



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Regular Meeting Agenda **AMENDED**

Board of Adjustment

Tuesday, October 19, 2021

7:00 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

- A. John Moreland (Chairperson), Alexi Gonzalez (Vice-Chairperson), Francis Reddington, Jeff Truhlar, Owen Curley
Alternate: Dan Elmaleh

EX-PARTE COMMUNICATION

APPROVAL OF MINUTES

- A. Regular Board of Adjustment Meeting held October 5, 2021

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

- A. **Case Number(s): BOA#21-100133**
Applicant: David Gatto
Agent: Bryan Green- One Eleven Construction
Owner: David Gatto
Property Address: 138 10th Avenue South
Parcel ID: 176150-0000
Legal Description: Lot 6, Block 102, *Pablo Beach South*
Current Zoning: RM-2 (RS-3 Standards)
Motion to Consider: 34-338(e)(1)c.1, for a front yard setback of 1.7 feet in lieu of 20 feet minimum; and 34-338(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum to rectify existing non-conformities and attach a detached garage to the primary single family residential dwelling
- B. **Case Number(s): BOA#21-100148**
Applicant: Shama Patel & Robert Burns III
Agent: Brian Messina - Aqua Design Jax, LLC.
Owner: Shama Patel & Robert Burns III

Property Address: 305 33rd Avenue South

Parcel ID: 180574-0000

Legal Description: Lot 13, Block 12, *Replat Unit No. 1 Atlantic Shores*

Current Zoning: RS-2

Motion to 34-337(e)(1)e, for 42% lot coverage in lieu of 35% maximum to allow for
Consider: construction of a new swimming pool and pool deck to an existing single family dwelling

C. **Case Number(s): BOA#21-100149**

Applicant: Lilyan Fleming

Agent: Howard Fleming

Owner: Lilyan Fleming

Property Address: 427 6th Street North

Parcel ID: 173879-0005

Legal Description: The Southerly 62.5 feet of Lots 5 and 6, Block 46, *Atlantic Park*

Current Zoning: RM-1 (RS-3 Standards)

Motion to 34-338(e)(1)c.2, for a side-yard setback of 3 feet in lieu of 5 feet minimum;
Consider: and 34-373(d) for a parking area setback of 3 feet in lieu of 5 feet minimum to allow for the construction of an attached car port to a single-family dwelling

D. **Case Number(s): BOA#21-100151**

Applicant: Chuck Horn - Horn Builders, Inc.

Agent: N/A

Owner: Susan Dutson

Property Address: 25 33rd Avenue South

Parcel ID: 181532-0000

Legal Description: Lot 5 and the East 1/2 of Lot 6, Block 4, *Atlantic Shores Ocean Front Section-Division B*

Current Zoning: RS-1

Motion to 34-336(e)(1)c.3, for a rear yard setback of 14.5 feet in lieu of 30 feet
Consider: minimum; 34-336(e)(1)e, for lot coverage of 48% in lieu of 35% maximum; and 34-336(e)(1)g, for a swimming pool setback of 1.5 feet in lieu of 5 feet from the primary structure to allow for construction of a new single-family dwelling

PLANNING DEPARTMENT REPORT

A. The next scheduled meeting is Tuesday, November 2, 2021. There are six scheduled cases.

ADJOURNMENT

NOTICE

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

Information concerning the hearing process is available online at www.jacksonvillebeach.org/publichearinginfo and a copy is also posted in the City Hall first floor display case. In accordance with Section 286.0114, Florida Statutes, any member of the public can attend the public hearing and can be heard on any matter presented before the Agency. Anyone who wishes to provide live public comment should complete a "Speaker Request

Card” and submit it to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. Speakers will be called to address the Agency when specified items are under consideration and will be limited to a maximum of three minutes or less, at the discretion of the presiding officer.

Alternatively, written public comment can be submitted in advance and must include the following: (1) First Name, (2) Last Name, (3) Address, (4) Public Hearing Date, (5) Specific Agenda Item(s), and (6) Comments. Written public comments may be submitted by one of the following options: (1) Email to the Agency Administrator at planning@jaxbchfl.net, (2) Postal mail to Community Redevelopment Agency Administrator - Public Comment, 11 3rd Street North, Jacksonville Beach, FL 32250, or (3) Drop off in-person to Planning and Development at City Hall. Written comments that include all required information and are received 24 hours in advance of the meeting will be distributed to the Agency and attached to the related agenda item before the start of the meeting. Written public comments will be read into the record at the appropriate time and will be limited to three (3) minutes of reading time. All comments received are public record.

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

cc: Mike Staffopoulos, City Manager
City Attorney's Office
City Clerk's Office

**Minutes of Board of Adjustment Meeting
held Tuesday, October 5, 2021, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairperson John Moreland called the meeting to order at 7:00 P.M.

ROLL CALL

Chairperson: John Moreland
Vice-Chairperson: Alexi Gonzalez
Board Members: Owen Curley Francis Reddington Jeff Truhlar (absent)
Alternate: Dan Elmaleh

Senior Planner Christian Popoli and Office Assistant Sheila Boman were also present.

EX PARTE COMMUNICATION: Mr. Elmaleh advised he spoke to Alan [Chipperfield] regarding BOA Case# 21-100137. No other ex-parte was reported.

APPROVAL OF MINUTES:

The Board unanimously agreed to defer approval of the June 7, 2016, minutes until the October 19, 2021, meeting.

It was moved by Ms. Gonzalez, seconded by Mr. Reddington, and passed unanimously to approve the following minutes:

- September 21, 2021

CORRESPONDENCE: None

OLD BUSINESS:

A. Request for reconsideration of BOA #21-100092, previously denied.

Planning and Development Senior Planner Christian Popoli explained the re-application process for a previously denied variance.

Applicant's Agent Paul Hardin, 1431 River Place Boulevard, Jacksonville, stated the Land Development Code has two provisions that allow an Applicant to reapply prior to the one year. An application can be prepared with a 25% reduction from the original application, or alternatively, an application can be prepared to show changes that meet the issues raised at the original hearing.

Mr. Hardin reviewed the three issues raised during the first variance hearing and how the new application addresses those concerns:

1. The length of the driveway. The driveway was extended to 18 feet and fanned out from one to two lanes to ensure parked cars would not impede the line of sight for traffic.

2. The length of the cantilevered floor/deck. The length of the cantilevered floor was reduced by 50%.
3. A setback on one side. The house was shifted to the north property line to give more setback adjacent to the 21st Avenue side from 4 feet to 8 feet.

Discussion: Discussion ensued whether the changes made in the new application satisfied the concerns raised in the first variance hearing. Mr. Curley noted there were more than three concerns brought up in the original hearing.

Public Hearing: Ms. Gonzales read into the record an email [on file] from the following in support of the variance:

- Jeanell Wilson, 3090 South 3rd Street, Jacksonville Beach
- Buster Bragg, 2002 Ocean Front South, Jacksonville Beach

The following spoke in opposition of the reconsideration:

- Pete Kamaroski, 2008 Ocean Drive South, Jacksonville Beach

Mr. Moreland closed the public hearing.

Motion: It was moved by Ms. Gonzalez, seconded by Mr. Elmaleh, to approve the request for rehearing of BOA#21-100092, as the Applicant has addressed the grievances from the last hearing.

Roll Call Vote: Ayes – Alexi Gonzalez, Dan Elmaleh
Nays – Owen Curley, Francis Reddington, John Moreland
The motion was denied 3-2.

NEW BUSINESS:

A. **Case Number:** **BOA#21-100080**
Applicant: Brandon Stallings
Owner: James B. Stallings & Brandon A. Stallings
Property Address: 116 10th Avenue North
Parcel ID: 174528-0060

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(1)f, for lot coverage of 57% in lieu of 35% maximum (50% previously approved); and 34-340(e)(1)h, for a side yard setback of zero (0) feet in lieu of 2 feet minimum for construction of a walkway; and 34-373(d) for a parking area setback of 3.16 feet in lieu of 5 feet minimum to allow for an additional parking area for an existing two-family dwelling.

Applicant's Agent: Param Sahani, 1540 Lancaster Terrace, Jacksonville, stated the Applicant was requesting a variance to correct a non-conforming existing walk and driveway. Mr. Sahani said the Applicant applied for a right of way permit as instructed by the Planning and Development

Department, but once the walkway and driveway were finished, he was told he did not apply for the correct permit.

Applicant: Brandon Stallings, 116 10th Avenue North, Jacksonville Beach, stated the lot was undersized and purchased with an existing 50% lot coverage.

Public Hearing: The following spoke in support of the variance:

- J. Mike Boyles, 104 10th Avenue North, Jacksonville Beach

Mr. Moreland closed the public hearing.

Discussion: Discussion ensued, and it was agreed the Applicant was out of compliance with the Land Development Code due to the current 57% lot coverage and lack of correct permitting. However, they also noted the lot was severely undersized in both dimension and width, which caused the hardship.

Motion: It was moved by Ms. Gonzalez, seconded by Mr. Curley, to approve BOA#21-100080, with a reduced lot coverage of 55% in lieu of 35% and for the rest of the variance to be approved as stated in the application based on the standards outlined in Section 34-336 of the Land Development Code.

Roll Call Vote: Ayes –Alexi Gonzalez, Owen Curley, John Moreland
Nays – Francis Reddington, Dan Elmaleh
The motion was approved 3-2.

B. Case Number: **BOA#21-100137**
Applicant: Robert G. Bruce
Owner: Peter F. Gloersen, MD
Property Address: 3306 Ocean Drive
Parcel ID: 181752-0005

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.2, for north and south side yard setbacks of 7 feet each in lieu of 10 feet minimum to allow for construction of a new single-family dwelling.

Applicant: Robert G. Bruce, 3330 Ocean Drive South, Jacksonville Beach, stated his lot was undersized in width, which caused the hardship. He also stated he spoke to his neighbors regarding the variance, and they were in support.

Public Hearing: The following spoke in support of the variance:

- Alan Chipperfield, 22 33rd Avenue South, Jacksonville Beach.

Ms. Gonzalez read into the record an email [on file] from the following in support of the variance:

- Donella Perdue, 3318 Ocean Drive South, Jacksonville Beach

Public Hearing: Mr. Moreland closed the public hearing.

Discussion: The Board agreed the request was minimal considering the lot was so undersized.

Motion: It was moved by Ms. Gonzalez, seconded by Mr. Curley, to approve BOA#21-100137, based on the Standards for a variance outlined in Section 34-336 of the Land Development Code.

Roll Call Vote: Ayes – Francis Reddington, Owen Curley, Alexi Gonzalez, Dan Elmlah, John Moreland
The motion was unanimously approved.

C. **Case Number:** **BOA#21-100138**
Applicant: Eric & Amanda Littles
Owner: Eric & Amanda Littles
Property Address: 729 12th Avenue South
Parcel ID: 176753-0100

City of Jacksonville Beach Land Development Code Section(s): 34-338(e)(2)c.3, for a rear yard setback of 15 feet in lieu of 30 feet minimum; and 34-338(e)(2)f, for 46% lot coverage in lieu of 35% maximum to allow for the addition of a rear paver patio, pergola and two paver pads to an existing single-family dwelling.

Applicant: Eric Littles, 729 12th Avenue South, Jacksonville Beach, stated he purchased his home with an existing 37% lot coverage. He further stated the lot was very small, at only half the size of the minimum required square footage.

Ms. Gonzalez noted the lot was 25 feet in width and 118 in depth with a total area of 2,950 feet.

Public Hearing: The following spoke in support of the variance:

- Tom Rice, 725 12th Avenue South, Jacksonville Beach
- Katie Classey, 723 12th Avenue South

Mr. Moreland closed the public hearing.

Discussion: None.

Motion: It was moved by Mr. Reddington, seconded by Ms. Gonzalez, to approve BOA#21-100138 based on the Standards for a variance outlined in Section 34-336 of the Land Development Code.

Roll Call Vote: Ayes – Owen Curley, Alexi Gonzalez, Francis Reddington, Dan Elmaleh, John Moreland
The motion was unanimously approved.

D. Case Number: **BOA#21-100140**
Applicant: David & Barbara Venier
Owner: David & Barbara Venier
Property Address: 1674 Lower 4th Avenue North
Parcel ID: 178019-000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.2, for an easterly side yard setback of 7.6 feet and a westerly side yard setback of 1 foot, each in lieu of 10 feet minimum; 34-336(e)(1)c.3, for a rear yard setback of 18 feet in lieu of 30 feet minimum; and 34-336(e)(1)e, for lot coverage of 50.7% in lieu of 35% maximum all to rectify existing non-conformities, allow for reconfiguration of the driveway, and for construction of a new swimming pool with decking to an existing single-family dwelling.

Applicant: David Venier, 1674 Lower 4th Avenue North, Jacksonville Beach, advised he purchased the property with an existing 52% lot coverage. He would like to re-configure coverage in the front of the property, including removing an existing carport, pavers, and concrete pad to reduce lot coverage to allow for a pool and decking in the backyard.

Public Hearing: Mr. Moreland closed the public hearing.

Discussion: None.

Motion: It was moved by Mr. Reddington, seconded by Ms. Gonzalez, to approve BOA#21-100140 based on the Standards for a variance outlined in Section 34-336 of the Land Development Code.

Modified Motion: It was moved by Mr. Curley, seconded by Mr. Elmaleh, to modify the standing motion to approve 21-100140 to reduce lot coverage to 49.4%.

Roll Call Vote

To Modify the Motion: Ayes – Alexi Gonzalez, Owen Curley, Dan Elmaleh, and John Moreland

Nays – Francis Reddington

The motion was approved 4 to 1.

Roll Call Vote

Modified Motion: Ayes – Owen Curley, Alexi Gonzalez, Dan Elmaleh, and John Moreland
Nays – Francis Reddington

The motion was approved 4-1.

E. Case Number: **BOA#21-100141**
Applicant: Tides Edge Recovery
Owner: GTLA Properties, LLC – John Hanan
Property Address: 597 The Greens Way
Parcel ID: 181779-0900

City of Jacksonville Beach Land Development Code Section(s): 34-337 for 26 parking spaces in lieu of 34 spaces required, to allow for the expansion of the existing hospital facility by three beds in an existing commercial building.

Applicant: Patricia Yost, 163 Jardin De Mer Place, Jacksonville Beach, stated the hardship of the property was not enough area to increase the number of parking spaces required with the addition of three beds to the facility.

Public Hearing:

The following spoke in opposition of the variance:

- Deborah Usselman, 3148 Saint Johns Boulevard, Jacksonville Beach

Discussion: Discussion ensued to add a stipulation to the motion the variance would apply only to this business.

Motion: It was moved by Ms. Gonzalez and seconded by Mr. Curley, to approve BOA#21-100141 with the stipulation that this variance is non-transferable from the current Applicant based on the Standards for a variance outlined in Section 34-336 of the Land Development Code.

Roll Call Vote: Ayes – Owen Curley, Alexi Gonzalez, Francis Reddington, Dan Elmaleh, John Moreland
The motion was unanimously approved.

PLANNING DEPARTMENT REPORT

Before the Planning Department Report, Mr. Popoli asked the Board if they wished to cancel the December 21, 2021, meeting due to the upcoming holidays. It was the consensus of the Board to cancel the meeting.

The next scheduled meeting is Tuesday, October 19, 2021. There are four scheduled cases.

ADJOURNMENT

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:50 P.M.

Submitted by: Sheila Boman
Office Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

BOA# 21-100133 Staff Report
138 S 10th Avenue
Parcel ID: 176150-0000

Lot 6, Block 102, Pablo Beach South

Zoning: Residential, multi-family: RM-2 (RS-3 Standards)

Variances Requested: Section(s): 34-338(e)(1)c.1, for a front yard setback of 1.7 feet in lieu of 20 feet minimum; and 34-338(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum

Project: Rectifying existing non-conformities and attach a detached garage to the primary single family residential dwelling

Existing Conditions: The subject property is a non-conforming platted lot of records (circa 1909) located in the Residential Medium future land use category. The lot is fifty (50) feet in width, one-hundred and twenty-five (125) feet in depth, and six-thousand two-hundred and fifty (6,250) square feet in area. Minimum dimensional standards within this zoning district include six-thousand (6,000) square feet of lot area, and a minimum of sixty (60) feet in lot width. Front yard setback of 20 feet minimum, and a rear yard setback of 30 feet minimum. Maximum lot coverage of 35%.

Analysis: The existing structure was built in 1927 per the property appraisers records. The property was granted a variance for the construction of an addition in 2002, which reduced setbacks and increased lot coverage to 52%. The proposed attachment to the garage from the main structure will change the definition of the garage from accessory structure to now part of the main structure. This will change the setback from the accessory setback of five, to the main rear yard setback of 30. Additionally, a more recent survey has shown the front setback to be 1.7 feet instead of the 3.67 which was approved by the previous variance. Finally, the lot has a granted lot coverage of 52% but with the removal of the existing driveway and creation of the new smaller driveway, the total lot coverage will be reduced to 45%

Active Permits or Code Violations: None

Previous Development Orders: PC#11-01 for a single family home in RM-2, BOA#99-2002 *revoked and BOA#135-2002 for a front yard of 3.67 feet, a corner side yard of 5.67 feet and a total combined side yard of 13.75 feet and a maximum lot coverage of 52%.

Board of Adjustment October 19, 2021 - Staff Report

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

Staff does find that the adjacent and surrounding properties have similar constraints and attributes with regards to lot width and area.

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

Staff does not find that the conditions are the result of the applicant.

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

Staff finds the applicant will not receive special privilege not granted to the rest of the homes adjacent.

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

Staff does find that there is a hardship. The lot is substandard in width, and has already been granted variances in the past.

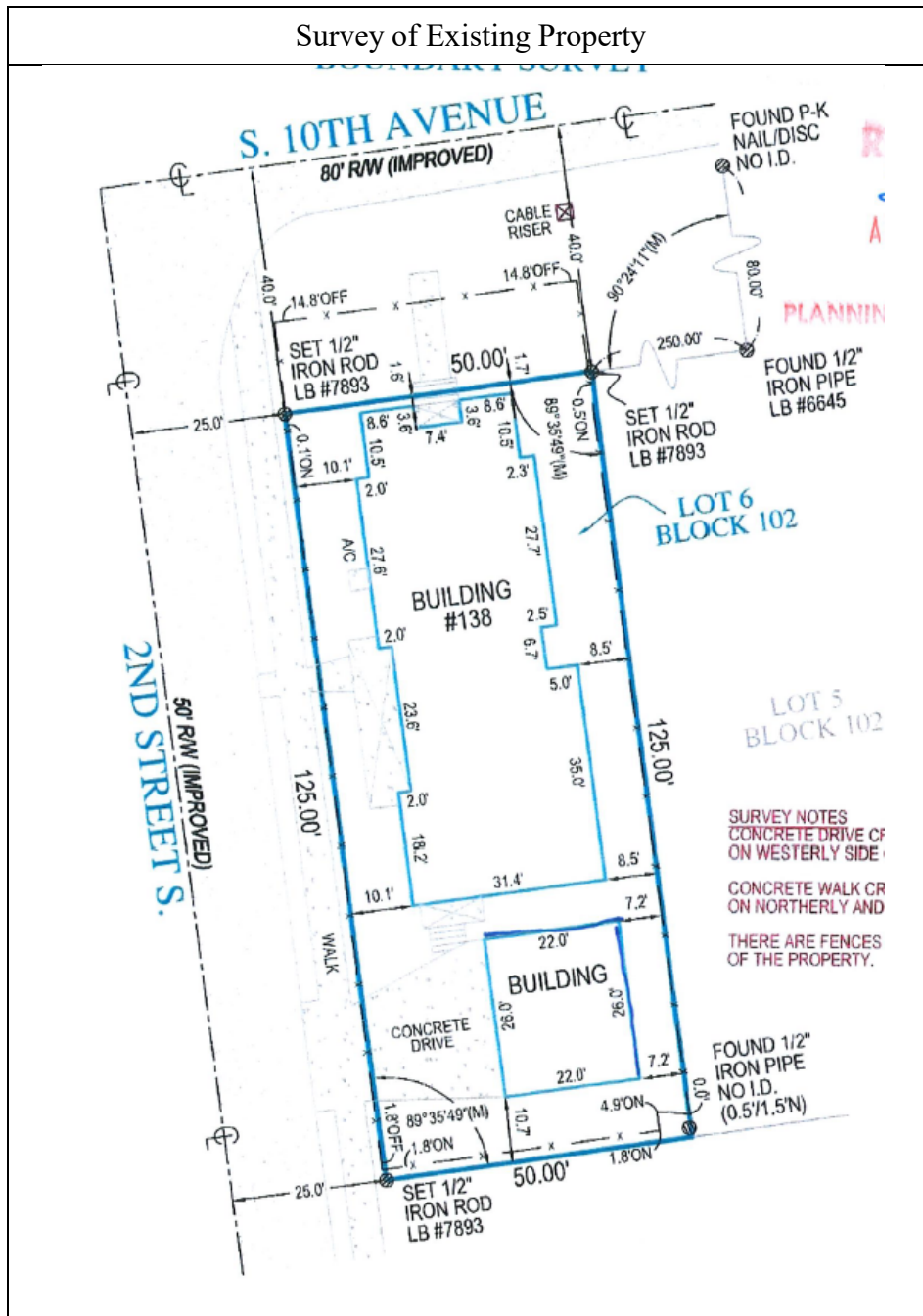
5. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

Staff does find this will be the minimum variance necessary to address the existing non-conformities, though it is unclear if there are additional paved areas in the rear of the property.

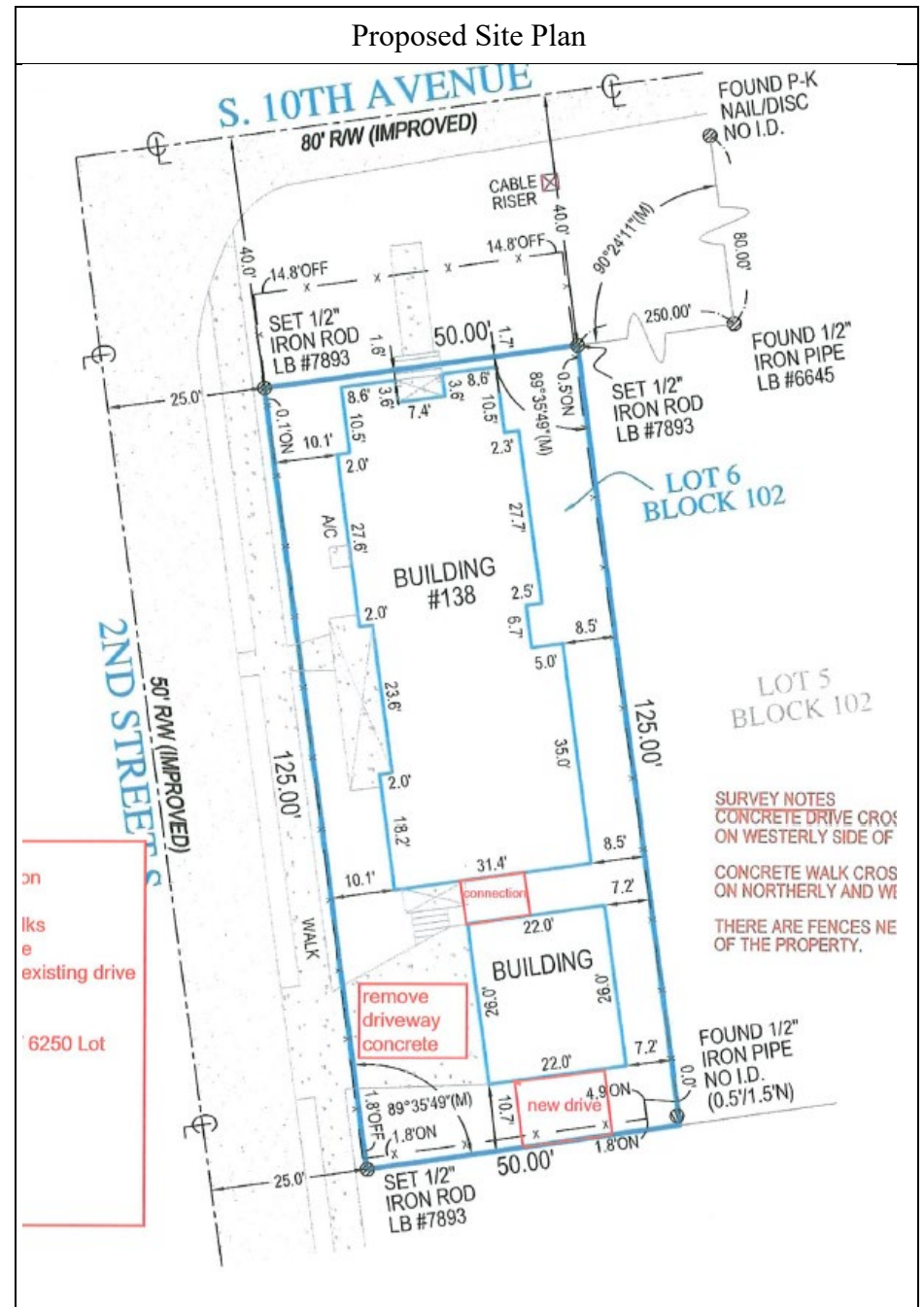
6. **Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.**

Staff does find this will be consistent with the Comprehensive Plan.

Survey of Existing Property



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No.

21-100133

HEARING DATE

10-5-21 10.19.21

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

REQUIRED DOCUMENTATION

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

RECEIVED

08:30

AUG 12 2021

APPLICANT INFORMATION

Applicant Name: David Gatto

Telephone: 904 887 5967

Mailing Address: 138 10th Avenue South

E-Mail:

Jacksonville Beach FL 32250

DavidGatto@WatsonRealtyCorp.com

Agent Name:

Telephone:

Mailing Address:

E-Mail:

Landowner Name: David Gatto

Telephone: 904 887 5967

Mailing Address: 138 10th Avenue South

E-Mail:

Jacksonville Beach FL 32250

DavidGatto@WatsonRealtyCorp.com

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

VARIANCE DATA

Street address of property and Real Estate Number: 138 10th Ave S, Jacksonville Beach FL 32250 RE#1761500000

Legal description of property (Attach copy of deed): 3-28 04-3S-29E PABLO BEACH SOUTH LOT 6 BLK 102

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).

Reduce yard setback of 10' in lieu of 30' / Garage.

AFFIDAVIT

- I, David Gatto, 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.

David Gatto
APPLICANT SIGNATURE

David Gatto

PRINT APPLICANT NAME

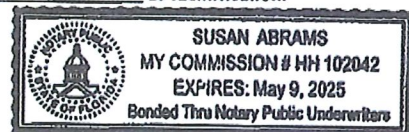
June 21, 2021

DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25th day of June, 2021, by David Gatto, who is personally known to me or as identification.

Susan Abrams
NOTARY PUBLIC SIGNATURE
Susan Abrams
PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RM-2 (RS-3 Standards)

FLOOD ZONE: AE/X-shaded

CODE SECTION (S):

34-338(e)(1)c.1, for a front yard setback of 1.7 feet in lieu of 20 feet minimum; and 34-338(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum to rectify existing non-conformities and attach a detached garage to the primary single family residential dwelling

Dg

VARIANCE APPLICATION STANDARDS AND CONDITIONSBOA No. 21-100133

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.

RECEIVED

AUG 12 2021

PLANNING AND DEVELOPMENT

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	yes	SxLSON Non-Conforming
Special circumstances and conditions do not result from the actions of the applicant.	yes	SxLST Non-Conforming
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	SxLST - Non-Conforming
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	SxLSTIN Non-Conforming
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	yes	SxLST Non-Conforming
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	ExLST Non-Conforming



City of Jacksonville Beach

ELEVEN NORTH THIRD STREET • JACKSONVILLE BEACH, FLORIDA 32250

October 3, 2002

David Gatto / Christopher Mazzatta
138 S. 10th Avenue
Jacksonville Bch FL 32250

RE: Case No. # BOA 135-2002
138 S. 10th Avenue

Dear Mr. Gatto / Christopher Mazzatta:

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on October 1, 2002 to consider your variance application.

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

- Section 34-338 (e)(1) c.1., for a front yard of 3.67' in lieu of 20' required,
- Section 34-338 (e)(1) c.2., for a corner side yard of 5.67' & total combined side yards of 13.75' in lieu of 15' required, and
- Section 34-338 (e)(1) e., for 52% lot coverage in lieu of 35% maximum, to allow for improvements to a single family dwelling.

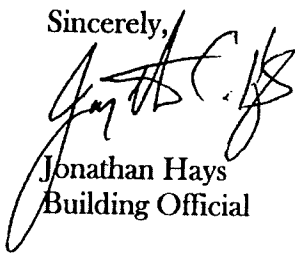
The results of the meeting were *approved with the condition:*

- Variance is limited to the drawings as submitted.

You are required to apply for a building permit for this project. A copy of the building permit application and a checklist for the required submittals is attached. Please complete and submit the application along with the required information to our office before you begin work on this project.

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

Sincerely,


Jonathan Hays
Building Official

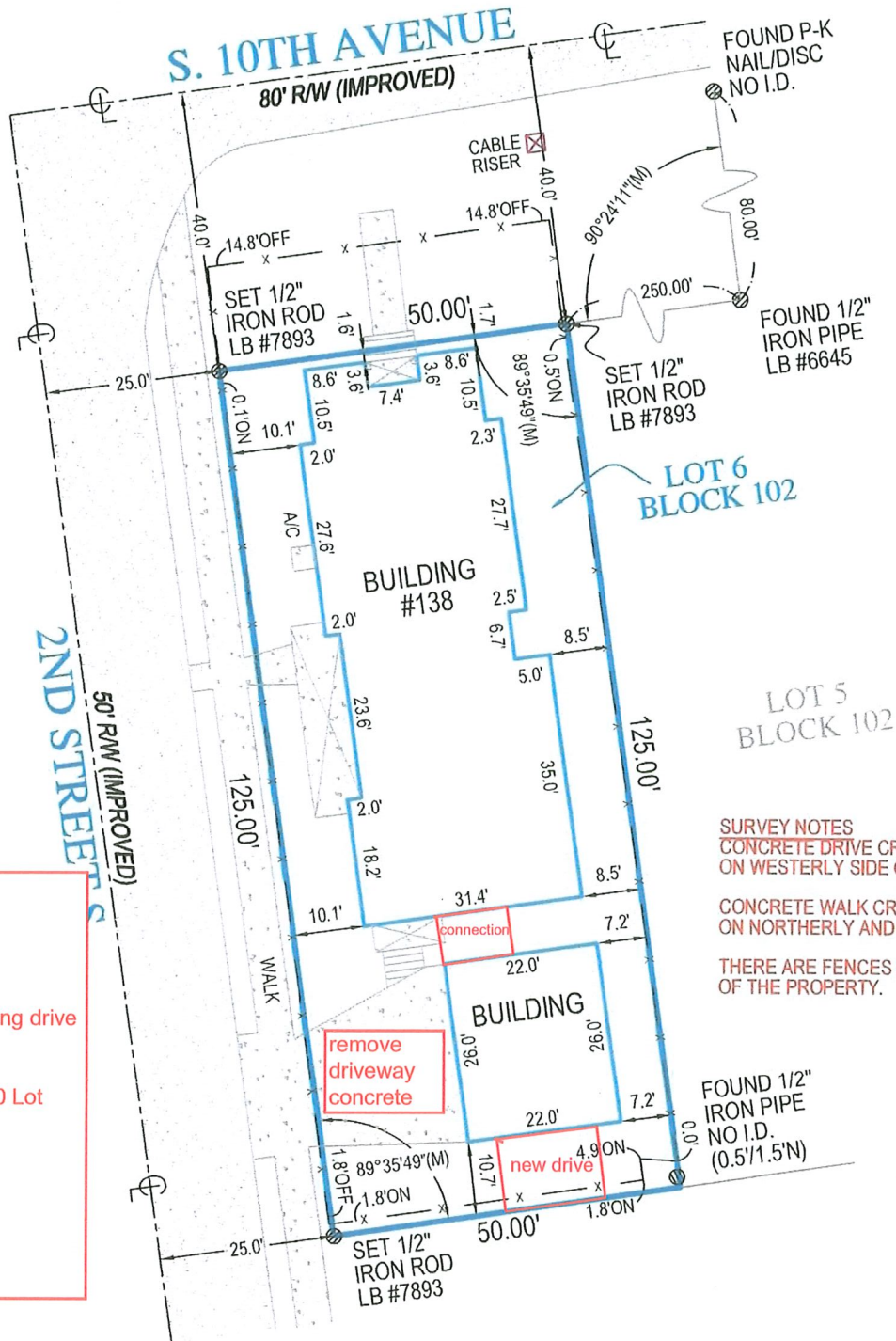
Attachment(s)

JCH/EB

U.S. Postal Service	
CERTIFIED MAIL RECEIPT	
(Domestic Mail Only; No Insurance Coverage Provided)	
Article Sent To: <i>Gatto BOA 135-02</i>	
Postage \$	Postmark Here
<u>Certified Fee</u>	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Name (Please Print Clearly) (to be completed by mailer)	

3400 0000 1884 4726

BOUNDARY SURVEY



6250 Lot
70 Connection
570 Garage
20 a/c & Walks
160 New Drive
-430 Remove existing drive
2480 House

2870 Pervious / 6250 Lot
= .45 or 45%

SURVEY NOTES
CONCRETE DRIVE CROSSING INTO R/W
ON WESTERLY SIDE OF LOT.
CONCRETE WALK CROSSING INTO R/W
ON NORTHERLY AND WESTERLY SIDE OF LOT.
THERE ARE FENCES NEAR THE BOUNDARY
OF THE PROPERTY.



SURVEYORS CERTIFICATE

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

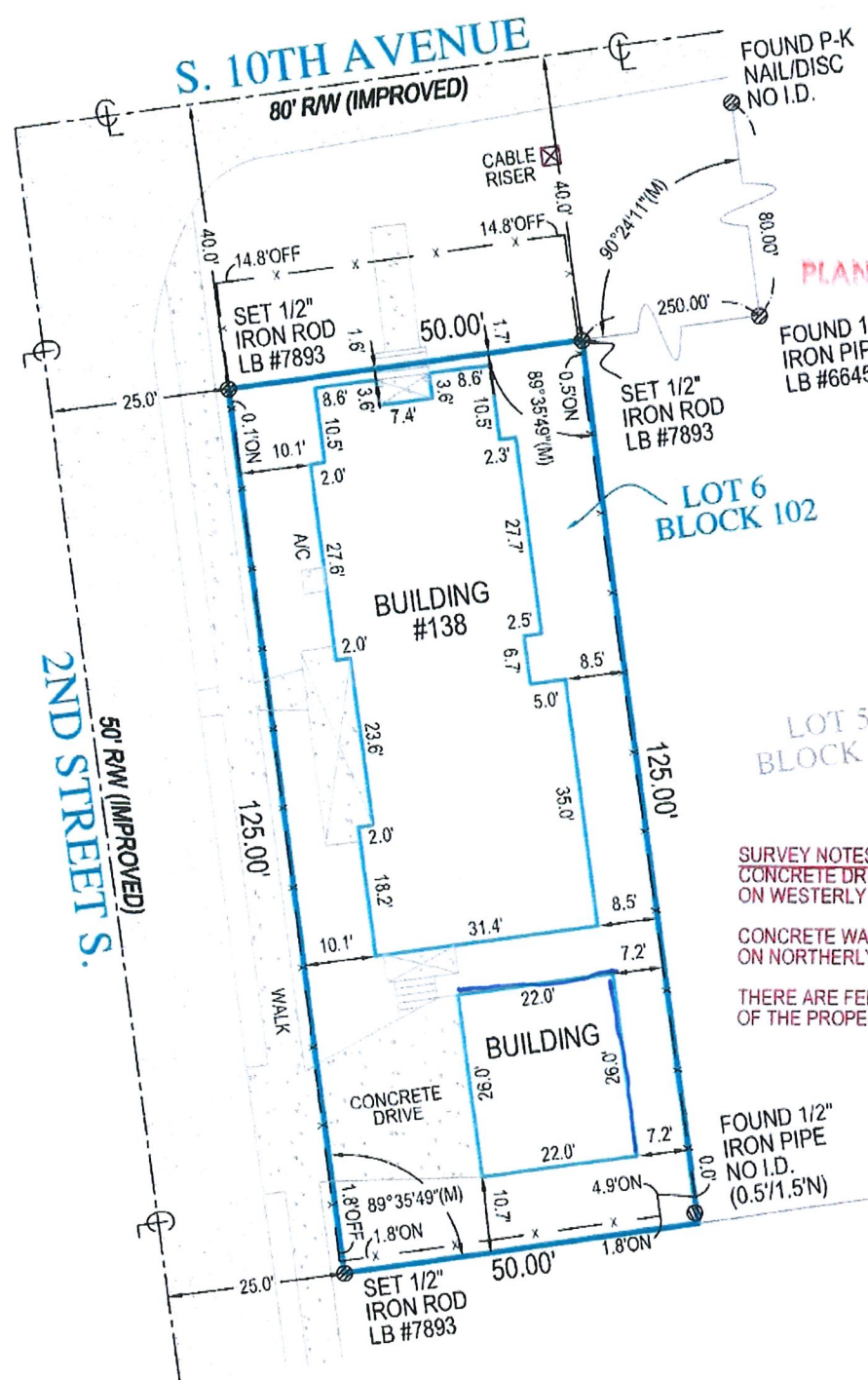
(SIGNED) *Kenneth J. Osborne*
KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

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



LB #7893
SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

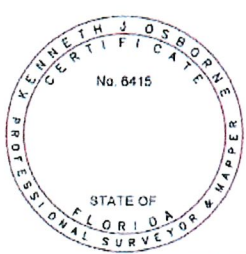
BOUNDARY SURVEY



RECEIVED
21-100133
AUG 12 2021

PLANNING & DEVELOPMENT

SURVEY NOTES
CONCRETE DRIVE CROSSING INTO R/W
ON WESTERLY SIDE OF LOT.
CONCRETE WALK CROSSING INTO R/W
ON NORTHERLY AND WESTERLY SIDE OF LOT.
THERE ARE FENCES NEAR THE BOUNDARY
OF THE PROPERTY.



SURVEYORS CERTIFICATE

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

Kenneth J. Osborne

(SIGNED) KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

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

TARGET
SURVEYING, LLC
LB #7893

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WEBSITE: <http://targetsurveying.net>

LEGAL DESCRIPTION AND CERTIFICATION

LOT 6, BLOCK 102, AS SHOWN ON PLAT OF PABLO BEACH SOUTH AS RECORDED IN PLAT BOOK 3, PAGE 28, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

Community Number: 120078 Panel: 0419 Suffix: J Flood Zone: X/AE Field Work: 10/15/2019

Certified To:

DAVID GATTO; BRYAN C. GOODE III, P.A.; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; SUNTRUST BANK, its successors and/or assigns.

Property Address:

138 S. 10TH AVENUE
JACKSONVILLE BEACH, FL 32250

Survey Number: 389494

Client File Number: 19-0909

ABBREVIATION DESCRIPTION:

A.E.	ANCHOR EASEMENT	F.F. EL.	FINISH FLOOR ELEVATION	O.R.B.	OFFICIAL RECORDS BOOK
A/C	AIR CONDITIONER	F.I.P.	FOUND IRON PIPE	(P)	PLAT
B.M.	BENCH MARK	F.I.R.	FOUND IRON ROD	P.B.	PLAT BOOK
B.R.	BEARING REFERENCE	F.P.K.	FOUND PARKER-KALON NAIL	P.C.	POINT OF CURVATURE
(C)	CALCULATED	(L)	LENGTH	P.C.C.	POINT OF COMPOUND CURVE
Δ	CENTRAL / DELTA ANGLE	L.A.E.	LIMITED ACCESS EASEMENT	P.O.B.	POINT OF BEGINNING
CH	CHORD	L.M.E.	LAKE MAINTENANCE EASEMENT	P.O.C.	POINT OF COMMENCEMENT
(D)	DEED / DESCRIPTION	(M)	MEASURED / FIELD VERIFIED	P.R.C.	POINT OF REVERSE CURVE
D.E.	DRAINAGE EASEMENT	M.H.	MANHOLE	P.T.	POINT OF TANGENCY
D.H.	DRILL HOLE	N&D	NAIL & DISK	R/W	RIGHT-OF-WAY
D/W	DRIVEWAY	N.R.	NOT RADIAL	(R)	RADIAL / RADIUS
E.O.W.	EDGE OF WATER	N.T.S.	NOT TO SCALE	S.I.R.	SET IRON ROD
F.C.M.	FOUND CONCRETE MONUMENT	O.H.L.	OVERHEAD UTILITY LINES	T.O.B.	TOP OF BANK
				U.E.	UTILITY EASEMENT

SYMBOL DESCRIPTIONS:

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

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

GENERAL NOTES:

- LEGAL DESCRIPTION PROVIDED BY OTHERS
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- ONLY VISIBLE ENCROACHMENTS LOCATED.
- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- FENCE OWNERSHIP NOT DETERMINED.
- ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.G.V.D. 1929
- IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES.
- IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.



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WEBSITE: <http://targetsurveying.net>

LeeAnn Bassabe

From: daniel white <dandub04@yahoo.com>
Sent: Wednesday, October 6, 2021 5:18 AM
To: Planning Division
Subject: 138 10th Avenue South BOA #21-100133

Board of Adjustment:

My name is Daniel Fox White, I live at 1026 2nd St S Unit A in Jacksonville Beach FL....I live a few houses down from 138 10th Avenue South; the property seeking the variance.

I fully support and recommend to the board that they should unanimously approve the variance request for the lot coverage increase and setback request to accommodate the proposed variance request.

Thank You.

Daniel Fox White

Linkedin Profile

Genesys Certified Professional

Genesys Certified Developer - API

Genesys Certified Specialist: Scripting & Quality Management

LeeAnn Bassabe

From: Cathy Sturms <csturms@comcast.net>
Sent: Tuesday, October 5, 2021 7:19 PM
To: Planning Division
Cc: David Gatto
Subject: 138 10th Avenue South BOA #21-100133

Board of Adjustment:

My name is Cathy Sturms, I live at 983 2nd St S. I live directly across the street from 138 10th Avenue South; the property seeking the variance.

I fully support and recommend to the board that they should unanimously approve the variance request for the lot coverage increase and setback request to accommodate the proposed variance request.

Thank You.

*Cathy Sturms
983 2nd St S
Jax Beach, FL 32250*

Ref. BOA 21-100133

LeeAnn Bassabe

From: Michael Murtagh <MichaelMurtagh1@hotmail.com>
Sent: Wednesday, October 6, 2021 10:42 AM
To: Planning Division
Subject: Subject: 138 10th Avenue South BOA #21-100133

Board of Adjustment:

My name is Michael Murtagh, I live at 1026 2nd st s. Apt B Jacksonville Beach 32250....I live a few houses down from 138 10th Avenue South; the property seeking the variance.

I fully support and recommend to the board that they should unanimously approve the variance request for the lot coverage increase and setback request to accommodate the proposed variance request.

Thank You

Ref. BOA# 21-100133

LeeAnn Bassabe

From: Terri Clemens <tclemens@specproenv.com>
Sent: Wednesday, October 6, 2021 4:55 PM
To: Planning Division
Subject: 138 10th Avenue South BOA #21-100133

Members of the Board of Adjustment:

My name is Terri Clemens, and I live at 1002 2nd Street South, Jacksonville Beach, FL 32250. I live across the street from 138 10th Avenue South, the property seeking a variance.

I support and recommend that the Board approve the variance request for the lot coverage increase and setback request.

Thank you,

Terri Clemens

Ref. BOA #21-100133

LeeAnn Bassabe

From: Aprille County <aprillez@gmail.com>
Sent: Wednesday, October 6, 2021 5:58 PM
To: Planning Division
Cc: Morgan
Subject: 138 10th Ave. S. BOA #21-100133

Dear Board of Adjustment:

I, Aprille County, and my husband, Morgan County, currently live at 1004 2nd St. S. which is located directly across 2nd St. from the property located on 138 10th Ave. S. requesting a property variance. We have owned the property and resided at this address as our primary residence since July 2012.

We would like the board to know we are both in full support of our neighbor's variance request and strongly encourage the board to unanimously approve a lot coverage increase and setback variance to accommodate the proposed request.

Thank you for your kind consideration,

Aprille County

Ref. BOA #21-100133

LeeAnn Bassabe

From: Bobby Riggins <brigginsrealtor@gmail.com>
Sent: Friday, October 8, 2021 5:42 PM
To: Planning Division
Subject: 138 10th Avenue South BOA #21-100133

Board of Adjustment:

My name is Bobby Riggins, I live at 130 10th Ave South, Jacksonville Beach, FL 32250..I live next door to 138 10th Avenue South; the property seeking the variance.

I fully support and recommend to the board that they should unanimously approve the variance request for the lot coverage increase and setback request to accommodate the proposed variance request.

Thank You.

--

Robert (Bobby) Riggins
(904) 626-8407
EXIT Real Estate Gallery
Jacksonville Beach, FL 32250

Ref. 21-100133

LeeAnn Bassabe

From: Lisa Phipps <lisaphipps3@gmail.com>
Sent: Tuesday, October 12, 2021 12:36 PM
To: Planning Division
Subject: 138 10th Ave S BOA #21-100133

Board of adjustment:

My name is Lisa D Phipps, I live at 127 10th Ave S, Jacksonville Beach, FL 32250.

This is our permanent address in Jax Beach, so we have a vested interest in keeping the quality of the properties up to the highest level possible.

We live a few houses down and across the street from 138 10th Ave S, the property seeking the variance. I wanted to write the letter and say we fully support the 138 10th Ave variances. We recommend to the board to increase the setback request and increase the lot coverage for this home due to its age and being grandfathered in.

Lisa and Greg Phipps
127 10th Ave S, Jacksonville Beach, FL 32250
904-236-0880

BOA# 21-100148 Staff Report
305 33rd Avenue South
Parcel ID: 180574-0000

Lot 13, Block 12, Atlantic Shores Unit 1 Replat

Zoning: Residential, Single Family :RS-2

Variances Requested: Section(s): 34-337(e)(1)e, for 42% lot coverage in lieu of 35% maximum

Project: Construction of a new swimming pool and pool deck on to an existing single family dwelling

Existing Conditions: The Subject Property is a legal non-conforming lot of records (circa 1930) located in the low density residential Future Land Use Category The property has width of Fifty-Three (53) feet and a depth of One-Hundred and Twenty-nine (129) feet on the eastern property line and one-hundred and twenty-eight (128) feet on the western property line. The property's area is six-thousand three-hundred and seventeen (6,317) square feet. Minimum dimensional standards within this zoning district include seven-thousand, five hundred (7,500) square feet of area and a minimum width of seventy-five (75) feet overall. Maximum lot coverage for this zoning district is 35%.

Analysis: The subject property is currently smaller and narrower than the required minimum lot for the RS-2 zoning. The existing structure built in 2014 currently occupies 35.8% of the lot, leaving no lot coverage for any improvements without relief. The current owner purchased the home in June of this year. The previous variance granted relief from setbacks for the construction of the home, but not lot coverage.

Active Permits or Code Violations:

Previous Development Orders: BOA#13-100188 for an Easterly side setback of 8.9 feet and westerly side setback of 6.0 feet in lieu of 10 feet required.

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

Staff does find that the adjacent and surrounding properties have similar constraints and attributes with regards to lot width and area.

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

Staff does not find that the conditions are the result of the applicant. The house was built in 2014 at 35% lot coverage and the owner purchased the home in June of 2021

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

Staff finds the applicant will not receive special privilege.

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

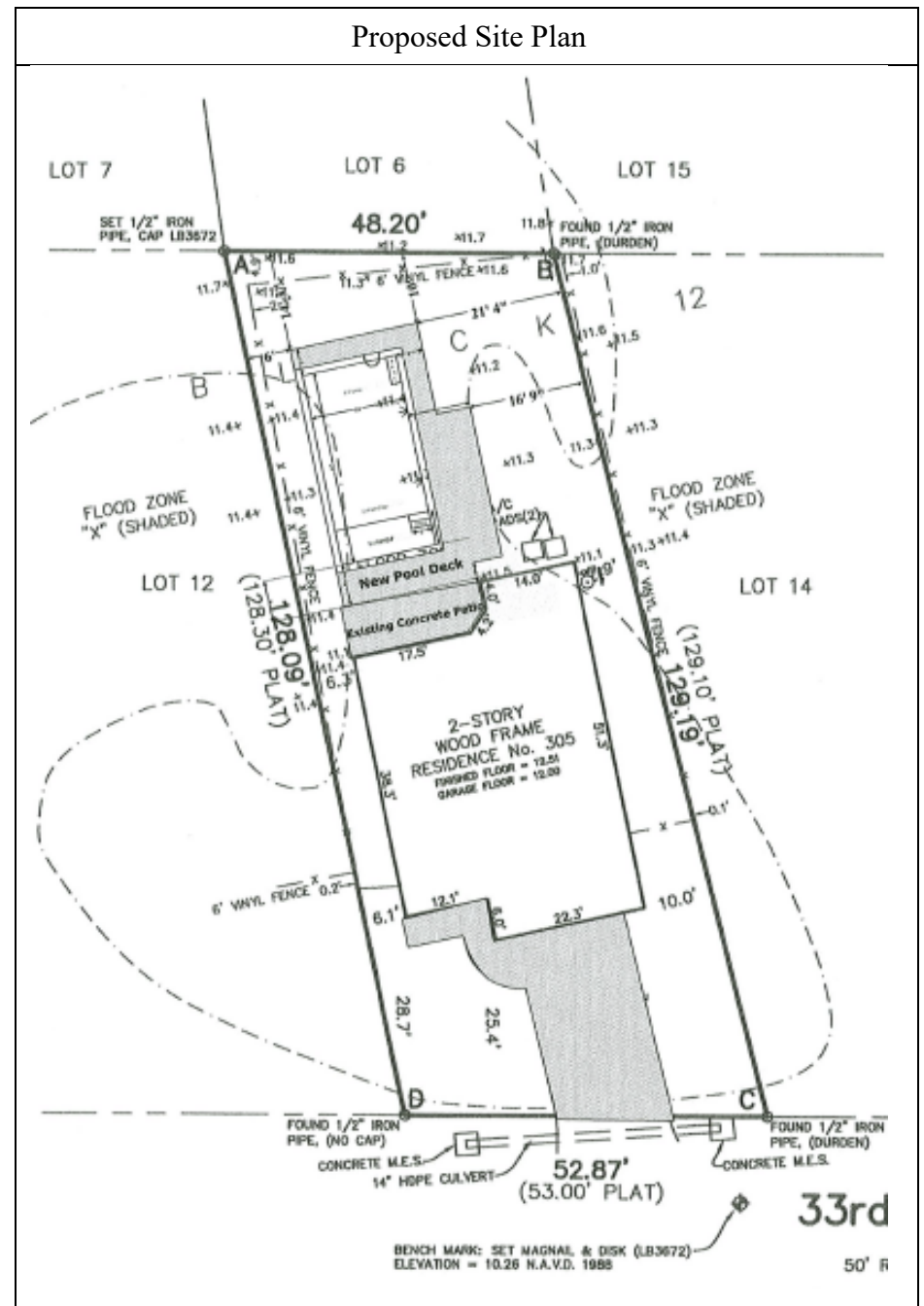
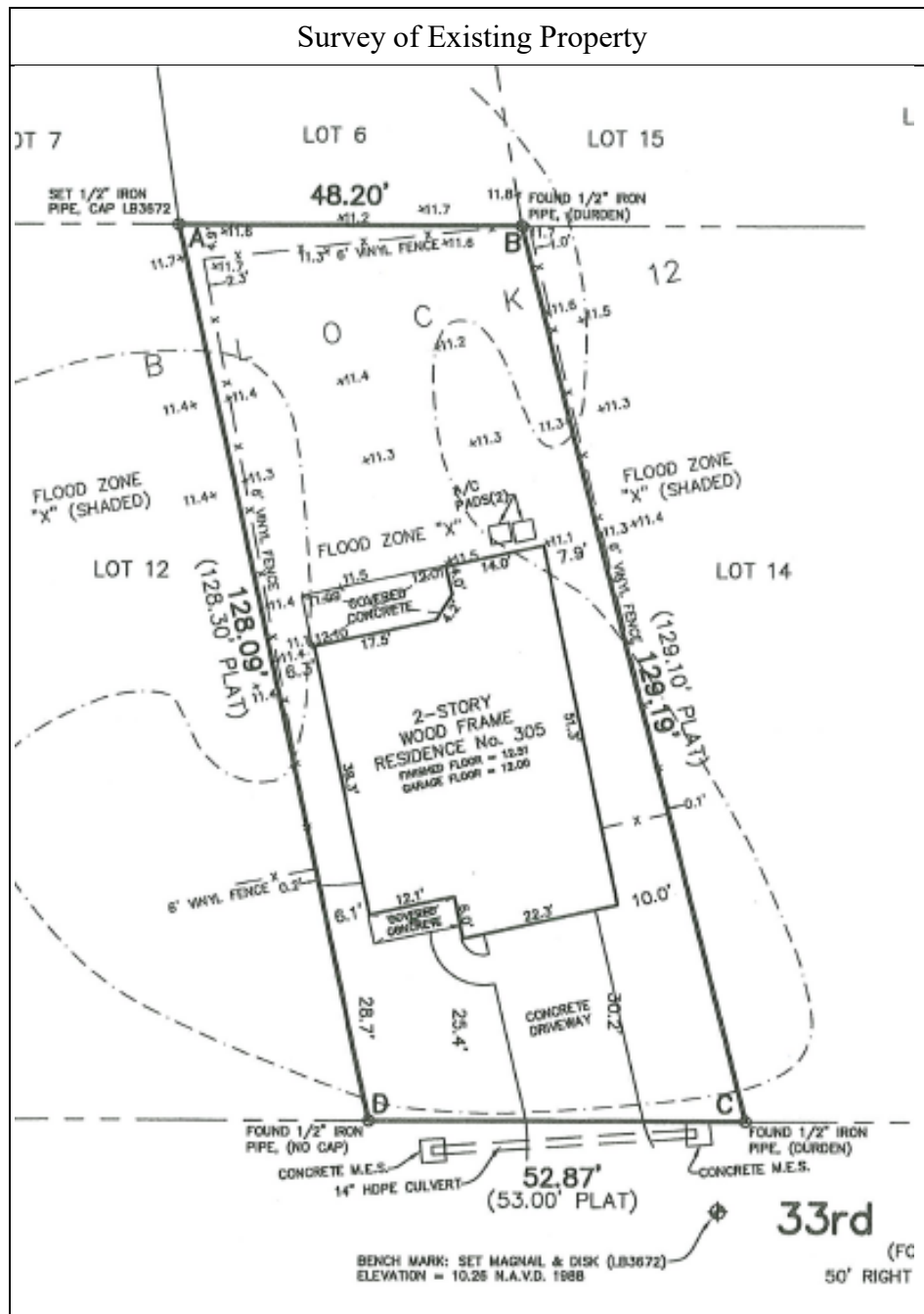
Staff does find that there is a hardship. The lot is substandard, and the house was built at maximum lot coverage prior to the current owner's purchase.

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

Staff does find this will be the minimum variance necessary to allow for the applicant to build a pool.

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

Staff does find this will be consistent with the Comprehensive Plan.





APPLICATION FOR VARIANCE

BOA No. 21-100148

HEARING DATE 10-19-21

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

REQUIRED DOCUMENTATION

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

RECEIVED

AUG 31 2021

APPLICANT INFORMATION

Applicant Name: Shama Patel and Robert Burns Telephone: 404-597-6734
Mailing Address: 305 33rd Ave S Jacksonville Beach, FL 32250 E-Mail: bobby.burns@gmail.com

Agent Name: Aqua Design Jax, LLC - Brian Telephone: 904-424-9652
Mailing Address: PO Box 330271 Atl Bch, FL 32233 E-Mail: bmessina@aquadesignjax.com

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

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

VARIANCE DATA

Street address of property and Real Estate Number: 305 33rd Ave S Jax Bch, FL 32250
Legal description of property (Attach copy of deed): Lot 13 Blk 5 Atlantic Shores Unit 1 14/39 Public Records Du
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).
Request to increase the impervious lot coverage from 35% to 42% to allow for modest decking around the swimming pool.

AFFIDAVIT

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

[Signature]
APPLICANT SIGNATURE

Robert Burns

PRINT APPLICANT NAME

08-25-2021
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 25th day of August, 2021, by Robert Burns, who is personally known to me or produced _____ as identification.

[Signature]
NOTARY PUBLIC SIGNATURE
Brian Messina
PRINT NOTARY NAME

Bonded Thru Aaron Notary
Expires: Oct. 3, 2024
Comm. #HH037987
Brian Messina



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2 FLOOD ZONE: X / X shaded

CODE SECTION (s):
34-337(e)(1)e, for 42% lot coverage in lieu of 35% maximum to allow for construction of a new swimming pool and pool deck to an existing single family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 21-100148

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

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	YES	This lot does not meet the minimum square footage of a standard lot . per the land development code.
Special circumstances and conditions do not result from the actions of the applicant.	NO	Exisitng house is built within the lot setbacks and is in line with the neighboring homes. The undersized lot is the hardship.
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	Requesting what has already been approved for many of our neighbors with the same lot conditions.
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	Many homes in our area have a lot coverage variance for the same purpose due to the undersized lot. This code deprives us of the rights comonly enjoyed by other parcels in the same zoning district.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	Would allow for a modest swimming pool with minimal decking around for walking and cleaning with one small area for tables and chairs
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	Variance would be consistant with adjacent lots with the same hardship. Water drainage/retention would be designed by a Civil Engineer to not affect surrounding lots.

CERTIFIED MAIL # 7011 2000 0002 0801 4549

October 16, 2013

Bottom Line Ventures, Inc.
c/o Tim Millard
230 15th Street South
Jacksonville Beach, FL 32250

RE: BOA 13-100188
305 South 33rd Avenue (Lot 13, Block 12, *Atlantic Shores Unit No. 1 R/P*)

Mr. Millard,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, October 15, 2013, to consider your application for a variance from the requirements of the Land Development Code.

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

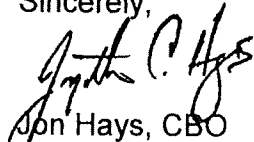
- 34-336(e)(1)c.2, for an easterly side yard of 8.9 feet in lieu of 10 feet and a westerly side yard of 6 feet in lieu of 10 feet required

To allow for a new single family dwelling.

The Board **Approved** the request.

Please remove the public hearing notice posted on your property. Information about building permits, applications and checklists is available in our office or online at <http://www.jacksonvillebeach.org/business/building-permit-applications-and-checklists>. Please submit a copy of this approval letter when applying for any future development or building permit applications. If you have any questions regarding this variance or the permitting process, please feel free to call me at (904) 247-6235.

Sincerely,


Jon Hays, CBO
Building Department



PROPOSED

MAP SHOWING SURVEY OF

LOT 13, BLOCK 12, REPLAT UNIT No. 1 ATLANTIC SHORES, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 14, PAGE 39 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

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

IMPERVIOUS CALCULATIONS:
(IN SQUARE FEET (S.F.))

LOT AREA	= 6,317 S.F.
HOUSE	= 1,551 S.F.
FRONT CONCRETE	= 554 S.F.
REAR PORCH	= 146 S.F.
A/C PADS	= 15 S.F.
TOTAL IMPERVIOUS	= 2,266 S.F.
	= 35.87%

- NOTES
1. THIS IS A BOUNDARY AND PARTIAL TOPOGRAPHIC SURVEY.
 2. NO BUILDING RESTRICTION LINES PER PLAT.
 3. INTERIOR ANGLES PER FIELD SURVEY AS FOLLOWS:
A = 77°23'06"
B = 104°38'19"
C = 75°21'43"
D = 102°36'52"
 4. NORTH PROTRACTED FROM PLAT.
 5. BENCH MARK USED IS A NAIL IN THE SOUTH EDGE OF PAVEMENT ACROSS FROM RESIDENCE No. 325 33rd AVENUE SOUTH. ELEVATION = 10.66 N.A.V.D. 1988 ESTABLISHED BY GPS OBSERVATIONS.

Proposed Deck - 360 SF
Equipment Pad - 9 SF
New Total Impervious - 2635 SF
New Lot Coverage - 41.7%

3rd STREET SOUTH
100' STATE ROAD A-1-A
100' RIGHT OF WAY

AUG 31 2021

21-100148

PLANNING & DEVELOPMENT

THIS SURVEY IS CERTIFIED TO: COSTA BRAVA LLC.

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."

CHECKED BY: _____

DRAWN BY: ADT/SWC

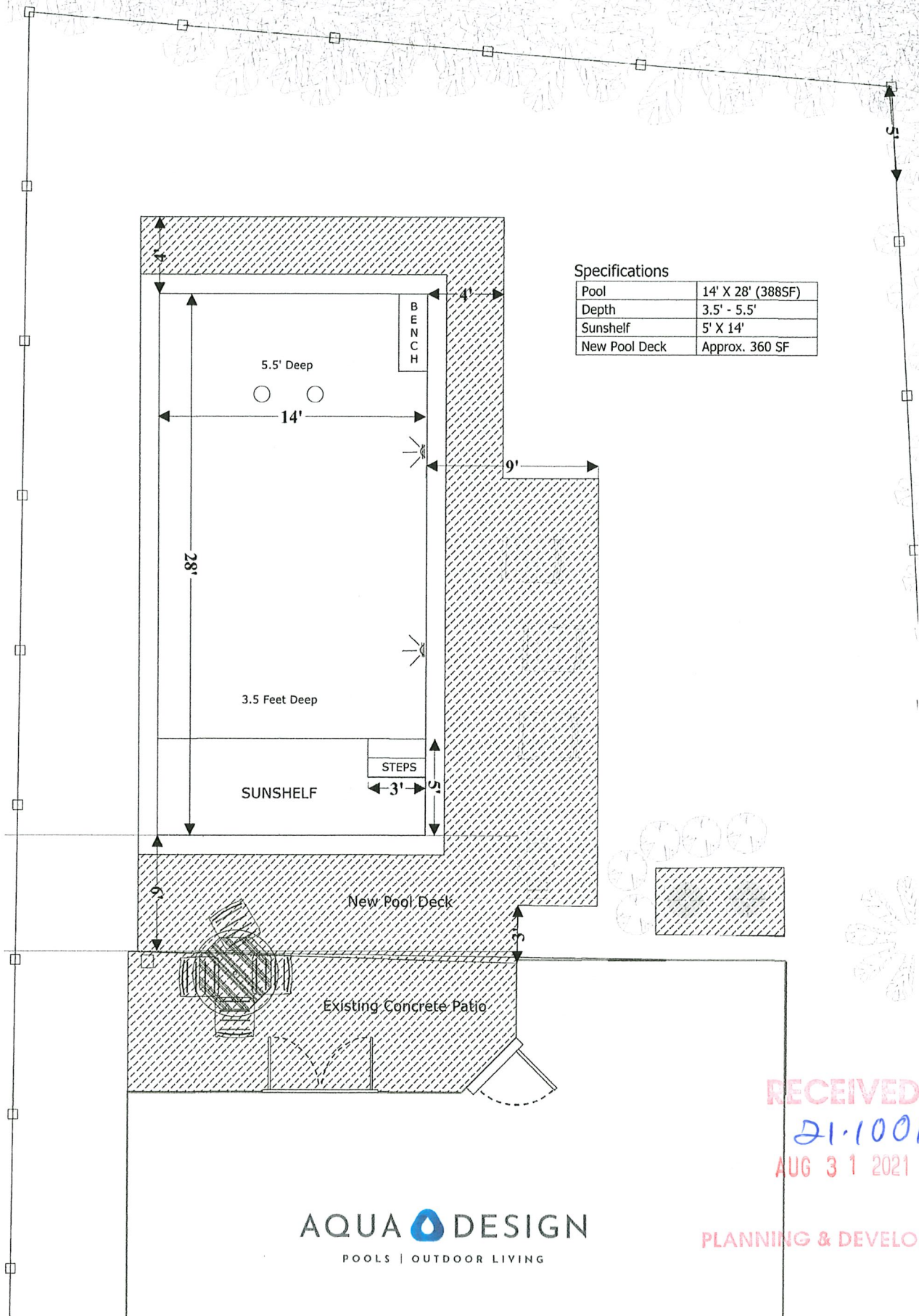
FILE: 2021-1048

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

DATE: AUGUST 5, 2021

SHEET 1 OF 1

PROPOSED



RECEIVED
21-100148
AUG 31 2021

AQUA DESIGN
POOLS | OUTDOOR LIVING

PLANNING & DEVELOPMENT

EXISTING

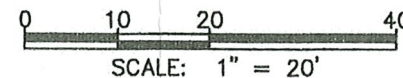
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33rd AVENUE SOUTH

(FORMERLY MONTEREY STREET)

50' RIGHT OF WAY PAVED PUBLIC ROAD

THIS SURVEY IS CERTIFIED TO: COSTA BRAVA LLC.

Jason D. Boatwright
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."

CHECKED BY: _____

DRAWN BY: ADT/SWC

FILE: 2021-1048

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

DATE: AUGUST 5, 2021

SHEET 1 OF 1

BOA# 21-100149 Staff Report
427 6th Street North
Parcel ID: 173879-0005

South 62.5 feet of Lots 5 & 6, Block 46, Atlantic Park Replat

Zoning: Residential, multi-family: RM-1 (RS-3 Standards)

Variances Requested: Section(s): 34-338(e)(1)c.2, for a side-yard setback of 3 feet in lieu of 5 feet minimum; and 34-373(d) for a parking area setback of 3 feet in lieu of 5 feet minimum

Project: For the construction of an attached car port to a single-family dwelling

Existing Conditions: The subject property is comprised of the south sixty-two and one half (62.5) feet of two platted lots of records (circa 1924). The lot measures sixty-two and one half (62.5) feet in width and one-hundred (100) feet in depth. The lot is six-thousand two-hundred and fifty (6,250) square feet in area. Minimum dimensional standards within this zoning district include six-thousand (6,000) square feet of lot area, and a minimum of sixty (60) feet in lot width. Front yard setback of 20 feet minimum, and a rear yard setback of 30 feet minimum. Maximum lot coverage of 35%.

Analysis: The existing structure was built in 1950 as a duplex. The current owner is working to convert the structure into a single-family home. The conversion will cost more than 50% of the structure's value, and therefore the property must be brought up to code. The structure was built without any garage or carport. A garage or carport is required for a single family home in this zoning district. The way the structure is situated on the lot precludes the new owner from accessing the rear of the property for a garage, and the options would be to place it in front or to the side. The side was the preferred location but would require relief from the code.

Active Permits or Code Violations: None

Previous Development Orders: None

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

Staff does not find that there are similar situations in the immediate area, but there are similar situations in the zoning district.

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

Staff does not find that the conditions are the result of the applicant. The structure is existing and would need to be demolished to create a design that would allow the rear of the property to be accessed without relief from the side setback.

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

Staff finds the applicant will not receive special privilege not granted to other homes in the RM-1 zoning district.

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

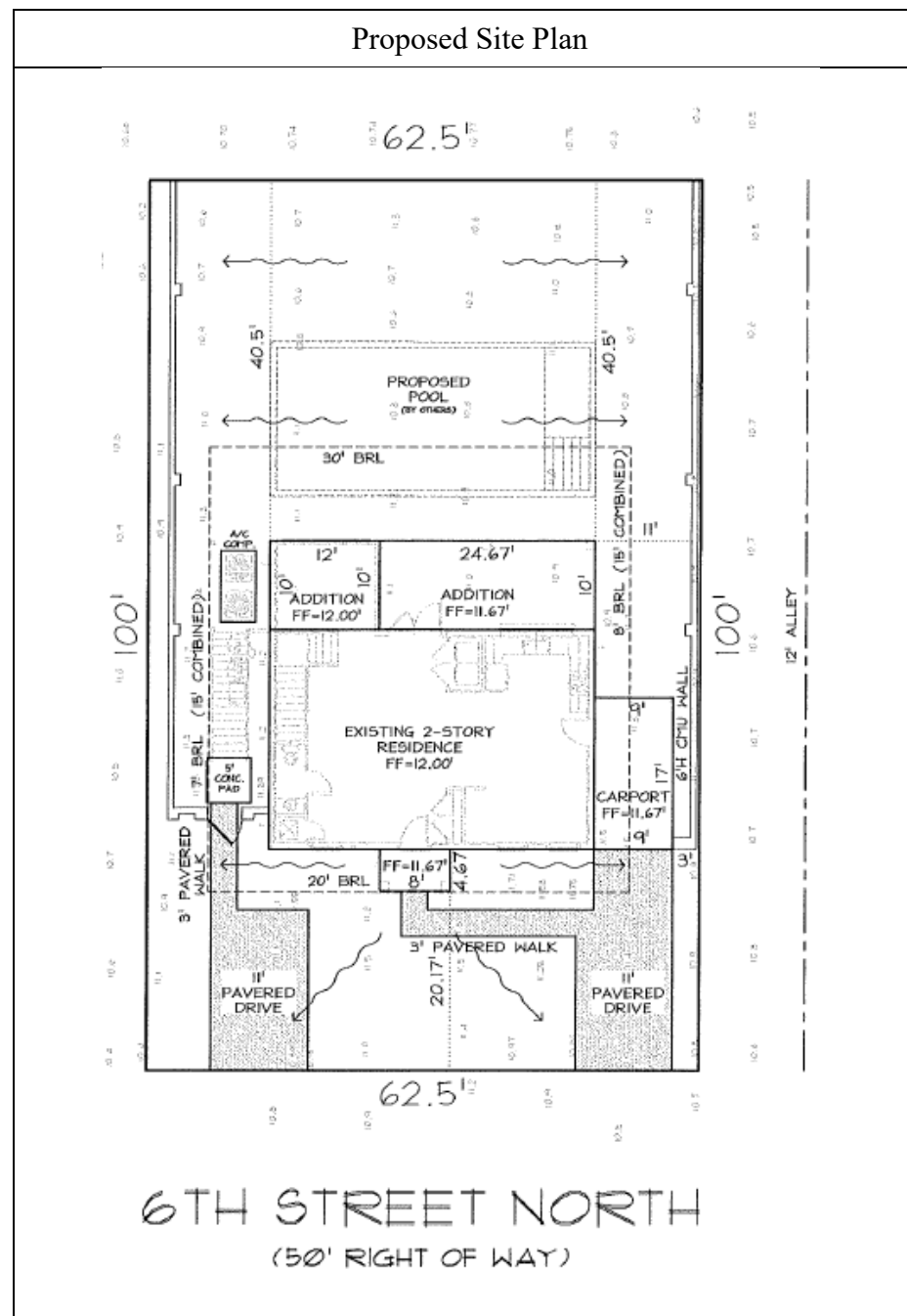
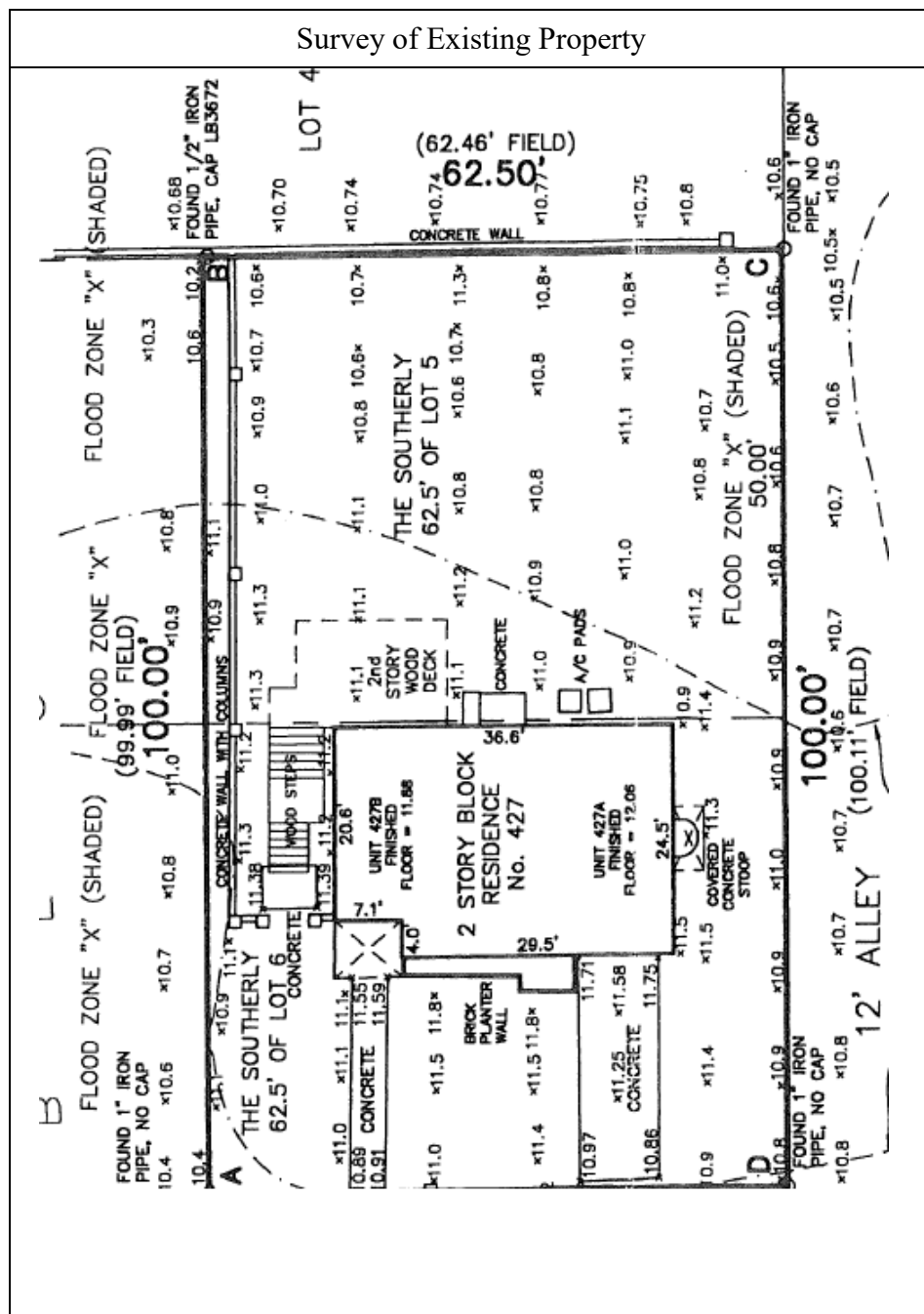
Staff does find that there is a hardship. The location of the home, and lack of car port create a situation where side yard setback relief is required.

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

Staff does find this will be the minimum variance necessary to address the existing non-conformities to build a required carport.

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

Staff does find this will be consistent with the Comprehensive Plan.



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

REQUIRED DOCUMENTATION

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

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

PLANNING & DEVELOPMENT

Applicant Name: LILYAN FLEMING Telephone: 904 803 2323
Mailing Address: 673 LEGENDS CREST DR E-Mail: firstflorida@yahoo.com
FRANKLIN, TN. 37069
Agent Name: HOWARD FLEMING Telephone: 904 803 2323
Mailing Address: 673 LEGENDS CREST DR E-Mail: firstflorida@yahoo.com
FRANKLIN, TN. 37069
Landowner Name: LILYAN FLEMING Telephone: 904 803 2323
Mailing Address: 673 LEGENDS CREST DR E-Mail: firstflorida@yahoo.com
FRANKLIN, TN. 37069

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: 427 N. 6th ST. 173 879-0005
Legal description of property (Attach copy of deed): _____
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
In order to meet required carport construction there will be a side
setback requested to 3' ILO 5' Required

AFFIDAVIT

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

APPLICANT SIGNATURE

PRINT APPLICANT NAME

DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 20th day of August, 2021, by Lilyan Fleming, who is personally known to me or produced _____ as identification.



BARBARA A GALVIN
Commission # HH 157413
Expires December 2, 2022
Bonded thru Budget Notary Services

PRINT NOTARY NAME

(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RM-1 (RS-3 Standards)

FLOOD ZONE: X / X shaded

CODE SECTION (s):

34-338(e)(1)c.2, for a side-yard setback of 3 feet in lieu of 5 feet minimum; and 34-373(d) for a parking area setback of 3 feet in lieu of 5 feet minimum to allow for the construction of an attached car port to a single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 21-100149

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.

SEP - 1 2021

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	when renovating from a duplex to a SFR, the carport requirement made it unable to meet the measurement
Special circumstances and conditions do not result from the actions of the applicant.	YES	house is existing renovation
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	existing home in place with just the addition of the carport
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	YES	the home is consistent with all other renovations & new construction in the area
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	Just the amount of increase to construct the carport
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	as discussed with City Planner & Building Official. 8-18-2021

PROPOSED

VARIANCE REQUEST:

1. BASED ON EXISTING HOME WE ARE REQUESTING A VARIANCE TO THE SIDE SETBACK TO ALLOW FOR THE REQUIRED CARPORT AS RECOMMENCED BY THE PLANS REVIEWER AND BUILDING OFFICIAL.

2. CARPORT AS DESIGNED WILL BE 3' FROM THE PROPERTY LINE.

DRAINAGE NOTES:

1. THE COVERED PORCH AND STOOP SHALL BE SLOPED AT MIN. 1% AWAY FROM STRUCTURE. AT THE CONNECTION POINT OF THE PORCH AND STOOP, THE TYPICAL ELEVATION DROP SHALL BE 4"

2. GROUND ELEV. AT FOUNDATION SHALL BE MIN. 6" BELOW F.F. ELEV.

3. CONTRACTOR SHALL BE REQUIRED TO BE WITHIN $\pm 0.1'$ OF DESIGN ELEVATIONS

4. DOWNSPOUTS ARE TO BE CONNECTED TO UNDERGROUND DRAINAGE 6" SOCK DRAIN PIPE WITH POP-UP EMITTERS PLACED AT PROPERTY LINE.

5. WHEN SWALES ARE SHOWN ON PROPERTY LINES THE ADJACENT LOTS HAVE COMMON OWNERSHIP AT TIME OF DESIGN.

SITE NOTES & LOT COVERAGE CALCULATIONS:

CMU BLOCK FENCE WALL = 113 SQ. FT.

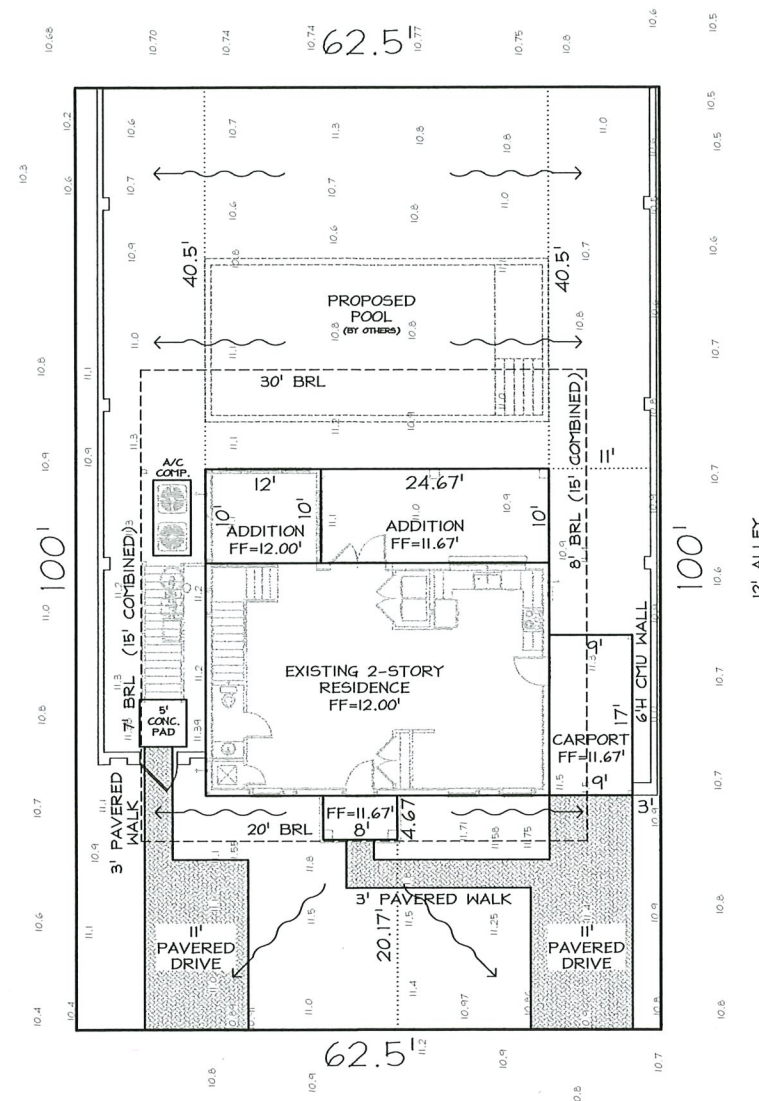
CONCRETE PADS = 57 SQ. FT.

PAVERED DRIVE/WALK = 538 SQ. FT.

LOT COVERAGE BY BUILDING: $1,461/6,250 = 23.3\%$

IMPERVIOUS SURFACE RATIO = $\pm 2,169/6,250 = 34.7\%$ (35% MAX.)

LOT SQUARE FOOTAGE: 6,250 SQ. FT. (± 0.14 ACRES)



6TH STREET NORTH
(50' RIGHT OF WAY)

RECEIVED
21.100149
SEP - 1 2021

PLANNING & DEVELOPMENT



12837 JULINGTON FOREST DR E,
JACKSONVILLE, FL 32258
KJACKSON@JACKSONDESIGNCOMPANY.NET
WWW.JACKSONDESIGNCOMPANY.NET
TEL 904.238.8573

HOMEPOINT

421 N 6TH ST
JACKSONVILLE BEACH, FL 32250

SITE PLAN

THE SOUTHEASTERLY 62.5 FEET OF LOTS 5 & 6, BLOCK 46, ATLANTIC PARK, AS RECORDED IN PLAT BOOK 9, PAGE 15 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

PROPERTY IS LOCATED IN FLOOD ZONE "X" PER MAP 1203IC0417J (11/2/2018)

ZONING: JRM-1
(RS-3 PER SEC. 34-339.B.9 JACKSONVILLE BEACH LAND DEVELOPMENT CODE)

DESIGN:	KAJ
DATE:	8/27/21
SCALE:	1"=20'-0"
JOB NO:	19-039
COPYRIGHT © 2021	
ALL RIGHTS RESERVED. THESE PLANS ARE PROTECTED BY COPYRIGHT LAWS. UNAUTHORIZED USE MAY RESULT IN LEGAL ACTION.	

EXISTING

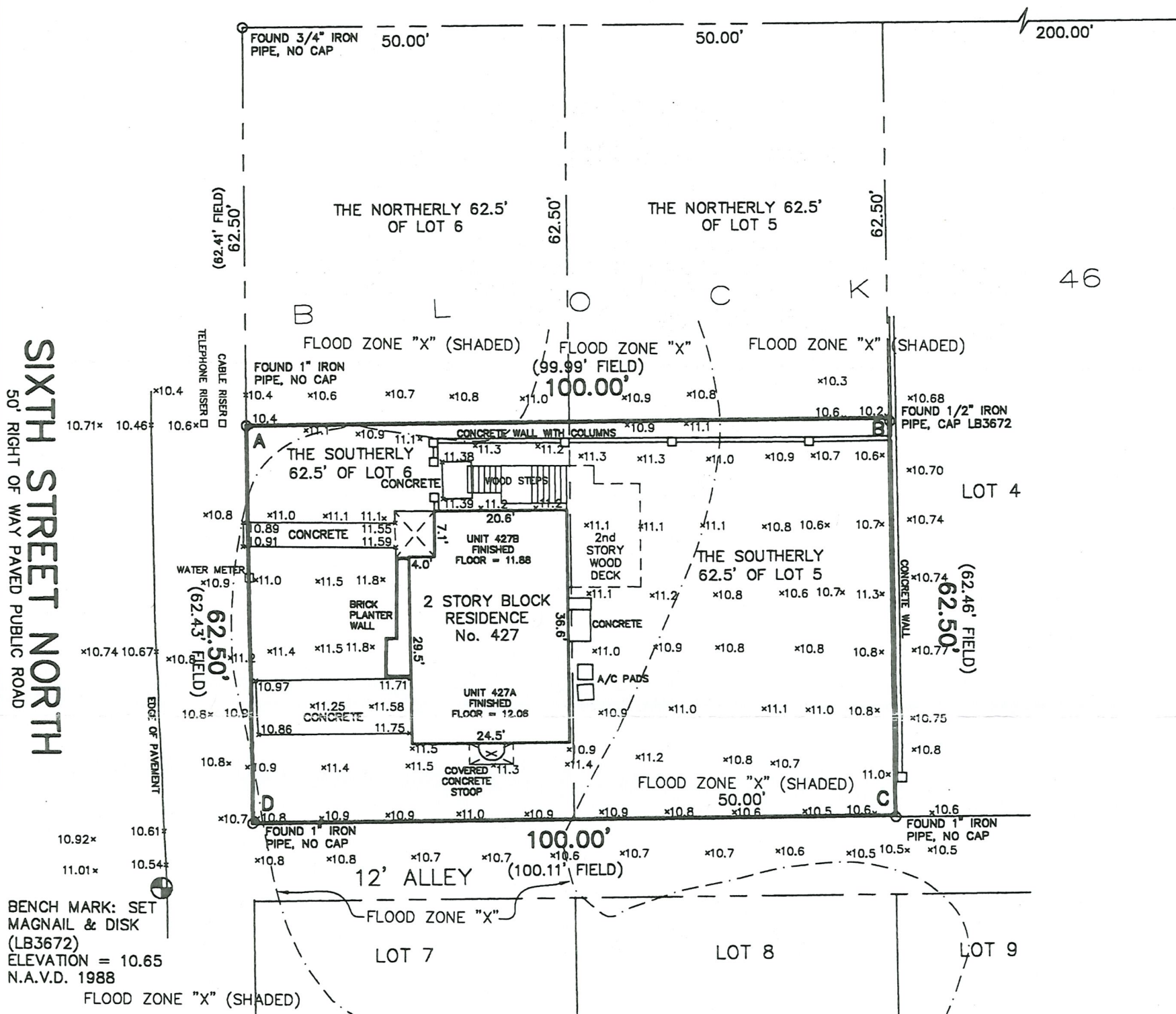
MAP SHOWING SURVEY OF
THE SOUTHERLY 62.5 FEET OF LOTS 5 AND 6, BLOCK 46, ATLANTIC PARK
AS RECORDED IN PLAT BOOK 9, PAGE 15 OF THE CURRENT PUBLIC RECORDS
OF DUVAL COUNTY, FLORIDA.

4TH AVENUE NORTH

80' RIGHT OF WAY PAVED PUBLIC ROAD
(FORMERLY WILKERSON AVENUE)

FIFTH STREET NORTH
50' RIGHT OF WAY PAVED PUBLIC ROAD

SIXTH STREET NORTH
50' RIGHT OF WAY PAVED PUBLIC ROAD



NOTES

1. THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY.
2. INTERIOR ANGLES AS PER FIELD SURVEY AS FOLLOWS:
A = 90°11'38"
B = 89°55'18"
C = 90°03'42"
D = 89°49'22"
3. NO BUILDING RESTRICTION LINES PER PLAT.
4. NORTH PROTRACTED FROM PLAT.
5. BENCH MARK AS SHOWN HEREON WAS ESTABLISHED BY GPS OBSERVATIONS USING SPRCTRA PRECISION EPOCH 80, RUNNING TRIMBLE VRS SOFTWARE IN N.A.V.D. 1988 DATUM.

IMPERVIOUS CALCULATIONS:
(IN SQUARE FEET)

LOT AREA	= 6,250
HOUSE	= 872
ALL CONCRETE	= 408
ALL WALLS	= 67
WOOD DECK	= 277
TOTAL IMPERVIOUS	= 1,624
	= 26.0%

0 10 20 40
SCALE: 1" = 20'

THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AND FLOOD ZONE "X" (SHADED, AREA OF 0.2% ANNUAL CHANCE FLOOD HAZARD) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP NUMBER 12031C0417J, REVISED NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

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

RECEIVED
21-100149
SEP - 1 2021

PLANNING & DEVELOPMENT

DONN W. BOATWRIGHT, P.S.M.
FLORIDA LIC. SURVEYOR, No. LS 3295
FLORIDA LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

CHECKED BY: _____
DRAWN BY: SWC
FILE: 2021-0032

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

DATE:
FEBRUARY 5, 2021
SHEET 1 OF 1

BOA# 21-100151 Staff Report
25 33rd Avenue South
Parcel ID: 181532-0000

Lot 5 & East ½ of Lot 6, Block 4, Atlantic Shores Ocean Front Section
Division B

Zoning: Residential, Single Family :RS-1

Variances Requested: Section(s): 34-336(e)(1)c.3, for a rear yard setback of 15 feet in lieu of 30 feet minimum; 34-336(e)(1)e, for lot coverage of 48% in lieu of 35% maximum; and 34-336(e)(1)g, for a swimming pool setback of 1.5 feet in lieu of 5 feet from the primary structure.

Project: structure to allow for construction of a new single-family dwelling & swimming pool

Existing Conditions: The subject property consists of a full platted lot of record, and half of a second lot of records (circa 1983) located in the low density future land use category. The current property measures seventy- seven (77) feet in width, eighty-two (82) feet in depth, and six-thousand four-hundred and thirty-one (6,431) square feet in area. Minimum dimensional standards within this zoning district include ten-thousand (10,000) square feet of area and a minimum width of ninety (90) feet overall and thirty-five (35) feet in width at the street. A front yard setback of twenty –five (25) feet minimum, a rear setback of thirty (30) feet minimum. Maximum lot coverage for this zoning district is 35%.

Analysis: The subject property is comprised of 1.5 lots of record, and is still substandard in size and area. The proposed new home anticipates a future pool, and will respect the front and corner side yard setbacks that face Ocean Drive and 33rd Avenue South. There are several examples of homes that appear to occupy more of the lot than 35% and the adjacent home to the north is closer to Ocean Drive than the required 25 foot front yard setback. Additionally, the adjacent home is built close to 40 feet from the shared property line making up the rear yard.

Active Permits or Code Violations: None

Previous Development Orders: BOA#18-100206 for 20 foot front yard setback, 10 foot corner yard setback, 10 foot rear yard setback & 49% lot coverage – denied.

Board of Adjustment October 19, 2021 - Staff Report

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

Staff does find that the adjacent and surrounding properties have similar constraints and attributes with regards to lot width and area.

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

Staff does not find that the conditions are the result of the applicant. The lot was purchased by the owner in September 2020 and is currently vacant.

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

Staff finds the applicant will not receive special privilege. There are similar examples of homes built with similar constraints in the immediate area.

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

Staff does find that there is a hardship. The lot is substandard, even with the addition of half of the neighboring platted lot to the west.

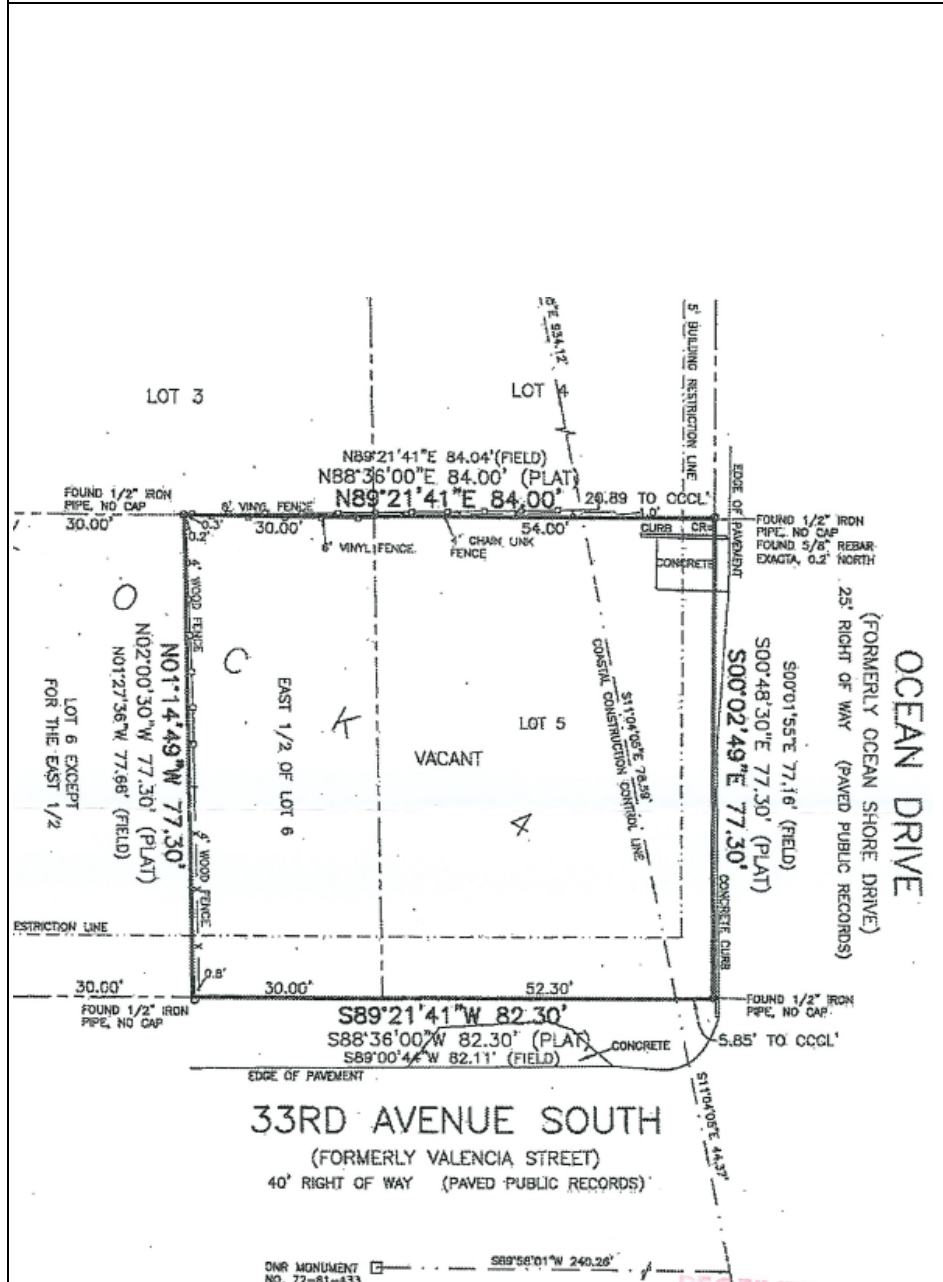
5. **Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.**

Staff does find this will be the minimum variance necessary to allow for the applicant to build the new home as designed and a pool.

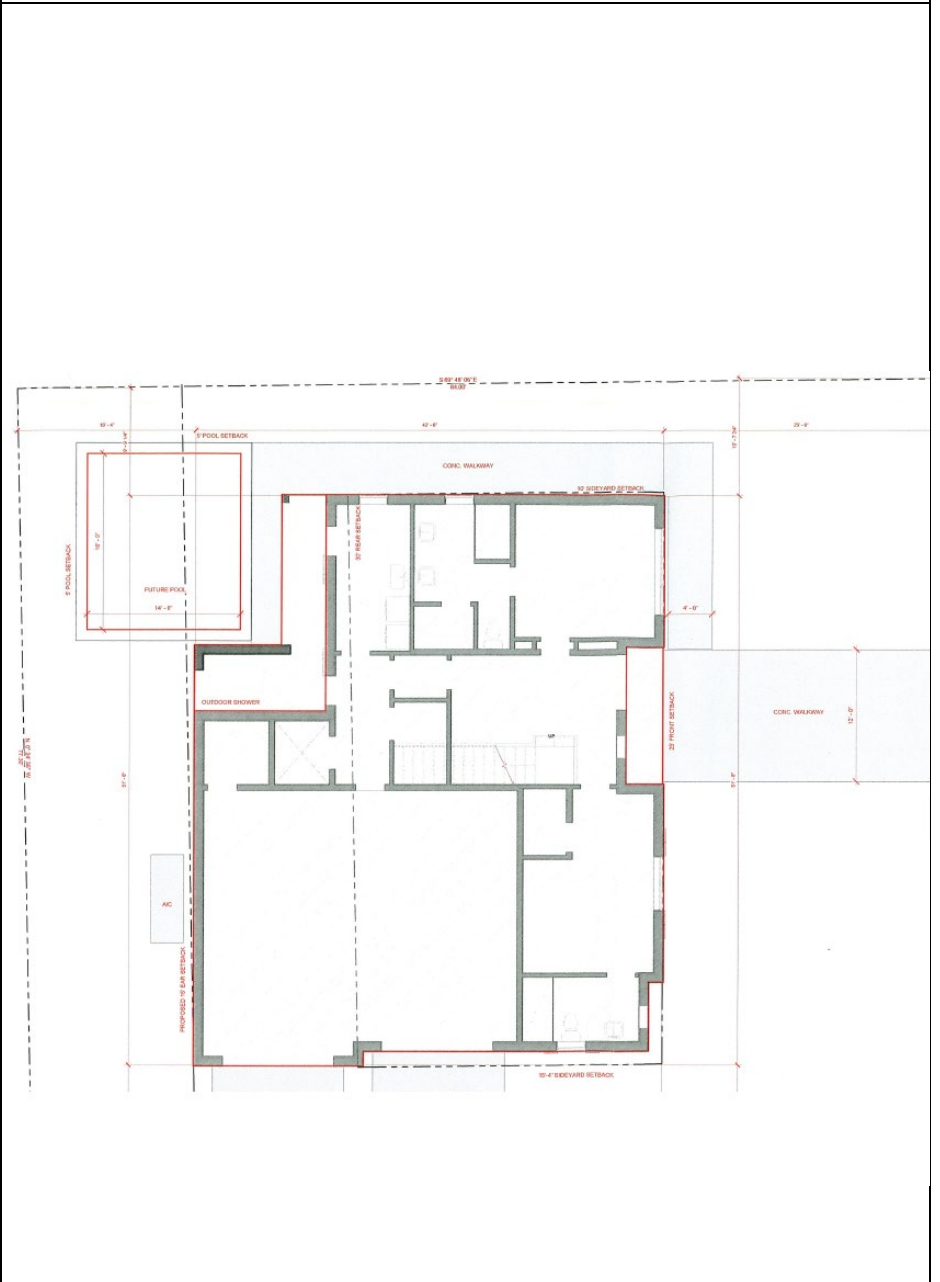
6. **Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.**

Staff does find this will be consistent with the Comprehensive Plan.

Survey of Existing Property



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 21-100151
HEARING DATE 10.19.21

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

REQUIRED DOCUMENTATION

- ✓ 1. Accurate, to-scale boundary survey prepared by a registered land surveyor, certified within the past two calendar years. All proposed additions and/or improvements, including actual dimensions, relevant setbacks from property lines, and lot coverage calculations shall be added to the boundary survey, to scale (on 11"x17" paper or smaller)
- ✓ 2. Proof of ownership (copy of deed or current property tax notification).
- ✓ 3. If applicant is not owner, notarized written authorization from owner is required.
- ✓ 4. Non-refundable processing fee of \$500.00 (due at the time of application submittal).
- 5. Completed application.

SEP - 7 2021

APPLICANT INFORMATION

Applicant Name: CHUCK HORN (HORN BUILDERS, INC.) Telephone: 904-673-4860
Mailing Address: 11215 ST. JOHNS INDUSTRIAL PKWY N. E-Mail: CHUCK@HORNBUILDERS.COM
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: SUSAN DUTSON Telephone: 404-446-5428
Mailing Address: 825 WOODLEY DR. NW E-Mail: SUSANBDUTSON@GMAIL.COM
ATLANTA, GA 30318

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: 25 33rd AVE. S. 181532-0000
Legal description of property (Attach copy of deed): LOT-5 + EAST HALF LOT-6, BLK 4, ATLANTIC SHORES
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). DIVISIONS B
• REAR YARD SETBACK OF 15' IN LIEU OF 30'
• LOT COVERAGE OF 48% IN LIEU OF 35%

AFFIDAVIT

I, CHUCK HORN, 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.

Chuck Horn
APPLICANT SIGNATURE

CHUCK HORN
PRINT APPLICANT NAME

9/7/21
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

Sworn to and signed before me this 7th day of SEPTEMBER, 2021 by CHUCK HORN, who is personally known to me or has produced _____ as identification.

Patrick Rich
NOTARY PUBLIC SIGNATURE

PATRICK RICH
PRINT NOTARY NAME



PATRICK RICH
Commission # GG 137126
Expires September 15, 2021
Bonded Thru Budget Notary Services

(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X shaded

CODE SECTION (s):

34-336(e)(1)c.3, for a rear yard setback of 14.5 feet in lieu of 30 feet minimum; 34-336(e)(1)e, for lot coverage of 48% in lieu of 35% maximum; and 34-336(e)(1)g, for a swimming pool setback of 1.5 feet in lieu of 5 feet from the primary structure to allow for construction of a new single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 21-100151

Variances can be requested for the dimensional standards of Article VII, the off-street parking or landscape standards of Article VIII, and the subdivision standards of the LDC, except that a height variance is not permitted in any zoning district.

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.

SEP - 7 2021

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	YES	LOT 25 SUB STANDARD 20 SIZE EVEN WITH THE EXTRA 30' ADDITION.
Special circumstances and conditions do not result from the actions of the applicant.	YES	LOT SUB STANDARD 20 SIZE NOT 90' WIDE NOT 10,000 SF
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	(SEE ATTACH EXAMPLE) VARIANCES HAVE BEEN GIVEN TO A LARGE PORTION OF THE LOTS DUE THE SUB STANDARD SIZE
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	MANY OTHER PARCELS OF LAND HAVE BEEN GRANTED THESE SAME VARIANCES. (SEE EXAMPLE)
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	• REAR SETBACK • ADDITIONAL LOT COVERAGE
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	THAT IS CORRECT. THIS WILL NOT ADVERSELY AFFECT ADJACENT LAND.



City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6231
Fax: 904.247.6107
Planning@jaxbchfl.net

www.jacksonvillebeach.org

Reference
BOA #
21-100151

DEPARTMENT OF PLANNING & DEVELOPMENT

CERTIFIED MAIL# 7017 3040 0000 2076 6915

January 3, 2019

Jeffrey Tabb
103 Burning Pine Court
Ponte Vedra Beach, FL 32082

RE: BOA# 18-100206
25 South 33rd Avenue
(Lot 5, and the East one-half of Lot 6, Block 4, *Atlantic Shores Ocean Front*
Section – Division "B")

Dear Mr. Tabb,

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

- Section 34-336(e)(1)c.1, for a front yard setback of 20 feet in lieu of 25 feet required;
- Section 34-336(e)(1)c.2, for a corner side yard setback of 10 feet in lieu of 15.5 feet required;
- Section 34-336(e)(1)c.3, for a rear yard setback of 10 feet in lieu of 30 feet required;
- Section 34-336(e)(1)e, for 49% lot coverage in lieu of 35% maximum

The Board **denied** the request.

To allow construction of a new single-family dwelling and pool.

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

Sincerely,

Catherine Martinich
Permit Specialist



JACKSONVILLE BEACH

City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6231
Fax: 904.247.6107
Planning@jaxbchfl.net
www.jacksonvillebeach.org

EXAMPLE

Reference

DEPARTMENT OF PLANNING & DEVELOPMENT

CERTIFIED MAIL# 7017 0660 0000 0995 2480

December 11, 2017

Chuck Horn
Horn Builders, INC.
11215 St. John's Industrial Parkway North
Unit No. 7
Jacksonville, FL 32205

RECEIVED
21-100151
SEP - 7 2021

PLANNING & DEVELOPMENT

RE: BOA# 17-100197
3115 South 1st Street
(Lot 8, together with the West 20 feet of lot 7, Block 3, *Atlantic Shores Oceanfront*
Section Division B)

Dear Mr. Horn,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, December 5, 2017, to consider Paige Sreenan's application for a variance from the requirements of the Land Development Code.

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

- Sec. 34-336(e)(1)c.1., for a front yard setback of 12 feet, in lieu of 25 feet required;
- 34-336(e)(1)c.2., for a northerly side yard setback of 5 feet, in lieu of 10 feet required, and a southerly corner side yard of 12 feet, in lieu of 16 feet required;
- 34-336(e)(1)c.3., for a rear yard setback of 12.6 feet, in lieu of 30 feet required;
- 34-336(e)(1).e., for 56% lot coverage, in lieu of 35% required;
- 34-373(f) for open cell pavers, in lieu of paving for driveway;

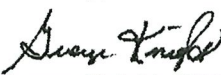
The Board **approved** the request as **discussed**, and **modified**.

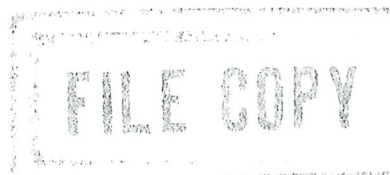
- Sec. 34-336(e)(1)c.1., for a front yard setback of 12 feet, in lieu of 25 feet required;
- 34-336(e)(1)c.2., for a northerly side yard setback of 7 feet, in lieu of 10 feet required, and a southerly corner side yard of 10 feet, in lieu of 16 feet required;
- 34-336(e)(1).e., for 49% lot coverage, in lieu of 35% required;

To allow construction of a single-family dwelling, with pool.

Please remove the public hearing notice posted on your property. Information about building permits, applications and checklists is available in our office or online at <http://www.jacksonvillebeach.org/business/building-permit-applications-and-checklists>. Please submit a copy of this approval letter when submitting any future development or building permit applications. If you have any questions regarding any information contained in this letter, please feel free to call me at (904) 247-6235.

Sincerely,


George Knight, CBO
Building Department



EXAMPLE

FINAL SITE PLAN

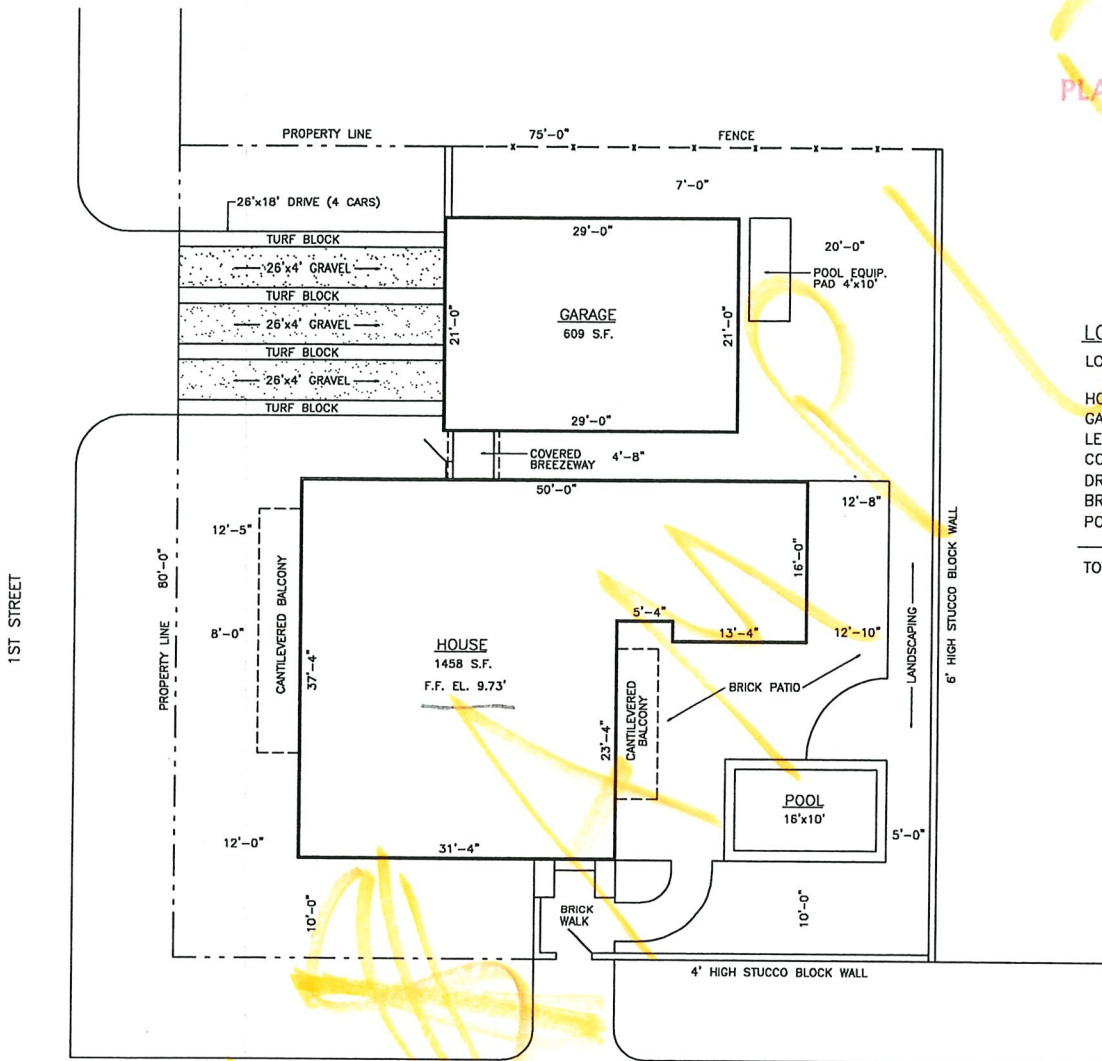
3115 1st St. South

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21-100151

SEP - 7 2021

PLANNING & DEVELOPMENT



LOT COVERAGE CALCULATIONS:

LOT 75'x80' = 6000 S.F.

HOUSE	1458 S.F.
GARAGE	609 S.F.
LEFT BALCONY	96 S.F.
COVERED BREEZEWAY	23 S.F.
DRIVEWAY (60%)	94 S.F.
BRICK PATIO & WALKS	614 S.F.
POOL EQUIPMENT PAD	40 S.F.

TOTAL IMPERVIOUS AREA 2934 S.F. (49%)

32ND AVENUE

SITE PLAN

SCALE: 1/8"=1'-0"



Example 42



EXAMPLE

EXAMPLE

REC

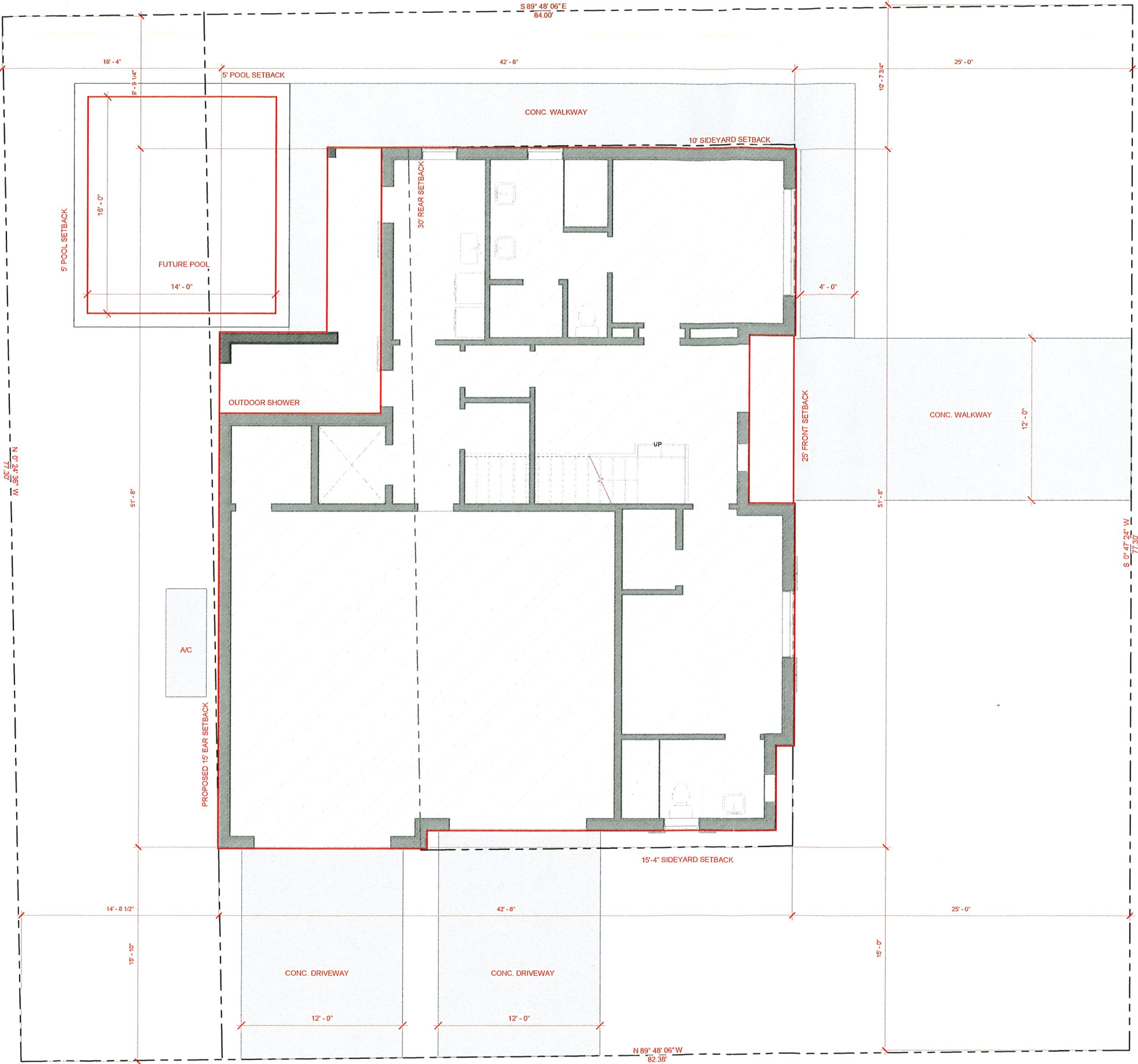
32

SEP

PLANNING &



PROPOSED



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21.10015

PLANNING & DEVELOPMENT

SITE ANALYSIS			
ZONED: RS-1 NO EXISTING VARIANCE IN PLACE AS OF 07 SEPTEMBER 2021			
<u>RS-1 LOT REQUIREMENTS</u>		<u>25 33RD AVENUE SOUTH</u>	
MINIMUM LOT AREA:	10,000 SF	ACTUAL AREA:	6,431 SF
MINIMUM LOT WIDTH:	90'-0"	ACTUAL WIDTH:	77'-0" OR 82'-0"
<u>SETBACKS</u>			
FRONTYARD SETBACK:	25'	10' AND OR 20% OF LOT WIDTH ON THE CORNER, WHICHEVER IS GREATER 5' FROM POOL DECK	
REARYARD SETBACK:	30'		
SIDEYARD SETBACK:	10'		
POOL SETBACK:	5'		
<u>LOT COVERAGE:</u>		35%	
<u>MAXIMUM BUILDING HEIGHT:</u> MEASURED FROM THE CROWN OF THE ROAD: 35'-0"			
<u>PROPOSED SETBACKS</u>			
FRONTYARD SETBACK:	25'	10' AND OR 20% OF LOT WIDTH ON THE CORNER, WHICHEVER IS GREATER 5' FROM POOL DECK	
REARYARD SETBACK:	15'		
SIDEYARD SETBACK:	10'		
POOL SETBACK:	5'		
<u>PROPOSED LOT COVERAGE:</u>		48%	
<u>MAXIMUM BUILDING HEIGHT:</u> MEASURED FROM THE CROWN OF THE ROAD: 35'-0"			

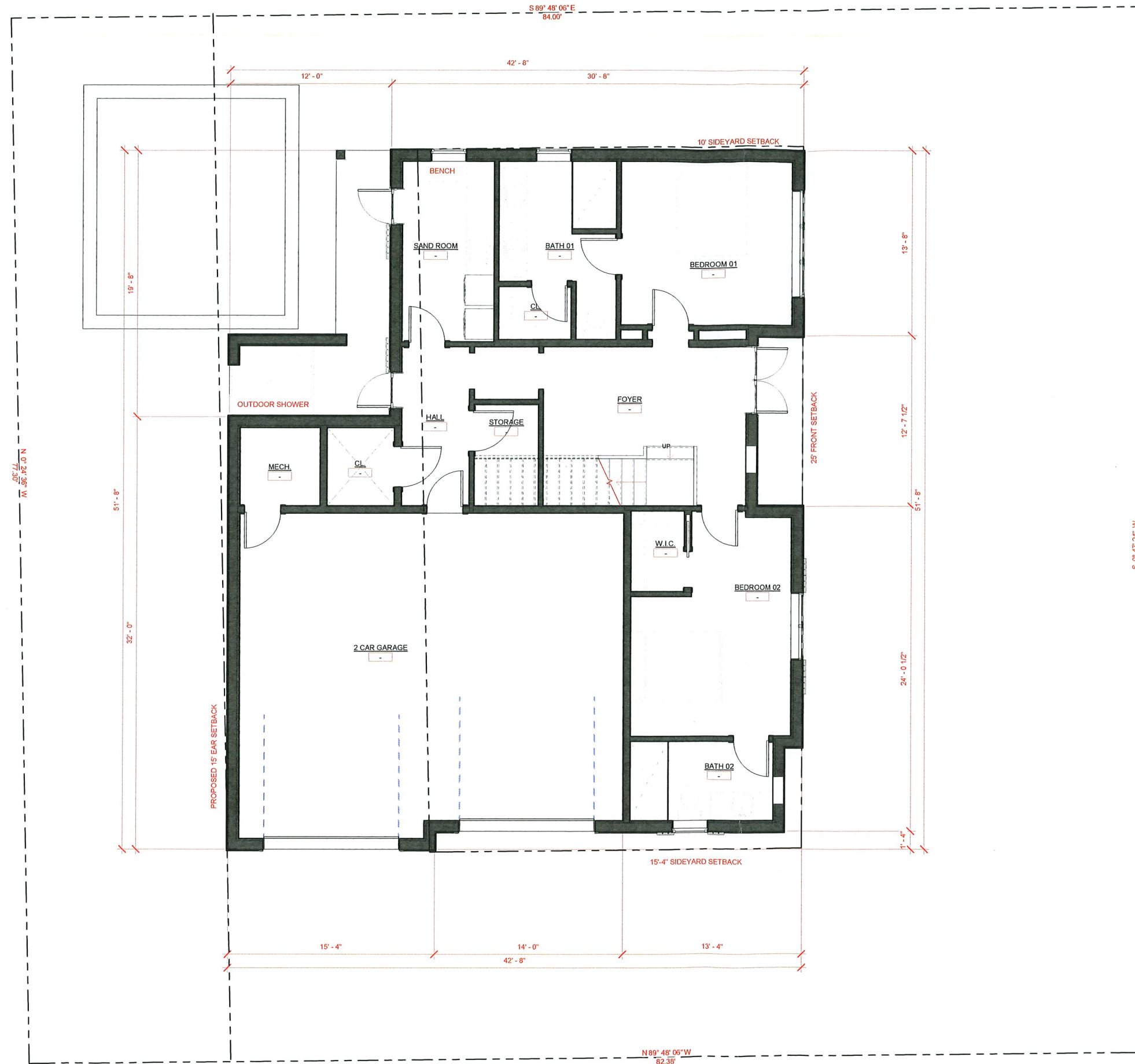
LOT COVERAGE CALCULATIONS			
PROPOSED RESIDENCE			
LOT	6,431 SF	100%	
PROPOSED RESIDENCE	1,900 SF	29.5%	
PROPOSED CONCRETE DRIVEWAY	389 SF	6.0%	
PROPOSED CONC. WALKWAY	597 SF	9.3%	
PROPOSED CONC. PAD	24 SF	0.4%	
PROPOSED BACK PORCH	128 SF	2.0%	
PROPOSED FRONT PORCH	43 SF	0.7%	
PROPOSED FUTURE POOL AND POOL COPING	288 SF	4.5%	
GREEN SPACE	3,062 SF	47.6%	
PERVIOUS	3,350 SF	52.1%	
IMPERVIOUS	3,081 SF	47.9%	

AREA SCHEDULE	
FIRST FLOOR	1100 SF
SECOND FLOOR	1685 SF
THIRD FLOOR	1251 SF
CONDITIONED	4035 SF
BACK PORCH	85 SF
BALCONY 01	166 SF
BALCONY 02	118 SF
BALCONY 03	118 SF
BALCONY 04	60 SF
FRONT PORCH	63 SF
GARAGES	769 SF
UNCONDITIONED	1380 SF
TOTAL	5415 SF

PROPOSED

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21.100151
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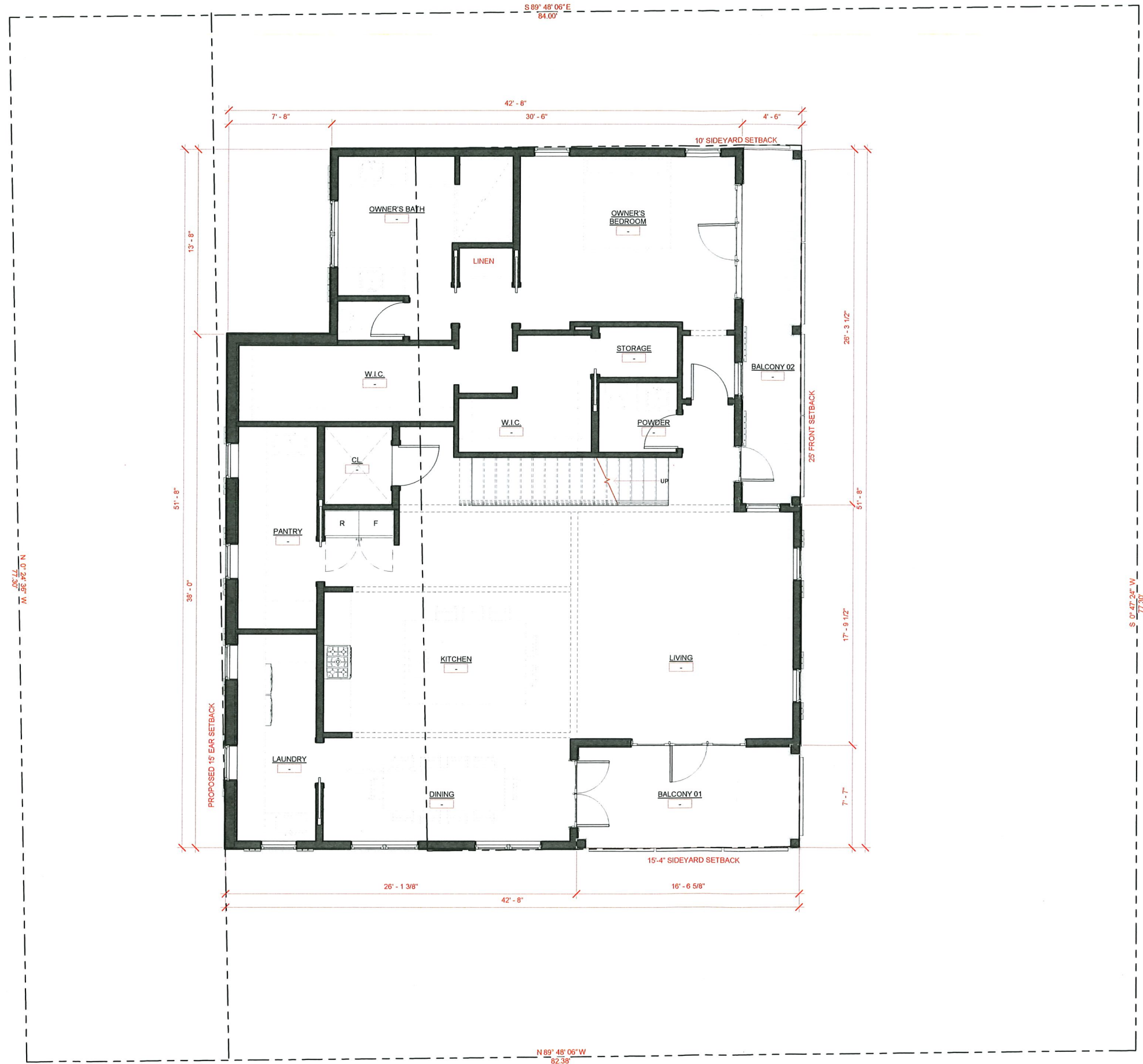


1 PRESENTATION - FIRST FLOOR
P01 1/4" = 1'-0"

33RD AVENUE SOUTH

dig ARCHITECTURE

PROPOSED



RECEIVED
21.100151
SEP - 7 2021

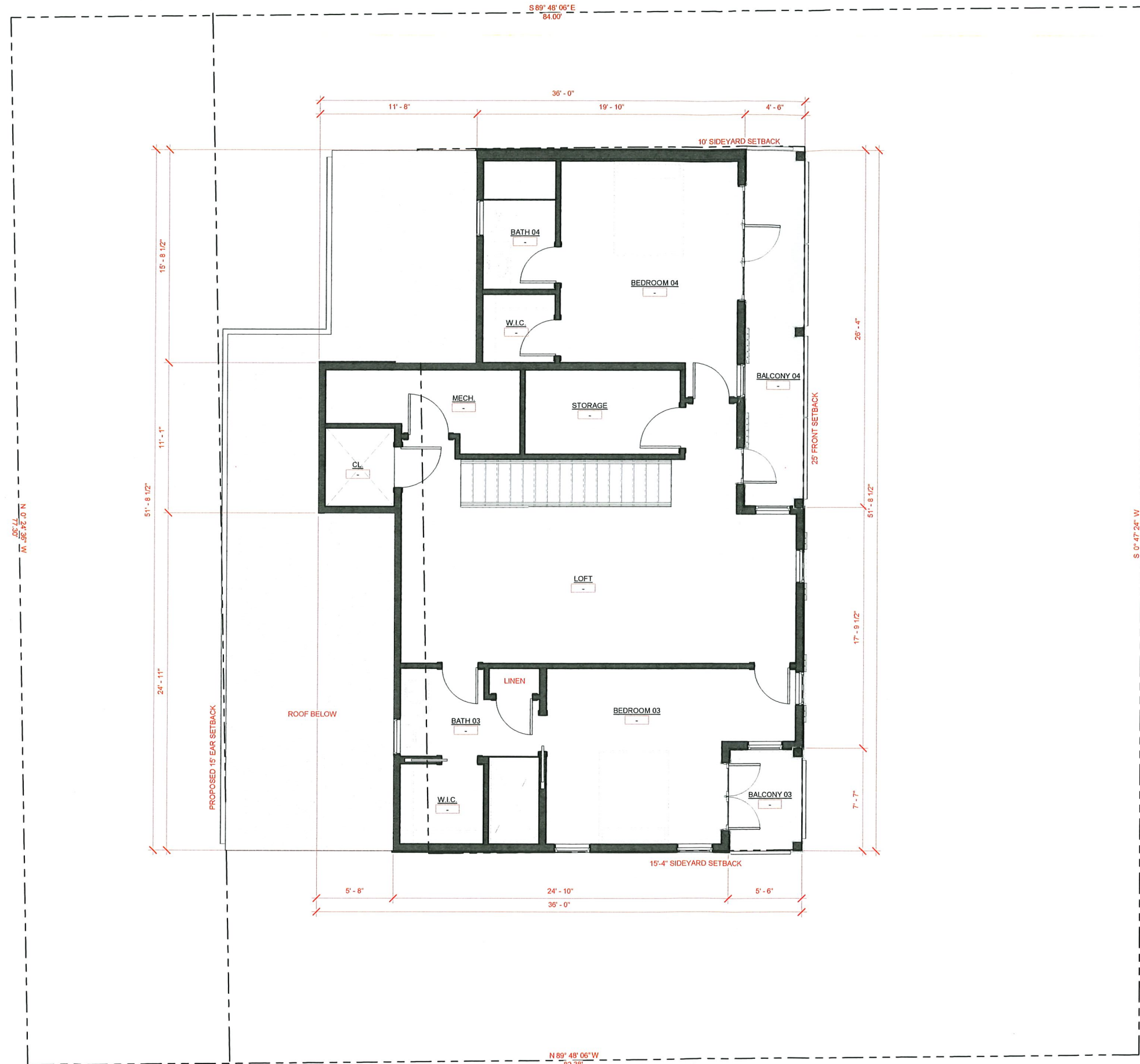
PLANNING & DEVELOPMENT

dig ARCHITECTURE

PROPOSED

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21.100157
SEP - 7 2021

PLANNING & DEVELOPMENT



1 PRESENTATION - THIRD FLOOR
P03 1/4" = 1'-0"

dig ARCHITECTURE

PROPOSED

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2 WEST ELEVATION
P04 1/4" = 1'-0"

1 EAST ELEVATION
P04 1/4" = 1'-0"

dig ARCHITECTURE

PROPOSED

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2 SOUTH ELEVATION
POS 1/4" = 1'-0"

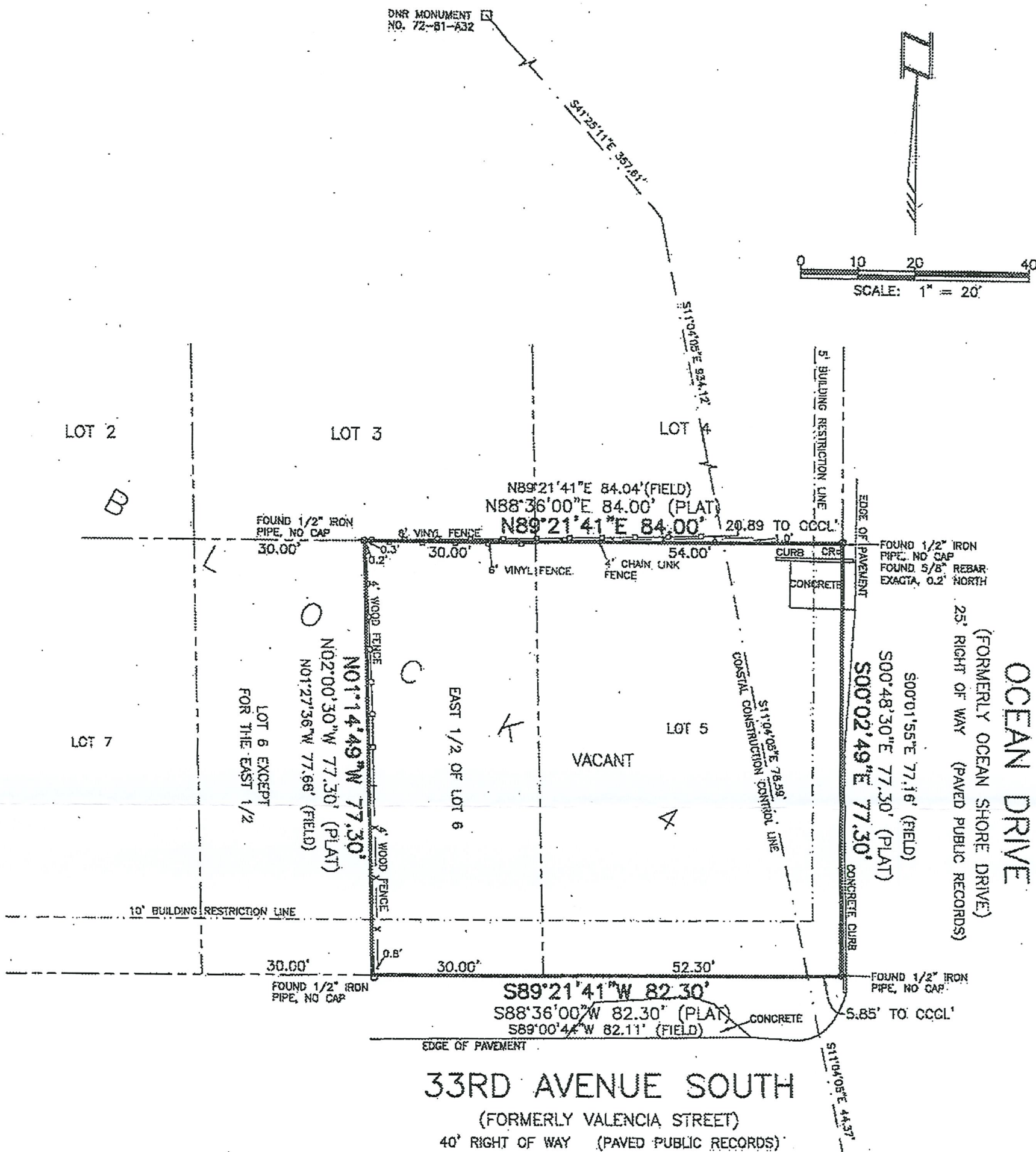
1 NORTH ELEVATION
POS 1/4" = 1'-0"

dig ARCHITECTURE

EXISTING

MAP SHOWING SURVEY OF

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



NOTES:

1. THIS IS A BOUNDARY SURVEY.
2. BEARINGS ARE BASED ON A LINE BETWEEN D.N.R. MONUMENTS NO. 72-81-A32 AND NO. 72-81-A33 OF THE COASTAL CONSTRUCTION CONTROL LINE MAP C, PAGES 72 - 72H, APPROVE JULY 21, 1992.
3. BUILDING RESTRICTION LINES AS PER PLAT.
4. CR DENOTES CABLE RISER.

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 NUMBER 12031C0419J, REVISED NOVEMBER 02, 2018 FOR DUVAL COUNTY, FLORIDA.

THIS SURVEY WAS MADE FOR THE BENEFIT OF PANDORA A VANBERKEL

DONN W. BOATWRIGHT, P.S.M.
FLORIDA LIC. SURVEYOR and MAPPER No. LS 3295
FLORIDA LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

CHECKED BY:

DRAWN BY: DAF

FILE: 2020-0952

BOATWRIGHT LAND SURVEYORS, INC.

1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 241-8550

DATE:

AUGUST 07, 2020

SHEET 1 OF 1

Christopher & Jaclyn George
39 33rd Avenue S.
Jacksonville Beach, FL 32250

October 11, 2021

City of Jacksonville Beach
Board of Adjustment
11 North Third Street
Jacksonville Beach, FL 32250

RE: BOA# 21-100151 /Hearing date October 19, 2021

Dear Members of the Board:

We received public notice of the above application for variance for the property located at 25 33rd Avenue South as to setback and coverage restrictions. We are the adjacent home owners to the immediate West of said property.

We oppose the granting of this variance as to the rear yard setbacks as it would directly and adversely affect our property interest as to privacy/security, property value and quality of life.

The proposed structure would result in a 35ft tall x 50ft wide structure along our rear property line and the nearest proposed wall to the proposed dwelling to our adjacent property at the 14.5 ft rear requested variance line would be 20 ft tall and 38 ft wide overlooking our backyard and pool in addition to blocking sunlight, sky, sea breeze airflow and open space/ocean views. In addition, the total lot coverage variance request of 48% in addition to the property containing a pool is a concern regarding water drainage surrounding our property as there is already drainage concerns with a typical Florida rainstorm along both Ocean Drive and 33rd Avenue South which impact drainage in our backyard as well.

The current provisions of the LDC do not impose an undue hardship on the applicant as they could reconfigure the exterior walls and floor plan within the variances allowed and still be able to construct a similar size second home. In addition, the applicant purchased this property in September of 2020 knowing the allowable variances.

Finally, we have concerns since this is not going to be the applicant's primary residence and the proposed floor plans indicate there are going to be 5 bedrooms and all 5 of the bedrooms contain en suite bathrooms, that the home owner may intend on utilizing the property for a vacation rental (Airbnb). This concern is exacerbated with the variance request having the dwelling 15.5 ft closer to our property line in addition to the variance request for 48% lot coverage allowing for additional vehicle parking and the ability for applicant to host more total guests via Airbnb or other short term rental approaches. In the event this is the intention of the applicant, we would have serious privacy and security concerns with this so close to where our young children play all year long. For clarity, we were not contacted by the applicants prior to this request for variance which has reinforced some of our concerns in this letter.

Sincerely,

Christopher George



Jaclyn George



Sean and Stephanie Crichton
3300 1st St South
Jacksonville Beach, FL 32250

October 11, 2021

City of Jacksonville Beach
Board of Adjustment
11 North Third Street
Jacksonville Beach, FL 32250

RE: BOA# 21-100151 /Hearing date October 19, 2021

Dear Members of the Board:

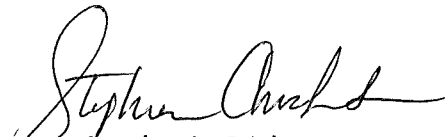
We've been informed of the request for setback and coverage variance for the property located at 25 33rd Avenue South and would like to note our opposition to the variance being granted.

We believe the building of a structure within 14.5' of the rear property line and at 48% lot coverage is contrary to the interests and spirit of this area and may impede on property values and property rights of adjoining owners.

The applicant property owner has not contacted us to discuss this variance.

Sincerely,


Sean Crichton


Stephanie Crichton

Tom and Linda Richardson
217 33rd Ave South
Jacksonville Beach, Florida 32250

October 11, 2021

City of Jacksonville Beach
Board of Adjustment
11 North Third Street
Jacksonville Beach, FL 32250

RE: BOA# 21-100151 /Hearing date October 19, 2021

Dear Members of the Board:

We have been informed of the request for variance for the property located at 25 33rd Avenue South. As a nearby homeowner and longtime resident of the area we would request that the variance be denied.

We believe the building of a structure within 14.5' of the rear property line and at 48% lot coverage will contribute to current drainage problems. In addition, this variance request is contrary to the interests and spirit of this area.

Further, this could negatively affect our property value and the rights of adjacent homeowners.

Sincerely,



Tom Richardson



Linda Richardson

Peter & Jennifer Schroeder
138 33rd Avenue S.
Jacksonville Beach, FL 32250

October 11, 2021

City of Jacksonville Beach
Board of Adjustment
11 North Third Street
Jacksonville Beach, FL 32250

RE: BOA# 21-100151 /Hearing date October 19, 2021

Dear Members of the Board:

We've been informed of a pending variance application for the nearby property located at 25 33rd Avenue South.

We ask the board to deny this variance as we believe it would be adverse to the public interest of the neighborhood and adversely affect our and our neighbors' property rights, property values, privacy and security.

Please take this into account in making your decision.

Sincerely,



Peter Schroeder
Jennifer Schroeder

Al & Theresa Chipperfield
22 33rd Avenue S.
Jacksonville Beach, FL 32250

October 11, 2021

City of Jacksonville Beach
Board of Adjustment
11 North Third Street
Jacksonville Beach, FL 32250

RE: BOA# 21-100151 /Hearing date October 19, 2021

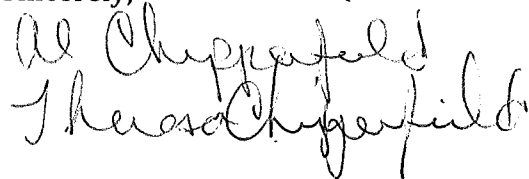
Dear Members of the Board:

Please let this serve as a response to the notice of application for variance that we recently received for the property located at 25 33rd Avenue South. We have lived in the home directly across the street from the subject property to the South, as we have since 1987.

We object to the granting of this variance as it applies to the rear and coverage setback requirements. The building of this structure in the requested location would be obstructive to surrounding neighbors and would adversely affect my property rights, quality of life, privacy and property value.

I ask that you please take this into consideration when reaching your decision.

Sincerely,

Handwritten signatures of Al Chipperfield and Theresa Chipperfield in cursive script.

Al Chipperfield
Theresa Chipperfield

Bill & Mini Kincaid
70 33rd Avenue S.
Jacksonville Beach, FL 32250

October 11, 2021

City of Jacksonville Beach
Board of Adjustment
11 North Third Street
Jacksonville Beach, FL 32250

RE: BOA# 21-100151 /Hearing date October 19, 2021

To Whom It May Concern:

I have been informed of a pending application for variance of setback and coverage restrictions for the property located at 25 33rd Avenue South and would like to inform the board of my objection to the granting of this variance.

I believe the variance would be contrary to the public interest of the neighborhood and negatively affect the property rights and property values of surrounding neighbors.

Please take this into account in making your decision.

Sincerely,

A handwritten signature in black ink, appearing to be 'Bill & Mini Kincaid', written in a cursive, flowing style.

Bill and Mini Kincaid

Robert and Melissa Dykes
132 33rd Avenue S
Jacksonville Beach, FL 32250

October 11, 2021

City of Jacksonville Beach
Board of Adjustment
11 North Third Street
Jacksonville Beach, FL 32250

RE: BOA# 21-100151 /Hearing date October 19, 2021

Dear Members of the Board:

We have been informed of an application for variance on the property located at 25 33rd Avenue South. Our home lies within one block of the subject property.

We object to the granting of this variance as it would be adverse to the public interest of the neighborhood and negatively affect the property rights, values and privacy of surrounding neighbors.

Please take this into account in making your decision.

Sincerely,

A large, stylized handwritten signature in black ink, likely belonging to Robert or Melissa Dykes, written over a horizontal line.

Robert and Melissa Dykes

A handwritten signature in black ink, appearing to read 'Melissa Dykes', written below the printed name.

James Cavanaugh
44 32nd Ave s
Jacksonville Beach, FL 32250

October 11, 2021

City of Jacksonville Beach
Board of Adjustment
11 North Third Street
Jacksonville Beach, FL 32250

RE: BOA# 21-100151 /Hearing date October 19, 2021

To Whom It May Concern:

I have been informed of a pending application for variance of setback and coverage restrictions for the property located at 25 33rd Avenue South and would like to inform the board of my objection to the granting of this variance.

I believe the variance would be contrary to the public interest of the neighborhood and negatively affect the property rights and property values of surrounding neighbors.

Please take this into account in making your decision.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cavanaugh', written over a horizontal line.

James Cavanaugh