



City of Jacksonville Beach

Regular Meeting Agenda

Board of Adjustment

11 North Third Street
Jacksonville Beach, Florida

Tuesday, October 3, 2023

6:00 PM

Council Chambers

MEMORANDUM TO:

Members of the City of Jacksonville Beach Board of Adjustment

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

CALL TO ORDER

ROLL CALL

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

Alternates: Matt Metz, Jennifer Williams

APPROVAL OF MINUTES

- A. Regular Board of Adjustment meeting held on September 6, 2023
- B. Regular Board of Adjustment meeting held on September 19, 2023

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

A.

Case Number(s): BOA#23-100090

Applicant: Wayne Pollard

Agent: The Batts company

Owner: Wayne Pollard

Property Address: 1182 N 19th St

Parcel ID: 179110-0032

Legal Description: Lot 1, Block 43, SEC A Jacksonville Beach

Current Zoning: Rs-2

Motion to Consider: **Section(s):** 34-337(e)(1)e, for lot coverage of 49% in lieu of 35% maximum, to allow for new swimming pool, deck and to relocate shed to southwest rear cover of property to an existing single-family dwelling for **property addressed** 1182 N 19th St, **RE#** 179110-0032, **legally described as** Lot 1, Block 43, SEC A Jacksonville Beach

B. **Case Number(s): BOA#23-100093**

Applicant: Charles Allen

Agent: N/A

Owner: Melisa Allen & Charles Allen
Property Address: 540 Barbara Ln
Parcel ID: 174962-0000
Legal Description: Lot 9, Block 1, *Beach Homesites Unit 1*
Current Zoning: RS-1
Motion to Consider: **Section(s):** 34-336(e)(1)e, for lot coverage of 44% in lieu of 35% maximum, to allow for new swimming pool and surrounding decking, to an existing single-family dwelling **for property addressed** 540 Barbara Ln, **RE#** 174962-0000, **legally described as** Lot 9, Block 1, *Beach Homesites Unit 1*

C. **Case Number(s): BOA#23-100095**

Applicant: Barnett Custom Homes
Agent: N/A
Owner: Nick Stam
Property Address: 2703 Madrid St
Parcel ID: 180688-0020
Legal Description: Lot 8, Block 24 , *Atlantic Shores Replat UNIT 1*
Current Zoning: RS-1
Motion to Consider: **Section(s):** 34-336(e)(1)c(2), for side yard set back of 7.5 feet in lieu of 10 feet; and 34-336(e)(1)e for lot coverage of 46% in lieu of 35% maximum to allow for the addition of a pool, paved drive way, and paved sidewalk to an existing single-family dwelling **for property addressed** 2703 Madrid St, **RE#** 180688-0020, **legally described as** Lot 8, Block 24 , *Atlantic Shores Replat UNIT 1*

PLANNING DEPARTMENT REPORT

- A. Discuss if the Board will hold the November 21st (11/21/23) and December 19th (12/19/23) meetings.
- B. The next Board of Adjustment meeting will be October 17th, and there will be five cases, including one previously deferred case.

COURTESY OF THE FLOOR TO VISITORS

ADJOURNMENT

NOTICE

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

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, September 6, 2023, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

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

ROLL CALL:

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

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

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 August 15, 2023

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: **BOA#23-100076**
Applicant/Owner: Scott & Maureen Jakubczak
Agent: John Crawford
Property Address: 3840 Poincianna Boulevard
Parcel ID: 181372-0000

City of Jacksonville Beach Land Development 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.

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

Applicant: Maureen Jakubczak, 3840 Poincianna Boulevard, Jacksonville Beach, stated the hardship was an undersized lot.

A discussion ensued about coping, a deck, and outreach to 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. Truhlar, to approve BOA#23-100076 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about lot coverage, decking, and criteria.

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

The motion passed unanimously.

B. Case Number: **BOA#23-100077**
Applicant/Owner: Nancy Lawing
Agent: Robert W Gray III
Property Address: 836 N 6th Ave
Parcel ID: 174232-0000

City of Jacksonville Beach Land Development 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.

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

Applicant: Nancy Lawing, 836 North 6th Ave, Jacksonville Beach, stated the hardship was a nonconforming lot.

Agent: Robert Gray, 5211 High Rocklands Avenue, Lithia, provided additional background on the request.

A discussion ensued about the carport, parking, front porch addition, and line of sight.

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100077 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about parking requirements, lot coverage, line of sight, options A and B for the carport, and hardship.

Motion to Amend: It was moved by Mr. Curley, seconded by Mr. Moreland, to amend the motion to accept option A for the carport to be on 6th Avenue North.

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

The motion to amend passed unanimously.

Discussion: None

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

The motion, as amended, passed 4-1.

C. Case Number: **BOA#23-100079**
Applicant/Owner: James Smithson
Agent: Straum Contracting & Construction Management LLC
Property Address: 422 6th Ave S
Parcel ID: 176328-0000

City of Jacksonville Beach Land Development 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.

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

Applicant: James Smithson, 422 6th Ave South, Jacksonville Beach, stated the hardship was a nonconforming and undersized lot.

A discussion ensued about lot coverage, covered structure, existing nonconformities, renderings, and outreach to 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. Moreland, to approve BOA#23-100079 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about lot coverage, nonconformities, deferral, covered patio, driveway, survey, and motion amendment.

Motion to Amend: It was moved by Mr. Curley, seconded by Mr. Truhlar, to amend the motion to defer decision on BOA#23-100079 in order to obtain current lot coverage calculations.

Discussion: A discussion ensued about deferring the request.

Motion to Amend the Amendment: It was moved by Mr. Curley, seconded by Mr. Truhlar, to amend the amendment to defer BOA #23-100079 until the October 17, 2023 meeting.

Motion to Amend Roll Call Vote: Ayes – Jeff Truhlar, Todd Smith, John Moreland

Nays – Owen Curley and Alexi Gonzalez.

The motion passed 3-2.

Discussion: None

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

The motion, as amended, passed 3-2.

- D. Case Number:** **BOA#23-100080**
Applicant/Owner: 0 2nd Street Acquisition, LLC
Agent: N/A
Property Address: 0 2nd Street South and 215 16th Avenue South
Parcel ID: 176317-0000 & 176315-0000

City of Jacksonville Beach Land Development 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.

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

Applicant: Steve Wacaster, 229 San Juan Drive, Ponte Vedra Beach, stated the hardship was an undersized lot.

A discussion ensued about parking requirements and construction.

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

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100080 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about parking.

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

The motion passed unanimously.

- E. Case Number:** **BOA#23-100081**
Applicant/Agent: Frank Gamel Jr.
Owner: Felizardo S. Camilon

Property Address: 1908 Ocean Drive
Parcel ID: 179378-0000

City of Jacksonville Beach Land Development 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.

Ex-Parte Communication: Mr. Moreland disclosed he spoke with two residents on Ocean Drive, Dan Elmaleh and David Zuckerman, who were requesting information. No additional Board members had ex-parte communication on this item.

Applicant: Alexis Gamel, 1302 18th Avenue North, Jacksonville Beach stated the hardship was a nonconforming lot.

A discussion ensued about the cantilever, lot coverage, and front yard setback.

Public Hearing:

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

- Greg Jacobs, 1330 Pinewood Road, Jacksonville Beach

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

- Matthew Chang (no address provided)

Ms. Gamel addressed the concerns expressed during the public hearing.

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100081 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about lot coverage and lot size.

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

The motion passed unanimously.

F. **Case Number:** BOA#23-100082
Applicant Mitchell Tidwell
Agent: N/A
Owner: Daniel Ryan
Property Address: 111 North 11th Avenue
Parcel ID: 174600-0005

City of Jacksonville Beach Land Development 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.

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

Applicant: Mitchell Tidwell, 2208 Hunterwood Court, Jacksonville, stated the hardship was a substandard lot.

A discussion ensued about lot division, pavers, lot coverage, design, a previous variance, and the walkway.

Public Hearing:

The following spoke in opposition to the variance:

- Irene Grant, 129 11th Avenue North, Unit D, Jacksonville Beach

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

- Brittany Perez-Grant, 129 11th Avenue North, Jacksonville Beach
- Thaad Perez-Grant, 129 11th Avenue North Unit C, Jacksonville Beach

Mr. Tidwell reiterated the nature of the hardship and addressed the lot coverage.

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100082 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about criteria.

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

The motion failed 1-4.

PLANNING DEPARTMENT REPORT:

The next scheduled meeting is Tuesday, September 19, 2023, at 6:00 P.M.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:40 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

DRAFT

**Minutes of Board of Adjustment Meeting
held Tuesday, September 19, 2023, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

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

ROLL CALL:

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

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

APPROVAL OF MINUTES: None

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: **BOA#23-100056**
Applicant/Owner: Carl & Karen Miller
Agent: Hanna Builders
Property Address: 633 Great Abaco Court
Parcel ID: 18847-02217

City of Jacksonville Beach Land Development Code Section(s): Section(s): Ordinance No. 2002-7843 13.3.3(c), for rear yard setback of 10 in lieu of 15 minimum, to allow for a paver patio addition to an existing single-family dwelling for property addressed 633 Great Abaco CT, RE# 18847-02217, legally described as Lot 164, Ocean Cay Unit Two.

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

Agent: Mike Hanna, 134 36th Avenue South, Jacksonville Beach, stated the hardship was a nonconforming lot. Mr. Hanna distributed building plans [on file]. He clarified the rear yard setback was projected to be 11.2 feet.

A discussion ensued about the Planned Unit Development (PUD), setback, and the Ocean Cay conveyance (approved by ordinance).

Public Hearing:

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

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100056 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

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

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

The motion passed unanimously.

B. Case Number: BOA#23-100083

Applicant/Owner: Jonathan & Dana Smyk
Agent: N/A
Property Address: 509 North 7th Avenue
Parcel ID: 174371-0000

City of Jacksonville Beach Land Development Code Section(s): Section(s): 34-337(e)(1)c.(1), for a front yard setback of 14 feet in lieu of 20 feet minimum and 34-337(e)(1)(d) for no car port or garage plus the shed, for a front porch addition to an existing single-family dwelling for property addressed 509 N 7th Avenue, RE# 174371-0000, legally described as Lot 8, Block 86, Improvement Company's Plat of Norther Portion of Pablo Beach.

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

Applicant: Jonathan Smyk, 509 North 7th Avenue, Jacksonville Beach, stated the hardship was a nonconforming lot.

A discussion ensued about the parking, driveway, and shed. Senior Planner Christian Popoli explained the applicant was not requesting to make any changes to the 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. Moreland, to approve BOA#23-100083 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

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

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

The motion passed unanimously.

C. Case Number: BOA#23-100084

Applicant/Owner: Mark Dougherty
Agent: N/A
Property Address: 1664 N Lower 4th Avenue
Parcel ID: 178020-0000

City of Jacksonville Beach Land Development Code Section(s): Section(s): 34-336(e)(1)e, for lot coverage of 40% in lieu of 35% maximum to allow for the addition of pool decking to an existing single-family dwelling for property addressed 1664 N Lower 4th Avenue, RE# 178020- 0000, legally described as Lot 6, Block 9, Pine Grove Unit 4.

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

Applicant: Mark Dougherty, 1664 North Lower 4th Avenue, Jacksonville Beach, stated the hardship was an undersized lot.

A discussion ensued about lot size.

Public Hearing:

The following spoke in support of the variance:

- David Venier, 1674 North Lower 4th Avenue, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar, to approve BOA#23-100084 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

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

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

The motion passed unanimously.

D. **Case Number:** BOA#23-100088
Applicant/Owner: Shane Joseph
Agent: N/A
Property Address: 714 South 16th Avenue
Parcel ID: 179795-0020

City of Jacksonville Beach Land Development Code Section(s): Section(s): 34-337(e)(1)e., for lot coverage of 39.3% in lieu of 35% maximum to address existing nonconformities at an existing single-family dwelling for property addressed 714 S 16th Avenue, RE# 179795-0020, legally described as Lot 4, Block 3, Sea Side Park.

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

Applicant: Shane Joseph, 714 South 16th Avenue, Jacksonville Beach, stated the hardship was an undersized lot. Mr. Joseph distributed notes of support and a variance application presentation [on file].

A discussion ensued about the timeline.

Public Hearing:

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

- Robert Trudeau, 722 16th Avenue South, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#23-100088 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A discussion ensued about the undersized lot.

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

The motion passed unanimously.

PLANNING DEPARTMENT REPORT:

The next scheduled meeting is Tuesday, October 3, 2023, at 6:00 P.M. There are three scheduled cases.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:26 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date



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BOA#23-100090

Zoning: RS-2
RE: 179110-0032
Legal: Lot 1, Block 43, *SEC A Jacksonville Beach*
Address: 1182 N 19th St

Request

Section(s): 34-337(e)(1)e, for lot coverage of 49% in lieu of 35% maximum, to allow for new swimming pool, deck and to relocate shed to southwest rear cover of property to an existing single-family dwelling **for property addressed** 1182 N 19th St, **RE#** 179110-0032, **legally described as** Lot 1, Block 43, *SEC A Jacksonville Beach*

Existing Conditions

The subject property is a nonconforming lot of record (circa 1944) located in the Medium Density Residential future land use category. The property is currently in Residential Single Family: RS-2 Zoning District. The lot is 70.11 feet in width, and 102.06 feet in depth, with an overall lot area of 7,140 square feet. The subject home was constructed in 1985, prior to the current LD. The lot currently has an existing house, shed, and a paver patio which do conform with current lot coverage regulations in the RS-2 zoning district. The applicant is applying for this variance for lot coverage of 49% in lieu of 35% maximum to allow for new swimming pool, deck and to relocate shed to southwest rear cover of property to an existing single-family dwelling. The applicant plans on removing the rear brick paver deck and will relocate his shed to the southwest rear of the property. The current lot coverage is 37.8%, the applicant is anticipated to use 46% of lot coverage and is asking for 49% in case the estimated calculations are off.

No previous BOA, no active code case.



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Staff Analysis

The subject property is substandard in width, it measures 70.11 feet in width rather than the 75 feet minimum requirement in the RS-2 zoning district and is nonconforming in size at 7,140 square feet. The applicant is proposing to relocate a shed, remove paver patio, and add a pool and deck that will total 847 square feet. A variance to allow the proposed project is a reasonable request, as the applicant cannot add the additions without exceeding the lot coverage limitations in the RS-2 dimensional standards. Any addition to the property requires a variance. There is a hardship justified by having a nonconforming lot in width and area. 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 area and width. The property measures 70.11 feet in width rather than the 75 feet minimum and nonconforming in size at 7,140 square feet, less than the required 7,500 square foot minimum.

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

Staff **does not** find that circumstances are not a result of the applicant. The lot is a nonconforming lot of record platted in 1944 and the applicant purchased the property with these 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 retain and relocate the existing shed and for the new pool and deck addition to a lot that does not meet the minimum lot width and lot area for the RS-2 zoning district would not confer a special privilege as compared to other properties in the RS-2 zoning district. Similar properties have been granted variances for similar projects.

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 nonconforming area and width of this property, any addition would require a variance from the 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 to accomplish the proposed design for a pool deck and to retain and relocate the existing shed is for 49% lot coverage in lieu of 35%.

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#23-100090**

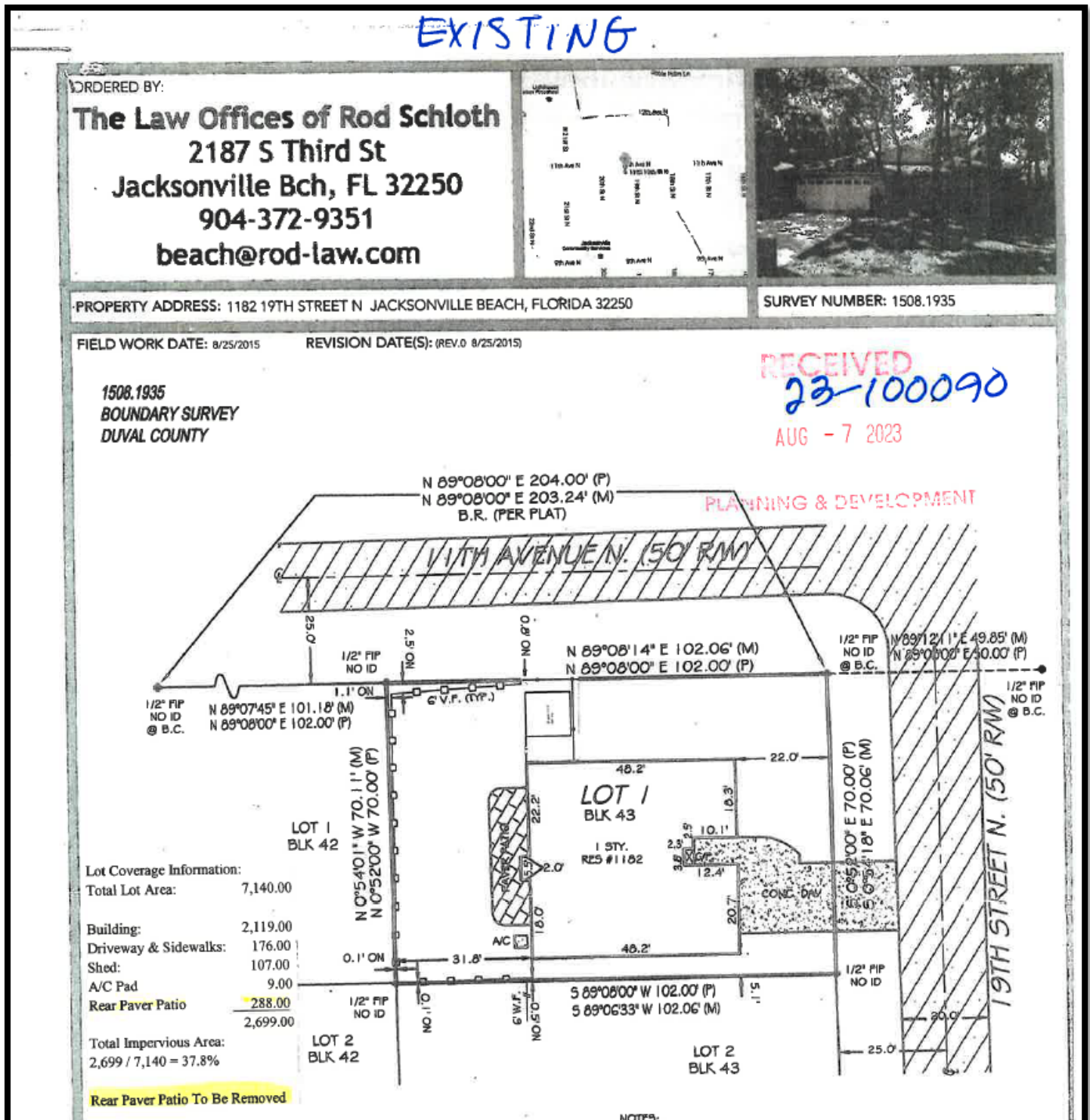
Location Map (property boundaries are representative only)



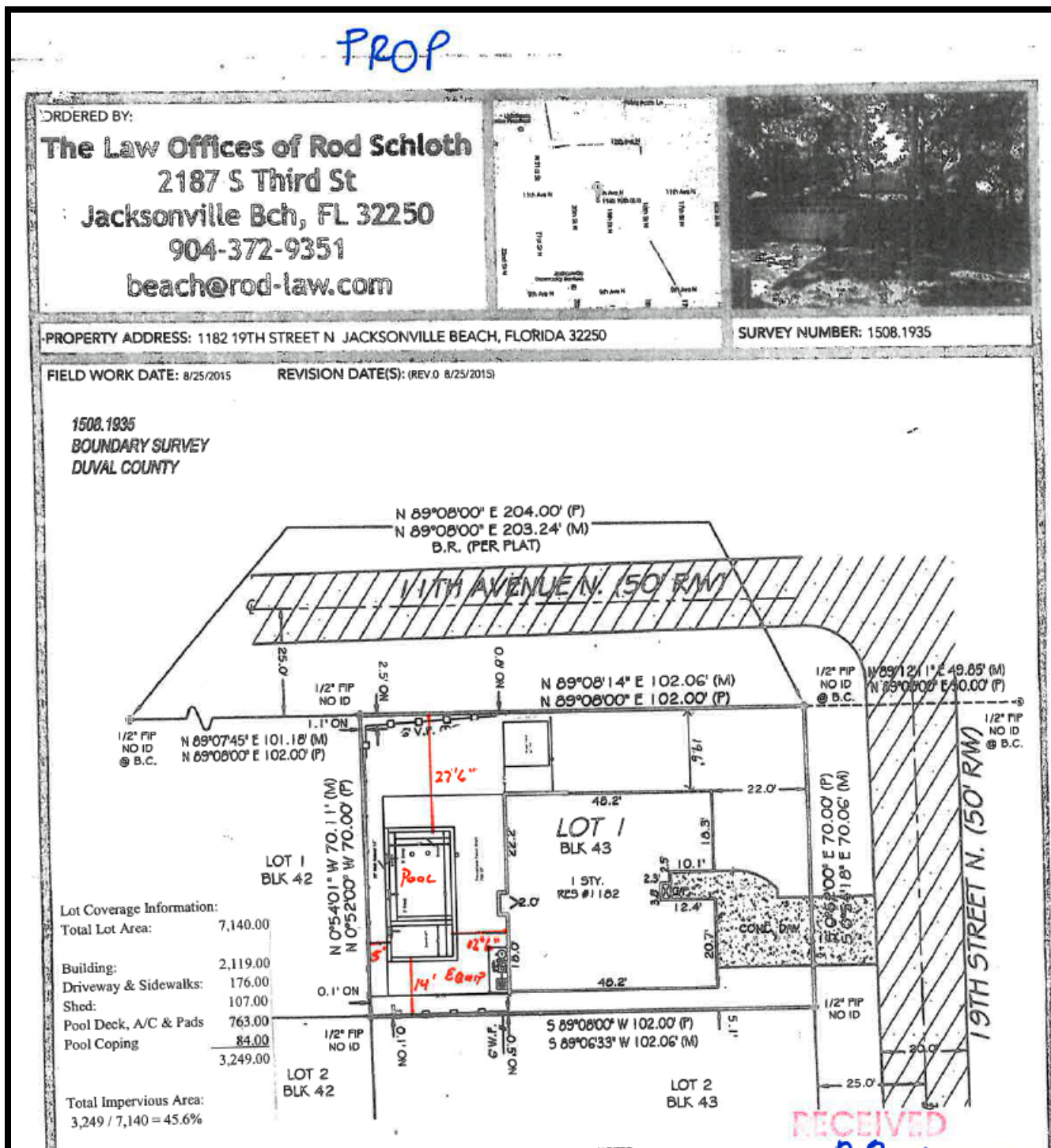


City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Existing Survey



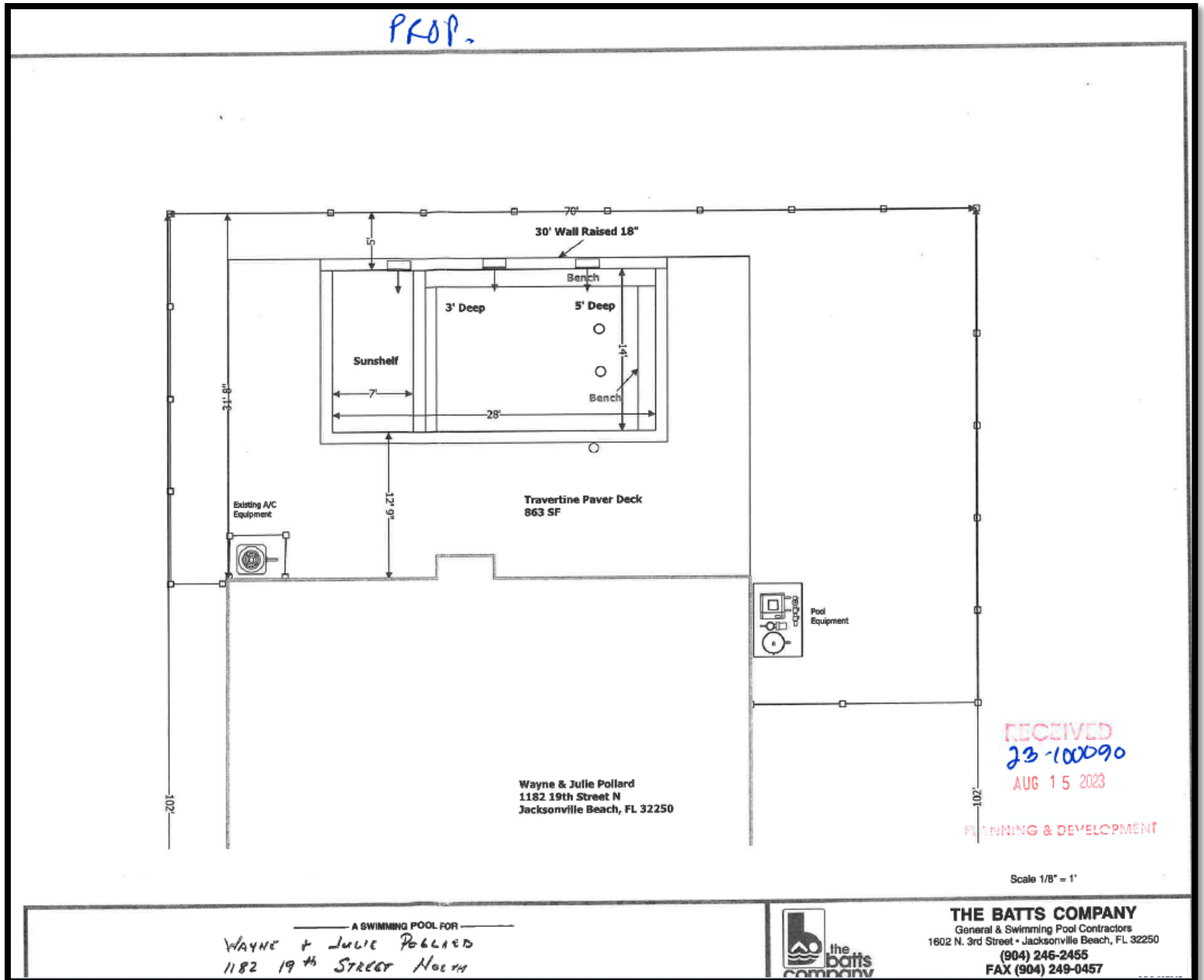
Proposed Site Plan





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

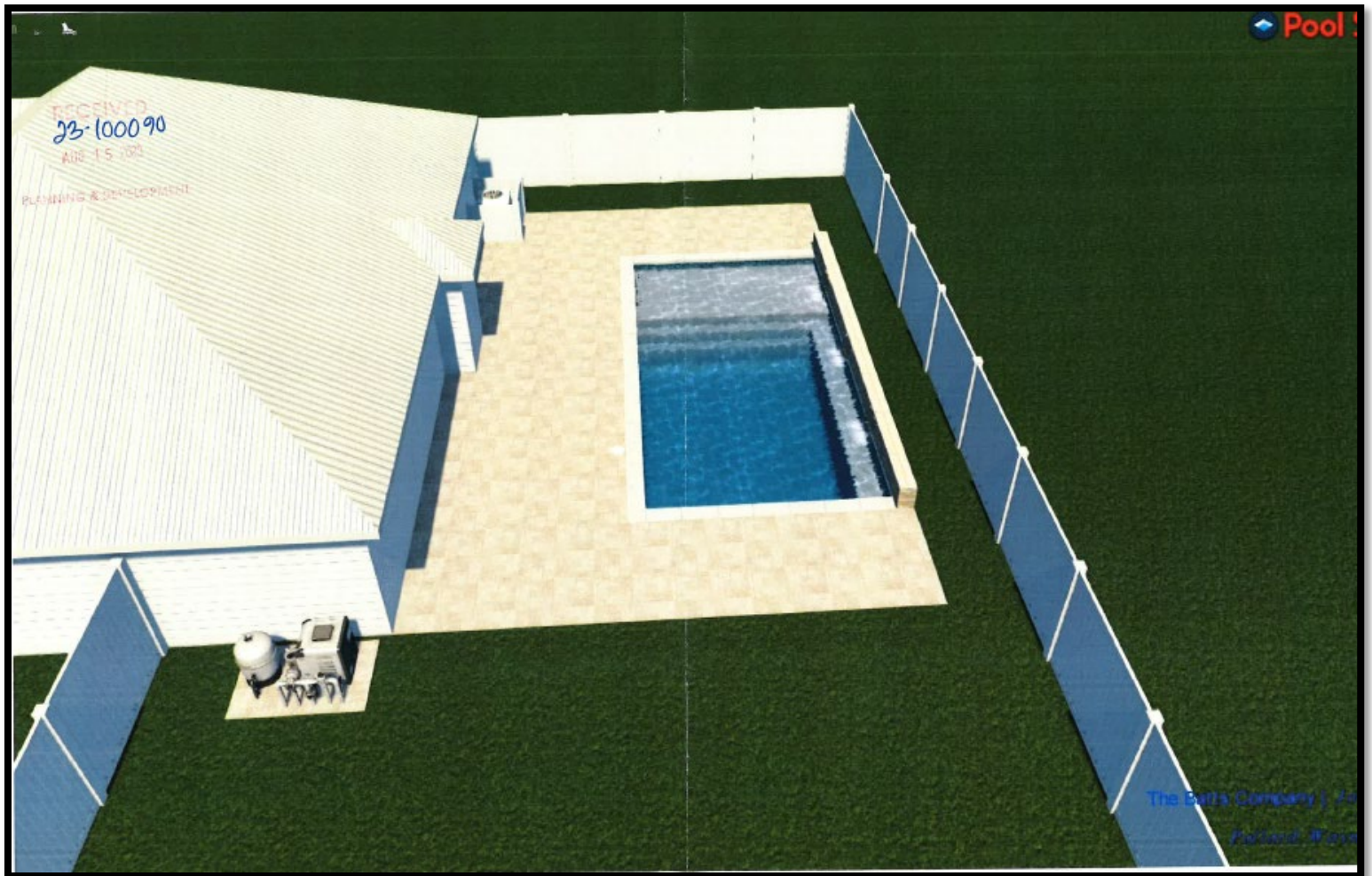
Proposed Pool





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

Proposed Pool





APPLICATION FOR VARIANCE

BOA No. 23-100090
tentative
HEARING DATE 10/3/23

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

REQUIRED DOCUMENTATION

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

RECEIVED

AUG - 7 2023

APPLICANT INFORMATION

PLANNING & DEVELOPMENT

Applicant Name: WAYNE POLLARD **Telephone:** (904) 250.3698
Mailing Address: 1182 19th STREET N **E-Mail:** BKREIT612@gmail.com
JACKSONVILLE BEACH, FL 32250
Agent Name: THE BATTIS COMPANY **Telephone:** (904) 246.2455
Mailing Address: 1602 N 3RD STREET **E-Mail:** BATTISCOMPANY2@aol.com
JACKSONVILLE BEACH, FL 32250
Landowner Name: _____ **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____

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

VARIANCE DATA

Street address of property and Real Estate Number: 1182 19th STREET N 179110 0032
Legal description of property (Attach copy of deed): 179110-0032 18-33 38-25-29E Sec A Jax Bch Lot 1B1
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
INCREASE Lot COVERAGE From 34% To 49% For New Swimming Pool
+ TRAVECTING DECK. Relocate SHED To SOUTHWEST REAR CORNER OF
Property

AFFIDAVIT

I, WAYNE A POLLARD, 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.

Wayne Pollard
APPLICANT SIGNATURE

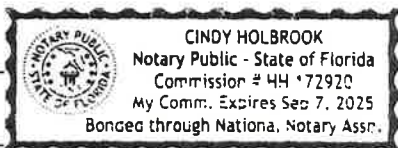
WAYNE POLLARD
PRINT APPLICANT NAME

8/1/23
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☐ physical presence or ☐ online notarization, this 7th day of August, 2023, by Wayne Pollard, who is personally known to me or produced _____ as identification.

Cindy Hollbrook
NOTARY PUBLIC SIGNATURE
Cindy Hollbrook
PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2

FLOOD ZONE: X

CODE SECTION (S):

34-337(e)(1)e, for lot coverage of 49% in lieu of 35% maximum, to allow for new swimming pool, deck and to relocate shed to southwest rear cover of property to an existing single-family dwelling for property addressed 1182 N 19th St, RE# 179110-0032, legally described as Lot 1, Block 43, SEC A Jacksonville Beach

Recorded 11/15/2019 01:22 PM, RONNIE FUSSELL CLERK CIRCUIT COURT DUVAL COUNTY
RECORDING \$18.50 DEED DOC ST \$907.90

23-100090

RECEIVED

PLANNING & DEVELOPMENT

AUG 10 2023

AUG 10 2023

Prepared by:
John L. Di Masi, Esquire
Law Offices of John L. DiMasi, P.A.
801 N. Orange Avenue, Suite 500
Orlando, FL. 32801

PLANNING & DEVELOPMENT

RECEIVED

Record and Return to:
Karen Monroe
Navy Federal Title Services, LLC
21631 Ridgetop Circle
Suite 265
Sterling VA 20166

consideration: 129,635.50

Tax ID# 179110-0032

WARRANTY DEED 19NTEFL40443
NET-19FL40449-R

THIS WARRANTY DEED, made this 8th day of Nov., 2019, by **Julia L. Batts, joined by spouse, Wayne Anthony Pollard**, whose address is 1182 19th St. North, Jacksonville FL 32250 (hereinafter referred to as "**GRANTOR**") to **Wayne Anthony Pollard and Julia L. Batts, husband and wife**, whose address is 1182 19th St. North, Jacksonville FL 32250 (hereinafter called the "**GRANTEE**"). (Wherever used herein the terms "Grantor" and "Grantee" include all parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the Grantor, for and in consideration of the sum of **TEN AND NO/100 DOLLARS (\$10.00)** and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases and transfers unto the Grantee, all that certain land situate in Duval County, Florida, to-wit:

Lot 1, Block 43, Section "A" Jacksonville Beach, according to the map or plat thereof, as recorded in Plat Book 18, Page(s) 33, of the Public Records of Duval County, Florida.

SUBJECT TO covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year **2019** and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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

TO HAVE AND HOLD the same in fee simple forever.

AND the Grantor hereby covenants with Grantee(s) that it is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; 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

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100090

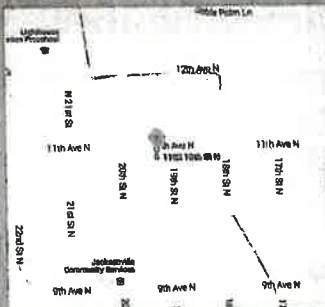
Section 34-281 Purpose. Variances are deviations from the terms of the LDC, which would not be contrary to the public interest when owing to special circumstances or conditions; the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

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	Owner would like to install a new seimming pool and paver deck. Owner is planning to remove an existing Rear Brick Paver Patio. Current lot coverage is 37.8% and he would like to increase it to 49%
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Owner would like to add a swimming pool to the property and would like to increase lot coverage to 49%
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	No	This project is similar to other projects already built on the street.
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	Other similar projects have already been built on the same street.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	The anticipated lot coverage for the pool and deck is estimated to be 46%. We are requesting a lot coverage up to 49% in case the estimated calculations are off a small amount.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	We have been told several other variances have already been granted in the area for the addition of swimming pools.

ORDERED BY:

The Law Offices of Rod Schloth
2187 S Third St
Jacksonville Bch, FL 32250
904-372-9351
beach@rod-law.com



PROPERTY ADDRESS: 1182 19TH STREET N JACKSONVILLE BEACH, FLORIDA 32250

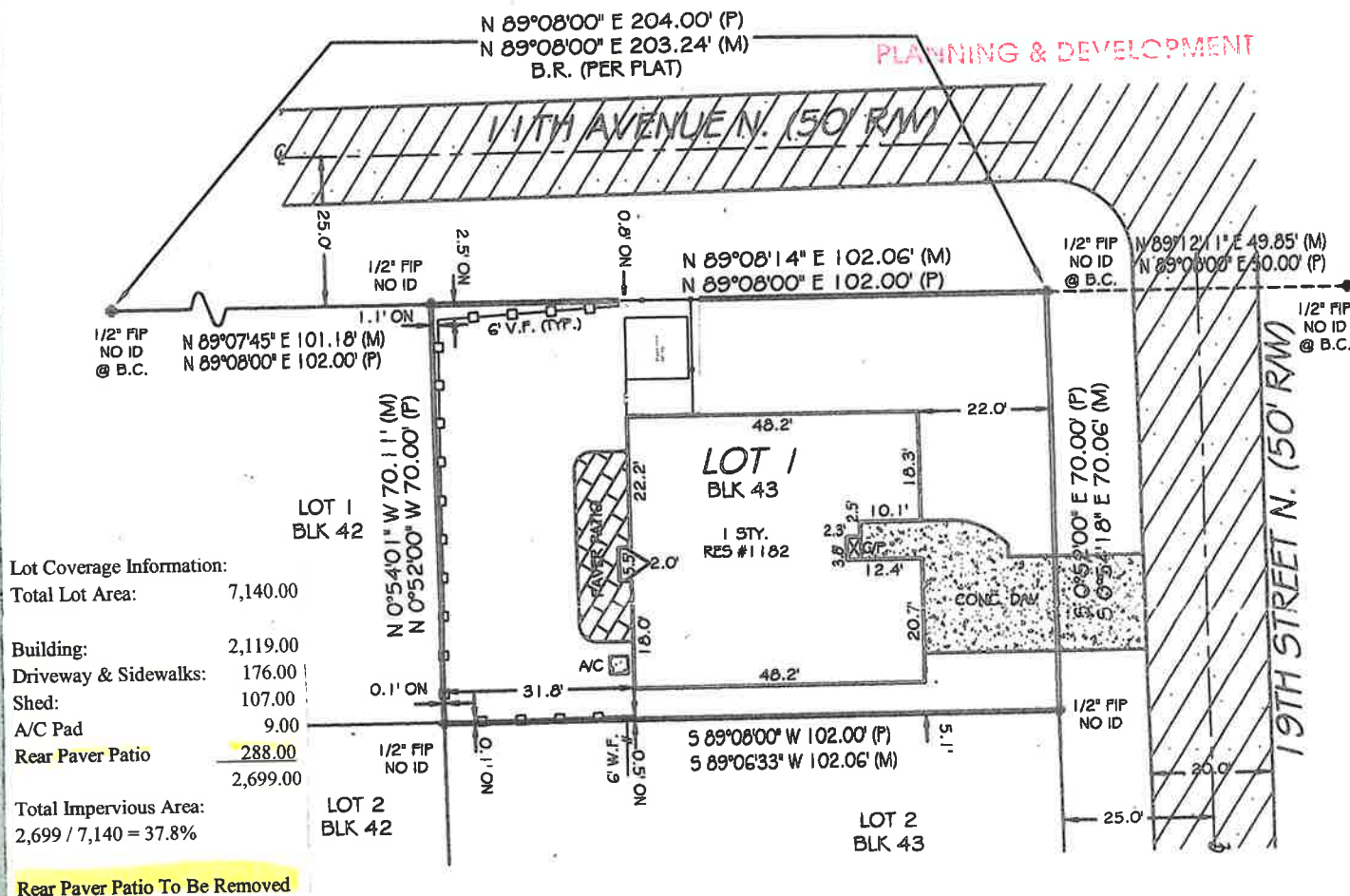
SURVEY NUMBER: 1508.1935

FIELD WORK DATE: 8/25/2015

REVISION DATE(S): (REV.0 8/25/2015)

1508.1935
BOUNDARY SURVEY
DUVAL COUNTY

RECEIVED
23-100090
AUG - 7 2023



NOTES:
FENCE OWNERSHIP NOT DETERMINED

I hereby certify that this Boundary Survey of the hereon described property has been made under my direction, and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the Standards of Practice set forth by the Florida Board of Professional Surveyors and Mappers in Chapter 5J-17 of the Florida Administrative Code.

Mark A. Johnson
State of Florida Professional Surveyor and Mapper
License No. 6572

Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor.
Nothing hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

FLOOD INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN THE CITY OF JACKSONVILLE BEACH, COMMUNITY NUMBER 120078, DATED 06/03/13.

POINTS OF INTEREST
NONE VISIBLE

CLIENT NUMBER:

DATE: 8/25/2015

BUYER: Julia Lee Bates

SELLER:

CERTIFIED TO: JULIA LEE BATES; LAW OFFICES OF ROD SCHLOTH, P.
A.; OLD REPUBLIC NATIONAL TITLE INSURANCE
COMPANY; NAVY FEDERAL CREDIT UNION

This is page 1 of 2 and is not valid without all pages.



**Florida Land
Title Association**

AFFILIATE MEMBERS

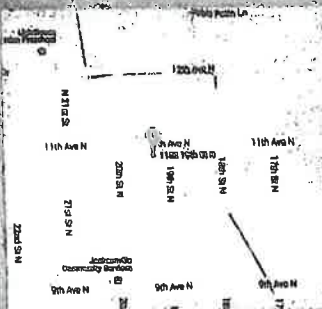
EXACTA
Land Surveyors, Inc.

C. www.exactland.com
P.866-735-1916 • F.866-744-2882
11940 Fairway Lakes Drive, Suite 1 • Ft. Myers, FL 33913

PROP

ORDERED BY:

The Law Offices of Rod Schloth
2187 S Third St
Jacksonville Bch, FL 32250
904-372-9351
beach@rod-law.com



PROPERTY ADDRESS: 1182 19TH STREET N JACKSONVILLE BEACH, FLORIDA 32250

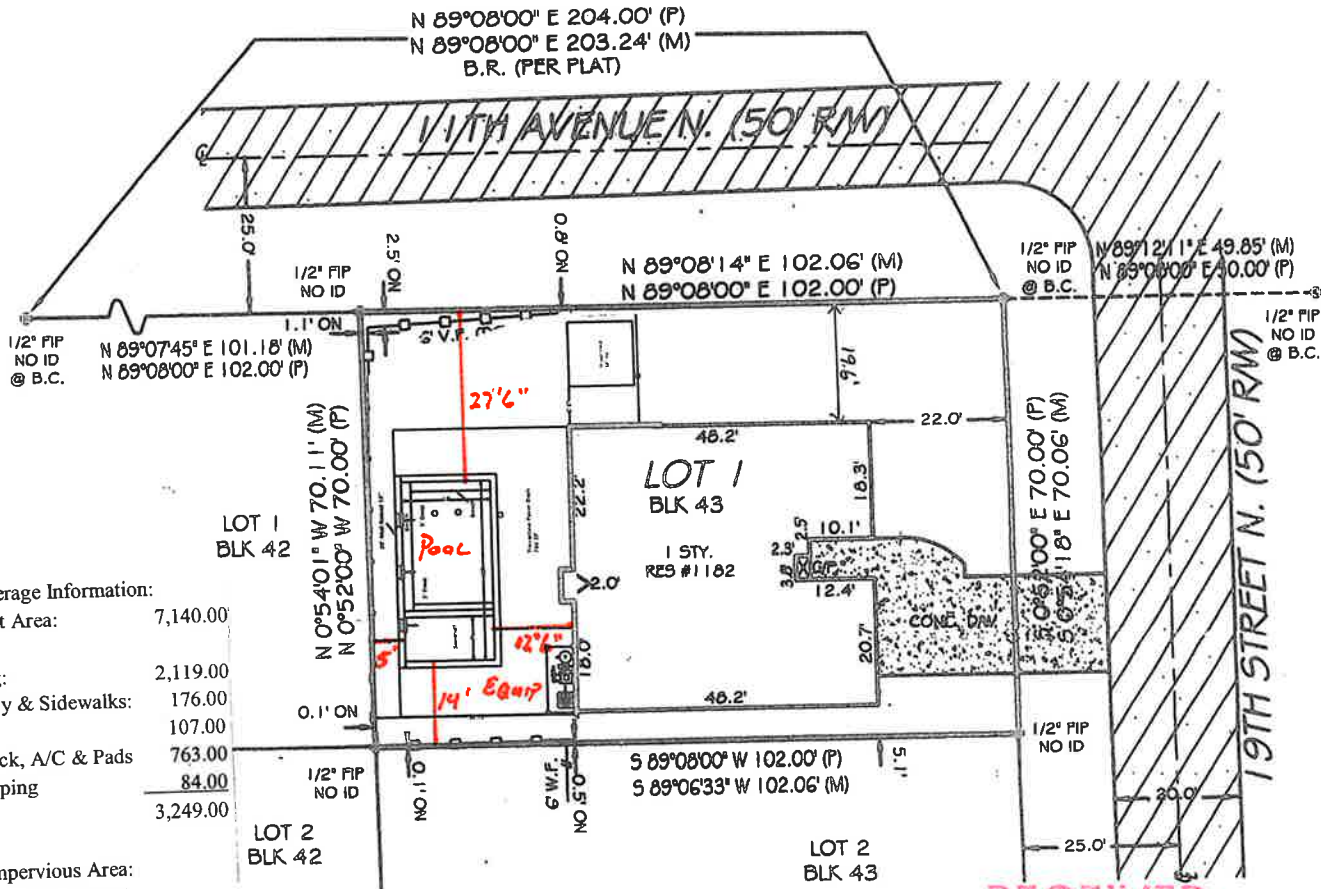
SURVEY NUMBER: 1508.1935

FIELD WORK DATE: 8/25/2015

REVISION DATE(S): (REV.0 8/25/2015)

1508.1935

BOUNDARY SURVEY
DUVAL COUNTY



Lot Coverage Information:	
Total Lot Area:	7,140.00
Building:	2,119.00
Driveway & Sidewalks:	176.00
Shed:	107.00
Pool Deck, A/C & Pads	763.00
Pool Coping	84.00
	3,249.00

Total Impervious Area:
3,249 / 7,140 = 45.6%

I hereby certify that this Boundary Survey of the herein described property has been made under my direction, and to the best of my knowledge and belief, it is a true and accurate representation of a survey that meets the Standards of Practice set forth by the Florida Board of Professional Surveyors, Chapter 5J-17 of the Florida Administrative Code.

Mark A. Johnson
State of Florida Professional Surveyor and Mapper
License No. 6572

NOTES:
FENCE OWNERSHIP NOT DETERMINED

23-100090

AUG - 7 2023

PLANNING & DEVELOPMENT

GRAPHIC SCALE (In Feet)
1 inch = 30' ft.



Use of This Survey for Purposes other than Intended, Without Written Verification, will be at the User's Sole Risk and Without Liability to the Surveyor.
Nothing herein shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

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CLIENT NUMBER:

DATE: 8/25/2015

BUYER: Julia Lee Bates

SELLER:

CERTIFIED TO: JULIA LEE BATES; LAW OFFICES OF ROD SCHLOTH, P. A.; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; NAVY FEDERAL CREDIT UNION

This is page 1 of 2 and is not valid without all pages.

POINTS OF INTEREST
NONE VISIBLE



Florida Land
Title Association

AFFILIATE
MEMBERS

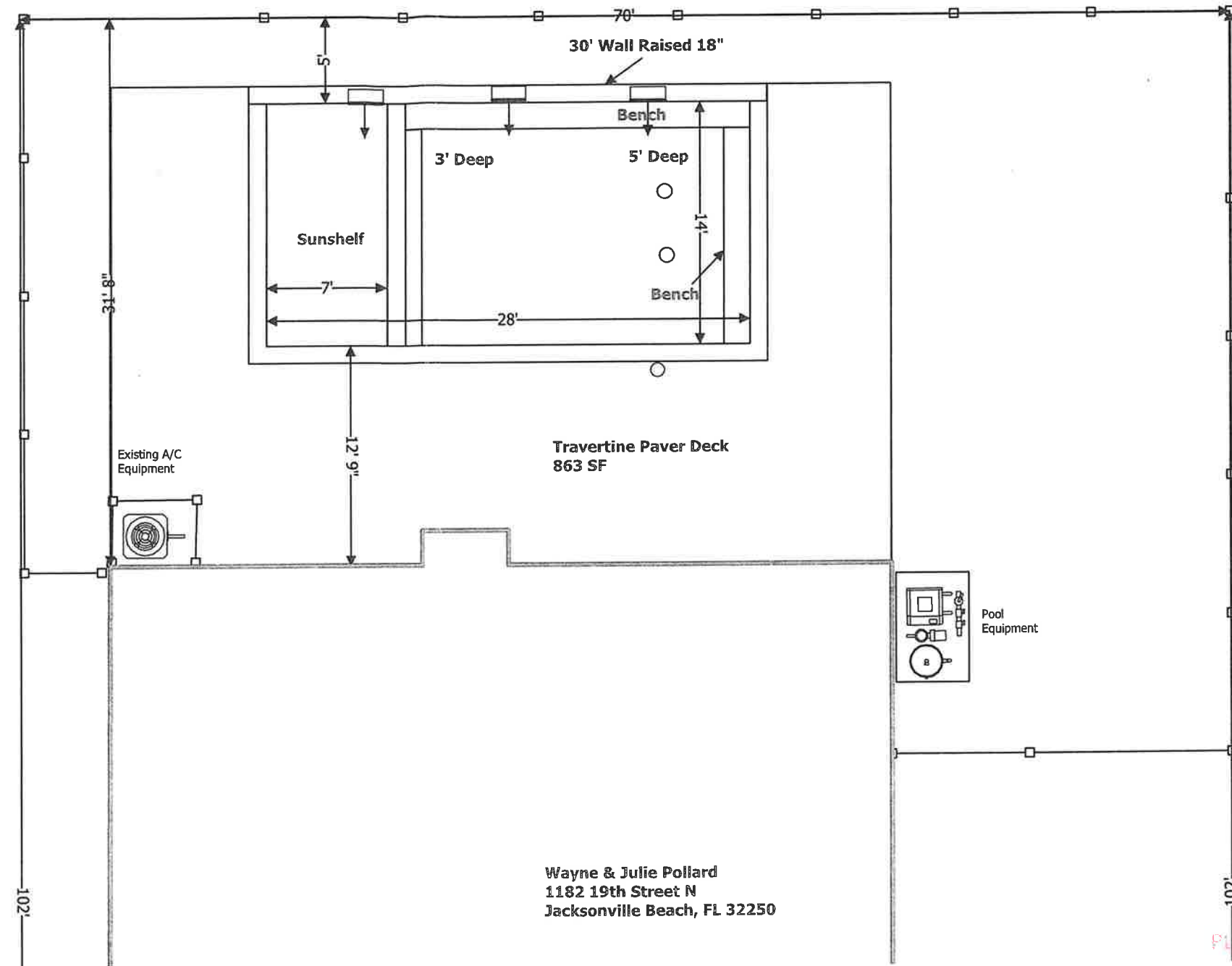
EXACTA
Land Surveyors, Inc.

LB# 7337

www.exactaland.com
P.866-735-1916 • F.866-744-2882
11940 Fairway Lakes Drive, Suite 1 • Ft. Myers, FL 33913

PROP.

1	POOL SHAPE	ANGULAR
2	SIZE	14' X 28'
3	DEPTHS	3' to 5'
4	CAPACITY	8100 Gall
5	STEPS	Inc
6	BENCH(ES)	Yes
7	SWIMOUT	Yes
8	SUNSHELF	Yes
9	HANDRAIL(S)	No
10	GRABRAIL(S)	No
11	LIGHT(S)	(2) MICROBITE Color
12	TILE	6x6 FLAT
13	CONCRETE DECKING	No
14	PAVER DECKING	TRAVERTINE
15	PUMP	JANCO P20
16	FILTER	CHG 200
17	CHLORINATOR	SALX EC 40
18	SKIMMER(S)	(1)
19	MAIN DRAINS	(1)
20	RETURN INLETS	(3)
21	FLOOR SYSTEM	(3)
22	AUTOMATIC CLEANER	PARADE TR 36P
23	RAISED DECK	No
24	WATER FEATURE(S)	Yes 30' corner x 10'
25	UNBRELLA SLEEVE(S)	Yes
26	HEATER	ULTRATEMP 120 HIC
27	GAS HOOK-UP	No
28	DECO-DRAIN	Yes
29	CLEANING EQUIPMENT	
30	LEAF SKIMMER	(1)
31	TEST KIT	(1)
32	POLE	(1)
33	VACUUM	(1)
34	WALL BRUSH	(1)
35	HOSE	(1)
36	START-UP CHEMICALS	Yes
37	SPA INFORMATION (CONCRETE)	No
38	SIZE	
39	DEPTH	
40	JETS	
41	BOOSTER PUMP	
42	HEATER	
43	COVER	
44	LIGHT	
45	SPILOVER	
46	OTHER:	
47	ADDITIONAL SPECIFICATIONS:	
48	SEE EXHIBIT	
49	"A"	
50	TO CONTRACT	
51	ACCESS	RIGHT SIDE
52	LETTER OF PERMISSION	
53	ELEVATIONS	TBD
54	TREE REMOVAL	N/A
55	DIRT REMOVAL	Yes
56	CEMENT REMOVAL	No
57	ELECTRICAL HOOK-UP	POUVERE ERECT
58	POOL SPECIFICATIONS	
59	DESIGNED BY	J. Batts
60	DATE	7/25



Wayne & Julie Pollard
1182 19th Street N
Jacksonville Beach, FL 32250

RECEIVED
23-100090
AUG 15 2023

PLANNING & DEVELOPMENT

Scale 1/8" = 1'

A SWIMMING POOL FOR
WAYNE & JULIE POLLARD
1182 19th STREET NORTH
JACKSONVILLE BEACH, FL 32250
HOME (904) 250-3698

OFFICE



THE BATTS COMPANY
General & Swimming Pool Contractors
1602 N. 3rd Street • Jacksonville Beach, FL 32250
(904) 246-2455
FAX (904) 249-0457

CGC055163

CPC 037046

RECEIVED
23-100090
AUG 15 2023

PLANNING & DEVELOPMENT



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

BOA#23-100093

Zoning: RS-1

RE: 174962-0000

Legal: Lot 9, Block 1, *Beach Homesites Unit 1 Lot*

Address: 540 Barbara Ln

Request

Section(s): 34-336(e)(1)e, for lot coverage of 44% in lieu of 35% maximum, to allow for new swimming pool and surrounding decking, to an existing single-family dwelling **for property addressed** 540 Barbara Ln, **RE#** 174962-0000, **legally described as** Lot 9, Block 1, *Beach Homesites Unit 1*

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1948) located in the Low Density Residential future land use category. The property is currently located in the Residential Single Family: RS-1 zoning district. The lot has a width of 86 feet and is 111.45 feet in depth, with an overall lot area of 8,103 square feet. The current home was constructed in 1951, prior to the current LDC. The lot coverage is currently nonconforming at 40%. The lot currently has an existing house, covered wood deck, guest house, and pavers which do not conform to current lot coverage regulations in the RS-1 zoning district. The applicant is applying for this variance for lot coverage of 44% in lieu of 35% maximum, to allow for new swimming pool and surrounding decking. The applicant purchased the home in 2022 with the existing nonconformities.

No previous BOA, no active code case.

Staff Analysis

The subject property is substandard in width, as it only measures 86 in width rather than the 90 feet minimum requirement in the RS-1 zoning district and is nonconforming in size at 8,103 square feet. The applicant is proposing to build a new swimming pool and surrounding decking and remove the exiting paver area in the rear yard. This would reduce the overall lot area, by exchanging lot coverage for the removed pavers for part of the new pool deck. A variance to allow for more lot coverage for a new pool and 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 does find that the requested variances are the minimum variance needed to accommodate the proposed addition to the exiting property.

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. The proposed lot coverage, extrapolated out to a full sized RS-1 lot, at 10,000 square feet, would be roughly 35.6%



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

Minimum Dimensional Standards

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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is not conforming and substandard in width, it is 86 feet in width and has an overall lot area of 8,103 square feet. The existing lot does have nonconformities that could constitute a hardship as it would be difficult to add the pool and decking without exceeding 35% lot coverage base on the current conditions.

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. The lot was platted in its current configuration in 1948, and the home was constructed in 1951



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

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

Staff finds that the proposed variance **will not** confer special privileges. The request to add additional lot coverage to a lot that does not meet the minimum lot area 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

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

Staff **does** find that the requested variance is the minimum variance needed to accommodate the proposed addition to the exiting property. The minimum variance needed would be to approve the proposed 44% lot coverage. Additionally, the applicant is reducing the exiting lot coverage by removing pavers, and replacing them with the pool deck.

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.

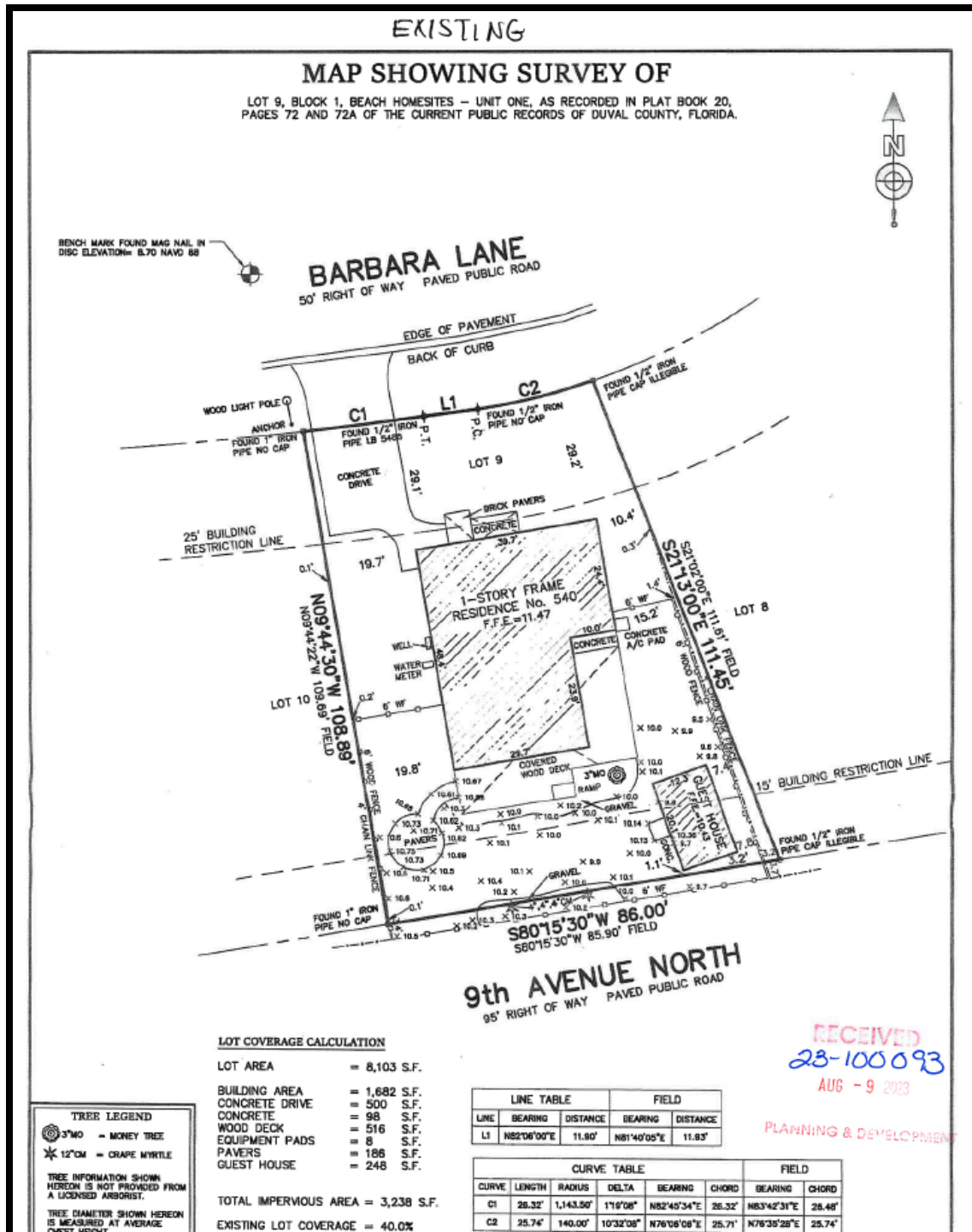
Staff Recommendation

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#23-100093**

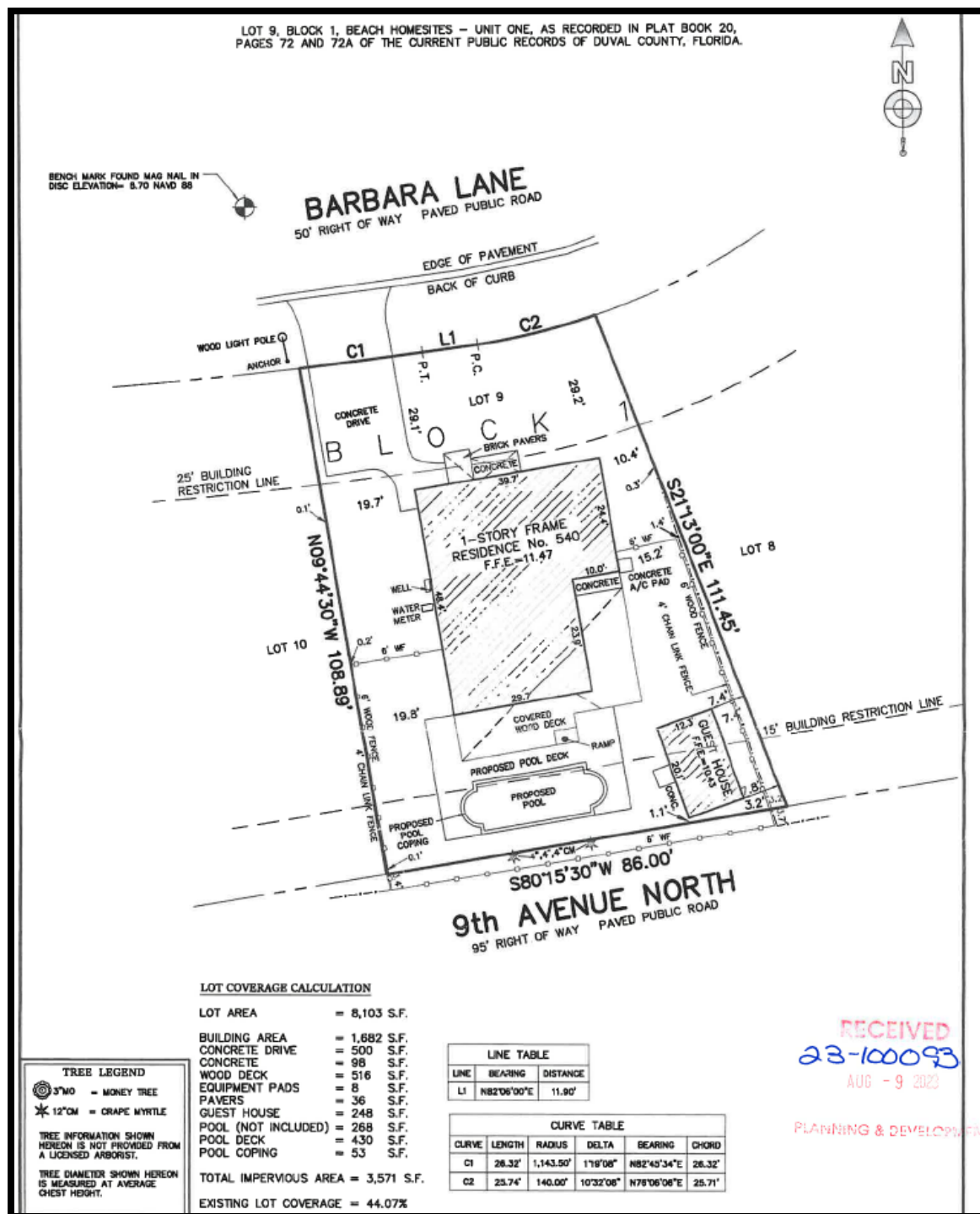
Location Map (property boundaries are representative only)



Existing Survey



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 23-100093
HEARING DATE 10-3-23

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.

AUG - 9 2023

APPLICANT INFORMATION

Applicant Name: Charles Allen **Telephone:** (904) 652-9112
Mailing Address: 540 Barbara Lane **E-Mail:** callen0624@yahoo.com
Jacksonville Beach, FL 32250

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

Landowner Name: Melisa Allen & Charles Allen **Telephone:** (904) 652-9112
Mailing Address: 540 Barbara Lane **E-Mail:** callen0624@yahoo.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: 540 BARBARA LANE, JACKSONVILLE BEACH, FL 32250 RE#174962-0000
Legal description of property (Attach copy of deed): 20-72 28-2S-29E/ BEACH HOMESITES UNIT 1/LOT 9 BLK 1
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 VARIANCE REQUEST FROM 40% CURRENTLY TO 44.7% TO ALLOW FOR NEW SWIMMING POOL AND SURROUNDING DECKING

AFFIDAVIT

I, CHARLES ALLEN, 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.

Charles Allen
APPLICANT SIGNATURE CHARLES ALLEN 7.28.23
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 28th day of July, 2023, by Charles Allen, who is personally known to me or produced Florida Driver License as identification.

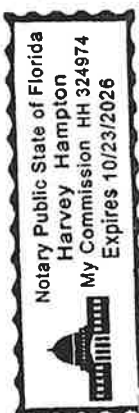
Harvey Hampton
NOTARY PUBLIC SIGNATURE
Harvey Hampton
PRINT NOTARY NAME

(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1 FLOOD ZONE: X-Shaded

CODE SECTION (S):
34-336(e)(1)e, for lot coverage of 44% in lieu of 35% maximum, to allow for new swimming pool and surrounding decking, to an existing single-family dwelling for property addressed 540 Barbara Ln, RE# 174962-0000, legally described as Lot 9, Block 1, Beach Homesites Unit 1



23-100093

RECEIVED

AUG - 9 2023

Prepared by and return to:

Marla Contu
Atlantic Coast Title & Escrow
1525-B The Greens Way, Suite 100
Jacksonville Beach, FL 32250
(904) 372-4834
File Number: 2022-21396
Will Call No.:

PLANNING & DEVELOPMENT

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 21st day of October, 2022 between Adam Eby and Jamie Marie O'Day, A Married Couple whose post office address is 500 Palmer St, Green Cove Springs, FL 32043, grantor, and Melisa A. Allen and Charles P. Allen, A Married Couple, as joint tenants with the right of survivorship, and not as tenants in common whose post office address is 540 Barbara Ln, 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 9, Block 1, BEACH HOMESITES-UNIT ONE, according to the plat thereof as recorded in Plat Book 20, Page 72, Public Records of Duval County, Florida.

Parcel Identification Number: 174962-0000

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

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 12/31/2021.

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

Signed, sealed and delivered in our presence:

Melvin O. Lugo-Viera
Witness

Printed Name: Melvin O. Lugo-Viera

Adam Eby
Adam Eby

Michael Campagna
Witness

Printed Name: Michael Campagna

Melvin O. Lugo-Viera
Witness

Printed Name: Melvin O. Lugo-Viera

Jamie Marie O'Day
Jamie Marie O'Day

Michael Campagna
Witness

Printed Name: Michael Campagna

State of Florida
County of Clay

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this
13th day of October, 2022 by Adam Eby and Jamie Marie O'Day who ☐ are personally known or ☒ have produced
FL DL as identification.

[Seal]



Melvin O. Lugo-Viera
Notary Public
Print Name: Melvin O Lugo-Viera
My Commission Expires: 1/21/2024

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100093

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	Our lot is smaller than today's minimum of 10,000 sq feet and our current coverage today is higher as a result of that coupled with changes that were made long before we purchased the house/lot in Oct 2022..
Special circumstances and conditions do not result from the actions of the applicant.	Yes	We just purchased the house in Oct 2022 and at that time we were already at 40% due to previous changes, some done more than 20 years ago. i.e. One car garage, back decking and current pavers/fire pit.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	There are quite a few homes larger than ours taking up more lot space with a swimming pool already, our coverage remains small and will not afford us any special privilege.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	We want a place to enjoy with our grandkids and family. The variance request is a small change to our lot that won't impact anything else in the area but will afford us the opportunity to enhance our home and enjoy it.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	We are asking for a minor variance to go from 40% to 44.07%. This variance request is even smaller if you factor in the back decking has slats that let's water flow freely but has not been considered in the current topographical survey.
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	Pool and coverage will not impact any of our neighbors in any way. The coverage remains minor.

EXISTING

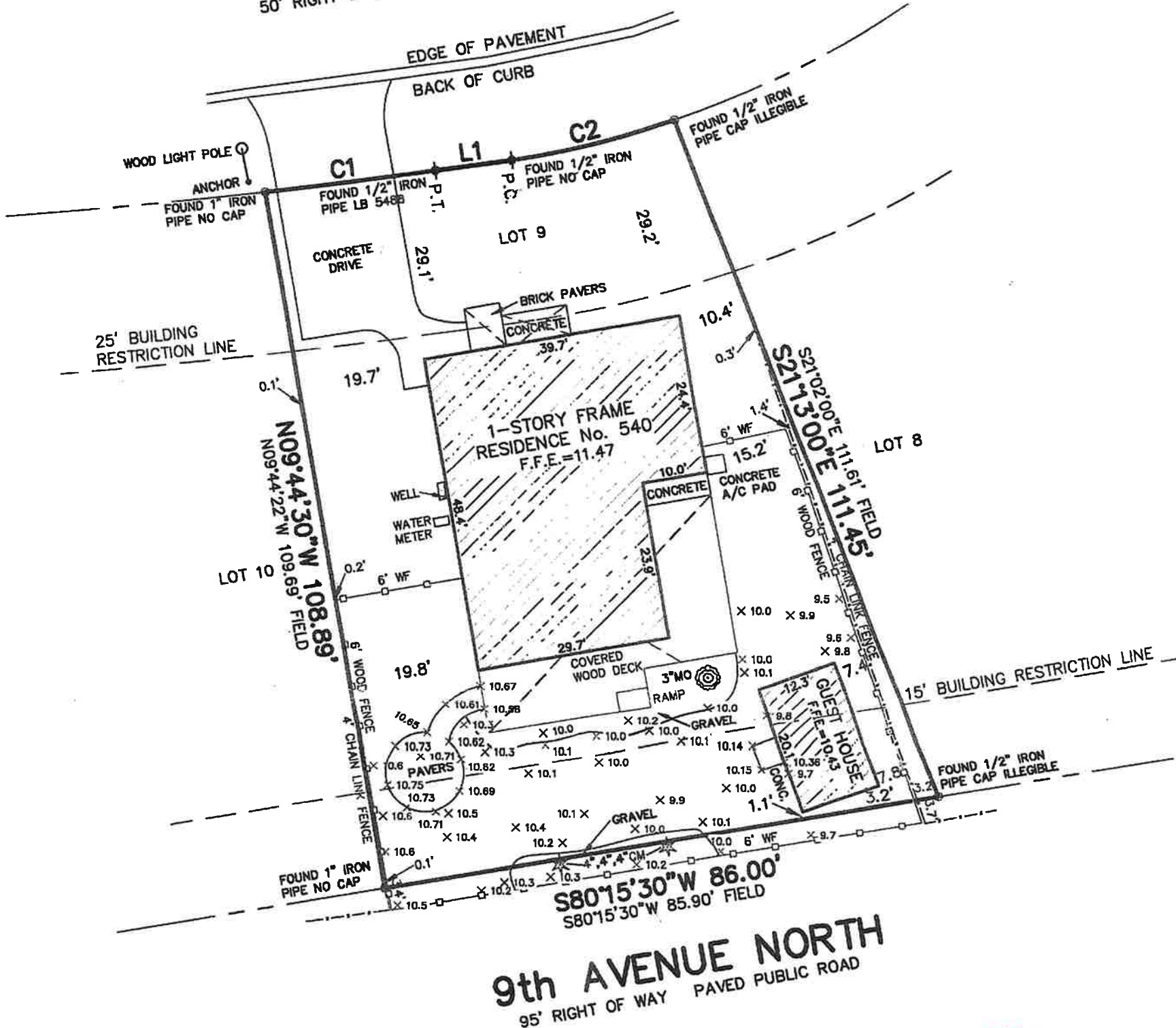
MAP SHOWING SURVEY OF

LOT 9, BLOCK 1, BEACH HOMESITES - UNIT ONE, AS RECORDED IN PLAT BOOK 20, PAGES 72 AND 72A OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



BENCH MARK FOUND MAG NAIL IN DISC ELEVATION= 8.70 NAVD 88

BARBARA LANE
50' RIGHT OF WAY PAVED PUBLIC ROAD



LOT COVERAGE CALCULATION

LOT AREA = 8,103 S.F.

BUILDING AREA = 1,682 S.F.
CONCRETE DRIVE = 500 S.F.
CONCRETE = 98 S.F.
WOOD DECK = 516 S.F.
EQUIPMENT PADS = 8 S.F.
PAVERS = 186 S.F.
GUEST HOUSE = 248 S.F.

TOTAL IMPERVIOUS AREA = 3,238 S.F.

EXISTING LOT COVERAGE = 40.0%

LINE TABLE			FIELD	
LINE	BEARING	DISTANCE	BEARING	DISTANCE
L1	N82°06'00"E	11.90'	N81°40'05"E	11.93'

CURVE TABLE						FIELD	
CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD	BEARING	CHORD
C1	26.32'	1,143.50'	1°19'08"	N82°45'34"E	26.32'	N83°42'31"E	26.48'
C2	25.74'	140.00'	10°32'08"	N76°08'08"E	25.71'	N76°35'28"E	25.74'

RECEIVED
23-100093
AUG - 9 2023

PLANNING & DEVELOPMENT

TREE LEGEND

- 3"MO - MONEY TREE
12"CM - CRAPE MYRTLE

TREE INFORMATION SHOWN HEREON IS NOT PROVIDED FROM A LICENSED ARBORIST.

TREE DIAMETER SHOWN HEREON IS MEASURED AT AVERAGE CHEST HEIGHT.

SYMBOL LEGEND

- FIRE HYDRANT
LIGHT POLE
GV GAS VALVE
WV WATER VALVE
CLEAN OUT
UTILITY POLE
GUY ANCHOR
BOLLARD
WM WATER METER
GR GAS RISER
CR CABLE RISER
ELB ELECTRIC BOX
SIGN
TRANSFORMER
MANHOLE

ABBREVIATION LEGEND

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

GENERAL SURVEY NOTES

- THIS IS A LIMITED AREA TOPOGRAPHIC SURVEY, BOUNDARY INFORMATION PER SURVEY PERFORMED BY THIS FIRM DATED SEPTEMBER 5TH, 2018, FILE NO# 2018-1407.
- BEARINGS ARE BASED ON THE NORTHERLY R/W LINE OF 9TH AVENUE, BEING SOUTH 80°15'30" WEST, AS PER PLAT.
- THIS SURVEY WAS PREPARED WITHOUT AN ABSTRACT OF TITLE; THEREFORE THE UNDERSIGNED MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT OF WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS.
- NO UNDERGROUND INSTALLATIONS, IMPROVEMENTS OR ENCROACHMENTS HAVE BEEN LOCATED EXCEPT THOSE SHOWN HEREON.
- BUILDING RESTRICTION LINES, AS PER PLAT.
- THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X-SHADED" (0.2% ANNUAL CHANCE FLOOD HAZARD) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031C0417J, REVISED 11/02/2018 FOR DUVAL COUNTY, FLORIDA.

CERTIFIED TO:

MELISA A. ALLEN & CHARLES P. ALLEN

JEREMY A HEWITT, P.S.M.
FLORIDA LICENSED SURVEYOR and MAPPER No. LS 7413
FLORIDA LICENSED SURVEYING & MAPPING BUSINESS No. LB 3672
"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER."



FILE: 2023-0967
DRAWN BY: KJC-P/JAH
SCALE: 1" = 20'

BOATWRIGHT LAND SURVEYORS, INC.

1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 32250 (PH) 904-241-8550

DATE:
JULY 18, 2023
SHEET 1 OF 1

PROPOSED

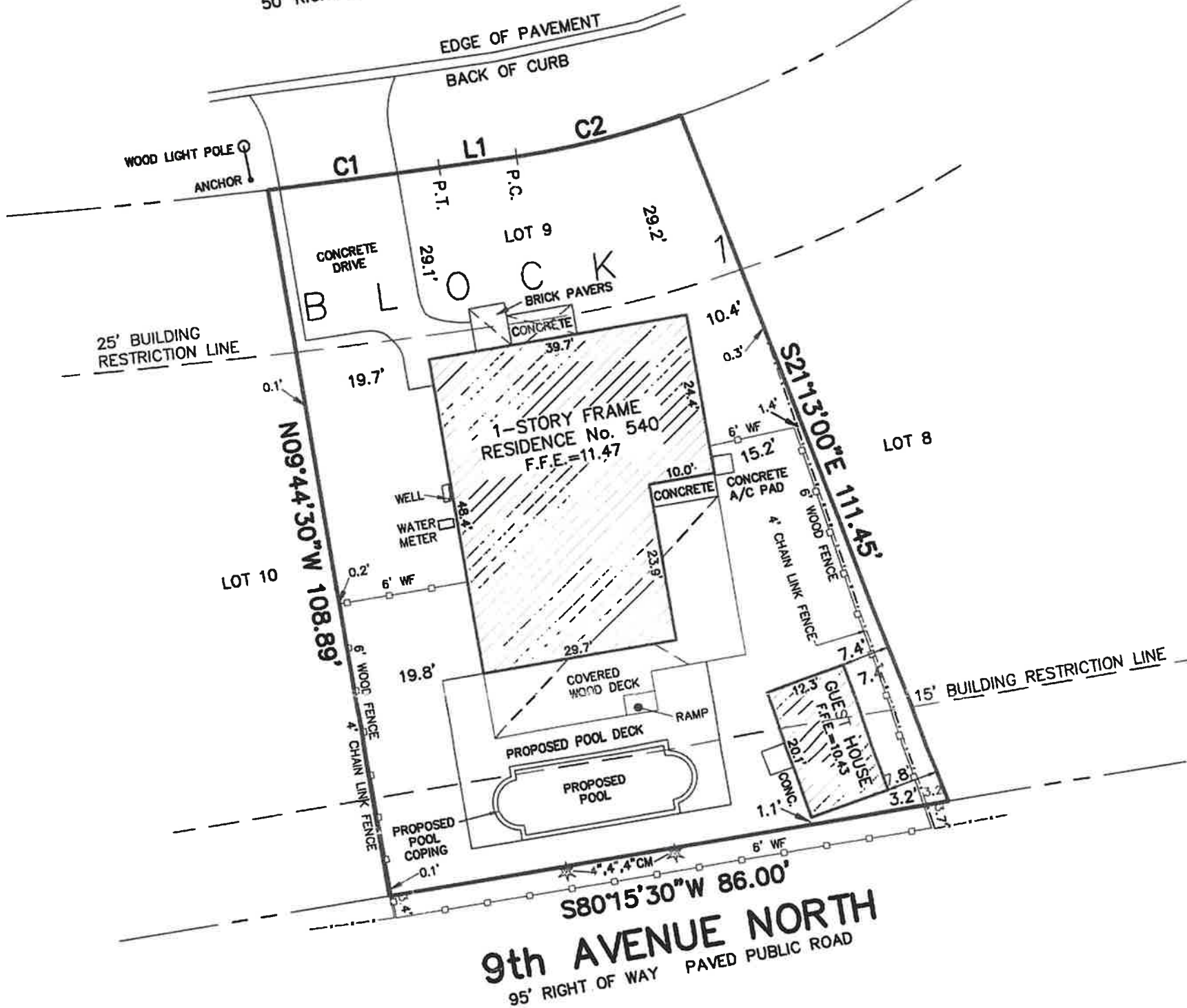
PLOT PLAN OF

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50' RIGHT OF WAY PAVED PUBLIC ROAD



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CONCRETE = 98 S.F.
WOOD DECK = 516 S.F.
EQUIPMENT PADS = 8 S.F.
PAVERS = 36 S.F.
GUEST HOUSE = 248 S.F.
POOL (NOT INCLUDED) = 268 S.F.
POOL DECK = 430 S.F.
POOL COPING = 53 S.F.

TOTAL IMPERVIOUS AREA = 3,571 S.F.

EXISTING LOT COVERAGE = 44.07%

LINE TABLE

LINE	BEARING	DISTANCE
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CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
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GAS VALVE
WATER VALVE
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CERTIFIED TO:

MELISA A. ALLEN & CHARLES P. ALLEN

FILE: 2023-0968
DRAWN BY: KJC-P/JAH
SCALE: 1" = 20'

BOATWRIGHT LAND SURVEYORS, INC.

1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 32250 (PH) 904-241-8550

DATE: JULY 25, 2023
SHEET 1 OF 1



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

BOA#23-100095

Zoning: RS-1
RE: 180688-0020
Legal: Lot 8, Block 24, *Atlantic Shores Replat UNIT 1*
Address: 2703 Madrid St

Request

Section(s): 34-336(e)(1)c(2), for side yard setback of 7.5 feet in lieu of 10 feet; and 34-336(e)(1)e for lot coverage of 46% in lieu of 35% maximum to allow for the addition of a pool, paved drive way, and paved sidewalk to an existing single-family dwelling **for property addressed** 2703 Madrid St, **RE#** 180688-0020, **legally described as** Lot 8, Block 24, *Atlantic Shores Replat UNIT 1*

Existing Conditions

The subject property is a nonconforming lot of record (circa 1930) located in the Low-Density Residential District future land use category. The property is located in the Residential Single Family: RS-1 zoning district. The lot is 50 feet in width, and 120 feet in depth, with an overall lot area of 6,000 square feet. The subject home was constructed in 1978, prior to the current LDC. The lot coverage is currently conforming at 35%. The lot has an existing house which conforms with maximum lot coverage regulations in the RS-1 zoning district. The applicant is applying for this variance for side yard setback of 7.5 feet in lieu of 10 feet to address existing nonconformities with the house and for lot coverage of 46% in lieu of 35% maximum to allow for the addition of a coping only pool, paved drive way, and paved sidewalk to build a new two-story home. **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 90 feet minimum requirement in the RS-1 zoning district and is nonconforming in size at 6,000 square feet. The applicant is proposing to build a new two-story home with the addition of a coping only pool, paved drive way, and paved sidewalk. A variance to allow for more lot coverage and a 7.5 side yard setback for a new two-story home 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 does find that the requested variances are the minimum variance needed to accommodate the proposed new home and additions to the exiting property. 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 (10,000) square feet.
- Minimum lot width: Ninety (90) feet at the building line and a minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty-five (25) feet.
 - Side yard: Ten (10) feet on each side except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear yard: Thirty (30) feet.
- Floor area: A single family dwelling unit shall contain a minimum of one thousand six hundred (1,600) square feet of conditioned living area and a one (1) car garage. The garage shall not be included as part of the single-family dwelling unit's minimum square footage.
- Maximum lot coverage: Thirty-five (35) percent.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject lot is a nonconforming lot of record and substandard in area and width, it is 50 feet in width and has an overall lot area of 6,000 square feet. The existing lot does have nonconformities that could constitute a hardship as does the existing house. These conditions must be rectified to build the pool, paved drive way, and paved sidewalk to exceeding 35% lot coverage.

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

Staff **does not** find that circumstances are a result of the applicant. The applicant purchased the property with the nonconforming conditions. The subject lot was plated in 1930, with the nonconforming home constructed in 1978, both conditions predate the current LDC.



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

Staff finds that the proposed variance **will not** confer special privileges. The request to add additional lot coverage and deviate from current side yard regulations on a lot that is nonconforming in area and 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, and the existing nonconforming home, the applicant cannot add any accessory structures and meet RS-1 standards for setbacks and lot coverage. 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.

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 side yard setback of 7.5 feet to address the historic nonconformities with the existing home, and for lot coverage of 46%. To allow for the new driveway and walkway, and the addition of a coping only pool.

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

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

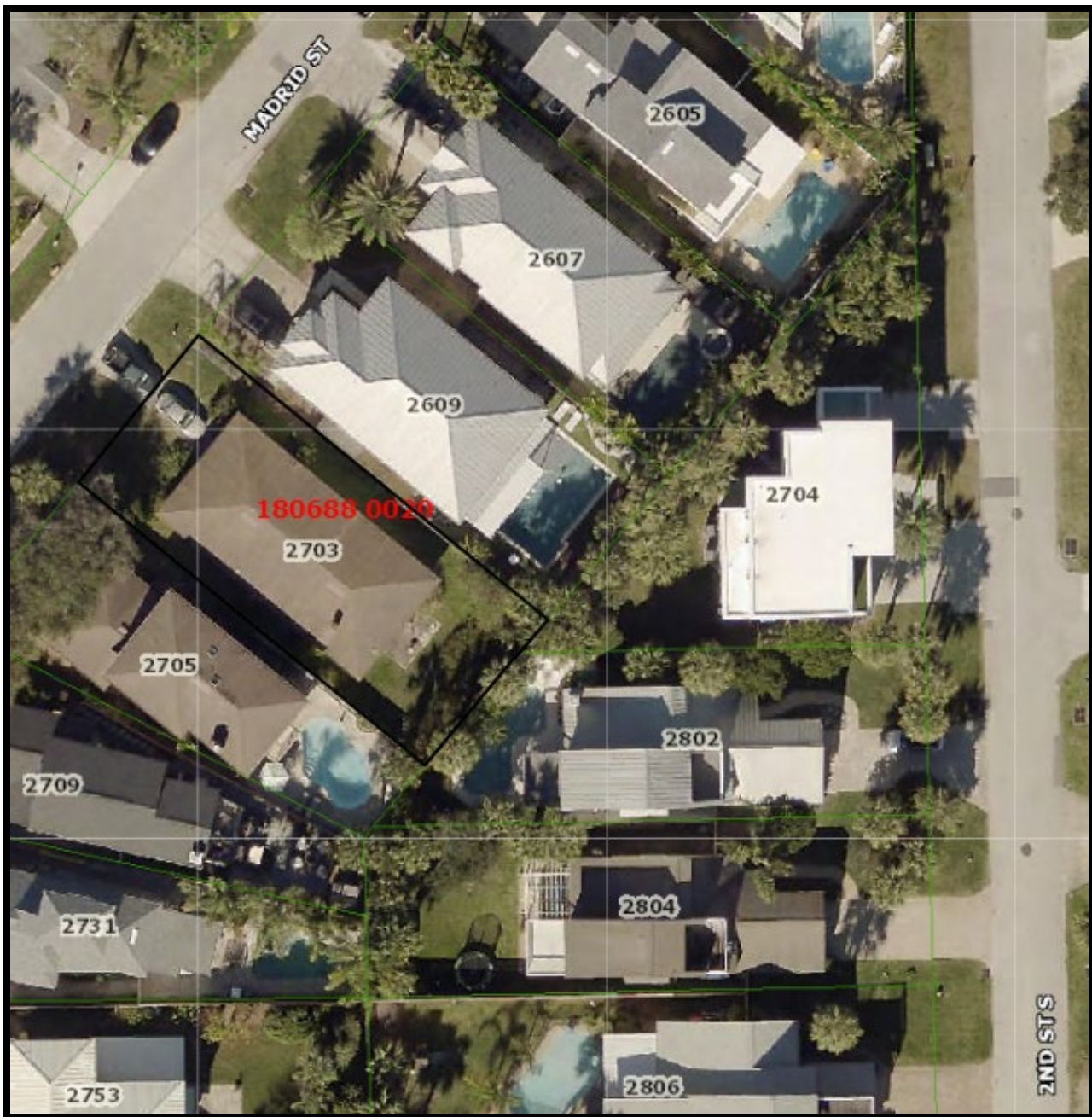


City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

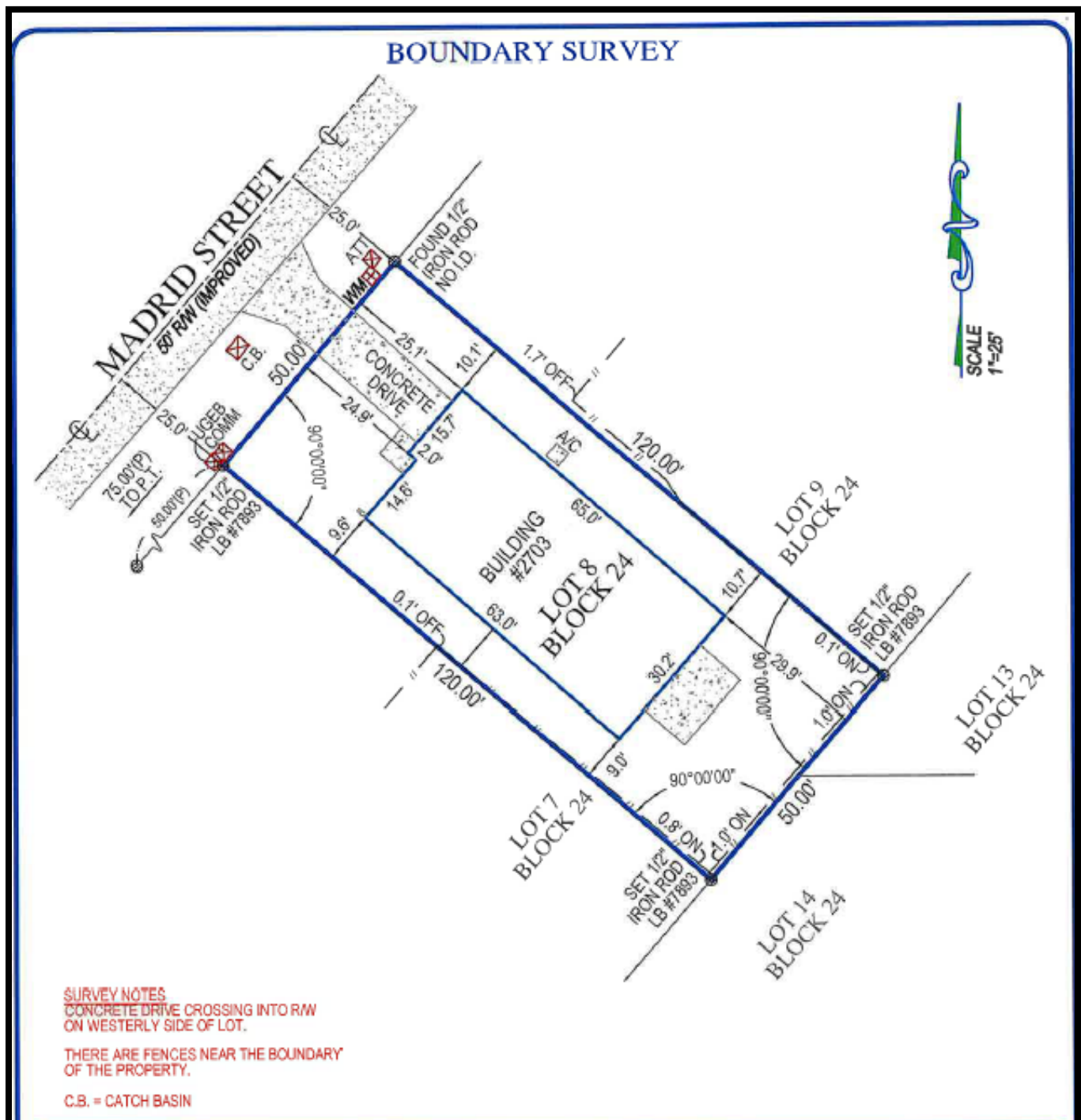
Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#23-100095**

Location Map (property boundaries are representative only)



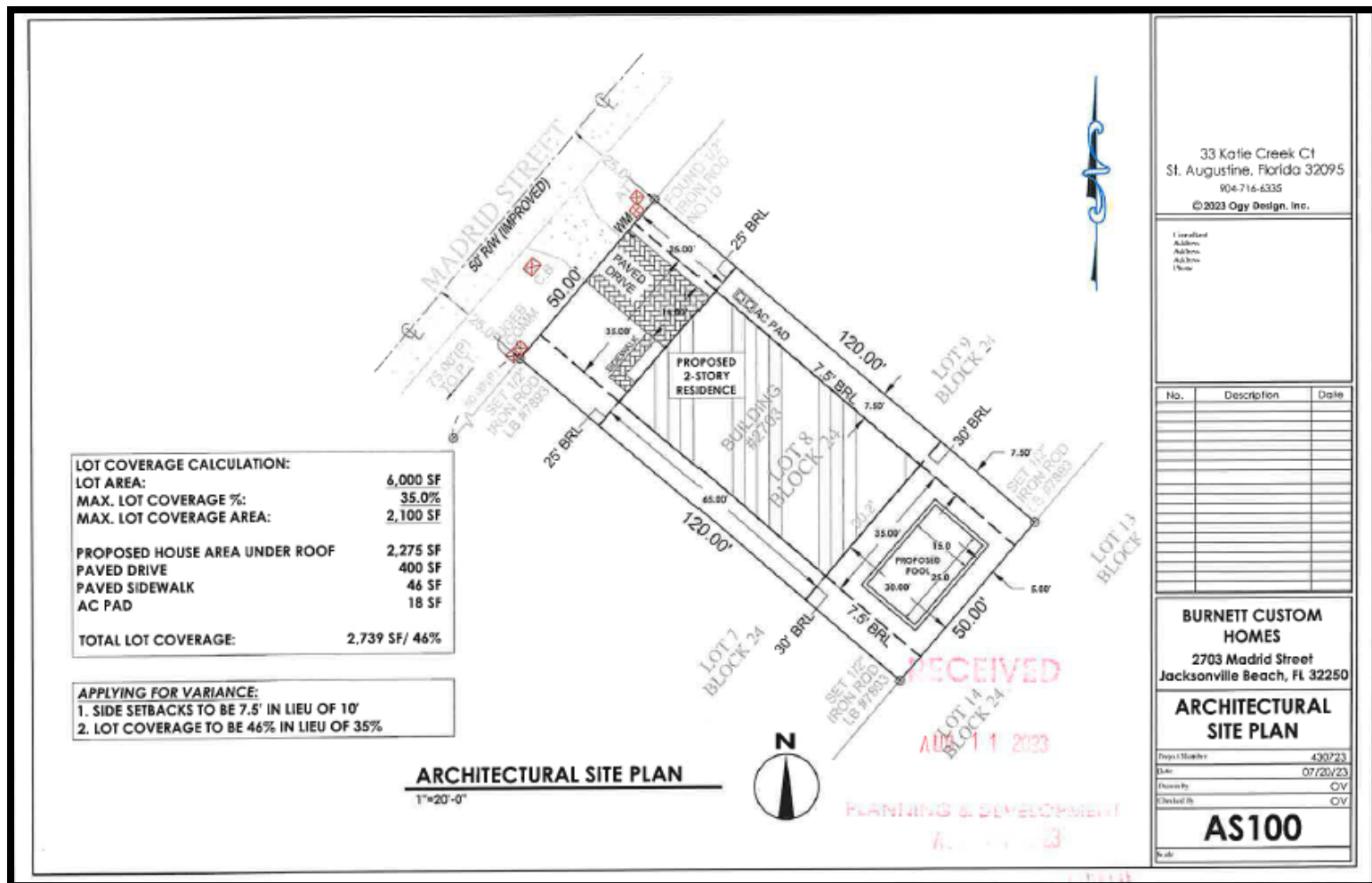
Existing Survey





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

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA NO. 23-100095
HEARING DATE 10-07-23

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.

AUG 11 2023

APPLICANT INFORMATION

Applicant Name: Barnett Custom Homes **Telephone:** (904) 229-6622
Mailing Address: 460 Osceola Ave **E-Mail:** greg@barnettcustomhomes.net
Jacksonville Beach FL 32250
Agent Name: _____ **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____
Landowner Name: Nick Stam **Telephone:** _____
Mailing Address: 697 Ponte Vedra Blvd **E-Mail:** nickstam@me.com
Ponte Vedra Beach 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: 2703 Madrid Street Jacksonville Beach FL 32250 RE#180688-0020
Legal description of property (Attach copy of deed): 14-39 09-3S-29E R/P Unit 1 Atlantic Shores LOT 8 BLK 24
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).
7.5ft side yard set back in lieu of 10ft
46% lot coverage in lieu of 35%

AFFIDAVIT

I, Greg Barnett, 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'S SIGNATURE

Greg Barnett

PRINT APPLICANT NAME

8-1-23
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 1st day of August, 2023, by Greg Barnett, who is personally known to me or produced _____ as identification.

[Signature]
NOTARY PUBLIC SIGNATURE
Heather Marie Parks
PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1 FLOOD ZONE: AE
CODE SECTION (s):
34-336(e)(1)c(2), for side yard set back of 7.5 feet in lieu of 10 feet; and 34-336(e)(1)e for lot coverage of 46% in lieu of 35% maximum to allow for the addition of a pool, paved drive way, and paved sidewalk to an existing single-family dwelling for property addressed 2703 Madrid St, RE# 180688-0020, legally described as Lot 8, Block 24, Atlantic Shores Replat UNIT 1

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

File Number: 1031-130
Consideration \$635,000.00

General Warranty Deed

Made this July 21, 2023 by **Francis Daniel Mellon, an unmarried man and Nancy Mellon Ryan, a married woman conveying non-homestead property and Paul Edward Mellon, an unmarried man**, whose address is: 2703 Madrid St, Jacksonville Beach, FL 32250, hereinafter called the grantor, to **Nickolas Stam**, whose post office address is: 697 Ponte Vedra Blvd, Ponte Vedra Beach, FL 32082, hereinafter called the grantee:

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

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

LOT 8, BLOCK 24, REPLAT UNIT NO. 1, ATLANTIC SHORES, A SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGE 39, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

Parcel ID Number: 180688-0020

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.

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

File Number: 1031-130
Consideration \$635,000.00

Signature page for Warranty Deed

Signed, sealed and delivered in our presence:

Witness Printed Name Jessica Wright

Witness Printed Name Charlotte Werner

State of Florida
County of Duval

The foregoing instrument was acknowledged by means of ☒ physical presence or ☐ online notarization, this 21st day of July, 2023, by Francis Daniel Mellon and Paul Edward Mellon, who have produced FL DL as identification.

Francis Daniel Mellon (Seal)
Francis Daniel Mellon

Address:

Paul Edward Mellon (Seal)
Paul Edward Mellon

Address:

[Signature]
Notary Public
Print Name:

My Commission Expires: _____



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

File Number: 1031-130
Consideration \$635,000.00

Delana Lane
Witness Printed Name Delana Lane
C. Daigle
Witness Printed Name Cynthia Daigle
C Daigle

Nancy Mellon Ryan (Seal)

County Rockingham
State of New Hampshire
Notary County of New Hampshire

The foregoing instrument was acknowledged by means of ☒ physical presence or ☐ online notarization, this 13 day of July, 2023, by Nancy Mellon Ryan, who is personally known to me or who has produced drivers license as identification.

Andrea J. Kohler
Notary Public
Print Name: Andrea J. Kohler
My Commission Expires: 10.27.26



VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 23-100095

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.

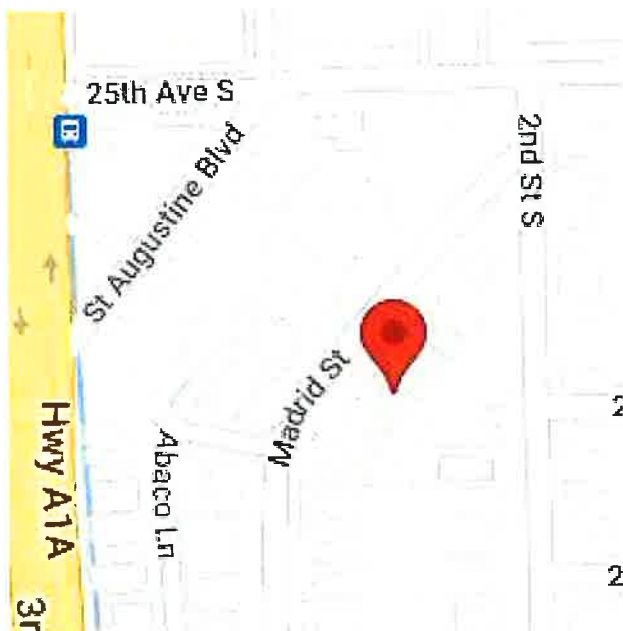
Section 34-286. Standards applicable to all variances. In order to authorize any variance from the terms of this code, the Board of Adjustment must find that the following criteria have been met. To assist the Board in making this finding, please complete the blanks on the form below.

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	This lot is a sub standard lot - requiring 10,000 sf of lot coverage and this lot is only 6000 sf- granting the 46% lot coverage is still less coverage than 35% of 10,000 sf
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Min requirement per this zoning This lot is sub standard - see above
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	This lot is sub standard
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.	no	
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	This lot is sub standard
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	YES	this lot is sub standard



6250 NORTH MILITARY TRAIL, SUITE 102, WEST PALM BEACH, FL 33407- (800) 226-4807
WWW.TARGETSURVEYING.NET

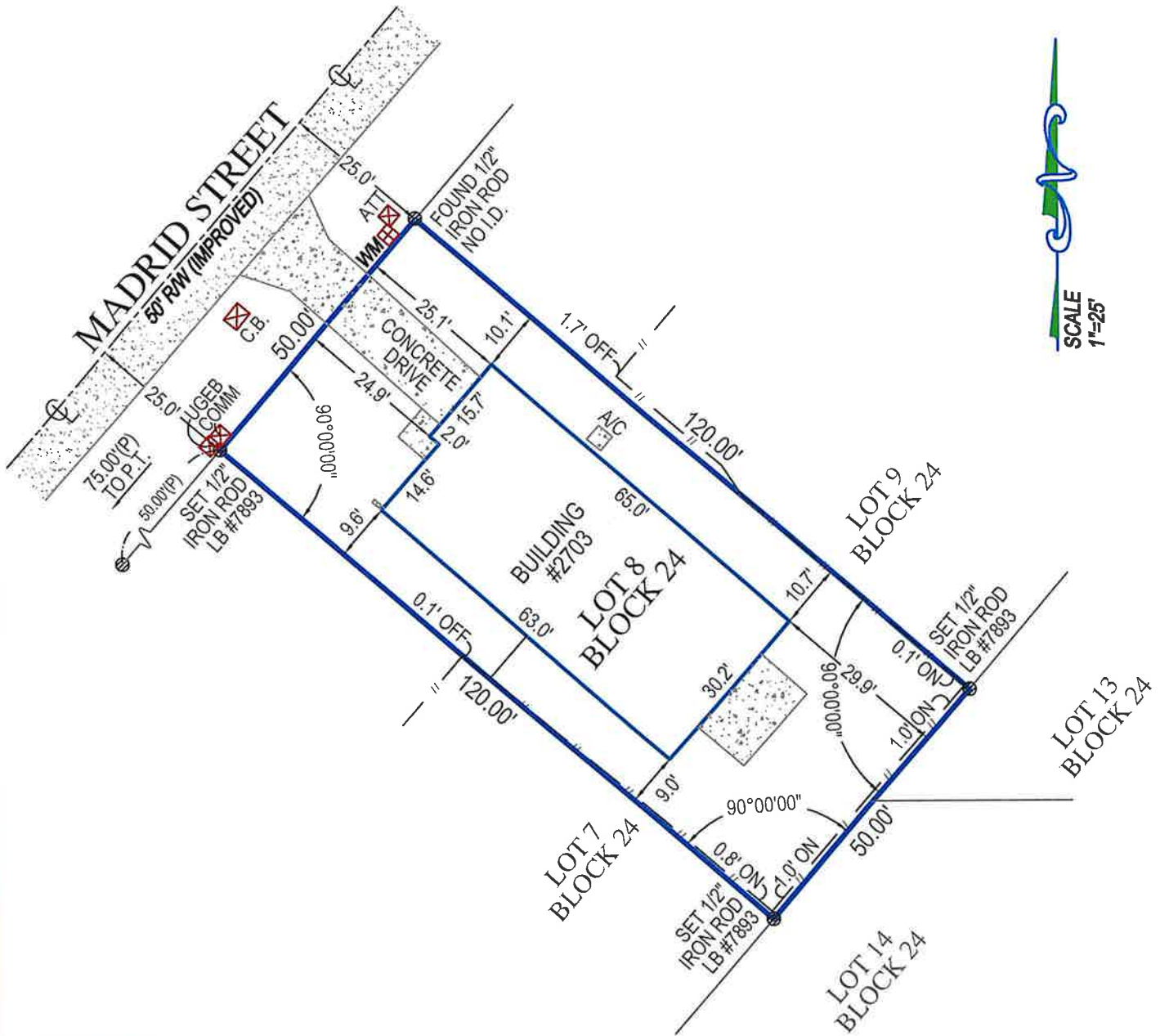
LAND SURVEY PREPARED FOR N/A
2703 MADRID STREET, JACKSONVILLE BEACH, FL 32250



REQUESTED BY:

BEACHES TITLE SERVICES
11437 CENTRAL PARKWAY SUITE 102
JACKSONVILLE, FL 32224
PH.

BOUNDARY SURVEY



SURVEY NOTES

CONCRETE DRIVE CROSSING INTO R/W
ON WESTERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY
OF THE PROPERTY.

C.B. = CATCH BASIN

PAGE 2 OF 2 PAGES
(NOT COMPLETE WITHOUT PAGE 1)
SURVEY NUMBER:
594143

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS LOCATED.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.A.V.D. 1988.
- 9) THIS SURVEY HAS BEEN COMPLETED FOR A MORTGAGE TRANSACTION, ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO DESIGN OR CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT APPROVAL FROM TARGET SURVEYING PRIOR TO SUCH USE. TARGET SURVEYING ASSUMES NO RESPONSIBILITIES FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
- 10) IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.



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

LEGAL DESCRIPTION AND CERTIFICATION

LOT 8, BLOCK 24, ATLANTIC SHORES REPLAT, UNIT ONE, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 14, PAGES 39 AND 40, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FL.

Community Number: 120078 Panel: 12031C0419 Suffix: J F.I.R.M. Date: 11/2/2018 Flood Zone: AE Field Work: 6/29/2023

Certified To:
BEACHES TITLE SERVICES

Property Address:
2703 MADRID STREET
JACKSONVILLE BEACH, FL 32250

Survey Number: 594143

Client File Number: TBD

ABBREVIATION DESCRIPTION:

A.E.	ANCHOR EASEMENT	F.F. EL.	FINISH FLOOR ELEVATION
A.C.	AIR CONDITIONER	F.I.P.	FOUND IRON PIPE
B.M.	BENCH MARK	F.I.R.	FOUND IRON ROD
B.R.	BEARING REFERENCE	F.P.K.	FOUND PARKER-KALON NAIL
(C)	CALCULATED	(L)	LENGTH
?	CENTRAL / DELTA ANGLE	L.A.E.	LIMITED ACCESS EASEMENT
CH	CHORD	L.M.E.	LAKE MAINTENANCE EASEMENT
(D)	DEED / DESCRIPTION	(M)	MEASURED / FIELD VERIFIED
D.E.	DRAINAGE EASEMENT	M.H.	MANHOLE
D.H.	DRILL HOLE	N&D	NAIL & DISK
DW	DRIVEWAY	N.R.	NOT RADIAL
E.O.W.	EDGE OF WATER	N.T.S.	NOT TO SCALE
F.C.M.	FOUND CONCRETE MONUMENT	O.H.L.	OVER-HEAD UTILITY LINES

O.R.B.	OFFICIAL RECORDS BOOK
(P)	PLAT
P.B.	PLAT BOOK
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.R.C.	POINT OF REVERSE CURVE
P.T.	POINT OF TANGENCY
R.W.	RIGHT-OF-WAY
(R)	RADIAL / RADIUS
S.I.R.	SET IRON ROD
T.O.B.	TOP OF BANK
U.E.	UTILITY EASEMENT

SYMBOL DESCRIPTIONS:

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



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.

**STEVEN D
MARSHALL**

Digitally signed by STEVEN D
MARSHALL
Date: 2023.06.29 21:22:37
-04'00'

PRINTING INSTRUCTIONS:

WHEN PRINTING BE SURE TO SELECT "ACTUAL SIZE"
TO ENSURE PROPER SCALING. DO NOT USE "FIT"
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WEBSITE: www.targetsurveying.net

(SIGNED)

STEVEN D MARSHALL
PROFESSIONAL SURVEYOR AND MAPPER #6376

Consultant
Address
Address
Address
Phone

[illegible]

Table

1"=20'-0"



PLANNING & DEVELOPMENT

PLANNING & DEVELOPMENT