



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Regular Meeting Agenda

Board of Adjustment

Tuesday, August 2, 2022

6:00 PM

Council Chambers

MEMORANDUM TO:

Members of the City of Jacksonville Beach Board of Adjustment

The following Agenda of Business has been prepared for consideration and action at a Regular Meeting of the Board of Adjustment:

CALL TO ORDER

ROLL CALL

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

Alternates: Todd Smith, Jennifer Williams

APPROVAL OF MINUTES

A. Special Board of Adjustment Meeting held on July 12, 2022

CORRESPONDENCE

OLD BUSINESS

A. **Case Number(s): BOA#22-100044 - PREVIOUSLY DEFERRED**

Applicant:

Agent:

Owner: First Coast Womens Services, Inc. - Judy Weber

Property Address: 224 3rd Street North

Parcel ID: 173791-0000

Legal Description: Lot 2, Block 24, *Atlantic Park*

Current Zoning: C-1

Motion to Consider: 34-377 for no additional parking spaces in lieu of (7) seven spaces required to allow for the use of the second floor for support offices for medical use on the first floor of an existing commercial building.

NEW BUSINESS

A. **Case Number(s): BOA#22-100073**

Applicant: LAS Holdings, LLC - Anthony Simonetta

Agent: Ryan Wetherhold

Owner: LAS Holdings, LLC.

Property Address: '0' 9th Avenue North

Parcel ID: 179215-0025

Legal Description: Lot 2, Block 95, *Section "A" Jacksonville Beach*

Current Zoning: RS-2

Motion to 34-337(e)(1)e, for lot coverage of 43% in lieu of 35% maximum to allow for
Consider: construction of a new single-family dwelling

B. Case Number(s): BOA#22-100074

Applicant: Jeanne & Timothy Ballentine

Agent: N/A

Owner: Jeanne & Timothy Ballentine

Property Address: 4080 Grande Boulevard

Parcel ID: 181397-0055

Legal Description: Lot 2, Block 15, *Ocean Terrace*

Current Zoning: RS-1

Motion to 34-336(e)(1)c.2, for a side yard setback of 9 feet in lieu of 10 feet minimum;

Consider: 34-336(e), for lot coverage of 51% in lieu of 35% maximum; and 34-336(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet minimum, to rectify existing non-conformities, allow for the retention of a small shed and for construction of a small paved area in conjunction with an existing single-family dwelling

C. Case Number(s): BOA#22-100076

Applicant: Terri L. Herber

Agent: N/A

Owner: Terri L. Herber

Property Address: 1211 7th Avenue North

Parcel ID: 177802-0010

Legal Description: Lot 12, Block 6, *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 to allow for

Consider: construction of a new shed and to rectify existing non-conformities at an existing single-family dwelling

D. Case Number(s): BOA#22-100077

Applicant: Joanne Brousseau

Agent: N/A

Owner: Joanne Brousseau

Property Address: 1010 8th Street South

Parcel ID: 176704-0000

Legal Description: Lot 12, Block 109, *Oceanside Park*

Current Zoning: RS-3

Motion to 34-338(e)(2)f, for lot coverage of 47% in lieu of 35% maximum; and 34-

Consider: 338(e)(2)h, for an accessory setback of 3 feet in lieu of 5 feet minimum to rectify existing non-conformities and improve required parking at an existing two-family dwelling

PLANNING DEPARTMENT REPORT

A. The next scheduled meeting is Tuesday, August 16, 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 Special Meeting
held Tuesday, July 12, 2022, at 6:00 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 6:00 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, Attorney Brenna Durden, and Administrative Assistant Lauren Loria were also present.

APPROVAL OF MINUTES: None

CORRESPONDENCE:

Senior Planner Christian Popoli noted an email was sent to the Board prior to the meeting and an additional letter [on file] was on the dais.

OLD BUSINESS: None

NEW BUSINESS:

- A. Receive public comment, discuss, consider, and take action, as appropriate, on the Section 70.51 Special Magistrate's Report and Recommendation related to Oceanfront at 10th, LLC (for property addressed 22 10th Avenue South, RE# 176143-0000, legally described as Lot 1, Block 101, Pablo Beach South).

City Attorney Sandra Robinson summarized Section 70.51, Florida Statutes, and the City requirements and process.

Ex-Parte Communication:

Mr. Moreland and Mr. Curley both disclosed they received telephone calls from Mr. Richard Johnston about meeting individually, and both declined the request.

The other Board members had no ex-parte communication.

The applicant's attorney, Lee Kellison, asked for clarification on the procedure and requested public comment be limited to the Special Magistrate's Report. Ms. Gonzalez reviewed the typical meeting procedures.

Attorney Brenna Durden of Lewis, Longman & Walker P.A. stated she represented the City of Jacksonville Beach.

A consensus was reached to permit the applicant to present first.

Agent:

Lee Kellison, 599 Atlantic Boulevard, Suite 4, Atlantic Beach, submitted copies of Section 70.51 of the Florida Statutes and the Special Magistrate's Curriculum Vitae (CV) to the Recording Secretary. Mr. Kellison highlighted areas of Section 70.51 and the Special Magistrate's Report. He summarized the applicant's position and asked the Board to accept the Special Magistrate's report and grant the applicant the variance.

Applicant:

Richard Johnston, 3528 Ocean Drive South, Jacksonville Beach, provided additional comments on his position, requesting approval of the variance.

City:

Ms. Durden, 245 Riverside Avenue, Suite 510, Jacksonville, noted the recommendation in the staff report was to reject the Special Magistrate's findings. She summarized the case and reviewed the Land Development Code. Ms. Durden reiterated the City's position and requested the Board reject the Special Magistrate's Report and uphold the Board's decision from January 19, 2022.

Public Hearing:

Ms. Gonzalez opened the public hearing.

The following spoke in opposition to the variance:

- Bobby Welton, 1032 1st Street South, #2, Jacksonville Beach
- Jessica Franzini, 1031 1st Street South, #808, Jacksonville Beach

The following spoke and submitted a letter [on file] in opposition to the variance:

- Leah Tahiry, 1031 1st Street South, #907, Jacksonville Beach

The following submitted a group letter [on file] in opposition of the variance:

- Costa Verano Condominium Association Inc., Board of Directors, 1031 1st Street South, Jacksonville Beach

The following spoke in support of the variance:

- Yael Carlton, 2912 Abaco Lane, Jacksonville Beach

Mr. Johnston responded to the City's position and addressed concerns. Mr. Johnston submitted a survey to the Recording Secretary [on file].

Joe Van Rooy, 9471 Baymeadows Road, Suite 103, Jacksonville, addressed the setbacks and the project.

A discussion ensued about the minimum width and square footage of townhomes, the property footprint, requested variance, and code requirements.

Ms. Gonzalez closed the public hearing.

Ms. Durden outlined the motion options and confirmed a simple majority is needed. Mr. Kellison read the options directly from Section 70.51 of the Florida Statutes.

Motion: It was moved by Mr. Curley, and seconded by Mr. Truhlar, to reject the Special Magistrate's Report and Recommendation in the Section 70.51 Florida Statutes proceeding initiated by Oceanfront at 10th LLC, following the City of Jacksonville Beach's Board of Adjustment's denial of its application for Variance BOA #21-100193.

Discussion:
A discussion ensued about the original decision and the criteria.

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

The motion passed unanimously.

PLANNING DEPARTMENT REPORT

The next scheduled meeting is Tuesday, July 19, 2022. There are four scheduled cases.

COURTESY OF THE FLOOR TO VISITORS: None

ADJOURNMENT

There being no further business, Ms. Gonzalez adjourned the meeting at 8:34 P.M.

Submitted by: Lauren Loria
Administrative Assistant

These minutes were reviewed by Planning & Development.

Approval:

Chairperson

Date



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BOA#22-100073

Zoning: RS-2
RE: 179215-0025
Legal: Lot 2, Block 95, Section "A" Jacksonville Beach
Address: 0 22nd Street North

Request

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

Existing Conditions

The subject property is a legal nonconforming lot of record (circa 1944) 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, 102 feet in depth, and has a lot area of 5,100 square feet. The lot is currently vacant. A majority of the surrounding lots on the east side of 22nd Street North are comprised of two lots, or portions of two lots and are therefore larger in size than the subject property. The west side of 22nd Street North is a different plat, and the lots were also platted larger than the subject property.

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 of living area, not counting any carport or garage. The proposed foot print of the structure is 1,710 square feet, with what appears to be a two car garage. Without the garage counted, likely at 400 square feet, the house foot print with Lanai is 1,310 square feet. The house, with minimal rear lanai, is only slightly larger than the minimum home size required by the RS-2 zoning district, if it were built at one story. With the addition of the required driveway and small walkway to the front door, the total lot coverage is equal to 2,191 or 43%. The lot coverage, extrapolated out to a conforming lot of 7,500 square feet, would only amount to 29%. It's worth noting that the proposed lanai is only 7 feet deep, and there are no other back yard amenities proposed.



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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 with regards to the RS-2 dimensional standards.

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 1944, and is a legal nonconforming lot. Additionally the lot is smaller than a majority to the immediate surrounding lots.



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

Staff finds that the proposed variance **will 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. Additionally the developer has proposed a small rear lanai.

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, and has included a small amenity of a rear lanai. The use of pervious materials may reserve lot coverage for future improvements.

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.



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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#22-100073**

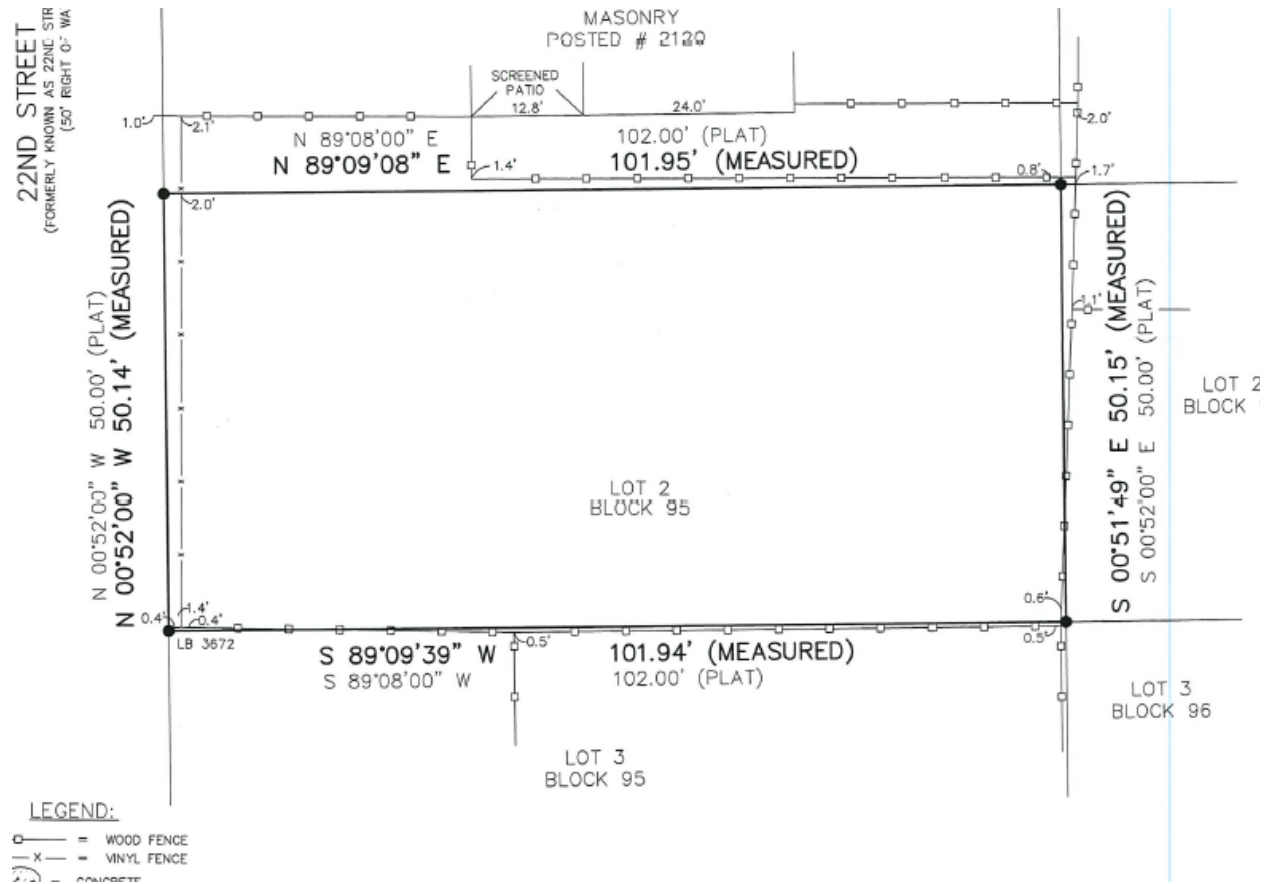
Location Map (property boundaries are representative only)



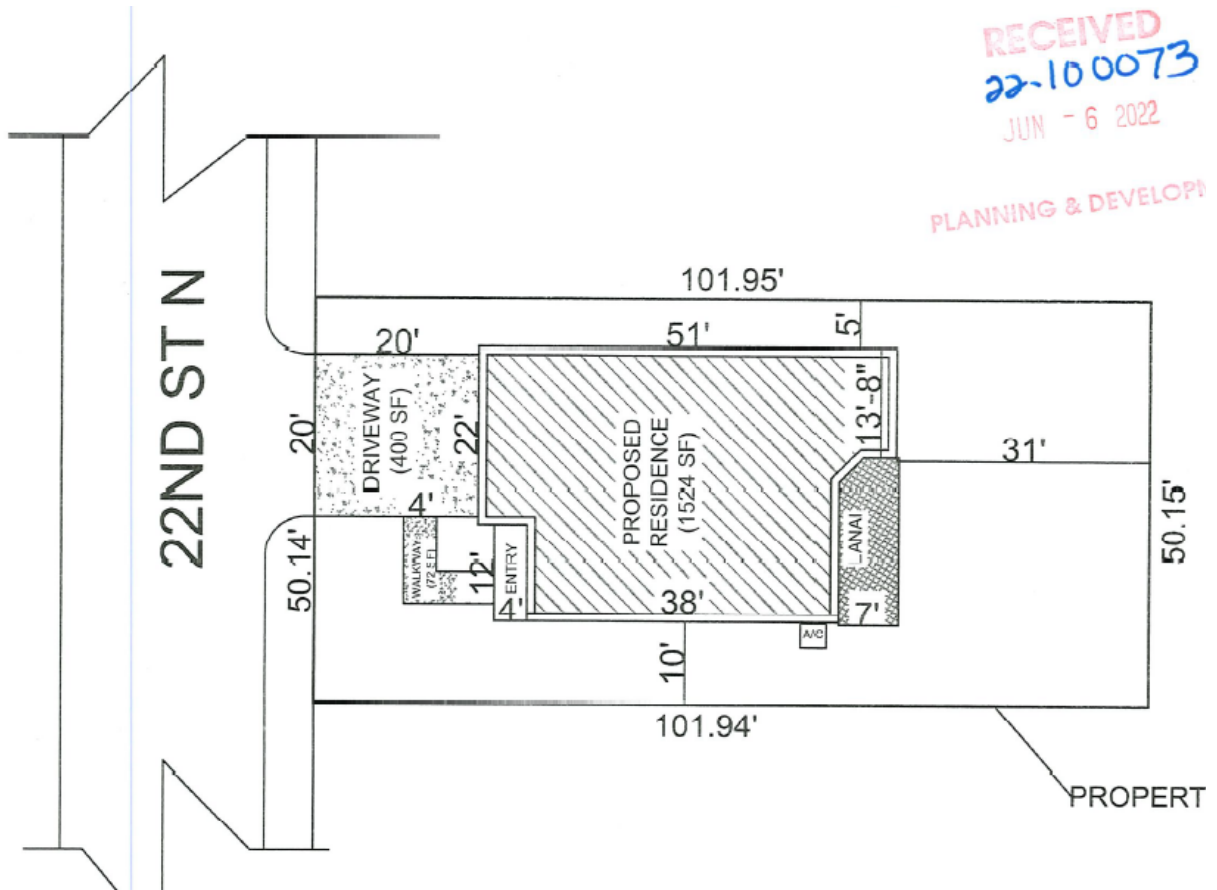


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Existing Survey



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 22-100073

HEARING DATE 8.2.22

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

JUN - 6 2022
09:50

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: Anthony Simonetta as Manager of LAS Holdings LLC **Telephone:** (904) 838-1265
Mailing Address: 637 Pokeberry PL, St Johns FL 32259 **E-Mail:** viptwo@yahoo.com

Agent Name: Ryan Wetherhold **Telephone:** (904) 333-7873
Mailing Address: 19 12th St South, Jacksonville Beach FL **E-Mail:** RE904@icloud.com

Landowner Name: LAS Holdings LLC **Telephone:** (904) 838-1265
Mailing Address: 637 Pokeberry PL, St Johns FL 32259 **E-Mail:** viptwo@yahoo.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.

(921)

VARIANCE DATA

179215-

Street address of property and Real Estate Number: 0 9th Ave Ave (9XX 22nd St N) #170215-0025
 Legal description of property (Attach copy of deed): Lot 2, Block 95, Section A, Jacksonville Beach
 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): new str home

Request for Lot coverage of 43% in lieu of 35%

AFFIDAVIT

I, Anthony Simonetta, 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

Anthony Simonetta

PRINT APPLICANT NAME

DATE

6/3/22

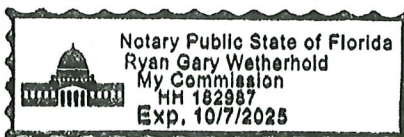
STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of June, 20 22, by Anthony Simonetta, who is personally known to me or produced as identification.

NOTARY PUBLIC SIGNATURE

Ryan Gary Wetherhold

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

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 22-100073

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.

RECEIVED

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.

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	This platted lot of record is substantially less than the dimensional standards required in RS-2 zoning at 50' wide by 101' deep, approx. 5000 sq feet total. The width and size are both less than required by code. <i>101' x 51'2"</i> RS-2 Code Reads: The following dimensional standards shall apply to all permitted, conditional, and accessory uses in the RS-2 zoning district. Minimum lot area: Seven thousand five hundred (7,500) square feet. Minimum lot width: Seventy-five (75) feet at the building line
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Very typical request of lot this size in RS-2 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	Many if not all lots in the area are above the lot coverage allowed by code, many greater than 50%.
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	Identical homes have been built on same or similar sized lots throughout the area.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Applicant has minimized the overall footprint and surfaces down to 40% , as close to code as possible. <i>43%</i>
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 home will help enhance the overall street and surrounding neighborhood.

This Instrument Prepared by:
Blake F. Deal, III., Esquire
Briley & Deal, LLC
1525B The Greens Way, Suite 200
Jacksonville Beach, Florida 32250
File No. 22-0069

RECEIVED
22-100073
JUN - 6 2022

PLANNING & DEVELOPMENT

General Warranty Deed

Made this 3rd of June, 2022, by **Theodore A. Bodine, an unmarried man**, hereinafter called the grantor, to **LAS Holdings LLC, a Florida limited liability company**, whose post office address is: 637 S. Pokeberry Place, Jacksonville, Florida 32259, 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 \$305,000.00, 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 95, Section "A" Jacksonville Beach, a subdivision according to the plat thereof recorded in Plat Book 18, Page 33, of the Public Records of Duval County, Florida.

Said property is not the homestead of the Grantor under the laws and Constitution of the State of Florida in that neither Grantor nor any members of the household of Grantor reside thereon.

Parcel ID Number: **179215-0025**

Subject To taxes subsequent to December 31, 2021 covenants, restrictions and easements of record and by this reference shall not operate to reimpose the same.

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, 2021.

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:

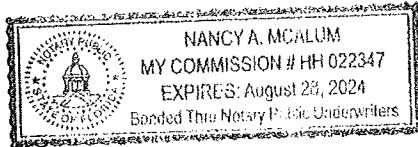
Shandell Briley
Witness Printed Name *Shandell Briley*

Nancy A. McAlum
Witness Printed Name *Nancy A. McAlum*

State of Florida
County of Duval

Theodore A. Bodine (Seal)
Theodore A. Bodine
Address: **67 Fairway Lane**
Jacksonville Beach, Florida 32250

The foregoing instrument was acknowledged before me by means of [☒] physical presence or [☐] online notarization, this 3rd day of June, 2022 by **Theodore A. Bodine**, who is/are personally known to me or who has produced driver's license as identification.



Nancy A. McAlum
Notary Public



22-100073

[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

Florida Limited Liability Company
LAS HOLDINGS LLC

Filing Information

Document Number	L09000026647
FEI/EIN Number	82-0701231
Date Filed	03/18/2009
Effective Date	03/20/2009
State	FL
Status	ACTIVE

Principal Address

637 S. Pokeberry Place
JACKSONVILLE, FL 32259

Changed: 03/05/2014

Mailing Address

637 S. Pokeberry Place
JACKSONVILLE, FL 32259

Changed: 03/05/2014

Registered Agent Name & Address

SIMONETTA, ANTHONY J
10107 SCOTT MILL RD
JACKSONVILLE, FL 32257

Authorized Person(s) Detail

Name & Address

Title MGR

SIMONETTA, ANTHONY J
637 S. Pokeberry Place
JACKSONVILLE, FL 32259

Annual Reports

Report Year	Filed Date
2020	01/24/2020
2021	01/27/2021

2022

03/09/2022

Document Images

03/09/2022 -- ANNUAL REPORT	View image in PDF format
01/27/2021 -- ANNUAL REPORT	View image in PDF format
01/24/2020 -- ANNUAL REPORT	View image in PDF format
02/28/2019 -- ANNUAL REPORT	View image in PDF format
02/02/2018 -- ANNUAL REPORT	View image in PDF format
02/12/2017 -- ANNUAL REPORT	View image in PDF format
02/29/2016 -- ANNUAL REPORT	View image in PDF format
03/02/2015 -- ANNUAL REPORT	View image in PDF format
03/05/2014 -- ANNUAL REPORT	View image in PDF format
01/24/2013 -- ANNUAL REPORT	View image in PDF format
02/21/2012 -- ANNUAL REPORT	View image in PDF format
02/16/2011 -- ANNUAL REPORT	View image in PDF format
01/05/2010 -- ANNUAL REPORT	View image in PDF format
03/18/2009 -- Florida Limited Liability	View image in PDF format

Florida Department of State, Division of Corporations

SITE PLAN

LOCATION: 9th Ave N, Jacksonville Beach, FL 32250, USA

RE#179215-0025

LEGAL DESCR., : 18-33 38-2S-29E .12, SEC A JACKSONVILLE BEACH, LOT 2 BLK 95

PARCEL ID:179215 0000

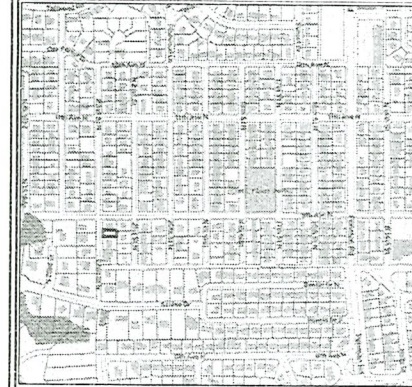
PROPOSED

RECEIVED
22-100073
JUN - 6 2022

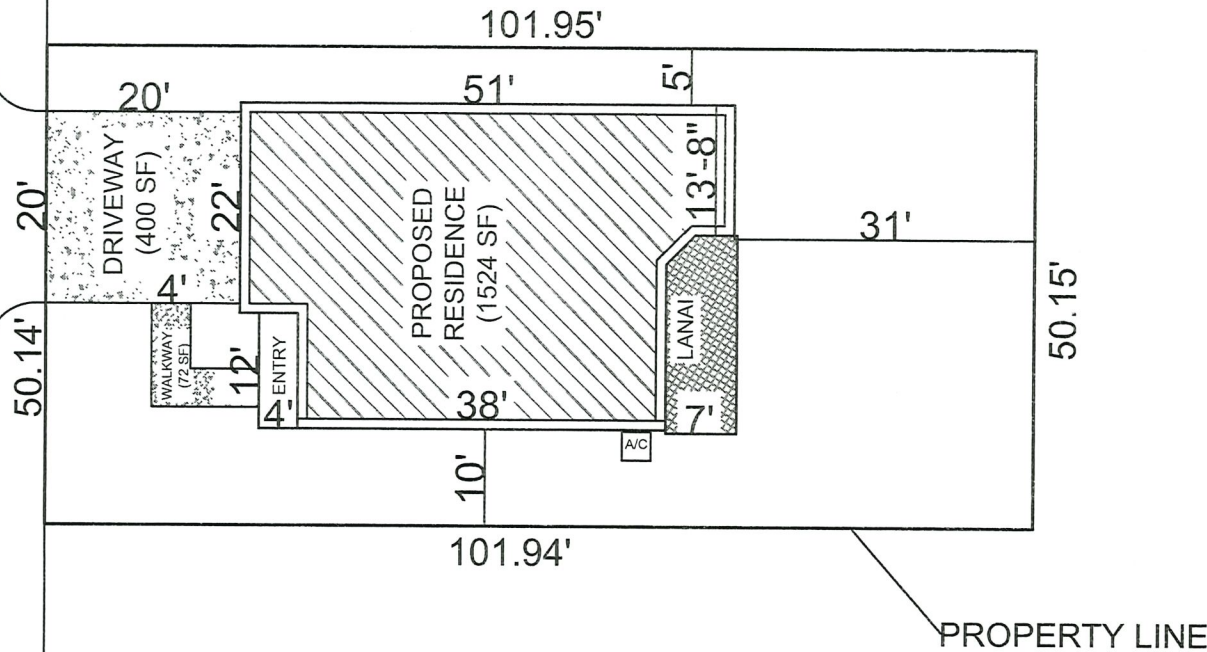
PLANNING & DEVELOPMENT



VICINITY MAP



22ND ST N



SCOPE OF WORK

-SITE PLAN OF THE PROPERTY UNDER REVIEW SHOWING THE PROPOSED SINGLE FAMILY RESIDENCE DEVELOPMENT.

-LOT COVERAGE

RESIDENCE +ENTRY+LANAI - 1710SF	
DRIVEWAY	- 400 SF
WALKWAY	- 72 SF
A/C	- 9 SF
TOTAL	- 2191 SF

42.86%

LOT SIZE

5,112 SF

SHEET TITLE

SITE PLAN

LOT OWNER:

LAS Holdings LLC

DEEN'S CONSULTS

Architects, Planners & Project Managers

ISMAILAOTI@GMAIL.COM

ARCHITECT Deen's consult
DRAWN Deen's consult
CHECKED BY Deen's consult

SCALE 1"=20'

DATE 06-02-2022

SHEET NO.

01

EXISTING

MAP SHOWING BOUNDARY SURVEY OF

LOT 2, BLOCK 95, SECTION "A" JACKSONVILLE BEACH, AS RECORDED IN PLAT BOOK 18, PAGE 33, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:

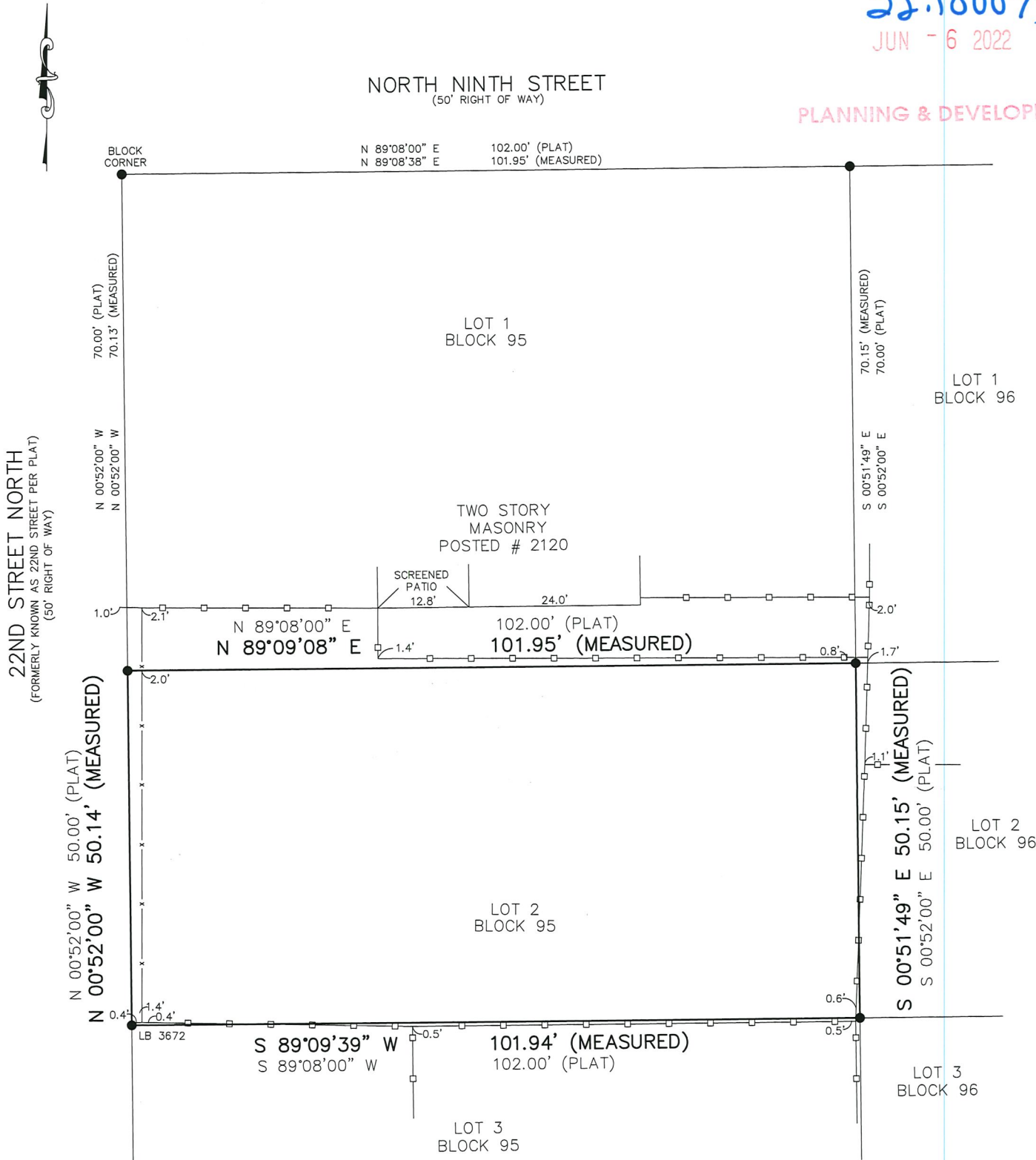
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22-100073

JUN - 6 2022

NORTH NINTH STREET
(50' RIGHT OF WAY)

PLANNING & DEVELOPMENT



LEGEND:

- = WOOD FENCE
- x- = VINYL FENCE
- = CONCRETE
- = SET 1/2" REBAR STAMPED PSM#6146
- = FOUND 1/2" IRON PIPE NO IDENTIFICATION (UNLESS OTHERWISE NOTED)
- = 4"x4" CONCRETE MONUMENT
- A/C = AIR CONDITIONER

PC = POINT OF CURVATURE
PT = POINT OF TANGENCY

PRC = POINT OF REVERSE CURVATURE
PCC = POINT OF COMPOUND CURVATURE

NOTES:

- BEARINGS ARE BASED ON THE PLAT BEARING OF N 00°52'00" W ALONG THE WESTERLY BOUNDARY LINE OF SUBJECT PARCEL.
- BY GRAPHIC PLOTTING ONLY THE CAPTIONED LANDS LIE WITHIN FLOOD ZONE "X", AS SHOWN ON THE NATIONAL FLOOD INSURANCE MAP DATED NOVEMBER 2, 2018, COMMUNITY NUMBER 120078, PANEL 0416 J.
- THIS SURVEY REFLECTS ALL EASEMENTS & RIGHTS OF WAY AS PER RECORDED PLAT &/OR TITLE COMMITMENT OR OTHER DOCUMENTS PROVIDED BY CLIENT, IF SUPPLIED. UNLESS OTHERWISE STATED, NO OTHER TITLE VERIFICATION HAS BEEN PERFORMED BY THE UNDERSIGNED.
- THIS SURVEY IS NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL.

REVISIONS

DATE	DESCRIPTION
5-21-22	UPDATE

JOB # 43252-2A

DATE OF FIELD SURVEY: 01-26-22

SCALE: 1" = 20'

Ray Thompson
SURVEYING, Inc.

Going the DISTANCE for You

1825 University Boulevard West
Jacksonville, Florida 32217
(Phone) 904-448-5125
(Fax) 904-448-5178

CERTIFICATE

I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY RESPONSIBLE CHARGE AND MEETS THE STANDARDS AND PRACTICES SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 402.27, FLORIDA STATUTES.

Raymond Thompson
RAYMOND THOMPSON
REGISTERED SURVEYOR AND MAPPER # 6146
STATE OF FLORIDA LICENSE BUSINESS No. 7469

LAND SURVEYS

O

CONSTRUCTION SURVEYS

SUBDIVISIONS



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

BOA#22-100074

Zoning: RS-1
RE: 181397-0055
Legal: Lot 2, Block 15, Ocean Terrace
Address: 4080 Grande Boulevard

Request

Section(s): 34-336(e)(1)c.2, for a side yard setback of 9 feet in lieu of 10 feet minimum; 34-336(e), for lot coverage of 51% in lieu of 35% maximum; and 34-336(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet minimum, to rectify existing non-conformities, allow for the retention of a small shed and for construction of a small paved area in conjunction with an existing single-family dwelling

Existing Conditions

The subject property is legal a nonconforming lot of record (circa 1925) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The subject lot is 50 feet in width and 133 feet in depth with an overall area of 6,650 square feet. The subject lot currently has an existing single family home built on it, constructed in 1996. The home was recently purchased by the applicant in 2021. At the time of purchase the home and associated driveway, walkway and rear concrete patio accounted for 48.4% lot coverage with no previous variances. After the purchase of the house, a site built shed was added to the rear yard, 3 feet from the rear and north side property line. The applicant is now requesting to keep the shed in its current location, as it's built on a slab foundation. To address the added lot coverage, the applicant is proposing to remove a portion of the rear concrete patio, so account for the shed. Additionally the applicant is requesting to correct a side yard setback that is substandard for the RS-1 zoning district. Finally they would like to add a small paver area in the front of the home, filling in an existing landscape area.

No previous variances, no active code cases.

Staff Analysis

The subject property is located in the RS-1 zoning district. The minimum lot size of 10,000 square feet is roughly 3,300 square feet larger than the subject lot. The existing house, based on the original plans, would have been roughly 40% lot coverage with walkway and driveway. The rear patio appears to have been



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installed after final construction of the home, and pushed the lot coverage to 48% +/- . The applicant has proposed to remove rear patio square footage to account for the increase created by the shed they installed. The shed also was installed within 3 feet of the rear and side yard setback. As the shed is built on a slab foundation it cannot be moved, so the applicant is requesting relief for the setback as well. Additionally the house was built slightly too close to the side yard creating a nonconformity in side yard setback along the northern side property line. Finally the applicant wishes to fill in the front landscape area contained inside the front walkway next to the front door with pavers, which would add roughly 2% lot coverage bringing the requested total to just over 50%. Staff would break this request into two sections, the rectifying the house and shed's nonconformities, and the new addition of pavers in the front landscape area.

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;**



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Staff **does** find that there are circumstances unique to the subject parcel of land. The subject property is substandard in width and area. The lot is only 50 feet in width and over 3,000 square feet to small in area. The existing house is was built at 40% lot coverage without any variances and the previous owner expanded the lot coverage with the addition of a new patio.

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. Though the applicant did create the situation with the shed, the lot coverage was already substantially over the code maximum of 35% at the time of purchase. The applicant is proposing to reduce the lot coverage to pre-shed amounts with the removal of a portion of the rear patio. Also the side yard setback encroachment is a result of a mistake at the time of construction of the house. The front walkway fill in would be a new request by the applicant.

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 purchased the home well above 35% lot coverage. Previous owners, including the builder exceeded coverage without variances. The proposed corrective action of removing part of the patio to address the shed would return the property to pre-shed coverages.

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. Though the applicant did construct the shed without an approved variance, the lot is still substandard in width and area, and there is a hardship created by the property and the current structure / rear patio.

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. Staff does find that the request for setbacks for the main structure and shed, as well as the lot coverage to address previous nonconformities is the



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minimum variance necessary. The additional lot coverage for the front patio is an additional request beyond the nonconformities, but would still be affected by the hardships of the property and structure.

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.

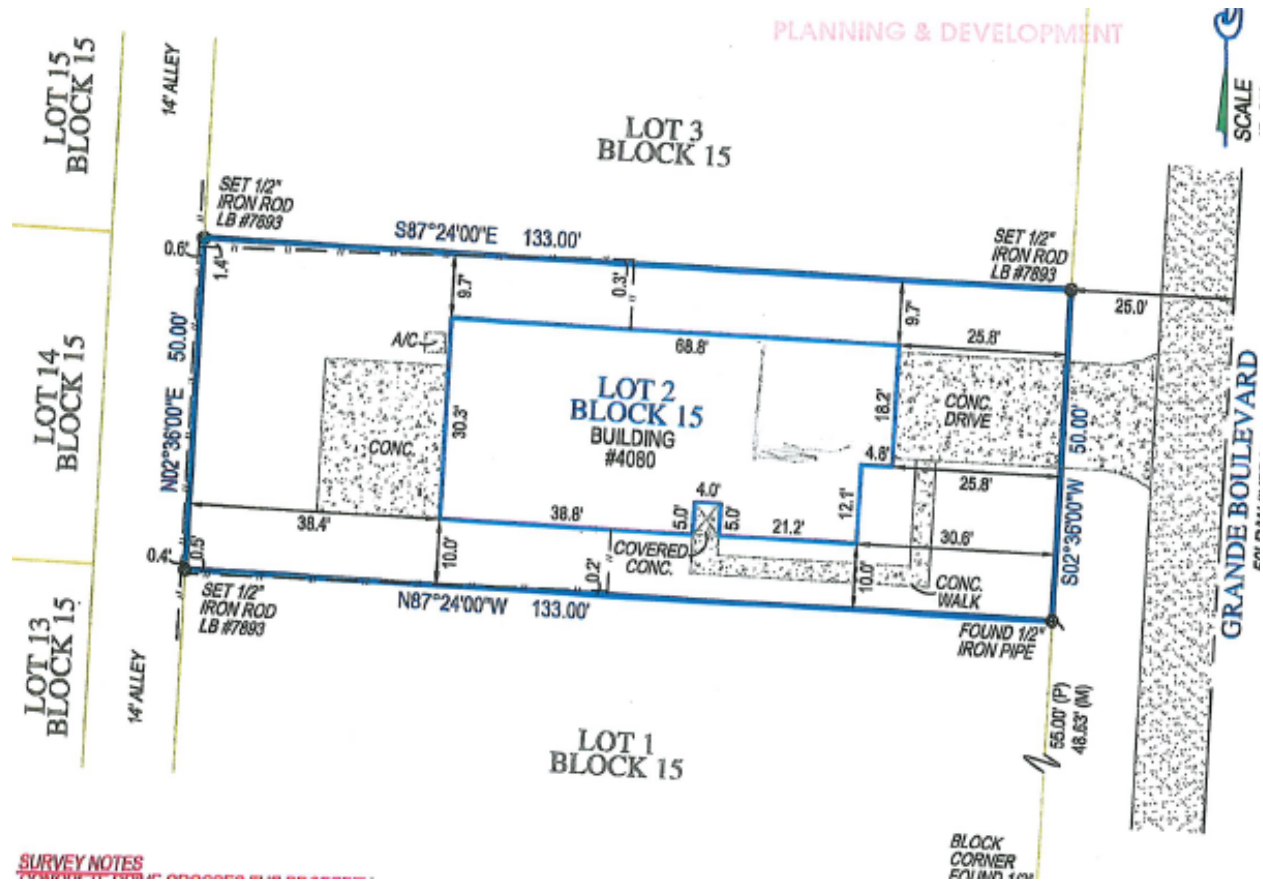
Staff Recommendation

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 **Approval of BOA#22-100074.**

Location Map (property boundaries are representative only)



Existing Survey



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 22-100074
HEARING DATE 8.2.22

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.

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11:30
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PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: Jeanne & Timothy Ballentine Telephone: 904-595-5526
Mailing Address: 4080 Grande Blvd., Jax. Bch. 32250 E-Mail: ballenje@aol.com
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: Jeanne & Timothy Ballentine Telephone: 904-595-5526
Mailing Address: 4080 Grande Blvd., Jax. Bch. 32250 E-Mail: ballenje@aol.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: 4080 Grande Blvd, JB 32250/Lot 2 Block 15 Ocean Terrace
Legal description of property (Attach copy of deed): See attached
Description of requested variance (example: front yard setback of 17ft in lieu of 20ft, lot coverage, reduce required off-street parking spaces, etc.) (Attach a separate sheet if necessary).

Back yard shed 120 Sq Ft concrete base in exchange for removal of 120 Sq Ft of existing back yard concrete patio; shed setback of 3ft. in lieu of 5ft; replace front yard flower bed with pavers to create a front porch (117.78 Sq Ft)

AFFIDAVIT

I, Jeanne Ballentine, 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.

Jeanne Ballentine
APPLICANT SIGNATURE

Jeanne Ballentine
PRINT APPLICANT NAME

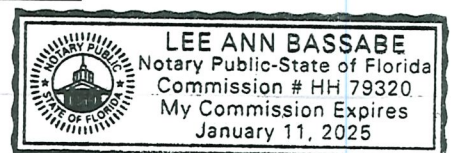
6/6/22
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 6 day of June, 2022, by Jeanne E. Ballentine, who is personally known to me or produced FL Drivers License as identification.

Lee Ann Bassabe
NOTARY PUBLIC SIGNATURE

Lee Ann Bassabe
PRINT NOTARY NAME



(Affix Notary Seal Above)

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1

FLOOD ZONE: X

CODE SECTION (S):

34-336(e)(1)c.2, for a side yard setback of 9 feet in lieu of 10 feet minimum; 34-336(e), for lot coverage of 51% in lieu of 35% maximum; and 34-336(e)(1)g, for an accessory structure setback of 3 feet in lieu of 5 feet minimum, to rectify existing non-conformities, allow for the retention of a small shed and for construction of a small paved area in conjunction with an existing single-family dwelling

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VARIANCE APPLICATION STANDARDS AND CONDITIONSBOA No. 22-100074

JUN - 6 2022

Standard	Appl ies?	Circumstances / Explanation PLANNING & DEVELOPMENT
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	Lots in the Ocean Terrace subdivision were parceled in 1925 and are substandard in size for a residential lot. The 4080 Grande Blvd. lot is 133x50' or 6,650 SqFt. A standard full size residential lot in Jax Beach is 10,000 SqFt. That would allow for 3,500SqFt to be impervious surfaces. We currently have 3221.63SqFt coverage. With the additional 117.78 SqFt requested for the front patio, we will have 3,339.41SqFt, still less than allowed on a standard size residential lot.
Special circumstances and conditions do not result from the actions of the applicant?	Yes	We were unaware of any impervious surfaces code for Jacksonville Beach residential lots. We purchased the property expecting to remodel the interior and to add a shed, front patio, and screened room on the existing back patio. We were not aware until after we constructed the 10'x12' shed when we learned that impervious surfaces could not exceed 35% in Jax Beach.
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	At time of purchase, this property had 48.2% impervious surfaces, including a 467.13 SqFt concrete patio in the back yard. The shed is 120SqFt. In order to restore that 120SqFt, we will remove 120SqFt of concrete from the back patio to decrease impervious surfaces. Therefore, there will be no change in overall impervious surfaces. The shed construction was \$9,500. We are asking that the existing shed on a concrete pad be allowed a 3 Ft setback from the property line in lieu of a 5 Ft setback.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicants of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	Enforcement of the provisions of the setback code would require removal of 2Ft of concrete on two sides and pouring 2Ft of concrete on two sides to create a 5Ft set back. An amended concrete pad would cost approx. \$5,000 to \$6,000. This would cause a financial hardship.

Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building, or structure.	Yes	With removal of 120SqFt of the back concrete patio to compensate for the 120 SqFt of shed concrete floor, no additional impervious surfaces will be affected in the back of the lot. We are requesting that a small paver porch/patio be approved in place of a flower bed on the front of the house. It would add only 117.78SqFt or 1.8% increase of the impervious surface on the entire lot. See the lot survey with highlighted yellow patio area. This addition will increase the impervious surfaces of the lot to 3,339.41SqFt, still less than the 3,500SqFt allowed on a standard size residential lot in Jax Beach.
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	Many of the residences in our area currently have paver front patio/porches and sheds on their property. The removal of a portion of the back concrete patio equal to the concrete base of the shed will allow for water absorbency during heavy rains. The shed sits in the back right corner of the lot and does not adversely impact any property surrounding lots. The potential small front patio will enhance the property and will provide an outdoor location for us to engage with our neighbors.

Grande Blvd Variance 1.docx

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Description of Requested Variance

Request to the City of Jacksonville Beach
4080 Grande Blvd., Jacksonville Beach, FL
Lot 2 Block 15 / Ocean Terrace

PLANNING & DEVELOPMENT

This property (6650 SqFt) was purchased on October 27, 2021, by Timothy and Jeanne Ballentine.

At the time of purchase, the property had 48.4% impervious surface coverage as follows:

	Square Footage:	Balance:
House	1660.0 SqFt	1660.00
Garage	424.64 SqFt	2084.64
Patio Deck in Rear	467.13 SqFt (18.5'x25.25')	2551.77
AC Pad	9.0 SqFt (3'x3')	2560.77
Driveway	469.56 SqFt (18.2' x25.8')	3030.33
Porch	20.0 SqFt (4'x5')	3050.33
Porch Walk [Section 1]	30.0 SqFt (6'x5')	3080.33
Side Sidewalk [Section 2]	63.6 SqFt (21.2'x3')	3143.93
Side Sidewalk to Corner [Section 3]	23.4 SqFt (7.8'x3')	3167.33
Front Walk [Section 4]	54.3 SqFt (18.1'x3')	3221.63
Total = 3221.63/6650 =		48.4%

Part 1 Exchange of Impervious Surface Property Coverage

* We are requesting to keep the existing shed + 120 SqFt (10'x12') 3341.63/6650 = 50.2%.

We will remove 120 sq. ft. from existing concrete patio

-120 SqFt (13.75'x25.25') 3221.63/6650=48.4%.

THUS, NO CHANGE IN EXISTING IMPERVIOUS SURFACE ON LOT.

Part 2 Shed Setback from Property Line

* We are requesting that the existing shed on concrete pad be allowed a 3' setback from the property line in lieu of a 5' setback. The shed construction cost was \$9,500.

A professional estimate to disassemble and remove the shed from its current concrete pad, pour an additional two feet on two sides of the pad, remove the existing concrete pad by two feet on two sides, reassemble and reattach the shed to the amended concrete pad for a 5' setback would cost an additional \$5,000 to \$6,000. This expense would be a financial hardship.

Part 3 Add Paver Front Porch/Patio (now a flower bed)

* We are requesting to place pavers on the front flower bed to create a front porch/patio. This area is +117.78 SqFt (7.8'x15.1'). Thus, our property impervious surface will be 3339.41/6650 SqFt = 50.2%.

This is only an additional 1.8% increase.

If our lot were standard size, allowance is 3500 SqFt of impervious surface(3339.41/10000 SqFt = 33.4%.

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Additional Supporting Information

Request to the City of Jacksonville Beach
4080 Grande Blvd., Jacksonville Beach, FL
Lot 2 Block 15 / Ocean Terrace

PLANNING & DEVELOPMENT

* Prior to and at time of closing of our Grande Blvd. home, no one (previous owner, realtors, etc.) informed us of the 35% lot coverage ordinance. We purchased the home with expectations of adding a shed, creating a paver patio on front of the home, and eventually adding a screened room over the existing back concrete patio.

* We hired a construction company to do interior renovations and add the shed to the back of the lot.

* Ocean Terrace Subdivision lots were established in 1925 prior to current codes. These lots are substandard in size. A standard size lot in Jacksonville Beach is 10,000 square feet. Our lot is 6,650 square feet. At the time of purchase, we didn't see the smaller lot as a problem because we thought it could accommodate our expectation for a shed, a small patio porch in front and eventually a screened room on the back of the house.

* We purchased the home in this smaller lot size with 48.4% lot coverage. If we had been informed of the restriction on lot coverage, we would have continued to search for a home with a larger standard size lot so that we could have the shed, paver patio, and screened room.

* A shed is important to us because we have significantly downsized from our 3,000 square foot home in The Woods Subdivision (Atlantic and Hodges) where we had a shed just like the one that we built on the Grande Boulevard lot.

* This shed cost \$9,500. It is professionally built, with matching colors of the home, and does not interfere with any neighboring properties. The home that backs up to the shed has only one window facing our home and the shed is set away from that window in the corner of our lot. I have attached a picture to illustrate the quality of the shed construction.

* We are happy and excited to be residents of the Jacksonville Beach community. Tim grew up in Neptune Beach and graduated from Fletcher High School. He is thrilled to return to his home community. I taught English at Fletcher High School in the early 80's and also have a long connection with the beaches. We have chosen to spend our retirement years in our new (to us) home in Jacksonville Beach. We respectfully request this variance to make our retirement expectations and dreams come true. Thank you for your consideration. Jeannie and Tim

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22-100074

JUN - 6 2022

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

PLANNING & DEVELOPMENT

File Number: 21B3582

21152854
\$460000

General Warranty Deed

Made this October 27, 2021 A.D. By **Virginia L. Alexander, a single person**, whose post office address is: 11322 Landing Estates Drive, Jacksonville, Florida 32257, hereinafter called the grantor, to **Timothy Ballentine and Jeanne Ballentine, husband and wife**, whose post office address is: 4080 Grande Blvd, 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 15, Ocean Terrace, a subdivision according to the plat thereof recorded at Plat Book 10, Page 2, in the Public Records of Duval County, Florida.

Parcel ID Number: 181397-0055

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.

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PLANNING & DEVELOPMENT

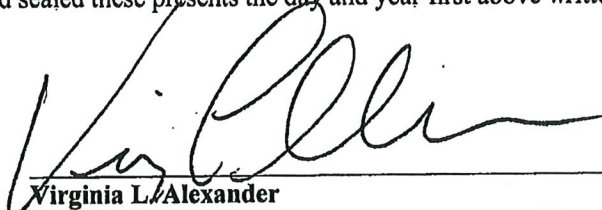
Prepared by:
Beth Murphy
Richard T. Morehead Title & Escrow, Inc.
444 Third Street
Neptune Beach, Florida 32266

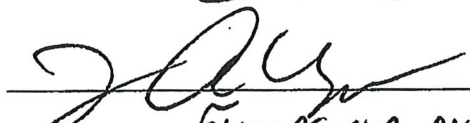
File Number: 21B3582

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:

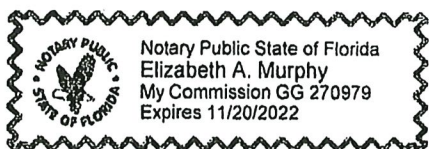

Witness Printed Name Sharon Sherwood

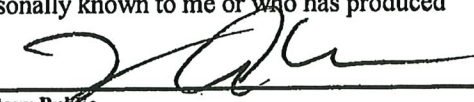
 (Seal)
Virginia L. Alexander
Address: 11322 Landing Estates Drive, Jacksonville, Florida 32257


Witness Printed Name ELIZABETH A. MURPHY

State of Florida
County of Duval

The foregoing instrument was acknowledged before me by means of X physical presence or [] online notarization this 20th day of October, 2021, by Virginia L. Alexander, a single person, who is/are personally known to me or who has produced DRIVERS LICENSE as identification.




Notary Public
Print Name: ELIZABETH A. MURPHY
My Commission Expires: _____



PROPOSED

2.

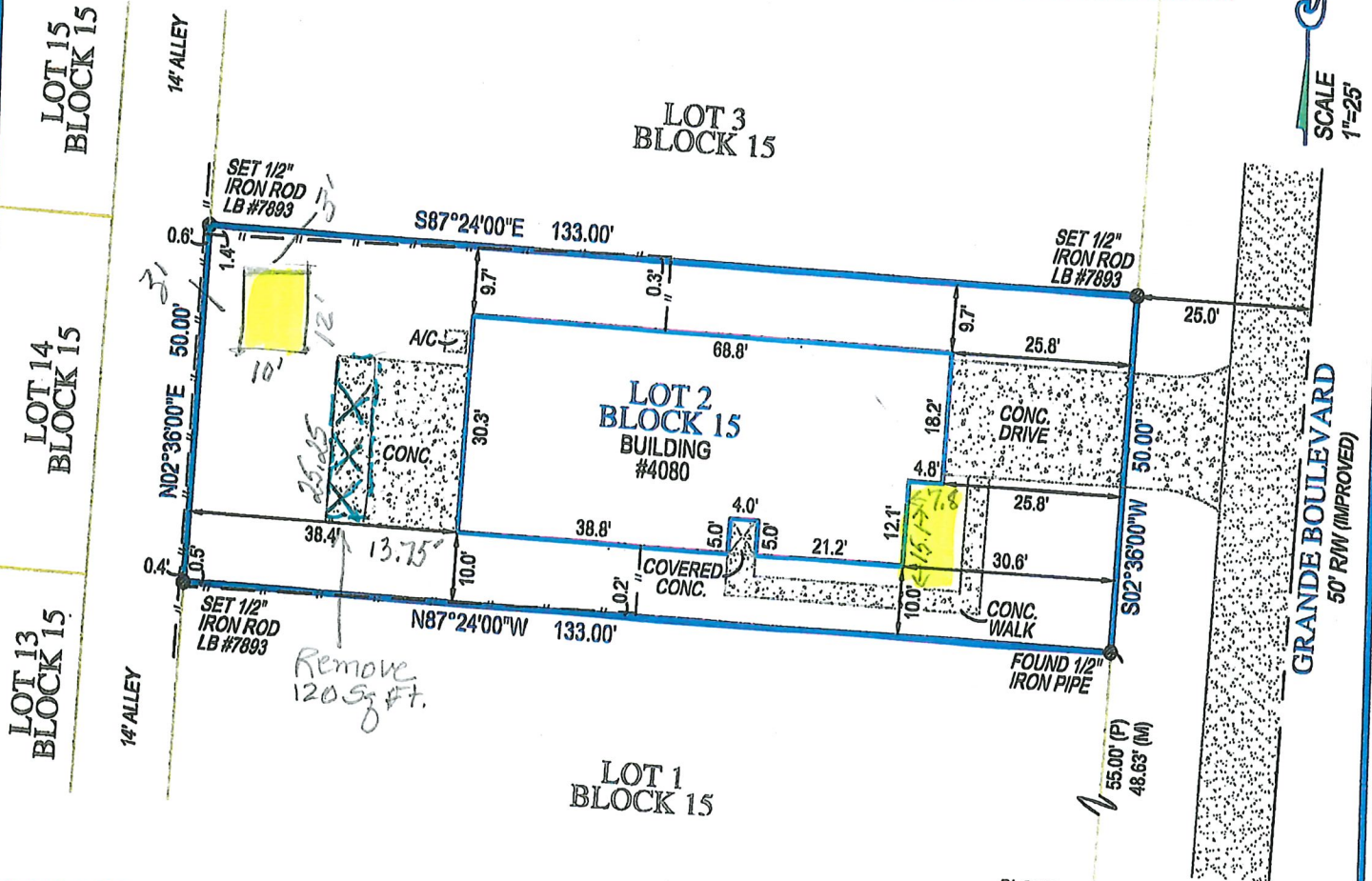
BOUNDARY SURVEY

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22-100074

JUN - 6 2022

PLANNING & DEVELOPMENT



SURVEY NOTES
CONCRETE DRIVE CROSSES THE PROPERTY LINE ON EASTERLY SIDE OF LOT.
THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.
PROPERTY SUPPLIED BY CITY WATER AND SEWER.

BLOCK CORNER FOUND 1/2" IRON PIPE



SURVEYORS CERTIFICATE

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

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

Kenneth Osborne
Digitally signed by Kenneth Osborne
Date: 2020.08.24 15:44:22 -04'00'

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



LB #7893
SERVING FLORIDA
6250 N. MILITARY TRAIL, SUITE 102
WEST PALM BEACH, FL 33407
PHONE (561) 640-4800
STATEWIDE PHONE (800) 228-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

LEGAL DESCRIPTION AND CERTIFICATION

LOT 2, BLOCK 15, OCEAN TERRACE, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 10, PAGE(S) 2, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

Community Number: 120078 Panel: 0419 Suffix: J Flood Zone: X Field Work: 8/21/2020

Certified To:

VIRGINIA ALEXANDER; LANDMARK TITLE, LLC; FIDELITY NATIONAL TITLE INSURANCE COMPANY;

Property Address:

4080 GRANDE BOULEVARD

JACKSONVILLE BEACH, FL 32250

Survey Number: 429695

Client File Number: 20-5218

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22-100074

JUN - 6 2022

PLANNING & DEVELOPMENT

ABBREVIATION DESCRIPTION:

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

SYMBOL DESCRIPTIONS:

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

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

GENERAL NOTES:

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



LB #7893

SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102

WEST PALM BEACH, FL 33407

PHONE (561) 640-4800

STATEWIDE PHONE (800) 226-4807

STATEWIDE FACSIMILE (800) 741-0576

WEBSITE: <http://targetsurveying.net>

EXISTING

1.

BOUNDARY SURVEY

RECEIVED

22-100074

JUN - 6 2022

PLANNING & DEVELOPMENT

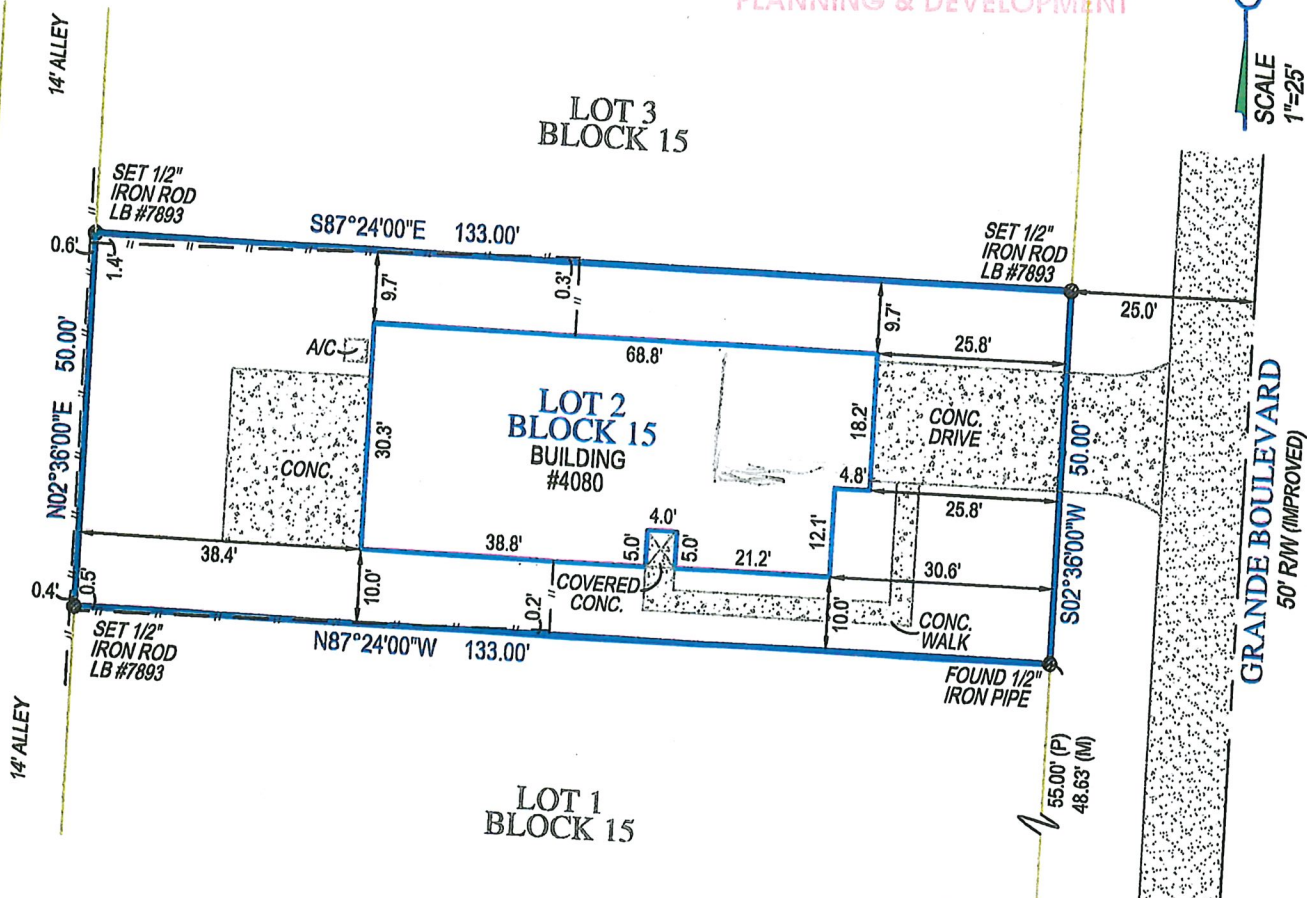


SCALE
1"=25'

LOT 15
BLOCK 15

LOT 14
BLOCK 15

LOT 13
BLOCK 15



SURVEY NOTES

CONCRETE DRIVE CROSSES THE PROPERTY LINE ON EASTERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.

PROPERTY SUPPLIED BY CITY WATER AND SEWER.

BLOCK CORNER FOUND 1/2" IRON PIPE



SURVEYORS CERTIFICATE

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

(SIGNED)

KENNETH J. OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

Kenneth Osborne
Digitally signed by Kenneth Osborne
Date: 2020.08.24 15:44:22 -04'00'

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



LB #7893

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WEBSITE: <http://targetsurveying.net>



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

BOA#22-100076

Zoning: RS-1
00RE: 177802-0010
Legal: Lot 12, Block 6, Pine Grove Unit 2
Address: 1211 7th Avenue North

Request

Section(s): 34-336(e)(1)e, for lot coverage of 48% in lieu of 35% maximum to allow for construction of a new shed and to rectify existing non-conformities at an existing single-family

Existing Conditions

The subject property is a nonconforming lot of record and part of a second lot of record (circa 1937) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-1. The lot is currently 65 feet in width and 110 feet in depth, with an overall area of 7,182 square feet. The lot is substandard in both width and area for the RS-1 zoning district. The existing home was built in 2000, and with all associated improvements, currently occupies 45% lot coverage. This includes all driveways, walkways, and rear patio and wooden deck. It's unclear to staff when the building exceeded 35% lot coverage, but it is at least three years old, based on the satellite imagery. The applicant purchased the home in 2021. The home currently has a two car garage and meets the minimum square footage for a home in RS-1.

No previous variances, No active code cases.

Staff Analysis

As noted above, the lot is substandard, and the house is currently a legal nonconforming structure, with 45% lot coverage. The home currently meets all setbacks for RS-1. The applicant is proposing a 12 foot by 16 foot shed, in the rear west corner of the rear yard. The shed is proposed to meet the five foot side and rear setbacks. The applicant is requesting the shed, as they need additional storage, and have no way to do so without increasing the nonconformity of lot coverage. Even an addition to the house would increase lot coverage, and would also change the setbacks of the primary structure as such that they would now need relief from the code. The shed is the less intense of the two options with regards to variances needed. (lot coverage alone vs lot coverage and setbacks) If this were a



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conforming lot with 10,000 square feet of area, the total lot coverage would be roughly 34% with the proposed shed.

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 lot is both substandard in width and area. Additionally, the home was purchased at 45% lot coverage without any variances. The home cannot be expanded, or renovated beyond 50% of the appraised value without rectifying this nonconformity. Additionally the shed would add 3% of lot coverage, in the form of an additional 192 square feet.



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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 home was expanded, likely though the addition of the rear wooden deck, at some point prior to purchase by the applicant. The lot is an existing lot of record that is substandard in area and lot width.

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. As previously stated the lot is substandard, and the ability to renovate an existing home furthers the goals of the comprehensive plan. As the home is currently nonconforming in lot area, at a minimum the nonconformities should be rectified. The request for additional lot coverage is minimal.

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 exiting home is nonconforming in lot coverage and therefore without relief would be limited in renovation to 50% of the structures value, in addition, the request for a shed is a common right enjoyed by single family homeowners throughout the zoning district.

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

Staff **does** find that the requested variances are the minimum variance needed to accommodate future renovations and allow for a new shed. The approval of this variance would allow the homeowner additional storage and allow for correction of existing nonconformities.

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

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



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

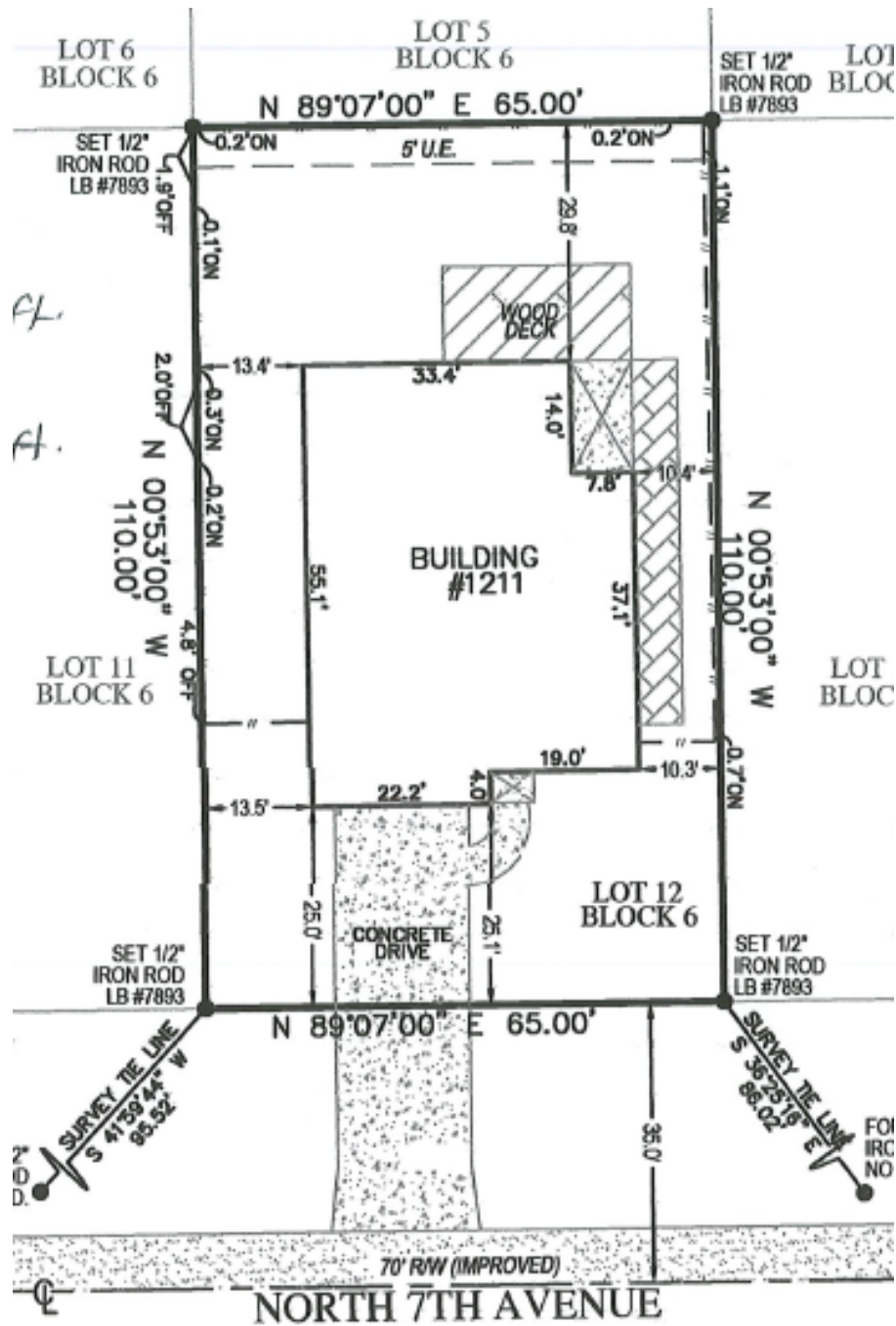
Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#22-100076**

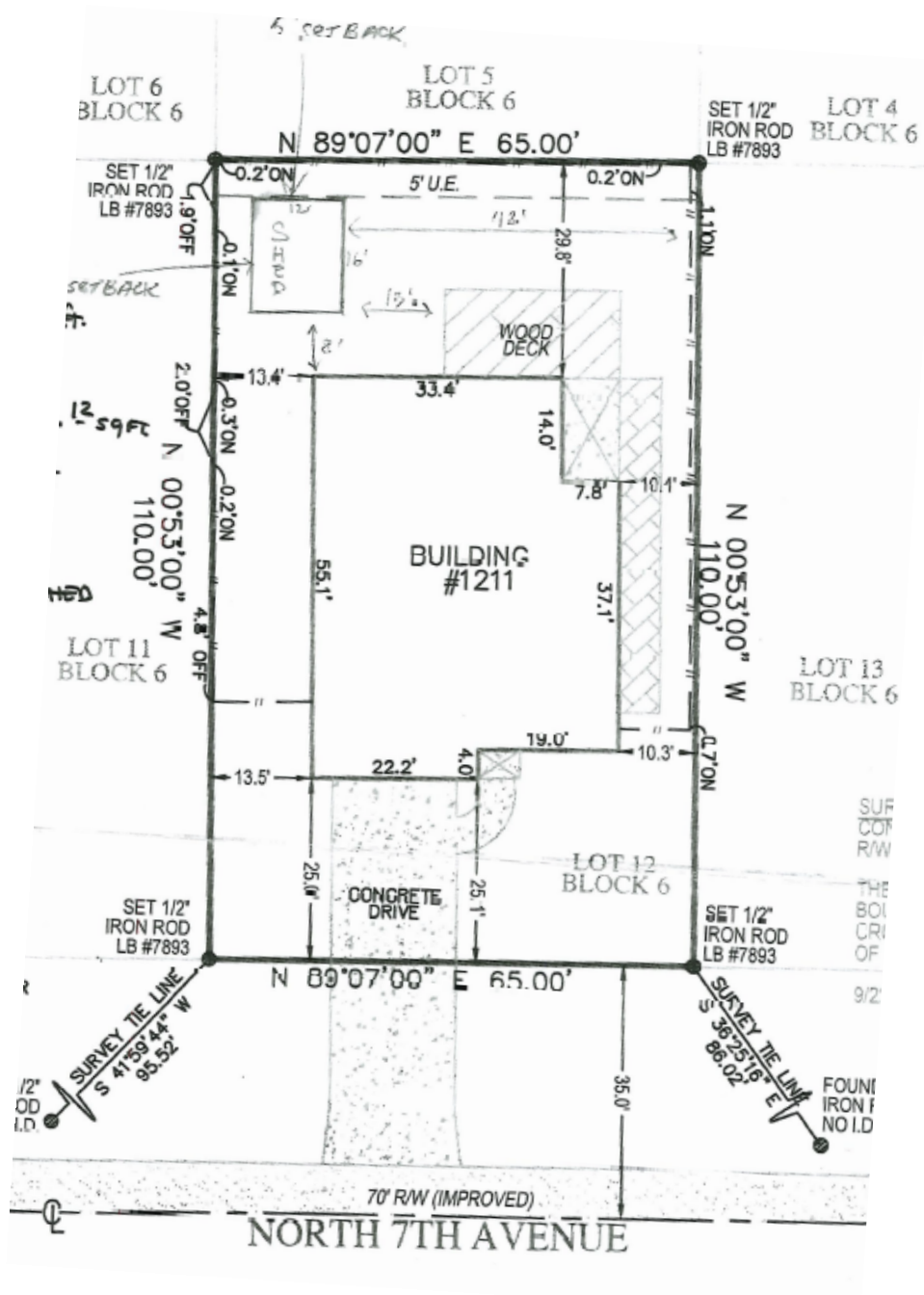
Location Map (property boundaries are representative only)



Existing Survey



Proposed Site Plan





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APPLICATION FOR VARIANCE

BOA No. 22-100076
HEARING DATE 8.2.22

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.

JUN 10 2022

PLANNING & DEVELOPMENT

APPLICANT INFORMATION

Applicant Name: Terri Herber Telephone: 612-423-2820
Mailing Address: 1211 7th Ave N E-Mail: terriynne13@hotmail.com
Jacksonville Beach, FL 32250

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

Landowner Name: Terri Herber Telephone: 612-423-2820
Mailing Address: 1211 7th Ave. N. E-Mail: terriynne13@hotmail.com
Jacksonville Beach, FL 32250

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

VARIANCE DATA

Street address of property and Real Estate Number: 1211 7th Ave N. 177802-0010
Legal description of property (Attach copy of deed): Lot 12, Block 6, 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).
Would like to build a 12'x16' Wood shed in the corner of backyard.
Yard is fenced. Shed will be fully finished and painted
to match house. We have 2,275 sq. ft of land in the

AFFIDAVIT

I, Terri Herber, 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.

Terri Herber
APPLICANT SIGNATURE

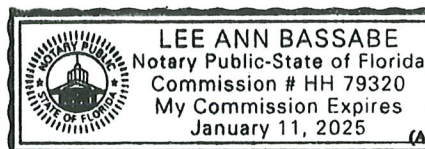
Terri Herber
PRINT APPLICANT NAME

6-10-22
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 10th day of June, 2022, by Terri Herber, 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



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 to allow for construction of a new shed and to rectify existing non-conformities at an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONSBOA No. 22-100076

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	We have 35' = 2,275 sq. ft of land in the front yard that we maintain but is not being counted as our property and lot % coverage. There is only grass & trees on that land. Please see survey & photos.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Due to the smaller size of homes at the beach, lack of storage & our desire to keep things neat & secure, we want to have professionals build a permanent structure that will match the house and add value.
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	We are not asking for anything that others in the neighborhood & Jax Beach don't have. Several near us actually have larger sheds/structures than what we are proposing.
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	Multiple neighbors & others in Jax Beach have even larger sheds/structures on their property in full view. Ours will be hidden in the back, permanent, & will add value.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	We are only wanting to use the minimum space/property needed to build the 12' x 16' shed. Tuff Shed will build.
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 shed will be inside the fenced backyard. It will be built by professionals (Tuff Shed). It will be inspected, and then finished & painted to match house.

Description Continued:

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front yard that we take care of and had assumed was part of our property.

That land/yard has only trees and grass.

PLANNING & DEVELOPMENT

We did not know when we purchased the house that the extra land was not technically part of our property.

The shed will be put in by Tuff Shed and handled 100% by professionals.

The shed will be kept 5' from lot lines as required.

Please see attached survey showing shed placement and additional land in front yard.

Photos also included.

*****RECORD AND RETURN TO:*****

Terri Lynne Herber and Cory Brendan Ramirez
1211 N. 7th Ave.
Jacksonville Beach, Florida 32250

Prepared by:
An employee of Sheffield & Boatright Title Services, LLC,
6101 Gazebo Park Place North, Suite 101
Jacksonville, Florida 32257
904-733-7900

File Number: 2021-1624
S/P Consideration : \$620,000.00

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Warranty Deed

Made on August 30, 2021, by and between **Christa A. Wellington and Nicholas R. Wellington, wife and husband**, whose address is 1210 7th Ave N., Jacksonville Beach, Florida 32250, hereinafter called the "grantor", to **Terri Lynne Herber**, an unmarried person and **Cory Brendan Ramirez**, an unmarried person, as Joint Tenants with Rights of Survivorship, whose post office address is 1211 N. 7th Ave., 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, to-wit:

Lot 12, Block 6, PINE GROVE UNIT 2, according to plat thereof recorded in Plat Book 17, Page 18, of the current Public Records of Duval County, Florida.

Parcel Identification Number: 177802-0010

Subject to covenants, conditions, restrictions and easements of record.

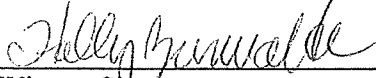
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

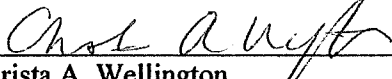
To Have and to Hold, the same in fee simple forever.

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.

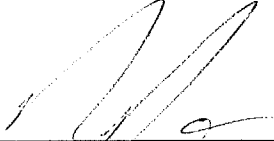
In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of these witnesses:


Witness Signature
Print Name: **HOLLY ZUMWALDE**

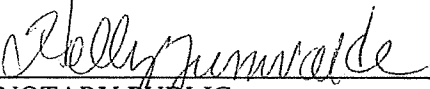

Christa A. Wellington
1210 7th Ave N., Jacksonville Beach, Florida 32250


Witness Signature
Print Name: **BERINA L. SALINAS**


Nicholas R. Wellington
1210 7th Ave N., Jacksonville Beach, Florida 32250

State of Florida
County of Duval

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED before me, by means of physical presence, this 30th day of August, 2021, by Christa A. Wellington and Nicholas R. Wellington, who are personally known to me or who produced valid drivers' license(s) as identification.


NOTARY PUBLIC
HOLLY ZUMWALDE

Notary Print Name
My Commission Expires: 2/10/25



IMG_9393.jpg

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JUN 10 2022

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PROPOSED

BOUNDARY SURVEY

Cory Ramirez
1211 7th Ave N.
Jax Beach, FL 32250

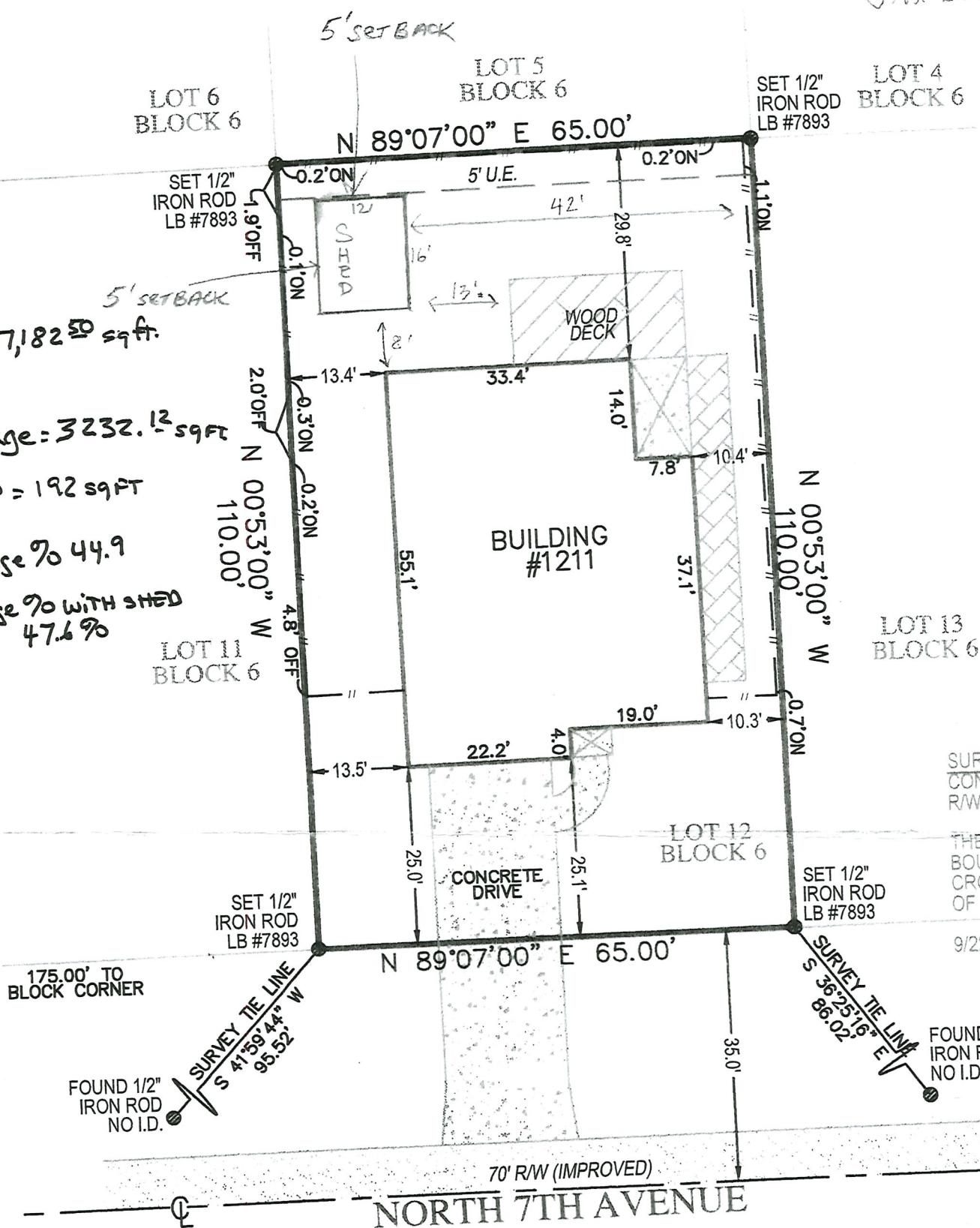
Lot Size = 7,182.50 sq ft.

Lot Coverage = 3232.12 sq ft

12x16 SHED = 192 sq ft

Lot Coverage % 44.9

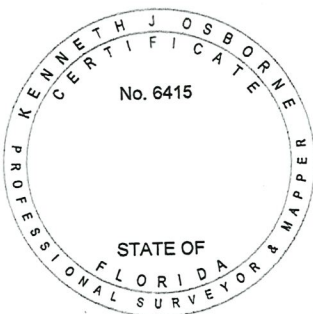
Lot Coverage % with SHED
47.6 %



SURVEY NOTES
CONCRETE DRIVE CROSSING INTO
R/W ON SOUTHERLY SIDE OF LOT.
THERE ARE FENCES NEAR THE
BOUNDARY OF THE PROPERTY THAT
CROSS THROUGH 5' U.E. AT THE REAR
OF THE PROPERTY.
9/22/2021 - IMPROVEMENT REVISION

JUN 10 2022
22-100076

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SURVEYORS CERTIFICATE

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

Kenneth J
Osborne

Digitally signed by
Kenneth J Osborne
Date: 2022.05.11
16:20:35 -04'00'

PAGE 2 OF 2 PAGES
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TARGET
SURVEYING, LLC
LB #7893

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

LEGAL DESCRIPTION AND CERTIFICATION

LOT 12, BLOCK 6, PINE GROVE UNIT 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 17, PAGE 18, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

Community Number: 120078 Panel: 0417 Suffix: J F.I.R.M. Date: Flood Zone: X Field Work: 8/15/2021

Certified To:

TERRI LYNNE HERBER AND CORY BRENDAN RAMIREZ; SHEFFIELD & BOATRIGHT TITLE SERVICES LLC; FIRST AMERICAN TITLE COMPANY; PROSPERITY HOME MORTGAGE, LLC

Property Address:

1211 N. 7TH AVE.
JACKSONVILLE BEACH, FLORIDA 32250

Survey Number: 497454

Client File Number: 2021-1624

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ABBREVIATION DESCRIPTION:

A.E.	ANCHOR EASEMENT	F.F. EL.	FINISH FLOOR ELEVATION	O.R.B.	OFFICIAL RECORDS BOOK
A/C	AIR CONDITIONER	F.I.P.	FOUND IRON PIPE	(P)	PLAT
B.M.	BENCH MARK	F.I.R.	FOUND IRON ROD	P.B.	PLAT BOOK
B.R.	BEARING REFERENCE	F.P.K.	FOUND PARKER-KALON NAIL	P.C.	POINT OF CURVATURE
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E.O.W.	EDGE OF WATER	N.T.S.	NOT TO SCALE	S.I.R.	SET IRON ROD
F.C.M.	FOUND CONCRETE MONUMENT	O.H.L.	OVERHEAD UTILITY LINES	T.O.B.	TOP OF BANK
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	MANHOLE		WELL
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**TARGET
SURVEYING, LLC**

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STATEWIDE PHONE (800) 226-4807
STATEWIDE FACSIMILE (800) 741-0576
WEBSITE: <http://targetsurveying.net>

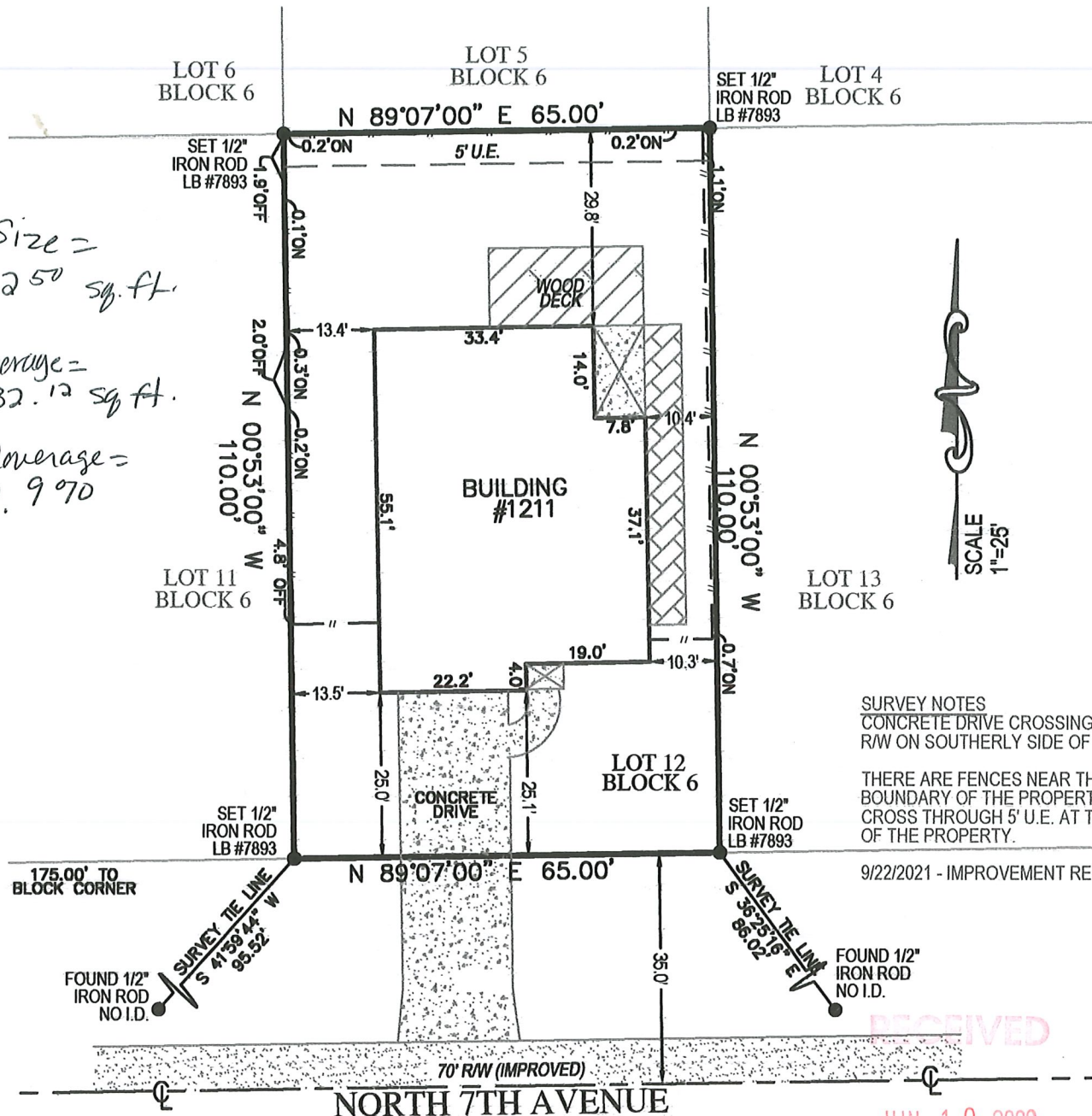
BOUNDARY SURVEY

EXISTING PG 2

Lot Size =
7,182.50 sq. ft.

Lot Coverage =
3,232.12 sq. ft.

Lot Coverage =
44.9%



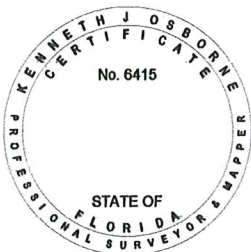
SURVEY NOTES
CONCRETE DRIVE CROSSING INTO
R/W ON SOUTHERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE
BOUNDARY OF THE PROPERTY THAT
CROSS THROUGH 5' U.E. AT THE REAR
OF THE PROPERTY.

9/22/2021 - IMPROVEMENT REVISION

JUN 10 2022
22-100076

PLANNING & DEVELOPMENT



(SIGNED)

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

SURVEYORS CERTIFICATE

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



LB #7893

SERVING FLORIDA

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



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

BOA#22-100077

Zoning: RS-3
RE: 176704-0000
Legal: Lot 12, Block 109, Ocean Side Park
Address: 1010 8th Street South

Request

Section(s): 34-338(e)(2)f, for lot coverage of 47% in lieu of 35% maximum; and 34-338(e)(2)h, for an accessory setback of 3 feet in lieu of 5 feet minimum to rectify existing non-conformities and improve required parking at an existing two-family dwelling

Existing Conditions

The subject property is a nonconforming lot of record and part of a second lot of record (circa 1922) located in the Low Density Residential future land use category. The property is currently zoned Residential Single Family: RS-3. The subject lot is 50 feet in width and 125 feet in depth with a total area of 6,250 square feet. The current structure is a two-family dwelling. The existing house and all associated improvements has a current total lot coverage of 40%. The existing structure has nonconforming parking, both in total number of spaces and the existing spaces are substandard in depth. The structure has two parking spaces in the front, both of which are too shallow to meet the 9 foot by 17 foot size requirements. Additionally the rear unit has one parking space. The existing structure was built in 1977 per the Duval County Property Appraiser.

No previous variances, No active code cases.

Staff Analysis

As noted above, the lot is substandard in width, and the current structure is nonconforming in lot coverage percentage and required parking spaces. Additionally there is no paved access from the front parking to the front door of the forward unit. The structure is divided front and back into two units. The front unit faces 11th Avenue South and the rear unit faces 8th Street South. The applicant is proposing to extend the existing parking to make each existing space compliant in size, and add enough paver to add a second parking space for the rear unit. Additionally they are asking to add a paved walkway from the front parking area accessed off 11th Avenue South to the front door that faces 8th Street South. Though the existing lot coverage is 40%, the proposed improvements only add 7%



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

lot coverage because the proposed parking improvements are predominantly wheel strips, which are the least intensive driveway form allowed by code. The structure predates the current Land Development Code, and these proposed improvements would bring it into compliance with other portions of the code, predominantly the LDC requirements for paved parking, with two spaces per dwelling unit.

Minimum Dimensional Standards

Two-family dwellings.

- a. Minimum lot area: Six thousand (6,000) square feet.
- b. Minimum lot width: Sixty (60) feet at the building line and a minimum of thirty-five (35) feet at the street.
- c. Minimum yards.
 1. Front yard: Twenty (20) feet.
 2. 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.
 3. Rear yard: Thirty (30) feet.
- d. Floor area: A two-family dwelling unit shall contain a minimum of one thousand six hundred (1,600) square feet of conditioned living area. Garages or carports, if provided, shall not be included as part of the unit's minimum square footage. Each unit within a duplex shall contain a minimum of eight hundred (800) square feet of conditioned living area.
- e. Wall separation: Two-family dwellings shall contain a two (2) hour fire resistant wall between units.
- f. Maximum lot coverage: Thirty-five (35) percent.

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 lot is both substandard in width and the existing structure is nonconforming in lot coverage and required parking. The applicant is requesting to address the parking and get approval for relief from the lot coverage, both current and with the addition of the improved parking.



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

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

Staff **does not** find that circumstances are a result of the applicant. The subject property is an existing nonconforming lot of record in width. Additionally the current structure was built in 1977, and was built with both excessive lot coverage and inadequate parking. These are not conditions created by the applicant.

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. To the contrary, approval of this request will allow the applicant to meet the current LDC requirements for parking number and design as required for a two family dwelling.

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 proposed variance allows the applicant to provide the required number and design of four parking spaces for a two family dwelling.

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 4 parking spaces. The approval of this variance would allow the applicant to address the existing nonconformity for lot coverage and allow the expansion of the parking area to accommodate 4 parking spaces where there are currently three, two of which are nonconforming in depth.

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



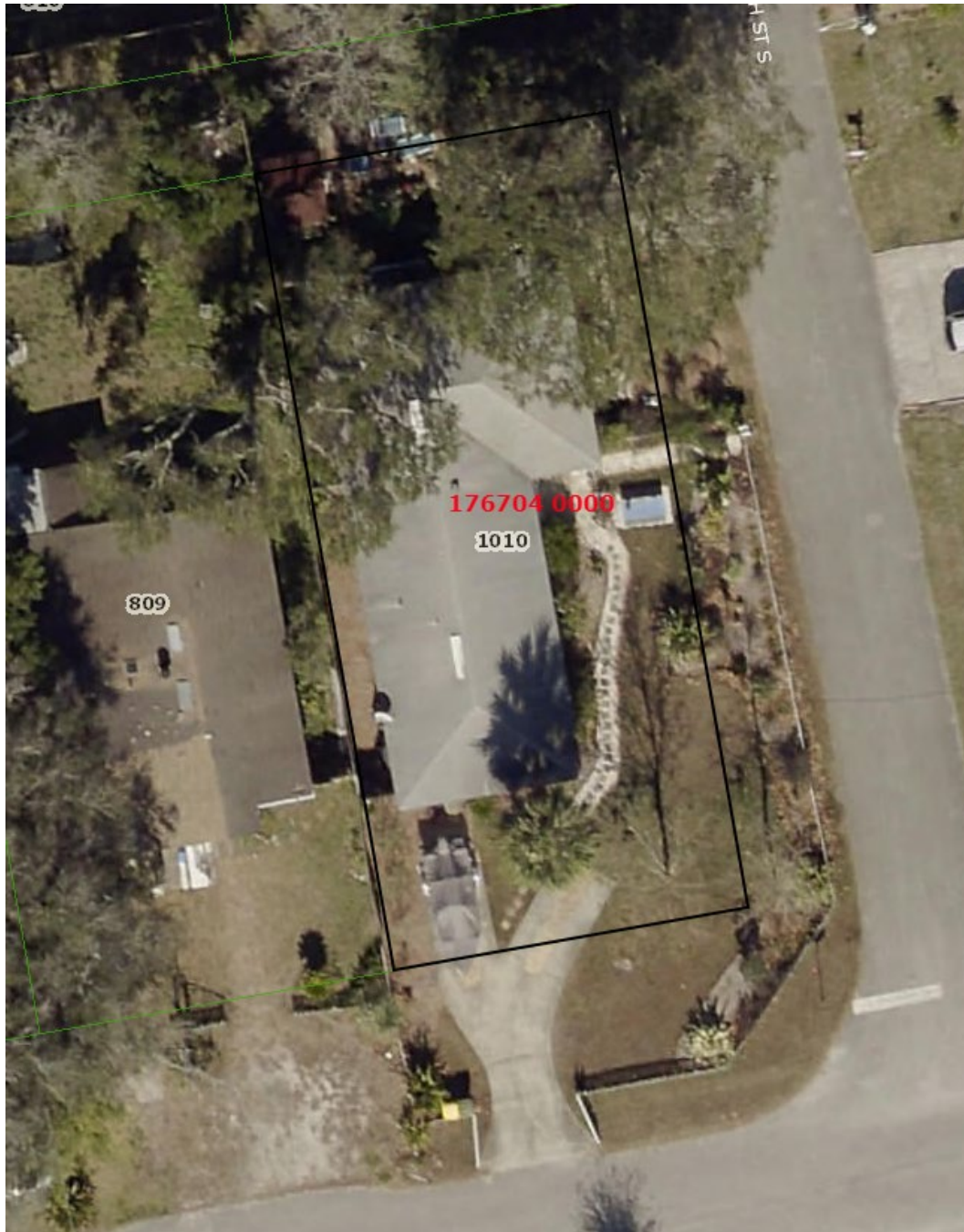
City of Jacksonville Beach • 11 North Third Street • Jacksonville Beach FL 32250

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

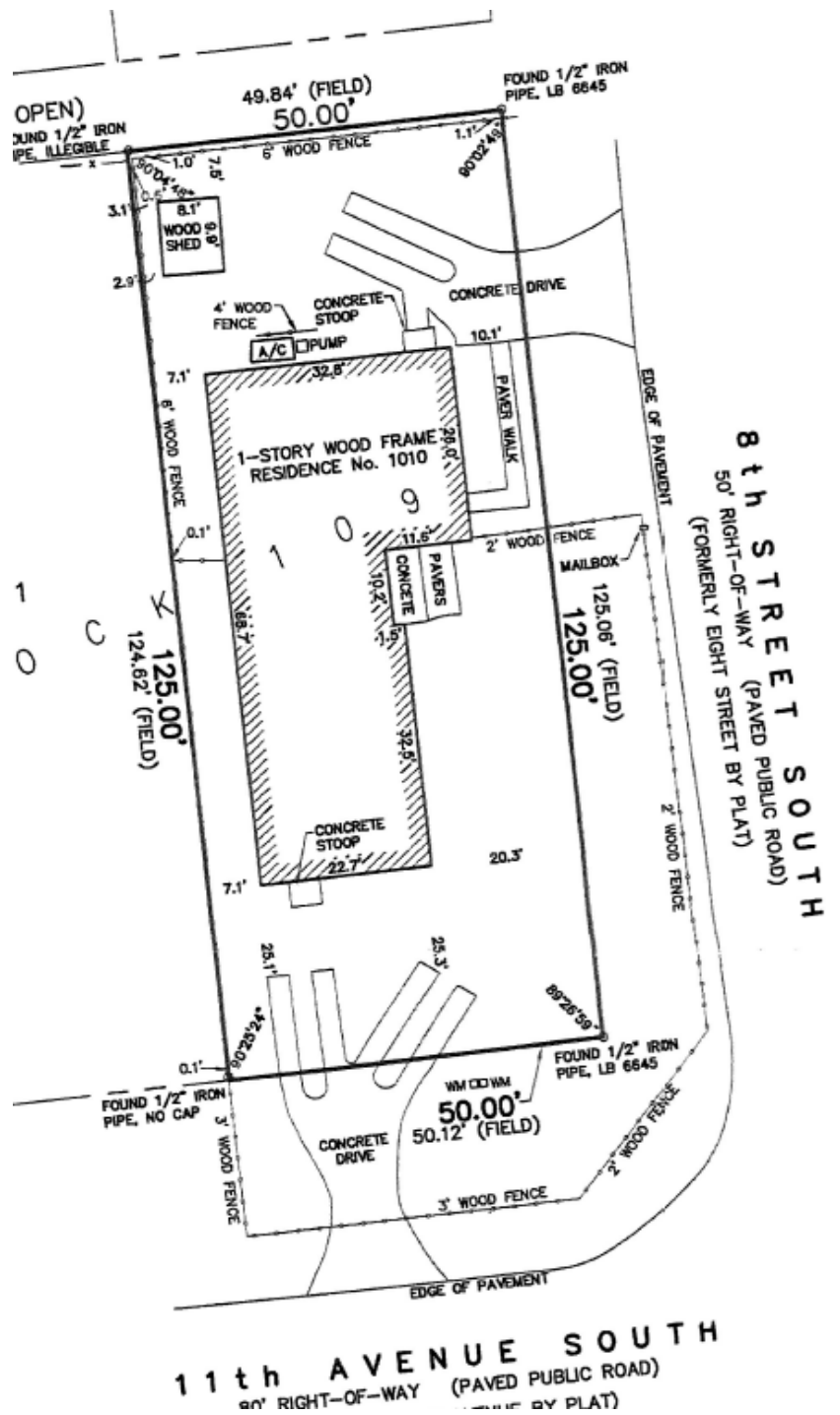
Staff Recommendation

Per Section 34-282 of the Land Development Code; based on the provided application and analysis stated in this report, The Planning and Development Department recommends **Approval of BOA#22-100077**

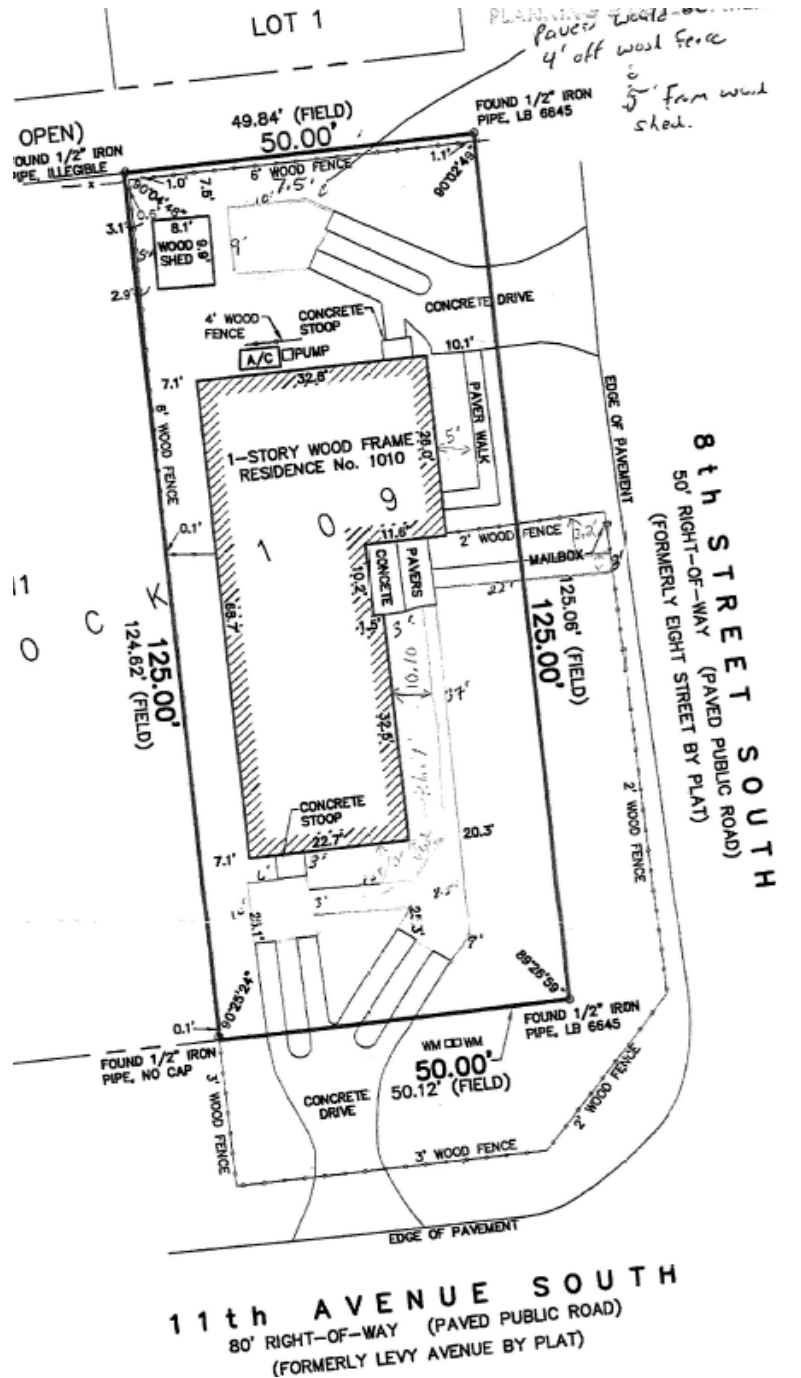
Location Map (property boundaries are representative only)



Existing Survey



Proposed Site Plan





APPLICATION FOR VARIANCE

BOA No. 22-100077
HEARING DATE 8.8.22

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.

JUN 14 2022

APPLICANT INFORMATION

Applicant Name: Joanne Brousseau Telephone: (904) 449-0867
Mailing Address: 1010 8th St South E-Mail: Joanne_brousseau@att
Jacksonville Beach, FL 32250
Agent Name: _____ Telephone: _____
Mailing Address: _____ E-Mail: _____
Landowner Name: Joanne Brousseau Telephone: (904) 449-0867
Mailing Address: 1010 8th St South E-Mail: Joanne_brousseau@att
Jax Beach, FL 32250

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

VARIANCE DATA #176 704 ~ 0000

Street address of property and Real Estate Number: 1010 8th St South, Jax Beach, FL 32250

Legal description of property (Attach copy of deed): Lot 12, Block 109, Oceanside Park

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 variance of existing lot coverage from 39.8% (2,485 sq ft) to 46.66% (2,918.5 sq ft) to bring parking up to code & to replace rock walkway to pavers to improve safety

AFFIDAVIT

I, Joanne Brousseau, 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.

Joanne Brousseau
APPLICANT SIGNATURE

Joanne Brousseau
PRINT APPLICANT NAME

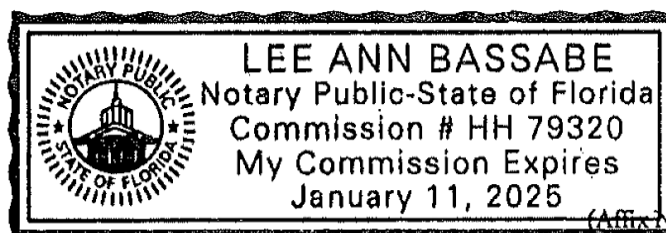
5/17/2022
DATE

STATE OF FLORIDA, COUNTY OF DUVAL:

This instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 17th day of May, 2022, by Joanne L. Brousseau, 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



THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-3

FLOOD ZONE: X

CODE SECTION (s):

34-338(e)(2)f, for lot coverage of 47% in lieu of 35% maximum; and 34-338(e)(2)h, for an accessory setback of 3 feet in lieu of 5 feet minimum to rectify existing non-conformities and improve required parking at an existing two-family dwelling

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 such that the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

JUN 14 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	Building built in 1977 pre-code & converted to a duplex. Need to Add parking to bring up to code
Special circumstances and conditions do not result from the actions of the applicant.	yes	House was purchased "as is" with unsafe walkway on rental side - Replacing with pavers to improve safety
Granting the variance will not confer upon the applicant any special privileges denied to other parcels of land, buildings, or structures, in the same zoning district.	yes	Bringing parking up to code.
Granting the variance will not result in a special interpretation and enforcement of the standards and provisions of this code would deny the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	yes	Bring parking up to code.
The minimum variance is the minimum variance which will make possible the reasonable use of the parcel of land, building or structure.	yes	Converted from single family home to duplex & need additional parking to bring up to code
The variance will be generally consistent with the purposes, goals, objectives, policies of the comprehensive plan and Code and will not adversely affect adjacent land.	yes	Bring parking up to code & provide safer walkway to decrease fall risk.

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

File Number: 17B2327

22-100077
JUN 14 2022

17125762
\$360000

General Warranty Deed

Made this December 29, 2017 A.D. By **Richard L. Fail**, a single person, whose post office address is: 1327 Trailwood Drive, Neptune Beach, Florida 32266, hereinafter called the grantor, to **Joanne Brousseau and Virginia Lafer**, as joint tenants with rights of survivorship, whose post office address is: 1300 Shetter Ave. Apt 7201, 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 12, Block 109, OCEANSIDE PARK, according to plat thereof as recorded in Plat Book 8, Page 13, of the Current Public Records of Duval County, Florida.

Parcel ID Number: 176704-0000

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, 2017.

ed by:
Murphy
d T. Morehead Title & Escrow, Inc.
ird Street
e Beach, Florida 32266

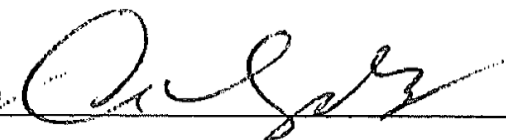
umber: 17B2327

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

and, sealed and delivered in our presence:

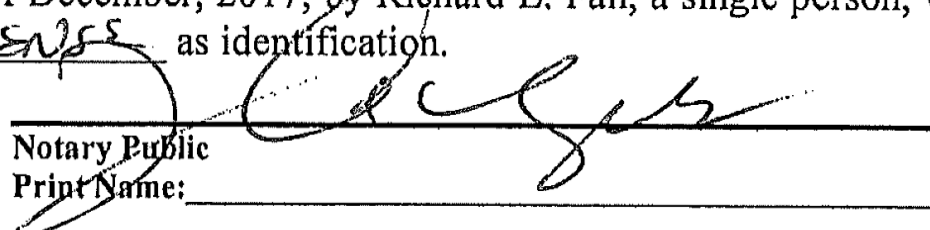

Printed Name Connie GRUBBS


Richard L. Fail (Seal)
Address: 1327 Trailwood Drive, Neptune Beach, Florida 32266

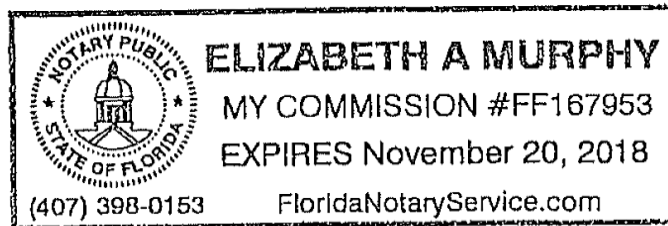

Printed Name ELIZABETH A. MURPHY Address:

Florida
of Duval

going instrument was acknowledged before me this 29th day of December, 2017, by Richard L. Fail, a single person, who is/a
lly known to me or who has produced DRIVER'S LICENSE as identification.


Notary Public
Print Name:

My Commission Expires:



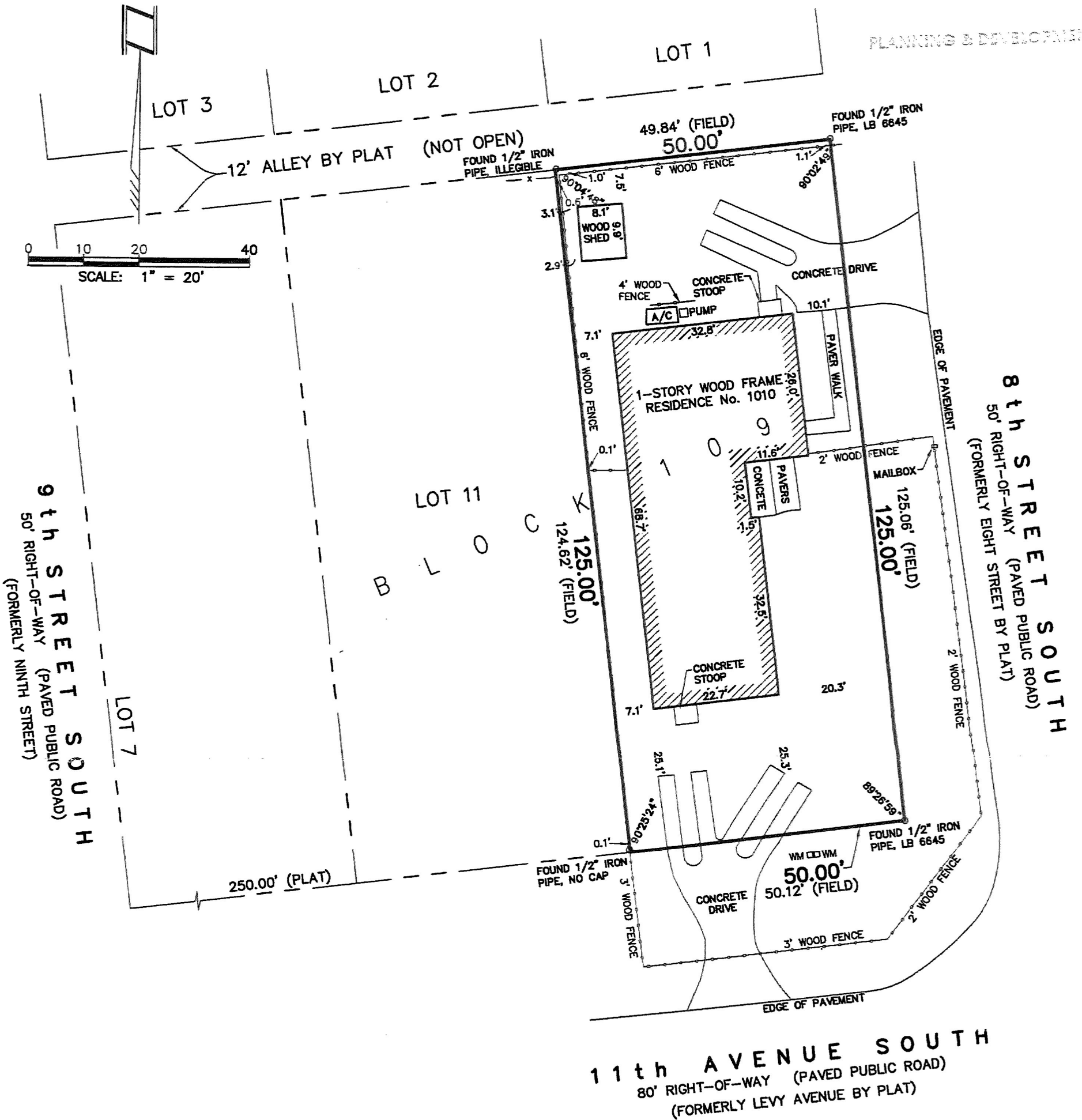
EXISTING

MAP SHOWING SURVEY OF

LOT 12, BLOCK 109, OCEANSIDE PARK, AS RECORDED IN PLAT BOOK 8,
PAGE 13, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

RECEIVED
22-100077
JUN 14 2022

PLANNING & DEVELOPMENT



LOT COVERAGE CALCULATION

LOT AREA	= 6,250 S.F.
BUILDING AREA	= 1,807 S.F.
CONCRETE DRIVE	= 396 S.F.
PAVER WALK/STOOP	= 117 S.F.
CONCRETE STOOPS	= 69 S.F.
A/C PAD	= 16 S.F.
WOOD SHED	= 80 S.F.

TOTAL IMPERVIOUS AREA = 2,485 S.F.

EXISTING LOT COVERAGE = 39.8%

THIS SURVEY IS CERTIFIED TO:
JOANNE BROUSSEAU; COASTLINE FEDERAL CREDIT UNION;
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

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

NOTES:

1. THIS IS A BOUNDARY SURVEY.
2. INTERIOR ANGLES PER FIELD DATA.
3. NO BUILDING RESTRICTION LINES PER PLAT.
4. WM DENOTES WATER METER.
5. NORTH PROTRACTED FROM PLAT.

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

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

CHECKED BY: _____
DRAWN BY: KJC-P
FILE: 2022-0365

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

DATE: MARCH 28, 2022
SHEET 1 OF 1

PROPOSED

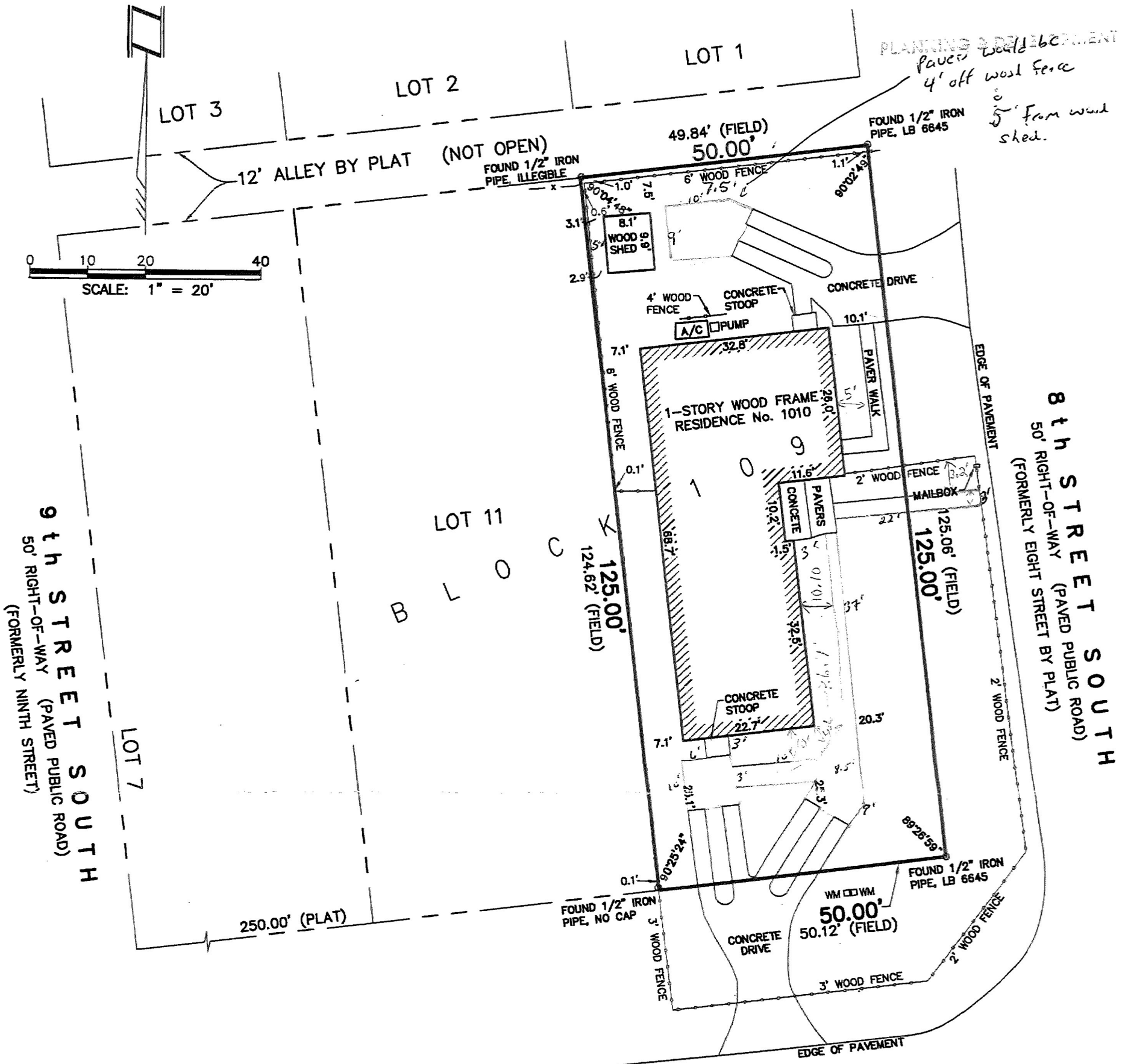
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JUN 14 2022



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Building Area = 1,807 S.F.
Concrete Drive = 396 S.F.
Paver walk/stoops = 117 S.F.
Concrete Stoops = 69 S.F.
A/C Pad = 16 S.F.
Wood Shed = 80 S.F.
New Paver walkways & Driveway extensions = 433.5 S.F.
Total Impervious Area = ~~2,057.5~~ 2,918.50 S.F.
Existing Lot Coverage = ~~32.8%~~ 46.66%

11th AVENUE SOUTH
80' RIGHT-OF-WAY (PAVED PUBLIC ROAD)
(FORMERLY LEVY AVENUE BY PLAT)

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