



City of Jacksonville Beach

Regular Meeting Agenda

11 North Third Street
Jacksonville Beach, Florida

Board of Adjustment

Tuesday, June 17, 2025

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

Owen Curley (Chairperson), Jeff Truhlar (Vice-Chairperson), Matt Metz, John Moreland, Jennifer Williams

Alternates: Douglas Dell, Laura Tierney

APPROVAL OF MINUTES

A. Minutes for May 20, 2025 Meeting

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

A. **Case Number(s): BOA#25-100034**

Applicant: Anthony Martinez

Agent: N/A

Owner: Iron Oak Real Estate LLC

Property Address: 133 N 7th Ave

Parcel ID: 179381-0000

Legal Description: The South 75 feet of Lot 54, Together With the West 12.5 feet of The South 75 feet of lot 55, *Flagler Tract*

Current Zoning: C-1

Motion to Consider: **Section(s):** 34-614(e)(3)(c)(2), for a corner side yard setback of 11.3 feet in lieu of 12.6 feet minimum, 34-614(e)(3)(c)(1) for a front yard setback of 0 feet in lieu of 20 feet minimum, 34-614(e)(3)(c)(2) for a side yard setback of 6.8 feet in lieu of 10 feet minimum, 34-614(e)(3)(c)(3), for a rear yard setback of 14 feet in lieu of 20 feet minimum, 34-706.1, for zero (0) parking spaces at a two-unit multiple-family dwelling in lieu of two (2) spaces per dwelling unit requirement or, four (4) spaces total required, to rectify nonconformities for renovation, for staircase addition, new second story deck on the west side of the structure and expansion of an existing second story deck on the front, located on two nonconforming lots or record, located at **property addressed** 133 N 7th Ave **RE#** 179381-0000, **legally described as** The South 75 feet of Lot 54, Together With the West 12.5 feet of the South 75 feet of lot 55, *Flagler Tract*

PLANNING DEPARTMENT REPORT

A. Board Training July 15h

ADJOURNMENT**NOTICE**

If you are a person with a disability who needs an accommodation to participate in a meeting, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator by phone 904-712-6297 or submit an [Accommodation Request](#) to the ADA Coordinator as far in advance of the meeting as possible; preferably 7 days but no less than 2 business days, before the meeting. If you are hearing or voice impaired, please call Florida Relay at 711 for assistance.

In accordance with Section 286.0114, Florida Statutes, any member of the public may 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 may 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 made part of the record. 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: City Manager; City Attorney

**Minutes of Board of Adjustment Meeting
held Tuesday, May 20, 2025, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

Chairperson Curley called the meeting to order at 6:01 P.M.

ROLL CALL:

Chairperson: Owen Curley
Vice-Chairperson: Matt Metz
Board Members: John Moreland (absent) Jennifer Williams Jeff Truhlar (absent)
Alternates: Laura Tierney (absent) Douglas Dell

Planner Danevsky Joseph and Operations Support Specialist II Lauren Loria were also present.

APPROVAL OF MINUTES:

Motion: It was moved by Mr. Metz, seconded by Ms. Williams, and passed unanimously to approve the following minutes:

- Minutes for March 18, 2025 Meeting
- Minutes for April 15, 2025 Meeting

CORRESPONDENCE: Ms. Loria confirmed all correspondence was provided to the Board on the dais.

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: **BOA#25-100020**
Applicant: Elevate On Track LLC
Agent: Cyndy Trimmer & Mike Sittner
Owner: Kathy Jaroll
Property Address: 2007 S 1st St
Parcel ID: 179381-0000

City of Jacksonville Beach Land Development Code Section(s): 34-615(e)(1)(c)(1), for a front yard setback of 10 feet in lieu of 20 feet minimum, 34-615(e)(1)(c)(3), for a rear yard setback of 5 feet in lieu of 20 feet minimum, 34-615(e)(1)(e), For lot coverage of 70% in lieu of 45% Maximum, 34- 615(e)(1)(f), for 71% lot coverage in lieu of 60% maximum, all for construction of two new urban single family dwellings, located on two nonconforming lots or record, located at property addressed 2007 S 1st St., RE# 179381-0000, legally described as Lot 5 & 6, Block L, Permenter's R/P Atlantic Camp Grounds.

Ex-Parte Communication:

No Board members had ex-parte communication on this item.

Agent: Michael Sittner, 1 Independent Drive, Suite 1200, Jacksonville, stated the hardship was two non-conforming lots.

A discussion ensued about splitting the lots, the square footage of the lot, the proposed structure, and hardship.

Public Hearing:

The following did not wish to speak but submitted a speaker card and an online submission form [on file] in opposition to the variance:

- Jeanell Wilson, 2014 South Oceanfront, Jacksonville Beach

Mr. Sittner addressed concerns.

Mr. Curley closed the public hearing.

Discussion continued regarding the lot size, the square footage of the proposed structure, the potential for developing multi-family units, the staff report, and the setbacks.

Motion: It was moved by Mr. Metz, seconded by Ms. Williams, to approve BOA#25-100020 based on the standards for a variance outlined in Section 34-572 of the Land Development Code.

Discussion: A discussion ensued regarding square footage, hardship, and the Land Development Code.

Roll Call Vote: Nays – Jennifer Williams, Matt Metz, Douglas Dell, and Owen Curley.

The motion failed unanimously.

B. Case Number: **BOA#25-100021**
Applicant: Timothy Whalen
Agent: Leonardo Ortiz
Owner: Tuxedo Park Rental LLC
Property Address: 130 N 8th Ave
Parcel ID: 173950-0000

City of Jacksonville Beach Land Development Code Section(s): 34-615(e)(3)(c)(1), for a front yard setback of 1.4 feet in lieu of 20 feet minimum, 34-615(e)(3)(c)(2) for a westerly side yard setback of 4.1 feet and an easterly side yard setback of 4.7 feet in lieu of 5 feet minimum per side, 34-615(e)(3)(c)(3) for a rear yard setback of 12.6 feet in lieu of 20 feet minimum, 34-706.1, for zero (0) parking spaces at a multiple-family dwelling in lieu of two (2) spaces per dwelling unit requirement or four (4) spaces total required, to rectify existing nonconformities and for renovation and conversion of a single family dwelling into a multi-family dwelling, located at property addressed 130 N 8th Ave RE# 173950-0000, legally described as THE WEST TWENTY-FIVE FEET OF THE NORTH SIXTY (60) FEET OF LOT SIXTY 960) AND EAST TEN (10) FEET OF THE NORTH SIXTY (60) FEET OF LOT FIFTY-NINE(59), FLAGLER TRACT.

Ex-Parte Communication:

No Board members had ex-parte communication on this item.

Agent/Applicant: Leonardo Ortiz, 1401 River Place Boulevard, Jacksonville, and Timothy Whalen, 1217 Bellhaven Lane, Ponte Vedra, stated the hardship was existing nonconformities.

Mr. Ortiz submitted a photo to the board [on file].

A discussion ensued about the setbacks, parking, a survey, and previous ownership of the property.

Public Hearing:

The following spoke neither in support nor in opposition to the variance:

- Steve Roberts, 132 8th Avenue North, Jacksonville Beach

Mr. Ortiz addressed concerns expressed by Mr. Roberts and submitted additional photos to the board [on file].

A discussion continued about parking.

Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Metz, seconded by Ms. Williams, to approve BOA#25-100021 based on the testimony and substantial competent evidence provided. The request has met all the standards for a variance outlined in Section 34-572 of the Land Development Code.

Discussion: None

Motion to Amend: It was moved by Mr. Metz, seconded by Ms. Williams, to amend the motion with the contingency they remain in the footprint of the existing structure.

A discussion ensued about the footprint of the proposed structure.

Motion to Amend Roll Call Vote: Ayes – Jennifer Williams, Matt Metz, Douglas Dell, and Owen Curley.

The motion to amend passed unanimously.

Discussion: A discussion ensued regarding parking, setbacks, and the proposed structure's footprint.

Amended Motion Roll Call Vote: Ayes – Jennifer Williams, Matt Metz, Douglas Dell, and Owen Curley.

The motion, as amended, passed unanimously.

C.	Case Number:	<u>BOA#25-100022</u>
	Applicant:	James Mizelle
	Agent:	Jason Gabriel
	Owner:	1328 N 3rd St LLC
	Property Address:	1328 N 3rd St
	Parcel ID:	174664-0000

City of Jacksonville Beach Land Development Code Section(s): 34-617(e)(3)(a), for a front yard setback of 4.6 feet in lieu of 10 feet minimum, 34-707, for a reduction of required off-street parking to 0 in lieu of 14.33 spaces required, to rectify existing

nonconformities, located at property addressed 1328 N 3rd St, RE# 174664-0000, legally described as Lot 1, Block 134, Pablo Beach North R/P.

Ex-Parte Communication:

No Board members had ex-parte communication on this item.

Agent: Jason Gabriel, 50 North Laura Street, Suite 3000, Jacksonville, stated the hardship was existing nonconformities.

A discussion ensued about parking.

Public Hearing:

The following spoke in opposition to the variance:

- Robert Bunkley, 315 13th Avenue North, Jacksonville Beach

Mr. Gabriel addressed Mr. Bunkley's concerns.

Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Metz, seconded by Ms. Williams, to approve BOA#25-100022 based on the testimony and substantial competent evidence provided. The request has met all standards for a variance outlined in Section 34-572 of the Land Development Code.

Discussion: A discussion ensued about parking and traffic.

Motion to Amend: It was moved by Mr. Metz, seconded by Ms. Williams, to amend the motion with the condition the tenant maintains the parking and the easement next to the property as outlined by the recommendations of City staff.

Discussion: None

Motion to Amend Roll Call Vote: Ayes – Jennifer Williams, Matt Metz, Douglas Dell, and Owen Curley.

The motion to amend passed unanimously.

Discussion: None

Amended Motion Roll Call Vote: Ayes – Jennifer Williams, Matt Metz, Douglas Dell, and Owen Curley.

The motion, as amended, passed unanimously.

D.	Case Number:	BOA#25-100023
	Applicant/Agent:	Josh Nussbaum
	Owner:	Donna Berdine, James McKenzie, Harold Dwayne Williams
	Property Address:	520/522 1st S St
	Parcel ID:	175960-0000/175958-0000

City of Jacksonville Beach Land Development Code Section(s): 34-615(3)(c)(1), for a front yard setback of 9.5 feet in lieu of 20 feet minimum, 34-615(3)(c)(3), for a rear yard setback of 2.8 feet in lieu of 20 feet minimum, 34-615(3)(g), for an accessory structure set back from the primary structure of 0 feet in lieu of 5 feet for swimming pool, 34-702(f) for ribbon strip driveways in lieu of required paved drive with or without permeable materials, for the construction of a new three (3) unit multifamily structure located at property addressed 520/522 S 1st St RE# 175960- 0000/175958-0000, legally described as THE NORTH HALF OF THE EAST TWENTY-FIVE FEET OF LOT 7, AND THE NORTH HALF OF LOT 8, Block 52, PABLO BEACH SOUTH.

Ex-Parte Communication:

No Board members had ex-parte communication on this item.

Mr. Joseph noted an updated survey with paved parking was provided in the agenda packet.

Applicant: Josh Nussbaum, 1355 Ocean Boulevard, Atlantic Beach, stated the hardship was a non-conforming lot.

A discussion ensued regarding existing structures, front-yard setbacks, Land Development Code criteria, lot development, hardship, and parking.

Public Hearing:

The following spoke in opposition to the variance:

- Alex Flores, 119 6th Avenue South, Jacksonville Beach
- M. Louise Lantzy, 590 1st Street South, Jacksonville Beach

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

- John Shewmaker (no address provided)
- Mensur “Mo” Molla (no address provided)

Mr. Nussbaum addressed concerns expressed during the public hearing.

Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Metz, seconded by Ms. Williams, to approve BOA#25-100023 based on the testimony and substantial competent evidence provided. The request has met all standards for a variance outlined in Section 34-572 of the Land Development Code.

Discussion: A discussion ensued about the Land Development Code criteria and hardship.

Roll Call Vote: Nays – Jennifer Williams, Matt Metz, Douglas Dell, and Owen Curley.

The motion failed unanimously.

E. Case Number: **BOA#25-100024**
Applicant/Owner: 651 San Clementi LLC
Agent: Michael Sittner
Property Address: 510 S 3rd St
Parcel ID: 175971-0000

City of Jacksonville Beach Land Development Code Section(s): 34-614(3)(c)(2), for a northerly and southerly side yard setback of 1 foot in lieu of 10 feet per side yard requirement, 34-614(3)(c)(3), for a rear yard setback of 9 feet in lieu of 20 feet minimum, 34-702(c), for reduce parking area setbacks to zero (0) feet in lieu of five (5) feet required, 34-745 (all) to waive landscaping requirements, for construction of a two unit multifamily dwelling, located at property addressed 510 S 3rd St RE# 175971-0000, legally described as The south ½ Lots 1 and 2, Block 54, Pablo Beach South.

Ex-Parte Communication:

No Board members had ex-parte communication on this item.

Agent: Michael Sittner, 1 Independent Drive, Suite 1200, Jacksonville, stated the hardship was a nonconforming lot.

Public Hearing:

No one came forward to speak. Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Metz, seconded by Ms. Williams, to approve BOA#25-100024 based on the testimony and substantial competent evidence provided. The request has met all standards for a variance outlined in Section 34-572 of the Land Development Code.

Discussion: Mr. Metz stated the request was reasonable for the existing structure.

Motion to Amend: It was moved by Mr. Metz, seconded by Ms. Williams, to amend the motion to be contingent on the existing structure.

Motion to Amend Roll Call Vote: Ayes – Jennifer Williams, Matt Metz, Douglas Dell, and Owen Curley.

The motion to amend passed unanimously.

Discussion: None

Amended Motion Roll Call Vote: Ayes – Jennifer Williams, Matt Metz, Douglas Dell, and Owen Curley.

The motion, as amended, passed unanimously.

F. Case Number: **BOA#25-100025**
Applicant/Owner: Jacksonville Houses, LLC
Agent: Hunter Faulkner
Property Address: 1713 S 1st St
Parcel ID: 179352-0000

City of Jacksonville Beach Land Development Code Section(s): 34-615(e)(1)(c)(1), for a front yard setback of 18 feet in lieu of 20 feet minimum, 34-615(e)(1)(c)(3), for a rear yard setback of 11.5 feet in lieu of 20 feet minimum, for construction of new urban single family dwelling, located at property addressed 1731 S 1st Street RE# 179352-0000, legally described as Lot 8 and the South 5 feet of Lot 9, Block E, Permenter's R/P Atlantic Camp Grounds.

Ex-Parte Communication:

No Board members had ex-parte communication on this item.

Agent: Hunter Faulkner, 701 Riverside Park Place, Jacksonville, stated the hardship was a substandard lot.

A discussion ensued about setbacks and lot size.

Public Hearing:

No one came forward to speak. Mr. Curley closed the public hearing.

Motion: It was moved by Mr. Metz, seconded by Ms. Williams, to approve BOA#25-100025 based on the testimony and substantial competent evidence provided. The request has met all standards for a variance outlined in Section 34-572 of the Land Development Code.

Discussion: A discussion ensued about the lot size.

Roll Call Vote: Ayes – Jennifer Williams, Matt Metz, Douglas Dell, and Owen Curley.

The motion passed unanimously.

PLANNING DEPARTMENT REPORT:

The next scheduled meeting will be held on Tuesday, June 17, 2025, at 6:00 P.M. There is one scheduled case.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:33 P.M.

Submitted by: Lauren Loria
Operations Support Specialist II

These minutes were reviewed by the Planning and Development Department.

Approval:

Chairperson

Date

DRAFT

BOARD OF ADJUSTMENT AGENDA ITEM	
TO:	Board of Adjustment Members
FROM:	Department of Planning & Development
DATE:	06/05/2025
SUBJECT:	BOA #25-100034 Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Tuesday, June 17, 2025 Board of Adjustment Meeting.

BOA #25-100034

ZONING: C-1
 RE NO.: 179381-0000
 LEGAL: The South 75 feet of Lot 54, Together With the West 12.5 feet of The South 75 feet of lot 55, *Flagler Tract*
 ADDRESS: 133 N 7th Ave

REQUEST:

Section(s): 34-614(e)(3)(c)(2), for a corner side yard setback of 11.3 feet in lieu of 12.6 feet minimum, 34-614(e)(3)(c)(1) for a front yard setback of 0 feet in lieu of 20 feet minimum, 34-614(e)(3)(c)(2) for a side yard setback of 6.8 feet in lieu of 10 feet minimum, 34-614(e)(3)(c)(3), for a rear yard setback of 14 feet in lieu of 20 feet minimum, 34-706.1, for zero (0) parking spaces at a two-unit multiple-family dwelling in lieu of two (2) spaces per dwelling unit requirement or, four (4) spaces total required, to rectify nonconformities for renovation, for staircase addition, new second story deck on the west side of the structure and expansion of an existing second story deck on the front

EXISTING CONDITIONS:

The subject property consists of a nonconforming lot of record (circa 1936), platted as two lots of record originally, located in the Commercial Future Land Use category. The property is currently located in the Commercial, limited: C-1. Zoning District. The property is 62.50 feet in width and 75 feet in depth, with an overall lot area of 4,687.5 square feet. The applicant is planning a substantial renovation of the two-unit multiple-family structure. The applicant's proposal includes an expansion of the south deck of their structure (currently started without permits). The proposed interior and exterior improvements, deck expansions to the west, and associated request for parking accommodations address significant challenges related to the property's size and current configuration.

The applicant is seeking approval for the replacement and enlargement the southerly second level deck from its original dimensions of 23 feet by 10 feet to 44 feet by 10 feet. This modification serves a dual purpose: facilitating ingress and egress to the second floor. Despite the zero-foot setback currently in place, the deck will not infringe upon local zoning laws or create any additional nuisance to the neighborhood as this condition already existed prior to rebuilding the deck, though at a lesser intensity. Given the property's size of 4,687.5 square feet, which is below the minimum lot size requirement of 5,000 square feet for conditionally approved multifamily dwellings in the C-1 zoning district, the applicant faces unique hardships. The property's restrictions necessitate special consideration for the proposed changes for some of the requests, as the structure is nonconforming

in nature as well, given it's date of construction of 1936. Setbacks are difficult to meet even without any expansions, as the home was built much closer to both streets than would have typically been approved under the modern code. Additionally, the garage was added at a later date, and has since been altered into an enclosed space (again without any permits) and has now reduced their parking availability.

The applicant is specifically requesting a variance for, a corner side yard setback of 11.3 feet in lieu of 12.6 feet minimum, for a front yard setback of 0 feet in lieu of 20 feet minimum, for a side yard setback of 6.8 feet in lieu of 10 feet minimum, for a rear yard setback of 14 feet in lieu of 20 feet minimum, all of which are existing nonconformities of the older structure, and cannot be rectified without either demolition or moving of the structure, both of which are unrealistic. The applicant is also seeking zero (0) off-street parking spaces in lieu of two (2) spaces per dwelling unit requirement or four (4) spaces total required. As noted above, this lack of parking is compounded by the enclosing of the existing garage. All of this is to allow for a substantial renovation, for a staircase addition, a new second story deck on the west side of the structure and expansion of an existing second story deck on the south/front side of the structure. A majority of the nonconformities related to the setbacks are needed to allow for the renovation ation.

There are no previous BOA Cases for the subject property.

STAFF ANALYSIS:

The subject property is substandard in total lot area, at 4,687.5 square feet each, rather than the 5,000 square foot minimum requirement in the conditionally approved C-1 zoning district using RM-2 zoning standards for multi-family dwellings, but does not exceed the maximum density of the C-1 district east of 3rd street. The applicant is proposing to rectify some existing property nonconformities for a substantial renovation, for an external staircase addition, a new second level deck on the west side of the structure and a new and expanded second level deck on the south/front of the structure. These are nonconformities that existed historically, and are only intensified with this request concerning the front deck, but will not cause any nuisance to the adjoining property, as the deck has already encroached to the extent requested, but has simply been expanded laterally, with no more encroachment intensification, save for the new rear staircase. However, a staircase is needed for secondary fire access, and the rear yard is the best place to locate it, and staff is supportive of this change.

The reconstruction and expansion of the second level southerly deck was essential to install a staircase that will optimize access to the second floor. This adjustment is crucial for the building's functionality and safety. Due to the limited space available on-site, the applicant requests approval for concrete parking spots to be placed on the city's right-of-way. Although it is possible to add on-street parking, these spaces would not be exclusive to the property, as they would be considered public and anyone can use them, as they are in the City's right-of-way. Because of this, staff feels the best course of action is to require they meet all parking standards on site by either restoring the illegally enclosed garage, to provide some of the required parking, and build additional parking in the rear yard to accommodate the full 4 spaces required, or remove the later garage addition, to make room for the total off-street require parking.

Reduction in code setbacks will allow for the renovation of this two-unit multifamily project, and will ensure this property is consistent with its surroundings, ultimately enhancing the aesthetic appeal of

the area and preventing the property from deteriorating and becoming a blight on the surrounding neighbors. The proposed expansion and addition of decks and staircases will enhance both the visual appeal and functionality of the property. Ensuring adequate parking on the site itself, will improve overall neighborhood dynamics by mitigating parking congestion. The applicant has submitted a conditional use application in conjunction with the request for variances. Multifamily dwellings are conditionally permitted in the C-1 zoning district under RM-1 standards, but particularly for properties located east of 3rd Street, they may utilize the RM-2 standards for lot size. The proposed expansion and renovation not only address the unique hardships faced by the applicant, but also improves the overall environment of the neighborhood, without imposing any public nuisance, with the proposed conditions by Staff. .

MINIMUM DIMENSIONAL STANDARDS:

C-1 Zoning with RM-1 Multifamily Standards (RM-2 standards for lot size)

- Minimum lot area: Five thousand (5,000) square feet plus two thousand (1,000) square feet for each unit in excess of two (2), except that the gross density shall not exceed twenty (40) dwelling units an acre.
- Minimum lot width: Seventy-five (75) feet at the building line. A minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: 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: Twenty (20) feet.
- Minimum floor area: Multi-family dwelling units shall contain the following minimum square feet of conditioned living area excluding garages, carports and breezeways.
 1. One bedroom unit: Six hundred (600) square feet.
 2. Two bedroom unit: Eight hundred (800) square feet.
 3. Three bedroom unit: One thousand (1,000) square feet.
 This square footage requirement shall also apply to units sold as condominiums.
- Maximum lot coverage: Sixty-five (65) percent.
- Maximum height: 35 feet.
- Accessory structures: Accessory uses and structures pursuant to Section 34-716: All accessory structures shall only be located in a side or rear yard (not forward of the dwelling along any street frontage) and set back a minimum of five (5) feet from any property line or principal or accessory structures.

REVIEW OF CRITERIA:

1. There are conditions or circumstances that exist which prevent compliance with site design and development standards, or which are unique to the parcel of land, building or structure.

Staff finds there **are existing** conditions that require relief infer the code that are unique to the structure an parcel of land, based on the reduced lot size and the nature of the structure's location, built within the setbacks, circa 1936. Without relief, the applicant would be substantially limited in their ability to repair or renovate the structure. This excludes the request for zero parking, as this can be met on-site, in the rear, with or without the use of the garage.

2. The conditions or circumstances do not result from actions of the application and would not be considered a self-imposed hardship.

Staff finds that existing circumstances **are not** a result of actions of the applicant. The existing conditions are such that the structure, without any modifications, still does not meet the required setbacks for most required yards, and does not have adequate parking. Some of the encroachments have been expanded in area, such as the deck, but do not increase the encroachment into the yard, and others, such as the rear staircase, as necessary for proper life-safety ingress and egress, and the rear yard is the most logical place for them.

3. There would be no special privileges afforded to the applicant by granting a variance that is not available to other parcels of land, building or structures with similar conditions or circumstances.

Staff finds that special privileges **will not** be afforded to the applicant by granting a variance for setbacks based on the nature of the structure and its age, along with its location on the lot. These are unique challenges to this property alone. That coupled with the slightly smaller lot does make the future renovation and upkeep of the historic structure difficult without relief. .

4. Strict interpretation and enforcement of the code would deprive the applicant of rights commonly enjoyed by other parcels of land and would provide an unnecessary and undue hardship.

Staff finds that interpretation and enforcement of the code **would** deprive the applicant of rights enjoyed by other parcels of land. The existing nonconforming setbacks currently limit the amount of renovation that can be undertaken, based on restrictions in the code. Without relief, they would not be able to upkeep the property, or enhance it through modernization. This does not apply to the parking situation, as the applicant does have room to provide the required 4 spaces in the rear yard, either with or without the use of the garage.

5. The variance(s) requested, if granted, will make possible a reasonable use of the parcel of land, building, or structure.

Staff finds that the variance(s) requested **are** necessary to make possible a reasonable use of the parcel of land, building, or structure. As conditioned, to deny the request for parking reduction, the variance is needed to allow the property and structure to be kept up and in line with standards of the surrounding property and others in the C-1 zoning district.

6. The variance(s) request, if granted, will not result in the creation of a public nuisance.

Staff finds that the variance(s) **will not** result in the creation of a public nuisance. None of the proposed expansions of the property, save for the rear stairs, are new, but only larger. The southern deck has been in this location for many years and the expansion does not create new conflicts. The stairs in the rear do encroach further into the rear yard, but are needed for ingress and egress, and do not cause any further nuisance as access only. The reduction in parking, forcing the tenants to park on the street, when on-site parking was provided and could be provided and expanded to meet the code, would be a nuisance to the surrounding property, as any on-street spaces would be, on a regular basis, occupied by the tenants, thereby reducing the opportunity for public parking.

STAFF RECOMMENDATION:

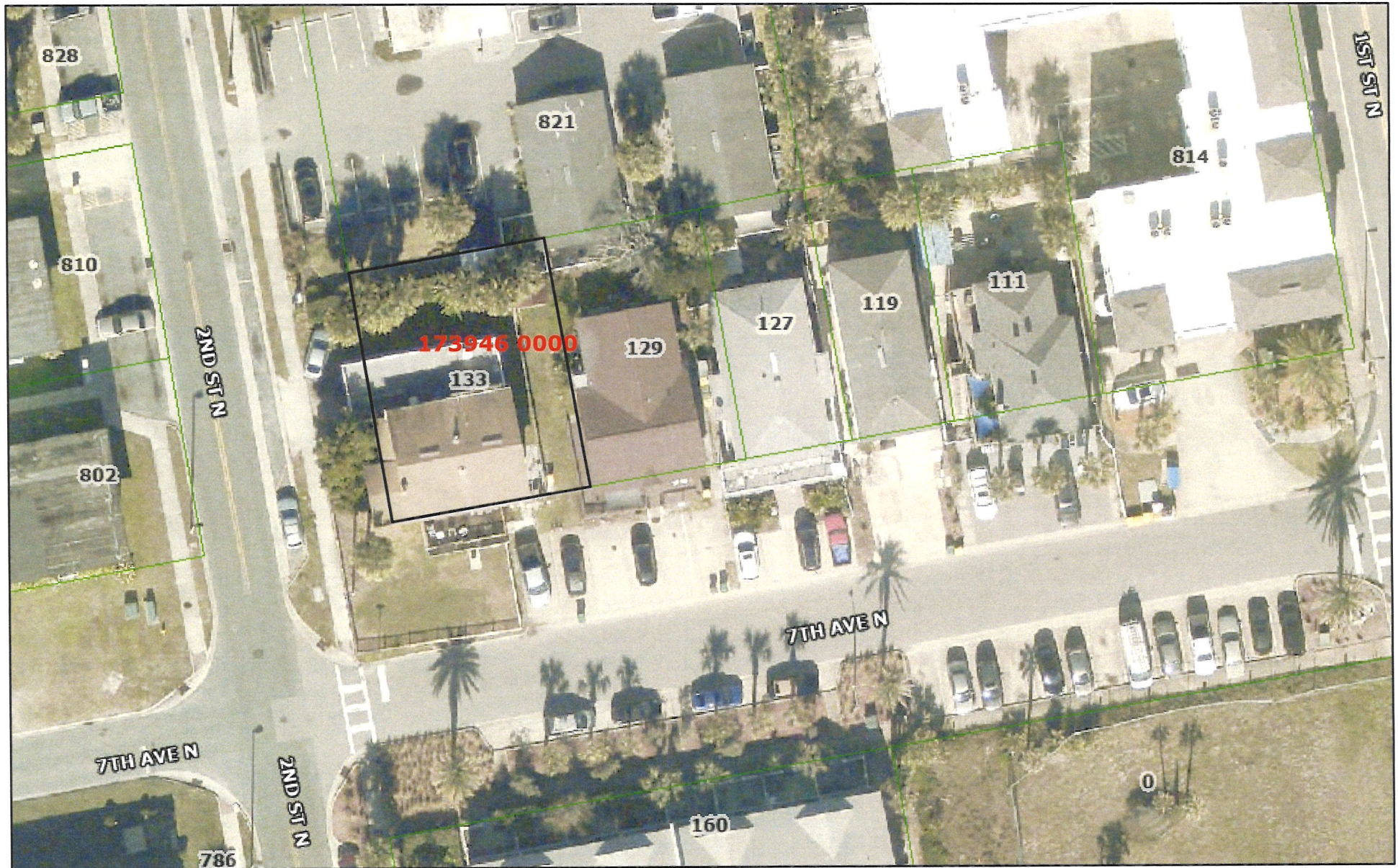


City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach, FL 32250

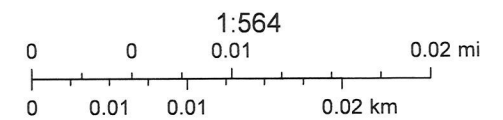
Per Section 34-572 of the Land Development Code; based on the provided application and analysis stated in this report, the Planning and Development Department recommends **Approval** of BOA#25-100034 **with the following conditions: 1) The proposed project will meet the minimum off-street parking requirement for each multifamily unit on the parcel, and 2) the garage shall be removed to allow room for off-street parking, or converted back into parking spaces.**

ATTACHMENTS:

1. 25-100034pics
2. 25-100034



June 4, 2025

 Parcels

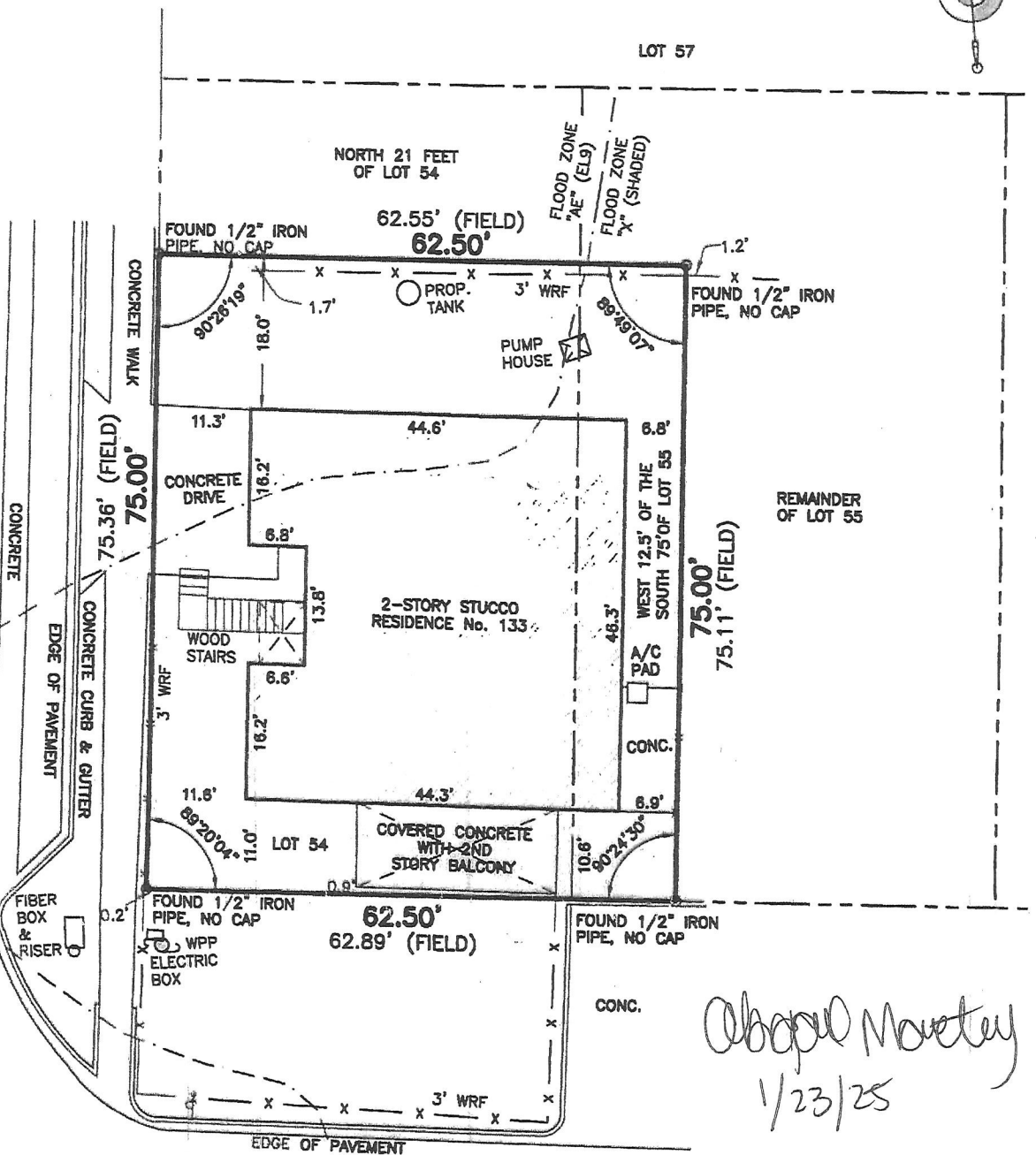
Current

MAP SHOWING SURVEY OF

THE SOUTH 75 FEET OF LOT 54, TOGETHER WITH THE WEST 12.5 FEET OF THE SOUTH 75 FEET OF LOT 55, FLAGLER TRACT AS RECORDED IN PLAT BOOK 15, PAGE 50, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



2ND STREET NORTH
50' PAVED PUBLIC RIGHT OF WAY



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
- (CALC) CALCULATED
- (FIELD) FIELD MEASUREMENT
- ARF ALUMINUM RAIL FENCE
- CLF CHAIN LINK FENCE
- VF VINYL FENCE
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- CONC. CONCRETE
- ORB OFFICIAL RECORDS BOOK
- PB PLAT BOOK
- PG PAGE
- MES MITERED END SECTION
- CMP CORRUGATED METAL PIPE
- PVC POLYVINYL CHLORIDE PIPE
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- EL ELEVATION
- FTE FINISHED FLOOR ELEVATION
- INV INVERT ELEVATION
- PC POINT OF CURVATURE
- PT POINT OF TANGENCY OF CURVE
- PCC POINT OF COMPOUND CURVE
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GENERAL SURVEY NOTES

- THIS IS A BOUNDARY SURVEY.
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- THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X" (SHADED) AND FLOOD ZONE "AE" (EL9) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031C0417J, EFFECTIVE NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

FILE: 2024-1504
DRAWN BY: WWR
SCALE: 1" = 20'

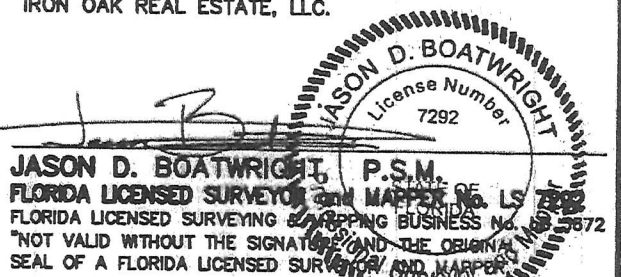
DATE:
DECEMBER 24, 2024
SHEET 1 OF 1

LOT COVERAGE:

TOTAL LOT AREA	= 4,687.5 Sq.ft.
RESIDENCE	= 1,964.5 Sq.ft.
DRIVE	= 242.4 Sq.ft.
FRONT PORCH	= 238 Sq.ft.
SIDE CONC.	= 95.6 Sq.ft.
A/C PADS	= 5.5 Sq.ft.
TOTAL IMPERVIOUS AREA	= 2,546 Sq.ft.
TOTAL LOT COVERAGE	= 54.3%

CERTIFIED TO:

LAWRENCE E. HAYDEN JR, ESQ.
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
LIMA ONE CAPITAL, LLC.
IRON OAK REAL ESTATE, LLC.

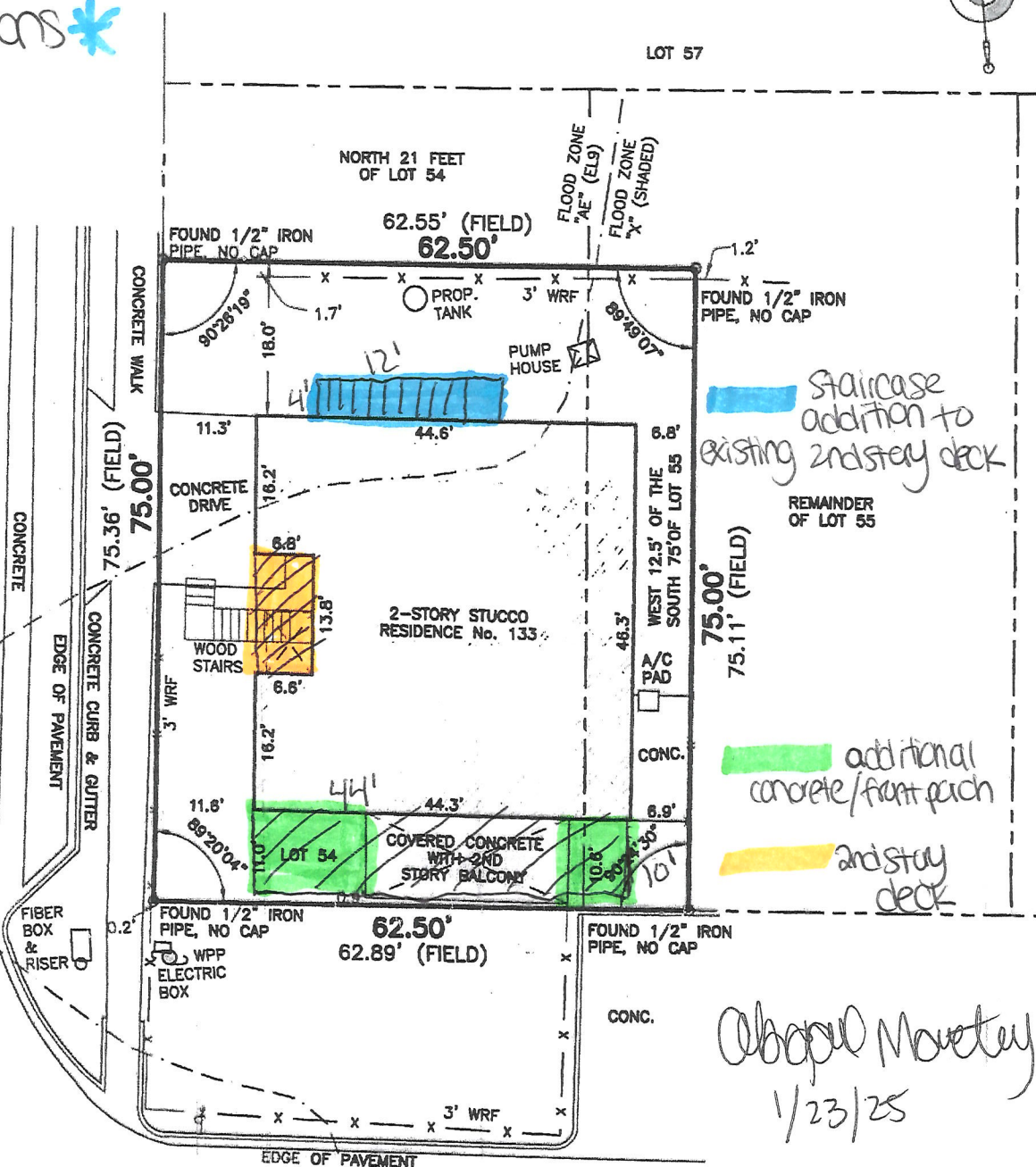


BOATWRIGHT LAND SURVEYORS, INC.

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

Proposed

proposed additions



Staircase addition to existing 2nd story deck

additional
concrete / front porch

2nd stay
deck

Abdul Moutay
1/23/25

	FIRE HYDRANT
	LIGHT POLE
GV	GAS VALVE
WV	WATER VALVE
	CLEAN OUT
	UTILITY POLE
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TOTAL LOT COVERAGE = ~~54.3%~~ 63%

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JASON D. BOATWRIGHT, P.S.M.
FLORIDA LICENSED SURVEYOR and MAPPER No. 15782
FLORIDA LICENSED SURVEYING and MAPPING BUSINESS No. 15782
"NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
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BOATWRIGHT LAND SURVEYORS, INC.

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



VARIANCE APPLICATION

BOA No. _____

HEARING DATE _____

This form is intended to be submitted along with all required documents for all requests for variances from the requirements of the City of Jacksonville Beach Land Development Code. Planning and Development Department staff will evaluate an application for a variance for sufficiency within ten (10) days of receipt. If the application is found to be complete and sufficient, 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: Anthony Martinez **Telephone:** 4079242693
Mailing Address: 2009 Sandpiper Point Neptune Beach FL **E-Mail:** _____

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

Landowner Name: Iron Oak Real Estate LLC **Telephone:** 4079242693
Mailing Address: 2009 Sandpiper Point Neptune Beach FL **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: 133 7th Ave N Jacksonville Beach FL 32250 RE #173946-0000
Legal description of property (Attach copy of deed): 1) 33-2S-29E, 2) FLAGLER TRACT, 3) S 75FT LOT 54, W 12 1/2 FT OF S 75 FT LOT 55
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
1) Allowing of the expansion and roofing of the SOUTH DECK that was previously there from 23ft x10ft to 44ft x 10ft

This is necessary to have a staircase to reach the second floor and would require maintaining the zero foot setback of the previous deck.

The previous stair case was off of the WEST DECK and ended at the West sidewalk.

2) No parking spots available on lot, requesting to public works to allow the concrete parking spot on the SE right away to extend to the SW of the property line.

3) Keep the "enclosed garage" as-is, to be used as interior space. It is well above sea level at 13.7'

The literal enforcement of the provisions of the LDC would result in further undue and unnecessary hardship. This is a small lot (4,687.5 sqft)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: C-1

FLOOD ZONE: _____

CODE SECTION (S): _____



VARIANCE APPLICATION AFFIDAVIT

BOA No. _____

AFFIDAVIT

I, Anthony Martinez, 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.

5/5/25

4/24/25

APPLICANT SIGNATURE

Anthony Martinez

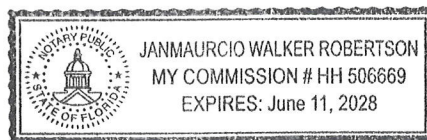
PRINT APPLICANT NAME

DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 05 day of May, 20 25, by Anthony Martinez, who is personally known to me or produced Driver License as identification.

NOTARY PUBLIC SIGNATURE



Jan Mauricio Robertson

PRINT NOTARY NAME

(Affix Notary Seal Above)

Prepared by and return to:
Lawrence E. Hayden, Jr., Esq.

HAYDEN Law
1301 Penman Road Suite F
Jacksonville Beach, FL 32250-3685
904-247-9033
File Number: 24RP005
Will Call No.:

[Space Above This Line For Recording Data]

Personal Representative's Deed

This Personal Representative's Deed made this 23rd day of January, 2025 between **John Thomas Halapchuk** and **Jammie Lynn Lockhart** as **Personal Representatives of the Estate of John Halapchuk, deceased** whose post office address is **107 Blue Meadow Lane, Sicklerville, NJ 08081**, grantor, and **Iron Oak Real Estate, LLC., a Florida Limited Liability Company** whose post office address is **214 Oak St., Garage Unit, Neptune Beach, FL 32266**, 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)

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

The South 75 feet of Lot 54 and the West 12 1/2 feet of the South 75 feet of Lot 55, FLAGLER TRACT, according to the plat thereof, as recorded in Plat Book 15, Page 50, of the current Public Records of Duval County, Florida.

Parcel Identification Number: 173946-0000

This conveyance is made per Order Authorizing Sale of Real Property and Ratifying the Planned Sale in Case No.: 16-2024-CP-002586 (Probate Div: 4th Circ. - Duval Co., FL) which was entered on January 15, 2025.

Subject to taxes for 2025 and subsequent years; covenants, conditions, restrictions, easements, 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 has good right and lawful authority to sell and convey said land; that the grantor warrants the title to said land for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through, or under Grantor.

In Witness Whereof, Grantor has hereunto set Grantor's hand and seal to be effective on the date and year first written above.

Signed, sealed and delivered in our presence:

[Signature]
Witness Name: Alyssa Amos

Witness Address: 610 CROSSKEY RD
SICKLERVILLE NJ

Brianna Lesky 08081

Witness Name: Brianna Lesky

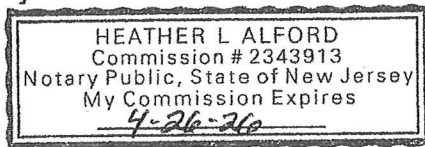
Witness Address: 610 CROSSKEY RD
SICKLERVILLE NJ
08081

[Signature]
John Thomas Halapchuk, Personal Representative

State of New Jersey
County of Camden

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 24 day of January, 2025 by John Thomas Halapchuk, Personal Representative of the Estate of John Halapchuk, deceased, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



[Signature]
Notary Public

Printed Name: Heather L. Alford

My Commission Expires: 4/26/26

John Halapchuk
Witness Name: Toni Giles
Witness Address: 12750 Route 1
Chester VA 2384

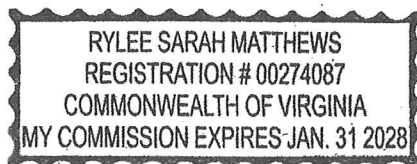
Dakota Giles
Witness Name: Dakota Giles
Witness Address: 12750 Route 1
Chester VA 2384

Jammie Lynn Lockhart
Jammie Lynn Lockhart, Personal Representative

Commonwealth of Virginia
County of Chesterfield

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 24 day of January, 2025 by Jammie Lynn Lockhart, Personal Representative of the E state of John Halapchuk, deceased, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



Rylee Sarah Matthews
Notary Public

Printed Name: Rylee Sarah Matthews

My Commission Expires: 01/31/28

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. _____

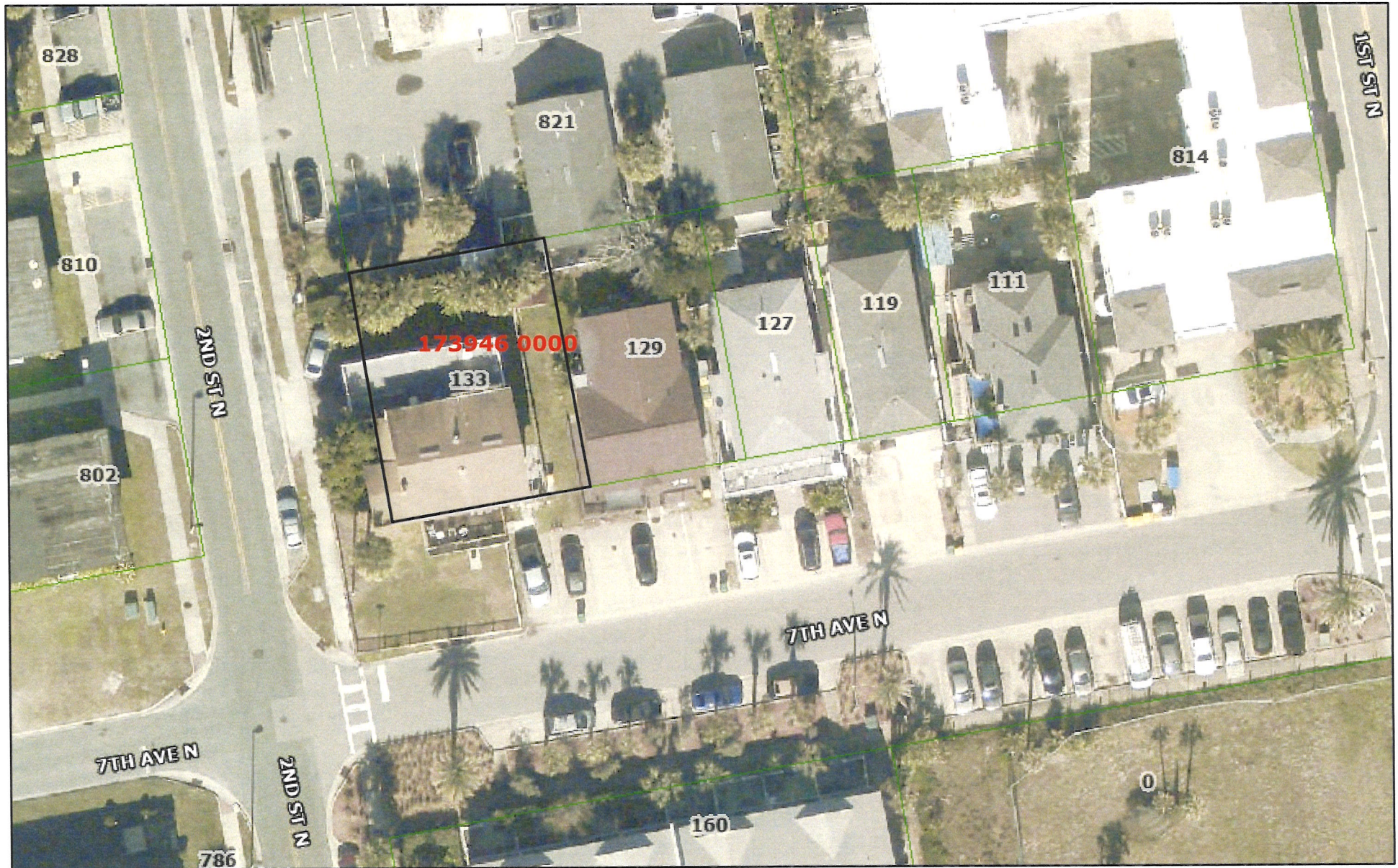
Section 34-566

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. Variances shall not be inconsistent with the Comprehensive Plan. It is understood that the granting of a variance shall not create a precedence for future requests.

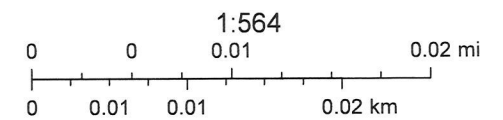
Section 34-572.

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 standards have been met. To assist the Board in making a finding, please complete the form below.

Standard	Applies? Yes/No	Circumstances/ Explanation
(a) There are conditions or circumstances that exist which prevent compliance with site design and development standards, or which are unique to the parcel of land, building or structure.	Yes	Deck needs to be widened to place staircase. Parking space need to be on city's right of way due to small lot size to accommodate parking for the building.
(b) The conditions or circumstances do not result from actions of the application and would not be considered a self-imposed hardship.	Yes	This property was bought with a staircase that ended at the WEST sidewalk. It would be more appropriate to contain it within the SOUTH deck as there was already a deck there.
(c) There would be no special privileges afforded to the applicant by granting a variance that is not available to other parcels of land, building or structures with similar conditions or circumstances.	Yes	Multiple Homes on my street have a zero ft setback for their deck. This home will be renovated and uniform with the other homes on the street and will not be any closer to the street than the previous deck, only widened.
(d) Strict interpretation and enforcement of the code would deprive the applicant of rights commonly enjoyed by other parcels of land and would provide an unnecessary and undue hardship.	Yes	We are requesting that the deck maintain its same setback and only widened.
(e) The variance(s) requested, if granted, will make possible a reasonable use of the parcel of land, building, or structure.	Yes	A staircase enclosed within the deck as opposed to jutting out towards the sidewalk, Parking on the city right of way of the lot as opposed to on the street due to the small lot size. (4,687.5 sqft)
(f) The variance(s) request, if granted, will not result in the creation of a public nuisance.	Yes	It will greatly approve the visual appeal and functioning of this property. It will only improve the property and will not result in a public nuisance whatsoever. Allowing parking on right of way will eliminate parking issues.



June 4, 2025

 Parcels

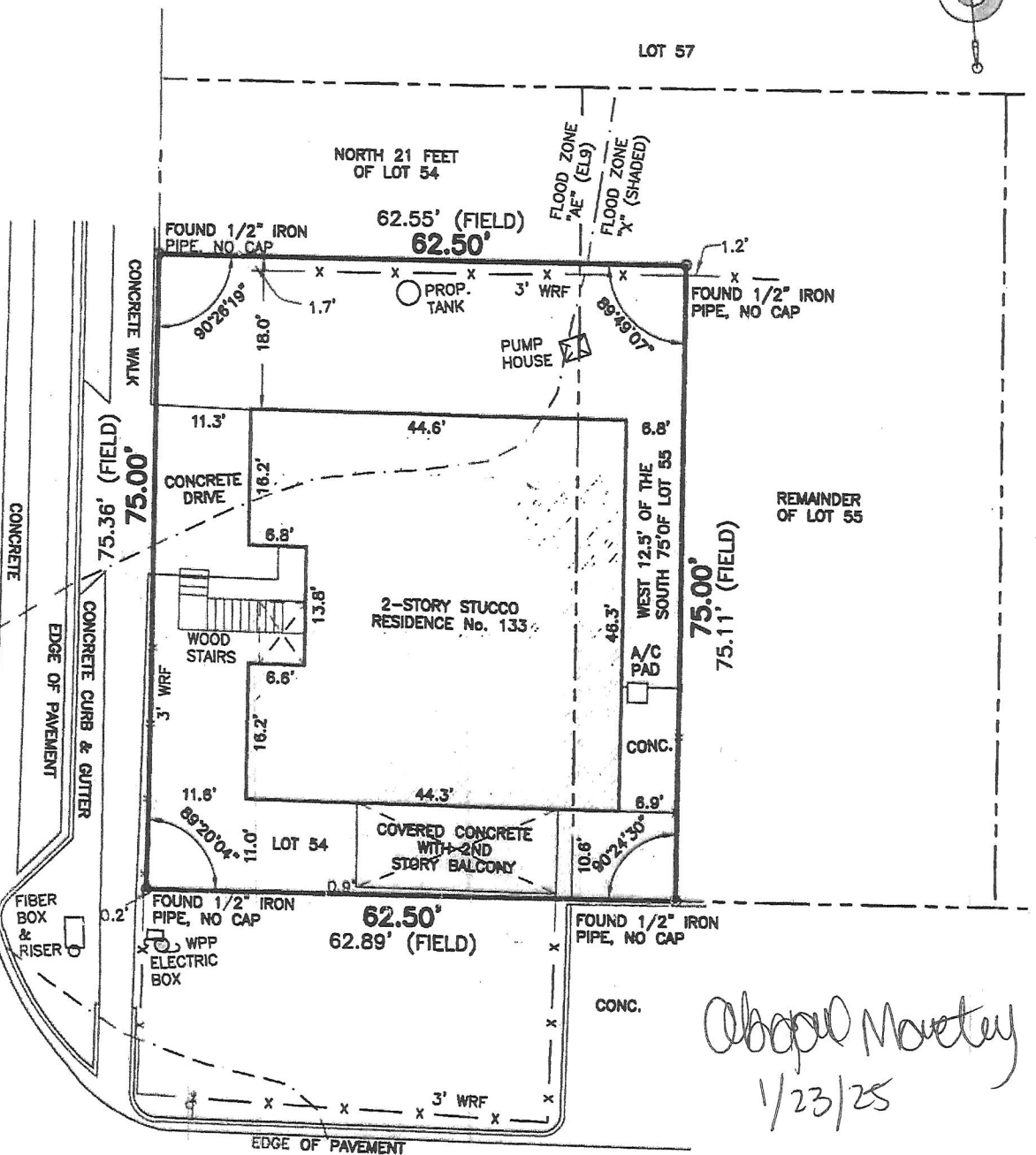
Current

MAP SHOWING SURVEY OF

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SHEET 1 OF 1

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License Number 7292
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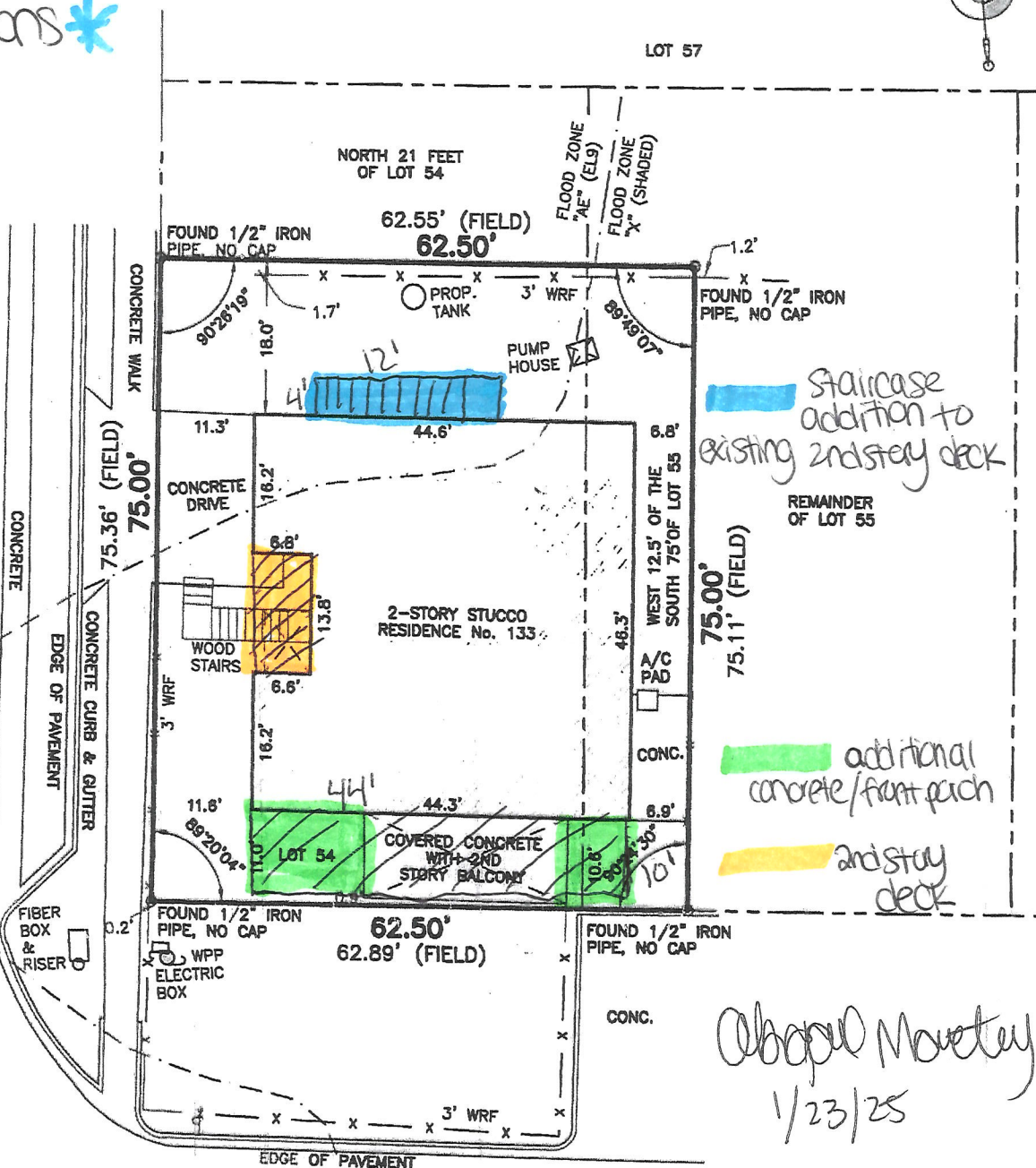
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NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR

BOATWRIGHT LAND SURVEYORS, INC.

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