THE PROPERTY IS THE HOMESTEAD OF THE GRANTORS.

Signed on June 9, 2023.

Signed in the presence of:

Mark F. Moss
Witness: Mark F. Moss

Sarah Johnson
Witness: Sarah Johnson

Mark F. Moss
Witness: Mark F. Moss

Sarah Johnson
Witness: Sarah Johnson

Daniel J. Ryan
Daniel J. Ryan
111 11th Avenue North
Jacksonville Beach, FL 32250

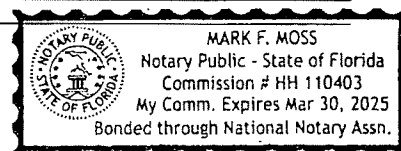
Julie Ryan
Julie Ryan
111 11th Avenue North
Jacksonville Beach, FL 32250

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me on June 9, 2023, by Daniel James Ryan and Julie Ann Ryan.

Physical Presence ✓
Online Notarization _____
Personally Known _____
Produced Identification ✓
Type of Identification FDI

Mark F. Moss
Notary Public--State of Florida
Print Notary Name: _____
My Commission Number is: _____
My Commission Expires: _____



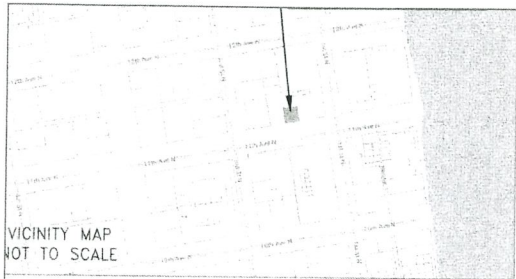
VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. _____

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.

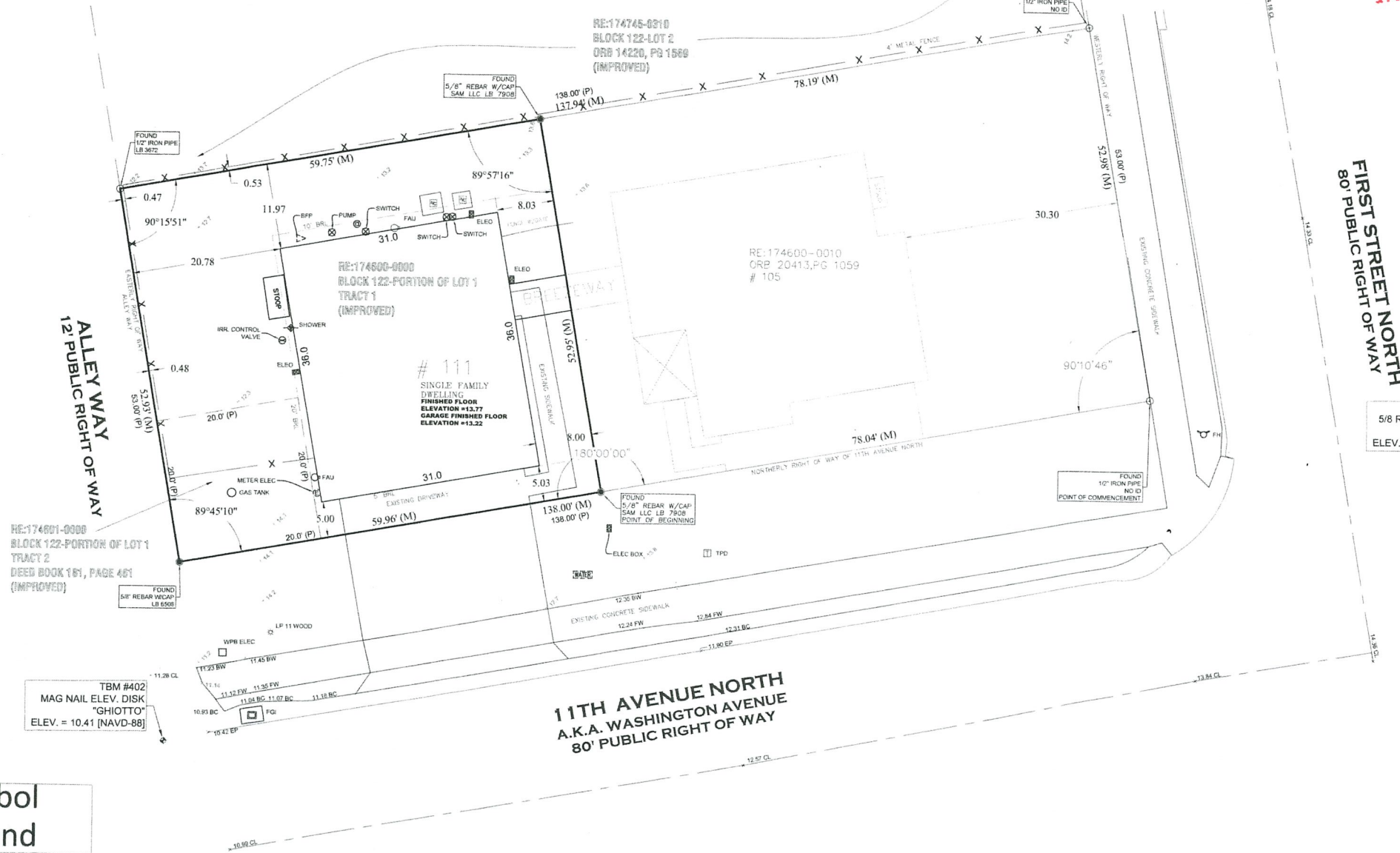
Section 34-286. Standards applicable to all variances. In order to authorize any variance from the terms of this code, the Board of Adjustment must find that the following criteria have been met. To assist the Board in making this finding, please complete the blanks on the form below.

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 IS 3176.55 SF, WHICH IS SMALLER THAN THE LOT STANDARD OF 6,000 SF FOR THIS TYPE OF LOT IN THIS ZONING DISTRICT
Special circumstances and conditions do not result from the actions of the applicant.	YES	APPLICANT HAS NO CONTROL OF THE LOT SIZE
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	THIS VARIANCE WILL GIVE THE LAND OWNER A SIMILAR LOT COVERAGE CAPABILITY THAT THE STANDARD LOT SIZES ENJOY
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	STANDARD LOT SIZES WITHIN THE SAME ZONING DISTRICT ENJOY LARGER AREAS OF LOT COVERAGE CAPABILITY THAT THIS LOT IS NOT ABLE TO ACHIEVE
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	THE REQUESTED LOT COVERAGE WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PARCEL
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	YES	GRANTING THIS VARIANCE WOULD NOT ADVERSELY AFFECT ADJACENT LAND



VICINITY MAP
NOT TO SCALE

IMPERVIOUS CALCULATIONS (111)			
LOT SIZE:	3176.55		
BUILDING	1154.20		
DRIVE, WALKS AND PADS	255.10		
	1409.30	44%	
IMPERVIOUS CALCULATIONS (105)			
LOT SIZE:	4137.13		
BUILDING	1312.00		
DRIVE, WALKS AND PADS	242.36		
	1557.36	37%	
COMBINED LOT COVERAGE FOR 105 AND 111 11TH AVE NORTH			
	2966.66	40%	



TBM #402
MAG NAIL ELEV. DISK
"GHOTTO"
ELEV. = 10.41 [NAVD-88]

11TH AVENUE NORTH
A.K.A. WASHINGTON AVENUE
80' PUBLIC RIGHT OF WAY

SCALE: 1/20" = 1 FT

MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF:

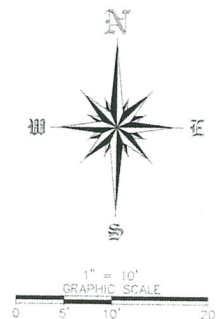
BEING A PORTION OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA, ALSO BEING PORTION OF LOT 1, PABLO BEACH IMPROVEMENT COMPANY'S PLAT-OF PART OF NORTHERN PORTION OF PABLO BEACH, FLORIDA, DATED MAY 1913 AND REPLATTED BY ENGINEERING & CONSTRUCTION COMPANY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF WESTERLY RIGHT OF WAY OF FIRST STREET NORTH AND THE NORTHERLY RIGHT OF WAY OF 11TH AVENUE NORTH, THENCE ALONG THE NORTHERLY RIGHT OF WAY OF 11TH AVENUE NORTH, A DISTANCE OF 78.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RIGHT OF WAY WITH AN INTERIOR ANGLE OF 180°00'00" FROM THE NORTHERLY RIGHT OF WAY OF SAID 11TH AVENUE NORTH, A DISTANCE OF 59.96 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF ALLEY WAY; THENCE WITH AN INTERIOR ANGLE OF 89°45'10" FROM THE RIGHT OF WAY OF 11TH AVENUE NORTH, A DISTANCE OF 52.93 FEET TO A POINT ON THE SOUTHERLY LOT LINE OF OFFICIAL RECORDS BOOK 14220, PAGE 1569; THENCE WITH AN INTERIOR ANGLE OF 90°15'51", FROM PREVIOUS LOT LINE, A DISTANCE OF 59.75 FEET TO A POINT ON THE WESTERLY LOT LINE OF A PORTION OF LOT 1 PREVIOUSLY DEEDED BY THE GRANTOR; THENCE WITH AN INTERIOR ANGLE OF 89°57'16", ALONG THE WESTERLY LOT LINE OF A PORTION OF LOT 1, PREVIOUSLY DEEDED BY THE GRANTOR, A DISTANCE OF 52.95 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,176.55 SQUARE FEET OR 0.07 ACRES

FOR:

BRILEY & DEAL, LLC
DAN RYAN & JULIE RYAN
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
KEYBANK NATIONAL ASSOCIATION



FIRST STREET NORTH
80' PUBLIC RIGHT OF WAY

TBM #401
5/8 REBAR W/TRA CAP
"GHOTTO"
ELEV. = 14.90 [NAVD-88]

LEGEND & ABBREVIATIONS

BC	BACK OF CURB	ELEV	ELEVATION	PB	PLAT BOOK
BFP	BACK FLOW PREVENTER	FH	FIRE HYDRANT	TPD	TELEPHONE PEDESTAL
BRL	BUILDING RESTRICTION LINE	LB	LICENSED BUSINESS	RE	REAL ESTATE NUMBER
BW	BACK OF WALK	LP	LIGHT POLE	WW	WATER VALUE
CL	CENTER LINE	OR	OFFICIAL RECORD BOOK	WPB	WIRE PULL BOX
ELEC	ELECTRIC	PG	PAGE	(C)	CALCULATED/CORRECT COURSE
ELEC	ELECTRIC	RAW	RIGHT OF WAY	(P)	RECORD COURSE
ELEC	ELECTRIC	NAVD-88	NAVD-88	(M)	MEASURED COURSE
FW	FACE OF WALK	DATUM	NORTH AMERICAN VERTICAL		
ID	IDENTIFICATION				

GENERAL NOTES:

- NO BEARINGS SHOWN HEREON. PLAT OF RECORD DOES NOT CONTAIN ANY ANGULAR INFORMATION.
- MEASUREMENT METHODS USED FOR THIS SURVEY MEET STANDARDS OF PRACTICE FOR LAND SURVEYING AS SET FORTH IN FLORIDA ADMINISTRATIVE CODE CHAPTER 5 J-17.050-052 REQUIREMENTS.
- UNDERGROUND IMPROVEMENTS AND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY, EXCEPT AS SHOWN HEREON.
- BY GRAPHICAL PLOTTING ONLY, THIS PROPERTY LIES WITHIN THE FOLLOWING FLOOD ZONE: ZONE X AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 1203100417J, EFFECTIVE NOVEMBER 02, 2018. NO FIELD SURVEY WAS PERFORMED TO DETERMINE ZONES.
- THIS BOUNDARY WAS PREPARED WITHOUT THE BENEFIT OF TITLE ABSTRACT. PROPERTIES SURVEYED HEREON MAY BE AFFECTED BY EASEMENTS, OR OTHER MATTERS OF PUBLIC RECORD, THAT WOULD BE DISCLOSED IN A TITLE ABSTRACT.
- THE BOUNDARY SURVEY WAS PREPARED IN ACCORDANCE WITH THE DEED OF RECORD(S) AS INDICATED IN THE DUVAL COUNTY PROPERTY APPRAISER'S OFFICE AND RECORDED IN THE OFFICIAL RECORDS OF DUVAL COUNTY, FLORIDA.
- ELEVATIONS SHOWN HEREON REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88), AND ARE REFERENCED TO NATIONAL GEODETIC SURVEY, DESIGNATION AS B-324 SAID BENCHMARK BEING BENCHMARK DISK, SET IN A LIGHT STRUCTURE ON THE SOUTH SIDE OF SEVENTH AVENUE, 17.4 WEST OF THE WEST CURB OF STATE HIGHWAY A1A SOUTHBOUND LANES, HAVING AN ELEVATION OF 10.15.

Symbol Legend

Symbol	Denotes
AC	AIR CONDITOR
BFP	BACK FLOW PREVENTOR
CO	CLEAN OUT
DM	DRAINAGE MANHOLE
EO	ELECTRIC OUTLET
EM	ELECTRIC METER
FGI	FLAT GRATE INLET
FA	FLOW ARROW
HB	HOSE BIN
HY	HYDRANT
IP	IRON PIPE
IROR	IRON ROD OR REBAR
LP	LIGHT POLE
SW	SWITCH
WM	WATER METER
N&D	NAIL AND DISK
IP	IRON PIPE
SH	SHOWER
TP	TELEPHONE PEDSTAIL
WV	VALVE WATER

JOHN S. THOMAS P.S.M. NO. 6223
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAP

RYAN POOL

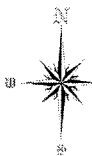
MAP SHOWING BOUNDARY & TOPOGRAPHIC SURVEY OF:

BEING A PORTION OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 29 EAST, DUAL COUNTY, FLORIDA, ALSO BEING PORTION OF LOT 1, PABLO BEACH IMPROVEMENT COMPANY'S PLAT OF PART OF THE NORTHERN PORTION OF PABLO BEACH, FLORIDA, DATED 11/11/1997, AS SHOWN ON THE PLAT, AND SPECIFICALLY DESCRIBED AS FOLLOWS:

TO THE POINT OF BEGINNING, THENCE ALONG THE WESTERLY RIGHT OF WAY OF FIRST STREET NORTH, A DISTANCE OF 177' 11" TO THE INTERSECTION OF WESTERLY RIGHT OF WAY OF FIRST STREET NORTH AND THE NORTHERN RIGHT OF WAY OF 11TH AVENUE NORTH, THENCE ALONG THE NORTHERLY RIGHT OF WAY OF 11TH AVENUE NORTH, A DISTANCE OF 78.04 FEET TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID RIGHT OF WAY WITH AN INTERIOR ANGLE OF 180°00'00" TO THE POINT OF BEGINNING, THENCE CONTINUING ALONG SAID RIGHT OF WAY WITH AN INTERIOR ANGLE OF 180°00'00" TO THE RIGHT OF WAY OF ALLEY WAY, THENCE WITH AN INTERIOR ANGLE OF 89°45'00" FROM THE RIGHT OF WAY OF 11TH AVENUE NORTH, A DISTANCE OF 52.29 FEET TO A POINT ON THE SOUTHERLY LOT LINE OF OFFICIAL RECORDS BOOK 14230, PAGE 1569, THENCE ALONG SAID SOUTHERLY LOT LINE OF OFFICIAL RECORDS BOOK 14230, PAGE 1569, A DISTANCE OF 15.00 FEET TO THE WESTERLY LOT LINE OF A PORTION OF LOT 1 PREVIOUSLY DEEDED BY THE GRANTOR, THENCE WITH AN INTERIOR ANGLE OF 89°57'30" ALONG THE WESTERLY LOT LINE OF A PORTION OF LOT 1, PREVIOUSLY DEEDED BY THE GRANTOR, A DISTANCE OF 52.29 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,276.55 SQUARE FEET OR 0.07 ACRES.

FOR:
BRILEY & DEAL LLC
DAN RYAN & JULIE RYAN
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
KEYBANK NATIONAL ASSOCIATION



Scale - 1" = 30'

[illegible]

GENERAL NOTE

- [illegible]

Lot Coverage

Lot Size - 3176.55 sf

Current Lot Coverage - 1409.30 sf (44.37%)

Proposed New Coverage - 359 st

Pavers - 331 st

Coping - 74 sf (excluded from total

Equipment Pad - 28 st

Proposed New Lot Coverage - 1768.30 sf (55.67%)

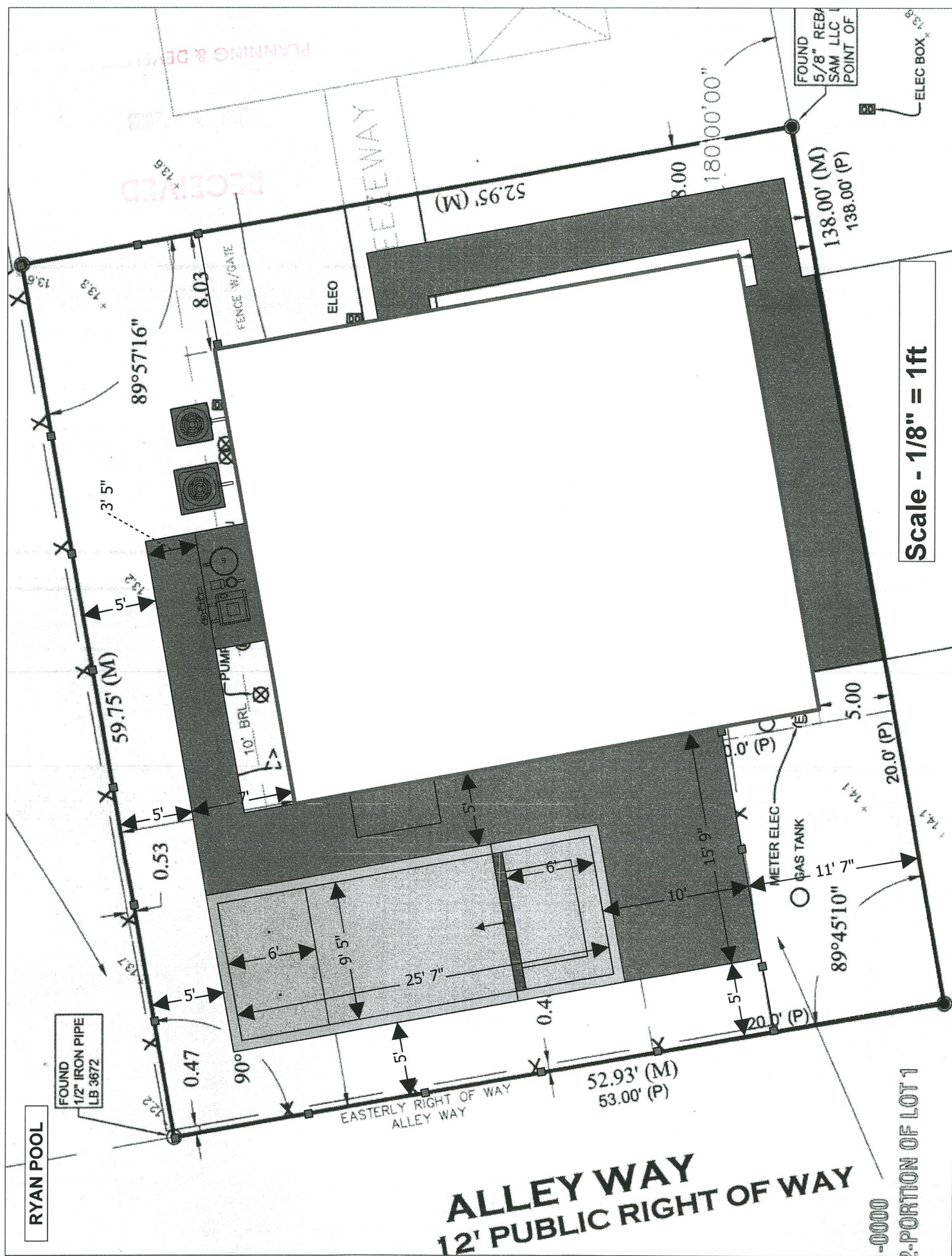
Symbol	Denotes
N	ARC CONNECTION
↗	BACK LOW PREVENTOR
↖	CLASH OUT
Q	CHARGE WAREHOUSE
Q	ELECTRIC OUTLET
⊗	ELECTRIC METER
⊙	FLAT CABLE PAINT
⊙	FLOW METER
⊙	FLUX IN
⊙	HYDRANT
⊙	IRON PIPE
⊙	IRON PIPE TO BE REMOVED
⊙	LEAK
⊙	LOCK
⊙	METER METER
⊙	MAN-OPERATED
⊙	NON-PIPE
⊙	OPENING
⊙	TELEPHONE PROTECT
⊙	VALVE WATER
⊙	WOODEN PIPE

Zoning Standard

6000 sf Lot

35% Coverage - 2100 sq ft

C-7767





DEPARTMENT OF PLANNING & DEVELOPMENT

CERTIFIED MAIL RETURN - RECEIPT REQUESTED

5413

May 19, 2021

John Atkins
PO Box 51262
Jacksonville Beach, FL 32240



RE: **DEVELOPMENT ORDER FOR VARIANCE**
BOA#21-100045 & BOA#21-100046
1204 1st Street North
Lot 1, Block 122, *Pablo Beach North*

Dear Mr. Atkins,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, May 18, 2021, in the City Council Chambers located at 11 3rd Street North, Jacksonville Beach, Florida, to consider a development permit application requesting to deviate from the requirements of the Land Development Code as described below:

- 34-340(e)(1)c.1, for front yard setbacks of 5 feet for the west half and 6 feet for the east half in lieu of 20 feet minimum;
- 34-340(e)(1)c.2, for a rear yard setback of 12 feet in lieu of 30 feet minimum; and
- 34-340(e)(1)f, for 40.38% lot coverage in lieu of 35% maximum

To allow for construction of a new two-family dwelling

Based on the review and discussion of said application and the consideration of any testimony provided during the duly advertised public hearing, the Board of Adjustment determined this application for development met the standards applicable for authorizing a variance pursuant to Land Development Code Section 34-286.

The Board **Approved** the request.

This development order does not constitute final approval to commence the development proposed in the referenced application(s). The applicant shall comply with all other applicable requirements of the Land Development Code, including any additional review requirements, and shall apply for and obtain all necessary permits before initiating development. Information about permitting, including official address assignments, application forms, and checklists, is available in our office or online at www.jacksonvillebeach.org/building. **Attached is a copy of the submitted site plan for your records. Copies of this development order and the attached site plan shall be submitted when applying for any future development or building permit applications.**

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



DEPARTMENT OF PLANNING & DEVELOPMENT

Sincerely,

Christian Popoli
Senior Planner

U.S. Postal Service™	
CERTIFIED MAIL® RECEIPT	
Domestic Mail Only	
For delivery information, visit our website at www.usps.com ®.	
OFFICIAL USE	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
☐ Return Receipt (hardcopy)	\$
☐ Return Receipt (electronic)	\$
☐ Certified Mail Restricted Delivery	\$
☐ Adult Signature Required	\$
☐ Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Serial #	5-20-21
Street and Apt. No. or PO Box No.	21-
City, State, ZIP+4®	100045
	100046
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

As provided by subsection 166.033(6), Florida Statutes, issuance of a variance by a municipality does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the municipality for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law. It is hereby a condition that all other applicable state or federal permits be obtained before commencement of the development.

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org

BOA#21-100045 & BOA#21-100046