



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Regular Meeting Agenda

Board of Adjustment

Tuesday, February 15, 2022

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

Alexi Gonzalez (Chairperson), Owen Curley (Vice-Chairperson), Dan Elmaleh, John Moreland, Jeff Truhlar

Alternates: Todd Smith, Jennifer Williams

APPROVAL OF MINUTES

A. Regular Board of Adjustment Meeting held on January 19, 2022

CORRESPONDENCE

OLD BUSINESS

NEW BUSINESS

A. **Case Number(s): BOA#21-100191**

Applicant: David Merritt

Agent: N/A

Owner: David Merritt

Property Address: 1339 Pinewood Lane

Parcel ID: 178286-0000

Legal Description: Lot 14, Block 2, *Ocean Forest Unit One*

Current Zoning: RS-1

Motion to 34-336(e)(1)c.1 for a front yard setback of 15 feet in lieu of 25 feet minimum

Consider: to allow for construction of a new single-family dwelling

B. **Case Number(s): BOA#21-100198**

Applicant: David Rey

Agent: Josh Cockriel, Kimley Horn

Owner: David Rey

Property Address: 1036 Beach Boulevard

Parcel ID: 177310-0010

Legal Description: A Part of Government Lot 6, Section 33, Township 2 South, Range 29 East,

Duval County, Florida
Current Zoning: C-2
Motion to 34-377 for a reduction in required parking for 91 spaces in lieu of 108
Consider: spaces required to allow for the substantial renovation of an existing commercial retail structure

C. **Case Number(s): BOA#22-100002**

Applicant: Mark Juliano
Agent: Peter Coalson, Peter Coalson Design for Florida, LLC.
Owner: Robert N. Daniels
Property Address: 1819 12th Avenue North
Parcel ID: 178280-0000
Legal Description: Lot 8, Block 2, *Ocean Forest Unit One*
Current Zoning: RS-1
Motion to 34-336(e)(1)c.2, for eastern and western side-yard setbacks of 8.5 feet in
Consider: lieu of 10 feet minimum; and 34-336(e)(1)e, for 42% lot coverage in lieu of 35% maximum to allow for construction of new additions, a new swimming pool and pool deck and to rectify existing non-conformities at an existing single family dwelling

PLANNING DEPARTMENT REPORT

A. The next scheduled meeting is Tuesday, March 1, 2022. There are three scheduled cases.

COURTESY OF THE FLOOR TO VISITORS

ADJOURNMENT

NOTICE

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

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: City Manager; City Attorney

**Minutes of Board of Adjustment Meeting
held Wednesday, January 19, 2022, 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.

Deputy City Clerk Jodilynn Byrd administered the Oath of Office to the newly appointed Board of Adjustment 1st Alternate Todd Smith.

ROLL CALL

Chairperson: John Moreland

Vice-Chairperson: Alexi Gonzalez

Board Members: Owen Curley

Jeff Truhlar (absent)

Alternates: Dan Elmaleh

Todd Smith

Senior Planner Christian Popoli, City Attorney Sandra Robinson, Deputy City Clerk Jodilynn Byrd, and Administrative Assistant Lauren Loria were also present.

ELECTION OF OFFICERS

A. Election of Chair and Vice-Chair per Section 34-77 of the Land Development Code.

Mr. Moreland opened the floor for nominations for the Chairperson position.

Motion: It was moved by Mr. Curley, seconded by Mr. Elmaleh, to nominate Alexi Gonzalez for Chair.

Roll Call Vote: Ayes – Owen Curley, Alexi Gonzalez, John Moreland, Dan Elmaleh

The motion was unanimously approved.

Motion: It was moved by Mr. Elmaleh, seconded by Ms. Gonzalez, to nominate Owen Curley for Vice-Chairperson.

Roll Call Vote: Ayes – Alexi Gonzalez, Owen Curley, John Moreland, Dan Elmaleh, Todd Smith

The motion was unanimously approved.

Ms. Gonzalez and Mr. Curley assumed their new positions on the dais.

APPROVAL OF MINUTES:

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

- January 4, 2022

CORRESPONDENCE:

Mr. Popoli noted there were copies of emails [on file] for the Board on the dais. All other correspondence was included in the packet.

OLD BUSINESS: None

NEW BUSINESS:

A. Case Number: BOA#21-100185

Applicant: Starr Sanford Design, Lauren Jagger
Owner: Patrick & Whitney VanMeter
Property Address: 3930 Duval Drive
Parcel ID: 181709-0000

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)c.3, for a rear yard setback of 24 feet in lieu of 30 feet minimum; 34-336 (e)(1)e, for lot coverage of 46% in lieu of 35% maximum; and 34-373(f) for a shell driveway in lieu of a paved driveway to allow for construction of a new single-family dwelling.

Applicant: Patrick & Whitney VanMeter, 3930 Duval Drive, Jacksonville Beach, stated the hardship was a non-conforming lot size. She noted the requested lot coverage was the same as the existing home. She said the northern and southern setbacks were the same as the existing property. The front yard and side yard setbacks would conform to the zoning requirements. She acknowledged both adjacent neighbors were in support.

Discussion ensued regarding a small deck and the shell driveway.

Public Hearing:

The following submitted an email which was read into the record in support of the variance:

- Hobart Walker, 3938 Duval Drive, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Discussion: None

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#21-100185 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Roll Call Vote: Ayes – Owen Curley, Alexi Gonzalez, John Moreland, Dan Elmaleh, Todd Smith

The motion was unanimously approved.

B. Case Number: BOA#21-100186
Applicant: Collin Spelts
Owner: Collin Spelts & Sze Wai Yan
Property Address: 1612 5th Street South
Parcel ID: 179820-0000

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)c.2, for a northern side-yard setback of 2 feet in lieu of 5 feet minimum and a combined side-yard setback of 10 feet in lieu of 15 feet minimum; and 34-337(e)(1)e, for lot coverage of 44% in lieu of 35% maximum to allow for construction of a new garage addition and driveway to an existing single-family dwelling

Applicant: Collin Spelts, 1612 5th Street South, Jacksonville Beach, noted the hardship was a non-conforming lot which had been subdivided. He stated the addition did not affect the northern side, only the south. He noted he would still meet the combined total for minimum setback requirements. He also requested a written statement from adjacent neighbors, and they supported the variance.

Discussion ensued regarding the garage entry and setbacks.

Public Hearing:

The following submitted letters which were read into the record in support of the variance:

- Michael Stephen Fann, 1626 5th Street South, Jacksonville Beach
- Emily J. Moon, 1608 5th Street South, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Discussion: Discussion ensued regarding the parking garage on the property.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#21-100186 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Roll Call Vote: Ayes – Owen Curley, John Moreland, Dan Elmaleh, Todd Smith, Alexi Gonzalez

The motion was unanimously approved.

C. Case Number: BOA#21-100187
Applicant: Diarmuid Graham
Owner: Diarmuid Graham
Property Address: 2507 Independence Drive
Parcel ID: 181076-1438

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)c.3, for a rear yard setback of 17 feet in lieu of 30 feet minimum; and 34-337(e)(1)e, for lot coverage of 40% in lieu of

35% maximum to rectify existing non-conformities and allow for construction of a new swimming pool and pool deck at an existing single-family dwelling.

Applicant: Diarmuid Graham, 2507 Independence Drive, Jacksonville Beach, stated the hardship was the non-conforming lot. Mr. Graham said his neighbors were in support.

Public Hearing:

The following submitted emails which were read into the record in support of the variance:

- Kimberly Holter & Gary Sheading, 2505 Independence Drive, Jacksonville Beach
- Jessica K. Wright, adjacent neighbor, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Discussion: None

Motion: It was moved by Mr. Elmaleh, seconded by Mr. Curley, to approve BOA#21-100187 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Roll Call Vote: Ayes – Owen Curley, John Moreland, Dan Elmaleh, Todd Smith, Alexi Gonzalez

The motion was unanimously approved.

D. Case Number: **BOA#21-100189**
Applicant: Dakota Briggs
Agent: Hunter Faulkner
Owner: American Classic Homes, LLC.
Property Address: 512 1st Street South
Parcel ID: 175951-0000

City of Jacksonville Beach Land Development Code Section(s): A request to rescind previously approved variance BOA#21-100040 approved May 18, 2021: City of Jacksonville Beach Land Development Code Section(s): 34-338(e)(1)c.1, for a front yard setback of 18 feet in lieu of 20 feet required; 34-338(e)(1)c.3 for a rear yard setback of 15.5 feet in lieu of 30 feet minimum; and 34-338(e)(1)e, for lot coverage of 42% in lieu of 35% maximum to allow for construction of a new single-family dwelling.

Agent: Hunter Faulkner, 1 Independent Drive, Suite 1400, Jacksonville, stated the variance was approved in May 2021, but a petition was filed by residents of the neighboring development in July 2021. He stated the owner would prefer to rescind the variance. He said the land sat undeveloped, and the owner would like to move forward with the building as permitted, without the approved variance from May 2021.

Public Hearing:

The following spoke in support of the request to rescind previously approved variance BOA#21-100040:

- Lynn Duncan, 112 5th Avenue South, Jacksonville Beach

Jim Burgener 112 5th Avenue South, Jacksonville Beach, submitted a speaker card, but waived his right to speak.

Ms. Gonzales closed the public hearing.

Discussion: Discussion ensued regarding the results of rescinding a variance.

City Attorney Robinson stated a rescission was like a void, so it never existed, and a future property owner could request the same variance. She confirmed any approved variances which preceded the 2021 approved variance would still be in place.

Motion: It was moved by Mr. Curley, seconded by Mr. Elmaleh, to approve BOA#21-100189, which rescinds the previously approved variance of BOA#21-100040 approved May 18, 2021.

Roll Call Vote: Ayes – Owen Curley, John Moreland, Dan Elmaleh, Todd Smith, Alexi Gonzalez

The motion was unanimously approved.

E. **Case Number:** **BOA#21-100190**
Applicant/Owner: Michael & Lisa Loiacono
Property Address: 3532 Bay Island Circle
Parcel ID: 180949-1800

City of Jacksonville Beach Land Development Code Section(s): Ordinance 2002-7843 Ocean Cay PUD for lot coverage of 49% in lieu of 45% maximum to allow for construction of a new swimming pool and pool deck to an existing single-family dwelling.

Applicant: Michael & Lisa Loiacono, 3532 Bay Island Circle Jacksonville Beach, stated the hardship was the odd-shaped lot, and the southern part of the lawn was banked against a water retention pond. He noted all five (5) adjacent neighbors were in favor of the variance, and their HOA had also approved it.

Discussion ensued about the white river rock, turf, and lot coverage for PUDs.

Public Hearing: No one came before the Board to speak about this application.

Ms. Gonzalez closed the public hearing.

Discussion:

Mr. Curley disclosed he lived behind the property, on the other side of the retention pond, but he has not engaged in any ex-parte communications.

Discussion ensued about the 2002 variance exception for PUDs and by what criteria they should judge this request.

Motion: It was moved by Mr. Curley, seconded by Mr. Elmaleh, to approve BOA#21-100190, based on the standards of a variance outlined in Section 34-286 of the Land Development Code.

Roll Call Vote: Ayes – Owen Curley, John Moreland, Dan Elmaleh, Todd Smith, Alexi Gonzalez

The motion was unanimously approved.

Mr. Moreland stated the agenda excluded Ex-Parte Communications, and he disclosed he had a phone conversation with a person associated with the next case.

Ms. Gonzalez disclosed no ex-parte communications on any of the cases.

Mr. Elmaleh disclosed he had a brief and confusing conversation with Rick Johnston [BOA#21-100193].

F. Case Number: **BOA#21-100193**
Applicant/Owner: Oceanfront @ 10th, LLC.
Agent: Rick Johnston
Property Address: 22 10th Avenue South
Parcel ID: 176143-0000

Note: This case number was incorrectly listed as BOA#21-100185 in the Staff Report

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(4)c.1 for a front yard setback of 13 feet in lieu of 20 feet minimum; and 34-340 (e)(4)c.3, for a rear yard setback of 10 feet in lieu of 30 feet minimum, to allow for the conversion of 5 multi-family units into townhomes.

Applicant & Agent: Rick Johnston, 3528 Ocean Drive South, Jacksonville Beach, and Joe Van Rooy, 9417 Baymeadows Road, Suite 103, Jacksonville, were sworn in. Mr. Johnston distributed a supplemental packet to the Board via the Clerk [on file]. He stated their intent when they acquired the property was to design a hybrid project which was duplicative in use (multi-family, condo, townhouse). They submitted under a multi-family project because they could submit under conforming standards and then return for setback variances permitted in RM-2.

Discussion ensued regarding the project's original intent, regulation for condos, and LDC criteria for multi-family and townhomes.

Public Hearing:

The following spoke in support of the variance:

- Edward Carlton, 2912 Abaco Lane, Jacksonville Beach
- Collin Spelts, 1612 5th St. S., Jacksonville Beach

Ruth Musicante, 1031 1st St. S., #1208, Jacksonville Beach, submitted a speaker card but passed on speaking. She did not indicate whether she was in support or opposition of the variance.

The following spoke in opposition of the variance:

- Leah Tahiry, 1031 1st St. S., Apt. 907, Jacksonville Beach
- Donald Cheng, 1032 1st St. S., Suite 8, Jacksonville Beach
- Bobby Welton, 1032 1st St. S. #2, Jacksonville Beach
- Steve Wilson, 1031 1st St. S., Jacksonville Beach

The following submitted a group letter [on file], which was read into the record in support of the variance:

- Michael Holmes, 1031 1st St. S., #340, Jacksonville Beach
- Daniel L. Goldberger, Jacksonville Beach,
- Laura DiMarino, 1031 1st St. S., #501, Jacksonville Beach
- Tammy Eisenmann, 1031 1st St. S., #502, Jacksonville Beach

The following submitted emails, which were read into the record in opposition of the variance:

- Sharon Rowlands, 1031 1st St. S., #204, Jacksonville Beach
- Laura & Tom DiMarino, 1031 1st St. S., #501, Jacksonville Beach
- Rod Restige, Jacksonville Beach
- Edward O'Brien, 110 10th Ave. S. Jacksonville Beach
- Patrick Ahbad, Jacksonville Beach

Mr. Curley noted one email was received unsigned and with no address, so it was not read.

Mr. Van Rooy responded the building would stay the same. He said only the style of the deed would change.

Mr. Johnston thanked the speakers for coming out and apologized for an unclear application.

Discussion ensued regarding the estimated density of occupants and setbacks.

Ms. Gonzalez closed the public hearing.

Discussion:

Mr. Popoli stated if it was condos or apartments, there could be more units based on pure density. He said it was never discussed as townhomes. He stated if the variance were approved, it would still have to go through a final plat process.

Discussion ensued about townhouse compliance, future variance requests, and setbacks.

Motion: It was moved by Mr. Curley, seconded by Mr. Smith, to deny BOA#21-100193, based on its failure to meet Standard 2 as a result of the actions of the applicant.

Roll Call Vote: Ayes – Owen Curley, Dan Elmaleh, Todd Smith
Nays – John Moreland, Alexi Gonzalez

The motion to deny the variance passed 3-2.

PLANNING DEPARTMENT REPORT

Mr. Popoli stated a training workshop would be held on February 15, 2022.

The next scheduled meeting was Wednesday, February 2, 2022. There were three scheduled cases.

The ethics training would be held on January 28, 2022.

COURTESY OF THE FLOOR TO VISITORS

Ms. Gonzalez extended Courtesy of the Floor to visitors.

- Ruth Musicante, 1031 1st St. South, Jacksonville Beach, stated she was a new resident. She asked about green space and a discussion held at her HOA's Board meeting. She expressed concerns because her HOA Board said they would have a variance assured if they wanted to turn green space into more parking spaces.

Ms. Gonzalez stated there were no assurances for variances, and everyone had to go through the proper process.

ADJOURNMENT

There being no further business, Ms. Gonzalez adjourned the meeting at 9:30 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date



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

BOA#21-100191

Zoning: RS-1
RE: 178286-0000
Legal: Lot 14, Block 2, Ocean Forest Unit 1
Address: 1339 Pinewood Lane

Request

Section(s): 34-336(e)(1)c.1 for a front yard setback of 15 feet in lieu of 25 feet minimum to allow for construction of a new single-family dwelling

Exiting Conditions

The subject property is an existing lot of records (circa 1954) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The property is currently occupied by an older single family home, constructed in 1959. The current home is conforming in lot coverage and setbacks. The current home does have a carport, but based on the Property Appraiser's records, does not meet the minimum 1,600 square footage requirement, containing roughly 1,032 square feet of air conditioned space. There are two active code cases, one related to lot being overgrown and removing existing junk from the lot that's an ongoing case going back to July of 2021, the other is related to work without a building permit that is from January 28 of 2022.

Previous Variances: No previous variances found. Existing Code Enforcement Case 21-00000417, 21-00000562: Current cases include 417 for trash junk and debris, which is still active and unresolved as of July 2021, and 562, work without a building permit active as of January 28, 2022.

Staff Analysis

The subject property is a conforming lot of record in the RS-1 zoning district. The property is roughly 13,000 square feet in area as determined by mapping analysis, though an actual area was not provided. The subject lot, though irregular in shape, is capable of supporting a 1600 square foot house with a garage and still meeting all required setbacks. The current home is over 50 feet from the rear property line, over 20 feet from the southern side yard property line and 37 feet from the northern side yard property line. It also is within the 25 foot front yard setback. While it is true the lot is irregular in shape, because of its size, it does not create a hardship.



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Minimum Dimensional Standards

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

Review of Criteria

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

Staff does not find that there are circumstances unique to the subject parcel of land. The subject lot is a conforming lot of record in the RS-1 zoning district and although it does have an irregular shape, that is not unique to this neighborhood.

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

Staff does find that circumstances are a result of the applicant. The applicant is choosing to design the house so it violates the front setbacks. The lot is large enough to accommodate a house that meets all the minimal dimensional standards without the need for a variance. The lot is a platted lot of record that was platted with a unique shape.



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

Staff finds that the proposed variance will confer special privileges. The majority of the lots in this neighborhood and specifically on this street are much smaller, and are non-conforming. Granting this variance will give a conforming lot additional privilege beyond the advantage they currently have as one of the few conforming lots.

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

Staff does not find that literal interpretation of the code would deprive the applicant of rights and privileges. The applicant can build a single family home on this lot that would meet all dimensional standards without relief from the code.

- 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 not find that the requested variances are the minimum variance needed to accommodate the proposed new home. The lot will accommodate a legal single family use, which is the highest and best use of this lot.

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

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

Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **DENIAL of BOA#21-100191**

Location Map (property boundaries are reprehensive only)



[illegible]

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

REQUIRED DOCUMENTATION

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

APPLICANT INFORMATION

Applicant Name: DAVID Merritt Telephone: 904-651-1259
Mailing Address: 1704 Gorum Rd E-Mail: Bellacat 27@gmail.com
Jax FL 32225
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: DAVID Merritt Telephone: 904-651-1259
Mailing Address: 1704 Gorum Rd E-Mail: _____
Jax FL 32225

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: 1339 Pinewood Ln 178286-0000
Legal description of property (Attach copy of deed): lot 14 BIK 2 Ocean Forest Unit 1
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
Requesting corners of home to come 15' Part BHL center
will not cross shape of lot is 38' difference in 40'
dept of home

AFFIDAVIT

I, David Merritt, 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 Merritt
APPLICANT SIGNATURE

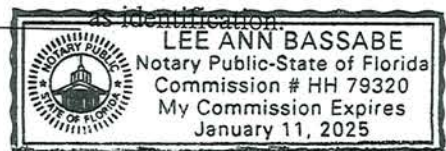
DAVID Merritt
PRINT APPLICANT NAME

10-30-21
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 01 day of December, 2021, by David E. Merritt, who is personally known to me or produced FL Drivers License as identification.

Lee Ann Bassabe
NOTARY PUBLIC SIGNATURE
Lee Ann Bassabe
PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X

CODE SECTION (S):

34-336(e)(1)c.1 for a front yard setback of 15 feet in lieu of 25 feet minimum to allow for construction of a new single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 21-100191

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

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	yes	lot. unusual shape
Special circumstances and conditions do not result from the actions of the applicant.	NO	lot was unusual shape when purchased
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	trying 1 story SF home on lot
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	yes.	due to shape of lot. home would need to be 2 story / house was only 880
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	yes.	ask for parcel house house to go part BHK
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	yes	Building SF home to confer with Neighbor how

Prepared by:
Laura Riebsame
All Florida Title Services, Inc.
4417 Beach Boulevard, Suite 105
Jacksonville, Florida 32207
File Number: 31542
Contract Sales Price: \$185,000.00

RECEIVED
21-100191
DEC - 1 2021

PLANNING & DEVELOPMENT

General Warranty Deed

Made this July 19, 2016 A.D. By **Julia E. Sanders**, whose address is: 19 12th Street South, Jacksonville Beach, Florida 32250, hereinafter called the grantor, to **David Edward Merritt and Brooke Ashley Merritt, joint tenants with rights of survivorship**, whose post office address is: 108 Florida Blvd, Neptune Beach, Florida 32266, hereinafter called the grantee:

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

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

Lot 14, Block 2, Ocean Forest Unit One, according to the plat thereof as recorded in Plat Book 25, pages 28, 28A and 28B, of the current public records of Duval County, Florida.

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

Parcel ID Number: **178286-0000**

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2015.

RECEIVED

21.100191

DEC - 1 2021

PLANNING & DEVELOPMENT

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Printed Name

Mandy Cervantes

Witness Printed Name

Sheila C. Harper

Julia E. Sanders

Address 19 12th Street South, Jacksonville Beach,
Florida 32250

(Seal)

Address:

State of Florida

County of Duval

The foregoing instrument was acknowledged before me this 19th day of July, 2016, by Julia E. Sanders, who is/are personally known to me or who has produced _____ as identification.

Notary Public

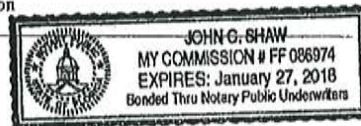
Print

Name:

John Shaw

My Commission

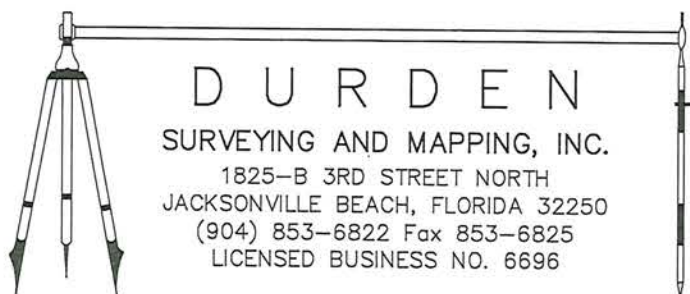
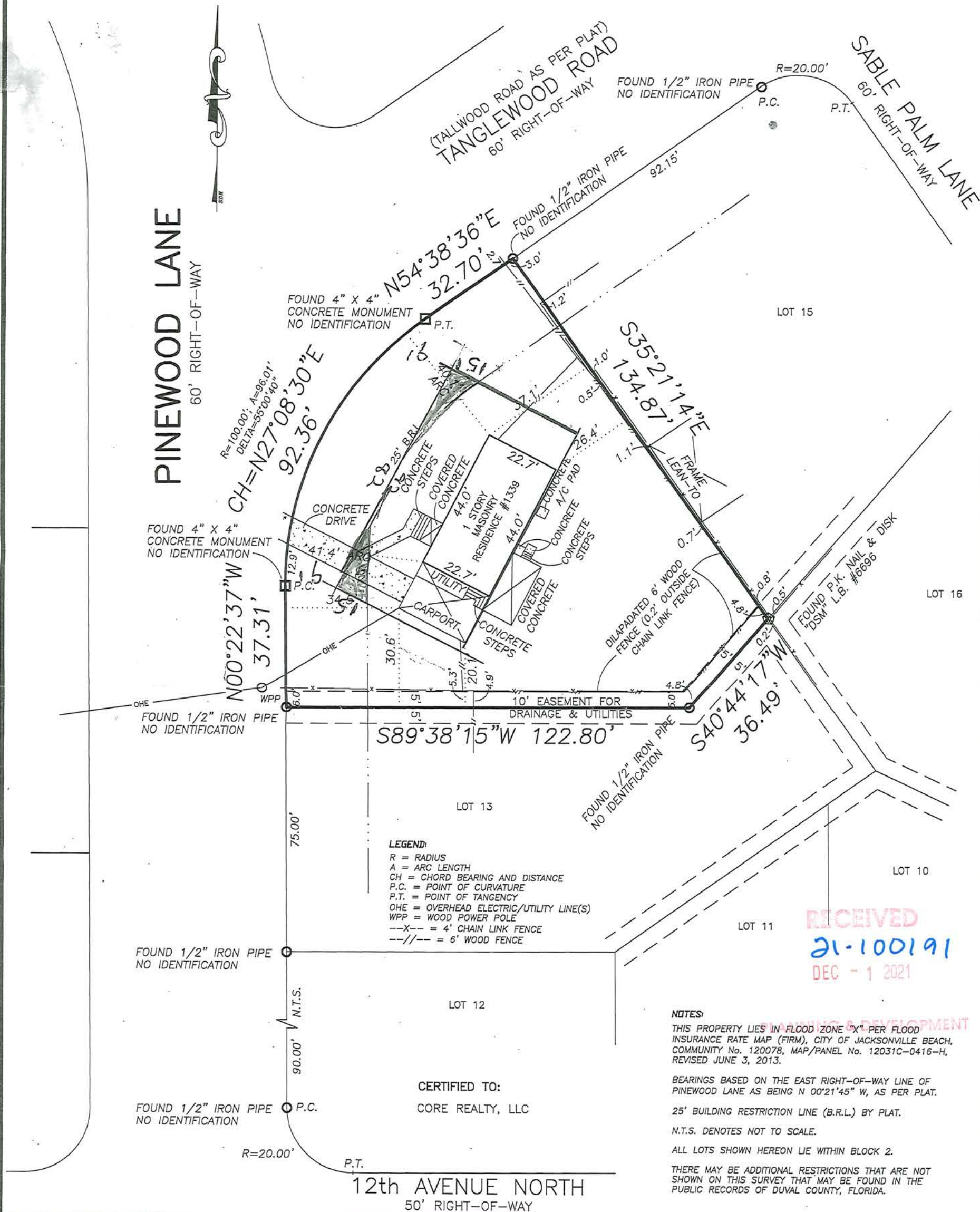
Expires:



PROPOSED

MAP SHOWING BOUNDARY SURVEY OF:

LOT 14, BLOCK 2, OCEAN FOREST UNIT ONE, AS RECORDED IN PLAT BOOK 25, PAGES 28, 28A and 28B OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



I hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes and Chapter 5J17 Florida Administrative Code

SIGNED Bruce Durdan
FLORIDA REGISTERED SURVEYOR No. 4207
H. BRUCE DURDEN JR.
SCALE: 1" = 30'
WORK ORDER NUMBER: 15046

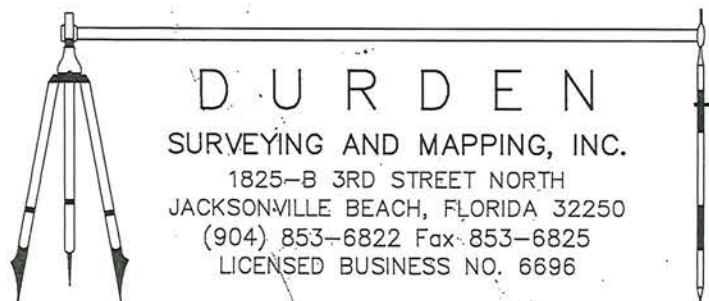
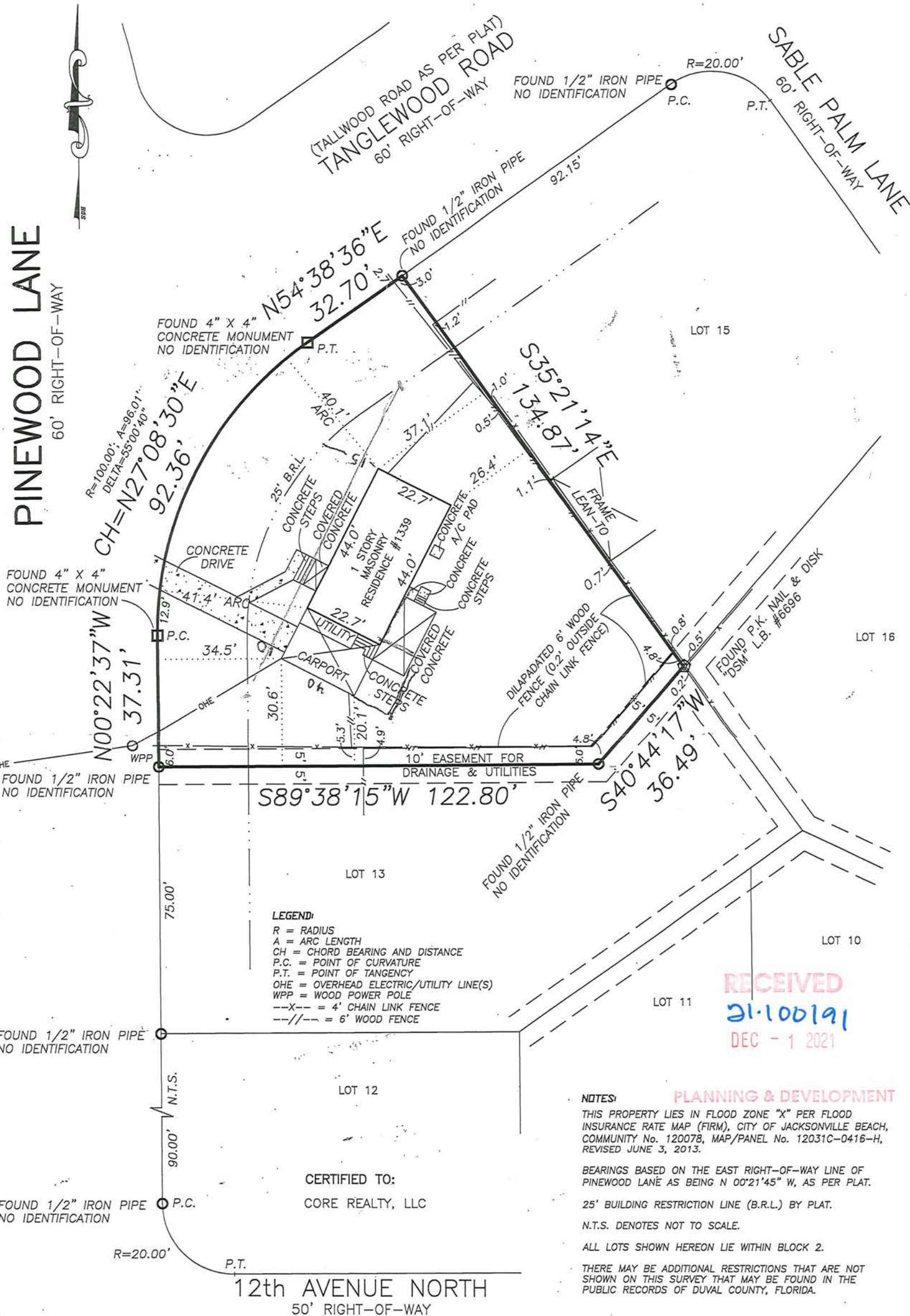
THIS SURVEY NOT VALID UNLESS THIS PRINT IS EMBOSSED WITH THE SEAL OF THE ABOVE-SIGNED.

B-8668

EXISTING

MAP SHOWING BOUNDARY SURVEY OF:

LOT 14, BLOCK 2, OCEAN FOREST UNIT ONE, AS RECORDED IN PLAT BOOK 25, PAGES 28, 28A and 28B OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



I hereby certify that this survey meets the minimum technical standards as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes and Chapter 5J17 Florida Administrative Code.

SIGNED Bruce Durdan
FLORIDA REGISTERED SURVEYOR No. 4701
H. BRUCE DURDEN, JR.
FEBRUARY 16, 2015
SCALE: 1" = 30'
WORK ORDER NUMBER 15046

THIS SURVEY NOT VALID UNLESS THIS PRINT IS EMBOSSED WITH THE SEAL OF THE ABOVE SIGNED.

B-8668

REFERENCE

LeeAnn Bassabe

From: Don Jacobs <Don.Jacobs@BeachChurchJax.com>
Sent: Monday, February 7, 2022 12:13 PM
To: Planning Division
Subject: BOA#21-100191

RECEIVED
via email
FEB - 7 2022
21-100191

PLANNING & DEVELOPMENT

I received a notice about a variance being requested at 1339 Pinewood Lane for a front yard setback RE# 178286-000 from 25 feet to 15 feet. I understand that by replying to the letter at this email address, it will be part of the record for the variance hearing.

I am opposed to granting a variance for the setback for several reasons.

- I believe the 25-foot setback allows our neighborhood to be "greener" and allow landscaping to be the priority over the size of the house. There is plenty of room for a large home to be built. No other house in that part of the older section is that close to the road.
- The owner of this property has had numerous complaints filed against this property including turning the house into a business storage area and cutting out interior and exterior walls for storing supplies for his business.
- He has cut down trees without permits, dropped trees on the house while still an occupiable structure and basically ignored being a DECENT neighbor.
- He finally tore down the house after multiple complaints to City Council member Sandy Golding. The house was totally unsafe, and we have children all over this neighborhood.
- I have filed complaints constantly with the City and the police department about the lack of safety and upkeep of that property.

I am totally opposed to any variance being granted for this property.



Don Jacobs

Executive Director of
Administration | Beach Church
(904) 249-2343

325 7th Ave N, Jacksonville Beach,
32250, USA

www.beachchurchjax.com



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

BOA#21-100198

Zoning: C-2
RE: 177310-0010
Legal: Part of Government Lot 6 Recorded Official Record 16804-1699
Address: 1036 Beach Boulevard

Request

Section(s): 34-377 for a reduction in required parking for 91 spaces in lieu of 108 spaces required to allow for the substantial renovation of an existing commercial retail structure

Exiting Conditions

The subject property is an existing lot of record, with an unknown date of origin. The lot can be traced back to 1984, making it a lot of record, but it likely predates that specific date. As it is an unplatted lot, records older than 1984 could not be obtained. The property is currently occupied by a large commercial structure built in 1996. The structure has been used as a retail sales facility and as an office since the early 2000s. The current site has an existing parking area, landscaping, and driveways that appear to date from the time of construction.

Previous Variances: No previous variances found. No open code cases noted.

Staff Analysis

The subject property is in the C-2 zoning district, which has very limited dimensional standards. The existing use is a conforming use based on retail sales and office. The existing structure is conforming to dimensional standards, but is non-conforming in parking spaces. The site was constructed with fewer parking spaces than are currently required in 1996. The applicant is proposing a substantial remodel of the structure with changes to the footprint to accommodate the addition of a covered drive thru drop off area for donations. The proposed changes will exceed 50% of the structure's value which would require the property to be brought into compliance with all applicable code requirements. The proposed upgrade will make the property more accessible with a third exit for donations onto Shetter Avenue. Additionally the applicant has proposed that the current parking is more than adequate to accommodate their customers. Although a formal parking study has not been conducted, staff has observed the parking area is generally underutilized during business hours. The current parking has maximized the area



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available with both parking spaces, landscaping and storm water and the applicant cannot physically provide further parking. Additionally, the Land Development Code does not have a specific use that accurately captures Goodwill's use as a unique retail establishment and office. The best practices proposed by the applicant would be a reasonable resource for reviewing parking requirements for this type of use.

Minimum Standards and Parking Requirements

Dimensional Standards

- Minimum lot area: None
- Minimum lot width: None.
- Minimum yards:
 - Front yard: Ten (10) feet.
- Side yard: None, except where adjacent to streets. If adjacent to a street, ten (10) feet. For a corner lot, the side yard on the corner shall be ten (10) feet.
- Rear yard: None.
- Floor area: None.
- Maximum lot coverage: Eighty-five (85) percent.
- Height: Thirty-five (35) feet.
- Off-street parking and loading. The off-street parking and loading standards for the C-2 zoning district are found in Article VIII, Division 1.

Parking

- One Space for each 250 square feet of floor area.

Review of Criteria

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

Staff does find that there are circumstances unique to the subject parcel of land. The property is unique in its size and shape, and the existing structure and parking currency occupy the maximum amount of space available. Additionally the parking standard does not fit the existing use and is burdensome, and currently the existing parking is underutilized.

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



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Staff does not find that circumstances are a result of the applicant. The current structure and parking was built in 1996. The applicant acquired the property and has operated in this location since 2004. Additionally the renovation proposed will not create additional demand as the use is not changing.

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

Staff finds that the proposed variance will not confer special privileges. The subject parcel is currently built to the within 5% of maximum lot coverage, but that 5% is currently occupied by the existing storm water facility. The need to update and renovate an older building is not a special privilege but a right allowed by any property owner. The minimal parking relief would allow an update to the structure without negatively impacting the surrounding 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 and undue hardship

Staff does find that literal interpretation of the code would deprive the applicant of rights and privileges. The existing uses are permitted in the C-2 zoning district. The applicant would be able to meet the parking standard but for the fact that the existing parking design and building location does not leave room to add additional parking spaces. The ability to renovate an existing structure for a legal use is a right enjoyed by all property owners throughout the C-2 zoning district.

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

Staff does find that the requested variances are the minimum variance needed to accommodate the proposed new home. The existing building, when renovated will require 108 parking spaces, and the applicant is asking for a reduction from the required amount to 91 spaces which is all they can provide.

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

Staff does find that the request is consistent with the comprehensive plan. The applicant is not requesting any deviations from the established future land use



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designation policies and is consistent with the Goals Objectives and Policies of the adopted comprehensive plan.

Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **APPROVAL of BOA21-100198**

Location Map (property boundaries are reprehensive only)



[illegible]

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA NO. 21-100198
HEARING DATE 2-15-22

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

REQUIRED DOCUMENTATION

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

APPLICANT INFORMATION

Applicant Name: David Rey Telephone: _____
Mailing Address: 4527 Lenox Ave E-Mail: drey@goodwilljax.org
Jacksonville, FL 32205
Agent Name: Josh Cockriel, P.E. Telephone: (904) 828-3900
Mailing Address: 12740 Gran Bay Pkwy W, Suite #2350 E-Mail: josh.cockriel@kimley-horn.com
Jacksonville, FL 32258
Landowner Name: David Rey Telephone: _____
Mailing Address: 4527 Lenox Ave E-Mail: drey@goodwilljax.org
Jacksonville, FL 32205

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: 1036 Beach Boulevard, Jacksonville Beach, FL 32250 (RE #177310 0010)
Legal description of property (Attach copy of deed): Deed has been attached
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
Request to reduce number of off-street parking spaces. Please see justification attached.

AFFIDAVIT

I, See attached agent authorization, 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.

Blair Knighting Blair Knighting Kimley-Horn 1-19-22
APPLICANT SIGNATURE PRINT APPLICANT NAME DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 19 day of January, 2022, by Blair Knighting, who is personally known to me or produced _____ as identification.

Sarah M. Crafford
NOTARY PUBLIC SIGNATURE
Sarah M. Crafford
PRINT NOTARY NAME



Sarah M. Crafford
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG944484
Expires 1/6/2024
(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: C-2 FLOOD ZONE: X
CODE SECTION (S):
34-377 for a reduction in required parking for 91 spaces in lieu of 108 spaces required to allow for the substantial renovation of an existing commercial retail structure

VARIANCE APPLICATION STANDARDS AND CONDITIONSBOA No. **21-100198**

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.

DEC 30 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	Please see attached justification.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Please see attached justification.
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	Please see attached justification.
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	Please see attached justification.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Please see attached justification.
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	Please see attached justification.

GOODWILL JACKSONVILLE BEACH
PARKING REDUCTION VARIANCE APPLICATION

21-100198

Project Description

The Goodwill store at 1036 Beach Boulevard in Jacksonville Beach has existed on this parcel since 2004. This commercial location includes a retail area, receiving area, and a GoodCareers center. GoodCareers centers are unique to Goodwill and are a no cost, full-service career center for people who want to find a job and develop the skills they need to be successful. This GoodCareers center serves as an important community service to the Jacksonville Beach area looking to enter the job market. Currently, this store is undergoing a remodel to upgrade the facility as well ensure efficiency. This remodel includes interior improvements, a small expansion to the north portion of the building, and a covered drive-through drop-off area to the west of the building. This new design will help upgrade the facility and become even more of an asset to the Jacksonville Beach citizens. The new drive-through drop-off area is a much safer and more efficient design than the existing drop-off area at the front. Overall, the request to reduce the required vehicle parking from 108 to 91 is minimal and will not have a negative impact to the community or the surrounding properties as described in the justification below. Lastly, because this Goodwill is located in a bike friendly beach community, Goodwill is adding ten (10) new bicycle parking spaces for their customers which will also help off-set the parking reduction.

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.*

This variance requests a decrease in the minimum required off-street parking spaces from 108 to 91. The proposed project includes the renovation and expansion of the existing Goodwill Retail Store. This parcel is unique to the surrounding area. There is a large (approximately 54 feet) of right-of-way dedication area between the sidewalk along Beach Boulevard and Goodwill's parcel boundary. Goodwill does not have any parking or infrastructure within this area however, the some of the other nearby businesses have located their parking and infrastructure within this right-of-way area. If Goodwill was able to utilize this area like the other businesses along Beach Boulevard, they would not need a parking reduction.

In addition, the City of Jacksonville Beach's Land Development Code (LDC) parking requirements are limited to a select few land uses. Therefore, "Shopping Center (up to 399,999 square feet)" was used to calculate the required parking for this Goodwill store. This structure is not used solely for retail like a typical shopping center, it is also a drop-off area for goods, and a GoodCareer center. The vehicle trip generation for a Goodwill is completely different than a Publix that would calculate their parking using the "Shopping Center (up to 399,999 square feet)" land use. Unfortunately, the Institute of Transportation Engineers (ITE) does not have a land use code that aligns exactly with a Goodwill. A more appropriate ITE land use code would be 815-"Free-Standing Discount Store" from the Parking Generation Manual (5th Edition) because it is more of a low-volume type retail store. This land use code on a Saturday during peak parking demand averages 2.20 per 1,000 square feet of gross floor area. This calculation for the proposed 24,546 square foot Goodwill building is only 58 parking spaces at peak hour on a Saturday. The proposed

91 parking spaces is well above this ITE parking generation study. In addition, that total square footage includes a 2,360 SF GoodCareer center and 7,083 SF of receiving area. It is understood that the GoodCareer center parking needs are far below that of a "Shopping Center". Also, the receiving area does not require parking because the new plan includes a drive-through drop-off area. This vehicle drive-through drop-off area eliminates the need for parking for those who are donating items and makes the site design more efficient. The receiving area is 7,083 SF of the total 24,546 SF that is used by the City to calculate the required 108 spaces.

The Beach Boulevard & Penman Road Jacksonville Transit Authority (JTA) bus stop is two blocks away from this Goodwill location. By providing bike parking and being near a local bus route helps mitigate the need for more vehicle parking spaces.

Decreasing the maximum parking capacity at this site will not create a nuisance in the area and will be consistent with the other businesses within the surrounding area.

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

The right-of-way dedication area removed the ability for this parcel to utilize the 54 feet of area that other parcels are using for their parking. In addition, the rear right-of-way area is also being used for parking by neighboring parcels. If Goodwill was able to use these two right-of-way areas (along Beach Boulevard and Shetter Avenue), the provided parking would be sufficient to meet the code requirements.

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.

The majority of the businesses along Beach Boulevard are utilizing the right-of-way (along Beach Boulevard and Shetter Avenue) for their parking. If Goodwill was permitted to use these areas for their parking, they would not need the variance for parking reduction. These additional areas for parking would enable the parcel to meet the City's required "Shopping Center (up to 399,999 square feet)" parking requirements.

Goodwill has been in this location since 2004 without any parking complaints. The existing 82 spaces have not been entirely utilized as there was a trailer and dumpster parked in many of those parking spaces. After many years in business in this location, Goodwill is able to provide testimony that the proposed parking is adequate for the proposed program.

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.

Goodwill has no past parking complaints, have not needed the entirety of the existing parking spaces for their use in all the years that they have been in this location, and all the surrounding businesses along Beach Boulevard are utilizing both two right-of-way areas for parking which

Goodwill is not. In addition, the current parking requirements for the City of Jacksonville Beach do not address Goodwill's unique use. Portions of the building have different low trip generation uses such as a low-volume retail store, a GoodCareers center that is only for people who are seeking employment assistance, and a holding facility for the drop-off items. The closest land use to this in the parking requirements is "Shopping Center (up to 399,999 square feet)". This land use includes uses such as grocery stores and big boxes. A Goodwill store does not generate the number of trips as those uses therefore, should not be held to the same standard. Goodwill has been in this location since 2004 and understands the parking needs of their customers. This slight reduction in parking spaces will not have a negative impact on the store, their customers or the surrounding businesses. In addition, ten (10) new bicycle parking spaces will be provided as part of this renovation.

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

By only providing the necessary parking for the users of this development, we are able to prevent the area from becoming an under-utilized parking lot. Also, we are able to reduce the amount of impervious surface area required and the associated heat island effect and drainage which will benefit the surrounding properties. The site does not meet the current landscaping requirements within the Land Development Code. The proposed plan will bring this site up to code which includes more landscaping. This also meets many of the policies within the Coastal Management Element of the 2030 Comprehensive Plan such as item "b" in Policy CM3.4.3:

Policy CM3.4.3

The City shall evaluate and adopt regulations to require or incentivize the following site development techniques and best management practices to reduce losses due to flooding and resulting insurance claims:

- a. Evaluate the feasibility of adopting more stringent drainage level-of-service standards as related to duration, frequency and recovery design criteria.*
- b. Evaluate the feasibility of revising regulations to reduce the extent of required impervious surfaces, including minimum and maximum off-street parking ratios, options for compact parking spaces, bicycle storage parking credits, specific shared parking ratios for uses with different peak periods, and use of pervious materials for driveways, parking and sidewalks.*

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.

The City of Jacksonville Beach's 2030 Comprehensive Plan emphasizes pedestrian and bicycle friendly development over providing an abundance of vehicle parking. Included within the proposed building renovation is the addition of ten (10) bicycle parking spaces for the customers as well as for the GoodCareers center. By providing only the vehicle parking needed for Goodwill

instead of the parking spaces required by the Land Development Code, this project meets several policies from various elements within the Comprehensive Plan as shown below.

Per Goal 1 of the Transportation Element, the City of Jacksonville Beach should "*establish a multi-modal transportation system that provides mobility for pedestrians, bicyclists, transit users, motorized-vehicle users, and is sensitive to the environmental amenities of Jacksonville Beach.*" This goal includes revising the parking standards to be more pedestrian, bike, and environmentally friendly. By providing only the needed parking spaces, adding bike spaces, and increasing the pervious surface area by bringing the on-site landscaping up to code, this project is meeting this goal of the Transportation Element.

Per Policy 1.3.3 of the Transportation Element, the City of Jacksonville Beach should, "*protect existing and proposed rights of way from development via strict enforcement of the minimum building and parking area setback regulations of the Land Development Code.*" This proposed project continues to meet the setback requirements in the Land Development Code as well as not encroaching in the right-of-way areas to the north and south like other businesses.

Lastly, by providing much needed bike parking in a beach community, this project is meeting the following policies within the 2030 Comprehensive Plan:

- A. Policy 3.1.2 of the Transportation Element states, "*the City shall require new development and redevelopment to support alternative modes of transportation through such measures as, but not limited to, the provision of sidewalks, bikeways, transit stops, or other facilities to support alternative modes, such as parking management systems and park-and-ride facilities.*"
- B. Policy 1.9.1 in the Land Use Element, "*The City shall promote pedestrian amenities and upgrades in association with new development/redevelopment and gateway corridors (Beach Boulevard, A1A, and Penman), including, but not limited to, the provision of sidewalk and bike path connections, walk lights, benches, bus shelters and bicycle parking.*"
- C. Policy 1.4.1 of the Transportation Element states, "*Except in any portions of the City where provisions of the Land Development Code may allow for*
 - a. *the provision of consolidated or free standing parking facilities, or for*
 - b. *contributions to the provision of pedestrian, bicycle or transit facilities in lieu of compliance with on-site parking requirements; the City shall ensure adequate vehicular access to new development by requiring new developments to provide onsite parking.*"

DEC 11 2011
21-100198

THIS INSTRUMENT PREPARED BY:
Patterson, Bond & Latshaw, P.A.

3010 South 3rd Street
Jacksonville Beach, FL 32250

RECORD AND RETURN TO:
Patterson, Bond & Latshaw, P.A.
3010 South 3rd Street
Jacksonville Beach, FL 32250

RE PARCEL ID #: 177310-0010

Book 11683 Page 584

Doc# 2004081712
Book: 11683
Page: 584
Filed & Recorded
03/11/2004 11:13:56 AM
JIM FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY
RECORDING \$ 5.00
TRUST FUND \$ 1.00
DEED DOC STAMP \$ 9,800.00

CORPORATE WARRANTY DEED

THIS INDENTURE made this 3rd day of March, 2004 by 1036 Beach Blvd., Inc., a Florida Corporation, hereinafter referred to as Grantor, whether one or more, and whose address is 2275 Atlantic Blvd, Neptune Beach, FL 32266, to Goodwill of North Florida, a Florida Not For Profit Corporation, hereinafter referred to as Grantee, whether one or more, and whose address is 4527 Lenox Avenue, Jacksonville, FL 32205

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

WITNESSETH:

THAT Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations, in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to Grantee the following described land situate, lying and being in the County of Duval, State of Florida to wit:

A part of Government Lot 6, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows: Begin at the intersection of the West line of 10th Street (A 50 foot right of way) and the South line of Beach Boulevard; Thence South 89 Degrees 27 Minutes 20 Seconds West, a distance of 209.0 feet along the South line of said Beach Boulevard; Thence South 08 Degrees 11 Minutes 04 Seconds East, a distance of 381.38 feet to the North line of Shetter Avenue (a variable width right of way); Thence North 80 Degrees 01 Minutes 30 Seconds East, a distance of 218.3 feet along the North line of Shetter Avenue to its intersection with the West line of 10th Street; Thence North 10 Degrees 00 Minutes 10 Seconds West, a distance of 346.94 feet along the West line of said 10th Street to the South line of Beach Boulevard and the point of beginning.

SUBJECT TO taxes accruing subsequent to December 31, 2004.

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

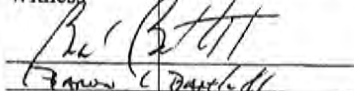
AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple and fully warrants the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

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

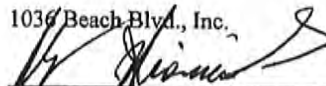
Signed, sealed and delivered in our presence;


LAWRENCE R. PATTERSON

Witness


Witness

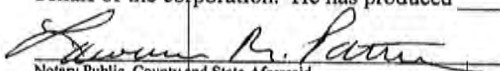
1036 Beach Blvd., Inc.


By: Chris Hionides, its President

RECEIVED
21-100198
DEC 30 2004

STATE OF Florida
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 4th day of March, 2004 by 1036 Beach Blvd., Inc., a Florida Corporation, signed by Chris Hionides, as its President, on behalf of the corporation. He has produced driver's license as identification.


Notary Public, County and State Aforesaid
LAWRENCE R. PATTERSON

Notary Printed Signature

Page 1 of 2

Form software by: Automated Real Estate Services, Inc. - 800.330.1295

File: 04-5159-JJK



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21.100198
DEC 30 2021

December 06, 2021

PLANNING & DEVELOPMENT

City of Jacksonville Beach
Planning and Development Department
11 N. Third Street
Jacksonville Beach, FL 32250

RE: *Agent Authorization*

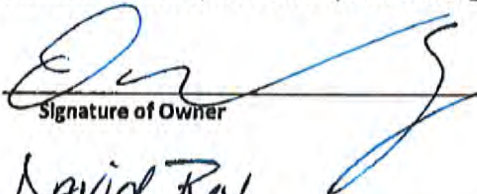
To Whom It May Concern:

Please be advised that I, David Rey, as Property Owner for Goodwill Industries of North Florida, Inc., hereby certify is the owner of the property described in Exhibit 1 Legal Description. As the authorized agent, I hereby authorize and empower:

Kimley-Horn and Associates, Inc. at
12740 Gran Bay Parkway West, Suite 2350
Jacksonville, FL 32258
Phone: 904 828 3900

to act as agent for all Entitlement and Concurrency applications for the properties located at:
1036 Beach Boulevard.
Jacksonville Beach, FL 32250
(RE# 177310 0010)

and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.



Signature of Owner
David Rey

Printed Name of Owner



Signature of Authorized Agent
Josh Cockriel

Printed Name of Authorized Agent

State of FLORIDA County of Duval

The foregoing application is acknowledged before me this 16th day of Dec 2021

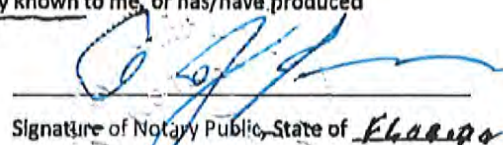
By DAVID REY, who is/are personally known to me, or has/have produced

as identification.

NOTARY SEAL



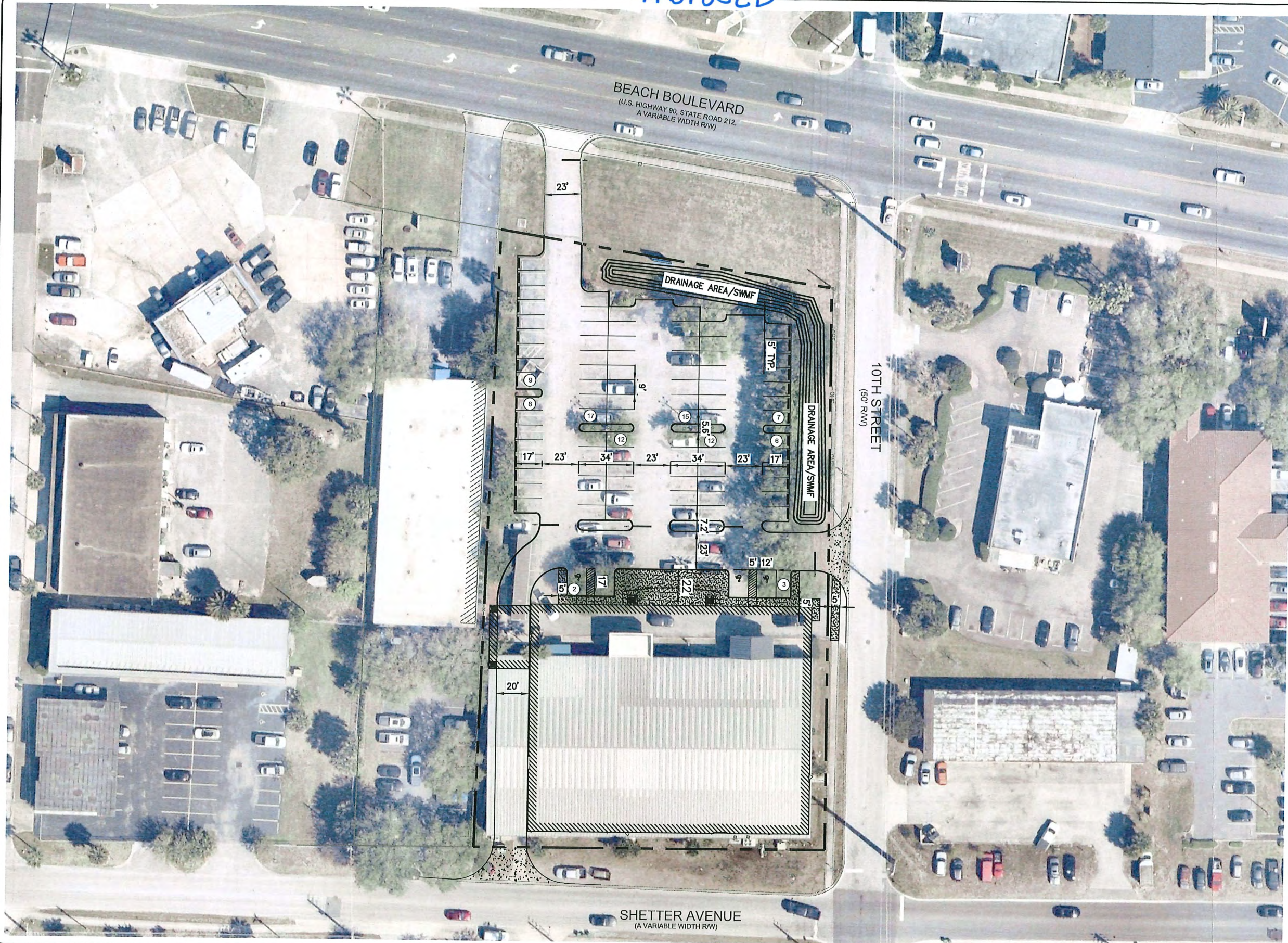
ANDRE J TARRANCE
Commission # 00175328
Expires March 28, 2022
Good and True Notary Services



Signature of Notary Public, State of Florida

Drawing name: K:\AX_Civil\Jax Beach\Goodwill\Exhibits\2021-12-28 Variance Application Site Plan - 17x11.dwg Layout! Dec 28, 2021 11:15am by: Robert Miller

PROPOSED



**PROPOSED GOODWILL BUILDING
RENOVATED BUILDING SHOWN**
LOT AREA APPROX. 77,537 SQ. FT.

SITE DATA SUMMARY

SITE DATA INFO FOR RE# 177310 0010

ZONING: COMMERCIAL (C-2)

FUTURE LAND USE: COMERCIAL

LOT SIZE (SF)	77,373
LOT SIZE (AC)	1.78
BUILDING (SF)	24,546
BUILDING GFA (SF)	26,906
FAR	31.72%
LANDSCAPE AREA (SF)	16,051
PAVING (SF)	36,776
ISR MAX. ALLOWED	85.00%
ISR	79.26%

REQUIRED PARKING CODE:
SECTION 34-377. - OFF-STREET PARKING SPACE REQUIREMENTS

REQUIRED PARKING FOR COMMERCIAL RETAIL USES:
• ONE SPACE PER TWO HUNDRED AND FIFTY (250) SQ. FT. OF FLOOR AREA

• REQUIRED PARKING:	108 SPACES
• PROPOSED PARKING:	91 SPACES
• BIKE PARKING REQUIRED:	0 SPACES
• BIKE PARKING PROPOSED:	10 SPACES

21-100198

DEC 30 2021

PLANNING & DEVELOPMENT

GOODWILL RENOVATION - VARIANCE APPLICATION
DECEMBER 28, 2021 • CONTACT: JOSH COCKRIEL, P.E. (904) 828-3900

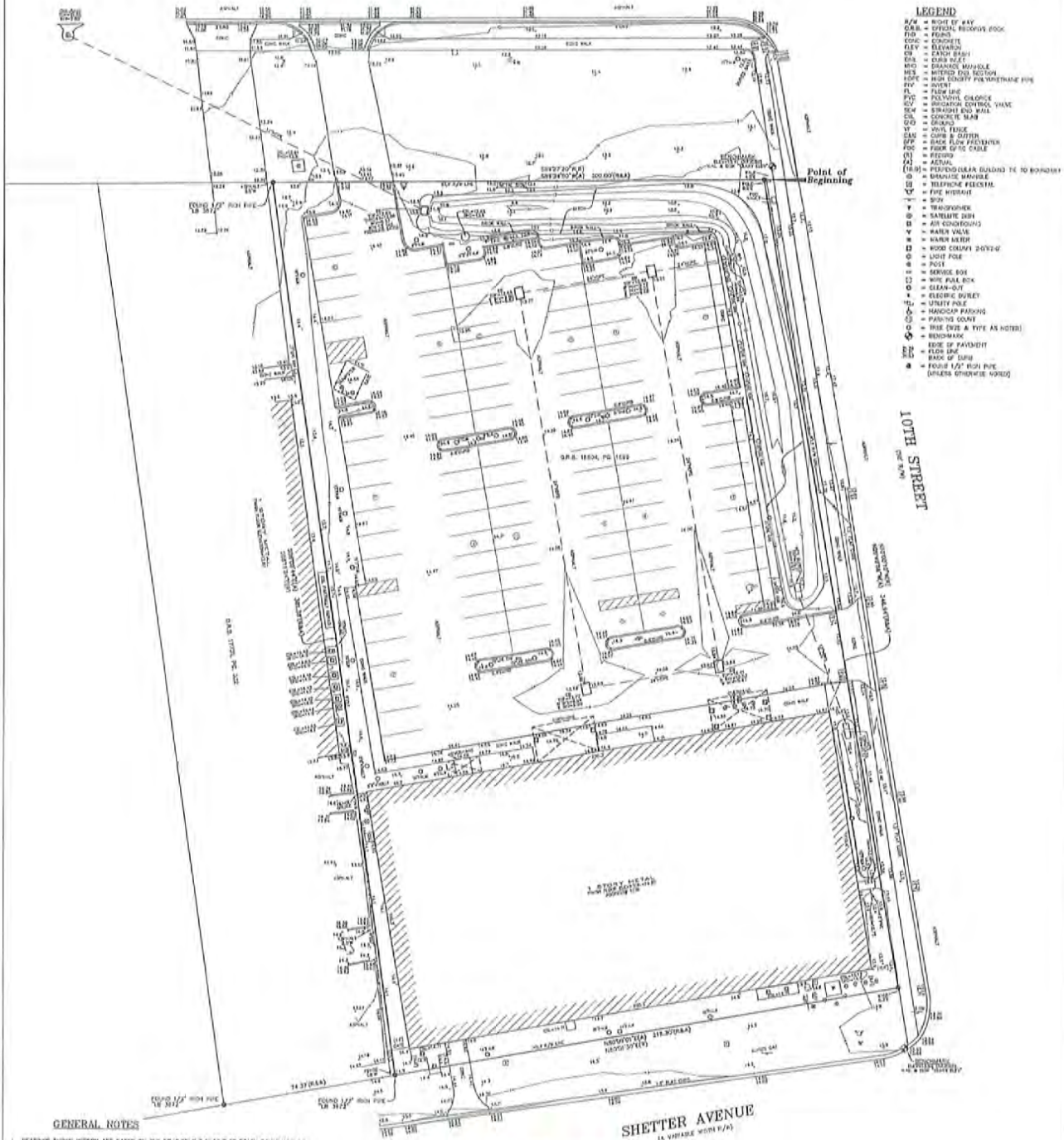
JACKSONVILLE BEACH
FLORIDA

Kimley»Horn



OFFICIAL RECORDS BOOK 11204, PAGE 1899

GRAPHIC SCALE
 (H. FEET)
 1" = 20'

(U.S. HIGHWAY 50, STATE ROAD 212,
A VARIABLE WIDTH R/W)[illegible]

RECEIVED
21-100198
DEC 30 2021

PLANNING & DEVELOPMENT

2021-874
2021-874-2
JOB No. 2021-874-3 DRAFTING: EJC PARTY CHIEF: BRANDENBURG F.B. DIGITAL CAD FILE: 2021-874.DWG/TOPO/TREES.DWG CHECKED BY: DATE: 10/21/21

STUDY UNIT: UNITED KINGDOM OFFICIAL RESEARCH REGION

NAME: MR. J. H. J. VAN DER WERF RESEARCH UNIT

ADDRESS: 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 82



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

BOA#22-100002

Zoning: RS-1
RE: 178280-0000
Legal: Lot 8, Block 2, Ocean Forest Unit 1
Address: 1819 12th Avenue North

Request

Section(s): 34-336(e)(1)c.2, for eastern and western side-yard setbacks of 8.5 feet in lieu of 10 feet minimum; and 34-336(e)(1)e, for 42% lot coverage in lieu of 35% maximum to allow for construction of new additions, a new swimming pool and pool deck and to rectify existing non-conformities at an existing single family dwelling

Exiting Conditions

The subject property is an existing lot of records (circa 1954) located in the Low Density Residential future land use category. The property is currently located in the Residential Single Family: RS-1 zoning district. The subject property is a legal nonconforming lot that measures 65 feet in width and 110 feet in depth with an area of 7,150 square feet. The current home is a one story with a single car garage. The home currently has side yard setbacks of 8.4 feet on the western property line and 8.5 feet on the eastern property line. These are less than the required 10 feet in the RS-1 zoning district. The home currently meets the front and rear setback but is less than the required 1600 square feet in size, measuring 1,200 square feet including the garage.

Previous Variances: Variance BOA21-100156 was approved in November of 2021 for rear side yard setbacks to address existing non-conformities and to allow for a rear addition.

Staff Analysis

The subject home and lot are both non-conforming. The lot is nonconforming in both area and width for the RS-1 zoning district. The home currently has nonconforming side yard setbacks on both the east and west. The proposed additions consist of a rear addition that would be within the 30 foot rear setback but would add roughly 700 square feet to the rear of the home, bringing the square footage in line with the minimum required under the RS-1 dimensional standards. Additionally, the applicant is proposing a small addition to the front of the home that would restore the existing garage to a useable depth. Currently the garage is too short for use as a parking space. The front addition would be in compliance with the



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front yard setback of 25 feet and would add roughly 50 square feet of area to the front of the home. All of these additions combines, along with the new pool deck would increase the lot coverage to 42%.

Minimum Dimensional Standards

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

Review of Criteria

1. **Special conditions and circumstances exist which are peculiar to the parcel of land, building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district;**
Staff does find that there are circumstances unique to the subject parcel of land. The property is substandard in width and area. The home currently doesn't meet the dimensional standards for setbacks or minimum square footage.



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

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

Staff does not find that circumstances are a result of the applicant. The lot was platted in 1954 and the home was built in 1958 and is mostly unchanged since construction. The applicant purchased the home in early 2021.

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

Staff finds that the proposed variance will not confer special privileges. The applicant is proposing to bring the home into compliance with some aspects of the dimensional standard but due to the location of the current home on the lot and the undersized nature of the lot itself need relief to accomplish their goals which are consistent with normal use of a single family lot.

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

Staff does find that literal interpretation of the code would deprive the applicant of rights and privileges. The applicant would be able to add onto their house and add a pool but for the limitation of the property and the existing nonconformities of the home. Additions and accessory uses are common for single family homes.

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

Staff does find that the requested variances are the minimum variance needed to accommodate the proposed new home. The request for side yard setback relief is to address existing nonconformities of the historic home. The lot coverage request is minimal to allow the house to be more conforming to other dimensional standards that address minimal square footage of single family homes.

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.



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

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

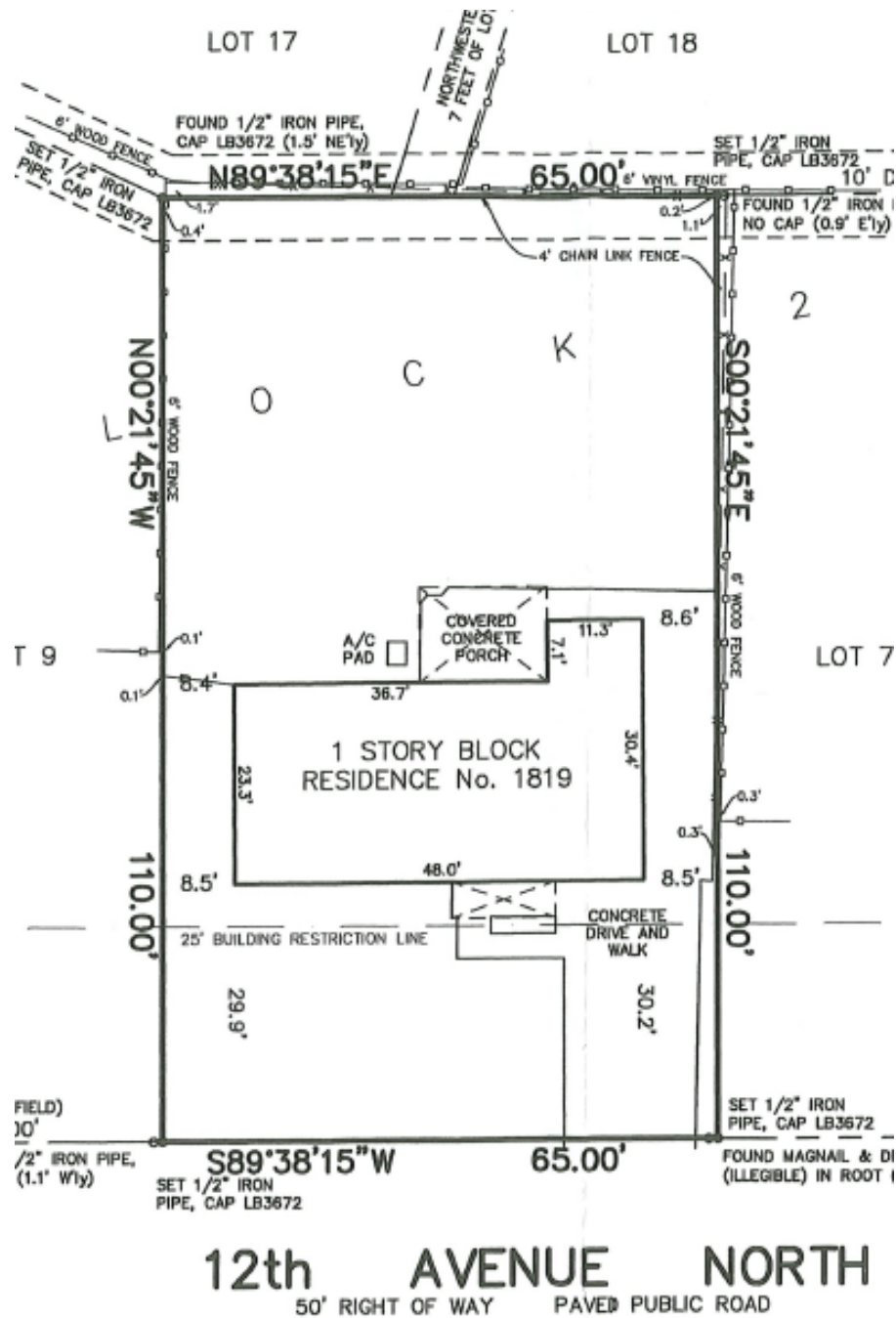
Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **APPROVAL of BOA22-100002**

Location Map (property boundaries are reprehensive only)



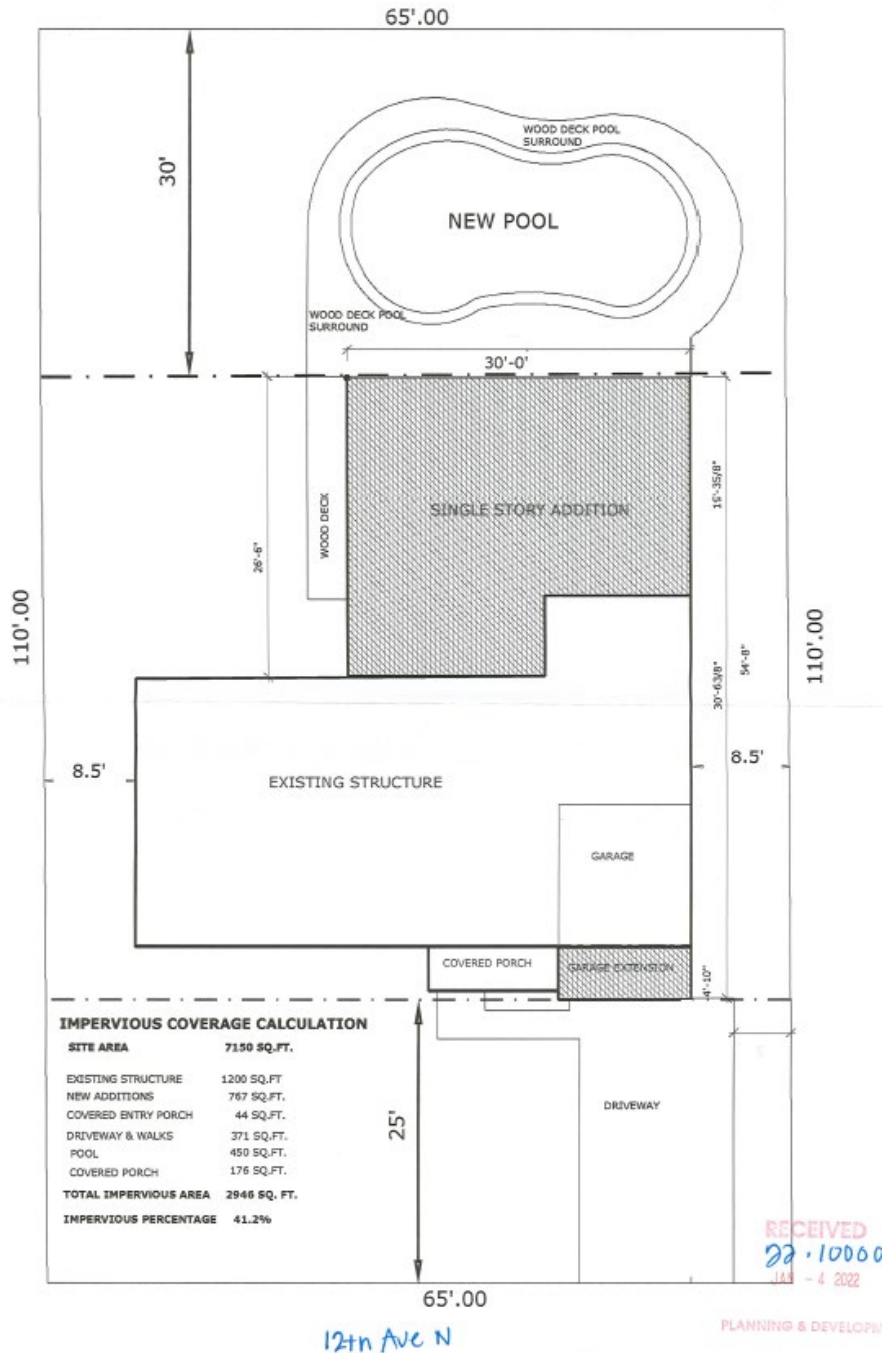
Existing Survey





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

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 22-100002
HEARING DATE 2.15.22

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
10:30
JAN - 4 2022

APPLICANT INFORMATION

PLANNING & DEVELOPMENT

Applicant Name: Mark Juliano Telephone: (904) 532-6614
Mailing Address: 1647 Third Avenue North E-Mail: mjuliano1413@yahoo.com
Jacksonville Beach Fl
Agent Name: Peter Coalson Telephone: (904) 759-2556
Mailing Address: 1614 Coquina Place E-Mail: petercds.coalson@gmail.com
Atlantic Beach Fl
Landowner Name: Robert Nathan Danials Telephone: (352) 281-4030
Mailing Address: 251 SE 73rd Street E-Mail: rlbd122016@gmail.com
Gainesville Fl

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: 1819 12th Avenue North Jacksonville Beach 178280-0000
Legal description of property (Attach copy of deed): Lot 8 Blk 2 Ocean Forest Unit 1
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
Requesting reduction in side yard set back from 10 feet to 8.4 Feet / 41% LOT COVERAGE

AFFIDAVIT

I, Mark Juliano, 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.

Mark Juliano
APPLICANT'S SIGNATURE

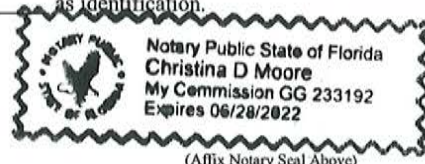
Mark Juliano
PRINT APPLICANT NAME

1/4/22
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 4 day of January, 2022, by Mark Juliano, who is personally known to me or produced Driver license as identification.

Christina D. Moore
NOTARY PUBLIC SIGNATURE
Christina D. Moore
PRINT NOTARY NAME



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1 FLOOD ZONE: X
CODE SECTION (S):
34-336(e)(1)c.2, for eastern and western side-yard setbacks of 8.5 feet in lieu of 10 feet minimum; and
34-336(e)(1)e, for 42% lot coverage in lieu of 35% maximum to allow for construction of new additions,
a new swimming pool and pool deck and to rectify existing non-conformities at an existing single family
dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-100002

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.

JAN - 4 2022

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	The platted lot size of this parcel is 7150 sq.ft. Under revised zoning, current lots are a minimum of 10,000 sq.ft.. revised lot restrictions including a 10' side setback. and a 35% coverage restriction unfairly limits the expansion of this property.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	The current owner purchased this property after revisions of the zoning code currently in effect.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	The variance will allow for the expansion of the 999 sq.ft. Meeting the new zoning standards would prevent the extension of the existing foot print. Lot coverage for a conforming lot allows 3,500 sq.ft. of impermeable coverage we are requesting 2,946sq.ft. of coverage
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	Requiring the applicant to adhere to proscribed side line setbacks and 35% coverage on a smaller lot would limit the efficient design of the additions. Further value of redesigned residence would be diminished by the restrictions.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	The redesigned residence meets the front and rear setback restrictions as well as the west side line setback. we are requesting 8.5. side setback instead of 10' for one sideline & The relief from 35% lot coverage requirement which allows only 2502 sq.ft. of coverage. Well below the 3500 sq.ft. of coverage t. afforded conforming lots. this Variance request 41% coverage (2,946 sq.ft.)
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	Granting the Variance will allow not only the efficient expansion of the small residence but will contribute to the overall improvement of the residence consistent with the Comprehensive Plan's goal of to improve physically declining properties.



REFERENCE

DEPARTMENT OF PLANNING & DEVELOPMENT
CERTIFIED MAIL RETURN - RECEIPT REQUESTED

7020 2450 0000 7999 5014

November 4, 2021

Mark Juliano
1647 3rd Avenue North
Jacksonville Beach, FL 32250

FILE COPY
RECEIVED
22-100008
JAN - 4 2022

DEVELOPMENT ORDER FOR VARIANCE

BOA#21-100156
1819 12th Avenue North
Lot 8, Block 2, *Ocean Forest Unit One*

PLANNING & DEVELOPMENT

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, November 2, 2021, in the City Council Chambers located at 11 3rd Street North, Jacksonville Beach, Florida, to consider a development permit application requesting to deviate from the requirements of the Land Development Code as described below:

- 34-336(e)(1)c.2, for east side setback of 8.5 feet and west side yard setback of 8.4 feet respectively in lieu of 10 feet required

To allow for construction of a rear addition and to rectify existing non-conformities at an existing single family dwelling

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

The Board **Approved** the request.

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

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

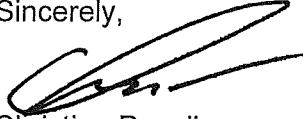
City of
Jacksonville Beach
City Hall
11 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6231
Fax: 904.247.6107
Planning@jaxbchfl.net

www.jacksonvillebeach.org



CONTINUED ON PAGE 2

Sincerely,



Christian Popoli
Senior Planner

DISCLAIMER

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

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org



BOA#21-100156

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22-100002
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Durable Limited Power of Attorney (Property, Mortgage and Insurance)

PLANNING & DEVELOPMENT

I, the undersigned principal, Robert Nathan Daniels resident of the State of Florida, hereby appoint Mark Steven Juliano with an address of 1647 3rd Ave N Jacksonville Beach FL 32250 hereinafter referred to as the Agent, as my attorney in fact, hereby granting the Agent full power and authority, to act in name and place of Principal to perform the acts and matters set forth herein.

THIS POWER SHALL BECOME EFFECTIVE AS OF THE DATE I SIGN THIS DOCUMENT AND SHALL NOT BE AFFECTED BY MY DISABILITY, INCAPACITY OR INCOMPETENCY OR BY ANY UNCERTAINTY AS TO WHETHER I AM DEAD OR ALIVE.

I grant the Agent the authority to exercise any or all of the following powers:

To perform all actions in the name and place of Principal related to the real property located at 1819 12th Ave N Jacksonville Beach FL 32250 (the "Property"), which includes, but is not limited to, making mortgage payments related to the Property, filing for permits, hiring contractors, making renovations, as well as, updating contact information with any mortgage company, obtaining mortgage information, obtaining mortgage payoff amounts, obtaining accountings from any mortgage company, instructing any mortgage company with respect to the application or payment of any funds held in escrow by the mortgage company, instructing and directing any mortgage company regarding the payment of any insurance amounts paid by any insurance company to Principal and/or mortgage company related to the Property, arranging for insurance related to the Property, making all insurance payments, updating contact information with any insurance company for insurance related to the Property, cancelling, procuring, or obtaining insurance for the Property in the name of the Principal, instructing and directing any insurance company regarding the payment of any insurance recovery for any loss related to the Property, real estate closings related to the Property, instructing and directing any escrow agent with respect to any transaction related to the Property, and executing any and all documents on behalf of Principal related to the Property.

The Agent may perform the actions listed above even if such actions result in a direct or indirect benefit to Agent. This Durable Limited Power of Attorney shall pertain ONLY to matters concerning the aforementioned real property, and in those matters shall be absolute. This Durable Limited Power of Attorney shall become valid as of date executed by the Principal and be in force thereafter.

[SIGNATURES ON FOLLOWING PAGE]


Initials

Robert N. Daniels
Signature of Robert Nathan Daniels

7/13/21
Date Signed

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PLANNING & DEVELOPMENT

For Principal:

I Mark Steven Juliano, the principal, sign my name to this power of attorney this day of July 13th, 2021 and, being first duly sworn, do declare to the undersigned authority that I sign and execute this instrument as my power of attorney and that I sign it willingly, or willingly direct another to sign for me, that I execute it as my free and voluntary act for the purposes expressed in the power of attorney, and that as required by A.R.S. § 14-5501, I am/ eighteen years of age or older, of sound mind, and under no constraint or undue influence.

Mark S. Juliano
Principal Signature

For Witness:

I, April Juliano, the witness, sign my name to the foregoing power of attorney being first duly sworn, and do declare to the undersigned authority the principal signed and executed this instrument as the principal's power of attorney and that the principal signed it willingly, or willingly directed another to sign for the principal, and that I, in the presence and hearing of the principal signed this power of attorney as witness to the principal's signing, and to the best of my knowledge the principal is eighteen years of age or older, of sound mind, and under no constraint or undue influence.

April Juliano
WITNESS NAME

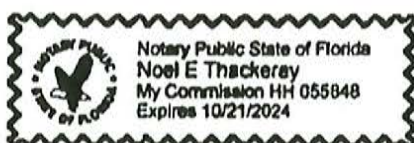
April Juliano
Signature

Notary Acknowledgement

STATE OF Florida

COUNTY OF Duval

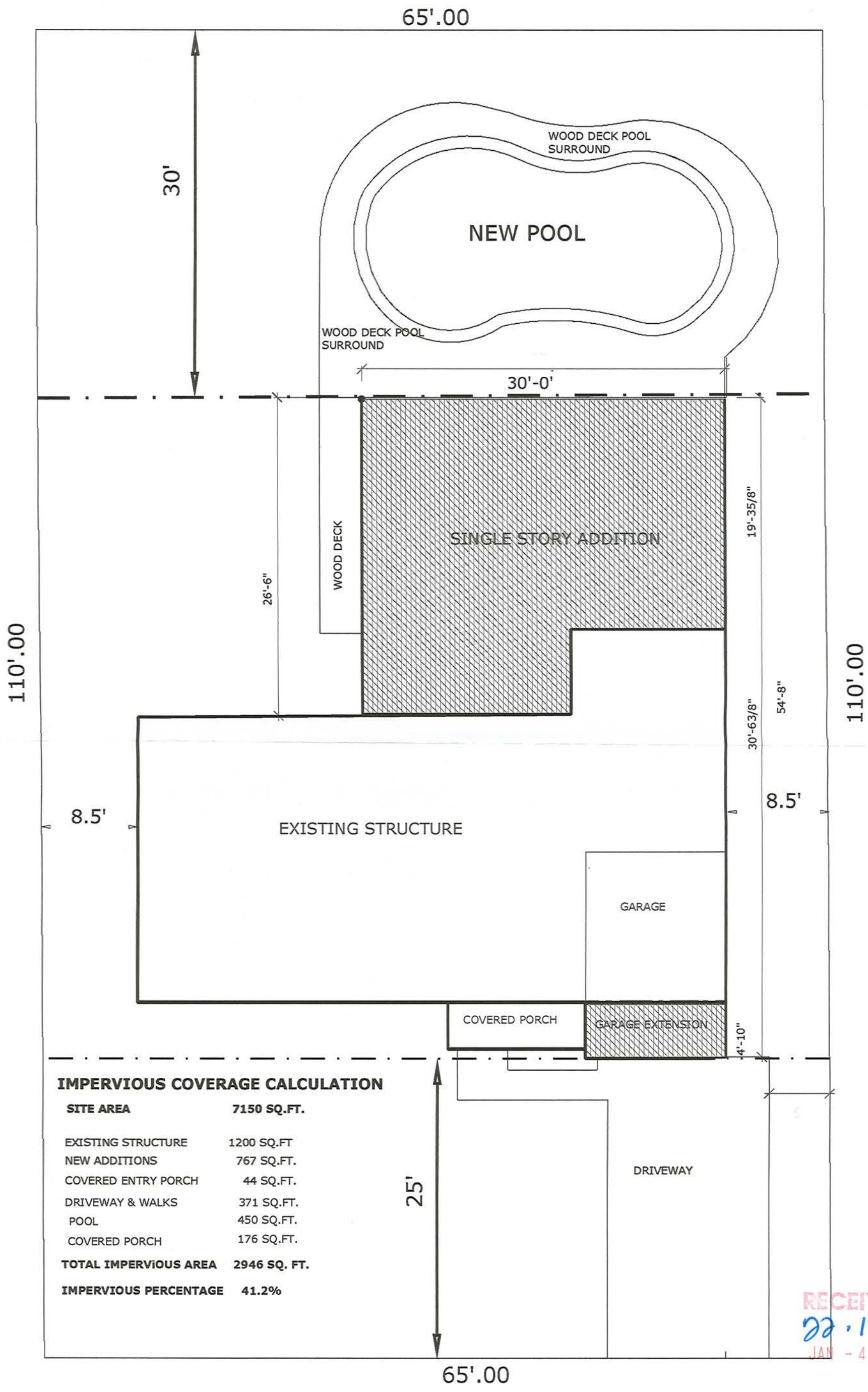
Subscribed, sworn to or affirmed, and acknowledged before me by Robert N. Daniels, the principal, and subscribed and sworn to or affirmed before me by April Juliano witness, this 13 day of July, 2021



Noel E. Thackeray
Notary Public Signed
10/21/24
My Commission Expires

PD
Initials

PROPOSED



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12th Ave N

PLANNING & DEVELOPMENT

EXISTING

MAP SHOWING SURVEY OF

LOT 8. BLOCK 2, OCEAN FOREST UNIT ONE ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 25, PAGES 28, 28A & 28B OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

PINEWOOD ROAD
60' RIGHT OF WAY PAVED PUBLIC ROAD

0 10 20 40
SCALE: 1" = 20'

RADIUS = 20.00'

N89°38'15"E
FOUND CONCRETE
MONUMENT, NO CAP

(274.88' FIELD)
275.00'
FOUND 1/2" IRON PIPE,
NO CAP (1.1' W'y)

SET 1/2" IRON
PIPE, CAP LB3672

S89°38'15"W

65.00'

SET 1/2" IRON
PIPE, CAP LB3672
FOUND MAGNAIL & DISK
(ILLEGIBLE) IN ROOT (1.0' W'y)

130.00'

FOUND 1/2" IRON
PIPE, NO CAP

(65.05' FIELD)
65.00'

FOUND 1/2" IRON
PIPE, NO CAP

(64.96' FIELD)
65.00'

FOUND 1/2" IRON
PIPE, CAP LB3672

12th AVENUE NORTH

50' RIGHT OF WAY PAVED PUBLIC ROAD

THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031C0416J, EFFECTIVE NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

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

THIS SURVEY IS CERTIFIED TO: ALPINE PROPERTIES 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

CHECKED BY: _____

DRAWN BY: SWC

FILE: 2021-1061

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

DATE: AUGUST 9, 2021

SHEET 1 OF 1

- NOTES
1. THIS IS A BOUNDARY SURVEY.
 2. BEARINGS ARE BASED ON THE NORTH RIGHT OF WAY LINE OF 12th AVENUE NORTH BEING SOUTH 89°38'15" WEST, AS PER PLAT.
 3. 25 FOOT BUILDING RESTRICTION LINE PER PLAT.
 4. EASEMENT AS PER PLAT.

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