



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Regular Meeting Agenda - Amended

Board of Adjustment

Tuesday, May 17, 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 April 19, 2022

B. Regular Board of Adjustment Meeting held on May 3, 2022

CORRESPONDENCE

OLD BUSINESS

A. Request for Successive Application for BOA#22-100012

NEW BUSINESS

A. **Case Number(s): BOA#22-100032**

Applicant: Chad Bolen

Agent: N/A

Owner: Chad Bolen

Property Address: 610 Holly Drive

Parcel ID: 177848-0000

Legal Description: Lot 2, Block 10, *Pine Grove Unit 2*

Current Zoning: RS-1

Motion to 34-336(e)(1)e, for lot coverage of 48% in lieu of 35% maximum; 34-

Consider: 336(e)(1)g, for an accessory structure setback of 1.5 feet in lieu of 5 feet minimum along the northerly side yard, to allow for construction of an expanded swimming pool deck; and 34-373(a) for a gravel driveway in lieu of a required paved driveway at an existing single-family dwelling

B. **Case Number(s): BOA#22-100033**

Applicant: Salt Air Homes, Inc., Mr. Oliver Kraut

Agent: N/A
Owner: Salt Air Homes, Inc., Mr. Oliver Kraut
Property Address: 715 7th Avenue North
Parcel ID: 174393-0000
Legal Description: Lot 9, Block 88, *Pablo Beach Improvement Company's Plat of Northern Portion of Pablo Beach*
Current Zoning: RS-2
Motion to **DEFERRED FOR DEFICIENT NOTICE**
Consider: 34-336(e)(1)e, for lot coverage of 48% in lieu of 35% maximum; 34-336(e)(1)g, for an accessory structure setback of 1.5 feet in lieu of 5 feet minimum along the northerly side yard, to allow for construction of an expanded swimming pool deck; and 34-373(a) for a gravel driveway in lieu of a required paved driveway at an existing single-family dwelling

C. **Case Number(s): BOA#22-100039**

Applicant: Laura Polinsky & Kyle Godwin
Agent: N/A
Owner: Laura Polinsky & Kyle Godwin
Property Address: 910 13th Avenue South
Parcel ID: 176856-0020
Legal Description: Lot 2, Block 140, *Oceanside Park*
Current Zoning: RS-2
Motion to 34-337(e)(1)e, for lot coverage of 48% in lieu of 35% maximum to allow for
Consider: construction of a swimming pool deck at an existing single-family dwelling

PLANNING DEPARTMENT REPORT

A. The next scheduled meeting is Tuesday, June 7, 2022. There are six scheduled cases.

ADJOURNMENT

NOTICE

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

Information concerning the hearing process is available online at www.jacksonvillebeach.org/publichearinginfo and a copy is also posted in the City Hall first floor display case. In accordance with Section 286.0114, Florida Statutes, any member of the public can attend the public hearing and can be heard on any matter presented before the Agency. Anyone who wishes to provide live public comment should complete a "Speaker Request Card" and submit it to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. Speakers will be called to address the Agency when specified items are under consideration and will be limited to a maximum of three minutes or less, at the discretion of the presiding officer.

Alternatively, written public comment can be submitted in advance and must include the following: (1) First Name, (2) Last Name, (3) Address, (4) Public Hearing Date, (5) Specific Agenda Item(s), and (6) Comments. Written public comments may be submitted by one of the following options: (1) Email to the Agency Administrator at planning@jaxbchfl.net, (2) Postal mail to Community Redevelopment Agency Administrator - Public Comment, 11 3rd Street North, Jacksonville Beach, FL 32250, or (3) Drop off in-person to Planning and

Development at City Hall. Written comments that include all required information and are received 24 hours in advance of the meeting will be distributed to the Agency and attached to the related agenda item before the start of the meeting. Written public comments will be read into the record at the appropriate time and will be limited to three (3) minutes of reading time. All comments received are public record.

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

cc: City Manager; City Attorney

**Minutes of Board of Adjustment Meeting
held Tuesday, April 19, 2022, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairperson Alexi Gonzalez called the meeting to order at 7:00 P.M.

ROLL CALL

Chairperson: Alexi Gonzalez

Vice-Chairperson: Owen Curley

Board Members: Dan Elmaleh (absent)

Jeff Truhlar

John Moreland

Alternates: Todd Smith

Jennifer Williams

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

APPROVAL OF MINUTES: None

CORRESPONDENCE: None

OLD BUSINESS:

A. Case Number: BOA#22-100012

Applicant: New Atlantic Builders, Inc

Agent: Stephen B. Williams

Owner: DaveCar Investments, LLC. / Daryl Grubbs

Property Address: '0' 12th Avenue South

Parcel ID: 176191-0000

City of Jacksonville Beach Land Development Code Section(s): Section(s): 34-340(e)(1)c.2, for a side yard setback of 7.5 feet in lieu of 10 feet minimum; and 34-340(e)(1)f, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new two-family dwelling.

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

Agent: Stephen Williams, 3731 Duval Drive, Jacksonville Beach, stated the hardship was the substandard width of the property.

A discussion ensued regarding building a smaller structure, a three-family unit structure, and rezoning.

Senior Planner Christian Popoli clarified that they would not be able to do three units based on the lot size regardless of their density limit. He further explained the Code allows for a two-unit multifamily, but they would be limited to condominiums or apartments versus a two-family dwelling.

Public Hearing:

The following spoke in opposition to the variance:

- Bill Black, 1221 ½ 1st Street South, Jacksonville Beach
- Bruce Wouters, 126 12th Avenue South, Jacksonville Beach

The following spoke in support of the variance:

- Davis Willis, 1221 1st Street South, Jacksonville Beach

The following submitted an email in opposition to the variance:

- David Rost 1224 1st Street South, Unit 1B, Jacksonville Beach

Ms. Gonzales closed the public hearing.

Mr. Williams clarified the March 15, 2022, deferral was due to a handwritten error on the application concerning lot coverage. He addressed the email from Mr. Rost.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100012, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

Discussion ensued about lot coverage.

Mr. Popoli reconfirmed the Land Development Code, lot size, density, and the number of units possible.

Mr. Curley noted the design created hardship.

Amended Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve a side yard setback of 7.5 feet in lieu of 10 feet minimum only.

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

The amended motion was unanimously approved.

Discussion: None

Restated Amended Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100012 for a side yard setback of 7.5 feet in lieu of 10 feet minimum and not approve lot coverage of 50% based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None

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

The original motion, as amended, was unanimously approved.

NEW BUSINESS:

A. Case Number: **BOA#22-100026**
Applicant: Hanna Builders Properties, LLC.
Agent: Mike Hanna
Owner: HBP 01, LLC.
Property Address: 1637 7th Street South
Parcel ID: 179816-0000

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for lot coverage of 45% in lieu of 35% maximum to allow for construction of a new paver driveway to replace wheel strips at an existing single-family dwelling.

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

Applicant: Mike Hanna, 134 6th Avenue South, Jacksonville Beach, stated the hardship was a nonconforming lot. He noted he was seeking 45% in lieu of 42.7% and not 35%. He reviewed the additional 2 handouts [on file] he distributed to the Board. Mr. Hanna described his drainage and flooding issues.

A discussion ensued about the original lot coverage variance, pavers, and bricks.

Mr. Hanna spoke about the additional alley discovered at the back of his property and how it affected the setbacks.

Public Hearing:

The following spoke in opposition to the variance:

- Scott Hardy, 1620 6th Street South, Jacksonville Beach
- Tony Davenport, 55 Tallwood Road, Jacksonville Beach

The following spoke in support of the variance:

- Jason Favale, 1631 7th Street South, Jacksonville Beach

Ms. Gonzales closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100026 for lot coverage of 44.92% in lieu of 35% based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

Mr. Popoli confirmed the applicant was required to provide paved access, and gravel was not considered sufficient. Discussion ensued about the paving material and lot coverage approved under the previous variance.

Roll Call Vote: Ayes – None
Nays – John Moreland, Jeff Truhlar, Owen Curley, Todd Smith, Alexi Gonzalez

The motion failed 5-0.

B. Case Number: **BOA#22-100028**
Applicant/Owner: KEEE Holdings, LLC., Jeffrey Kendall
Property Address: 121 10th Avenue North
Parcel ID: 173965-0000

City of Jacksonville Beach Land Development Code Section(s): 34-340(e)(1)c.1 for a front yard setback of 18 feet in lieu of 20 feet minimum and 34-340(e)(1)c.2, for an easterly side yard of 8 feet in lieu of 10 feet minimum to allow for the addition of an extended side and front deck and staircase at an existing two-family dwelling.

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

Applicant: Jim Penman, 1210 10th Avenue North, Jacksonville Beach, stated the hardship was a nonconforming lot.

Public Hearing:
No one came forth to speak on this item. Ms. Gonzales closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100028, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None

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

The motion was unanimously approved.

C. Case Number: **BOA#22-100029**
Applicant/Owner: Holly & Robert Robertson
Property Address: 1101 13th Street North
Parcel ID: 179151-0060

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)c.2, for a northern side yard setback of 1 foot in lieu of 5 feet minimum and a combined side yard setback of 8 feet in lieu of 15 feet minimum; 37-337(e)(1)c.3, for a rear yard setback of 25 feet in lieu of 30 feet minimum; 34-337(e)(1)e, for lot coverage of 52% in lieu of 35% maximum; and 34-337(e)(1)g, for an accessory structure setback of 1 foot in lieu of 5 feet minimum to rectify existing non-

conformities and allow for the enclosure of an existing screened room at an existing single family dwelling.

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

Applicant: Holly Robertson, 1101 13th Street North, Jacksonville Beach, stated the hardship was a nonconforming lot. Ms. Robertson confirmed they were not adding the sunroom as additional space but wanted to repair the current enclosure.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzales closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar to approve BOA#22-100029, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

Mr. Popoli acknowledged he had misread the application and noted the current glass enclosure.

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

The motion was unanimously approved.

D. Case Number: **BOA#22-100030**
Applicant/Owner: Michael & Lauren Garcia
Property Address: 527 15th Avenue South
Parcel ID: 176874-0010

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)e, for lot coverage of 60% in lieu of 35% maximum and 34-337(e)(1)g, for a walkway setback of 0 feet in lieu of 2 feet minimum to allow for the addition of a paver walkway on the west side yard and a swimming pool deck to an existing single-family dwelling.

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

Applicant: Michael Garcia, 527 15th Avenue South, Jacksonville Beach, stated the hardship was a nonconforming lot.

Public Hearing:

The following submitted an email in support of the variance:

- Jeff Sandals, 501 15th Avenue South, Unit 1B, Jacksonville Beach

Ms. Gonzales closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar, to approve BOA#22-100030, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion

A discussion ensued regarding excessive lot coverage.

Mr. Popoli addressed the setback issue and confirmed the existing shed and cabana would remain.

Roll Call Vote: Ayes – None
Nays – John Moreland, Owen Curley, Jeff Truhlar, Todd Smith, Alexi Gonzalez

The motion failed 5-0.

E. Case Number: BOA#22-100024

Applicant: Sara Rocco
Owner: 1415 3rd St. LLC., Rock Investments Holdings Co., LLC., Sara Rocco
Property Address: 1415 3rd Street North
Parcel ID: 174681-0000

City of Jacksonville Beach Land Development Code Section(s): 34-373, for 12 parking spaces in lieu of 30 required to allow for the conversion of an existing commercial retail space to a salon.

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

Agent: Michael Byrd, 3855 Arrow Point Trail West, Jacksonville, stated the hardship was the building was built as is, and the current owner would like to convert the use to a different occupancy classification. He added the parking lot did not have a dumpster location or handicapped-accessible parking spaces.

A discussion ensued regarding potential options to account for the parking challenge.

Public Hearing:

The following spoke in opposition to the variance:

- Tony Davenport, 55 Tallwood Road, Jacksonville Beach

The following spoke in support of the variance:

- Scott Simmons, 711 15th Avenue South, Jacksonville Beach

Ms. Gonzales closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Truhlar to approve BOA#22-100031, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A discussion ensued regarding the parking shortage. Mr. Popoli provided an overview of parking standards.

Roll Call Vote:

Ayes – None

Nays – Owen Curley, Jeff Truhlar, John Moreland, Todd Smith, Alexi Gonzalez

The motion failed 5-0.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is Tuesday, May 3, 2022. There are six scheduled cases.

Mr. Popoli stated City Council approved negotiations with a consultant for the Comprehensive Plan and Land Development Code update project.

Ms. Gonzalez asked about changing the start time of the future meetings. Ms. Robinson said she would research the topic and bring it back for discussion at a future Board of Adjustment Meeting.

COURTESY OF THE FLOOR TO VISITORS

Michael Garcia asked about the following steps to move forward concerning his case that was denied. Mr. Popoli invited Mr. Garcia to speak with him directly.

ADJOURNMENT

There being no further business, Ms. Gonzalez adjourned the meeting at 9:01 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

**Minutes of Board of Adjustment Meeting
held Tuesday, May 3, 2022, at 7:00 P.M.,
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Chairperson Alexi Gonzalez called the meeting to order at 7:00 P.M.

ROLL CALL

Chairperson: Alexi Gonzalez

Vice-Chairperson: Owen Curley

Board Members: Dan Elmaleh

Alternates: Todd Smith

Jeff Truhlar (absent)

John Moreland

Jennifer Williams (absent)

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

APPROVAL OF MINUTES:

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

- April 5, 2022

CORRESPONDENCE: None

OLD BUSINESS: None

A. Case Number: BOA#22-100034

Applicant/Owner: Jay Rogers

Property Address: 1167 13th Street North

Parcel ID: 179151-0020

City of Jacksonville Beach Land Development Code Section(s): 34-337(e)(1)c.2, for a combined side yard setback of 12 feet in lieu of 10 feet minimum; and 34-337(e)(1)e, for lot coverage of 49% in lieu of 35% maximum to allow for the addition of a paver swimming pool deck and walkway to an existing single-family dwelling.

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

Applicant: Jay Rogers, 1167 13th Street North, Jacksonville Beach, stated the hardship was a nonconforming lot. Mr. Popoli noted the 10 feet minimum appeared to be a typo in the staff report; the applicant was asking for 12 feet in lieu of 15 feet minimum.

Public Hearing:

The following submitted a letter which was read into the record in support of the variance:

- Sean Bealer, 1155 13th Street North, Jacksonville Beach

Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, and seconded by Mr. Moreland, to approve BOA#22-100034 based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

A brief discussion ensued about criteria, pavers, and lot coverage.

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

The motion was unanimously approved.

B. Case Number: BOA#22-100035

Applicant/Owner: James R. McConnell
Property Address: 537 7th Avenue North
Parcel ID: 176449-0000

City of Jacksonville Beach Land Development Code Section(s): 34-373(d) for an existing driveway setback of zero feet in lieu of 5 feet minimum; and 34-337(e)(1)g, for an existing walkway setback of 1 foot in lieu of 2 feet minimum, both measured from the easterly property line, to allow for the replacement of concrete with pavers at an existing single-family dwelling.

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

Applicant: James McConnell, 527 7th Avenue North, Jacksonville Beach, stated the hardship was a nonconforming lot.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, and seconded by Mr. Moreland, to approve BOA#22-100035, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion: None

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

The motion was unanimously approved.

C. Case Number: **BOA#22-100037**
Applicant/Owner: Robert G. Bruce
Property Address: 3306 Ocean Drive
Parcel ID: 181752-0005

City of Jacksonville Beach Land Development Code Section(s): 34-336(e)(1)e, for lot coverage of 47% in lieu of 35% maximum to allow for construction of a new swimming pool deck; and 34-373(a) for a gravel driveway in lieu of a paved driveway for a new single-family dwelling.

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

Applicant: Robert Bruce, 3330 Ocean Drive South, Jacksonville Beach, stated the hardship was a nonconforming lot.

A discussion ensued regarding the lot before it was subdivided, a previous variance request, pool pavers, and alternative plans for the paved deck.

Mr. Popoli confirmed a right-of-way permit would be required from the Public Works department.

Public Hearing:

No one came forth to speak on this item. Ms. Gonzalez closed the public hearing.

Motion: It was moved by Mr. Curley, seconded by Mr. Moreland, to approve BOA#22-100037, based on the standards for a variance outlined in Section 34-286 of the Land Development Code.

Discussion:

Ms. Gonzalez asked about previously approved variances.

Mr. Popoli confirmed there was a variance granted in 2007, but it predated the teardown of the previous house.

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

The motion failed 3-2.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is Tuesday, May 17, 2022. There are four scheduled cases.

Mr. Popoli stated the previous City Attorney created operating procedures for the Board which were located in the City Clerk's office. He noted they would review the documents and bring forth recommendations.

COURTESY OF THE FLOOR TO VISITORS

None

ADJOURNMENT

There being no further business, Ms. Gonzalez adjourned the meeting at 7:42 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date

FRANKLIN LEGAL, PL

A Professional Law Firm

Timothy S. Franklin, Esq.

12 May 2022

email only to: cpopoli@jaxbchfl.net

Christian Popoli, Senior Planner
Planning & Development Department
11 North Third Street
Jacksonville Beach Florida 32250

Re: Request for Rehearing - BOA 22-100012 - DaveCar Investments, LLC

Dear Mr. Popoli:

By this letter I am following up on the meeting of 10 May with yourself, Ms. Ireland, David Willis, Esq. (part owner) and myself, regarding the matter above-referenced as requested.

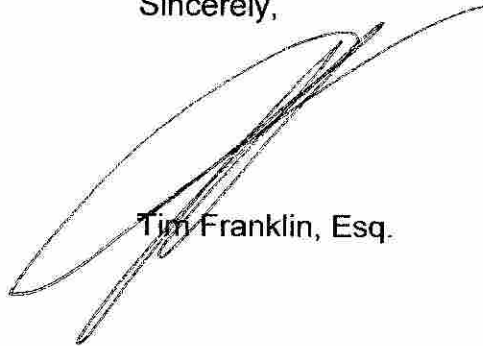
In sum, we are requesting a rehearing of the application due to certain misinformation provided at hearing to the Board, which the record clearly demonstrates was relied upon in great part by it in reaching a decision to deny an impervious surface variance to the applicant.

The misinformation provided was to the fact that the applicant was not permitted to construct, and couldn't practically construct, a "triplex" at the location. We have agreed that in fact this RM-2/RHD property is permitted density at 40 d.u.s per acre and multi-family use/structures with impervious surface allowed up to 65% as a matter of right. Moreover, it is clear from the 8 spaces (4 garaged) shown on the site plan that parking requirements could easily be met. Thus, whether viewed as substantial "incorrect evidence" or a "mistake of material fact," the information and expert testimony presented to the Board was erroneous in this respect.

Based on the Board's record questions, discussion and reasoning, it would seem the Board might have reached a different result had this information been available to it in order to find a hardship and allow only 50% impervious surface for a duplex, and thereby reduce density, allow for greater surface stormwater capture and reduce parking impacts than that which would otherwise be allowed by right for a triplex. Therefore, we believe both the Board and the applicant deserve another opportunity to present and review the matter with best information in hand in reaching a decision.

Should the City elect to have the matter heard as a "successive application" question to the Board, we would be pleased to attend and present the case for allowing the applicant to be granted a successive application opportunity at a future noticed hearing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Franklin', with a large, sweeping flourish extending upwards and to the right.

Tim Franklin, Esq.



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BOA#22-100012

Zoning: RM-2
RE: 176191-0010
Legal: Lot 10, Block 112, Pablo Beach South
Address: 0 12th Avenue South (113 12th Avenue South)

Request

Section(s): 34-340(e)(1)c.2, for a side yard setback of 7.5 feet in lieu of 10 feet minimum; and 34-340(e)(1)f, for lot coverage of 50% in lieu of 35% maximum to allow for construction of a new two-family dwelling

Existing Conditions

The subject property is an existing nonconforming lot of record (Circa 1909) located in the Residential Medium Density future land use category. The property is located in the Residential Multifamily: RM-2 zoning district. The property is currently 50 feet in width and 125 feet in depth. The lot area is 6,250 square feet. The lot is currently vacant. The proposed project would have rear access to the garages, which is common along this specific alley.

No previous variances or code cases.

Staff Analysis

The property is currently substandard in width, as the minimum is 60 feet in width at the building line. The property however is not substandard in lot area, exceeding the minimum of 6,000 square feet. The proposed design of the two family dwelling does attempt to limit lot coverage through the use of wheel strips and is providing a two car garage for each unit. There should be a logical correlation between the request for variance and the specific hardship. In this case, the hardship for this lot is the width, so a request for side yard setbacks would be a request that would correlate with the specific hardship. The request in this case is for lot coverage in excess of 35% with no hardship with regards to lot area. Technically the proposed project could be reduced in size to meet the lot coverage standards. The minimum floor area required for a two family dwelling is 800 square feet per unit, 1,600 square feet total. The base floor area (single floor) for each unit is 1,300 +/- square feet, combined of over 2,500 square feet.



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Minimum Dimensional Standards

(1) Two-family dwellings.

- Minimum lot area: Six thousand (6,000) square feet.
- Minimum lot width: Sixty (60) feet at the building line and a minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty (20) feet.
 - Side yard: Ten (10) feet for each side yard, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear yard: Thirty (30) feet.
- Floor area: A two-family dwelling structure shall contain a minimum of one thousand six hundred (1,600) square feet of conditioned living area. Each unit within a duplex structure shall contain a minimum of eight hundred (800) square feet of conditioned living area excluding garage or carport.
- Wall separation. Two-family dwellings shall contain a two (2) hour fire resistant wall between units.
- Maximum lot coverage: Thirty-five (35) percent.
- Height: Thirty-five (35) feet.
- 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 current lot, platted in 1909 is substandard in width. The lot is typical of lots in the area with regards to shape and area. Therefore the request for setback reduction would be an acceptable request to address the deficient lot width.

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

Staff **does** and **does not** find that circumstances are a result of the applicant. Although the lot is substandard in width, the lot has an excess of lot area which



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would allow the applicant to build a structure that meets the code requirements without the need for a variance. The applicant's desire to build a bigger structure is what results in the request, not a deficiency of the lot.

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 and will not confer special privileges. The desire to build a larger structure is not a reason to grant a variance on a property with no correlated hardship. However the request for setback reduction does have logical connection to the lot width, therefore the side setback reduction will not confer special privilege as there is a hardship for lot width.

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 and does not find that literal interpretation of the code would deprive the applicant of rights and privileges. The applicant could build a two family dwelling on this lot without relief for lot coverage. There is a hardship for width, therefore literal interpretation for side yard would be an unnecessary hardship.

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 and does not find that the requested variances are the minimum variance needed to accommodate the proposed new home. As noted above, there is no hardship with regards to lot area that would require a variance from the lot coverage maximums. There is a hardship for side yard setbacks, and based on the proposed design, the request for reduction is the minimum needed for setback reduction to accomplish this plan.

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



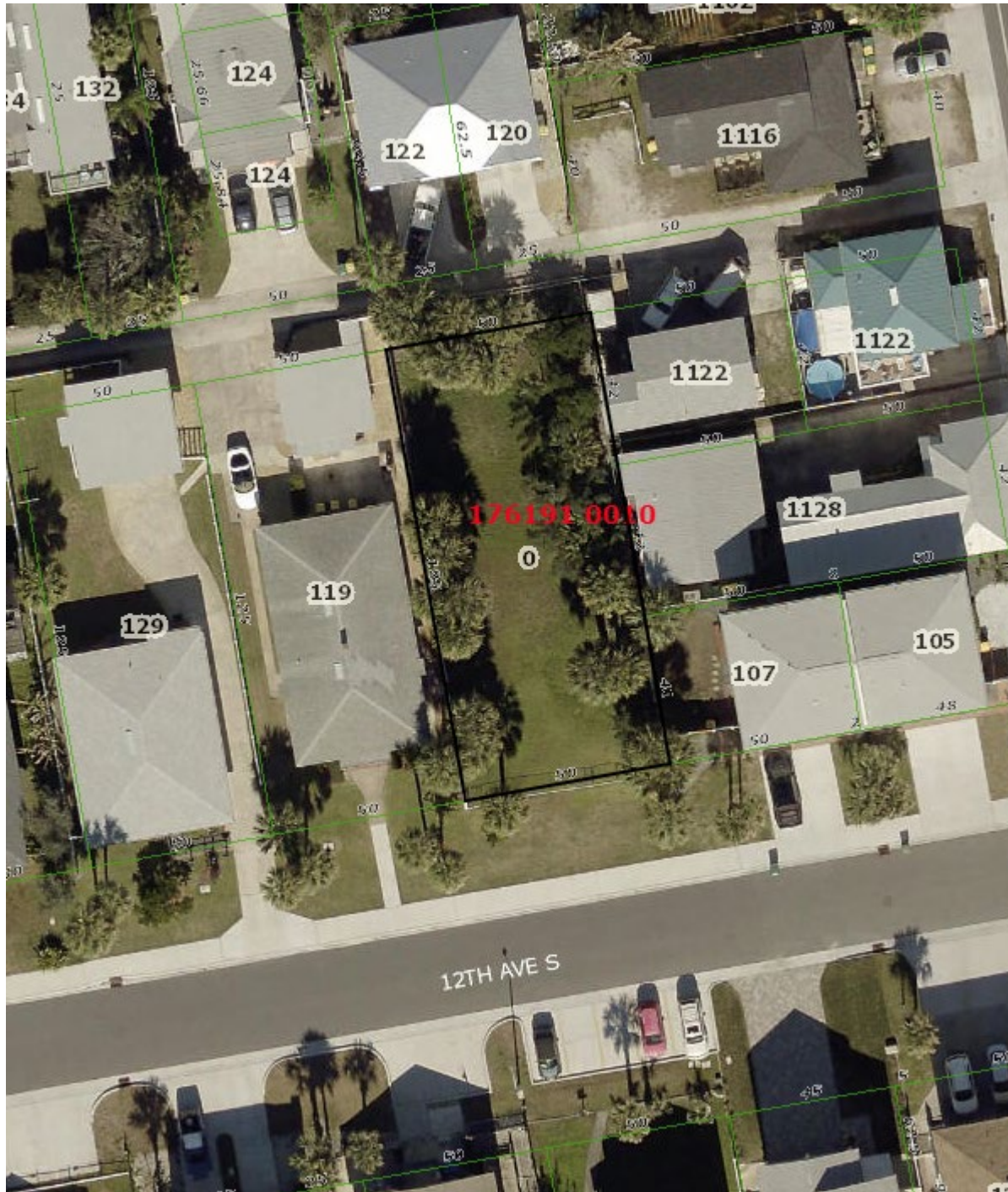
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designation policies and is consistent with the Goals Objectives and Policies of the adopted comprehensive plan.

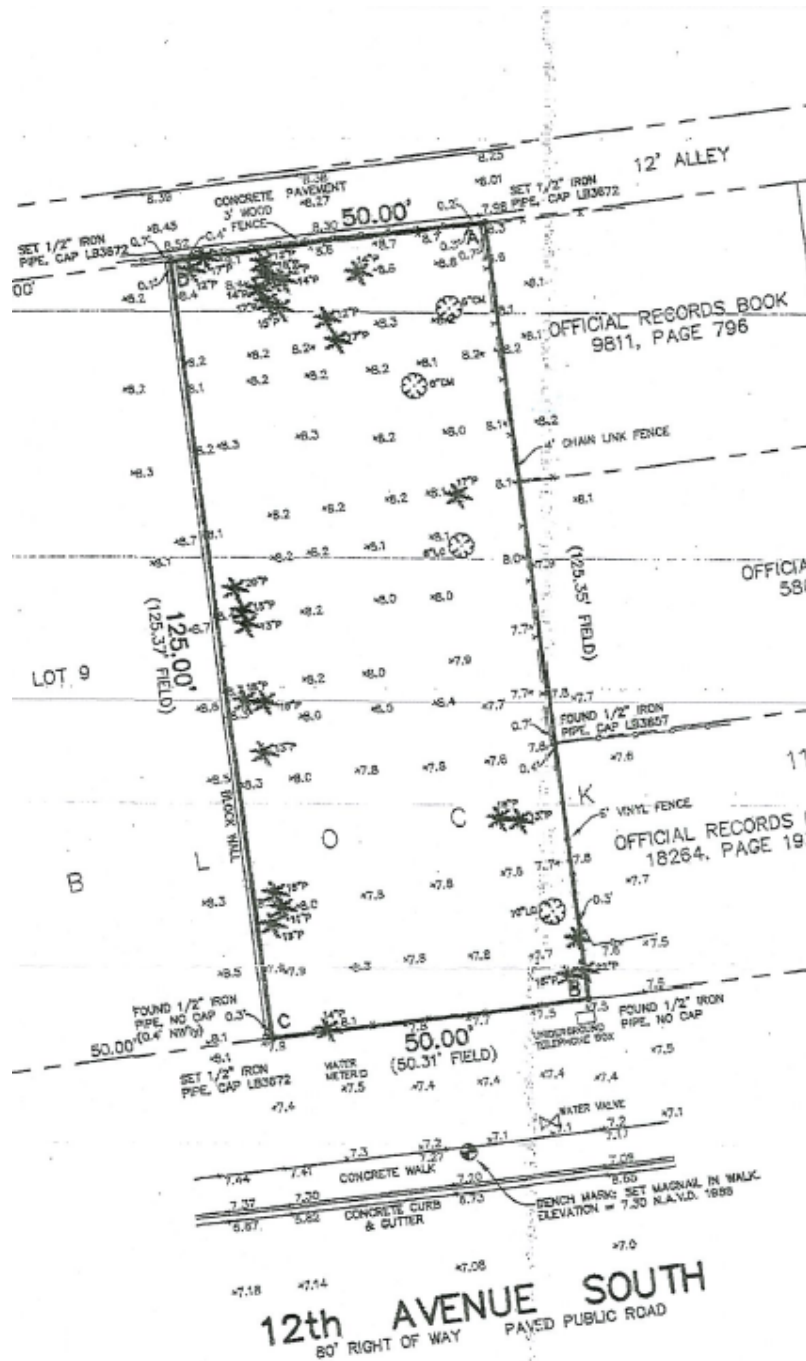
Staff Recommendation

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 **Denial of the request for lot coverage increase and Approve the request for side yard setback reduction of BOA#22-10010**

Location Map (property boundaries are reprehensive only)



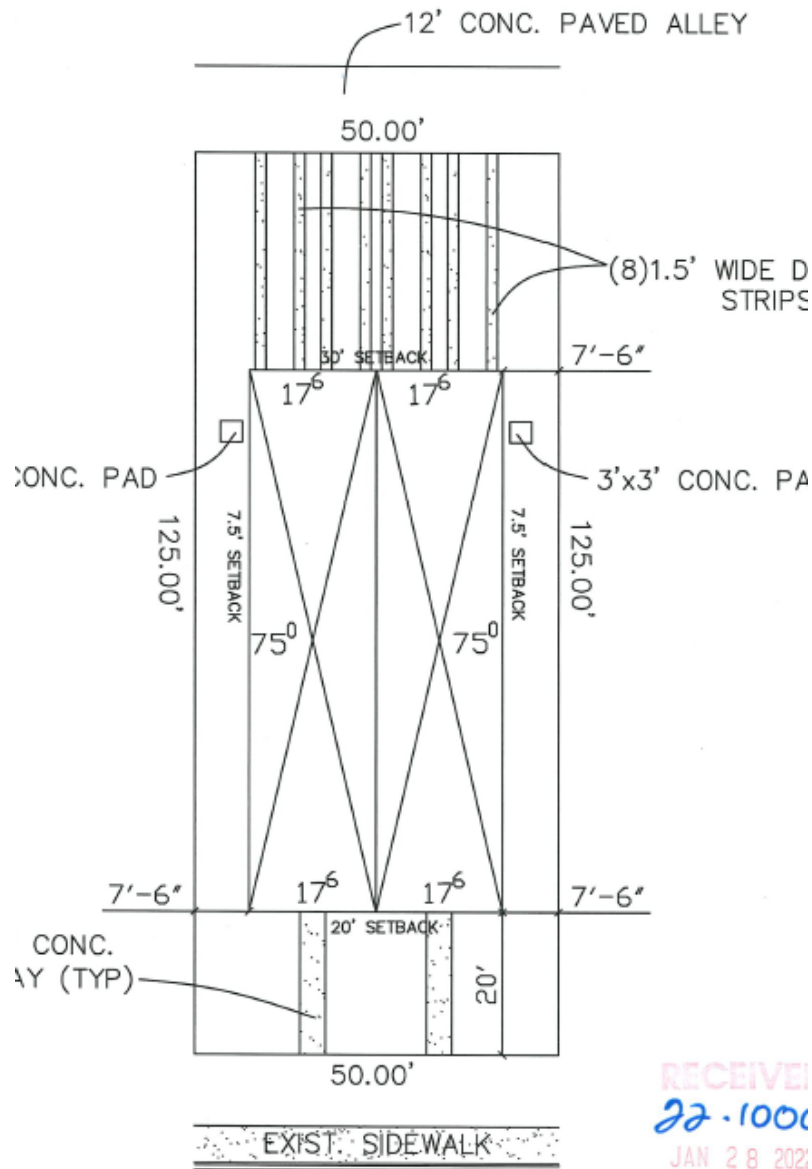
Existing Survey





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

Proposed Site Plan



RECEIVED
22.1000
JAN 28 2022

PLANNING & DEVELOPMENT

12TH AVENUE SOUTH



APPLICATION FOR VARIANCE

BOA No. 22-100012
HEARING DATE 3.15.22

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

JAN 28 2022

APPLICANT INFORMATION

Applicant Name: New Atlantic Builders Inc. Telephone: (904) 683-7533
Mailing Address: 5875 Mining Terrace #206 E-Mail: Jim@NewAtlanticBuilders.com
Jacksonville, FL 32257
Agent Name: Stephen B. Williams Telephone: (904) 219-0603
Mailing Address: 3731 Duval Drive E-Mail: steve@edgewatercompaniesinc.com
Jacksonville Beach, FL 32250
Landowner Name: Daryl Grubbs c/o DaveCar Investments LLC. Telephone: (904) 612-6800
Mailing Address: 1919 Nightfall Drive E-Mail: daryl@dgrubbs.com
Neptune Beach, FL 32266

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: 11312th Ave. S. Jacksonville Beach, FL 32250
Legal description of property (Attach copy of deed): Lot 10 Block 112 Pablo Beach South #176191-0010
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).
Applicant is asking for a side yard setback of 7.5 feet in lieu of the 10 feet required to build a two-family dwelling AND 44.9% lot coverage in lieu of 35% in order to build a two-family dwelling.

AFFIDAVIT

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

APPLICANT SIGNATURE

PRINT APPLICANT NAME

DATE

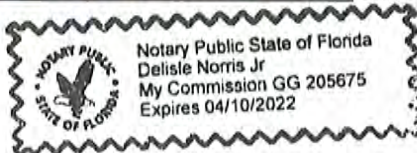
STATE OF FLORIDA, COUNTY OF DUVAL:

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

NOTARY PUBLIC SIGNATURE

Delise Norris Jr.

PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RM-2

FLOOD ZONE: AE

CODE SECTION (S):

34-340(e)(1)c.2, for a side yard setback of 7.5 feet in lieu of 10 feet minimum; and 34-340(e)(1)f, for lot coverage of 44% in lieu of 35% maximum to allow for construction of a new two-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-100012

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.

JAN 28 2022
PLANNING & DEVELOPMENT

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	Per RM-2 Zoning the Lot Width is less than required and Lot Square Footage is less than required as well. As such this creates unique circumstances hardship and hence the need for the variance
Special circumstances and conditions do not result from the actions of the applicant.	Yes	There are no special circumstances or conditions because of anything the Applicant is proposing because subject lot is substandard in status as it pertains to current zoning.
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	Granting this variance does not confer any privileges that other property owners in this zoning classification that have not already been received by other applicants & their variance requests approved in the past.
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	Literal interpretation & enforcement of this zoning classification would certainly deprive the applicant rights to develop this property that have been granted in the past for other property owners in this part of Jacksonville Beach.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Granting this variance is the absolute minimum the applicant could come up with that would insure that the proposed two family dwelling will be satisfactorily received by todays housing standards.
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 this variance for this specific lot at this location is definitely consistent with many other two family dwellings already built on the street and surrounding blocks.

Prepared by and return to:

Bryan C. Goode, III

Attorney at Law

Bryan C. Goode III, P.A.

320 1st Street North Suite 613

Jacksonville Beach, FL 32250

904-247-1755

File Number: 21-0119

Will Call No.:

22-100012
JAN 28 2022

[Space Above This Line For Recording Data]

Warranty Deed

This Warranty Deed made this 17th day of March, 2021 between Graziano Fruzzetti as Successor Trustee of the Harvey W. Lotz Revocable Trust u/a/d February 11, 2011 whose post office address is 119 12th Avenue South, Jacksonville Beach, FL 32250, grantor, and Davecar Investments, LLC, a Florida limited liability company whose post office address is 1912 Nightfall Drive, Neptune Beach, FL 32266, grantee:

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

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

Lot 10, Block 112, Pablo Beach South, a subdivision according to the plat thereof recorded at Plat Book 3, Page 28, in the Public Records of Duval County, Florida.

Parcel Identification Number: 176191-0000

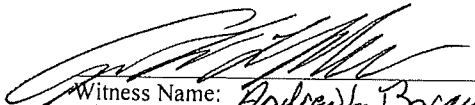
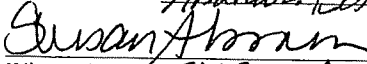
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

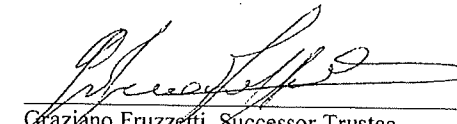
To Have and to Hold, the same in fee simple forever.

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, 2020**.

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

Signed, sealed and delivered in our presence:

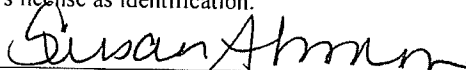

Witness Name: Andrew L. Barauskas

Witness Name: Susan Abram


Graziano Fruzzetti, Successor Trustee

State of Florida
County of Duval

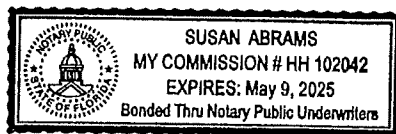
The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 17th day of March, 2021 by Graziano Fruzzetti as Successor Trustee of the Harvey W. Lotz Revocable Trust w/a/d February 11, 2011, who ☐ is personally known or ☒ has produced a driver's license as identification.

[Notary Seal]


Notary Public, State of Florida

Printed Name: _____

My Commission Expires: _____



DAVECAR INVESTMENTS, LLC
1912 NIGHTFALL DRIVE
NEPTUNE BEACH, FL 32266

904 270 2030 wk

daryl@dgrubbs.com

January 25, 2022

Via: Hand Delivery

City of Jacksonville Beach Board of Adjustment
11 3rd St North
Jacksonville Beach, FL 32250

22-100012
JAN 28 2022

RE: Authorization to Apply For Variance
Subject Property: 113 12th Ave. S., Jax Beach, FL 32250
R/P RE Parcel #176191-0010
Lot 10 Block 112 Pablo Beach South

To Whom it May Concern,

DaveCar Investments, LLC is the registered owner of the above noted property, and as the manager I authorize applicant New Atlantic Builders to make the application for variance to the City of Jacksonville Beach Board of Adjustment for the consideration of a variance on the above noted Subject Property.

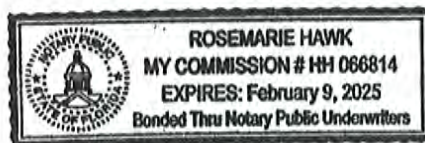
Respectfully,

Daryl Grubbs

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to (or affirmed) and subscribed before me this 25 day of January, 2022 by Daryl Grubbs who is personally known to me or who produced identification by means of ☒ physical presence or ☐ online notarization.

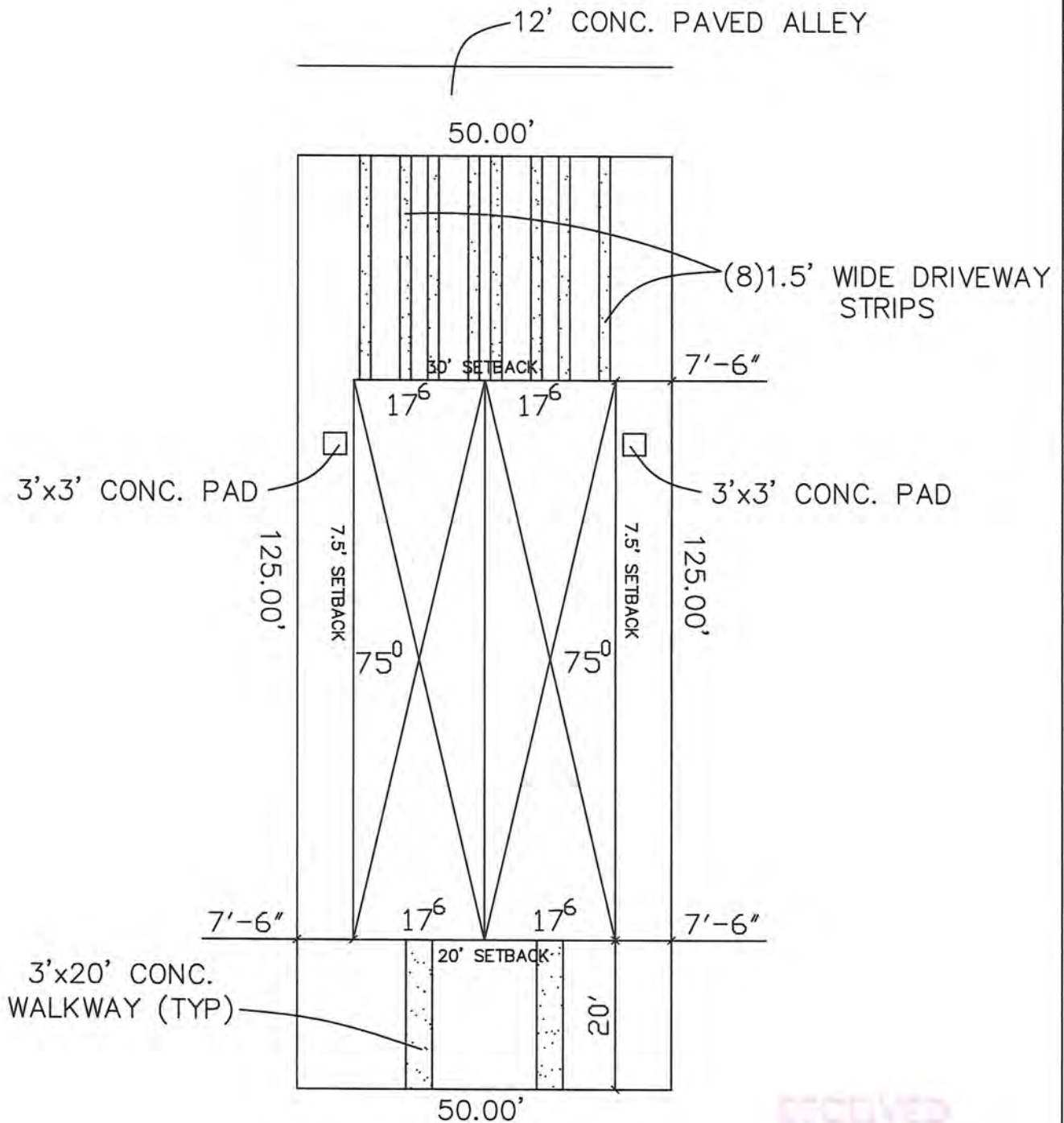
(Stamp of Notary Public- State of Florida)



Notary Public

Rosemarie Hawk
Print Name of Notary Public

PROPOSED



EXIST. SIDEWALK

12TH AVENUE SOUTH

RECEIVED
22-100012
JAN 28 2022

PLANNING & DEVELOPMENT

**NEW
ATLANTIC**

5875 MINING TERRACE
SUITE 206
JACKSONVILLE, FL 32257

SITE PLAN PRODUCED BY:
KATHLEEN MOSS
RESIDENTIAL DESIGN & DRAFTING SERVICES

SITE PLAN SURVEY FOR:
LOT 10 BLK 112 PABLO BEACH SOUTH
12TH AVENUE SOUTH

SCALE: 1" = 20'

DATE: 01/19/22
REVISED: 01/27/22

IMPERVIOUS BUILDING AREA
2,625 S.F. - TOWNHOUSE FOOTPRINT
120 S.F. - FRONT/SIDE WALKWAYS
360 S.F. - DRIVEWAYS
18 S.F. - CONC. PADS

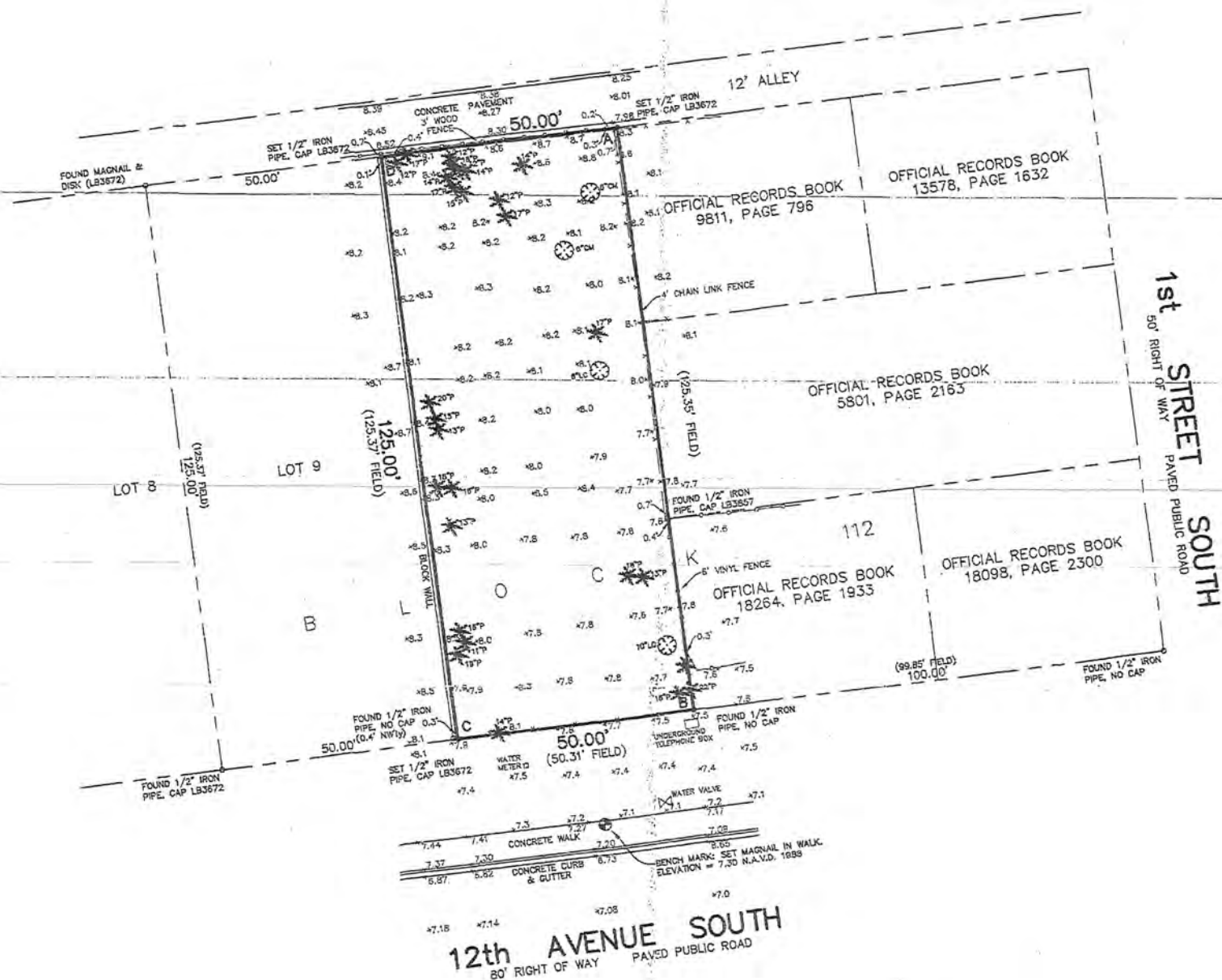
IMPERVIOUS LOT AREA
3,123 S.F. - 6,250 S.F. =
49.97% LOT COVERAGE

NORTH



ARROW

EXISTING



- NOTES**
1. THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY WITH TREE LOCATION.
 2. INTERIOR ANGLES PER FIELD SURVEY AS FOLLOWS:
A = 89°52'57"
B = 90°08'22"
C = 89°43'04"
D = 90°15'37"
 3. NO BUILDING RESTRICTION LINES PER PLAT.
 4. BENCH MARK AS SHOWN HEREON WAS SET FROM A CLOSED LEVEL LOOP FROM N.G.S. BENCH MARK "323" AT THE NORTHEAST CORNER OF THE INTERSECTION OF STATE ROAD A-1-A AND 11 AVENUE SOUTH. ELEVATION = 6.87 N.A.V.D. 1988
 5. NORTH PROTRACTED FROM PLAT.

P DENOTES PINE
 CM DENOTES CREPE MYRTLE
 LG DENOTES LIGUSTRUM

RECEIVED
22-100012
JAN 28 2022

PLANNING & DEVELOPMENT

THE PROPERTY DESCRIBED HEREON
LIES IN FLOOD ZONE "AE" (EL 9) AS
WELL AS CAN BE DETERMINED FROM
THE FLOOD INSURANCE RATE MAP No.
12031C0419J, EFFECTIVE NOVEMBER 2,
2018 FOR DUVAL COUNTY, FLORIDA.

THIS SURVEY WAS MADE FOR THE BENEFIT OF
CUSTOM BUILDERS.

JASON D. BOATWRIGHT, P.S.M.
FLORIDA LICENSED SURVEYOR and MAPPER No. LS 7292
FLORIDA LICENSED SURVEYING & MAPPING BUSINESS No. LB 3672

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

CHECKED BY: _____	FILE: 2021-0139	DRAWN BY: SWC	BOATWRIGHT LAND SURVEYORS, Inc. 1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA (904)241-8550	DATE: MARCH 1, 2021	SHEET 1 OF 1
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Ref. BOA-22-100012

LeeAnn Bassabe

From: davidrost1@aol.com
Sent: Saturday, March 5, 2022 11:04 AM
To: Planning Division
Subject: Re: # 176191-0019

RECEIVED

MAR - 7 2022

PLANNING & DEVELOPMENT

Ladies and Gentlemen:

My name is David Rost. I am the owner of the property at 1224 1st St. South, Unit 1B, Jacksonville Beach, FL 23350, and I am speaking on behalf of all 9 property owners at this address.

I respectfully request that you deny the above-referenced application for variance.

The over-building, lack of adequate on-street parking, and unnecessary strain on the storm water drainage system has got to stop.

1. Please take a walk around the area on a sunny weekend day. You will find cars parked on the public sidewalks, which is a traffic violation, without consequences, and every other place where a car will fit, because of no adequate parking on site.
2. Set backs have been relaxed in so many previous applications that there is no visible appearance of any code at all.
3. The City replaced the main storm water drainage system under 1st St South with a 52" main, and we were told by a city engineer after completion that the capacity of the renovated system is at its limit, and that the drainage mitigation on our property, a moat, continues to be mandatory. Yet, the Board continues to approve variances for lot coverages.

It appears to the citizens and owners of property in Jacksonville Beach that the Planning Board will approve almost any new application for variances (with some cosmetic changes), to the point that Jacksonville Beach is not an attractive beach destination, but is only another beach town that has allowed development to continue unabated. This is a shame because the beach in Jacksonville Beach is a beautiful, large beach. But, Florida towns with lesser beaches are ranked higher by travel sites. No wonder when you look at the way in which JaxBeach is being over-developed.

I attended the planning board meeting that approved the 4 townhouse development on 13th Ave South. The approval was granted notwithstanding that the driveways on the plan were shorter than most cars sold in the United States today. There was no concern by Board Members present about any obstruction of city sidewalks.

I have no faith that this request for denial will be taken seriously by the Board, but I wanted my request for denial to be part of the record.

Very truly yours,

David Rost



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

BOA#22-100032

Zoning: RS-1
RE: 177848-0000
Legal: Lot 2, Block 10, Pine Grove Unit 2
Address: 610 Holly Drive

Request

Section(s): 34-336(e)(1)e, for lot coverage of 48% in lieu of 35% maximum; 34-336(e)(1)g, for an accessory structure setback of 1.5 feet in lieu of 5 feet minimum along the northerly side yard, to allow for construction of an expanded swimming pool deck; and 34-373(a) for a gravel driveway in lieu of a required paved driveway at an existing single-family dwelling

Existing Conditions

The subject property is legal of nonconforming lots of record (circa 1941) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The exiting lot measures 65 feet in width and 110 feet in depth, with a lot area of 7,150 square feet. The home on the subject lot was constructed in 1961. All current improvements on the lot including an existing shed totally 35.7%. In November of last year, the applicant applied for a variance for lot coverage and setbacks for a pool deck which was approved.

BOA#21-100152 For lot coverage of 42% in lieu of 35% and accessory use setback of 4 feet in lieu of 5 feet for swimming pool and pool deck (11/4/21)

Staff Analysis

The applicant is requesting lot coverage of 48% in lieu of 35% and a gravel driveway in lieu of a paved driveway. The applicant was granted a variance in 2021 for 42% lot coverage and reduced setbacks for a pool and pool deck. Subsequent to this, the applicant has decided to request a new variance with additional lot coverage and more reduction in setbacks to expand and enlarge the pool deck design. Additionally, the applicant is requesting to remove the existing concrete driveway, and replace it with gravel. The removal of the driveway pavement and replacing it with gravel, reduces the existing lot coverage, and allows the applicant to transfer it to the rear for more pool deck. If the driveway were to remain, and this square footage was included in the proposed new lot coverage, the total lot coverage would be closer to 51% as opposed to the requested 48%. The applicant



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

has clearly shown what the minimum variance needed would be, which is the previous approval, thus the increase in design could be considered self-imposed.

Minimum Dimensional Standards

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

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject property is substandard in width and area by a substantial amount.

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 previous variance shows the applicant is capable of building a pool deck with less lot coverage and would not need to remove the required paved driveway.



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

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

Staff finds that the proposed variance **will not** confer special privileges. The lot is substandard and would need relief to build any proposed pool deck, as noted by the previous variance.

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 clearly construct a pool with decking under the restrictions of the previously approved variance.

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 minimum variance previously granted is the minimum needed to construct a pool and pool deck while leaving the required paved driveway in place.

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#22-100032**

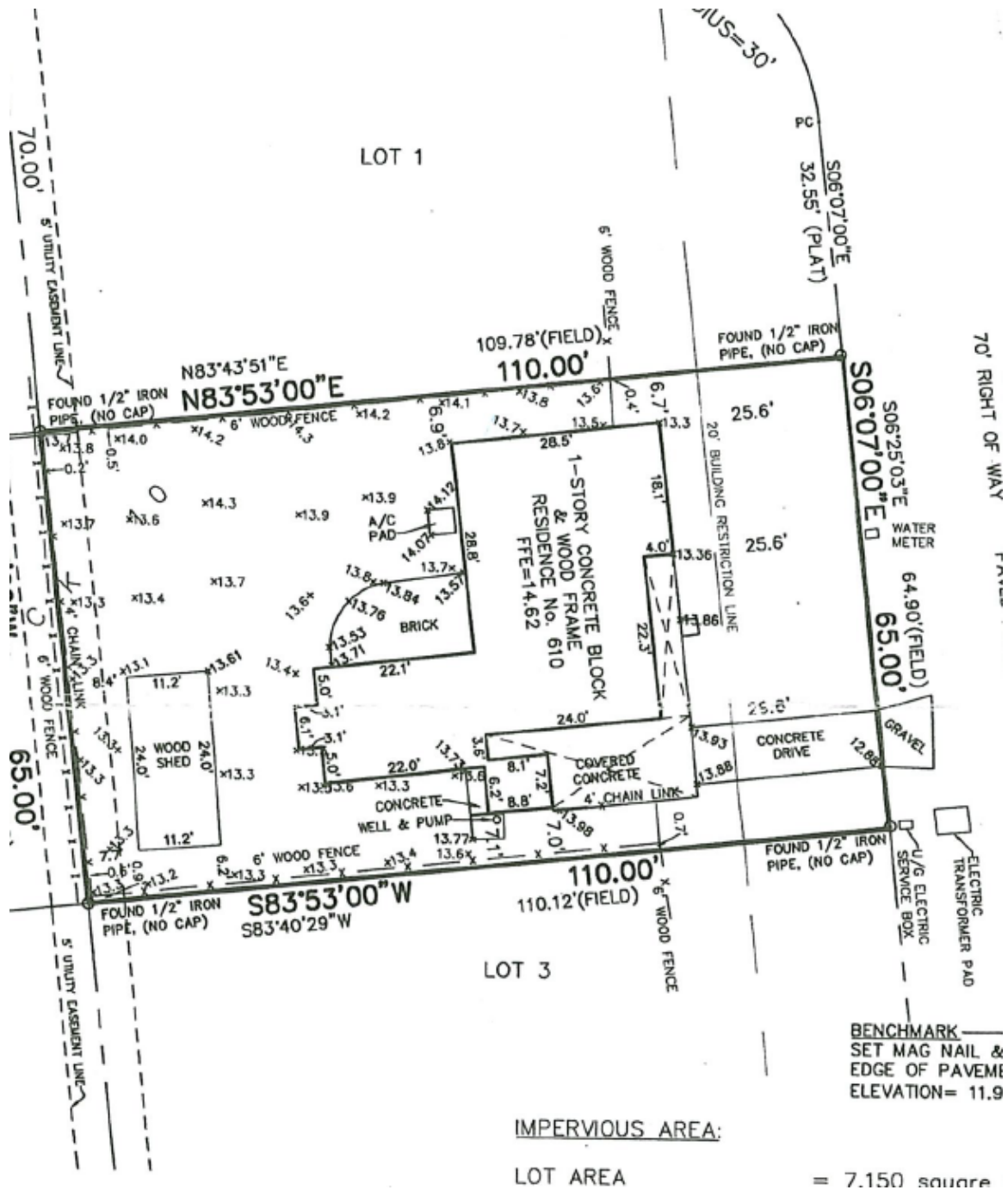
Location Map (property boundaries are representative only)



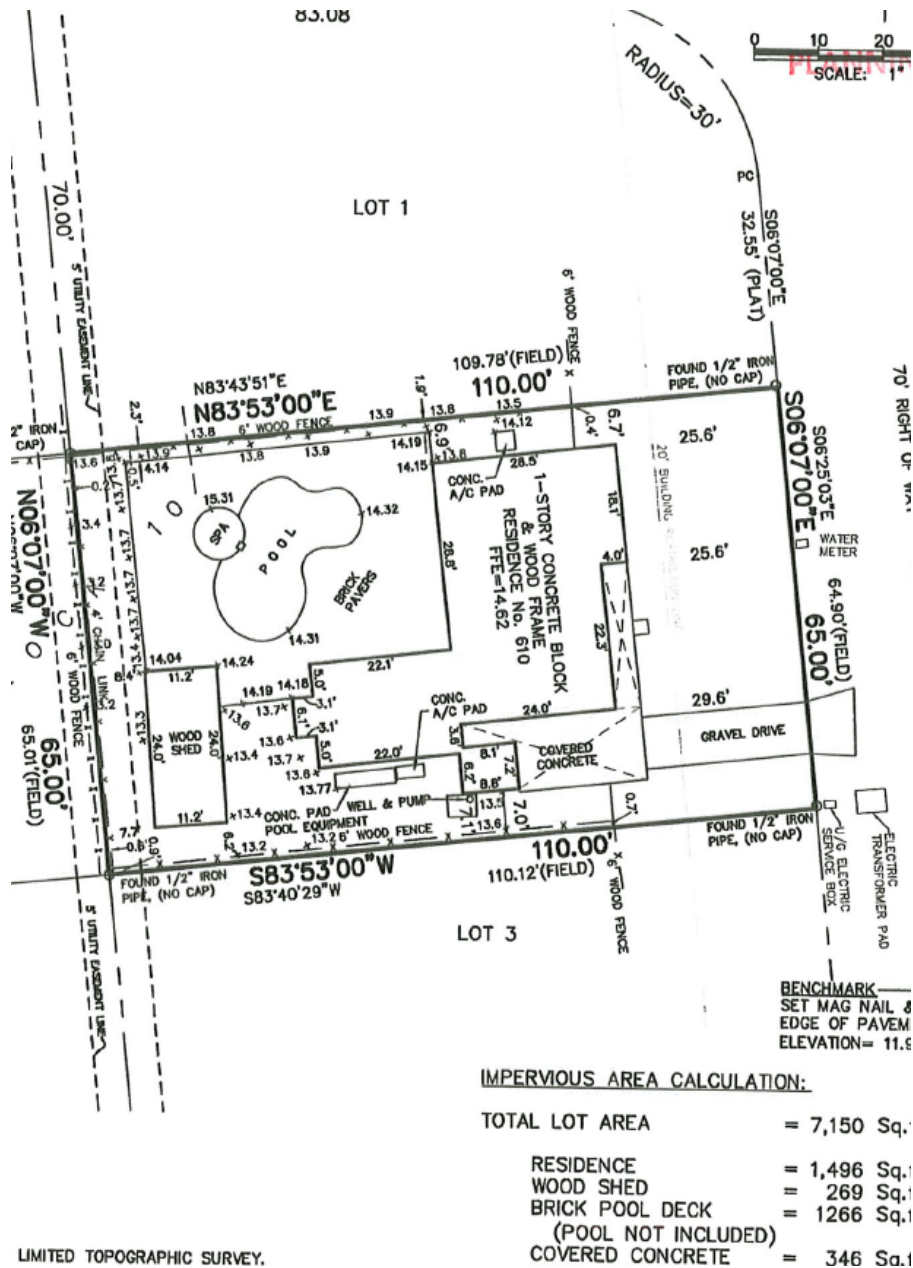


City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

Existing Survey



Proposed Site Plan



SCALE: 1" = 10'

LOT: 6942
ZONED RS-1 = 10,000 SQ FT

PROPOSED
628 SQ FT OF
PAVER DECK

LOT 1

LOT 3

BENCHMARK -
SET MAG NAIL
EDGE OF PAV
ELEVATION = 1

IMPervious AREA:
LOT AREA
HOUSE AREA

7,150 sq ft
1,100 sq ft



APPLICATION FOR VARIANCE

BOA NO. 22-100032

HEARING DATE 5-3-22
5/17/22

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.

MAR 11 2022

APPLICANT INFORMATION

Applicant Name: Chad Bolen **Telephone:** 253 486 7460
Mailing Address: 610 Holly Drive **E-Mail:** investinbolen@gmail.com
Jacksonville Beach FL 32250
Agent Name: _____ **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____
Landowner Name: Same as above **Telephone:** _____
Mailing Address: _____ **E-Mail:** _____

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

VARIANCE DATA

Street address of property and Real Estate Number: 610 Holly Drive Jax Beach, FL 32250 RE# 177848-0000
 Legal description of property (Attach copy of deed): Lot 2, Block 10, Pine Grove Unit 2
 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 48% lot coverage in lieu of recently approved variance of 42% lot coverage for pool paver deck.

AFFIDAVIT

I, Chad Bolen, 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.

Chad Bolen
APPLICANT SIGNATURE

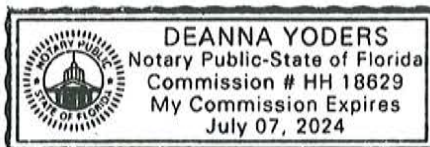
Chad Bolen
PRINT APPLICANT NAME

3-11-2022
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 11th day of March, 2022, by Chad Bolen, who is personally known to me or produced by ID as identification.

Deanna Yoders
NOTARY PUBLIC SIGNATURE
Deanna Yoders
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)e, for lot coverage of 48% in lieu of 35% maximum; 34-336(e)(1)g, for an accessory structure setback of 1.5 feet in lieu of 5 feet minimum along the northerly side yard, to allow for construction of an expanded swimming pool deck; and 34-373(a) for a gravel driveway in lieu of a required paved driveway at an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-100132

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.

MAR 11 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	sub-standard lot of 7,150 sq Ft in RS-1 Zoning which should be a minimum of 10,000 sq Ft
Special circumstances and conditions do not result from the actions of the applicant.	No	Concrete Driveway was removed to allow for larger paver deck to provide to provide better access to a shed converted to pool house.
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	Numerous homes directly near our home have had a variance approved for near 50% lot coverage 611 Penman rd 605 Penman rd 711 Penman rd
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 the lot being sub-standard in width & area for an RS-1 zoning district the lot we are now at 48% lot coverage when we would be at 34% with proper lot size.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	This variance allows for the use of a Recently renovated shed that was converted to a pool house.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	Variance is still below 50% which seems consistent with other approved variances in the area. Also using RS-1 zoning we would still be below 35%

Prepared by:
Beth Murphy
Richard T. Morehead Title & Escrow, Inc.
444 Third Street
Neptune Beach, Florida 32266

File Number: 21B3426

21068550
#420000

RECEIVED
22-100032

MAR 11 2022

PLANNING & DEVELOPMENT

General Warranty Deed

Made this May 18, 2021 A.D. By **Gerald Fox and David Fox**, whose post office address is: 908 11th Street North, Jacksonville Beach, Florida 32250-3640, hereinafter called the grantor, to **Chad E. Bolen and Ashleigh Lynn Bolen, husband and wife**, whose post office address is: 610 Holly Drive, Jacksonville Beach, Florida 32250, 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 2, Block 10, Pine Grove Unit 2, a subdivision according to the plat thereof recorded in Plat Book 17, Page 18, in 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: 177848-0000

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, 2020.

Prepared by:
Beth Murphy
Richard T. Morehead Title & Escrow, Inc.
444 Third Street
Neptune Beach, Florida 32266

File Number: 21B3426

RECEIVED

22-100032

MAR 11 2022

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:

Deborah Felice
Witness Printed Name Deborah Felice

Elizabeth A. Murphy
Witness Printed Name ELIZABETH A. MURPHY

Gerald Fox (Seal)

Gerald Fox
Address: 908 11th Street North, Jacksonville Beach, Florida
32250-3640

David Fox
by Gerald Fox (Seal)

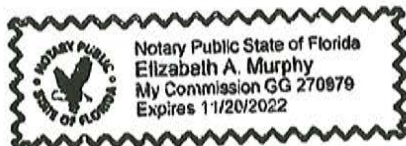
David Fox
By: Gerald Fox, as his Attorney-in-Fact
Address: 888 Mount Moriah Road, Auburn, Georgia 30011-2200

State of Florida
County of Duval

The foregoing instrument was acknowledged before me by means of X physical presence or [] online notarization this 18th day of May, 2021, by Gerald Fox, individually and as Attorney-in-Fact for David Fox, who is/are personally known to me or who has produced DRIVER'S LICENSE as identification.

Elizabeth A. Murphy
Notary Public
Print Name: _____

My Commission Expires: _____



CERTIFIED MAIL RETURN - RECEIPT REQUESTED

7020 2450 0000 7999 4970



November 4, 2021

Chad Bolen
610 Holly Drive
Jacksonville Beach, FL 32250

RECEIVED

22-100032

MAR 11 2022

DEVELOPMENT ORDER FOR VARIANCE

BOA#21-100152
610 Holly Drive
Lot 2, Block 10, *Pine Grove Unit 2*

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 development permit application(s) requesting to deviate from the requirements of the Land Development Code as described below:

- 34-336(e)(1)c.2, for a north side yard setback of 6.7 feet in lieu of 10 feet minimum and south side yard setback of 7 feet in lieu of 10 feet minimum;
- 34-336(e)(1)e for lot coverage of 42% in lieu of 35% maximum; and
- 34-336(e)g for an accessory structure setback of 4 feet in lieu of 5 feet minimum

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

To allow for construction of a new swimming pool, pool deck and to rectify existing non-conformities at an existing single family dwelling

Based on the review and discussion of said application(s) and the consideration of any testimony provided during the duly advertised public hearing, the Board of Adjustment determined these application(s) 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.

CONTINUED ON PAGE 2





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.

Sincerely,

Christian Popoli
Senior Planner

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

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.



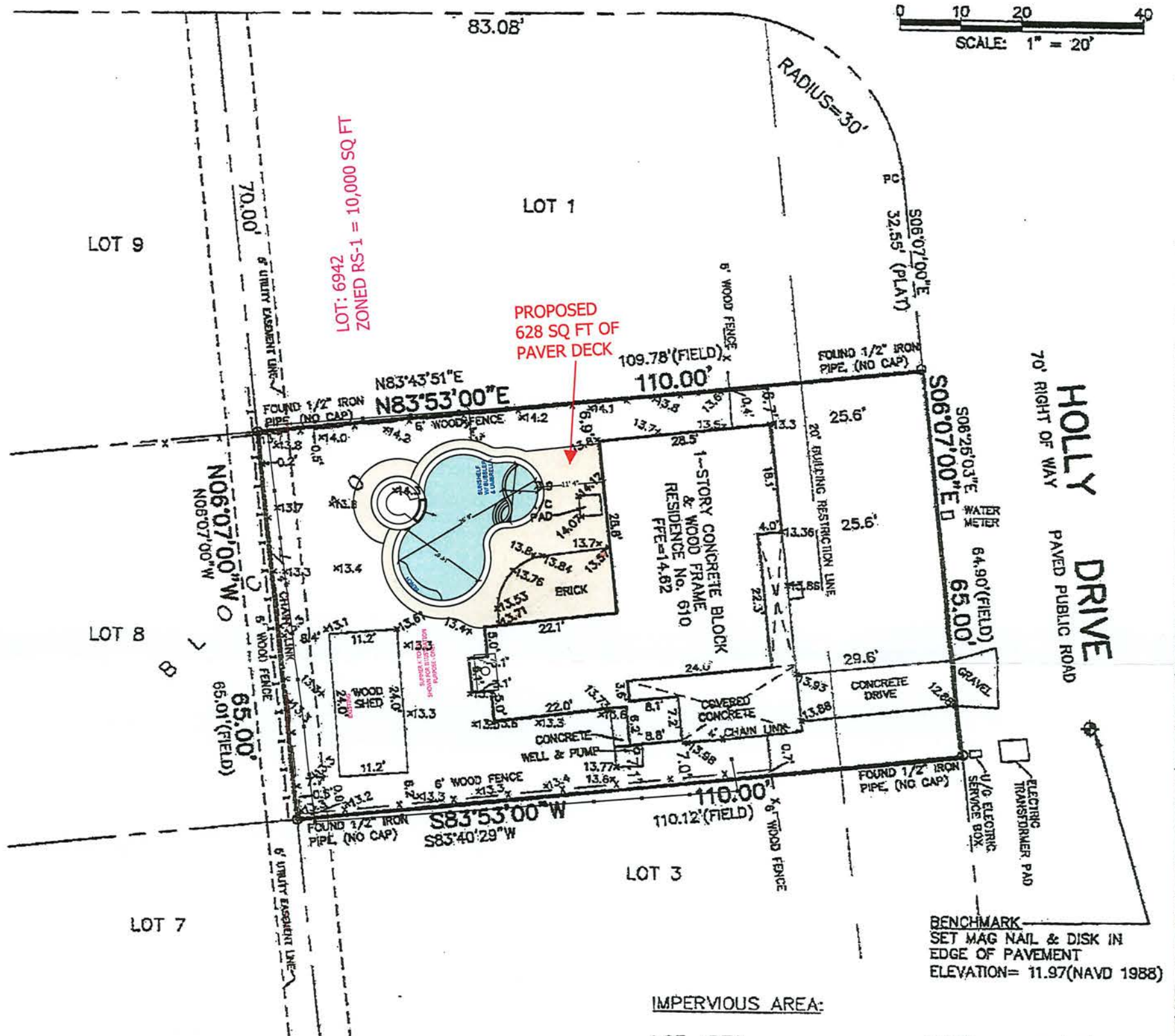
BOA#21-100152

MAP SHOWING SURVEY OF

LOT 2, BLOCK 10, PINE GROVE UNIT 2, AS RECORDED IN PLAT BOOK 17,
PAGE 18 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

6th AVENUE NORTH

70' RIGHT OF WAY PAVED PUBLIC ROAD



1. THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY.
2. BEARINGS ARE BASED ON THE WEST LINE OF LOT 2. BEING NORTH 06°07'00" WEST AS PER PLAT.
3. BUILDING RESTRICTION LINES PER PLAT.
4. BENCHMARK USED IS A SET MAGNAIL IN THE WEST EDGE OF PAVEMENT IN FRONT OF RESIDENCE No. 610 HOLLY DRIVE, AS SHOWN HEREON.
ELEVATION = 11.97 (NAVD 1988).
5. BENCHMARK USED WAS ESTABLISHED BY GPS OBSERVATION USING SPECTRA PRECISION EPOCH 80 L1/L2 EQUIPMENT AND TRIMBLE VRS SOFTWARE.
6. FFE DENOTES FINISHED FLOOR ELEVATION.

THE PROPERTY DESCRIBED HEREON APPEARS TO LIE
IN FLOOD ZONE "X" (AREA OF MINIMAL FLOOD
HAZARD) AS WELL AS CAN BE DETERMINED FROM
THE FLOOD INSURANCE RATE MAP No. 12031C0417J,
EFFECTIVE NOVEMBER 2, 2018 FOR DUVAL COUNTY,
FLORIDA.

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

IMPERVIOUS AREA:

LOT AREA	= 7,150 square feet
HOUSE AREA	= 1,496 square feet
COVERED CONCRETE	= 341 square feet
CONCRETE	= 237 square feet
BRICK PATIO	= 194 square feet
A/C PAD	= 12 square feet
WOOD SHED	= 269 square feet

TOTAL IMPERVIOUS AREA = 2,549 square feet
= 35.7% IMPERVIOUS
POOL DECK = 628 SQ FT
NEW TOTAL IMPERVIOUS AREA = 41.7% or 2,983

THIS SURVEY WAS MADE FOR THE BENEFIT OF CHAD
BOLEN; ASHLEIGH BOLEN; OLD REPUBLIC NATIONAL
TITLE INSURANCE COMPANY; RICHARD T. MOREHEAD
TITLE & ESCROW, INC.

MAR 11 2022
22-100032

STEPHEN W. CREWS, P.S.M.
FLORIDA LIC. SURVEYOR and MAPPER No. LS 5996
FLORIDA LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

CHECKED BY: _____
DRAWN BY: _____ ADT
FILE: _____ 2021-0545

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

DATE: MAY 12, 2021
SHEET 1 OF 1

PRE-POL EXISTING

MAP SHOWING SURVEY OF

LOT 2, BLOCK 10, PINE GROVE UNIT 2, AS RECORDED IN PLAT BOOK 17,
PAGE 18 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

6th AVENUE NORTH

70' RIGHT OF WAY PAVED PUBLIC ROAD

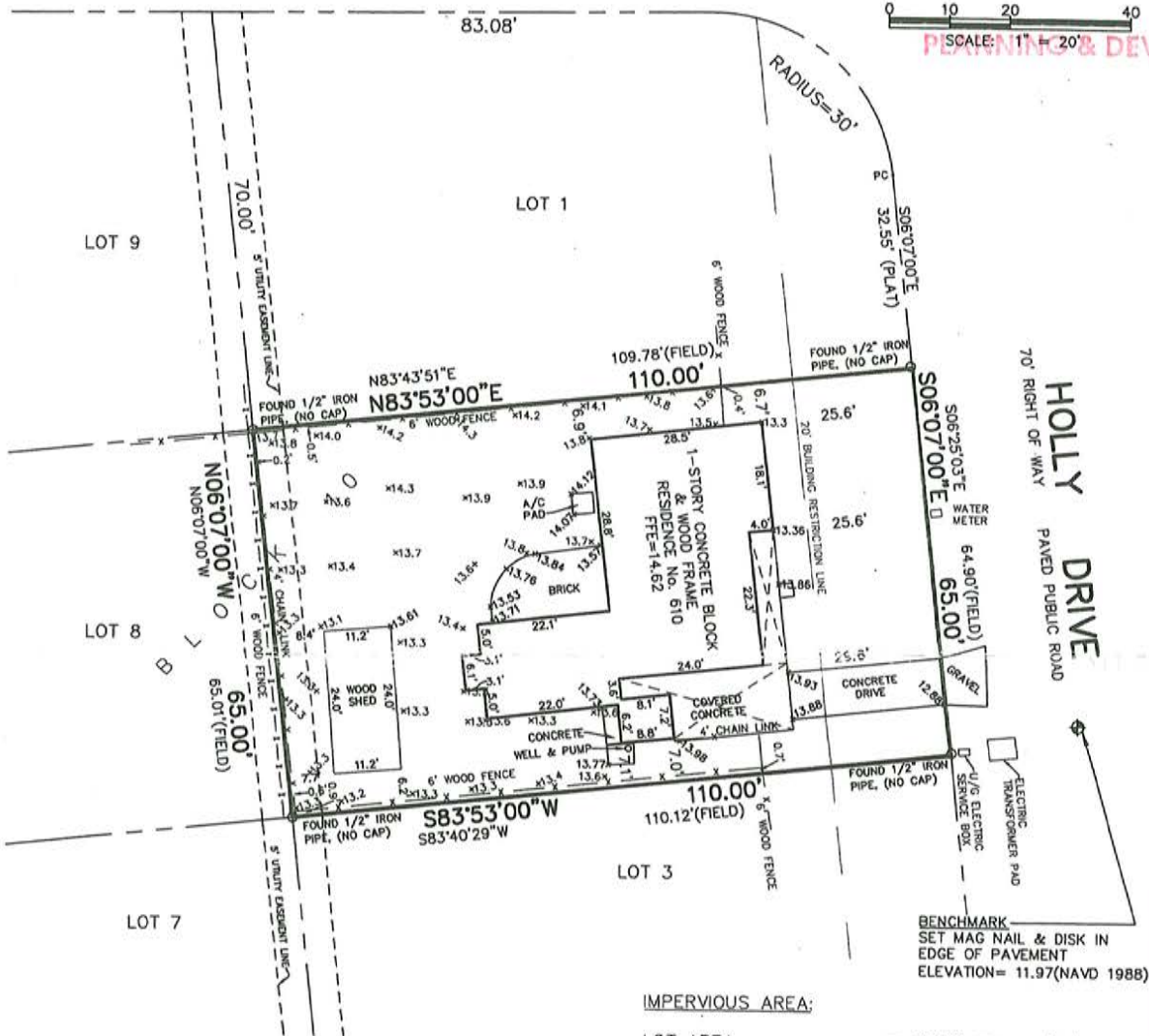
RECEIVED

22-100032

MAR 11 2022

0 10 20 40

SCALE: 1" = 20'



NOTES

1. THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY.
2. BEARINGS ARE BASED ON THE WEST LINE OF LOT 2 BEING NORTH 06°07'00" WEST AS PER PLAT.
3. BUILDING RESTRICTION LINES PER PLAT.
4. BENCHMARK USED IS A SET MAGNAIL IN THE WEST EDGE OF PAVEMENT IN FRONT OF RESIDENCE No. 610 HOLLY DRIVE, AS SHOWN HEREON.
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TOTAL IMPERVIOUS AREA = 2,549 square feet
= 35.7% IMPERVIOUS

THE PROPERTY DESCRIBED HEREON APPEARS TO LIE IN FLOOD ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031C0417J, 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 WAS MADE FOR THE BENEFIT OF CHAD BOLEN; ASHLEIGH BOLEN; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; RICHARD T. MOREHEAD TITLE & ESCROW, INC.

STEPHEN W. CREWS, P.S.M.

FLORIDA LIC. SURVEYOR AND MAPPER No. LS 5996
FLORIDA LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

CHECKED BY: _____
DRAWN BY: ADT
FILE: 2021-0645

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

DATE: MAY 12, 2021
SHEET 1 OF 1

L: \\D\\Shared\\Robert\\2022\\2022-0142 (610 HOLLY DR)\\2022-0142.dwg



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

BOA#22-100033

Zoning: RS-2
RE: 174393-0000
Legal: Lot 9, Block 88, Pablo Beach North
Address: 715 7th Avenue North

Request

Section(s): 34-337(e)(1)e, for lot coverage of 49% in lieu of 35% maximum to allow for construction of a swimming pool deck at an existing single-family dwelling

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1919) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-2. The subject lot is 50 feet in width, 125 +/- feet in depth, and has a lot area of 6,260 square feet. The lot has an existing home built circa 1955, which will be removed to allow for the construction of the new home and small rear patio area. The proposed home would meet the minimum size requirements for the RS-2 zoning district, as well as the required minimum parking of two spaces inside the garage. The proposed new home would meet all setbacks required in the RS-2 zoning district.

No Previous Variances or Code Enforcement

Staff Analysis

The existing lot is both substandard in size and area. The minimum sized home in RS-2 is 1,200 square feet, not counting the required garage. The proposed house is 2,329 square feet total, with a two car garage, estimated at or near 400 square feet. This means the proposed home will have a footprint of 1600 square feet of living area with the garage deducted. While the code requirement is a minimum for all living space which could include a second story, it is still a reasonable footprint on this sized lot. The house also maintains all the required setbacks with a modest increase in lot coverage.



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

Minimum Dimensional Standards

- Minimum lot area: Seven thousand five hundred (7,500) square feet.
- Minimum lot width: Seventy-five (75) feet at the building line and a minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty (20) feet.
 - Side yard: Fifteen (15) feet in total for both side yards provided that no side yards are less than five (5) feet, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear Yard: Thirty (30) feet.
- Floor area: A single family dwelling unit shall contain a minimum of one thousand two hundred (1,200) square feet of conditioned living area and a one (1) car garage or carport. The garage or carport shall not be included as part of the single family dwelling unit's minimum square footage.
- Maximum lot coverage: Thirty-five (35) percent.
- Height: Thirty-five (35) feet.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject property is substandard in width and area.

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 is a platted lot of record circa 1919, and is a legal nonconforming lot. The applicant may be able to reduce lot coverage through the use of alternate materials. With the proposed house taking up close to half the lot coverage,



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

there is little room for any future patio or pool deck, a common request once new homes are purchased.

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 requesting to build a new home on a substandard lot. The use of the property for a single family home is the least intense use allowed in this zoning district.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. The use of the property as a site for a single family home is the highest and best use of the property and granting additional lot coverage would allow the construction of the proposed home.

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 applicant has proposed a minimal increase in lot coverage while respecting all required yard setbacks, though the use of pervious materials would leave future owners additional lot coverage for accessory uses. .

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

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



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

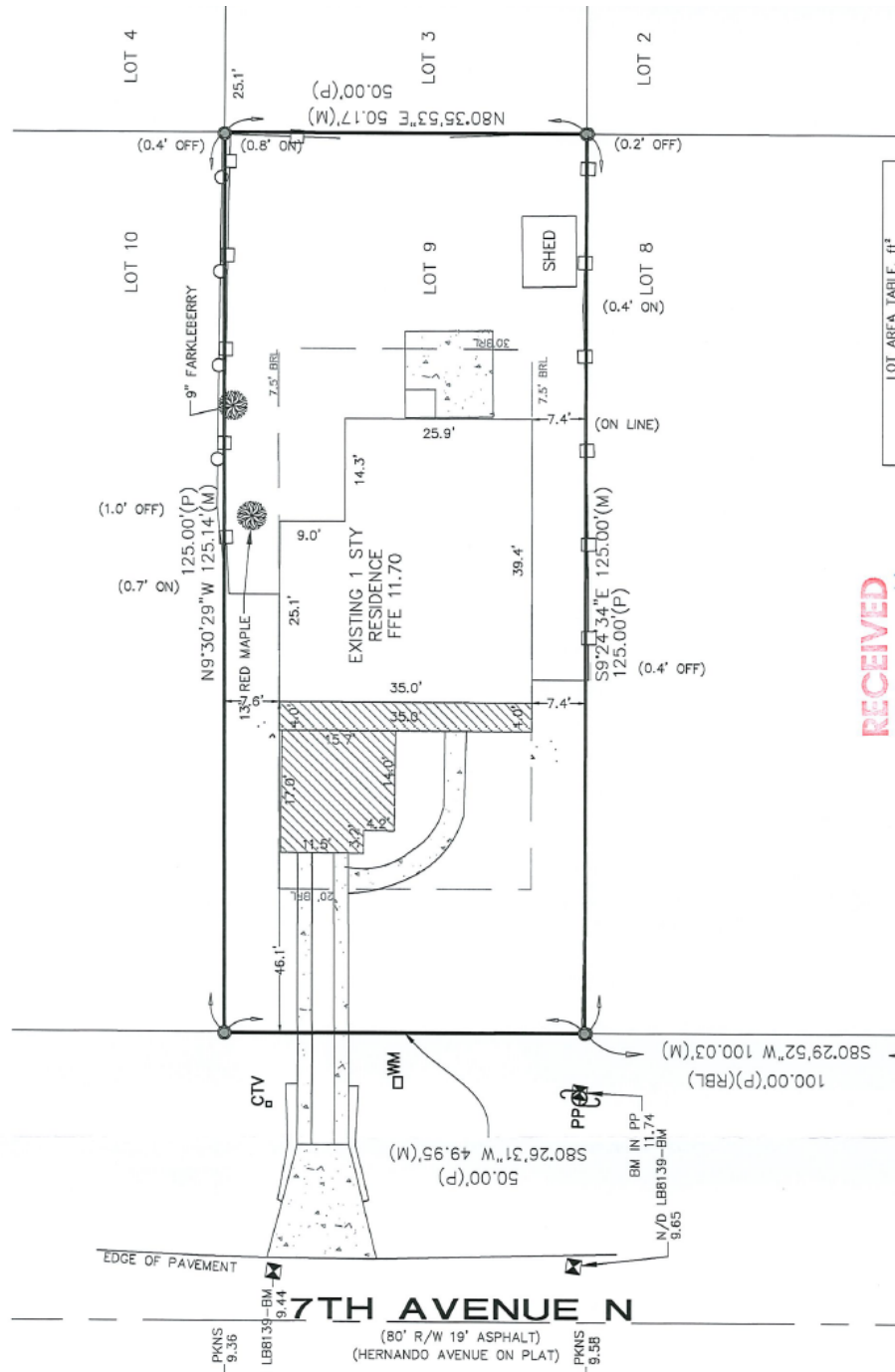
Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#22-100033**

Location Map (property boundaries are representative only)



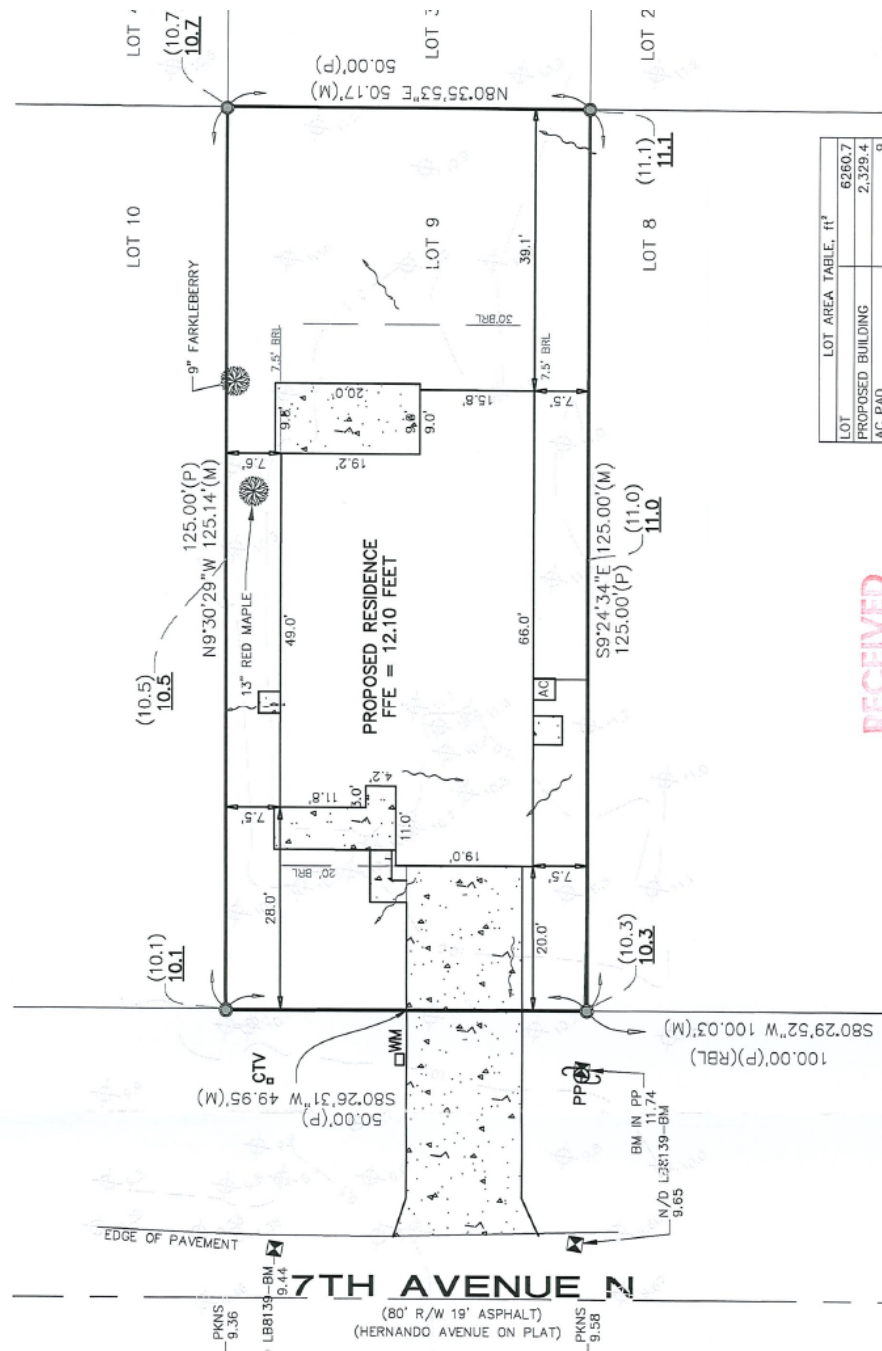
Existing Survey





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

Proposed Site Plan





APPLICATION FOR VARIANCE

BOA NO. 22-100033

HEARING DATE 5-3-22

5.17.22

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). - To DO
7. Completed application.

MAR 16 2022

10:15

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: SALT AIR HOMES INC. Telephone: 904-333-6607
 Mailing Address: 226 TALLWOOD RD. E-Mail: O.KRAUT@COMCAST.NET.
JAX Bch FL. 32250
 Agent Name: _____ Telephone: _____
 Mailing Address: _____ E-Mail: _____
 Landowner Name: SAME. Telephone: _____
 Mailing Address: _____ E-Mail: _____

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

VARIANCE DATA

Street address of property and Real Estate Number: 715 7TH AVE N. RE# 174393-0000
 Legal description of property (Attach copy of deed): LOT 9 - BLK 88
 Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).
LOT COVERAGE OF 43% IN LIEU OF 35% REQUIRED

AFFIDAVIT

I, _____, 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.

Oliver J. Kraut
 APPLICANT SIGNATURE

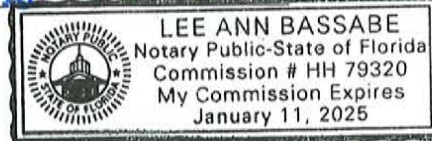
OLIVER J. KRAUT
 PRINT APPLICANT NAME

3-16-22
 DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 16 day of March, 2022, by Oliver J. Kraut, 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-2 FLOOD ZONE: X

CODE SECTION (S):
 34-337(e)(1)e, for lot coverage of 43% in lieu of 35% maximum to allow for construction of a new single-family dwelling with driveway and a rear patio

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-100033

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	SUBSTANDARD LOT FOR RS-2 ZONING DISTRICT.
Special circumstances and conditions do not result from the actions of the applicant.	YES	THIS IS A PLATTED LOT OF RECORD PRIOR TO THE CURRENT LAND DEVELOPMENT CODE.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	YES. THIS WILL NOT GIVE SPECIAL PRIVILEGES	GRANTING THIS VARIANCE WILL BE CONSISTENT WITH OTHER VARIANCES GRANTED TO THE SAME SIZE PARCEL.
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	WITH STAYING WITH IN THE SIDE BRL (WHICH ARE SUBSTANDARD) I DO NOT EFFECT THE SIDE NEIGHBORS. - IF LOT WAS CONFORMING I WOULD ONLY BE AT 35.1 % LOT COVERAGE
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	THIS IS THE MINIMUM VARIANCE FOR REASONABLE USE OF THE PARCEL OF LAND.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	YES	THE NEW HOME WOULD BE CONSISTENT WITH NEIGHBORHOOD - THIS WILL NOT ADVERSELY AFFECT ADJACENT LAND.

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CIVIL ACTION NO: 18-2018-CA-008747-XXXX-MA
DIVISION: FC-H

RECEIVED
22-100033
MAR 16 2022

PLANNING & DEVELOPMENT

SPACE FOR RECORDING ONLY F.S. §898.26

FREEDOM MORTGAGE CORPORATION

Plaintiff(s)

vs.

ROY A STARK
UNKNOWN TENANT OWNER 1
UNKNOWN TENANT OWNER 2
UNKNOWN TENANT OWNER 3
ALICIA LUCILLE GANTZ
BRIAN KEITH HILL
KELLIE LYNN ROWE
UNKNOWN SPOUSE OF ROY A STARK
DAVID STARK
UNKNOWN HEIRS IN THE ESTATE OF WARREN RAYMOND
STAR
CLERK OF THE CIRCUIT COURT IN AND FOR DUVAL
COUNTY
STATE OF FLORIDA CO ANGELA B COREY
UNKNOWN HEIRS IN THE ESTATE OF ROY A STARK
STATE OF FLORIDA

Defendant(s)

FILED

DEC 28 2021

DUVAL CLERK OF COURT

CERTIFICATE OF TITLE

The undersigned Clerk of the Court certifies that he executed and filed a Certificate of Sale in this action on Dec 16, 2021 for the property described herein and that no objections to the sale have been filed within the time allowed for filing objections.

The following property in Duval County, Florida:

LOT 9, BLOCK 88, PABLO BEACH IMPROVEMENT COMPANY'S PLAT OF PART OF NORTHERN PORTION OF PABLO BEACH, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 66, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.
Property Address: 715 7TH AVENUE NORT JACKSONVILLE BEACH, FL 32250

was sold to Salt Air Homes Inc.
whose address is: 228 Tallwood Road, Jacksonville Beach, FL 32250

WITNESS my hand and the seal of the court on Dec 28 2021, as Clerk of the Circuit Court.



JODY PHILLIPS
CLERK OF THE CIRCUIT AND COUNTY
COURTS

BY:

[Signature]

Deputy Clerk

PROPOSED

LEGEND

- BM1 = SITE BENCHMARK
S = SANITARY SEWER MANHOLE
W = WATER BIB
F = FIRE HYDRANT
CIV = CABLE/INTERNET UTILITIES BOX
P = POWER POLE, SERVICE POLE, LIGHT POLE
W = EXISTING WATER METER
W = PROPOSED WATER METER
W = WELL
X = UNNUMBERED X-CUT IN CONCRETE FOUND
▲ = FOUND NAIL/DISC
▲ = FOUND 1/2" IRON ROD YC NO ID
▲ = FOUND CONCRETE MONUMENT
▲ = PRM/BLOCK CORNER FOUND
● = SET 1/2" IRON ROD LB#8139 AT PROPERTY CORNER
● = FOUND 1/2" IRON PIPE WITH NO IDENTIFICATION

⊕ = EXISTING GROUND ELEVATIONS

⊕ = EXISTING TREE

CHAIN LINK FENCE

WOOD FENCE

- A/C = AIR CONDITIONER ON PAD
BOC = BACK OF CURB
BRL = BUILDING RESTRICTION LINE (SETBACK) LINE
DB = DEED BOOK
EP = EDGE OF PAVEMENT
GYA = GUY ANCHOR
JEA = JACKSONVILLE ELECTRIC AUTHORITY
JEA-E = JACKSONVILLE ELECTRIC AUTHORITY - ELECTRIC
JEA-EE = JEA ELECTRICAL EASEMENT
LB = LICENSED SURVEY BUSINESS
LS = LICENSED SURVEYOR
OHV = OVERHEAD WIRE/LINE
ORB = OFFICIAL RECORDS BOOK
PC = POINT OF CURVATURE
PC = PAIR
POB = POINT OF BEGINNING
POC = POINT OF COMMENCEMENT
PRM = PERMANENT REFERENCE MONUMENT
PSM = PROFESSIONAL SURVEYOR AND MAPPER
RBL = REFERENCE BEARING LINE
R/W = RIGHT-OF-WAY LINE
STY = STORY
TBR = TO BE REMOVED
TYP = TYPICAL
(P) = PLAT CALL
(M) = FIELD MEASURED VALUE
(D) = DEED CALL
(C) = CALCULATED VALUE, FROM FIELD MEASUREMENTS
(R) = RECORD VALUE

→ = PROPOSED DRAINAGE FLOW

→ = EXISTING DRAINAGE FLOW

(10.0) = EXISTING ELEVATION

10.0 = PROPOSED ELEVATION

⊗ = TREE TO BE REMOVED

△ = PROPOSED CONCRETE

△ = EXISTING CONCRETE

▨ = COVERED AREA



GRAPHIC SCALE



(IN FEET)

1 inch = 20 ft.

SURVEYOR'S NOTES:

- Legal Description has been furnished by client and/or his/her agents.
- No Title Opinion or Abstract of Matters Affecting the Title or Boundary to the Subject Property have been provided. It is possible that there could exist Deeds of Record, Unrecorded Deeds, Easements (especially any easements/documents recorded AFTER Plat Recordation) or other instruments that could affect this property.
- Measurements hereon are in accordance with U.S. Standard Feet, data acquired with Theodolite and Steel Tape, or with Technologically Superior Equipment utilizing Redundant Techniques.
- MEASURED BEARINGS HEREON ARE BASED ON A FLORIDA DEPARTMENT OF TRANSPORTATION BENCHMARK "BART" AND "KREG", WHICH WERE DERIVED FROM A GLOBAL POSITIONING SYSTEM (GPS) REAL-TIME KINEMATIC (RTK) SURVEY. A SOKKIA GCX3 GPS RECEIVER WAS USED AS A ROVER, RTK CORRECTIONS WERE OBTAINED FROM THE FLORIDA PERMANENT REFERENCE NETWORK (FPRN), COORDINATES OBTAINED FROM THE GPS SURVEY ARE REFERENCE TO NORTH AMERICAN DATUM OF 1983 (NAD83)-(2011)-(EPOCH 2010.0000).
- Contiguous lots lie in same block, unit, phase, section etc. unless noted.
- Type of Survey: **PLOT PLAN**
- Stated Legal Purpose of Survey: Acquisition, Sale, Mortgage, Permits, Planning.
- No Flood Zone Determination has been made or requested for this property during the course of this Survey.
- This Survey is not intended to Locate any subsurface/underground objects, improvements, foundations or encroachments. Survey reflects above-ground features and improvements only.
- This Survey Does NOT Reflect or Determine Ownership of land or fences.
- This Survey is NOT Insured for Multiple uses. Fiduciary and all other obligations are limited to Certifyees listed hereon utilizing Survey for purposes listed in item 7 Above. See Note Above Signature Block.
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- Building Dimensions and their ties to adjacent property or other lines are copied from provided plans.
- Elevations if shown are based on the North American Vertical Datum of 1988.
- Dimensions for the proposed residence shown hereon are from the provided foundation plan.
- See house plans for additional details.
- Plat hereon contains no angles or bearings for comparison to field measured values.
- Current FEMA F.I.R. Maps show property in FLOOD ZONE "X WITH 0.2% ANNUAL CHANCE OF FLOODING", according to flood insurance rate map panel: #12031C0417J, effective on 11/02/2018

Special Note - Liability Notice

NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN IN TITLE AND CERTIFICATION BLOCKS BELOW. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY IN ANY MANNER WHATSOEVER, WITHOUT THE WRITTEN CONSENT OF THE SIGNING SURVEYOR. SEE SURVEYOR'S NOTE #11 HEREON.

Surveyor's Certification

REPRODUCTIONS OF THIS SKETCH OF SURVEY ARE NOT VALID UNLESS MADE WITH THE EMBOSSED SEAL OF THE SIGNING SURVEYOR.
THE SKETCH OF SURVEY DEPICTED HEREON CONFORMS TO THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN ACCORDANCE WITH CHAPTER 54, F.S. (PREVIOUSLY 610-171) PURSUANT TO CHAPTER 472.027 FLORIDA STATUTES, AND WAS DONE UNDER MY SUPERVISION.

04/06/2022

State of Florida Professional Surveyor and Mapper

Signature Date Brandon D. Shugart License No. 7009

Surveyor's Seal

LEGAL DESCRIPTION

LOT 9, BLOCK 88, PABLO BEACH IMPROVEMENT COMPANY'S PLAT OF
NORTHERN PORTION OF PABLO BEACH, PLAT/MAP BOOK 5, PAGE 66
PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

PLOT PLAN SHOWING BOUNDARY SURVEY
AND TOPOGRAPHIC AND TREE

IME CIVIL & SURVEYING, LLC

311 STATE ROAD 16
ST AUGUSTINE, FLORIDA 32084

WWW.IMECIVIL.COM
904-429-7764

Licensed Survey Business #8139
Certificate of Authorization #33025

© Copyright
Do not copy or reproduce without permission.

ADDRESS OF PROPERTY SHOWN HEREON:

FOR: American Classic Homes
AT: 715 N 7th Avenue
Jacksonville Beach, FL 32250

Drawn By: LR/DP
Field Survey Date: 2/09/2022
FB/PG: 4/8

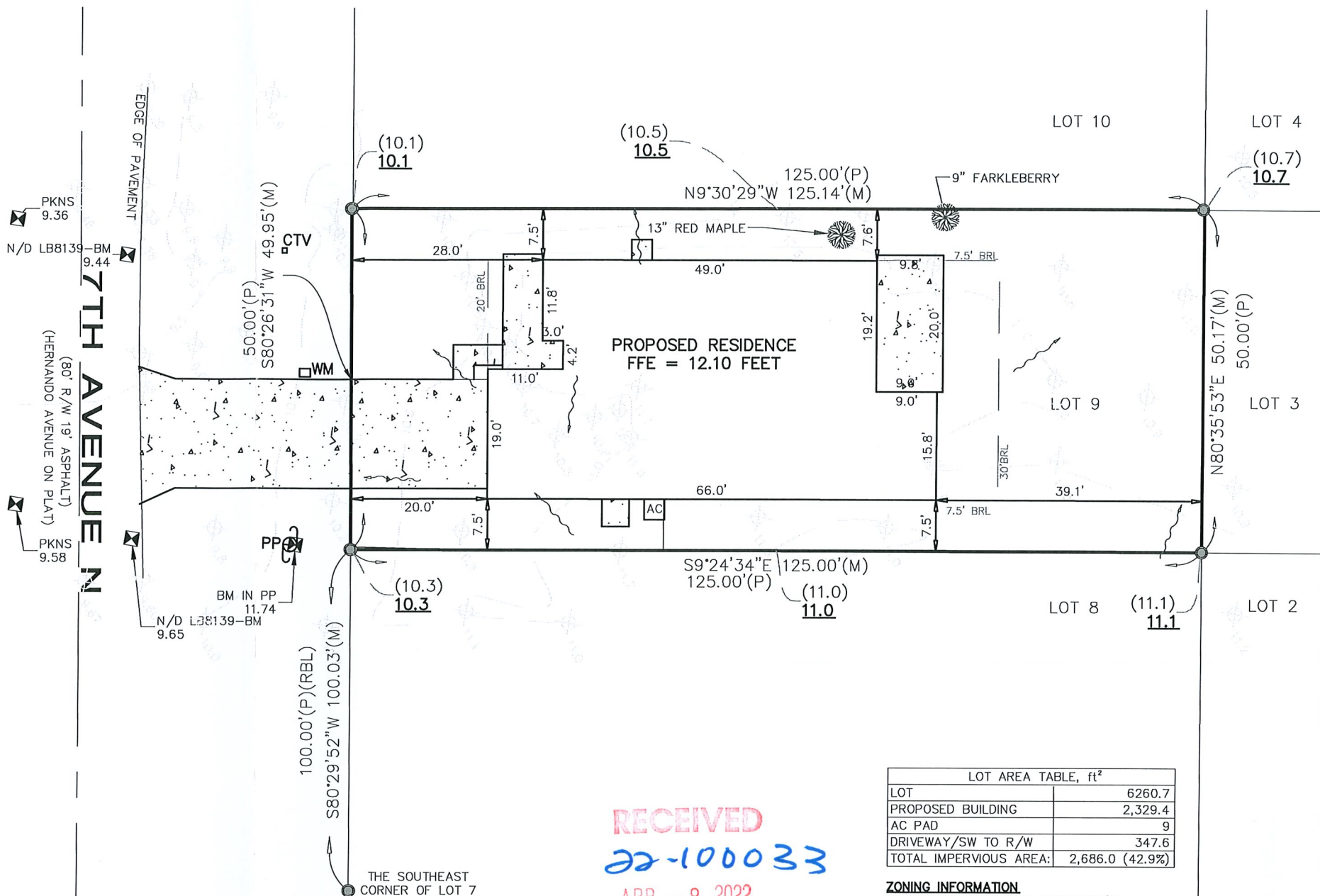
Scale 1" = 20 Feet
Drawing/File #: 013122.3

Additional Information/Certifications:

LOT AREA TABLE, ft ²	
LOT	6260.7
PROPOSED BUILDING	2,329.4
AC PAD	9
DRIVEWAY/SW TO R/W	347.6
TOTAL IMPERVIOUS AREA:	2,686.0 (42.9%)

ZONING INFORMATION

RS-2 FROM PROPERTY APPRAISER'S
WEBSITE. Fifteen (15) feet in total for both
side yards provided that noside yards are
less than five (5) feet, except when the
lot is a corner lot
• FRONT 20'
• SIDE 15'
• REAR 30'



RECEIVED

22-100033

APR - 8 2022

PLANNING & DEVELOPMENT

EXISTING

LEGEND

- BM1 = SITE BENCHMARK
S = SANITARY SEWER MANHOLE
WB = WATER BIB
FH = FIRE HYDRANT
CU = CABLE/INTERNET UTILITIES BOX
PP, SP, LP = POWER POLE, SERVICE POLE, LIGHT POLE
WM = EXISTING WATER METER
PW = PROPOSED WATER METER
W = WELL
X = UNNUMBERED X-CUT IN CONCRETE FOUND
NAIL/DISC = FOUND NAIL/DISC
1/2" IRON ROD YC NO ID = FOUND 1/2" IRON ROD YC NO ID
CONCRETE MONUMENT = FOUND CONCRETE MONUMENT
PRM/BLOCK CORNER FOUND = PRM/BLOCK CORNER FOUND
SET 1/2" IRON ROD LB#8139 AT PROPERTY CORNER = SET 1/2" IRON ROD LB#8139 AT PROPERTY CORNER
FOUND 1/2" IRON PIPE WITH NO IDENTIFICATION = FOUND 1/2" IRON PIPE WITH NO IDENTIFICATION
EXISTING GROUND ELEVATIONS = EXISTING GROUND ELEVATIONS
EXISTING TREE = EXISTING TREE

CHAIN LINK FENCE
WOOD FENCE

- A/C = AIR CONDITIONER ON PAD
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(10.0) = EXISTING ELEVATION
10.0 = PROPOSED ELEVATION

- TREE TO BE REMOVED
PROPOSED CONCRETE
EXISTING CONCRETE
COVERED AREA



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

SURVEYOR'S NOTES:

- Legal Description has been furnished by client and/or his/her agents.
- No Title Opinion or Abstract of Matters Affecting the Title or Boundary to the Subject Property have been provided. It is possible that there could exist Deeds of Record, Unrecorded Deeds, Easements (especially any easements/documents recorded AFTER Plat Recordation) or other instruments that could affect this property.
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- Contiguous lots lie in same block, unit, phase, section etc. unless noted.
- Type of Survey: **BOUNDARY SURVEY**
- Stated Legal Purpose of Survey: Acquisition, Sale, Mortgage, Permits, Planning.
- No Flood Zone Determination has been made or requested for this property during the course of this Survey.
- This Survey is not Intended to Locate any subsurface/underground objects, improvements, foundations or encroachments. Survey reflects above-ground features and improvements only.
- This Survey Does NOT Reflect or Determine Ownership of land or fences.
- This Survey is NOT Insured for Multiple uses. Fiduciary and all other obligations are limited to Certificates listed hereon utilizing Survey for purposes listed in item 7 Above. See Note Above Signature Block.
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- Elevations if shown are based on the North American Vertical Datum of 1988.
- Dimensions for the proposed residence shown hereon are from the provided foundation plan.
- See house plans for additional details.
- Plot hereon contains no angles or bearings for comparison to field measured values.
- Current FEMA F.I.R. Maps show property in FLOOD ZONE "X WITH 0.2% ANNUAL CHANCE OF FLOODING", according to flood insurance rate map panel: #12031C0417J, effective on 11/02/2018

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Brandon D. Shugart
STATE OF FLORIDA
Professional Surveyor and Mapper
#7009

03/24/2022
Signature Date

Brandon D. Shugart
IME CIVIL & SURVEYING, LLC
www.imecivil.com

LEGAL DESCRIPTION

LOT 9, BLOCK 88, PABLO BEACH IMPROVEMENT COMPANY'S PLAT OF
NORTHERN PORTION OF PABLO BEACH, PLAT/MAP BOOK 5, PAGE 66
PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

PLAN SHOWING BOUNDARY SURVEY

IME CIVIL & SURVEYING, LLC

311 STATE ROAD 16
ST AUGUSTINE, FLORIDA 32084

WWW.IMECIVIL.COM
904-429-7764

Licensed Survey Business #8139
Certificate of Authorization #33025

Copyright
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ADDRESS OF PROPERTY SHOWN HEREON:

FOR: American Classic Homes
AT: 715 N 7th Avenue
Jacksonville Beach, FL 32250

Drawn By: LR/DP
Field Survey Date: 2/09/2022
FB/PG: 4/8

Scale 1" = 20 Feet
Drawing/File #: 013122.3

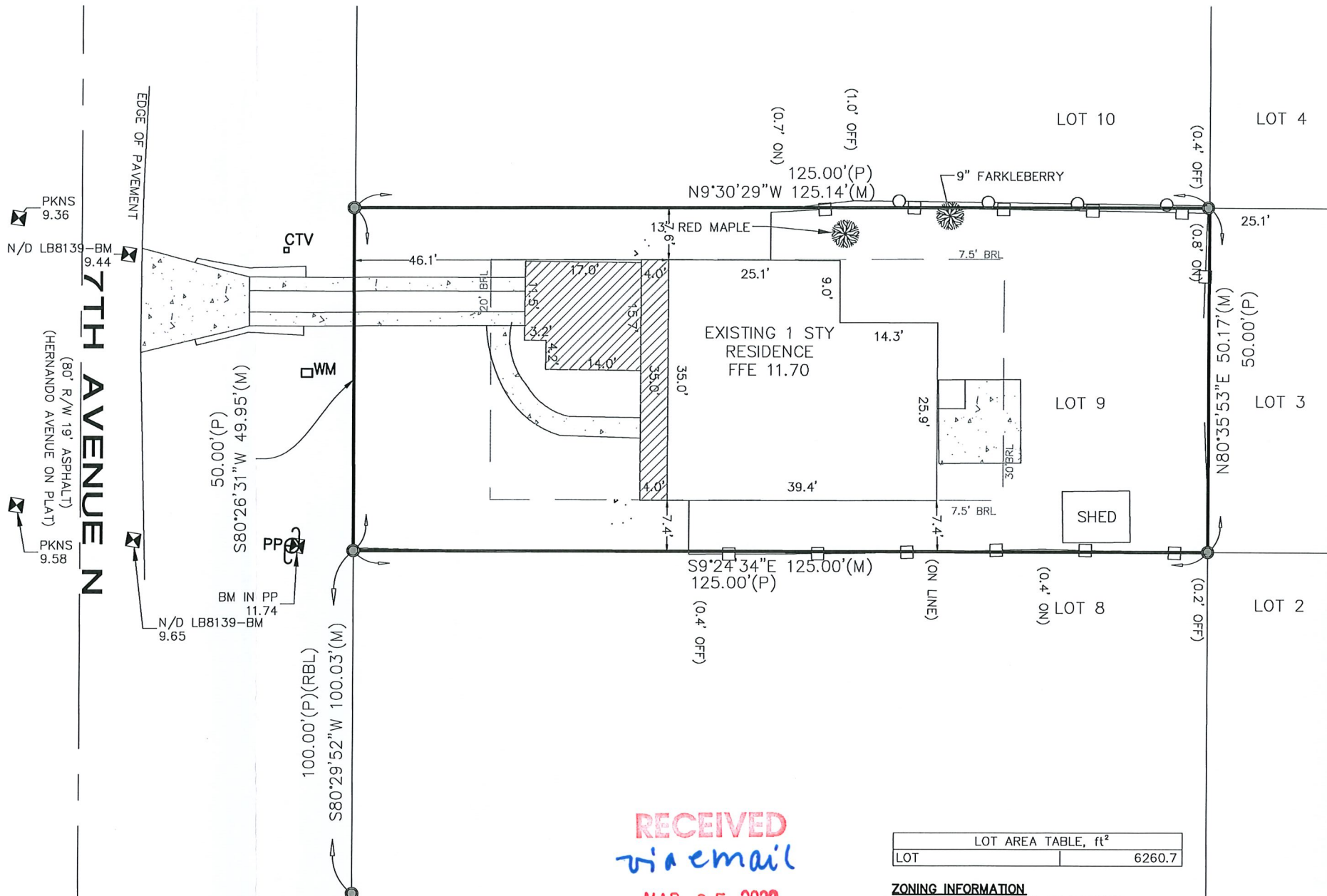
Additional Information/Certifications:

LOT AREA TABLE, ft ²	
LOT	6260.7

ZONING INFORMATION

RS-2 FROM PROPERTY APPRAISER'S WEBSITE. Fifteen (15) feet in total for both side yards provided that no side yards are less than five (5) feet, except when the lot is a corner lot

- FRONT 20'
- SIDE 15'
- REAR 30'





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

BOA#22-100039

Zoning: RS-2
RE: 176856-0020
Legal: Lot 2, Block 140, Oceanside Park
Address: 910 13th Avenue South

Request

Section(s): 34-337(e)(1)e, for lot coverage of 48% in lieu of 35% maximum to allow for construction of a swimming pool deck at an existing single-family dwelling

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1922) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-2. The subject lot is 50 feet in width, 125 feet in depth, and has a lot area of 6,250 square feet. The lot has an existing home built circa 2014, and subsequently purchased by the current owner in 2017. The home currently has a lot coverage of 40.6 %, which includes the home, driveway, walkway and a paver patio. There is no previous variance on file for the paver patio.

No Previous Variances or Code Enforcement

Staff Analysis

The existing lot is both substandard in size and area. The existing home was built up to the maximum lot coverage with the required driveway and walkway. The rear patio appears to have been constructed in 2016, based on the County's GIS images. With the construction of the new pool deck, the previous patio will be removed, so the net change in lot coverage will be 8%, having previously had 40%. The exiting house and proposed pool deck will meet all required setbacks. It appears the applicant did not create the exiting nonconformity, and with or without the new pool, a variance for lot coverage would be required if a substantial remodel were undertaken. No pervious products are proposed with this design.



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

Minimum Dimensional Standards

- Minimum lot area: Seven thousand five hundred (7,500) square feet.
- Minimum lot width: Seventy-five (75) feet at the building line and a minimum of thirty-five (35) feet at the street.
- Minimum yards:
 - Front yard: Twenty (20) feet.
 - Side yard: Fifteen (15) feet in total for both side yards provided that no side yards are less than five (5) feet, except when the lot is a corner lot. For a corner lot, the side yard on the corner shall be twenty (20) percent of the lot width or ten (10) feet, whichever is greater, except the side yard is never required to exceed twenty (20) feet.
 - Rear Yard: Thirty (30) feet.
- Floor area: A single family dwelling unit shall contain a minimum of one thousand two hundred (1,200) square feet of conditioned living area and a one (1) car garage or carport. The garage or carport shall not be included as part of the single family dwelling unit's minimum square footage.
- Maximum lot coverage: Thirty-five (35) percent.
- Height: Thirty-five (35) feet.
- Accessory structures: All accessory structures shall be located a minimum of five (5) feet from any property line or principal or accessory structures.

Review of Criteria

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

Staff **does** find that there are circumstances unique to the subject parcel of land. The subject property is substandard in width and area. The existing lot coverage is an existing nonconformity as well.

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 is a platted lot of record circa 1922, and is a legal nonconforming lot. The



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

property already exceeds lot coverage, and the net change of coverage will be 8%.

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 requesting to build a pool and paver deck, a common request throughout this zoning district.

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

Staff **does** find that literal interpretation of the code would deprive the applicant of rights and privileges. The property already exceeds lot coverage and it would be an undue burden to require the applicant to remove the exiting patio, the applicant is proposing to add additional pavers to create the pool deck, though the pool coping would not count towards lot coverage. .

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 applicant has proposed a minimal net increase over the exiting lot coverage of 40%, the proposed increase in lot coverage while meeting all required setback.

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

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



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

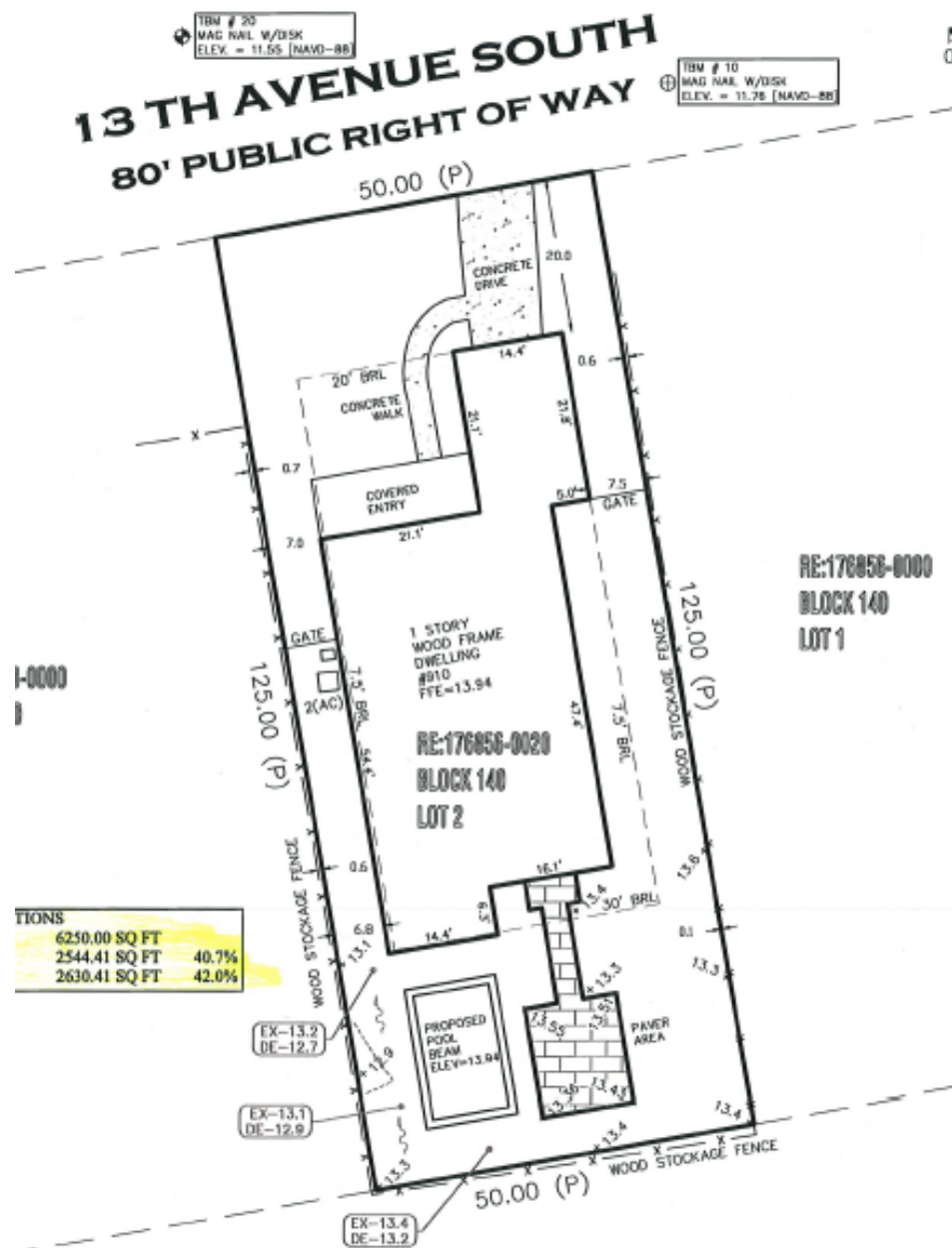
Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#22-100039**

Location Map (property boundaries are representative only)



Existing Survey



13 TH AVENUE SOUTH
80' PUBLIC RIGHT OF WAY

RE: 178556-0000
BLOCK 140
LOT 1

RE: 178556-0020
BLOCK 140
LOT 2

1 STORY WOOD FRAME DWELLING #910 FFE=13.94

125.00 (P)
50.00 (P)

1/2" IRON PIPE NO ID

CONCRETE DRIVE
CONCRETE WALK
COVERED ENTRY
GATE
WOOD STORAGE FENCE

13.94 of coping

SETBACK TO EDGE OF DOOR PAD
SETBACK TO EDGE OF DECK
SETBACK TO EDGE OF WATERLINE

REMAIN SETBACK TO EDGE OF DOOR PAD

6250.00	32.4%	
2029.14	3.8%	
237.80	4.3%	
267.37	0.1%	
10.00	0.1%	
2544.41	40.6%	
PAVERS	-237.90	6.7%
CK	602.17	9.8%
76.10	1.2%	
EQUIPMENT	24.00	0.30%
US	3008.78	48.1%

EX-13.2 DE-12.9
EX-13.1 DE-12.9
EX-13.4 DE-13.4

50.00 (P)

APPLICATION FOR VARIANCE

BOA No. 22-100039HEARING DATE 5.17.22

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: Laura Polinsky & Kyle Godwin
Mailing Address: 910 13th Ave S
Jacksonville Beach FL 32250

Telephone: (904) 424-7561
E-Mail: kyle.godwin1972@gmail.com

Agent Name: _____
Mailing Address: _____

Telephone: _____
E-Mail: _____

Landowner Name: Laura Polinsky & Kyle Godwin
Mailing Address: 910 13th Ave S.
Jacksonville Beach, FL 32250

Telephone: (904) 424-7561
E-Mail: Kyle.Godwin1972@gmail.com

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

VARIANCE DATA

Street address of property and Real Estate Number: 910 13th Ave S

Legal description of property (Attach copy of deed): 8-13 04-3S-29E .141 Oceanside

Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).

Pool

AFFIDAVIT

I, Kyle C. Godwin, 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.

Kyle C. Godwin
APPLICANT SIGNATURE

Kyle C. Godwin
PRINT APPLICANT NAME

3/2/22
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of March, 2022, by Kyle C. Godwin, who is personally known to me or produced FL Drivers License as identification.

Lee Ann Bassabe
NOTARY PUBLIC SIGNATURE
PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2

FLOOD ZONE: X

CODE SECTION (S):
34-337(e)(1)e, for lot coverage of 48% in lieu of 35% maximum to allow for construction of a swimming pool deck at an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 27-100039

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.	Y	Lot is substandard in both width + length
Special circumstances and conditions do not result from the actions of the applicant.	Y	Smaller substandard lot platted in 1922 predating current code by 60 yrs. Current owners thereby did not cause those circumstances
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.	Y	Granting the variance will not cause any adverse effects to other parcels in the area
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.	Y	Due to Covid and having to work from home, a portion of our home has been devoted to office space rather than a liveable space. By installing a screen enclosed pool, we will expand our liveable space.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Y	Variance would account for a 46% coverage. Were the lot to be standard in size it would equate to 38% coverage.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Y	Granting of variance will not adversely affect neighbors on adjacent lots/land.

Prepared by:
Beth Murphy
Richard T. Morehead Title & Escrow, Inc.
444 Third Street
Neptune Beach, Florida 32266

File Number: 17B2255

PLANNING & DEVELOPMENT

630001-22
MAR 31 2022

RECEIVED

17088495
\$380000⁰⁰

General Warranty Deed

Made this September 8, 2017 A.D. By **Rachel Ethridge Sivert f/k/a Rachel M. Ethridge, joined by Thomas Austin Sivert, Jr., her husband**, whose post office address is: 2951 Merrill Boulevard, Jacksonville Beach, Florida 32250, hereinafter called the grantor, to **Kyle C. Godwin and Laura B. Polinsky, husband and wife**, whose post office address is: 910 13th Avenue South, Jacksonville Beach, Florida 32250, 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 2, Block 140, Oceanside Park, a subdivision according to the plat thereof recorded at Plat Book 8, Page 13, in the Public Records of Duval County, Florida.

Parcel ID Number: 176856-0020

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2016.

Prepared by:
Beth Murphy
Richard T. Morehead Title & Escrow, Inc.
444 Third Street
Neptune Beach, Florida 32266

File Number: 17B2255

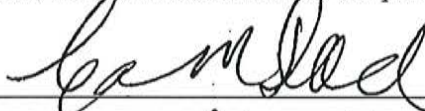
PLANNING & DEVELOPMENT

22-100039
MAR 31 2022

RECEIVED

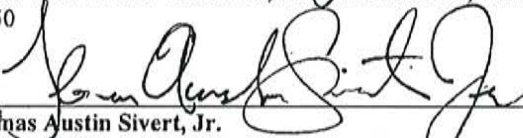
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:


Witness Printed Name Cara M. Doud

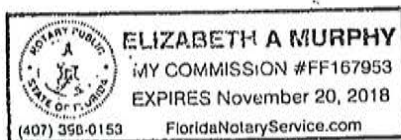

Witness Printed Name Kim T. Cannon


(Seal)
Rachel Ethridge Sivert f/k/a Rachel M. Ethridge
Address: 2951 Merrill Boulevard, Jacksonville Beach, Florida
32250


(Seal)
Thomas Austin Sivert, Jr.
Address: 2951 Merrill Boulevard, Jacksonville Beach, Florida
32250

State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 6th day of September, 2017, by Rachel Ethridge Sivert f/k/a Rachel M. Ethridge and Thomas Austin Sivert, Jr., who is/are personally known to me or who has produced DRIVER'S LICENSE as identification.

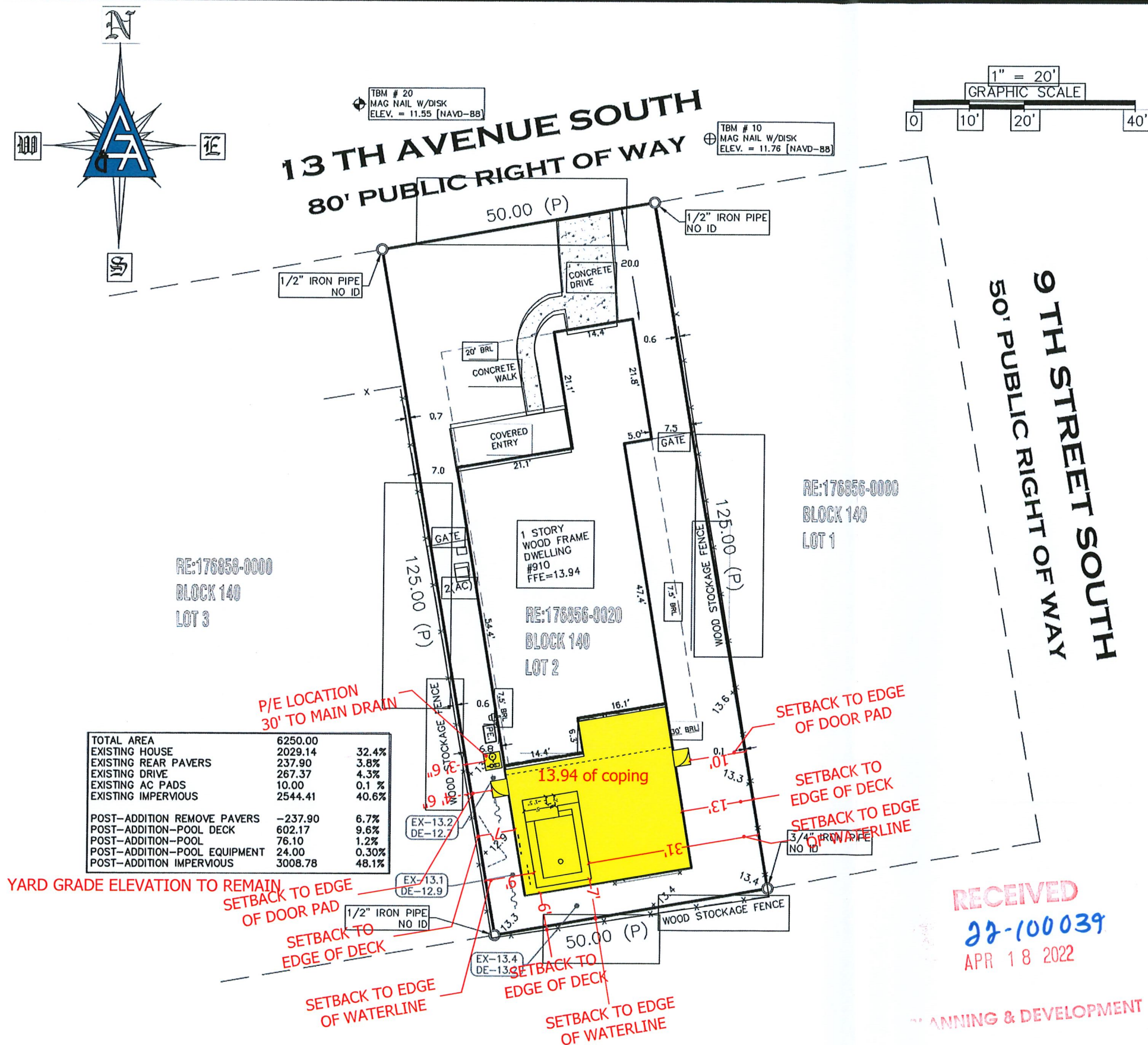


Notary Public

Print Name: _____

My Commission Expires: _____

PROPOSED



SPECIFIC PURPOSE SURVEY OF:
LOT 2, BLOCK 140, OCEANSIDE PARK, ACCORDING TO THE PLAT THEREOF,
RECORDED IN PLAT BOOK 8, PAGE 13 OF THE CURRENT PUBLIC RECORDS OF
DUVAL COUNTY, FLORIDA
FOR:
KYLE GODWIN
LAURA B. POLINSKY

GENERAL NOTES:

1. NOT A BOUNDARY SURVEY.
2. THE PURPOSE OF THIS SURVEY IS TO DISPLAY TOPOGRAPHIC FEATURES IN ACCORDANCE WITH CITY OF JACKSONVILLE BEACH POOL & SPA STANDARDS.
3. ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD_88), AND ARE BASED ON A FOUND USGS BRASS ELEVATION DISK STAMPED "BM X323 1970" ELEVATION 6.85 (NAVD_88) LOCATED AT THE NORTHEASTERLY CORNER OF THE INTERSECTION OF 3rd STREET SOUTH AND 11th AVENUE SOUTH.
4. UNDERGROUND IMPROVEMENTS AND UTILITIES WERE NOT LOCATED AS PART OF THIS SURVEY, EXCEPT AS SHOWN HEREON.
5. MEASUREMENT METHODS USED FOR THIS SURVEY MEET STANDARDS OF PRACTICE FOR LAND SURVEYING AS SET FORTH IN FLORIDA ADMINISTRATIVE CODE CHAPTER 5 J-17.050-.052 REQUIREMENTS.
6. ALL DATA SHOWN HEREON ARE FIELD MEASURED UNLESS OTHERWISE NOTED.
7. NO BEARINGS SHOWN HEREON. PLAT OF RECORD DOES NOT CONTAIN ANY ANGULAR INFORMATION.

JOB No. 22-003	REVISION:	DATE:	BY:
FILE No. A-339	ADDRESSED COMMENTS	04/18/2022	TBH
PARTY CHIEF: B. OSBORNE			
F.B. 1130-26			
DRAWN BY: T.HODGE			
CHECKED BY: J. THOMAS			
SURVEY DATE: 02-10-2022			

CAD FILE: P:\22 SAM\22-003 102206 7773 COJB 910 13TH AVE S FOR
GODWIN\DWG\22-003-13TH AVENUE SOUTH-POOL SURVEY.DWG

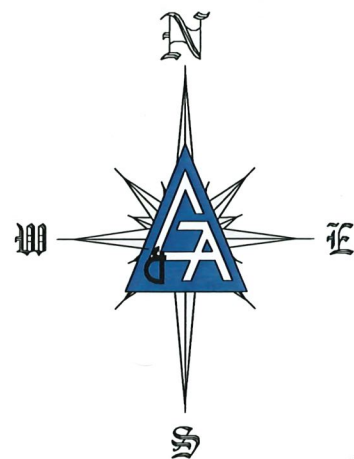


GHOTTO & ASSOCIATES, INC.
NATIONALLY CERTIFIED SURVEYORS & MAPPERS

CERTIFICATE OF AUTHORIZATION No. LB 6508
2426 PHILIPS HIGHWAY
JACKSONVILLE, FLORIDA 32207
(904) 886-0071
(904) 886-8174 FAX
www.ghotto.com

No. 6223
STATE OF
JOHN B. THOMAS, P.S.M. 6223
NOT VALID WITHOUT HIS SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

Existing



TBM # 20
MAG NAIL W/DISK
ELEV. = 11.55 [NAVD-88]

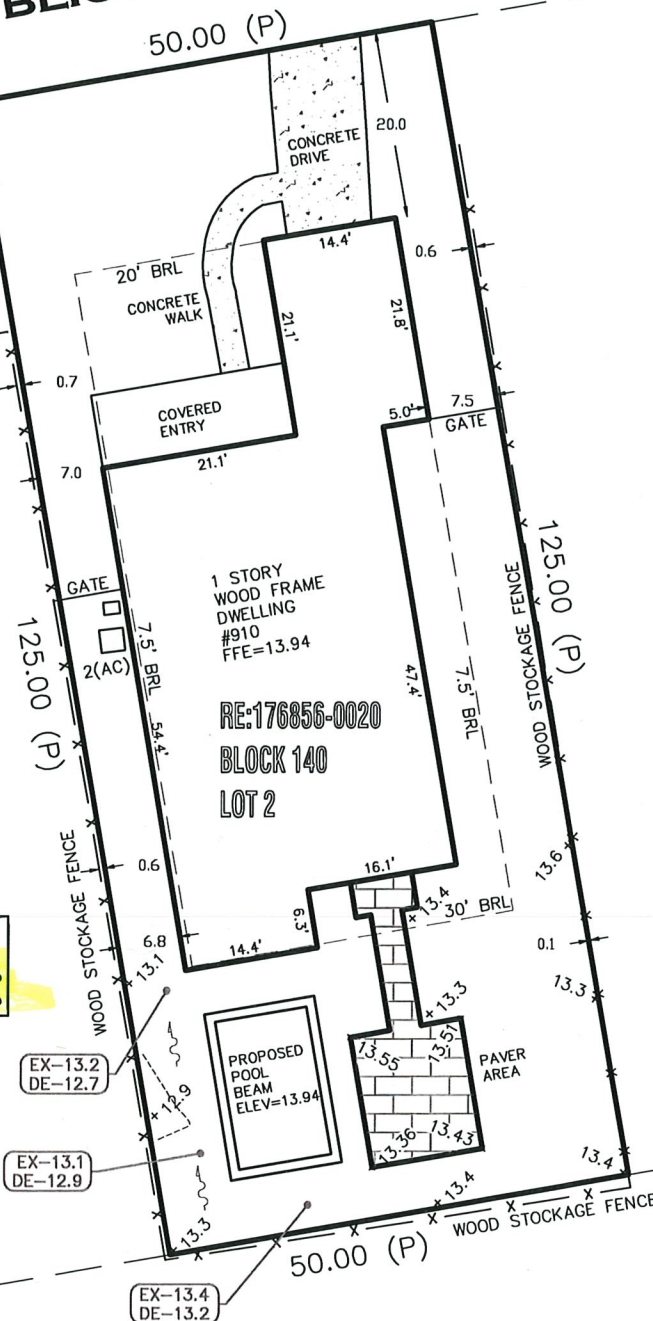
13 TH AVENUE SOUTH
80' PUBLIC RIGHT OF WAY

TBM # 10
MAG NAIL W/DISK
ELEV. = 11.76 [NAVD-88]

1" = 20'
GRAPHIC SCALE
0 10' 20' 40'

RE:176856-0000
BLOCK 140
LOT 3

IMPERVIOUS CALCULATIONS			
TOTAL AREA	6250.00 SQ FT		
PRE-POOL ADDITION	2544.41 SQ FT	40.7%	
POST-POOL ADDITION	2630.41 SQ FT	42.0%	



RE:176856-0000
BLOCK 140
LOT 1

9 TH STREET SOUTH
50' PUBLIC RIGHT OF WAY

SPECIFIC PURPOSE SURVEY OF:

LOT 7, BLOCK 117, OCEANSIDE PARK, ACCORDING TO THE PLAT THEREOF,
RECORDED IN PLAT BOOK 8, PAGE 13 OF THE CURRENT PUBLIC RECORDS OF
DUVAL COUNTY, FLORIDA

FOR:

KYLE GODWIN
LAURA B. POLINSKY

LEGEND

DE	DESIGN ELEVATION	AC	AIR CONDITIONER
BRL	BUILDING RESTRICTION	TBM	BENCHMARK
EX	EXISTING ELEVATION	NAVD	NORTH AMERICAN
ID.	IDENTIFICATION		VERTICAL DATUM
LB	LICENSED BUSINESS		

GENERAL NOTES:

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JOB No. 22-003
FILE No. ----
PARTY CHIEF: B. OSBORNE
F.B. 1130-26
DRAWN BY: T.HODGE
CHECKED BY: J. THOMAS
SURVEY DATE 02-10-2022

REVISION:	DATE:	BY:

CAD FILE: P:\22 SAM\22-003 102206 7773 COJB 910 13TH AVE S FOR
GODWIN\DWG\22-003-13TH AVENUE SOUTH-POOL SURVEY.DWG



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2426 PHILIPS HIGHWAY
JACKSONVILLE, FLORIDA 32207
(904) 886-0071
(904) 886-7174 FAX
www.GHIOTTO.com

John S Thomas
Digitally signed by John S Thomas
Date: 2022.02.14 11:35:14 -05'00'

JOHN S. THOMAS P.S.M. No. 6223

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

RECEIVED
22-100039
MAR 25 2022

PLANNING & DEVELOPMENT