



City of Jacksonville Beach

Regular Meeting Agenda

11 North Third Street
Jacksonville Beach, Florida

Board of Adjustment

Tuesday, April 21, 2026

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

APPROVAL OF MINUTES

- A. Board of Adjustment Meeting held on March 17, 2026
- B. Board of Adjustment Meeting held on April 7, 2026

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- A. **Case Number(s):** **BOA#26-100022**
 - Applicant: Paul Canto
 - Agent: Paul Cruddas
 - Owner: Paul Canto
 - Property Address: 3214 Ocean Dr
 - Parcel ID: 181532-0000
 - Legal Description: Lot 5 and The East ½ of Lot 6, Block 4, *Atlantic Shores Ocean Front Section-Division B*
 - Current Zoning: RS-1
 - Motion to Consider: **Section(s):** 34-611(e)(1)(c)(h), for a westerly accessory structure setback of 4 feet in lieu of 5 feet minimum, 34-611(e)(1)(c)(h), for a northerly accessory structure setback of 4.1 feet in lieu of 5 feet minimum, for a new swimming pool, to an existing two-story single-family home, located at **property addressed** 3214 Ocean Dr **RE#** 181532-0000, **legally described** as Lot 5 and The East ½ of Lot 6, Block 4, *Atlantic Shores Ocean Front Section-Division B*

- B. **Case Number(s):** **BOA#26-100023**
 - Applicant: Barnett Custom Homes
 - Agent: Greg Barnett
 - Owner: Mark Perschel
 - Property Address: 333 N 3rd Ave
 - Parcel ID: 173863-0000
 - Legal Description: Lot 7, Block 44, *Atlantic Park*
 - Current Zoning: C-1
 - Motion to Consider: **Section(s):**34-617(e)(3)(b) for not side yard setback in lieu of 10 feet minimum adjacent to a right of way, 34-745(b)(4)(a), for a 0 ft landscape buffer in lieu of at

least 5 ft adjacent to the western property line, 34-702(d), for a 0ft parking adjacent to right of way set back in lieu of 5 feet, for a new commercial building, located at **property addressed 333 N 3rd Ave RE# 173863-0000, legally described as Lot 7, Block 44, Atlantic Park**

PLANNING DEPARTMENT REPORT

COURTESY OF THE FLOOR TO VISITORS

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, March 17, 2026, at 6:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER:

Vice Chairperson Metz called the meeting to order at 6:02 P.M.

ROLL CALL:

Chairperson: Owen Curley (absent)
Vice-Chairperson: Matt Metz
Board Members: Douglas Dell Jeff Truhlar Caren Doherty
Alternates: Gary Hawkett Victor Melone (absent)

Planner Danevsky Joseph and Operations Support Specialist Michaela O'Banion were also present.

ADMINISTER OATHS OF OFFICE

A. 2nd Alternate Victor Melone

Mr. Melone was not in attendance.

APPROVAL OF MINUTES: None

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

A. **Case Number:** **BOA#26-100012**
Applicant/Owner: Emily Costas (Dougherty)
Agent: John Raymer
Property Address: 1601 N 6th Avenue
Parcel ID: 177903-0000

City of Jacksonville Beach Land Development Code Section(s): 34-611(e)(1)(c)(2), for an easterly side yard setback of 8.1 feet in lieu of 10 feet minimum, 34-611(e)(1)(c)(2), for a westerly side yard setback of 7.7 feet in lieu of 10 feet minimum, 34-611(e)(1)(c)(1) for a front yard setback of 21 feet in lieu of 25 feet minimum, to address existing nonconformities and allow for a second story addition, new front addition and front entry porch, to an existing one-story single-family home, located at property addressed 1601 N 6th Ave RE# 177903-0000, legally described as Lot 7, Block 1, Pine Grove Unit 4.

Ex-Parte Communication:

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

Agent: John Raymer, 813 Harvard Preserve Court, Ponte Vedra, stated the hardship was a nonconforming lot.

Discussion: A brief discussion ensued about the porch and setbacks.

Public Hearing:

No one came forth to speak. Mr. Metz closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Hawkett, to approve BOA#26-100012 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None.

Roll Call Vote: Ayes – Douglas Dell, Jeff Truhlar, Caren Doherty, Gary Hawkett, and Matt Metz.

The motion passed unanimously.

B. Case Number: BOA#26-100013
Applicant: Nick Stam
Agent: Scott Rae
Owner: Akoumia LLC
Property Address: 123 S 30th Ave
Parcel ID: 181643-0000

City of Jacksonville Beach Land Development Code Section(s): 34-611(e)(1)(c)(1), for a front yard setback of 16 feet in lieu of 25 feet, 34-611(e)(1)(c)(2), for a side yard setback of 7.6 feet in lieu of 10 feet, and 34-611(e)(1)(e), for maximum lot coverage for primary structure and required driveway of 49% in lieu of 35%, for construction of a new single-family home, located at property addressed 123 S 30th Ave RE# 181643-0000, legally described as Lot 4, Block 7, Atlantic Shores Ocean Front Section- Division C.

Ex-Parte Communication:

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

Applicant: Nick Stam, 317 Ponte Vedra Boulevard, Ponte Vedra, stated the hardship were substandard lots.

Discussion: A brief discussion ensued about driveway depth.

Public Hearing:

The following spoke in opposition of the variance:

- Harry “Brad” Williams, 128 29th Avenue South, Jacksonville Beach
- John & Whitney Spinks, 132 30th Avenue South, Jacksonville Beach

Mr. Metz closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Dell, to approve BOA#26-100013 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about public comment, variance criteria, and hardship.

Roll Call Vote: Nays – Jeff Truhlar, Caren Doherty, Gary Hawkett, Douglas Dell, and Matt Metz.

The motion failed unanimously.

C. Case Number: BOA#26-100014
Applicant: Nick Stam
Agent: Scott Rae
Owner: Akoumia LLC
Property Address: 123 S 30th Ave
Parcel ID: 181643-0000

City of Jacksonville Beach Land Development Code Section(s): 34-611(e)(1)(c)(1), for a front yard setback of 20 feet in lieu of 25 feet, 34-611(e)(1)(c)(2), for a side yard setback of 5 feet in lieu of 10 feet, 34-611(e)(1)(c)(3) for a rear yard setback of 20 feet in lieu of 30 feet minimum, and 34-611(e)(1)(e), for maximum lot coverage for primary structure and required driveway of 49% in lieu of 35%, for construction of a new single-family home, located at property addressed 123 S 30th Ave RE# 181643-0000, legally described as Lot 3, Block 7, Atlantic Shores Ocean Front Section- Division C.

Ex-Parte Communication:

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

Agent: Scott Rae, 345 South Roscoe Boulevard, Ponte Vedra, stated the hardship were substandard lots.

Discussion: A brief discussion ensued about square footage, neighborhood character, and setbacks.

Public Hearing:

The following spoke in opposition of the variance:

- John & Whitney Spinks, 132 30th Avenue South, Jacksonville Beach

Mr. Metz closed the public hearing.

Mr. Rae addressed concerns expressed during the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Hawkett, to approve BOA#26-100014 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about setbacks, lot coverage, criteria, and parking.

Roll Call Vote: Nays – Caren Doherty, Gary Hawkett, Douglas Dell, Jeff Truhlar, and Matt Metz.

The motion failed unanimously.

D. Case Number: BOA#26-100015
Applicant/Owner: Jeffery & Grace Maxwell
Agent: N/A
Property Address: 504 S 2nd Street
Parcel ID: 175963-0000

City of Jacksonville Beach Land Development Code Section(s): 34-614(e)(3)(c)(1) for a front yard setback of 3.7 feet in lieu of 20 feet minimum, 34-614(e)(3)(c)(2) for an interior corner side yard of 3.9 feet in lieu of 10 minimum, 34-614(e)(3)(c)(2) for a corner side yard of 4.5 feet in lieu of 10 minimum, 34-614(e)(3)(c)(3), for a rear yard setback of 5 feet in lieu of 20 feet minimum following the RM-1 standards, to address existing nonconformities, and to allow for the expansion of the structure to accommodate a second dwelling unit, to an existing one-story historic single-family home, located at property addressed 504 S 2nd St RE# 175963-0000, legally described as The North ½ of Lots 1 and 2, Block 53, Pablo Beach South.

Ex-Parte Communication:

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

Applicant: Jeffery & Grace Maxwell, 504 S 2nd Street, Jacksonville Beach, stated the hardship was a nonconforming lot.

Discussion: A brief discussion ensued about parking, driveway, garage, zoning, standards, multi-family, conditional use, and accessory dwelling unit.

Public Hearing:

No one came forth to speak. Mr. Metz closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Hawkett, to approve BOA#26-100015 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about setbacks and existing structure.

Roll Call Vote: Ayes – Caren Doherty, Douglas Dell, Jeff Truhlar Gary Hawkett, and Matt Metz.

The motion passed unanimously.

E.	Case Number:	<u>BOA#26-100016</u>
	Applicant/Owner:	Russell Cox
	Agent:	N/A
	Property Address:	803 S 9th Avenue
	Parcel ID:	176614-0000

City of Jacksonville Beach Land Development Code Section(s): 34-613(e)(1)(c)(3), for a rear yard setback of 10 feet in lieu of 20 feet, 34-613(e)(1)(e), for maximum lot coverage for primary structure and required driveway of 39% in lieu of 35%, to construct two new townhomes, located at property addressed 803 S 9th Ave RE# 176614-0000, legally described as The South ½ of Lots 11 and 12, Block 89, Oceanside Park.

Ex-Parte Communication:

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

Applicant: Russell Cox, 803 South 9th Avenue, Jacksonville Beach, stated the hardship was a nonconforming lot.

Discussion: A brief discussion ensued about lot coverage, hardship, setbacks, and townhouse square footage.

Public Hearing:

No one came forth to speak. Mr. Metz closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Dell, to approve BOA#26-100016 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None.

Roll Call Vote: Ayes – Douglas Dell, Jeff Truhlar, Caren Doherty, Gary Hawkett, and Matt Metz.

The motion passed unanimously.

F. Case Number: BOA#26-100017
Applicant: Jaclyn George
Agent: Greg Nelson
Owner: Christopher & Jaclyn George
Property Address: 39 S 33rd Avenue
Parcel ID: 181533-0000

City of Jacksonville Beach Land Development Code Section(s): 34-611(e)(1)(c)(3), for a rear yard setback of 20 feet in lieu of 30 feet minimum, 34-613(e)(1)(h), for an accessory structure setback from main structure of 6 inches in lieu of 5 feet minimum, for new pergola and to address existing nonconformities, located at property addressed 39 S 33rd Ave RE# 181533- 0000, legally described as the West ½ of Lot 6, Block 4, All of Lots 7& 8, Block 4, Atlantic shores.

Ex-Parte Communication:

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

Applicant: Christopher George, 39 South 33rd Avenue, Jacksonville Beach, stated the hardship was a nonconforming lot.

Discussion: A brief discussion ensued about the pergola footprint.

Public Hearing:

No one came forth to speak. Mr. Metz closed the public hearing.

Motion: It was moved by Mr. Truhlar, seconded by Mr. Hawkett, to approve BOA#26-100017 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: A brief discussion ensued about setbacks and existing structure.

Roll Call Vote: Ayes – Caren Doherty, Douglas Dell, Jeff Truhlar Gary Hawkett, and Matt Metz.

The motion passed unanimously.

PLANNING DEPARTMENT REPORT:

The next meeting will be held on Tuesday, April 7, 2026 at 6:00 P.M. There are two scheduled cases.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 7:24 P.M.

Submitted by: Michaela OBanion
Operations Support Specialist

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

**Minutes of Board of Adjustment Meeting
held Tuesday, April 7, 2026, 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 6:00 P.M.

ADMINISTER OATH OF OFFICE

A. 2nd Alternate Victor Melone

The Oath of Office was administered prior to the start of the meeting.

ROLL CALL:

Chairperson: Owen Curley

Vice-Chairperson: Matt Metz

Board Members: Douglas Dell (absent) Jeff Truhlar Caren Doherty (absent)

Alternates: Gary Hawkett Victor Melone

Planner Danevsky Joseph and Operations Support Specialist Michaela O'Banion were also present.

APPROVAL OF MINUTES:

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

- Minutes for February 18, 2026 Board of Adjustment Meeting

CORRESPONDENCE: None

OLD BUSINESS: None

NEW BUSINESS:

A. **Case Number:** **BOA#25-100020**
Applicant/Owner: James P. Smith
Agent: N/A
Property Address: 1010 Seabreeze Ave
Parcel ID: 179884-0000

City of Jacksonville Beach Land Development Code Section(s): 34-612(e)(1)(c)(1), for a front yard setback of 16 feet in lieu of 20 feet minimum, for a second floor master suite addition, driveway/side walk concrete additions, and new covered entry, to an existing two-story single-family home, located at property addressed 1010 Seabreeze Ave RE# 179884-0000, legally described as Lots 14 through 18, except the south 50 feet, Block 5, WILLIAMS COASTAL BLVD HEIGHTS.

Ex-Parte Communication:

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

Applicant: James Smith, 1010 Seabreeze Avenue, Jacksonville Beach, stated the hardship was a corner lot and home orientation.

Discussion: A brief discussion ensued about neighbor communication, pavers, lot and coverage.

Public Hearing:

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

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

Motion to Amend: It was moved by Mr. Metz, seconded by Mr. Truhlar, to amend the motion to attach the variance to the existing structure, as outlined in plans.

Discussion: None.

Motion to Amend Roll Call Vote: Jeff Truhlar, Matt Metz, Gary Hawkett, Victor Melone, and Owen Curley.

The motion to amend passed unanimously

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

Amended Motion Roll Call Vote: Ayes – Jeff Truhlar, Matt Metz, Gary Hawkett, Victor Melone, and Owen Curley.

The amended motion passed unanimously.

PLANNING DEPARTMENT REPORT:

The next meeting will be held on Tuesday, April 21, 2026 at 6:00 P.M. There are two scheduled cases.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:13 P.M.

Submitted by: Michaela O'Banion
Operations Support Specialist

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date



BOARD OF ADJUSTMENT AGENDA ITEM	
TO:	Board of Adjustment Members
FROM:	Department of Planning & Development
DATE:	04/14/2026
SUBJECT:	BOA #BOA#26-100022 Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Tuesday, April 21, 2026 Board of Adjustment Meeting.

BOA #BOA#26-100022

ZONING: RS-1
 RE NO.: 181532-0000
 LEGAL: Lot 5 and The East ½ of Lot 6, Block 4, *Atlantic Shores Ocean Front Section-Division B*
 ADDRESS: 3214 Ocean Dr

REQUEST:

Section(s): 34-611(e)(1)(c)(h), for a westerly accessory structure setback of 4 feet in lieu of 5 feet minimum, 34-611(e)(1)(c)(h), for a northerly accessory structure setback of 4.1 feet in lieu of 5 feet minimum, for a new swimming pool, to an existing two-story single-family home.

EXISTING CONDITIONS:

The subject property is an existing platted lot of record (circa 1983), located in the Low Density Residential future land use category. The property is currently zoned Residential, single-family: RS-1. The property measures 77 feet in width, 84 feet in depth, with an overall lot area of 6,430 square feet. The property is currently occupied by a single-family home, built in 2025 with variance approval for a rear yard setback of 14.5 feet in lieu of 30 feet, 48% lot coverage of 35% max, and a swimming pool setback of 1.5 feet in lieu of 5 feet from the primary structure, to allow for new construction. In the RS-1 zoning district, the minimum dimensional requirement is 90 feet in width and a total lot area of 9,000 square feet. The parcel is nonconforming in width and total lot area, the building is also on a corner lot and the location of the structure limits the prospects for additions.

The property owners have applied for a permit for a pool in the rear yard, and are proposing decking to safely connect the pool to the residence. The subject parcel is nonconforming in total lot area and width. The subject property will not exceed the maximum lot coverage and will only encroach on rear setbacks by 1 foot on one side and 1.1 on the other.

These are the minimum variances needed to accommodate the improvements. Adding any structure on this property will increase the lot of coverage and encroach on setbacks. Staff finds that the requested variance is the minimum variance needed to accommodate the proposed improvements. The property is located on a corner lot and is substandard in both width and total lot area. This request is consistent with the comprehensive plan.

BOA#21-100151: Approved for a rear yard setback of 14.5 feet in lieu of 30 feet, 48% lot coverage in lieu of 35%, and a swimming pool setback of 1.5 feet in lieu of 5 feet from the primary structure, to allow for construction of a single family home.

AGENDA ITEM:	A.
MEETING DATE:	April 21, 2026



No active code cases.

STAFF ANALYSIS:

The subject property is an existing lot of record platted prior to the current Land Development Code (LDC) (1983), which is prior to our current LDC. The new swimming pool will allow the homeowner to use the property to its full potential and will be aesthetically pleasing and enhance the neighborhood. The variance requested is the minimum necessary to allow the applicant to utilize the property to complete the proposed swimming pool. The fact that the parcel was platted in 1983, and considering the dwelling was constructed under the limitations of a previous LDC, as well as the home being substandard and located on a corner lot, the applicant would be limited in their ability to add any additions, mostly due to the design, and how the builder chose to maximize the home's dimensions.

This is not due to any actions of the applicant, but the unique placement and location of the property. The proposed pool will cause encroachment to the rear of the property by 1 and 1.1 feet, resulting in the request for the variance for accessory structure setbacks. The nonconforming lot is not the fault of the applicant, nor does the existing and denying additional encroachment deprives the applicant of rights and privileges, as most of the lots in this neighborhood are undersized and have been granted similar variances. There is a hardship justified by the lot being a non-conforming lot regarding its shape and corner lot placement. Staff would recommend that the application be approved.

MINIMUM DIMENSIONAL STANDARDS:

Residential, Single-family: RS-1 Zoning Dimensional Standards

- Minimum lot area: 9,000 square feet.
- Minimum lot width: 90 feet at the building line and a minimum of 35 feet at the street.
- Minimum yards:
 - Front yard: 25 feet.
 - Side yard: 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 20 percent of the lot width or 10 feet, whichever is greater, except the side yard is never required to exceed 20 feet.
 - Rear yard: 30 feet for primary structure and 20 feet for unenclosed covered patios and enclosed screen rooms.
- Minimum floor area: A single-family dwelling unit shall contain a minimum of 1,400 square feet of conditioned living area and a 1-car garage. The garage shall not be included as part of the single-family dwelling unit's minimum square footage.
- Maximum lot coverage for primary structure and required driveway: 35 percent.
- Maximum Impervious Surface: 50 percent.
- Maximum height: 35 feet.
- Accessory structures: 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** conditions that prevent compliance with site design and development standards or are unique to the parcel of land, building or structure. The subject property is substandard in total lot area. The RS-1 requirement is 90 feet in width and a total lot area of 9,000 square feet. The subject lot is substandard, and given it's roughly square shape, the rear yard is diminished, as was noted in the previously approved variance. The location of the existing home was granted a rear yard setback reduction, but meets all other required setbacks. This limits the location and size of a place to locate a pool.

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 circumstances **are** a result of actions of the applicant. The substandard nature of the parcel results in constraints that limit where accessory structures may be located. The applicant did not create the substandard lot, and it limited in where a pool may be located based on the location of the primary structure.

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. Approval of the requested variances would not confer a special privilege denied to other property owners. Accessory structures and outdoor improvements are common for single-family residences, and similarly constrained properties may seek comparable relief. The request is similar in nature to the previously approved variance, as it only related to the rear and side yard setbacks.

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. Strict enforcement of the current setback requirements would make placement of the swimming pool impractical. Given the configuration of the existing dwelling and available yard space, there is only one corner of the yard the pool could be placed to comply with the accessory residential use supplemental standards for rear yard placement.

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. The requested variances represent the minimum relief necessary to allow the applicant to construct the swimming pool and utilize the property in a manner typical of single-family residential development. The request is minimal in nature, and the applicant's design will adhere to the required 5 foot setback from the primary structure.

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. The requested variances will not create a public nuisance. The proposed encroachments are minimal in scale, will remain compatible with the surrounding neighborhood, and do not create issues of safety, visibility, traffic, or noise. The 1-foot encroachment into the rear and side yard will place the pool slightly closer to the neighboring property, but will reflect a similar design and placement of a pool as the property to the west, thus limiting any compatibility issues, as the pool would be closest to



another rear yard pool. The proposed improvements will continue to comply with applicable building and safety codes.

STAFF RECOMMENDATION:

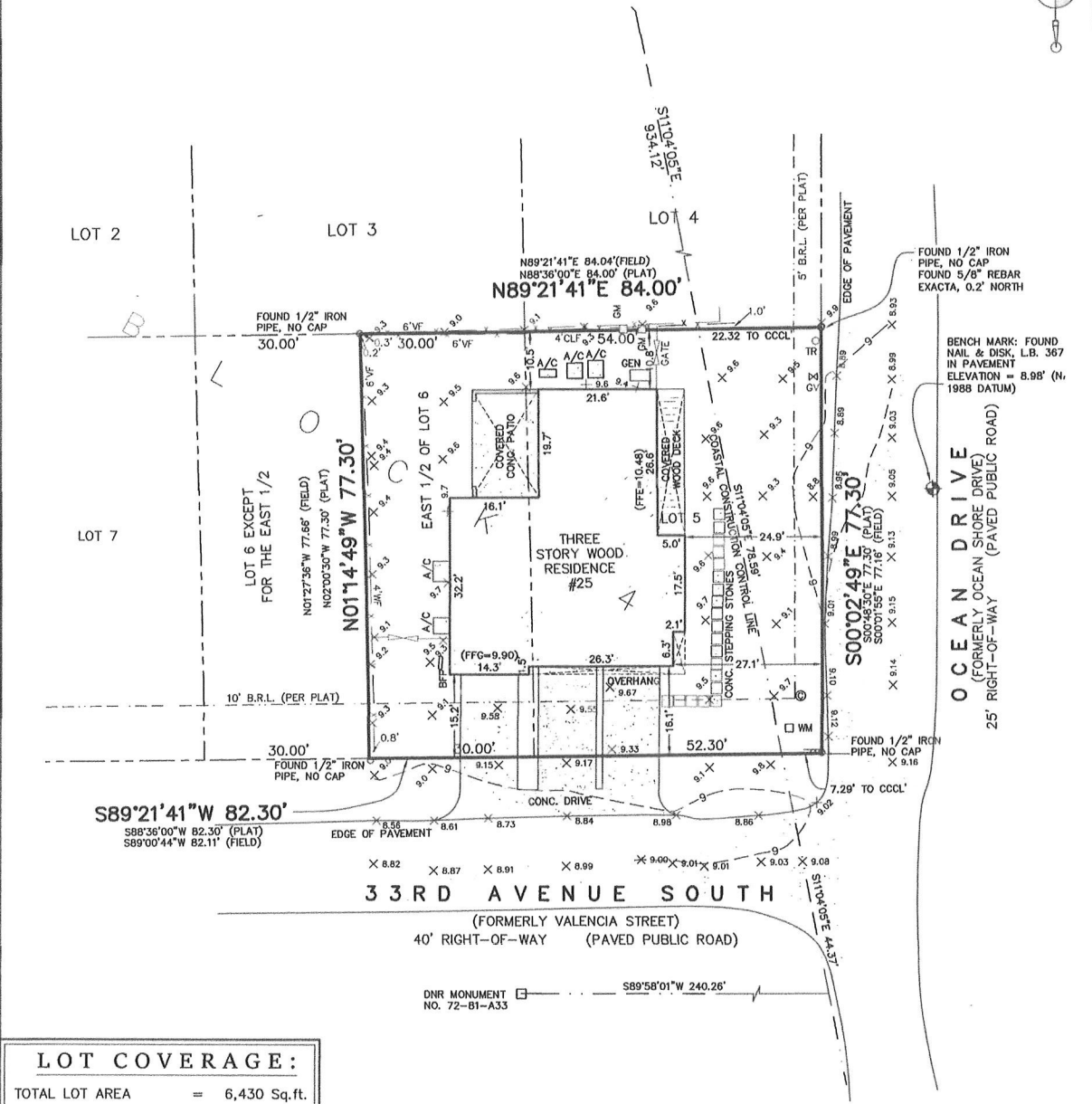
Per Section 34-572 of the Land Development Code, and based on the provided application and analysis stated in this report, the Planning and Development Department finds the application meets all the applicable standards for a variance therefore and recommends **Approval** of **BOA#26-100022**.

ATTACHMENTS:

1. 26-100022pics
2. BOA#26-100022 Application

MAP SHOWING SURVEY OF

LOT 5 AND THE EAST 1/2 OF LOT 6, BLOCK 4, ATLANTIC SHORES OCEAN FRONT SECTION-DIVISION B, AS RECORDED IN PLAT BOOK 15, PAGE 92, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



LOT COVERAGE:	
TOTAL LOT AREA	= 6,430 Sq.ft.
RESIDENCE	= 1,709 Sq.ft.
CONC. DRIVE	= 496 Sq.ft.
CONC. WALK	= 80 Sq.ft.
WOOD DECK	= 133 Sq.ft.
CONC. PATIO	= 226 Sq.ft.
WALLS	= 11 Sq.ft.
EQUIPMENT PADS	= 49 Sq.ft.
TOTAL IMPERVIOUS AREA	= 2,704 Sq.ft.
TOTAL LOT COVERAGE	= 42.05%

- GENERAL SURVEY NOTES**
1. THIS IS BOUNDARY AND TOPOGRAPHIC SURVEY.
 2. BEARINGS ARE BASED ON STATE PLANE COORDINATE SYSTEM, NAD 83 DATUM, FLORIDA EAST ZONE.
 3. BENCHMARK USED IS A FOUND MAG NAIL & DISK, L.B. 3672 HAVING AN ELEVATION OF 8.98 AND WAS ESTABLISHED BY GPS OBSERVATION USING SPECTRA PRECISION SP80 L1/L2 EQUIPMENT AND RUNNING TRIMBLE VRS SOFTWARE IN N.A.V.D. 1988 DATUM.
 4. 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.
 5. NO UNDERGROUND INSTALLATIONS, IMPROVEMENTS OR ENCROACHMENTS HAVE BEEN LOCATED EXCEPT THOSE SHOWN HEREON.
 6. BUILDING RESTRICTION LINES (B.R.L.) AS PER PLAT.
 7. 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. 1203100419J, REVISED NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

SYMBOL LEGEND	ABBREVIATION LEGEND
FIRE HYDRANT	BFP BACK-FLOW PREVENTER
LIGHT POLE	(CALC) CALCULATED
GAS VALVE	(FIELD) FIELD MEASUREMENT
WATER VALVE	WF WOOD FENCE
CLEAN OUT	CLF CHAIN LINK FENCE
UTILITY POLE	VF VINYL FENCE
GUY ANCHOR	CONC. CONCRETE
BOLLARD	R/W RIGHT-OF-WAY
WATER METER	PB PLAT BOOK
GAS RISER	ORB OFFICIAL RECORDS BOOK
CABLE RISER	PG PAGE
ELECTRIC BOX	MES MITERED END SECTION
SIGN	CMP CORRUGATED METAL PIPE
TRANSFORMER	PVC POLYVINYL CHLORIDE PIPE
MANHOLE	RCP REINFORCED CONCRETE PIPE
	EL ELEVATION
	FFE FINISHED FLOOR ELEVATION
	INV INVERT ELEVATION
	PC POINT OF CURVATURE
	PT POINT OF TANGENCY OF CURVE
	PCC POINT OF COMPOUND CURVE
	PRC POINT OF REVERSE CURVE

CERTIFIED TO:
JACK OSSI.

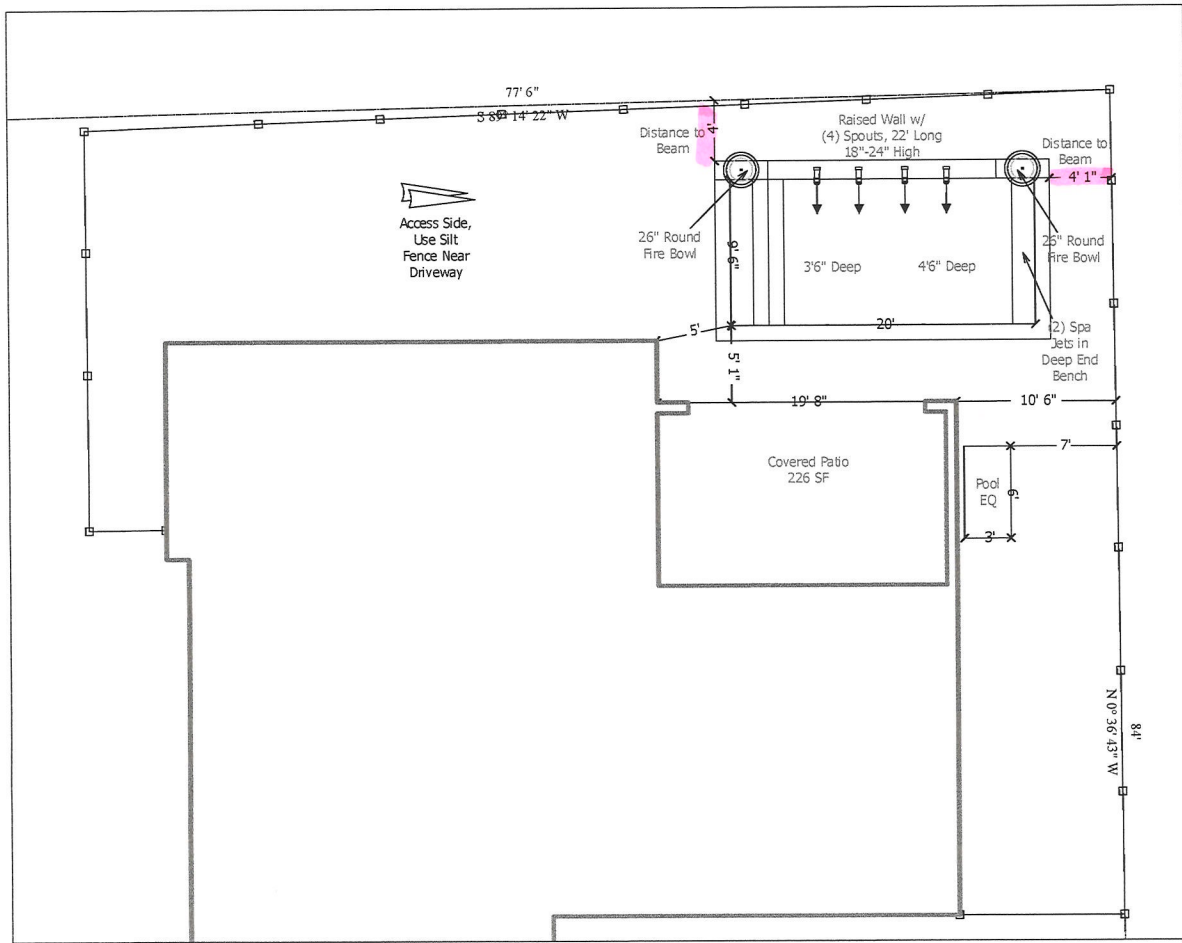
JASON D. BOATWRIGHT
License Number
7292
STATE OF
FLORIDA
Professional Surveyor and Mapper

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

FILE: 2025-0712
 DRAWN BY: RLR
 SCALE: 1" = 20'

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

DATE:
JULY 17, 2025
 SHEET 1 OF 1



Canto Pool
 3214 Ocean Drive S.
 Jacksonville Beach, FL. 32250

Pool: 190 SF / 59 LF
 Deck: Coping Only Proposed
 Safety Feature: Fence & Gates to Code

Lot Coverage:
 Lot: 6,430 SF (+/-)
 Existing Coverage: 2,704 SF (+/-)
 = 42.05%
 Proposed Coverage: 2,722 SF (+/-)
 = 42.33%

Max Allowed in COJB: 50%
 Seeking Variance for Beam Setback to Property Line(s)



VARIANCE APPLICATION

BOA No. 26-100022
HEARING DATE 4/21

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: PAUL CANTO (DANA) Telephone: 214-448-2595
 Mailing Address: 3214 Ocean Dr S E-Mail: paulcanto@gmail.com
Jax Beach, FL 32250
 Agent Name: Paul Cruddas (EPIC POOLS) Telephone: 904-417-5100
 Mailing Address: 12276 San Jose Blvd. #417 E-Mail: info@epicpool.com
Jacksonville, FL 32223
 Landowner Name: Paul Canto (DANA) Telephone: 214-448-2595
 Mailing Address: 3214 Ocean Dr S E-Mail: paulcanto@gmail.com
Jax 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: 3214 Ocean Drive South / #181532-0000
 Legal description of property (Attach copy of deed): (Attached)
 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).

Pool beam setback of (4') in lieu of (5'), on North (side) and West (rear) property lines.

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE	
CURRENT ZONING CLASSIFICATION: _____	FLOOD ZONE: _____
CODE SECTION (s): _____	_____
_____	_____
_____	_____
_____	_____



VARIANCE APPLICATION AFFIDAVIT

BOA No. _____

AFFIDAVIT

I, PAUL CANTO, 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.

[Handwritten Signature]

PAUL CANTO

03/23/26

APPLICANT SIGNATURE

PRINT APPLICANT NAME

DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of physical presence or online notarization, this 23rd day of March, 2026, by Paul Canto, who is personally known to me or produced d.l. as identification.

[Handwritten Signature]

NOTARY PUBLIC SIGNATURE



CALLIE RAYESKI-BOWLING
Commission # HH 617978
Expires March 15, 2029

Callie Rayeski-Bowling

PRINT NOTARY NAME

(Affix Notary Seal Above)

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	Smaller lot size (under 6500 SF), corner lot, house pushed back due to Coastal Construction Line.
(b) The conditions or circumstances do not result from actions of the application and would not be considered a self-imposed hardship.	Yes	Hardships listed above not the cause of homeowners. Hardships listed above result in small yard.
(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	No special privileges.
(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	Several hardships listed above, not common or seen in other similar sized corner lots.
(e) The variance(s) requested, if granted, will make possible a reasonable use of the parcel of land, building, or structure.	Yes	The requested variance would allow for reasonable use of the lot / yard.
(f) The variance(s) request, if granted, will not result in the creation of a public nuisance.	Yes	The requested variance will <u>not</u> impact surrounding neighbors.

Prepared by and return to:
Bryan C. Goode, III
Attorney at Law
Bryan C. Goode III, P.A.
320 1st Street North Suite 613
Jacksonville Beach, FL 32250
904-247-1755
File Number: 25-0607
Will Call No.:

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 27th day of June, 2025 between **Kim R. Spadaro, a single woman and Jim Seaman, a single man** whose post office address is **3145 Pullian Court, Jacksonville Beach, FL 32250**, grantor, and **Paul J. Canto and Dana R. Canto, husband and wife** whose post office address is **25 33rd Avenue S., 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 5, and the East One Half (E 1/2) of Lot 6, Block 4, ATLANTIC SHORES OCEAN FRONT SECTION-DIVISION B, according to plat thereof as recorded in Plat Book 15, Page 92 of the Public Records of Duval County, Florida.

Parcel Identification Number: 181532-0000

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **December 31, 2024**.

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:

[Signature]

Witness Name: Bryan C. Goode, III, Witness as to Both
Witness Address: 320 1st Street North, Suite 613,
Jacksonville Beach, FL 32250

[Signature]

Kim R. Spadaro

(Seal)

[Signature]

Witness Name: Susan Abrams, Witness as to Both
Witness Address: 320 1st Street North, Suite 613,
Jacksonville Beach, FL 32250

[Signature]

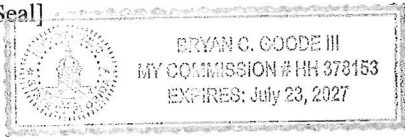
Jim Seaman

(Seal)

State of Florida
County of Duval

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 27th day of June, 2025 by Kim R. Spadaro and Jim Seaman, who are personally known or have produced a driver's license as identification.

[Notary Seal]

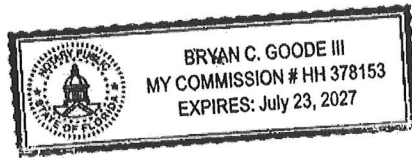


[Signature]

Notary Public, State of Florida

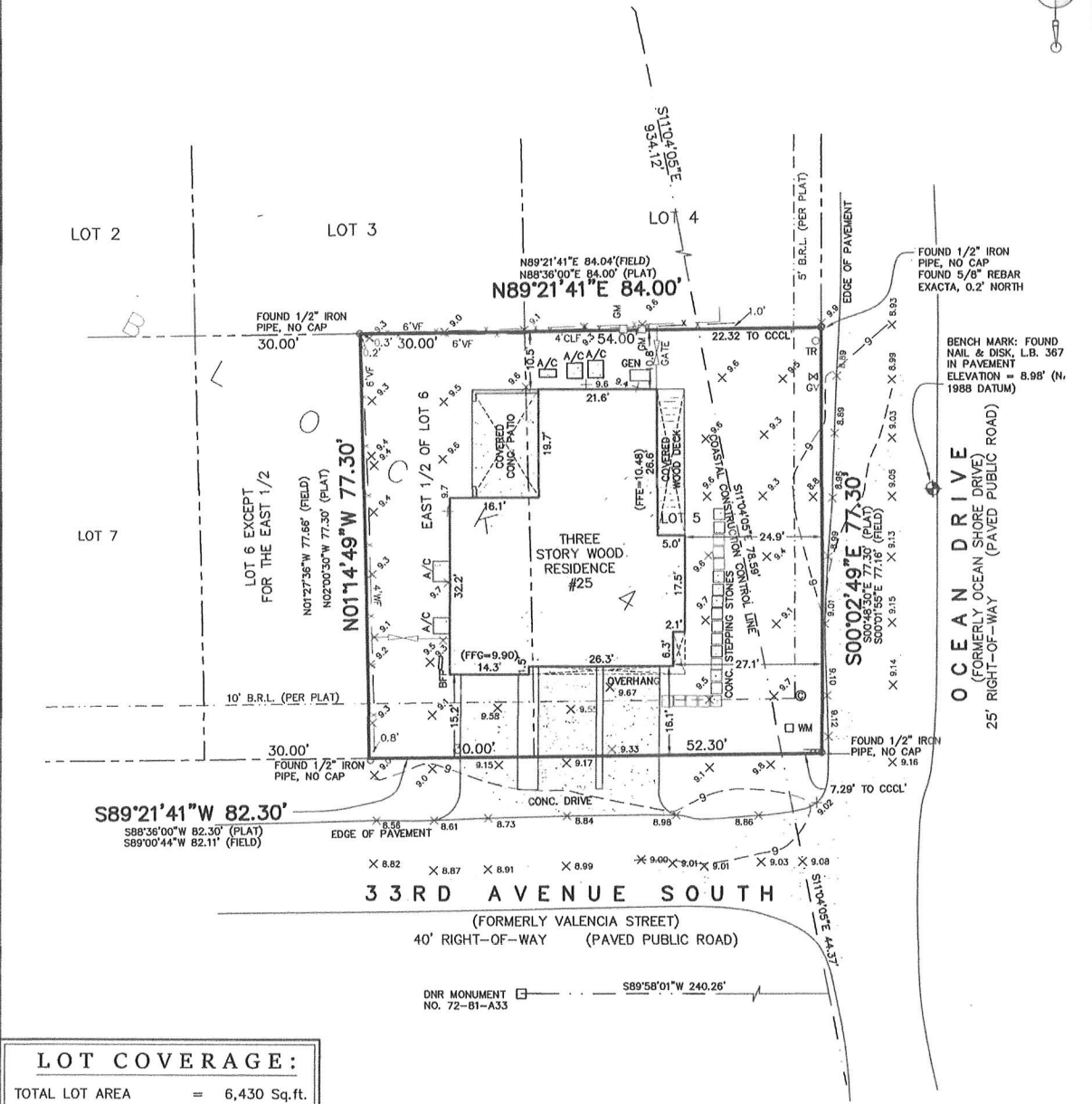
Printed Name: _____

My Commission Expires: _____



MAP SHOWING SURVEY OF

LOT 5 AND THE EAST 1/2 OF LOT 6, BLOCK 4, ATLANTIC SHORES OCEAN FRONT SECTION-DIVISION B, AS RECORDED IN PLAT BOOK 15, PAGE 92, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



LOT COVERAGE:

TOTAL LOT AREA	=	6,430 Sq.ft.
RESIDENCE	=	1,709 Sq.ft.
CONC. DRIVE	=	496 Sq.ft.
CONC. WALK	=	80 Sq.ft.
WOOD DECK	=	133 Sq.ft.
CONC. PATIO	=	226 Sq.ft.
WALLS	=	11 Sq.ft.
EQUIPMENT PADS	=	49 Sq.ft.
TOTAL IMPERVIOUS AREA	=	2,704 Sq.ft.
TOTAL LOT COVERAGE	=	42.05%

SYMBOL LEGEND	ABBREVIATION LEGEND
FIRE HYDRANT	BFP BACK-FLOW PREVENTER
LIGHT POLE	(CALC) CALCULATED
GAS VALVE	(FIELD) FIELD MEASUREMENT
WATER VALVE	WF WOOD FENCE
CLEAN OUT	CLF CHAIN LINK FENCE
UTILITY POLE	VF VINYL FENCE
GUY ANCHOR	CONC. CONCRETE
BOLLARD	R/W RIGHT-OF-WAY
WATER METER	PB PLAT BOOK
GAS RISER	ORB OFFICIAL RECORDS BOOK
CABLE RISER	PG PAGE
ELECTRIC BOX	MES MITERED END SECTION
SIGN	CMP CORRUGATED METAL PIPE
TRANSFORMER	PVC POLYVINYL CHLORIDE PIPE
MANHOLE	RCP REINFORCED CONCRETE PIPE
	EL ELEVATION
	FFE FINISHED FLOOR ELEVATION
	INV INVERT ELEVATION
	PC POINT OF CURVATURE
	PT POINT OF TANGENCY OF CURVE
	PCC POINT OF COMPOUND CURVE
	PRC POINT OF REVERSE CURVE

GENERAL SURVEY NOTES

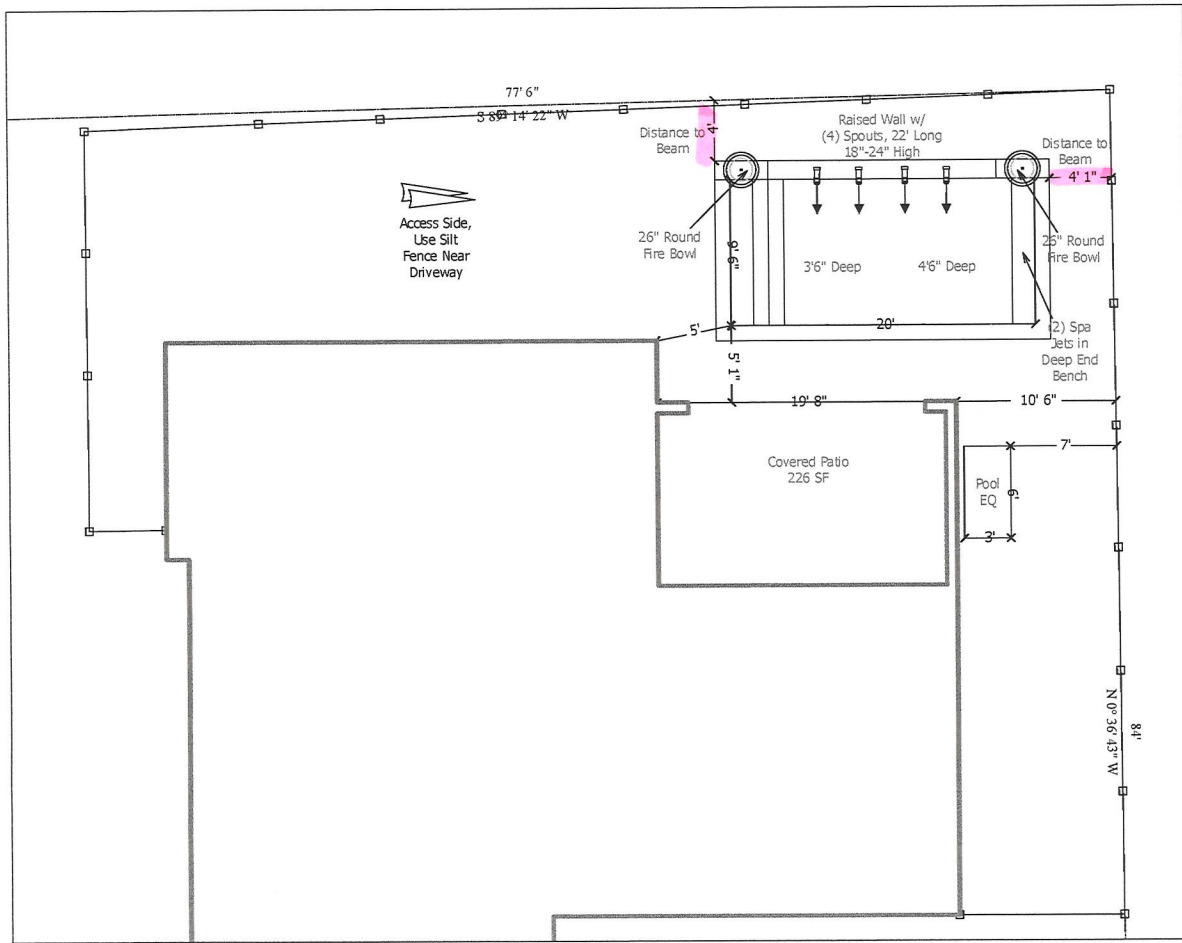
- THIS IS BOUNDARY AND TOPOGRAPHIC SURVEY.
- BEARINGS ARE BASED ON STATE PLANE COORDINATE SYSTEM, NAD 83 DATUM, FLORIDA EAST ZONE.
- BENCHMARK USED IS A FOUND MAG NAIL & DISK, L.B. 3672 HAVING AN ELEVATION OF 8.98 AND WAS ESTABLISHED BY GPS OBSERVATION USING SPECTRA PRECISION SP80 L1/L2 EQUIPMENT AND RUNNING TRIMBLE VRS SOFTWARE IN N.A.V.D. 1988 DATUM.
- THIS SURVEY WAS PREPARED WITHOUT AN ABSTRACT OF TITLE; THEREFORE THE UNDERSIGNED MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT OF WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS.
- NO UNDERGROUND INSTALLATIONS, IMPROVEMENTS OR ENCROACHMENTS HAVE BEEN LOCATED EXCEPT THOSE SHOWN HEREON.
- BUILDING RESTRICTION LINES (B.R.L.) 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. 1203100419J, REVISED NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
JACK OSSI.

JASON D. BOATWRIGHT
License Number
7292
STATE OF
FLORIDA
Professional Surveyor and Mapper

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

L:\Shared\2025 Project Folder\2025-0712 25 33rd Avenue South - Final\2025-0712.dwg



Canto Pool
 3214 Ocean Drive S.
 Jacksonville Beach, FL. 32250

Pool: 190 SF / 59 LF
 Deck: Coping Only Proposed
 Safety Feature: Fence & Gates to Code

Lot Coverage:
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 = 42.05%
 Proposed Coverage: 2,722 SF (+/-)
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Max Allowed in COJB: 50%
 Seeking Variance for Beam Setback to Property Line(s)



BOARD OF ADJUSTMENT AGENDA ITEM	
TO:	Board of Adjustment Members
FROM:	Department of Planning & Development
DATE:	04/14/2026
SUBJECT:	BOA #26-100023 Staff Report

The following information is provided for your consideration for the following agenda item for the upcoming Tuesday, April 21, 2026 Board of Adjustment Meeting.

BOA #26-100023

ZONING: C-1
 RE NO.: 173863-0000
 LEGAL: Lot 7, Block 44, *Atlantic Park*
 ADDRESS: 333 N 3rd Ave

REQUEST:

Section(s): 34-745(b)(4)(a), for a 0 ft landscape buffer in lieu of at least 5 ft adjacent to the western property line, 34-702(d), for a 0ft parking adjacent to right of way set back in lieu of 5 feet, for a new commercial building.

EXISTING CONDITIONS:

The subject property is a lot of record (circa 1924) located in the Commercial Future Land Use (FLU) category. The property is currently located in the Commercial Limited: C-1 Zoning District. The subject property features an existing two-story single family home, constructed in 1939. The applicant seeks to demolish the current structure and build a new commercial building. Notably, the property has been developed for over 80 years, existing since before the City adopted its current Land Development Code (LDC). While there are no minimum lot sizes in the C-1 zoning district, there are practical considerations in regard to lot size and area, and how that relates to meeting all elements of the code. Office use has specific parking requirements based on the size of the structure and the LDC has other required elements such as parking space size, travel lane size, and setbacks and landscaping which can all compete for relative lot space.

The applicant is asking for a variance for a 0 foot landscape buffer in lieu of 5 feet adjacent to the western property line, and for a 0 foot parking setback adjacent to right of way in lieu of 5 feet, for a new commercial building. The first request regarding the side yard was mistakenly listed by staff. The applicant only wishes to request the above-mentioned. The proposed commercial use as office is a permitted use within the C-1 zoning district provisions. Thus, if the requested variances are granted, the property will not receive any special privileges that are not available to similar properties in the area. The subject property is located on the rear half of the block, which is adjacent to 3rd Street North, and is predominantly used for commercial purposes.

No previous BOA, no active code case.

AGENDA ITEM:	B.
MEETING DATE:	April 21, 2026



STAFF ANALYSIS:

The applicant is proposing to demolish the current structure and convert it from single family to commercial for professional offices. The subject property includes a building that is old and in need of major renovations. This building was constructed in 1939 before the current land development code. The requested variances are essential for adapting the property to contemporary commercial usage, as stated in Strategy FLU 1.3.1 and FLU 1.3.2 of the 2050 comprehensive plan. These strategies encourage the redevelopment of underutilized properties and the elimination of deteriorated properties. The proposed reductions in setbacks and landscaping will not contribute to any public nuisance or detriment to the surrounding area. In fact, the shift to commercial will be consistent with the surrounding businesses and will be similar in design to the surrounding commercial properties within the same block.

The requests put forth by the applicant reflect an earnest attempt to take full advantage of every avenue for reduction in lot coverage, impervious surface ratio, alternative parking strategies, and attempts to meet the dimensional and landscape requirements of the code, with minimal reductions requested to accomplish the redevelopment. The use of pervious pavers for all required parking, excepting the required ADA compliant space and driveways, plus the use of compact spaces, bicycle parking all contribute to a reduction in impervious space, and helps reduce stormwater related issues with runoff and containment by the City's stormwater system.

MINIMUM DIMENSIONAL STANDARDS:

Minimum lot area: None.

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

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 conditions that prevent compliance with site design and development standards or are unique to the parcel of land, building or structure. The parcel was platted prior to the 2050 Comprehensive Plan. The parcel is relatively small for new commercial construction, and the applicant has employed all measures available to ensure much of the LDC requirements can be met.

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 circumstances are not a result of actions of the applicant. As noted above, the parcel is historic, and was platted outside the regulations of the current Comprehensive Plan or LDC. While the applicant is building a new structure, the parking standards for office use, one of the lowest-intensity commercial uses in C-1, the required landscaping, parking and setbacks all compete for lot space on a small commercial parcel and the applicant has proposed the least

impactful variance request to make the project feasible, while attempting to use every available tool in the LDC to reduce the impact of the project and meet as many commercial standards as possible.

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 . Granting the variances will not confer special privileges. Approval simply allows the property to function as commercial. Other parcels with similar pre-existing conditions may seek comparable relief, and approval in this case does not establish advantages unavailable to others in like circumstances. The applicant has volunteered to pursue a right of way permit from public works to relocate the required landscaping to the city right of way, which Planning Staff confirmed with the Streets Superintendent from Public Works, is a viable option for this area, and the applicant would simply need to apply for the permit to plant the required landscaping in the right of way.

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. Without relief from the code regarding setbacks and landscaping location, while employing all opportunities to reduce all reasonable impacts to every requirement in the code, the property would be unfairly burdened.

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/are not** necessary to make possible a reasonable use of the parcel of land, building, or structure. As previously noted, there is no practical path to bring the existing structure into compliance without a variance, given it's location on the property. Additionally, although Historic Single Family is a permitted use in C-1, the structure itself has many challenges associated with it, some of which would likely require a variance to renovate. Approving the variance will further the goals of the comprehensive plan, by allowing for the redevelopment of a dilapidated property, and encouraging commercial infill where it is most compatible, adjacent to other commercial properties.

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. The requested variances will not create a public nuisance. The proposed encroachments are minimal in scale, will remain compatible with the surrounding neighborhood, and do not create issues of safety, visibility, traffic, or noise. Additionally, the location of the proposed encroachment does not face any existing adjacent lot, so there should be no impact on the surrounding neighbors. The proposed improvements will meet all other requirements of the LDC, and if successful, the applicant will still provide the required landscaping, but will shift it to the City right of way. It is worth noting that the Board cannot require the applicant plant the landscaping, as that is under the authority of Public Works. However, staff would encourage the Board to condition the applicant be required to apply for said permit.

STAFF RECOMMENDATION:



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 finds the application meets all the applicable standards for a variance and therefore recommends **Approval** of BOA#26-100023 with the proposed conditions: **1) Approval is tied to the proposed use of alternative parking designs which account for the reduction in required parking as outlined in Sec. 34.707, and any change in these elements that would lead to an increase in required parking would require a new variance. 2) The applicant request a revocable encroachment permit from the Public Works Department to potentially locate additional landscaping in the right of way, if feasible.**

ATTACHMENTS:

1. 26-100023pics
2. BOA#26-100023 Application

DATA SUMMARY

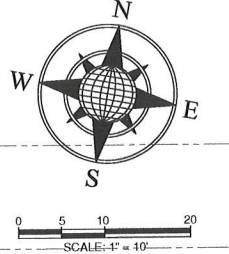
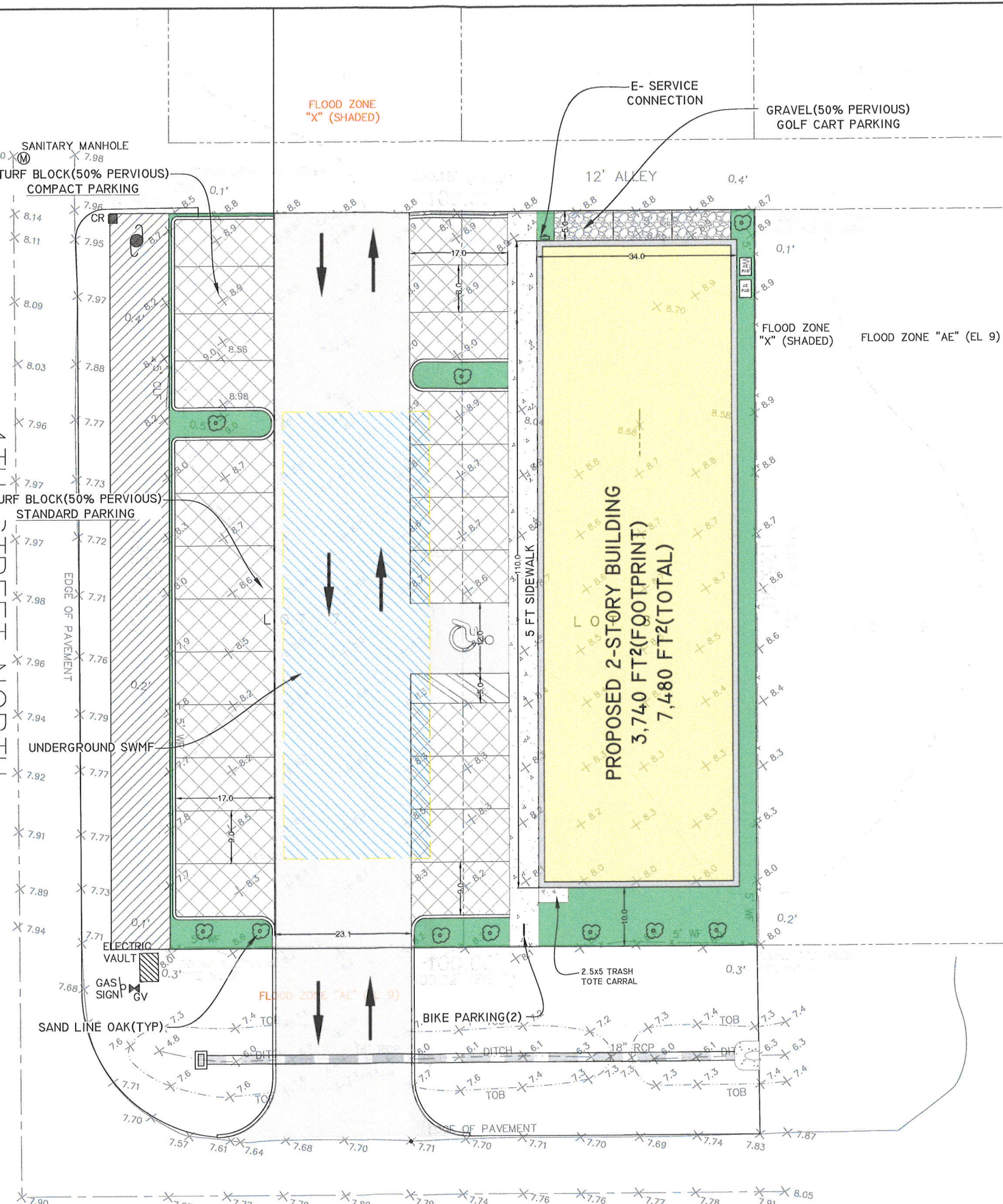
PARCEL ID:	173863 0000	
PARCEL SIZE:	0.29 AC	
ZONING:	JC-1	
EX. & PROPOSED USE:	COMMERCIAL	
LOT AREA:	12,632 FT ²	0.29 ACRES
PROFESSIONAL OFFICE	7,480 FT ²	
BUILDING TOTAL	7,480 FT ²	
MIN LOT AREA:	NONE	
MIN LOT WIDTH:	NONE	
MIN YARDS:		
FRONT YARD:	10 FT	
SIDE YARD:	10 FT	
REAR YARD:	NONE	
MIN FLOOR AREA:	NONE	
MAX LOT COVERAGE:	85%	
MAX HEIGHT:	35 FT	
REQ. PARKING(SEC. 34-706):	REQUIRED	PROPOSED REDUCTION(SEC. 34-707)
1 SPOT / 300 FT ² (OFFICE)	27	
STANDARD(9'x17')	17	
COMPACT(8'x17')	7	5%
ADA(12'x17')	1	
BICYCLE	2	1%
GOLF CART(5'x10')	3	20%
PERVIOUS PARKING	29	5%
TOTAL	19	29 31%
IMPERVIOUS AREA		
BUILDING	3,900 FT ²	
ASPHALT	2,741 FT ²	
TURF BLOCK(50%)	3,816 FT ² (1,408 FT ²)	
CONCRETE(S/W)	500 FT ²	
DUMPSTER	100 FT ²	
9,1479 FT ² / 12,623 FT ²	72%(MAX 85%)	
LANDSCAPE	REQUIRED	PROPOSED
1 PER 6,000 FT ² (12,623 / 6,000)	2	
1 @ 25 FT OC VUA BUFFER 161 FT OF FRONTAGE	6	
SAND LIVE OAK (2" DIA(MIN) 10 FT TALL)		8

PARKING NOTE:
ADA ACCESSIBLE PARKING SHALL
BE CONCRETE OR ASPHALT

CONCEPT PLAN NOTES

- THIS DRAWING IS INTENDED FOR CONCEPTUAL SITE PLANNING ONLY. SITE PLAN IS SUBJECT TO CHANGE BASED UPON FINAL DESIGN AND LOCAL LAND DEVELOPMENT CODE.
- STORMWATER MANAGEMENT FACILITY SHOWN ON THIS PLAN ARE CONCEPTUAL AND IS SUBJECT TO CHANGE UPON FINAL DESIGN.
- NO SITE VISITS HAVE BEEN MADE TO VERIFY ACCURACY OF AERIAL IMAGE DEPICTED
- THIS DRAWING IS NOT INTENDED TO BE USED FOR CONSTRUCTION AND PERMITTING PURPOSES

4TH STREET NORTH
(A PUBLICLY DEDICATED 50' R/W PER PLAT)



DATE	
BY	
DESCRIPTION	
REV	

LEGEND ENGINEERING
COMMERCIAL MARINE RESIDENTIAL
PHONE: (813) 949-5433
EMAIL: SUEVA@LEGENDENGINEERING.COM

BARNETT BLDG
333 3RD AVE N
JACKSONVILLE BEACH, FL 32250
MASTER SITE PLAN - CONCEPT

PLOT DATE: 4/14/2026
DRAWN BY: JAP
DESIGNED BY: RCJ
CHECKED BY: RCJ
DATE: **Apr-26**

SCALE: **1" = 10'**
PROJECT No. **1026-0333**

NUMBER SHEETS	
PAGE NUMBER	

LEGEND

	BOUNDARY
	ASPHALT
	UNDERGROUND SWMF
	CONCRETE
	GRAVEL
	BLD WALL HATCH
	LANDSCAPE AREA
	TURF BLOCK(50% PERV)

3RD AVENUE NORTH
(A PUBLICLY DEDICATED 80' R/W PER PLAT)

SITE PLAN

SCALE: 1" = 10'





VARIANCE APPLICATION

BOA NO. 26-100023
HEARING DATE 4/21/20

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.

RECEIVED
MAR 20 2020
PLANNING
DEPARTMENT

APPLICANT INFORMATION

Applicant Name: Barnett Custom Homes **Telephone:** 904 229 6622
Mailing Address: 1415 3rd st N **E-Mail:** Greg@barnettcustomhomes.net
 Jacksonville Beach Fl 32250
Agent Name: Greg Barnett **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____
Landowner Name: Mark Perschel **Telephone:** _____
Mailing Address: PO Box 50424 **E-Mail:** _____
 Jacksonville Beach Fl 32240

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: 333 3rd ave n173863-0000
 Legal description of property (Attach copy of deed): Lot 7 and Lot 8 Block 44 Atlantic Park - Book 9 page 15 Duval county florida
 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) We would like a variance to move the required 5 ft landscape buffer to the Right of way along 4th st n

2) confirmation of the land use code - on a corner lot there is a required 10 ft front and side setback
along the corner of the property. This property is 2 lots of record and I would like to have Lot 7 be
identified at the corner lot thus allowing me to have a 0ft side yard setback along lot 8.

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE	
CURRENT ZONING CLASSIFICATION: _____	FLOOD ZONE: _____
CODE SECTION (s): _____	

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

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	YES	The property is a corner lot
Special circumstances and conditions do not result from the actions of the applicant.	YES	2 lots of records
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	Moving the Landscape buffer to the city right of way still allows for grass, bushes, trees, and plantings.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	YES	THERE ARE MANY PARCELS IN JAY BEACH THAT HAVE NO LANDSCAPE BUFFER
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	This allows for 25 parking spaces, which meets the city parking requirements for the size of the building.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	YES	the comprehensive plan is to gain more parking at the beach and the adjacent land is 4th st so there is not a neighboring parcel that is affected



VARIANCE APPLICATION AFFIDAVIT

BOA No. _____

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.

Greg Barnett

3/20/26

APPLICANT SIGNATURE

PRINT APPLICANT NAME

DATE

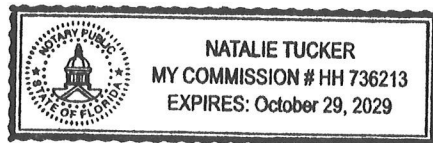
STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of physical presence or online notarization, this _____ day of 20, 2026, by Greg Barnett who is personally known to me or produced personally known as identification.

Natalie Tucker
NOTARY PUBLIC SIGNATURE

Natalie Tucker
PRINT NOTARY NAME

(Affix Notary Seal Above)



DATA SUMMARY

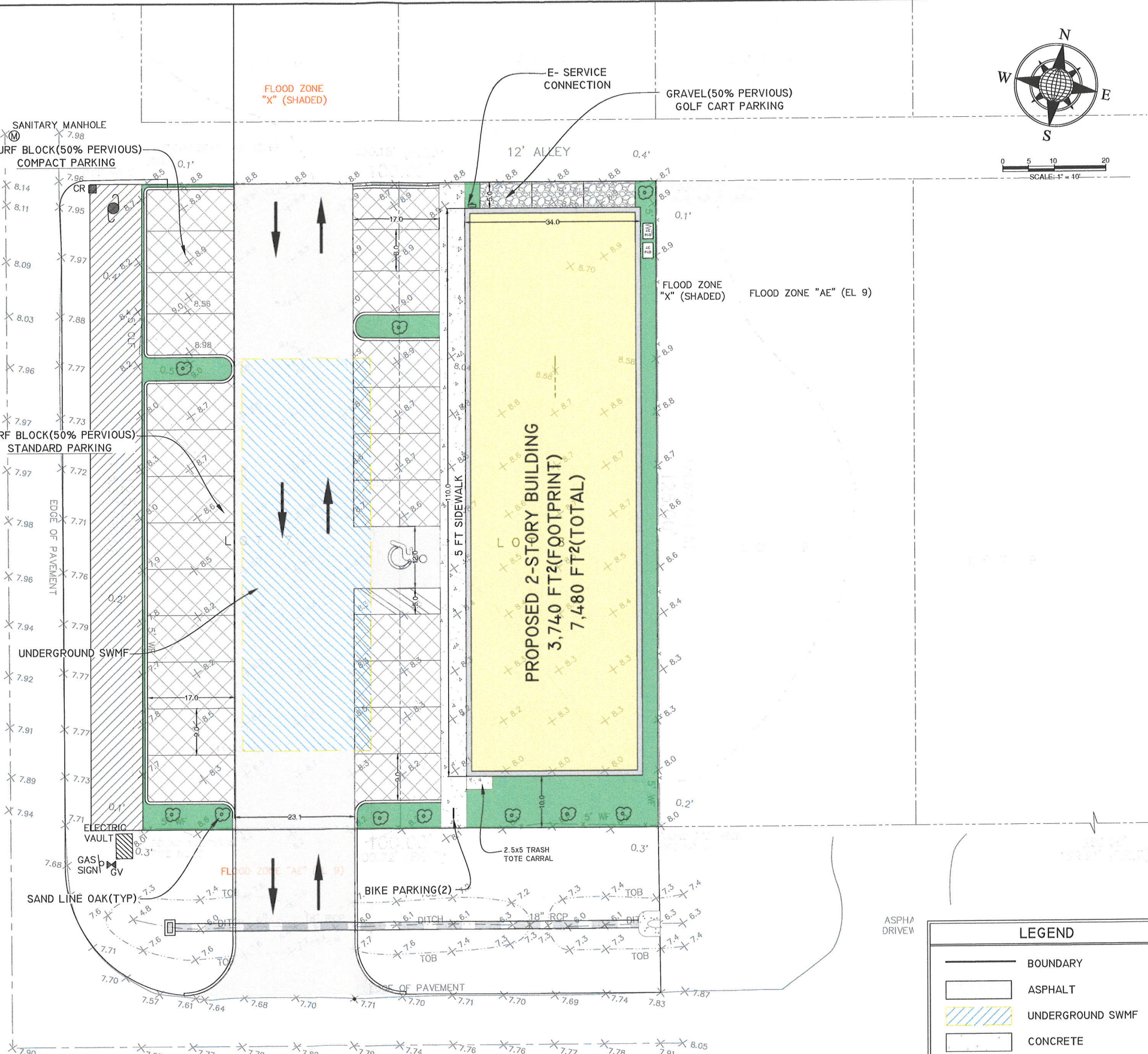
PARCEL ID:	173863 0000		
PARCEL SIZE:	0.29 AC		
ZONING:	JC-1		
EX. & PROPOSED USE:	COMMERCIAL		
LOT AREA:	12,632 FT ²	0.29 ACRES	
PROFESSIONAL OFFICE	7,480 FT ²		
BUILDING TOTAL	7,480 FT ²		
MIN LOT AREA:	NONE		
MIN LOT WIDTH:	NONE		
MIN YARDS:			
FRONT YARD:	10 FT		
SIDE YARD:	10 FT		
REAR YARD:	NONE		
MIN FLOOR AREA:	NONE		
MAX LOT COVERAGE:	85%		
MAX HEIGHT:	35 FT		
REQ. PARKING(SEC. 34-706):	REQUIRED	PROPOSED	REDUCTION(SEC. 34-707)
1 SPOT / 300 FT ² (OFFICE)	27		
STANDARD(9'x17')	17		
COMPACT(8'x17')	7	5%	
ADA(12'x17')	1		
BICYCLE	2	1%	
GOLF CART(5'x10')	3	20%	
PERVIOUS PARKING	29	5%	
TOTAL	19	29	31%
IMPERVIOUS AREA			
BUILDING	3,900 FT ²		
ASPHALT	2,741 FT ²		
TURF BLOCK(50%)	3,816 FT ² (1,408 FT ²)		
CONCRETE(S/W)	500 FT ²		
DUMPSTER	100 FT ²		
9,1479 FT ² / 12,623 FT ²	72%(MAX 85%)		
LANDSCAPE	REQUIRED	PROPOSED	
1 PER 6,000 FT ² (12,623 / 6,000)	2		
1 @ 25 FT OC VUA BUFFER 161 FT OF FRONTAGE	6		
SAND LIVE OAK (2" DIA(MIN) 10 FT TALL)		8	

PARKING NOTE:
ADA ACCESSIBLE PARKING SHALL
BE CONCRETE OR ASPHALT

CONCEPT PLAN NOTES

- THIS DRAWING IS INTENDED FOR CONCEPTUAL SITE PLANNING ONLY. SITE PLAN IS SUBJECT TO CHANGE BASED UPON FINAL DESIGN AND LOCAL LAND DEVELOPMENT CODE.
- STORMWATER MANAGEMENT FACILITY SHOWN ON THIS PLAN ARE CONCEPTUAL AND IS SUBJECT TO CHANGE UPON FINAL DESIGN.
- NO SITE VISITS HAVE BEEN MADE TO VERIFY ACCURACY OF AERIAL IMAGE DEPICTED
- THIS DRAWING IS NOT INTENDED TO BE USED FOR CONSTRUCTION AND PERMITTING PURPOSES

4TH STREET NORTH
(A PUBLICLY DEDICATED 50' R/W PER PLAT)

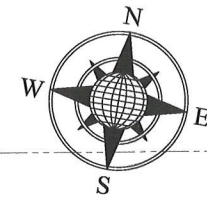


BENCH MARK: SET MAG
NAIL & DISK, LB3672
IN EDGE OF PAVEMENT
ELEVATION = 7.71'
(NAVD 1988 DATUM)

3RD AVENUE NORTH
(A PUBLICLY DEDICATED 80' R/W PER PLAT)

SITE PLAN

SCALE: 1" = 10'



LEGEND

[Solid line]	BOUNDARY
[Hatched pattern]	ASPHALT
[Blue hatched pattern]	UNDERGROUND SWMF
[White box]	CONCRETE
[Gravel pattern]	GRAVEL
[Diagonal hatched pattern]	BLD WALL HATCH
[Green box]	LANDSCAPE AREA
[Cross-hatched pattern]	TURF BLOCK(50% PERV)

DATE	
BY	
DESCRIPTION	
REV	
<p>LEGEND ENGINEERING COMMERCIAL MARINE RESIDENTIAL PHONE: (813) 949-5633 EMAIL: ECKY@LEGENDENGINEERING.COM</p>	
<p>BARNETT BLDG 333 3RD AVE N JACKSONVILLE BEACH, FL 32250 MASTER SITE PLAN - CONCEPT</p>	
PLOT DATE:	4/14/2026
DRAWN BY:	JAP
DESIGNED BY:	RCJ
CHECKED BY:	RCJ
DATE:	Apr-26
SCALE:	1" = 10'
PROJECT No.	1026-0333
NUMBER SHEETS	
PAGE NUMBER	

