



# City of Jacksonville Beach

11 North Third Street  
Jacksonville Beach, Florida

## Agenda

### Board of Adjustment

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Tuesday, July 18, 2017

7:00 PM

Council Chambers

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#### **MEMORANDUM TO:**

Members of the Board of Adjustment  
City of Jacksonville Beach, Florida

Board Members:

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

#### **CALL TO ORDER**

#### **ROLL CALL**

John Moreland (Chairperson), Sylvia Osewalt (Vice-Chairperson), Scott Cummings, Thomas Buck, Jeff Truhlar,  
Alternates: Francis Reddington, Chase Sams

#### **EX-PARTE COMMUNICATION**

**APPROVAL OF MINUTES** June 6, 2017, June 20, 2017

#### **CORRESPONDENCE**

**OLD BUSINESS**

- a. **Case Number:** **BOA 17-100025**  
**Applicant:** Richard W. Whithers, Attorney for Owner  
**Owner:** Hasteh, LLC  
**Property Address:** 1198 Beach Boulevard  
**Parcel ID:** 177502-0050  
**Current Zoning:** C-2  
**Motion to Approve:** **City of Jacksonville Beach Land Development Code Section(s):** 34-343(e)(5), for 97% lot coverage in lieu of 85% maximum; to allow construction of a new commercial building, for property **legally described** as Part of Castro Y Ferrer Grant, Sec. 38, Township 2S, Range 29E.  
**Miscellaneous Info:** One previous variance request (BOA# 16-100040) and one conditional use application (PC# 28-16).

Notes:

- b. **Case Number:** **BOA 17-100078**  
**Applicant/Owner:** JWB Real Estate Capital  
**Agent:** Curtis Hart  
**Property Address:** 1010 North 2<sup>nd</sup> Avenue  
**Parcel ID:** 177307-0000  
**Current Zoning:** RM-1  
**Motion to Approve:** **City of Jacksonville Beach Land Development Code Section(s):** 34-339(e)(4)h., for an accessory structure setback of 1 foot, in lieu of 5 feet required; 34-373(d), for vehicular use area of 1 foot, in lieu of 5 feet required; to allow construction of a 6-unit townhouse structure, for property **legally described** as *A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida.*  
**Miscellaneous Info:** One previous conditional use request (PC# 4-17).

Notes:

- c. **Case Number:** BOA 17-100079  
**Applicant/Owner:** Marilyn Pierce  
**Agent:** Alex Sifakis  
**Property Address:** 1304 North 1<sup>st</sup> Avenue  
**Parcel ID:** 177880-0000  
**Current Zoning:** C-2  
**Motion to Approve:** **City of Jacksonville Beach Land Development Code Section(s) 34-339(e)(4)h.**, for an accessory structure setback of 0 feet, in lieu of 5 feet required; 34-373(d), for vehicular use area setback of 1 foot, in lieu of 5 feet required; to allow construction of a new three-unit townhouse structure, for property **legally described** as Lot 10, *Pine Grove Unit 3*.  
**Miscellaneous Info:** Two previous conditional use requests (PC# 5-17 and PC# 10-17).

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- d. **Case Number:** BOA 17-100080  
**Applicant/Owner:** BCEL 5 LLC  
**Agent:** Curtis Hart  
**Property Address:** 333 and 335 South 5<sup>th</sup> Avenue  
**Parcel ID:** 175899-0000 and 175900-0000  
**Current Zoning:** C-1  
**Motion to Approve:** **City of Jacksonville Beach Land Development Code Section(s):** 34-339(e)(4)h., for an accessory structure setback of 0 feet, in lieu of 5 feet required; 34-373(d), for vehicular use area setbacks of 1.5 feet, in lieu of 5 feet required; to allow construction of a five-unit townhome structure, for **legally described** as Lot 7 and 8, Block 44, *Pablo Beach South*.  
**Miscellaneous Info:** Two previous variance requests (BOA# 16-100199 and BOA# 16-100208), and three previous conditional use applications (PC# 36-16, PC# 6-17, PC# 13-16 and one concept plat PC# 14-17).

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- e. **Case Number:** BOA 17-100081  
Applicant/Owner: BCEL 5 LLC  
Agent: Curtis Hart  
Property Address: 1224 and 1236 North 1<sup>st</sup> Avenue  
Parcel ID: 177878-0000 and 177879-0000  
Current Zoning: C-2  
Motion to Approve: **City of Jacksonville Beach Land Development Code Section(s) 34-339(e)(4)h.**, for an accessory structure setback of 0 feet, in lieu of 5 feet required; 34-373(d), for vehicular use area setbacks of 1 foot, in lieu of 5 feet required; to allow construction of a new six-unit townhouse structure, for property **legally described** as Lots 8 and 9, Block 44, *Pine Grove Unit Three*.  
Miscellaneous Info: One previous variance request (BOA#13-143), three previous conditional use applications (PC#04-97, PC#23-13, 2PC#7-15), and two concept plat applications (#32-15, PC#13-17).

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- f. **Case Number:** BOA 17-100082  
Applicant/Owner: Hoose Homes and Investments, LLC  
Agent: Curtis Hart  
Property Address: 314 and 322 North 12<sup>th</sup> Avenue  
Parcel ID: 174617-0000 and 174616-0000  
Current Zoning: C-1  
Motion to Approve: **City of Jacksonville Beach Land Development Code Section(s) 34-339(e)(4)h.**, for an accessory structure setbacks of 0 feet, in lieu of 5 feet required; 34-373(d), for vehicular use area setback of 0 feet, in lieu of 5 feet required; to allow construction of a five-unit townhouse structure, for property **legally described** as Lots 3, 4, Block 124, *Pablo Beach Improvement Company's Plat of Part of Northern Portion of Pablo Beach*.  
Miscellaneous Info: One previous variance request (BOA#05-100263), and three previous conditional use applications (PC#37-16, PC#1-17, PC#9-17).

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NEW BUSINESS

- a. **Case Number:** BOA 17-100105  
 Applicant: Lony and Carla Taylor  
 Owner: Timothy Durden  
 Property Address: 3502 Isabella Boulevard  
 Parcel ID: 180806-0000  
 Current Zoning: RS-1  
 Motion to Approve: **City of Jacksonville Beach Land Development Code Section(s)** 34-336(e)(1)c.2., for side yards of 7.5 each, in lieu of 10 feet required; 34-336(e)(1)e., for 49% lot coverage, in lieu of 35% maximum; to allow construction of a single-family dwelling with pool, on Lot 22, for property **legally described** as Lot 22, Block 9, *Ocean View Highlands*.  
 Miscellaneous Info: No previous variance requests

Notes:

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- b. **Case Number:** BOA 17-100106  
 Applicant/ Owner: Jeffery B. Hall  
 Property Address: 605 South Upper 8<sup>th</sup> Avenue  
 Parcel ID: 176466-0000  
 Current Zoning: RS-2  
 Motion to Approve: **City of Jacksonville Beach Land Development Code Section(s)** 34-337(e)(1)e., for 46.6% lot coverage, in lieu of 35% maximum; to allow a patio addition to an existing single-family dwelling, for property **legally described** as Lot 19, Block 7, *Oceanside Park*.  
 Miscellaneous Info: No previous variance requests

Notes:

- c. **Report from City Attorney - Special Magistrate Report and Recommendation Pursuant to Section 70.51, Florida Statutes: Application BOA 16-100187**

**PLANNING DEPARTMENT REPORT**

The next scheduled meeting is **Tuesday, August 1, 2017**. There are five (5) scheduled cases.

**ADJOURNMENT**

**NOTICE**

*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.*

*The public is encouraged to speak on issues on this Agenda that concern them. Anyone who wishes to speak should submit the request 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.*

*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, extension 10, no later than one business day before the meeting.*

**Minutes of Board of Adjustment Meeting**  
held Tuesday, June 6, 2017, at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida



**Call to Order**

The meeting was called to order by Chairman Moreland.

**Roll Call**

Thomas Buck  
Jeff Truhlar (*absent*)  
John Moreland (Chairman)  
Sylvia Osewalt (Vice-Chairman)  
Scott Cummings

Alternates:  
Francis Reddington  
Chase Sams

**Ex-parte Communications**

There were none.

**Approval of Minutes**

Ms. Osewalt moved approval of the minutes from April 18, 2017, May 2, 2017, and May 16, 2017. The motion was seconded by Mr. Cummings. The motion to approve the minutes was approved unanimously.

**Correspondence**

None

**NEW BUSINESS:**

**(A) Case Number: BOA 17-100058**

**Name of Applicant:** Vikki Mesich and Rich Tomporowski

**Property Address:** 1855 Riley Street

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of 41% lot coverage in lieu of 35% maximum; to allow for a swimming pool and deck addition to an existing single-family dwelling.

**Applicant:** The applicant, Mr. Rich Tomporowski, 1855 Riley Street, stated they would like to get decking around a proposed pool.

Mr. Moreland asked how the property created a hardship. Mr. Tomporowski stated that they planned to add decking to only one side of the pool. They were intending to keep the decking to the center of the yard and provided the Board with renderings. He noted that the lot was a narrow lot and was a non-conforming lot.

Ms. Osewalt asked if that was the minimum size they could build. Mr. Mann noted that they met the setback for an accessory structure. Mr. Tomporowski stated that this was the minimum deck they could provide.

Mr. Buck asked if there were comments from neighbors. Mr. Tomporowski stated that the neighbors were supportive.

**Public Hearing:**

There was no one present to speak in favor of or in opposition to the proposed application.

**Discussion:**

Mr. Cummings stated that there are many homes with pools in this neighborhood and had no problems with it. Ms. Osewalt agreed that the request seemed reasonable.

**Motion to Approve:** Mr. Buck moved to approve the request of the applicant. The motion was seconded by Mr. Cummings

**Roll Call Vote:** Ayes – Buck, Moreland, Reddington, Cummings, and Osewalt. Motion approved unanimously.

**(B) Case Number: BOA 17-100071**

**Name of Applicant:** Louise Johnson

**Property Address:** 905 North 2<sup>nd</sup> Avenue

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for a rear yard setback of 25.5 feet, in lieu of 30 feet required; and for 41.3% lot coverage lieu of 35% maximum, to allow for an addition to a single-family dwelling.

**Applicant:** The applicant, Ms. Louise Johnson, 905 2<sup>nd</sup> Avenue North, stated that the house was 900 square feet, and they need more room. She said the plan was to add about 600 square feet. Mr. Cummings asked about the size of the lot. Ms. Johnson stated the lot and the dwelling unit were both non-conforming.

**Public Hearing:**

There was no one present to speak in favor of or in opposition to the proposed application

**Discussion:**

Ms. Osewalt stated that there would only be an infringement to the lot in back, and lot coverage was the main issue. Mr. Moreland noted that if the lot were standard, it would only occupy 34.6% of the lot. Mr. Cummings agreed that the request was reasonable.

**Motion to Approve:** It was moved by Mr. Cummings to approve the request in the application. The motion was seconded by Mr. Buck.

**Roll Call Vote:** Ayes - Buck, Osewalt, Reddington, Cummings, and Moreland. The motion to approve the application was approved unanimously.

**(C) Case Number: BOA 17-100073**

**Name of Applicant:** Kevin Newsome

**Property Address:** 1125 North 13<sup>th</sup> Avenue

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for 45% lot coverage lieu of 35% maximum, to allow for a swimming pool and deck addition to an existing dwelling.

**Applicant:** The applicant, Kevin Newsome, 1125 13<sup>th</sup> Avenue North, stated that he was denied earlier and has removed a side yard setback request and reduced coverage from 47% to 45%. He stated that the original owner had taken up the 35% lot coverage. He stated that he would be removing patios to put in the request. He added that the existing coverage is 39%.

Mr. Cummings noted that the lot was smaller than minimum size. In response to Mr. Buck, Mr. Newsome stated that none of the neighbors had problems the request.

Mr. Moreland noted that this would constitute 34.1% coverage for a standard lot in this zoning category.

**Public Hearing:**

There was no one present to speak in favor of or in opposition to the proposed application

**Discussion:**

Mr. Buck noted that the lot is substandard for the district, so certainly there was a hardship. Mr. Cummings stated that Mr. Newsome moved the pool equipment to the other side of the house in response to Board's concerns.

**Motion to Approve:** It was moved by Mr. Buck to approve the request in the application. The motion was seconded by Mr. Reddington.

**Roll Call Vote:** Ayes - Buck, Osewalt, Reddington, Cummings, and Moreland. The motion to approve the application was approved unanimously

**(D) Case Number: BOA 17-100089**

**Name of Applicant:** Timothy Franklin

**Property Address:** 2818 Madrid Street

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of an appeal of the Planning and Director's Interpretation of Article VIII, Plan Development Standards Section 34-406(b)(4)(b), related to fence height restrictions for portions of a fence exceeding six feet in height as applicable to the approval of a fence permit application.

**Applicant:** The City Attorney, Susan Erdelyi explained the procedures for the hearing. Ms. Erdelyi provided a copy of the code provisions to the Board. The applicant, Mr. Timothy Franklin, 60 Ocean Blvd., Suite 10, stated that he was there to represent Mr. Mike Dudley. He stated the Mr. Dudley called him to ask about the height of a fence that was being constructed on the parcel next to his.

Mr. Franklin stated that Mr. Butler with the City came out and provided an analysis of the fence height, and stated that they were not happy with the City's interpretation. He provided the Board with written and photo exhibits. He stated that they were satisfied with some aspects of the interpretation. He noted that the fence is not a lattice top fence, and compared the fence with his applicant's fence. Mr. Franklin reviewed Mr. Mann's interpretation of the fence height and noted where he disagreed with that interpretation. Mr. Franklin stated that any portion above six feet in height must be built with openings to allow the free flow of air, which shall be evenly distributed. He stated that the architect went to seven feet with the other foot relatively clear, making it 25%. Mr. Franklin stated that allows for seven feet fences in Jacksonville Beach.

Mr. Moreland asked Mr. Franklin for the part of the Code that says the City favor lattice work. Mr. Franklin said that there is nothing in the code that favors as such, but that is the norm.

Mr. Buck stated that all fences in the neighborhood were six feet. He asked Mr. Franklin about the requirement for the fence heights. He stated that his client lives in a neighborhood that is governed by covenants and restrictions.

Mr. Mann responded that the lower fence with the toppers would be allowed within the six to eight foot range. He stated that topper type elements are included. He added that the lattice has to be supported anyway so there would not be an even distribution. Mr. Mann reviewed other types of fence toppers besides lattice that would have been acceptable. He then went on to explain his interpretation of the photos. Discussion followed on the design of the subject fence.

Mr. Franklin disagreed with Mr. Mann's interpretation on the openness of the area above six feet. He added that all poles are going to count against the 25% opacity and were ok with that interpretation. Mr. Franklin disagreed that this would not set a precedent.

Ms. Osewalt asked if any of the other neighbors upset with the fence. Mr. Franklin stated that the only parcel affected by the fence is Mr. Dudley's property.

Mr. Cummings asked if they used lattice and provided for the 25% opacity did they not meet the Code. Mr. Franklin responded that he could accept that but not the fence as built. He said the 25% does not start at the six-foot point.

Mr. Reddington asked what was attaching the material to the wall. Mr. Mike Dudley, 246 Kaman Court, stated that the lattice was put on top after he complained. He stated that they were drilled into the wood. Mr. Reddington asked Mr. Mann if he redid the permit. Mr. Mann stated he could not answer that as he did not do the fence inspection.

Ms. Erdelyi noted her role was procedural. She stated that the portion being appealed is what they need to rule on. She noted that courts show deference to the City in the interpretation of the Code. Then she noted the parameters of their decision from the Land Development Code.

**Public Hearing:**

There was no one present to speak in favor of or in opposition to the proposed application.

**Discussion:**

Mr. Cummings stated that when lattice is put up, there would always be boards blocking the view. Ms. Osewalt stated that she agreed with staff that the opening were evenly distributed and met the Code.

Mr. Moreland stated that both sides were making reasonable interpretations, but he thought Mr. Mann's interpretation was supported and we need to give weight to the Planning Director's interpretation.

Mr. Reddington stated that this person took advantage of portions of the Code.

**Motion to Approve:** It was moved by Ms. Osewalt that the appeal of the Planning Director's interpretation of the Land Development Code be denied... The motion was seconded by Mr. Cummings.

**Roll Call Vote:** Ayes - Buck, Osewalt, Reddington, Cummings, and Moreland. The motion to deny the appeal was approved unanimously

**Adjournment**

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 8:28 P.M.

Submitted by: Amber Maria Lehman  
Staff Assistant

Approval:

\_\_\_\_\_ Chairman

Date: \_\_\_\_\_

**Minutes of Board of Adjustment Meeting  
held Tuesday, June 20 2017, at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida**



**Call to Order**

The meeting was called to order by Chairman Moreland.

**Roll Call**

Thomas Buck  
Jeff Truhlar (*absent*)  
John Moreland (Chairman)  
Sylvia Osewalt (Vice-Chairman)  
Scott Cummings *absent*

Alternates:

Francis Reddington *absent*  
Chase Sams *absent*

Chairman Moreland notified the audience that there were only three Board members present and asked if anyone would like to defer their cases. Cases 100025, 100078, 100079, 100080, 100081, & 100082 were deferred.

Mr. Mann welcomed Ms. Stacy Tinker who was the Building Inspection Division's new Permit Specialist.

**Ex-parte Communications**

There were none.

**Approval of Minutes**

There were none.

**Correspondence**

There was none.

**NEW BUSINESS:**

**(A) Case Number: BOA 17-100069**

**Name of Applicant:** Connie Rifkin

**Property Address:** 406 North 11<sup>th</sup> Street

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for a rear yard setback of 11.4 feet, in lieu of 30 feet required to allow an addition to an existing single family dwelling.

**Applicant:** The agent noted that their rear yard request is from the easement and not the property line. The request is for a five-foot setback. Mr. Mann noted that that was not accurate. He noted that there is an easement but that is part of the property and they don't measure setback from the easement. Mr. David Rifkin, 406 North 11<sup>th</sup> Street, and Mr. Mike Hannah, 134 36<sup>th</sup> Avenue South introduced themselves. Mr. Rifkin noted that the back of the house is denoted different than what it appears. They are asking for an extension from the back of the house according to the plat. He added that there is a carport that is where the garage will go. He stated that they want to build an in-law suite for their elderly relatives.

Mr. Moreland asked how the property created a hardship. Mr. Rifkin responded that this is an odd lot because the front of the house is the side of the house. Mr. Mann stated that this is a corner lot property, and the setbacks are currently consistent for all setbacks. He noted that either way there would be a non-conforming setback with this request.

Mr. Rifkin stated that he has letters of support from the neighbors. He stated that this proposal will fit in with the neighborhood. Ms. Osewalt stated that the lot was conforming.

Mr. Hannah stated that the hardship comes from how they originally positioned the house. If the front door faced 3<sup>rd</sup> there would be no variance. He added that they would like covered shelter for the vehicles of they and their parents. He noted that the rear yard setback may be more appropriate as five feet instead of 11.4 feet. He noted that even with these structures they are still only at 33.8% lot coverage.

Mr. Mann noted that the separate unit cannot have kitchen facilities or it would constitute a separate dwelling unit and not be allowed. He explained how an addition could be made without asking for a variance.

**Public Hearing:**

There was no one present to speak in favor of or in opposition to the proposed application.

However, Mr. Moreland noted that Ms. Lisa Sandstrom, 1171 3<sup>rd</sup> Avenue North, and Ms. Dee Hargett, 1104 4<sup>th</sup> Avenue North, had submitted cards in favor of the proposal.

**Discussion:**

Mr. Buck stated that the neighbors have no issues. He stated that they have given

setbacks from the 30 foot setback before and had no issues.

Mr. Moreland questioned whether there was a hardship, even though he stated that if he stretched it to consider the placement of the house he could consider it as one. Ms. Osewalt noted the standards for approval and asked whether the parcel already had a reasonable use of the property. He noted that they had the ability of accomplish what they wanted without a variance.

**Motion to Approve:** Mr. Buck moved to approve the request of the applicant. The motion was seconded by Mr. Moreland.

**Roll Call Vote:** Ayes – Buck. Nays – Moreland and Osewalt. Motion denied 2-1, finding that the request was not the minimum necessary to make possible the reasonable use of the property.

**(B) Case Number: BOA 17-100083**

**Name of Applicant:** Michael Murtagh

**Property Address:** 1026 South 2<sup>nd</sup> Street, Unit B

**Application:** Ms. Osewalt read into the record the applicant's request, which was for approval of a request for a rear yard of 11 feet, in lieu of 30 feet required; and for 82.3% lot coverage lieu of 65% maximum, to allow a second story deck addition to the rear of an existing townhouse dwelling unit.

**Applicant:** The applicant, Mr. Michael Murtagh, 1026 South 2<sup>nd</sup> Street, Unit B, noted that it would be the only exit from the second story. Mr. Buck asked if they would conform to the other units. Mr. Murtagh noted yes except they would go out a little further. Mr. Moreland asked if it was necessary to for this much balcony for a second story exit.

Ms. Osewalt noted that 82% lot coverage was extensive. Mr. Mann asked how many units there were; there were four units. He explained how lot coverage is calculated for these types of units.

Mr. Moreland stated that he would be denied for something that other owners had the same type of development. Ms. Osewalt stated that he had reasonable use and there was no hardship.

Mr. Buck stated that the 19-foot deck was excessive. Mr. Buck stated that he was inclined to say yes if the deck was extended the same distance as the others.

Mr. Mann noted that he could build some deck without a variance.

**Public Hearing:**

There was no one present to speak in favor of or in opposition to the proposed application

**Discussion:**

Mr. Buck stated that the applicant should take into consideration about the other units, and the 19-foot deck was too much.

**Motion to Approve:** It was moved by Ms. Osewalt, to deny the application because the request was not the minimum that would make possible the reasonable use of the parcel. The motion was seconded by Mr. Buck.

**Roll Call Vote:** Ayes - Buck, Osewalt, and Moreland. The motion to deny the application was approved unanimously

**Adjournment**

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 7:52 P.M.

Submitted by: Amber Maria Lehman  
Staff Assistant

Approval:

\_\_\_\_\_

Chairman

Date: \_\_\_\_\_



# APPLICATION FOR VARIANCE

BOA No. 17-100025  
HEARING DATE 4-4-2017

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. A boundary survey prepared by a registered land surveyor that shows the location of all existing improvements. Survey, plat or new site plan must also show all proposed additions and/or improvements added to the drawing, to scale (on 11"x17" paper or smaller).
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of **\$250.00** (due at the time of application submittal).
5. Completed application.

**RECEIVED**

FEB 13 2017

**PLANNING & DEVELOPMENT**

### APPLICATION INFORMATION

Applicant Name: Richard W. Withers, attorney for Owner Telephone: (904) 242-9000  
 Mailing Address: 6426 Bowden Road, Suite 201 E-Mail: richard.withers@msn.com  
Jacksonville, Florida 32216

Agent Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Landowner Name: Hasteh, LLC Telephone: (904) 242-9000  
 Mailing Address: 6426 Bowden Road, Suite 201 E-Mail: lisa.anderson@ashcoinc.net  
Jacksonville, Florida 32216

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

*1198 Beach Blvd.*

Street address of property and/or Real Estate Number: 0 Beach Boulevard / R-177502-0050  
 Legal description of property (Attach copy of deed): Part of Castro Y Ferrer Grant, Sec.38, Township 2S, Range 29E  
 Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). The Applicant requests a variance to allow 4% of pervious space in lieu of the 15% required under current code. This is an outparcel of the Beach Plaza Shopping Center which met all pervious space requirements when the shopping center was constructed in 1959. The area is currently a parking lot which is completely impervious and Applicant's proposed 4% pervious area will be consistent with the shopping center design while improving the ratio of pervious to impervious surfaces.

Applicant's Signature: [Signature] Date of Application: 2/13/2017  
Managing Member of Hasteh, LLC

**THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE**

CURRENT ZONING CLASSIFICATION: C-2 FLOOD ZONE: X  
 CODE SECTION (S): 34-343(e)(5) for 97% lot coverage, in lieu of 85% maximum, to allow construction of a new commercial building.

**VARIANCE APPLICATION STANDARDS AND CONDITIONS**

BOA No. 17-100025

**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.

FEB 13 2017

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	This is an outparcel of a shopping center approved and constructed in 1959. At the time of Owner's acquisition of the property, it met the applicable standards for pervious vs. impervious surface ratio.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	The Shopping Center, outparcel, parking spaces, landscaping and the FDOT Right-of-Way were all established before Applicant's client acquired the property in 1989. The owner's proposed use of the property is adversely affected by application of the current code.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	The existence of previously approved landscaping for the shopping center dating from 1959 creates a unique situation, similar to "grandfathering." The applicant's proposal will result in an improvement of the existing pervious vs. impervious surface ratio for the shopping center (4% vs. 0%).
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	The additional property required to meet the current 15% pervious surface requirement is in excess of the requirements for the rest of the shopping center and restricts the owner's use of the property. The owner has drawn plans for the outparcel construction based upon the 1959 approval and will cause the owner a hardship in redrawing plans and changing materials already ordered.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Owner's attached site plan contemplates 4% pervious surface within the outparcel which will provide a higher ratio of pervious vs. impervious surface area.
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 goals of the City of Jacksonville Beach include developing family friendly restaurants and specialty snack shops as contemplated on this outparcel. The City's tax base and the ratio of pervious vs. impervious surface will be improved by Owner's proposed use.



RECEIVED

FEB 13 2017

17-100025

PLANNING & DEVELOPMENT

Prepared by and return to:  
Michael S. Price, Esq.  
Attorney at Law  
Michael S. Price, P.A.  
1905 Atlantic Boulevard  
Jacksonville, FL 32207  
904-396-4445  
File Number: 06-041a

Parcel Identification No. 177502-0000

[Space Above This Line For Recording Data]

### Warranty Deed

(STATUTORY FORM - SECTION 689.02, F.S.)

This Indenture made this 11th day of July, 2006 between Edward Ashurian and Roya Ashurian, husband and wife whose post office address is 3982 Alhambra Drive West, Jacksonville, FL 32207 of the County of Duval, State of Florida, grantor\*, and Hasteh, LLC, a Florida limited liability company whose post office address is 3982 Alhambra Drive West, Jacksonville, FL 32207 of the County of Duval, State of Florida, grantee\*,

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

See Exhibit "A" attached hereto and made a part hereof as if fully set forth herein.

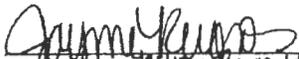
Subject to taxes for 2006 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

\* "Grantor" and "Grantee" are used for singular or plural, as context requires.

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

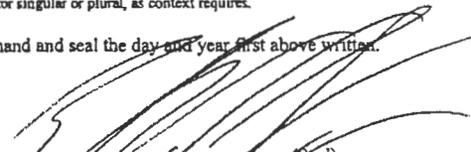
Signed, sealed and delivered in our presence:

  
Witness Name: Jymie Reynolds

  
Witness Name: Michael Price

  
Witness Name: Jymie Reynolds

  
Witness Name: Michael Price

  
Edward Ashurian (Seal)

  
Roya Ashurian (Seal)

DoubleTime

State of Florida  
County of Duval

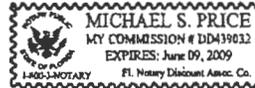
The foregoing instrument was acknowledged before me this 11th day of July, 2006 by Edward Ashurian and Roya Ashurian, who  are personally known or  have produced a driver's license as identification.

[Notary Seal]

Michael S. Price  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



RECEIVED

FEB 13 2017

17-100025

PLANNING & DEVELOPMENT

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A PART OF THE CASTRO Y FERRER GRANT, SECTION 38, TOWNSHIP 2 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD, U.S. HIGHWAY 90, STATE ROAD 212 (A 200 FOOT RIGHT OF WAY AS NOW ESTABLISHED) WITH THE WESTERLY RIGHT OF WAY LINE OF TWELFTH (12th) STREET (A 70 FOOT RIGHT OF WAY AS DESCRIBED IN DEED BOOK 1174, PAGE 472 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY); THENCE SOUTH 08°12'40" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 95.90 FEET ; THENCE SOUTH 81°47'20" WEST, A DISTANCE OF 264.00 FEET; THENCE NORTH 08°12'40" WEST, A DISTANCE OF 131.44 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF BEACH BOULEVARD; THENCE NORTH 89°27'20" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 266.38 FEET TO THE POINT OF BEGINNING.  
CONTAINING 30,009 SQUARE FEET, MORE OR LESS.

PARCEL I.D. NO.: 177502-0000

**RECEIVED**

FEB 13 2017

17-100025

PLANNING & DEVELOPMENT



CERTIFIED MAIL# 7012 2210 0002 4628 7268

April 20, 2016

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

Richard W. Withers  
6426 Bowden Road, Suite 201  
Jacksonville, FL 32216

RE: BOA# 16-100040  
1198 Beach Boulevard  
(part of Castro y Ferrer Grant)

www.jacksonvillebeach.org

Dear Mr. Withers,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, April 19, 2016, to consider the above application for a variance from the requirements of the Land Development Code.

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

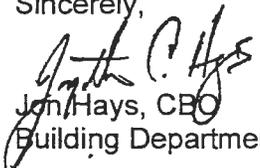
- 34-377, for 16 on-site parking spaces in lieu of 48 parking spaces

To allow for a new shopping center mixed use building.

The Board **Approved** the request as written.

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

Sincerely,

  
Jon Hays, CEO  
Building Department





CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 9880

October 25, 2016

Mr. Richard Withers  
6426 Bowden Road, Suite 201-A  
Jacksonville, FL 32250

RE: **Planning Commission Case: PC# 28-16**  
**Conditional Use Application** for outdoor seating at a new commercial shopping center, located at 1198 Beach Blvd.

Mr. Withers,

The City of Jacksonville Beach Planning Commission met on Monday, October 24, 2016 in Council Chambers to consider your **Conditional Use Application** for outdoor seating a new commercial shopping center located in a *Commercial, general: C-2* zoning district, pursuant to Section 34-343(d)(14) of the Jacksonville Beach Land Development Code. The request was **Approved**.

Please remove the public notices posted on the property.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org



## Richard Withers

---

**From:** Murray, Esther [Esther.Murray@dot.state.fl.us]  
**Sent:** Wednesday, May 03, 2017 9:24 AM  
**To:** Richard W. Withers  
**Subject:** Beach Blvd and 12th St Landscaping  
**Attachments:** SKM\_C45817050210280.pdf

Mr. Richard:

The Permits Office has conceptually accepted the attached proposed landscape work. The permit approval and Maintenance Agreement are being drafted for final signatures.

Thank you,

*Esther Murray*

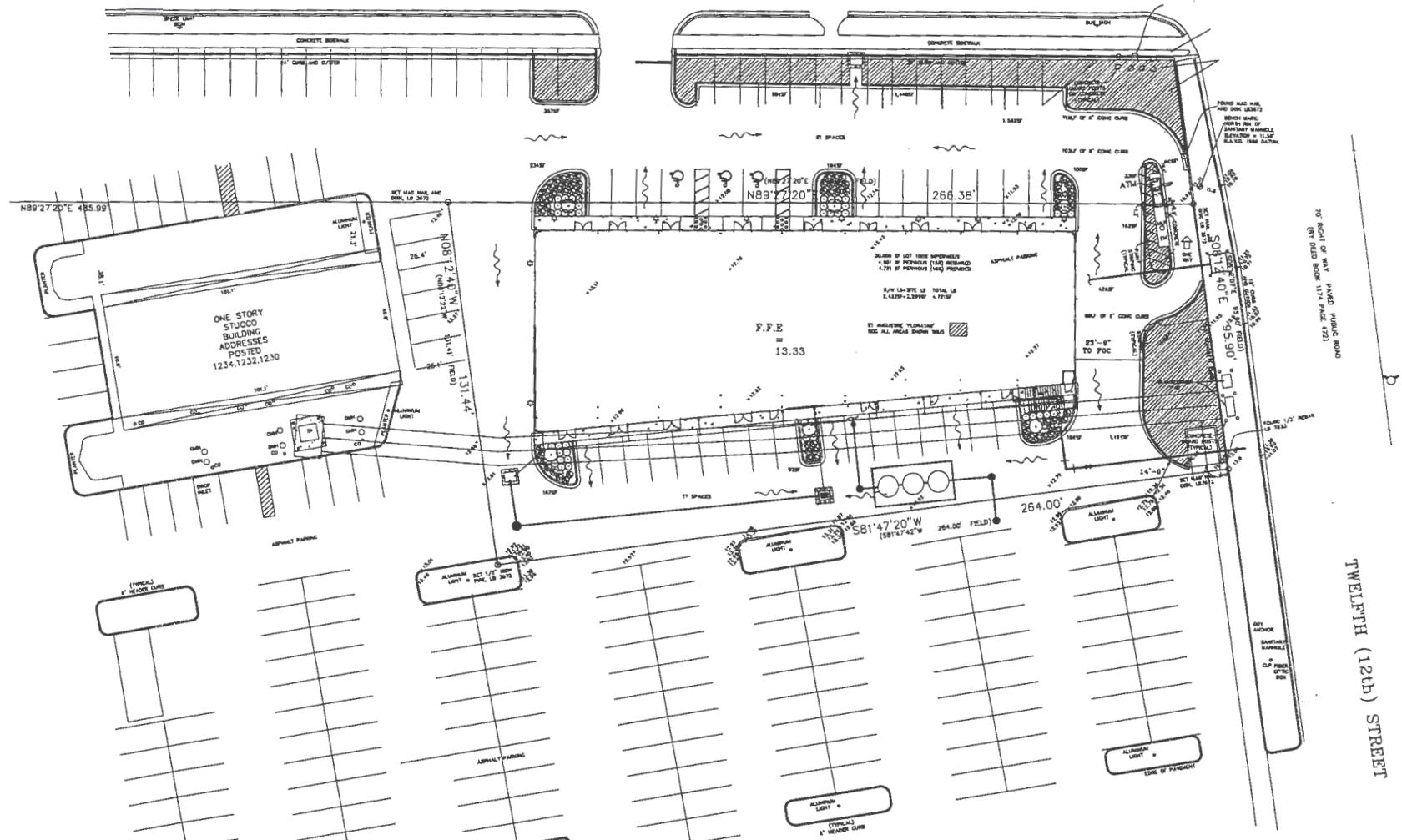
Maintenance Manager – Permits  
Florida Department of Transportation - District 2  
838 Ellis Road South  
Jacksonville, FL 32205  
Phone: (904) 360-5348  
Email: [esther.murray@dot.state.fl.us](mailto:esther.murray@dot.state.fl.us)





@ 4-4 B04 mty

BEACH BOULEVARD  
U. S. HIGHWAY 90 STATE ROAD 212  
200' RIGHT OF WAY PAVED PUBLIC HIGHWAY

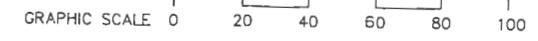


**PLANTING LIST**

TREES & SHRUBS

REQUIRED	KEY	COMMON NAME	QTY/MANCHES	REF	BOTANICAL	SPECIFICATIONS	FLORIDA NATIVE	FLORIDA FRIENDLY
YES	⊙	ENGLISH HOLLY	400	12	ILEX OPACIFOLIA 'ENGLISH'	18" HT x 6" SP x 3" CAL. 45 GAL.	●	●
	⊙	VARIEGATED PITTOCOPHILA	42	PTV	PITTOCOPHILA TOBIANA 'VARIEGATA'	24" MIN. HT. 7 GAL. 3 B.C.	●	●
	⊙	SCHILLINGS VALPONI HOLLY	86	MS	ILEX VOMITORIA 'SCHILLINGS'	18"-24" HT. 3 GAL. 3" O.C.	●	●
	⊙	ST. AUGUSTINE FLORISTAM	3,700 SF	SCD	STENOCHAPNUM SEMAURUM	FRESH CUT - PALLETS	●	●

LANDSCAPE PLANS



WG Pitts Company  
8250 Baymeadows Road, Suite 350  
Jacksonville, FL 32256  
v 904-260-3499  
f AA26002233  
www.wgpitts.com

ALL DIMENSIONS AND SPACINGS MATERIAL APPEARING HEREON CONSTITUTE THE ORIGINAL AND UNREPEATED USE OF THE ARCHITECT AND MAY NOT BE REPRODUCED, COPIED, OR DISCLOSED WITHOUT A WRITTEN CONSENT FROM WG PITTS COMPANY ARCHITECTURAL DEPARTMENT 2015 NO. NOT SCALE DRAWINGS



ASHCO, INC.  
6425 BOWDEN ROAD, SUITE 201  
JACKSONVILLE, FL 32215  
904-242-9000  
www.ashco.com  
BEACH PLAZA OUTPARCEL  
1198 BEACH BLVD.  
JACKSONVILLE BEACH, FL 32250

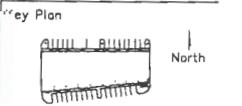
Project Directory  
ARCHITECT  
Erwin Design, LLC  
Bruce Gervin, Sr.  
P.O. Box 350007  
Jacksonville, FL 32235  
bruce@erwindesign.com  
904-616-7181

STRUCTURAL & MEP ENGINEER  
Lee J Engineering, Inc.  
Yee Lee, P.E.  
10381 Cypress Lakes Dr.  
Jacksonville, FL 32256-3645  
jlee@leejeng.com  
904-519-1934

CIVIL ENGINEER  
CSI Engineering, Inc.  
Ali Najafi, P.E.  
2304 St Johns Bluff Road S.  
Jacksonville, FL 32246  
snajafi@civilservicesinc.com  
904-541-1834

TRAFFIC ENGINEER  
Chindalur Traffic Solutions, Inc.  
Rajesh Ramn K. Chindalur, P.E. PTOE  
8515 Baymeadows Way, Suite 401  
Jacksonville, FL 32256  
rchindalur@ctso.com  
904-422-6923

LANDSCAPE ARCHITECT  
WG Pitts Company  
Cory R. Curmley, ASLA  
8250 Baymeadows Road, Suite 350  
Jacksonville, FL 32256  
jcurmley@wgpitts.com  
904-404-8819



Drawing Issue  
PERMIT DRAWING

No.	Date	Description

Drawing Title  
LANDSCAPE PLANS

Job No. 16A089  
File: 16A089\_L1.2  
Scale: As Indicated  
Date: 3-14-2017



L-1.2



BZA 16-90  
3-6-90

APPLICATION FOR VARIANCE

Chairman Board of Adjustment  
City of Jacksonville Beach  
15 North 3rd Street  
Jacksonville Beach, Florida 32250

ZONING DISTRICT C-2

Dear Sir:

I, EDWARD ASH of ASHMAN

\_\_\_\_\_ having a identifiable financial  
interest in real property located at SOUTHSIDE OF BEACH BLVD.  
BETWEEN PENMAN RD  
SHEPHERD AVE. & 12TH ST., Jacksonville Beach, FL, legally described  
as SEE ATTACHED EXHIBIT "A"

request a variance from the provisions of Sec.(s) 34-18.04  
of the Zoning Ordinance to wit: TO BE ABLE TO REMODEL  
THE EXISTING SHOPPING CENTER AS SHOWN ON  
THE SITE PLAN. - On site parking - see attached  
for variances A, B, C

The reason for my request is: THIS WOULD ALLOW FOR THE  
ENHANCEMENT OF THE FACILITY BY PROVIDING LANDSCAPING  
AND THE REQUIRED PARKING.

I have received and read a copy of the Circumstances and Condi-  
tions required for the granting of a variance and have appended  
to this request the documentation required.

AS 27 / 1990  
DATE

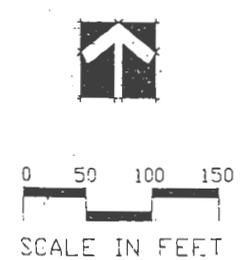
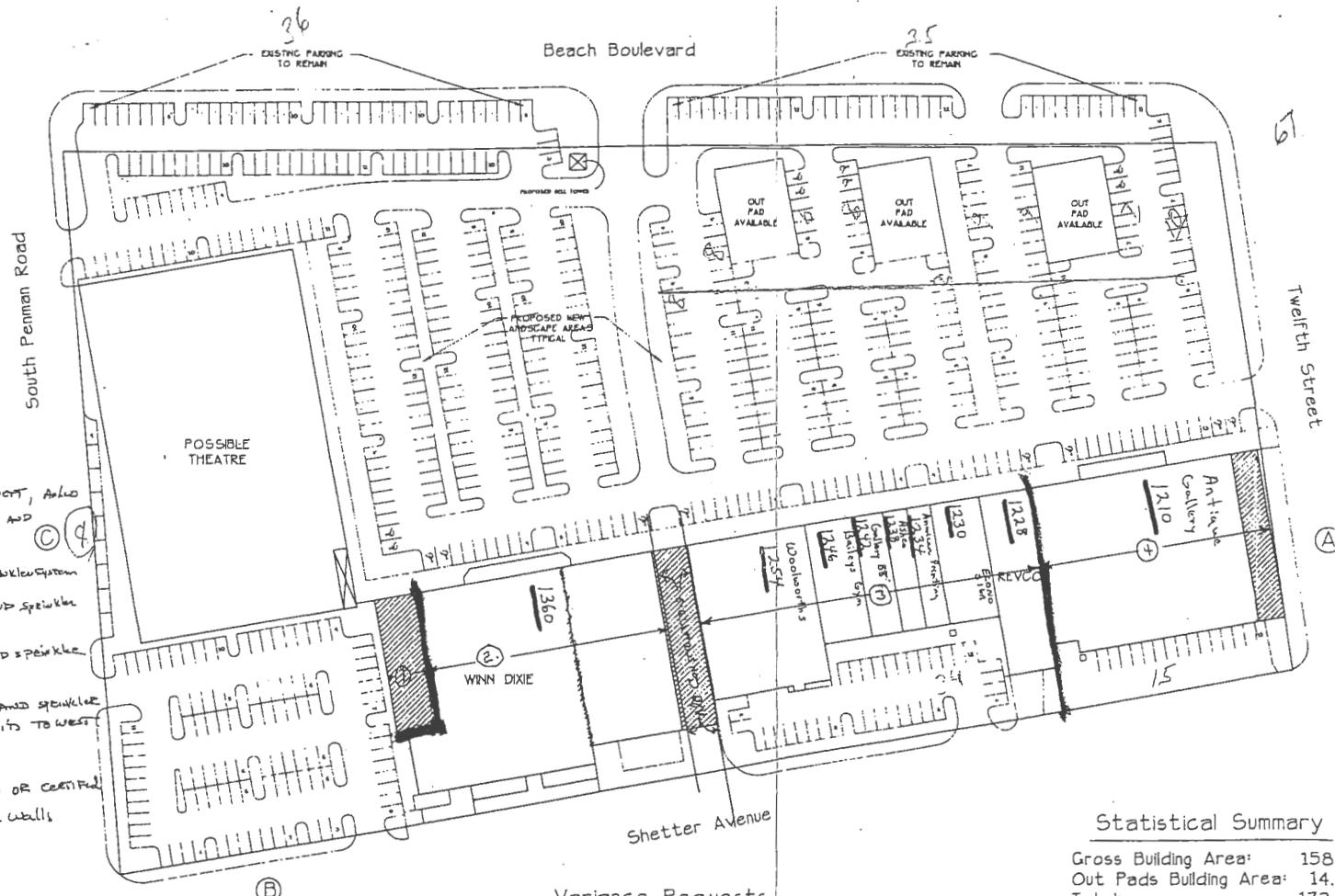
[Signature]  
SIGNATURE

2496000  
PHONE #

- Attachments: (1) Proof of ownership or financial interest.  
(2) Property survey or dimensioned drawing, scale  
1" = 10' indicating requesting variances.  
(3) Plan to scale of the proposed structures/con-  
struction.

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JUN - 7 2017



- 7/28/90 Spike to Cuen's Truckport, Arlio R Sprinkler Systems and Electrical Services
- ① New Electrical Service AND Sprinkler System
  - ② Existing Electrical Service AND Sprinkler System
  - ③ New Electrical Service AND Sprinkler System
  - ④ Expand Electrical System AND Sprinkler System TO COVER NEW UNITS TO WEST
- Walls To be Up GRADED OR CERTIFIED TO be Four Hour Fire walls

Note: This site plan is for the purpose of soliciting specific variance requests. Actual parking lot layout and out parcel configuration is subject to change. The final site plan and any changes made shall be subject to the review and approval of the City of Jacksonville Beach.

Variance Requests

- Ⓐ REQUEST TO REDUCE BUILDING SETBACK FROM REQUIRED 10 FT. TO 0 FT. FOR NEW BUILDING ADDITION.
- Ⓑ REQUEST TO REDUCE REQUIRED LANDSCAPE SETBACK FROM 10 FT. TO 0 FT. FOR EXISTING PARKING LOT.
- Ⓒ REQUEST TO REDUCE REQUIRED LANDSCAPE SETBACK FROM 10 FT. TO 0 FT. FOR PROPOSED NEW PARALLEL PARKING.

Building Additions

Statistical Summary

Gross Building Area: 158,689 sf.  
 Out Pads Building Area: 14,400 sf.  
 Total: 173,089 sf.

Parking Required: 4 sp/ 1000 sf. = 693 Spaces  
 Parking Provided: 706 Spaces

DESIGNED BY: JESBIO	DATE: JANUARY 90
DRAWN BY:	CHECKED BY:
NO. 1	NO. 1
REVISIONS	
Preliminary Site Plan	
 ESPOSITO & ASSOCIATES Planning • Feasibility Studies • Landscape Architecture 1000 W. Atlantic Blvd., Suite 108 • Jacksonville, Florida 32202 • (904) 244-4444	
Beach Plaza Shopping Center	
RECEIVED	
JUN 27 2017	
PLANNING & DEVELOPMENT	
SHEET NO. 1	
PROJ. NO. 944	



# APPLICATION FOR VARIANCE

BOA No. 17-100078  
HEARING DATE 6-20-17

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. A boundary survey prepared by a registered land surveyor that shows the location of all existing improvements. Survey, plat or new site plan must also show all proposed additions and/or improvements added to the drawing, **to scale** (on 11"x17" paper or smaller).
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of **\$250.00** (due at the time of application submittal).
5. Completed application.

**RECEIVED**

### APPLICATION INFORMATION

Applicant Name: JWB Real Estate Capital Telephone: 904-677-6777  
 Mailing Address: 7563 Philips Hwy Ste 109 MAY 4 2017 E-Mail: alex@jwbcompanies.com  
Jacksonville, FL 32256  
 Agent Name: Curtis Hart PLANNING & DEVELOPMENT Telephone: 904-993-5008  
 Mailing Address: 8051 Tara Lane E-Mail: curtishart1972@att.net  
Jacksonville, FL 32216  
 Landowner Name: JWB Real Estate Capital Telephone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

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

### VARIANCE DATA

Street address of property and/or Real Estate Number: 1010 2nd Ave North - Re# 177307-0000  
 Legal description of property (Attach copy of deed): See Attached  
 Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). The application of the LDC code creates a hardship by not allowing a two car garage. We are asking for relief from the code so we can provide additional parking in order to alleviate any parking issues. We are asking for a variance from 5' to 1' on the driveways for units 2-6 in order to provide additional parking.

Applicant's Signature:  Date of Application: 5-3-17

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: BM-1 FLOOD ZONE: \_\_\_\_\_  
 CODE SECTION (S): 34-339(e)(4)h - for an accessory structure setback of 1', in lieu of 5' required; 34-373(d) for vehicular access of 1', in lieu of 5' required to allow construction of a 6-unit townhouse structure

*Ref PC# 4-17, Conceptual Plat approval*

**VARIANCE APPLICATION STANDARDS AND CONDITIONS**

BOA No. 17-100078

**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	Multifamily is a permitted use in RM-1. In order to alleviate any parking issues we are asking for a variance from 5' to 1' on our driveway to provide additional parking.
Special circumstances and conditions do not result from the actions of the applicant.	yes	The shape of the property constrains the layout.  RECEIVED MAY - 4 2017  PLANNING & DEVELOPMENT
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	yes	This is a permitted use and allowing two extra parking spaces benefits the public and surrounding neighborhood.
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	We are conforming as closely to the code as possible and only asking for additional parking for each unit.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	yes	This is the minimum variance necessary to provide relief.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	yes	Granting this variance will allow two additional parking spaces per unit and will not adversely affect adjacent landowners.

**Legal Description**

PARCEL NO.1: A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows:

For a point of reference commence at the Northwesterly corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05" West, along an Easterly projection of the Southerly right of way line of Second (2<sup>nd</sup>) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10<sup>th</sup>) Street North as now established as a 50 foot right of way; thence continue South 88°05" West, along said Southerly right of way line of Second (2<sup>nd</sup>) Avenue North, a distance of 55.37 feet to the point of beginning; thence continue South 88°05" West, along said Southerly right of way line of Second (2<sup>nd</sup>) Avenue North, a distance of 96.70 feet; thence South 11°18" East, parallel with said westerly right of way line of Tenth (10<sup>th</sup>) Street North, a distance of 114.72 feet; thence South 87°25'32" East, a distance of 78.24 feet; thence North 01°55' West, a distance of 119.31 feet to the point of beginning.

PARCEL NO.2: A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows:

For a point of reference commence at the Northwesterly corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05" West, along an Easterly projection of the Southerly right of way line of Second (2<sup>nd</sup>) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10<sup>th</sup>) Street North as now established as a 50 foot right of way; and the point of beginning; thence continue South 88°05' West, along said Southerly right of way line of Second (2<sup>nd</sup>) Avenue North, a distance of 55.37 feet; thence South 01°55' East, a distance of 119.31 feet; thence South 87°25'32" East, a distance of 76.35 feet to said Westerly right of way line of Tenth (10<sup>th</sup>) Street North; thence North 11°18" West, along said Westerly right of way line, a distance of 127.00 feet to the point of beginning.

Parcel Identification Number: 177307-0000

**RECEIVED**

MAY - 4 2017

PLANNING & DEVELOPMENT

RECEIVED

MAY - 4 2017

Prepared by and return to:  
Ian R. McKillop, Esq.  
Attorney at Law  
McKillop Law Firm, P.L.  
7563 Philips Hwy, Suite 101  
Jacksonville, FL 32256  
904-503-3893  
File Number: 16-462

PLANNING & DEVELOPMENT

Consideration: \$389,500.00

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 11th day of July, 2016 between Terence R. Wirth, II, conveying nonhomestead property whose post office address is 1637 6th Ave N, Jacksonville Beach, FL 32250, grantor, and JWB Real Estate Capital, LLC, a Florida limited liability company whose post office address is 7563 Phillips Highway, Suite 109, Jacksonville, FL 32256, grantee:

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

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

**PARCEL NO.1:** A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows: For a point of reference commence at the Northwesterly corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05" West, along an Easterly projection of the Southerly right of way line of Second (2nd) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10th) Street North as now established as a 50 foot right of way; thence continue South 88°05" West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 55.37 feet to the point of beginning; thence continue South 88°05" West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 96.70 feet; thence South 11°18" East, parallel with said westerly right of way line of Tenth (10th) Street North, a distance of 114.72 feet; thence South 87°25'32" East, a distance of 78.24 feet; thence North 01°55' West, a distance of 119.31 feet to the point of beginning. **PARCEL NO. 2:** A part of Government Lot 3, Section 33, Township 2 South, Range 29 East, Duval County, Florida, more particularly described as follows: For a point of reference commence at the Northwesterly corner of Lot 6, Block 30, ATLANTIC PARK, as recorded in Plat Book 9, page 15 of the current public records of said county; thence South 88°05" West, along an Easterly projection of the Southerly right of way line of Second (2nd) Avenue North as now established as an 80 foot right of way, a distance of 50.69 feet to its intersection with the Westerly right of way line of Tenth (10th) Street North as now established as a 50 foot right of way; and the point of beginning; thence continue South 88°05' West, along said Southerly right of way line of Second (2nd) Avenue North, a distance of 55.37 feet; thence South 01°55' East, a distance of 119.31 feet; thence South 87°25'32" East, a distance of 76.35 feet to said Westerly right of way line of Tenth (10th) Street North; thence North 11°18" West, along said Westerly right of way line, a distance of 127.00 feet to the point of beginning.

Parcel Identification Number: 177307-0000

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

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

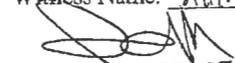
**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the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

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

Signed, sealed and delivered in our presence:

  
Witness Name: Adam A. Allen

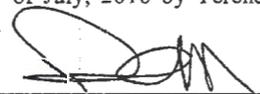
 (Seal)  
Terence R. Wirth, II

  
Witness Name: Ian McKillop

State of Florida  
County of Duval

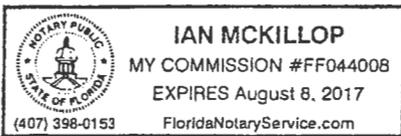
The foregoing instrument was acknowledged before me this 11th day of July, 2016 by Terence R. Wirth, II, who  is personally known or  has produced a driver's license as identification.

[Notary Seal]

  
Notary Public

Printed Name: Ian McKillop

My Commission Expires: 8-8-17



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MAY - 4 2017

PLANNING & DEVELOPMENT

# EXHIBIT B

## Agent Authorization

Date: \_\_\_\_\_

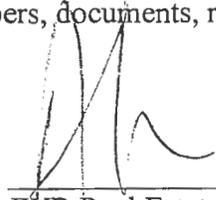
City of Jacksonville Beach  
Planning and Development Department

Re: Agent Authorization for the following site location:

1010 2<sup>nd</sup> Ave North

Gentleman:

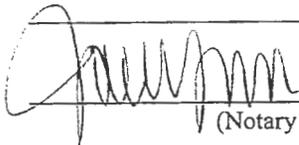
You are hereby advised that the undersigned is the owner of the property 1010 2<sup>nd</sup> Ave North. Said owner hereby authorizes and empowers Curtis L. Hart to act as agent to file application(s) for Variance for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.



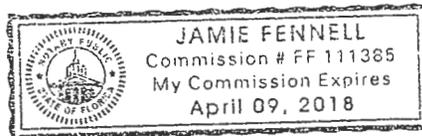
\_\_\_\_\_  
JWB Real Estate Capital LLC.  
Alex Sifakis

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 19 day of April, 2017 by ALEX SIFAKIS, who is personally known to me or has produced \_\_\_\_\_ as identification.



\_\_\_\_\_  
(Notary Signature)



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MAY - 4 2017





**CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 7565**

February 28, 2017

Curtis Hart  
8051 Tara Lane  
Jacksonville, FL 32216

RE: **Planning Commission Case: PC# 4-17**  
**Concept Plat Application** for a proposed six-unit townhouse development located in a *Residential, multiple family: RM-1* zoning district, located at 1010 2<sup>nd</sup> Avenue North.

Mr. Hart,

The City of Jacksonville Beach Planning Commission met on Monday, February 27, 2017 in Council Chambers to consider your client's **Concept Plat Application** for a proposed six-unit townhouse development located in a *Residential, multiple family: RM-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code. The request was **Approved**.

Pursuant to Section 34-504 of the Land Development Code, within one (1) year of receipt of a concept plan for plat, a development order for a development plan for plat shall be submitted pursuant to the procedures and standards of section 34-251 et seq., or the concept plan for plat shall become null and void.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

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



# MAP SHOWING BOUNDARY, TOPOGRAPHIC, & TREE SURVEY OF

(DESCRIPTION AS PROVIDED)

PARCEL NO. 1:

A PART OF GOVERNMENT LOT 3, SECTION 33, TOWNSHIP 2 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWESTERLY CORNER OF LOT 6, BLOCK 30, ATLANTIC PARK, AS RECORDED IN PLAT BOOK 9, PAGE 15 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88 DEGREES 05 MINUTES WEST, ALONG AN EASTERLY PROLONGATION OF THE SOUTHERLY RIGHT OF WAY LINE OF SECOND (2ND) AVENUE NORTH AS NOW ESTABLISHED AS AN 80 FOOT RIGHT OF WAY, A DISTANCE OF 50.69 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF TENTH (10TH) STREET NORTH AS NOW ESTABLISHED AS A 50 FOOT RIGHT OF WAY; THENCE CONTINUE SOUTH 88 DEGREES 05 MINUTES WEST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF SECOND (2ND) AVENUE NORTH, A DISTANCE OF 55.37 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 05 MINUTES WEST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF SECOND (2ND) AVENUE NORTH, A DISTANCE OF 96.70 FEET; THENCE SOUTH 11 DEGREES 18 MINUTES EAST PARALLEL WITH SAID WESTERLY RIGHT OF WAY LINE OF TENTH (10TH) STREET NORTH, A DISTANCE OF 114.72 FEET; THENCE SOUTH 87 DEGREES 25 MINUTES 32 SECONDS EAST, A DISTANCE OF 78.24 FEET; THENCE NORTH 01 DEGREE 55 MINUTES WEST A DISTANCE OF 119.31 FEET TO THE POINT OF BEGINNING.

CONTAINING 10,122 SQUARE FEET AND/OR 0.23± ACRES, MORE OR LESS.

PARCEL NO. 2:

A PART OF GOVERNMENT LOT 3, SECTION 33, TOWNSHIP 2 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

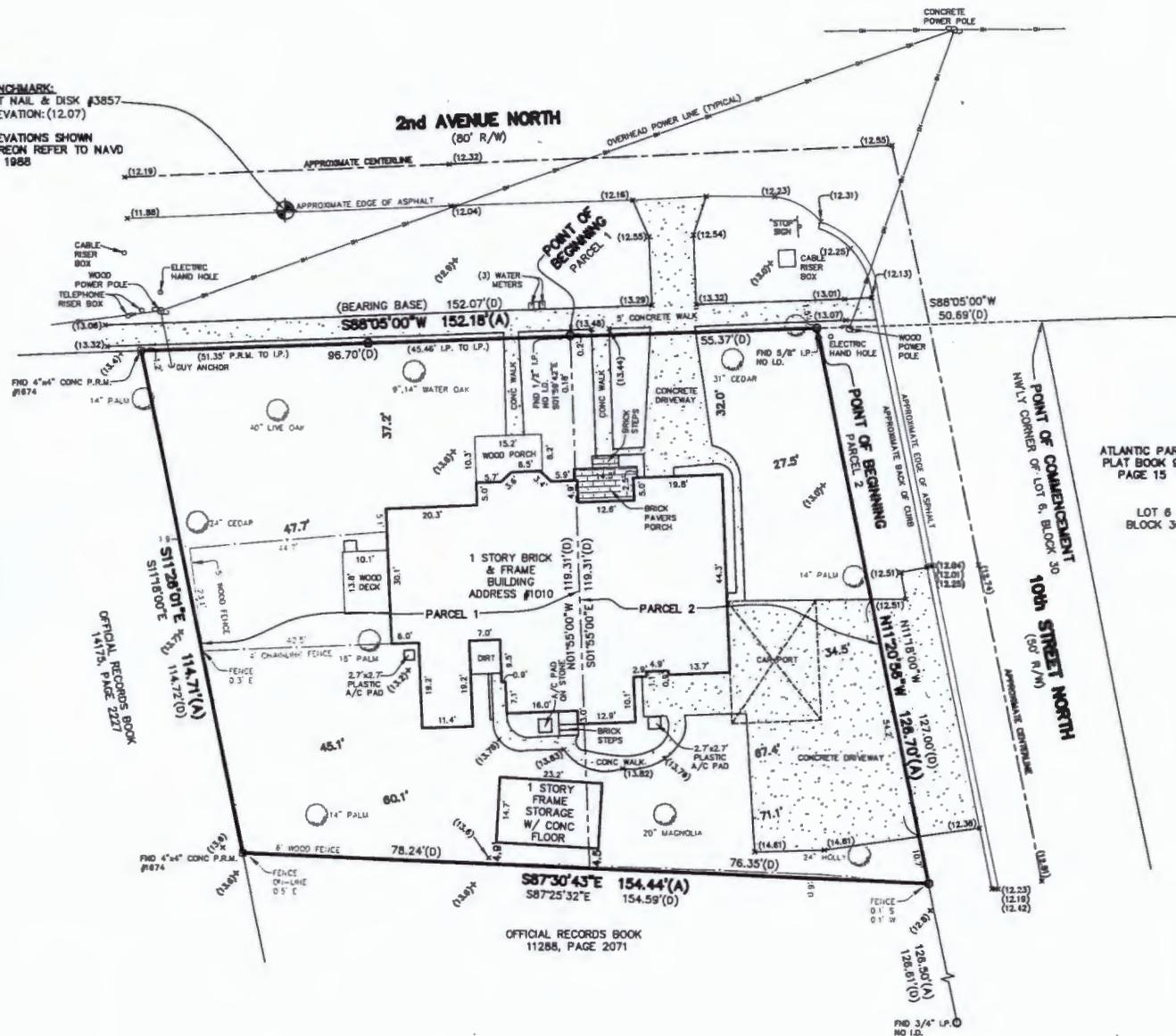
FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWESTERLY CORNER OF LOT 6, BLOCK 30, ATLANTIC PARK, AS RECORDED IN PLAT BOOK 9, PAGE 15 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 88 DEGREES 05 MINUTES WEST, ALONG AN EASTERLY PROLONGATION OF THE SOUTHERLY RIGHT OF WAY LINE OF SECOND (2ND) AVENUE NORTH AS NOW ESTABLISHED AS AN 80 FOOT RIGHT OF WAY, A DISTANCE OF 50.69 FEET TO ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF TENTH (10TH) STREET NORTH AS NOW ESTABLISHED AS A 50 FOOT RIGHT OF WAY AND THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 88 DEGREES 05 MINUTES WEST ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF SECOND (2ND) AVENUE NORTH, A DISTANCE OF 55.37 FEET; THENCE SOUTH 01 DEGREE 55 MINUTES EAST A DISTANCE OF 119.31 FEET; THENCE SOUTH 87 DEGREES 25 MINUTES 32 SECONDS EAST A DISTANCE OF 76.35 FEET TO SAID WESTERLY RIGHT OF WAY LINE OF TENTH (10TH) STREET NORTH; THENCE NORTH 11 DEGREES 18 MINUTES WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 127.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,985 SQUARE FEET AND/OR 0.18± ACRES, MORE OR LESS.

CERTIFIED TO: JWB REAL ESTATE CAPITAL

BENCHMARK:  
SET NAIL & DISK #3857  
ELEVATION: (12.07)

ELEVATIONS SHOWN  
HEREON REFER TO NAVD  
OF 1988



ATLANTIC PARK  
PLAT BOOK 9,  
PAGE 15

POINT OF COMMENCEMENT  
NORTH CORNER OF LOT 6, BLOCK 30  
10th STREET NORTH  
(50' R/W)

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17-100078  
PLANNING & DEVELOPMENT

SOURCE BENCHMARK:  
FND NAIL & DISK #3857 LOCATED  
ON THE EAST LOT LINE OF  
ADDRESS #1344 2ND AVENUE  
NORTH ELEVATION: (10.85)

ELEVATIONS SHOWN HEREON  
REFER TO NAVD OF 1988

UNDERGROUND ENCROACHMENTS NOT LOCATED

THE LAND SHOWN HEREON IS IN THE SPECIAL FLOOD HAZARD "ZONE X" AS SHOWN ON  
FLOOD INSURANCE RATE MAP 0417H FOR THE CITY OF JACKSONVILLE, FLORIDA, DATED 06-03-13

## ALL AMERICAN SURVEYORS OF FLORIDA, INC.

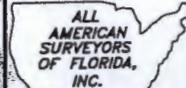
LAND SURVEYORS - 3751 SAN JOSE PLACE, SUITE 15 - JACKSONVILLE, FLORIDA, 32257 - 904-779-0088 - LICENSED LAND BUSINESS NO. 3857

Legend	
(TYP) = TYPICAL	P.R.M. = PERMANENT REFERENCE MONUMENT
FND. = FOUND	P.T. = POINT OF TANGENCY
CONC. = CONCRETE	P.C. = POINT OF CURVE
MON. = MONUMENT	P.R.C. = POINT OF REVERSE CURVE
I.P. = IRON PIPE	P.C.C. = POINT OF COMPOUND CURVE
I.R. = IRON ROD	B.R.L. = BUILDING RESTRICTION LINE
CH. = CHAIN	F.P.A.L. = FLORIDA POWER & LIGHT
A.R.C. = ARC LENGTH	A/C = AIR CONDITIONER IDENTIFICATION
INCL. = INCLINE	MON. = NATIONAL GEODETIC VERTICAL DATUM
CALC. = CALCULATED	PLAT = NORTH AMERICAN VERTICAL DATUM
DEED = DEED	RACIAL = RACIAL
PLAT = PLAT	CENTER LINE = CENTER LINE
W. = WEST	R/O-W = RIGHT-OF-WAY
(N) = NORTH	W. = EDGE OF WATER
(S) = SOUTH	T.B. = TOP OF BANK
(E) = EAST	LI = LICENSED BUSINESS
(W) = WEST	

THIS IS TO CERTIFY THAT THE ABOVE SURVEY WAS SURVEYED UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION, THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN AND THAT THE SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS, CHAPTER 472.027, F.S.

SCALE 1"=30'

DATE 6-24-16



FLORIDA REGISTERED SURVEYOR AND MAPPER

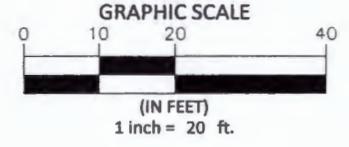
RE-SCALE BORDER; 05-8-17 (05-8-17)

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

BENCHMARK:  
SET NAIL & DISK #3857  
ELEVATION: (12.07)

ELEVATIONS SHOWN  
HEREON REFER TO NAVD  
OF 1988

# 2ND AVENUE NORTH



U:\0955\2016\16-068\CAD\Sheet\_3--16-068-SITE\_ENGINEERING(TWO CAR).dwg Current Layout Tab = 11/17 Thu Apr 20, 2017 - 12:39

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17-100078  
PLANNING & DEVELOPMENT

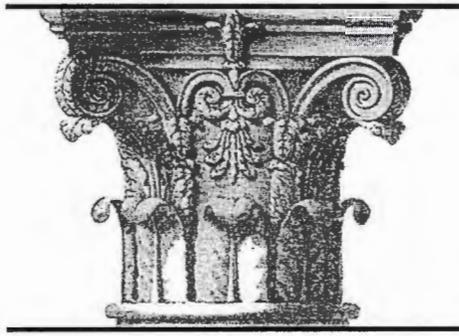


## 1010 SECOND AVE. NORTH LAYOUT

**NORTH FLORIDA ENGINEERING SERVICES, INC.**  
CERTIFICATION # 26085  
9432 Baymeadows Road, Suite 200, Jacksonville, FL 32256  
/P: (904) 737-0971 /F: (904) 396-5972  
/E: FAHRE.NFES@GMAIL.COM  
PLANS PREPARED UNDER THE DIRECTION OF:  
LUSAS & LUSOT  
P.E.

DATE: 02/15/2017  
JOB NUMBER: 16-028  
SCALE: 1" = 20'  
SHEET NUMBER:

**1**



6-13-17

RE: BOA 17-100078

Dear Chairman Moreland & Board of Adjustment Members,

Please be advised that we do not support the proposed project on 10<sup>th</sup> street at 2<sup>nd</sup> Avenue North. We believe that a denial of the variance application is the only option in this case:

1. The findings of fact are dubious at best; all are bent toward economic gain rather than fact.
2. Parking relief is needed because the site concept design is severely over-developed. Three units on site would be a reasonable use of the property, not six as proposed.
3. The variance process is an important part of the land use code and should be applied on a case by case basis. This case, if approved is an abuse of the land use law, and very clearly an abuse in favor of economics, and the creation of Blight.
4. Since there is no architectural elevation attached in the application, we can assume the construction of a three story (up to 3,785 GSF per unit ) "box," which is inconsistent with the scale and character of the neighborhood. When money-money-money is the top criteria for architectural design, the neighborhood is diminished.
5. The zig-zag unit design is also inconsistent with the surrounding multi-family and single family character. The multi-family neighbors to the south and west at least have covered walkways. They are not great design by any means, but are better than this proposed project. See attached photo set.
6. The Trees: A responsible design would save the key great trees on the site, the cypress, the oak & the magnolia. It is a miserable plan that does not incorporate these key elements into the overall design.

Continued

In summary, as an architect- planner and a nearby Second Avenue homeowner & resident, I believe the project misses the mark entirely and should be sent back to the drawing board to reduce the project to three units. This would be a great deal more acceptable and aligned with the neighborhood character, and importantly chooses quality over quantity. As the neighborhood infill work continues (too many McMansions for my taste) we should exercise sound application of the land use codes in favor of context, not economics.

Please contact me if I may clarify any of the information above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael Dunlap', with a long horizontal flourish extending to the right.

Architect Michael Dunlap





# APPLICATION FOR VARIANCE

BOA No. 17-100079  
HEARING DATE 6-20-17

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. A boundary survey prepared by a registered land surveyor that shows the location of all existing improvements. Survey, plat or new site plan must also show all proposed additions and/or improvements added to the drawing, **to scale** (on 11"x17" paper or smaller).
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of **\$250.00** (due at the time of application submittal).
5. Completed application.

RECEIVED

MAY - 9 2017

## APPLICATION INFORMATION

PLANNING & DEVELOPMENT

**Applicant Name:** Marilyn Pierce **Telephone:** \_\_\_\_\_

**Mailing Address:** 1304 North 1st Avenue **E-Mail:** \_\_\_\_\_  
Jacksonville Beach, Florida 32250

**Agent Name:** Alex Sifakis, JWB Construction Group **Telephone:** 904-677-6777  
*Changed 6-19-17 to Curtis Hart*

**Mailing Address:** 7563 Philips Highway, Ste 109 **E-Mail:** alex@jwbcompanies.com  
Jacksonville, Florida 32256

**Landowner Name:** Marilyn Pierce **Telephone:** \_\_\_\_\_

**Mailing Address:** 1304 North 1st Avenue **E-Mail:** \_\_\_\_\_  
Jacksonville Beach, Florida 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/or Real Estate Number: 1304 1st Ave North 177880-0000

Legal description of property (Attach copy of deed): Re# 177880-0000. See attached Legal and Deed.

Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). The application of the LDC code creates a hardship by not allowing a two car garage and a patio for the enjoyment of the owner. We are asking for relief from the code so we can provide additional parking in order to alleviate any parking issues and a patio. We are asking for a variance to reduce the accessory structure setback from 5' to 1' on the driveways between units 1&2, 2&3. We are also asking for a variance to reduce the accessory structure setback from 5' to 0' on the patios between 2&3.

Applicant's Signature:  Date of Application: 5/8/17

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: C-2 FLOOD ZONE: X

CODE SECTION (S): 34-339 (ex 4) h. for an accessory structure setback of 0' in lieu of 5' required; 34-373 (d) for vehicular use area setback of 1' in lieu of 5' required, to allow construction of a new three-unit townhouse structure.

**VARIANCE APPLICATION STANDARDS AND CONDITIONS**

BOA No. 17-100079

**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.

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MAY - 9 2017

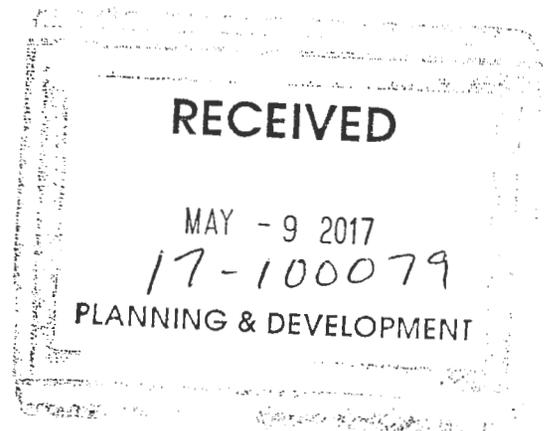
**Section 34-286. Standards applicable to all variances.** In order to authorize any variance from the terms of this code, the Board of Adjustment must find that the following criteria have been met. To assist the Board in making this finding, please complete the blanks on the form below.

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	The property has a Conditional Use for RM-1 which permits multifamily. In order to provide a driveway to alleviate any parking issues and a patio, we need a variance to reduce the required 5' setback to 1' on driveways between 1&2, 2&3 and reduction from 5' to 0' on patios between 2&3.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Multifamily dwellings of any layout would require a variance for the driveway and patios because Jacksonville Beach policies defines a driveway and patio as an accessory structure.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	This would not be a special privilege and is a permitted use and allowing two extra parking spaces and a patio would benefit the public and surrounding neighborhood.
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	We are conforming as closely to the code as possible and only asking for additional parking for each unit and a patio for enjoyment.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	This is the minimum variance necessary to provide relief.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	Granting this variance will meet the purposes, goals, objectives, and policies of the code by providing two additional parking spaces and a patio and will not adversely affect adjacent landowners.

**LEGAL DESCRIPTION**

LOT 10, PINE GROVE UNIT 3, ACCORDING TO PLAT THEREOF AS RECORDED IN  
PLAT BOOK 16, PAGE 94, OF THE CRRENT PUBLIC RECORDS OF DUVAL COUNTY,  
FLORIDA.



Prepared by and return to:  
Victoria L. Pasanen

McKillop Law Firm, P.L.  
7563 Philips Hwy, Suite 101  
Jacksonville, FL 32256  
904-503-3893  
File Number: 16-1006

Consideration: \$300,000.00

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 1st day of May, 2017 between Marilyn Pierce Elia, an unmarried woman whose post office address is 3948 3rd Street South #174, Jacksonville Beach, FL 32250, grantor, and JWB Real Estate Capital, LLC, a Florida limited liability company, whose post office address is 7563 Phillips Highway, Suite 109, Jacksonville, FL 32256, grantee:

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

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

Lot 10, PINE GROVE UNIT 3, according to the plat thereof as recorded in Plat Book 16, Page 94,  
Public Records of Duval County, Florida.

Parcel Identification Number: 177880-0000

**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, 2016**.

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

**RECEIVED**

JUN 19 2017

17-100079

**PLANNING & DEVELOPMENT**

DoubleTime®

# EXHIBIT B

## Agent Authorization

Date: 5/12/17

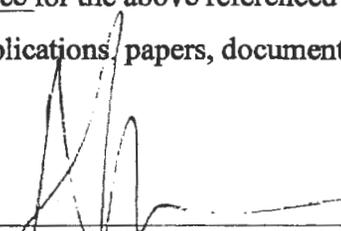
City of Jacksonville Beach  
Planning and Development Department

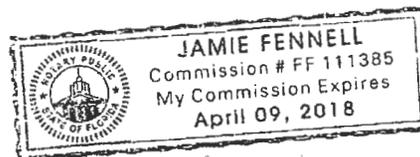
Re: Agent Authorization for the following site location:

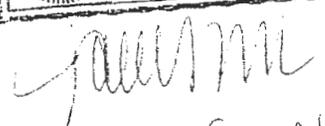
1304 1<sup>st</sup> Avenue North

Gentleman:

You are hereby advised that the undersigned is the owner of the property 1304 1<sup>st</sup> Ave North (RE#: 177880-0000). Said owner hereby authorizes and empowers Curtis Hart to act as agent to file application(s) for Variance for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

  
\_\_\_\_\_  
Alexander Sifakis  
JWB Real Estate Capital, LLC



  
JAMIE FENNEL  
5/12/17

**RECEIVED**

JUN 19 2017

17-100099  
PLANNING & DEVELOPMENT

Signed, sealed and delivered in our presence:

Karla Rigel  
Witness Name: Karina Rigel

Marilyn Pierce Elia (Seal)  
Marilyn Pierce Elia

[Signature]  
Witness Name: Victoria Pasanen

State of Florida  
County of Duval

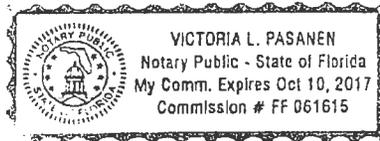
The foregoing instrument was acknowledged before me this 1st day of May, 2017 by Marilyn Pierce Elia, who  is personally known or  has produced a driver's license as identification.

[Notary Seal]

[Signature]  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**RECEIVED**

JUN 19 2017

17-100079

**PLANNING & DEVELOPMENT**

November 28, 2016  
City of Jacksonville Beach  
Planning and Development  
City Hall, First Floor  
11 North Third Street  
Jacksonville Beach, FL 32250

Agent Authorization:

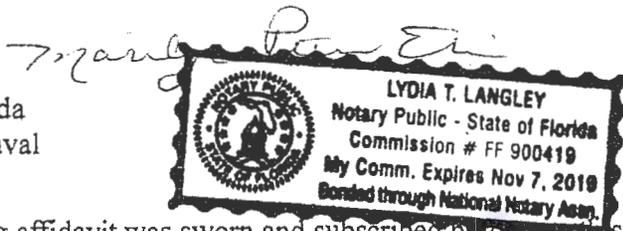
I, Marilyn Pierce, hereby authorize Alexander Sifakis, President of JWB Construction Group, to act as agent to file applications for conditional use and/or variances for the below referenced property of which I am the owner:  
1304 N 1ST AVE, Jacksonville Beach FL 32250

RE #: 177880-0000

5-66 28-2S-29E

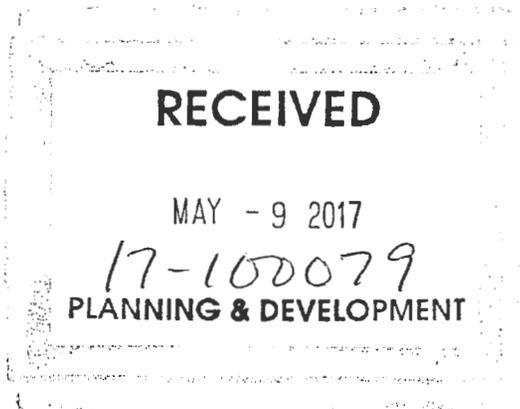
16-94 38-2S-29E .15  
PINE GROVE UNIT 3 S/D  
LOT 10

Sincerely,  
Marilyn Pierce  
State of Florida  
County of Duval



The foregoing affidavit was sworn and subscribed before me this 28 day of November 2016 by MARILYN PIERCE ELIA, who is personally known to me or has produced \_\_\_\_\_ as identification.

Lydia T. Langley  
(Notary Signature)



VOL7641 P62218

OFFICIAL RECORDS

THIS INSTRUMENT PREPARED BY:  
Barbara J. Lamb  
Law Offices of Keith Watson  
372 36th Avenue South  
Jacksonville Beach, Florida 32250  
RI PARCEL ID #: 177880-0000  
BUYER'S TIN: 157-32-3509

RECORD AND RETURN TO:  
Marilyn Pierce Ella  
1304 1st Avenue North  
Jacksonville Beach, Florida 32250

FOR RECORDER  
①  
95 C 85-4

WARRANTY DEED

THIS WARRANTY DEED made this 20th day of August, 1993 by Ann E. Hamilton, a single woman, hereinafter called Grantor, and whose address is 417 PONTE VEDRA BLVD PONTE VEDRA BEACH, FL 32082 to Marilyn Pierce Ella, a single woman, hereinafter called Grantee and whose address is 1304 1st Avenue North, Jacksonville Beach, Florida 32250.

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

WITNESSETH:

THAT the Grantor, for and in consideration of the sum of Ten and NO/100 Dollars 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, lying and being in Duval County, Florida, viz:

Lot 10, PINE GROVE UNIT 3, according to plat thereof as recorded in Plat Book 16 page 94 of the current public records of Duval County, Florida.

MAY 9 2017  
17-100079  
PLANNED DEVELOPMENT

Documentary Tax Pd-F.S. 201.02 \$ 385.00  
Documentary Tax Pd-F.S. 201.08 \$  
Intangible Tax Pd-F.S. 199 714.27  
Receipt #  
Helen V. Cook, Clerk of Circuit Court Duval County  
By: R. Parker Deputy Clerk

SUBJECT TO taxes accruing subsequent to December 31, 1992.  
SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.  
TOGETHER with all the tenements, hereditaments and appurtenances thereunto 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.  
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:

[Signature]  
Witness Signature  
BARBARA J. LAMB

[Signature]  
Ann E. Hamilton

[Signature]  
Witness Printed Signature  
JO ANN WILKINS

Witness Printed Signature

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 20th day of August, 1993 by Ann E. Hamilton, a single woman who produced driver's license as identification and who did not take an oath.

Notary Public, State and County Aforesaid

[Signature]  
Notary Signature  
BARBARA J. LAMB

Notary Printed Signature



(Title or Rank)

(Serial No., if any)

93-0107521  
FILED AND RECORDED  
IN PUBLIC RECORDS  
OF DUVAL COUNTY FLA.

93 AUG 24 PM 1:51  
RECORDS SECTION  
CLERK OF CIRCUIT COURT  
[Signature]



CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 7664

April 11, 2017

Alex Sifakis, JWB Construction Group  
7563 Philips Highway Suite 109  
Jacksonville, FL 32256

RE: **Planning Commission Case: PC# 10-17**  
**Concept Plat Application** for a proposed three-unit townhouse project,  
located in a *Commercial, general: C-2* zoning district, located at 1304 1<sup>st</sup>  
Avenue North.

Mr. Sifakis,

The City of Jacksonville Beach Planning Commission met on Monday, April 10,  
2017 in Council Chambers to consider your **Concept Plat Application** for a  
proposed three-unit townhouse project, located in a *Commercial, general: C-2*  
zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land  
Development Code.

The request was **Approved**.

Pursuant to Section 34-504 of the Land Development Code, within one (1) year of  
receipt of a concept plan for plat, a development order for a development plan for  
plat shall be submitted pursuant to the procedures and standards of section 34-  
251 et seq., or the concept plan for plat shall become null and void.

Should you have any additional questions related to this matter, please feel free to  
contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org





CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 7558

February 28, 2017

Alex Sifakis, JWB Construction Group  
7563 Philips Highway, Suite 109  
Jacksonville, FL 32256

RE: **Planning Commission Case: PC# 5-17**  
**Conditional Use Application** for multiple family residential for a three-unit townhouse, located in a *Commercial, general: C-2* zoning district, located at 1304 1<sup>st</sup> Avenue North.

Mr. Sifakis,

The City of Jacksonville Beach Planning Commission met on Monday, February 27, 2017 in Council Chambers to consider your **Conditional Use Application** for multiple family residential for a three-unit townhouse, located in a *Commercial, general: C-2* zoning district, pursuant to Section 34-343(d)(11) of the Jacksonville Beach Land Development Code

The request was **Approved**.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org



# MAP SHOWING BOUNDARY SURVEY OF

LOT 10 BLOCK - AS SHOWN ON MAP OF  
**PINE GROVE UNIT 3**

AS RECORDED IN PLAT BOOK 16 PAGES 94 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

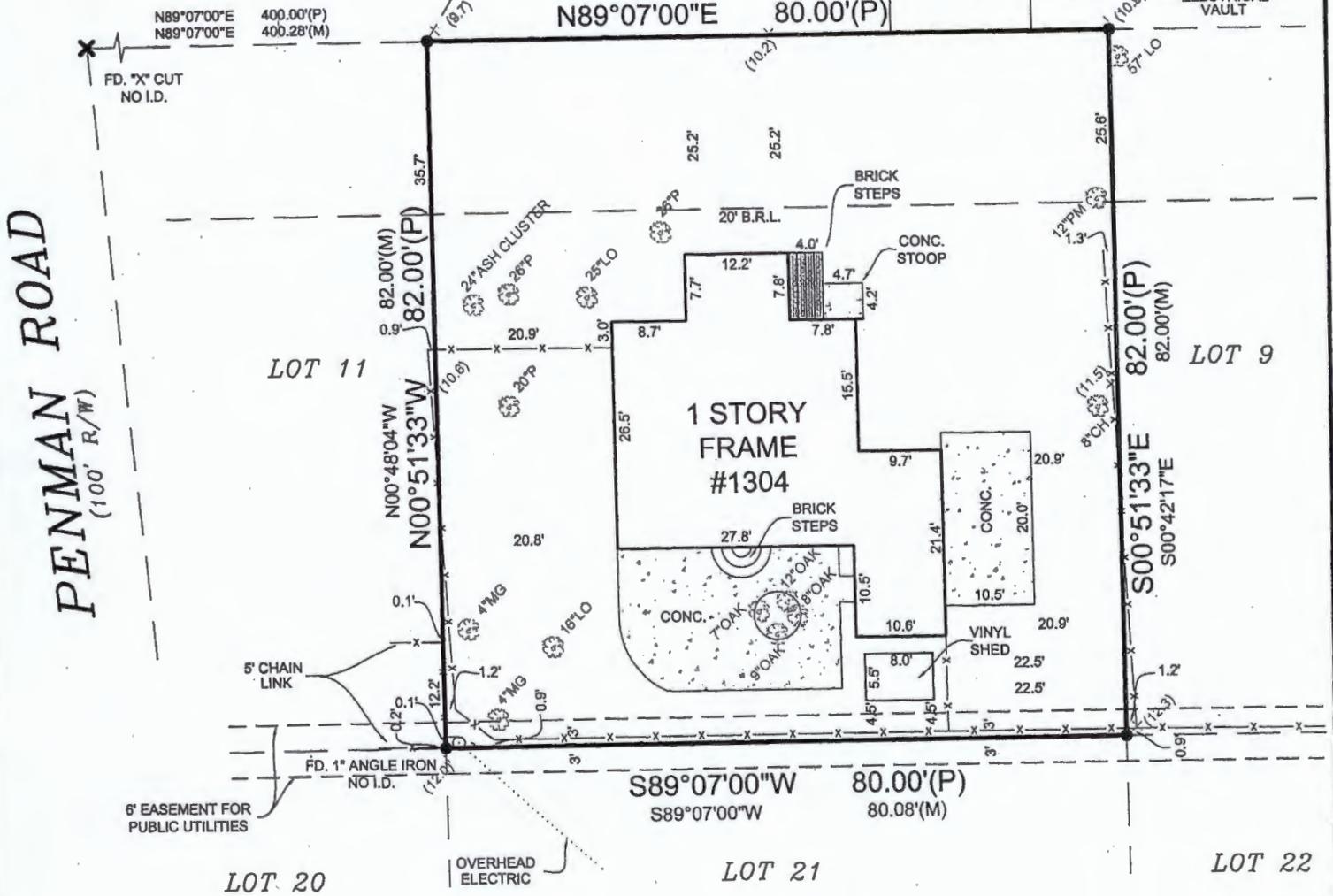
CERTIFIED TO: JWB CONSTRUCTION GROUP

NOTE: ELEVATIONS SHOWN THUS  $\times 13.0$  REPRESENT NATURAL GROUND ELEVATIONS  
VERTICAL DATUM = N.A.V.D. 1988



## FIRST AVENUE NORTH

(50' R/W)



RECEIVED

MAY - 9 2017  
17-100079

PLANNING & DEVELOPMENT

TREE LEGEND	
LO	LIVE OAK
P	PINE
CH	CHERRY
MG	MAGNOLIA
PM	PALM

- NOTE:
- ALL FENCES ARE 6" WOOD UNLESS OTHERWISE NOTED.
  - DENOTES 1" I.P. NO I.D. UNLESS OTHERWISE NOTED.

## PERRET AND ASSOCIATES, INC.

5627 ATLANTIC BOULEVARD SUITE #6, JACKSONVILLE, FLORIDA 32207 ~ (904) 805-0030 ~ FAX (904) 805-9888

- GENERAL NOTES:**
- BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH R/W LINE OF FIRST AVENUE NORTH AS N89°07'00"E, PER PLAT.
  - THIS PROPERTY HAS NOT BEEN ABSTRACTED FOR EASEMENTS, COVENANTS, RESTRICTIONS.
  - UNDERGROUND UTILITIES SERVING THIS PROPERTY HAVE NOT BEEN LOCATED OR SHOWN
  - THIS PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" AS SCALED FROM F.E.M.A. FLOOD INSURANCE RATE MAP, PANEL 12007-0417H, DATED 8-3-2013.

- LEGEND:**
- P.C. POINT OF CURVATURE
  - P.T. POINT OF TANGENCY
  - P.R.C. POINT OF REVERSE CURVE
  - P.C.C. POINT OF COMPOUND CURVE
  - P.O.C. POINT ON CURVE
  - P.R.M. PERMANENT REFERENCE MONUMENT
  - P.C.P. PERMANENT CONTROL POINT
  - B.R.L. BUILDING RESTRICTION LINE
  - CLF CHAIN LINK FENCE
  - RW RIGHT-OF-WAY
  - O.R.B. OFFICIAL RECORDS BOOK
  - OL ON LINE
  - BREAK LINE
- SCALE 1"=20'
- DATE OF FIELD SURVEY 11-30-16

LEGEND

STATE OF FLORIDA

NATHAN P. PERRET, FLA. CERT. NO. 6900

LS60005

PLAT 3







# APPLICATION FOR VARIANCE

BOA No. 17-100090  
HEARING DATE 6-20-17

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. A boundary survey prepared by a registered land surveyor that shows the location of all existing improvements. Survey, plat or new site plan must also show all proposed additions and/or improvements added to the drawing, **to scale** (on 11"x17" paper or smaller).
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of **\$250.00** (due at the time of application submittal).
5. Completed application.

RECEIVED

MAY - 9 2017

## PLANNING & DEVELOPMENT

## APPLICATION INFORMATION

<b>Applicant Name:</b> <u>BCEL 5 LLC</u>	<b>Telephone:</b> <u>904-677-6777</u>
<b>Mailing Address:</b> <u>7563 Philips Highway, Ste 109</u> <u>Jacksonville, Florida 32256</u>	<b>E-Mail:</b> <u>alex@jwbcompanies.com</u>
<b>Agent Name:</b> <u>Curtis Hart</u>	<b>Telephone:</b> <u>904-993-5008</u>
<b>Mailing Address:</b> <u>8051 Tara Lane</u> <u>Jacksonville, Florida 32216</u>	<b>E-Mail:</b> <u>curtishart1972@att.net</u>
<b>Landowner Name:</b> <u>BCEL 5 LLC</u>	<b>Telephone:</b> _____
<b>Mailing Address:</b> <u>7563 Philips Highway, Ste 109</u> <u>Jacksonville, Florida 32256</u>	<b>E-Mail:</b> _____

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.

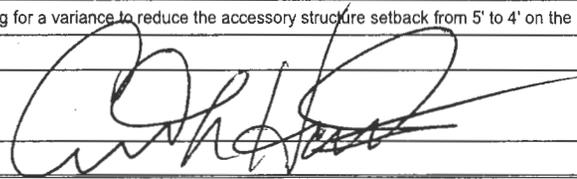
175899-0000  
+ 175900-0000

## VARIANCE DATA

Street address of property and/or Real Estate Number: 333 & 335 5th Ave South

Legal description of property (Attach copy of deed): Re# 175900-0000, 175899-0000. See attached Legal and Deed.

Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). The application of the LDC code creates a hardship by not allowing an additional parking space and a patio for the enjoyment of the owner. We are asking for relief from the code so we can provide parking and a patio. We are asking for a variance to reduce the accessory structure setback from 5' to 1.5' on the driveways between units 1&2, and 3&4. We are also asking for a variance to reduce the accessory structure setback from 5' to 4' on the patios between 1&2 and 3 &4. And a reduction from 5' to 0' on the patios between 2&3, and 4&5.

Applicant's Signature:  Date of Application: 5/9/17

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: C-1 FLOOD ZONE: \_\_\_\_\_

CODE SECTION (S): 34-339 (EX4) h. for accessory structure setback of 0', in lieu of 5'; 34-373 d. for vehicular use area setbacks of 1.5', in lieu of 5'. Is allow construction of a fire unit town house structure

**VARIANCE APPLICATION STANDARDS AND CONDITIONS**

BOA No. 17-100080

**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.

MAY 9 2017

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	The property has a Conditional Use for RM-1 which permits multifamily. In order to provide a driveway and patio, we need a variance to reduce the required 5' setback to 1'.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Multifamily dwellings of any layout would require a variance for the driveway and patios because Jacksonville Beach policies defines a driveway and patio as an accessory structure.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	This would not be a special privilege since the LDC requires two parking spaces and this is the only layout that would meet the LDC.
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	We are conforming as closely to the code as possible.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	This is the minimum variance necessary to provide relief.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	Granting this variance will meet the purposes, goals, objectives, and policies of the code by providing two parking spaces and a patio.

**LEGAL DESCRIPTION**

LOT 7 & 8, BLOCK 44, PABLO BEACH SOUTH, ACCORDING TO THE PLAT THERE OF  
AS RECORDED IN PLAT BOOK 3, PAGE 28, OF THE CURRENT PUBLIC RECORDS OF  
DUVAL COUNTY, FLORIDA.

PARCEL IDENTIFICATION NUMBER: 175899-0000 & 175900-0000

**RECEIVED**

MAY - 9 2017

17-100080

PLANNING & DEVELOPMENT

# EXHIBIT B

## Agent Authorization

Date: \_\_\_\_\_

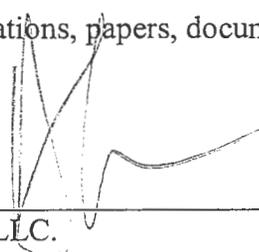
City of Jacksonville Beach  
Planning and Development Department

Re: Agent Authorization for the following site location:

333 & 335 South 5<sup>th</sup> Avenue, Jacksonville Beach FL 32250

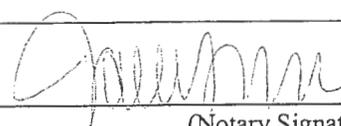
Gentleman:

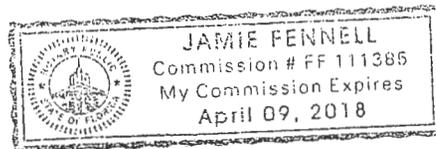
You are hereby advised that the undersigned is the owner of the property 333 & 335 South 5<sup>th</sup> Avenue. Said owner hereby authorizes and empowers Curtis L. Hart to act as agent to file application(s) for Variance for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

  
\_\_\_\_\_  
BCEL 5 LLC.  
Alex Sifakis

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 3 day of May, 2017 by ALEX SIFAKIS, who is personally known to me or has produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
(Notary Signature)



RECEIVED

MAY - 9 2017

17-100080

PLANNING & DEVELOPMENT

Prepared by and return to:  
Victoria L. Pasanen

McKillop Law Firm, P.L.  
7563 Philips Hwy, Suite 101  
Jacksonville, FL 32256  
904-503-3893  
File Number: 17-0036

Consideration: \$150,000.00

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 1st day of February, 2017 between DB&B Investments, LLC, a Florida limited liability company whose post office address is 1639 Beach Blvd #101, Jacksonville, FL 32250, grantor, and BCEL 5, LLC, a Florida limited liability company whose post office address is 7563 Philips Highway, Suite 109, Jacksonville, FL 32256, grantee:

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

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

Lot 7, Block 44, Pablo Beach South, according to the map or plat thereof as recorded in Plat Book 3, Page 28, Public Records of Duval County, Florida.

Parcel Identification Number: 175899-0000

**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, 2016**.

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

RECEIVED

MAY - 9 2017

17-100080

PLANNING & DEVELOPMENT

DoubleTime®

Signed, sealed and delivered in our presence:

DB&B Investments, LLC, a Florida limited liability company

Witness Name: *Victoria L. Fasanen*  
*David B Phillips*  
Witness Name: *Darlene Moore*

By: *[Signature]*  
David B Phillips, Manager

State of Florida  
County of Duval

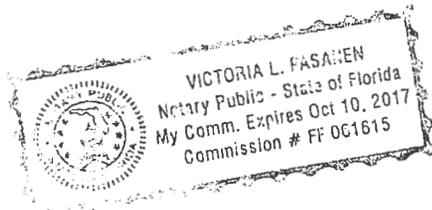
The foregoing instrument was acknowledged before me this 1st day of February, 2017 by David B Phillips of DB&B Investments, LLC, a Florida limited liability company, on behalf of the limited liability company. He/she [ ] is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]

*[Signature]*  
Notary Public

Printed Name: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



RECEIVED

MAY - 9 2017  
17-100080  
PLANNING & DEVELOPMENT

Prepared by and Return to:  
All Florida Title Services, Inc.  
Laura Riebsame  
4417 Beach Boulevard, Suite 105  
Jacksonville, Florida 32207  
Our File Number: 31146A  
Contract Sales Price: \$150,000.00

For official use by Clerk's office only

STATE OF Florida ) SPECIAL WARRANTY DEED  
COUNTY OF Duval )  
)

THIS INDENTURE, made this January 28, 2016, between Duval Home Buyers, LLC, a Florida limited liability company, whose mailing address is: 1514 Felch Ave., Jacksonville, Florida 32207, party of the first part, and BCEL 5, LLC, whose mailing address is: 7563 Philips Highway Ste 109, Jacksonville, Florida 32256, party/parties of the second part,

WITNESSETH:

First party, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, aliens, remises, releases, conveys and confirms unto second party/parties, his/her/their heirs and assigns, the following described property, to wit:

Lot 8, Block 44, Pablo Beach South, according to the plat thereof as recorded in Plat Book 3, page 28, of the current public records of Duval County, Florida.

Subject, however, to all covenants, conditions, restrictions, reservations, limitations, easements and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by governmental authorities, if any.

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 party of the first part hereby covenants with said party of the second part, that it is lawfully seized of said land in fee simple: that it has good right and lawful authority to sell and convey said land; that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the party of the first part.

RECEIVED

MAY - 9 2017  
17-100080

PLANNING & DEVELOPMENT

IN WITNESS WHEREOF, first party has signed and sealed these present the date set forth on January \_\_, 2016.

Signed, sealed and delivered in the presence of:

Duval Home Buyers, LLC

Christyann Alix Burgoyne
Witness signature
Christyann Alix Burgoyne
Print witness name
Christy Highsmith
Witness signature
Christy Highsmith
Print witness name

By: [Signature]
Print Name: John Germaine
Title: manager

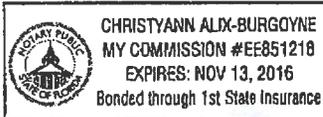
State of Florida
County of Duval

THE FOREGOING INSTRUMENT was acknowledged before me this 20 day of January, 2016 by John Germaine, manager on behalf of Duval Home Buyers, LLC who is personally known to me or who has produced Drivers License as identification.

Christyann Alix Burgoyne
Notary Public
Christyann Alix Burgoyne
Print Notary Name

My Commission Expires: 11/13/16

Notary Seal



RECEIVED

MAY - 9 2017

17-100080

PLANNING & DEVELOPMENT



CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 7633

April 11, 2017

Curtis Hart  
8051 Tara Lane  
Jacksonville, FL 32216

RE: **Planning Commission Case: PC# 14-17**  
**Concept Plat Application** for a proposed five-unit townhouse project,  
located in a *Commercial, limited: C-1* zoning district, located at 333 and  
335 5<sup>th</sup> Avenue South.

Mr. Hart,

The City of Jacksonville Beach Planning Commission met on Monday, April 10,  
2017 in Council Chambers to consider your client's **Concept Plat Application** for  
a proposed five-unit townhouse project, located in a *Commercial, limited: C-1*  
zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land  
Development Code.

The request was **Approved**.

Pursuant to Section 34-504 of the Land Development Code, within one (1) year of  
receipt of a concept plan for plat, a development order for a development plan for  
plat shall be submitted pursuant to the procedures and standards of section 34-  
251 et seq., or the concept plan for plat shall become null and void.

Should you have any additional questions related to this matter, please feel free to  
contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

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





CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 7626

March 14, 2017

Curtis Hart  
8051 Tara Lane  
Jacksonville, FL 32216

RE: **Planning Commission Case: PC# 6-17**  
**Conditional Use Application** for multiple family residential, for a five-unit townhouse, located in a *Commercial, limited: C-1* zoning district, located at 333 and 335 5<sup>th</sup> Avenue South.

Mr. Hart,

The City of Jacksonville Beach Planning Commission met on Monday, March 13, 2017 in Council Chambers to consider your client's **Conditional Use Application** for multiple family residential, for a five-unit townhouse, located in a *Commercial, limited: C-1* zoning district, located at 333 and 335 5<sup>th</sup> Avenue South, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

The request was **Approved**.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org





**CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 7862**

May 13, 2016

Lisandro Rosales  
7563 Philips Highway Suite 109  
Jacksonville, FL 32256

RE: **Planning Commission Case PC#13-16**  
333 5<sup>th</sup> Avenue South

**Conditional Use Application** for a proposed two family dwelling unit located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

Dear Mr. Rosales,

The City of Jacksonville Beach Planning Commission met on Monday, May 9, 2016 in Council Chambers to consider your Conditional Use Application for a proposed two family dwelling unit located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code. The request was Approved.

Please remove the public notices posted on the property.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org





CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 9941

November 17, 2016

Brian Phillips  
1639 Beach Blvd Suite 101  
Jacksonville Beach, FL 32250

RE: **Planning Commission Case: PC# 36-16**  
**Conditional Use Application** for a new two-family dwelling unit located in  
a *Commercial, limited: C-1* zoning district, located at 335 5<sup>th</sup> Avenue S.

Mr. Phillips,

The City of Jacksonville Beach Planning Commission met on Monday, November 14, 2016 in Council Chambers to consider your **Conditional Use Application** for a new two-family dwelling unit located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code. The request was **Approved**.

Please remove the public notices posted on the property.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org





CERTIFIED MAIL# 7016 2140 0000 5138 5140

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

www.jacksonvillebeach.org

January 6, 2017

Mr. Alex Sifakis  
7563 Philips Highway, #109  
Jacksonville, FL 32256

RE: BOA# 16-100199  
333 South 5<sup>th</sup> Avenue  
(Lot 8, Block 44, Pablo Beach South)

Dear Mr. Sifakis,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, January 3, 2017, to consider JWB Construction Group, LLC's application for a variance from the requirements of the Land Development Code.

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

- 34-339(e)(1)c.2., for side yards of 7.5 feet, in lieu of 10 feet required; and
- 34-339(e)(1)f., for 44.7% lot coverage in lieu of 35% maximum

To allow construction of a new two-family dwelling.

Following the public hearing, per your request this application was *withdrawn*.

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

Sincerely,

Heather Ireland, AICP  
Senior Planner





CERTIFIED MAIL# 7016 2140 0000 5138 5171

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

www.jacksonvillebeach.org

January 6, 2017

Brian Phillips  
1639 Beach Boulevard  
Jacksonville Beach, L 32250

RE: BOA# 16-100208  
335 South 5<sup>th</sup> Avenue  
(Lot 7, Block 44, *Pablo Beach South*)

Dear Mr. Phillips,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, January 3, 2017, to consider DB&B Investments, LLC's application for a variance from the requirements of the Land Development Code.

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

- 34-339(e)(1)c.1., for a front yard setback of 14 feet in lieu of 20 feet required;
- 34-339(e)(1)c.2., for 7.5 feet side yards, in lieu of 10 feet required;
- 34-339(e)(1)f., for 50% lot coverage in lieu of 35% maximum; and
- 34-339(e)(1)h., for accessory structure setback of 2.5 feet, in lieu of 5 feet required

To allow construction of a new two-family dwelling.

The Board **denied** the request.

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

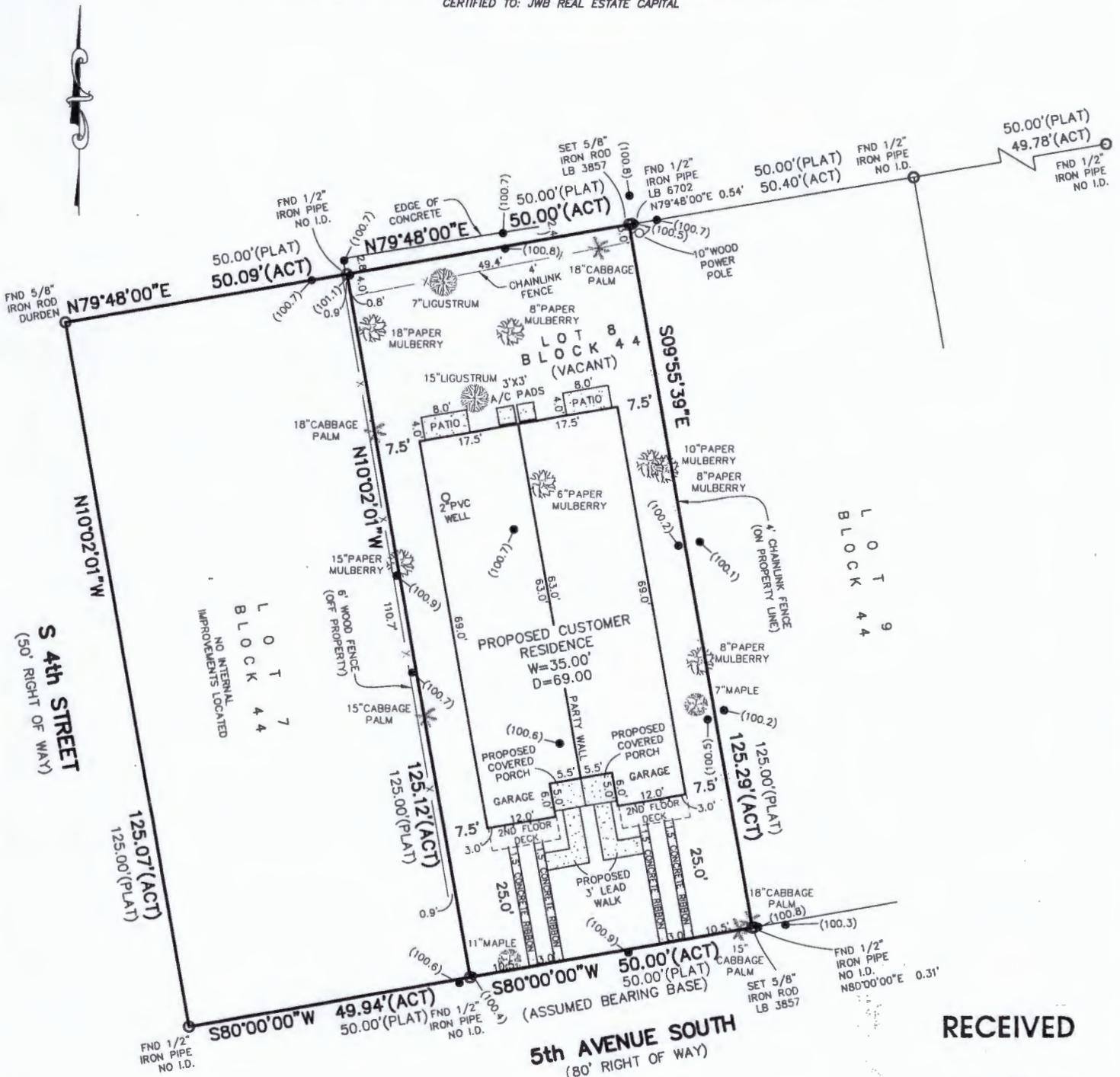
Sincerely,

Heather Ireland, AICP  
Senior Planner



MAP SHOWING BOUNDARY, TOPOGRAPHIC & TREE SURVEY WITH PLOT PLAN OF LOT 8, BLOCK 44 AND BOUNDARY SURVEY OF LOT 7, BLOCK 44 AS SHOWN ON PLAT OF PABLO BEACH

AS RECORDED IN PLAT BOOK 3, PAGES 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA  
CERTIFIED TO: JWB REAL ESTATE CAPITAL



LOT 8	PLAN #2041
LOT SIZE	6,313± SQ. FT.
DRIVEWAY TO R/W	150± SQ. FT.
ENTRY WALK	86± SQ. FT.
APPROXIMATE SIDEWALK	0± SQ. FT.
RIGHT-OF-WAY LENGTH	50 FT.
TOTAL IMPERVIOUS AREA	2,724± SQ. FT. 43%

ADDED LOT 7; 05-8-17 (OFFICE)  
ADDED RIBBON DRIVES; W.O. #147872; 03-28-16 (OFFICE)  
BOUNDARY-LOT PLAN-TOPO-TREE; W.O. #147872; 01-20-16 (FIELD)

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.  
THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS THAT ARE NOT SHOWN  
ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

UNDERGROUND ENCROACHMENTS NOT LOCATED

THE LOT SHOWN HEREON IS IN THE SPECIAL FLOOD HAZARD ZONE "X" AS SHOWN  
ON FLOOD INSURANCE RATE MAP 0417 H FOR THE CITY OF JACKSONVILLE, FLORIDA, DATED 06-03-13

**ALL AMERICAN SURVEYORS OF FLORIDA, INC.**

LAND SURVEYORS - 3751 SAN JOSE PLACE, SUITE 15 - JACKSONVILLE, FLORIDA, 32257 - 904/279-0088 - LICENSED LAND BUSINESS NO. 3857

Legend	
FND.	= FOUND
ESM'T	= EASEMENT
CONC	= CONCRETE
MON.	= MONUMENT
I.P.	= IRON PIPE
I.R.	= IRON ROD
Δ	= DELTA ANGLE
CH	= CHORD
A	= ARC LENGTH
R	= RADIUS
(CALC.)	= CALCULATED
(D)	= DEED
ACT	= ACTUAL
(W)	= WITNESS
F.F.E.	= FINISH FLOOR ELEVATION
A/C	= AIR CONDITIONER
I.D.	= IDENTIFICATION
(TYP.)	= TYPICAL
P.R.M.	= PERMANENT REFERENCE MONUMENT
P.T.	= POINT OF TANGENCY
P.C.P.	= PERMANENT CONTROL POINT
P.C.	= POINT OF CURVE
P.R.C.	= POINT OF REVERSE CURVE
P.C.C.	= POINT OF COMPOUND CURVE
B.R.L.	= BUILDING RESTRICTION LINE
F.P.&L.	= FLORIDA POWER & LIGHT
JEA	= JACKSONVILLE ELECTRIC AUTHORITY
NGVD	= NATIONAL GEODETIC VERTICAL DATUM
NAVD	= NORTH AMERICAN VERTICAL DATUM
P.I.	= POINT OF INTERSECTION
W.O.	= WORK ORDER
TOB	= TOP OF BANK

THIS IS TO CERTIFY THAT THE ABOVE LANDS WERE SURVEYED UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION, THAT THERE ARE NO ENCROACHMENTS, EXCEPT AS SHOWN AND THAT THE SURVEY SHOWN HEREON MEETS THE MINIMUM PROFESSIONAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS PURSUANT TO CHAPTER 472.027 / CHAPTER 61G17-001, F.S. STATUTES.

SCALE 1"=20'

DATE 01-20-16

SURVEY NOT VALID UNLESS EMPLOYED BY SEAL  
JAMES D. HARRISON, W.O. #2647  
MICHAEL J. GARRETT, W.O. #6437  
JANUARY 20, 2016  
STATE OF FLORIDA  
FLORIDA REGISTERED SURVEYOR AND MAPPER



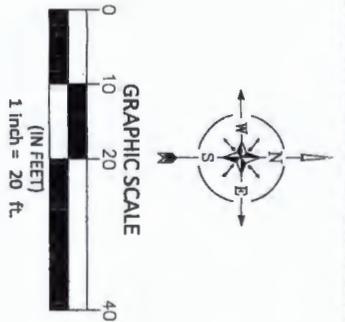
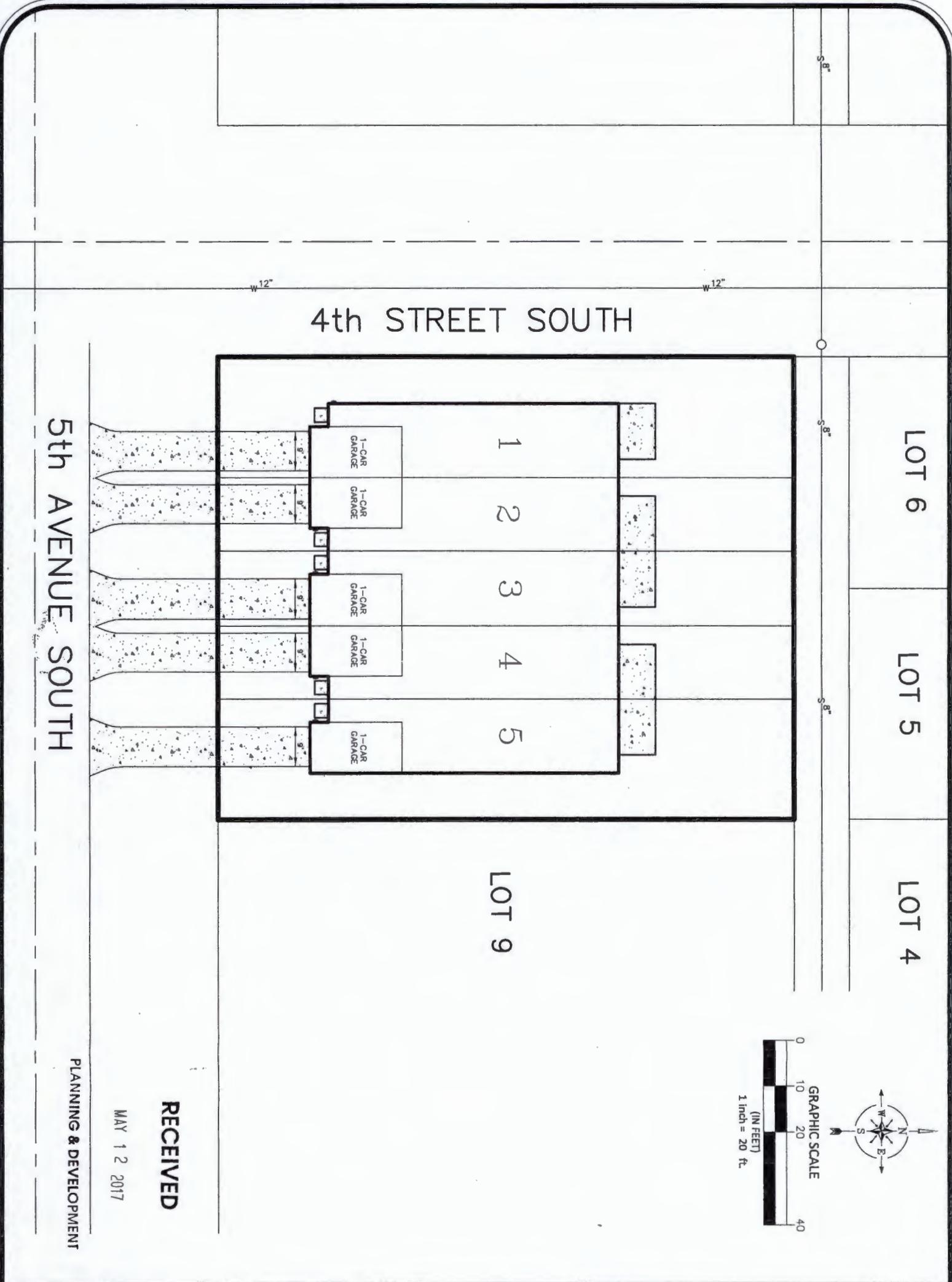
RECEIVED

MAY - 9 2017

17-100080  
PLANNING & DEVELOPMENT

BUILDERS ENDORSEMENT

SIGNED: \_\_\_\_\_  
NAME: \_\_\_\_\_  
DATE: \_\_\_\_\_



**RECEIVED**

MAY 12 2017

PLANNING & DEVELOPMENT

**333 & 335, 5th AVENUE SOUTH**  
**LAYOUT#1**

**NORTH FLORIDA ENGINEERING SERVICES, INC.**  
CERTIFICATION# 26085  
9432 Baymeadows Road, Suite 260, Jacksonville, FL 32256  
//Ph (904) 737-0971 //Fax (904) 398-5372  
//Email: FAVRE.NFES@GMAIL.COM

MICHAEL R. LIGHT  
P.E. 70690

DATE: 5/12/2017  
JOB NUMBER: 17-013  
SCALE: 1"=20'  
SHEET NUMBER: 1

REV	REVISION	DATE



# APPLICATION FOR VARIANCE

BOA No. 17-100081  
HEARING DATE 6-20-17

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. A boundary survey prepared by a registered land surveyor that shows the location of all existing improvements. Survey, plat or new site plan must also show all proposed additions and/or improvements added to the drawing, **to scale** (on 11"x17" paper or smaller).
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of **\$250.00** (due at the time of application submittal).
5. Completed application.

RECEIVED

MAY 9 2017

## APPLICATION INFORMATION

PLANNING & DEVELOPMENT

**Applicant Name:** BCEL 5 LLC **Telephone:** 904-677-6777  
**Mailing Address:** 7563 Philips Highway, Ste 109 **E-Mail:** alex@jwbcompanies.com  
Jacksonville, Florida 32256  
**Agent Name:** Curtis Hart **Telephone:** 904-993-5008  
**Mailing Address:** 8051 Tara Lane **E-Mail:** curtishart1972@att.net  
Jacksonville, Florida 32216  
**Landowner Name:** BCEL 5 LLC **Telephone:** \_\_\_\_\_  
**Mailing Address:** 7563 Philips Highway, Ste 109 **E-Mail:** \_\_\_\_\_  
Jacksonville, Florida 32256

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/or Real Estate Number: 1224 & 1236 1st Ave North

Legal description of property (Attach copy of deed): Re# 177879-0000, 177878-0000. See attached Legal and Deed.

Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). The application of the LDC code creates a hardship by not allowing a two car garage and a patio for the enjoyment of the owner.

We are asking for relief from the code so we can provide additional parking to alleviate any parking issues and a patio. We are asking for a variance to reduce the accessory structure setback from 5' to 1' 2" on the driveways between units 1&2, 3&4, and 5&6. We are also asking for a variance to reduce the accessory structure setback from 5' to 0' on the patios between 2&3 and 4&5.

Applicant's Signature: [Signature] Date of Application: 5/1/17

**THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE**

**CURRENT ZONING CLASSIFICATION:** C-2 **FLOOD ZONE:** \_\_\_\_\_

**CODE SECTION (S):** 32-339(e)(4)h for an accessory structure setback of 0', in lieu of 5';  
34-373(d) for vehicular use area setbacks of 1', in lieu of 5',  
to allow construction of a six-unit townhouse structure.

(Ref PC# 13-17 for Conceptual Plat approval)

**VARIANCE APPLICATION STANDARDS AND CONDITIONS**

BOA No. 17-100081

**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.

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MAY - 9 2017

**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	The property has a Conditional Use for RM-1 which permits multifamily. In order to provide a driveway with additional parking and patio, we need a variance to reduce the required 5' setback to 1'2" on driveways 1 & 2, 3&4, 5&6 and reduction from 5' to 0' on patios 2& 3, 4&5.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Multifamily dwellings of any layout would require a variance for the driveway and patios because Jacksonville Beach policies defines a driveway and patio as an accessory structure.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	This would not be a special privilege this is a permitted use and allowing two extra parking spaces benefits the public and surrounding neighborhood.
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	We are conforming as closely to the code as possible and only asking for additional parking for each unit and a patio for their enjoyment.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	This is the minimum variance necessary to provide relief.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	Granting this variance will meet the purposes, goals, objectives, and policies of the code by providing additional parking spaces per unit and a patio and will not adversely affect adjacent landowners.

# EXHIBIT B

## Agent Authorization

Date: \_\_\_\_\_

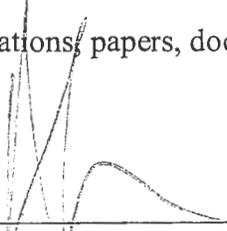
City of Jacksonville Beach  
Planning and Development Department

Re: Agent Authorization for the following site location:

1224 & 1236 1<sup>st</sup> Ave North

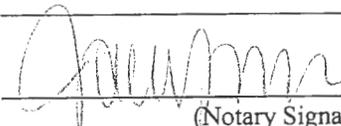
Gentleman:

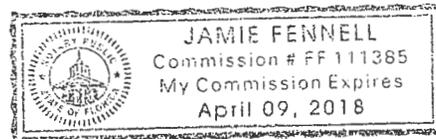
You are hereby advised that the undersigned is the owner of the property 1224 & 1236 1<sup>st</sup> Ave North. Said owner hereby authorizes and empowers Curtis L. Hart to act as agent to file application(s) for Variance for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

  
\_\_\_\_\_  
BCEL 5 LLC  
Alex Sifakis

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 3 day of May, 2017 by ALEX SIFAKIS, who is personally known to me or has produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
(Notary Signature)



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MAY - 9 2017  
17-100081  
PLANNING & DEVELOPMENT

**Legal Description**

Lots 8 and 9, Pine Grove Unit Three, a subdivision according to the plat thereof recorded at Plat Book 16, Page 94, in the Public Records of Duval County, Florida.

Parcel Identification Number: 177878-0000

And

Parcel Identification Number: 177879-0000

**RECEIVED**

APR 18 2017  
17-100081  
PLANNING & DEVELOPMENT

Prepared by and return to:

Bryan C. Goode III, P.A.  
320 1st Street North Suite 613  
Jacksonville Beach, FL 32250  
904-247-1755  
File Number: 15-0902  
Will Call No.:

RECEIVED

17-100081

PLANNING & DEVELOPMENT

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 5th day of November, 2015 between Vera Mills, a married woman, joined by her husband, Sam Disch whose post office address is 1257 1st Avenue North, Jacksonville, FL 32250, grantor, and BCEL 5, LLC, a Florida limited liability company whose post office address is 7563 PHILIPS HIGHWAY,SUITE 109, Jacksonville, FL 32256, grantee:

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

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

Lots 8 and 9, Pine Grove Unit Three, a subdivision according to the plat thereof recorded at Plat Book 16, Page 94, in the Public Records of Duval County, Florida.

Parcel Identification Number: 177878-0000

and

Parcel Identification Number: 177879-0000

Grantor's spouse is joining in the execution of this instrument for the sole purpose of waiving any homestead interest in the property. Said spouse makes no representations or warranties with respect to said property or the title thereto.

**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, 2014.

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

Signed, sealed and delivered in our presence:

Susan Abrams  
Witness Name: **SUSAN ABRAMS**

Vera Mills (Seal)  
Vera Mills

Bryan C. Goode, III  
Witness Name: **Bryan C. Goode, III**

Sam Disch (Seal)  
Sam Disch

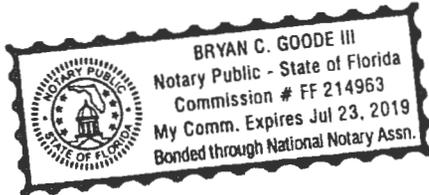
State of Florida  
County of Duval

The foregoing instrument was acknowledged before me this 26th day of October, 2015 by Vera Mills and Sam Disch, who  
 are personally known or  have produced a driver's license as identification.

[Notary Seal]

Bryan C. Goode, III  
Notary Public  
Printed Name: Bryan C. Goode, III

My Commission Expires: July 23, 2019



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OCT 19 2017  
17-100081  
PLANNING & DEVELOPMENT



CERTIFIED MAIL# 7012 0470 0000 7799 6205

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

August 21, 2013

Ryan Wetherhold  
19 12<sup>th</sup> Street South  
Jacksonville Beach, FL 32250

RE: BOA 13-100143  
1224 and 1236 1<sup>st</sup> Avenue North

Dear Mr. Wetherhold,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, August 20, 2013, to consider your application for a variance from the requirements of the Land Development Code.

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

- 34-339(e)(4)c.3, for a rear yard of 20 feet in lieu of 30 feet required

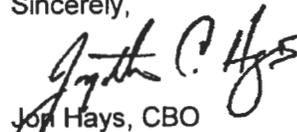
The Board **Amended** and **Approved** the request as follows:

- 34-339(e)(4)c.3, for a rear yard of 20 feet in lieu of 30 feet required;
- Limited to as presented and discussed.

To allow for a six unit townhouse development.

Please remove the public hearing notice posted on your property. You are required to apply for development plan approval prior to submitting for a construction permit. Please submit a copy of this approval letter when applying for any future development or building permit applications. If you have any questions regarding this variance or the permitting process, please feel free to call me at (904) 247-6235.

Sincerely,

  
Jon Hays, CBO  
Building Department





CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 6735

December 15, 2015

Mr. Lisandro Rosales  
JWB Construction Group, LLC  
7563 Philips Highway Suite 109  
Jacksonville, FL 32256

RE: Planning Commission Case PC#32-15  
1224 and 1236 1st Avenue North

**Conceptual Plat Approval** for a proposed six unit townhouse development located in *Commercial, general: C-2* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Dear Mr. Rosales,

The City of Jacksonville Beach Planning Commission met on Monday, December 14, 2015 in Council Chambers to consider your **Conceptual Plat Application** for a proposed six unit multiple family townhouse project located in a *Commercial, general: C-2* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code. The request was **Approved**.

Please provide a copy of this approval letter when applying for any future development or building permit applications.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org





CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 6728

October 27, 2015

Mr. Lisandro Rosales  
7563 Philips Highway Suite 109  
Jacksonville, FL 32256

RE: Planning Commission Case PC#27-15  
1224 and 1236 1st Avenue North

**Conditional Use Approval** for a proposed six unit multiple family townhouse project located in a *Commercial, general: C-2* zoning district, pursuant to Section 34-343(d)(11) of the Jacksonville Beach Land Development Code.

Dear Mr. Rosales,

The City of Jacksonville Beach Planning Commission met on Monday, October 26, 2015 in Council Chambers to consider your **Conditional Use Application** for a proposed six unit multiple family townhouse project located in a *Commercial, general: C-2* zoning district, pursuant to Section 34-343(d)(11) of the Jacksonville Beach Land Development Code. The request was **Approved**.

Please remove the public notice posted on the property. Please provide a copy of this approval letter when applying for any future development or building permit applications.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org





City of  
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Planning@jaxbchfl.net  
  
www.jacksonvillebeach.org

August 13, 2013

Bryan Green, Architect  
3810 Tropical Terrace  
Jacksonville Beach, FL 32250

RE: Planning Commission Case PC#23-13 (13-100146)  
1224 and 1236 1<sup>st</sup> Avenue North  
**Conditional Use Approval** for a proposed six-unit multiple family project  
located in a *Commercial General: C-2* zoning district

Mr. Green,

The City of Jacksonville Beach met on Monday, August 12, 2013, to consider Ryan Wetherhold's conditional use application for a proposed six-unit multiple family project located in a *Commercial General: C-2* zoning district, pursuant to Section 34-343 (d)(11) of the Jacksonville Beach Land Development Code. The request was approved unanimously. Please submit a copy of this approval letter when applying for any future development or building permit applications.

Should you have any questions please feel free to contact our office at (904) 247-6231.

Sincerely,

Chandra M. Tolman  
Permit Specialist



cc: Ryan Wetherhold



# City of Jacksonville Beach

ELEVEN NORTH THIRD STREET • JACKSONVILLE BEACH, FLORIDA 32250

February 26, 1997

Vera Mills  
1236 North 1st Avenue  
Jacksonville Beach, FL 32250

RE: Planning Commission Case #PC 04-97  
1236 North 1st Avenue

Dear Ms. Mills:

The City of Jacksonville Beach Planning Commission met on Monday, February 24, 1997 in the Council Chambers to consider your conditional use application.

As indicated in the application, the request was for an approval of a conditional use to Section 34-343(d)(11) of the Jacksonville Beach Land Development Code for approval of an existing residential structure in a C-2 zoning district. Your request was granted as written.

Should you have any further questions relative to this matter, please feel free to contact me at (904) 247-6231.

Sincerely,

Marie Hobbs  
Administrative Secretary



CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 7640

April 11, 2017

Curtis Hart  
8051 Tara Lane  
Jacksonville, FL 32216

RE: **Planning Commission Case: PC# 13-17**  
**Concept Plat Application** for a proposed six-unit townhouse project,  
located in a *Commercial, general: C-2* zoning district, located at 1224 and  
1236 1<sup>st</sup> Avenue North.

Mr. Hart,

The City of Jacksonville Beach Planning Commission met on Monday, April 10,  
2017 in Council Chambers to consider your client's **Concept Plat Application** for  
a proposed six-unit townhouse project, located in a *Commercial, general: C-2*  
zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land  
Development Code.

The request was **Approved**.

Pursuant to Section 34-504 of the Land Development Code, within one (1) year of  
receipt of a concept plan for plat, a development order for a development plan for  
plat shall be submitted pursuant to the procedures and standards of section 34-  
251 et seq., or the concept plan for plat shall become null and void.

Should you have any additional questions related to this matter, please feel free to  
contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

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Fax: 904.247.6107  
Planning@jaxbchfl.net  
  
www.jacksonvillebeach.org





CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 6735

December 15, 2015

Mr. Lisandro Rosales  
JWB Construction Group, LLC  
7563 Philips Highway Suite 109  
Jacksonville, FL 32256

RE: Planning Commission Case PC#32-15  
1224 and 1236 1st Avenue North

**Conceptual Plat Approval** for a proposed six unit townhouse development located in *Commercial, general: C-2* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

Dear Mr. Rosales,

The City of Jacksonville Beach Planning Commission met on Monday, December 14, 2015 in Council Chambers to consider your **Conceptual Plat Application** for a proposed six unit multiple family townhouse project located in a *Commercial, general: C-2* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code. The request was **Approved**.

Please provide a copy of this approval letter when applying for any future development or building permit applications.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

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Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org



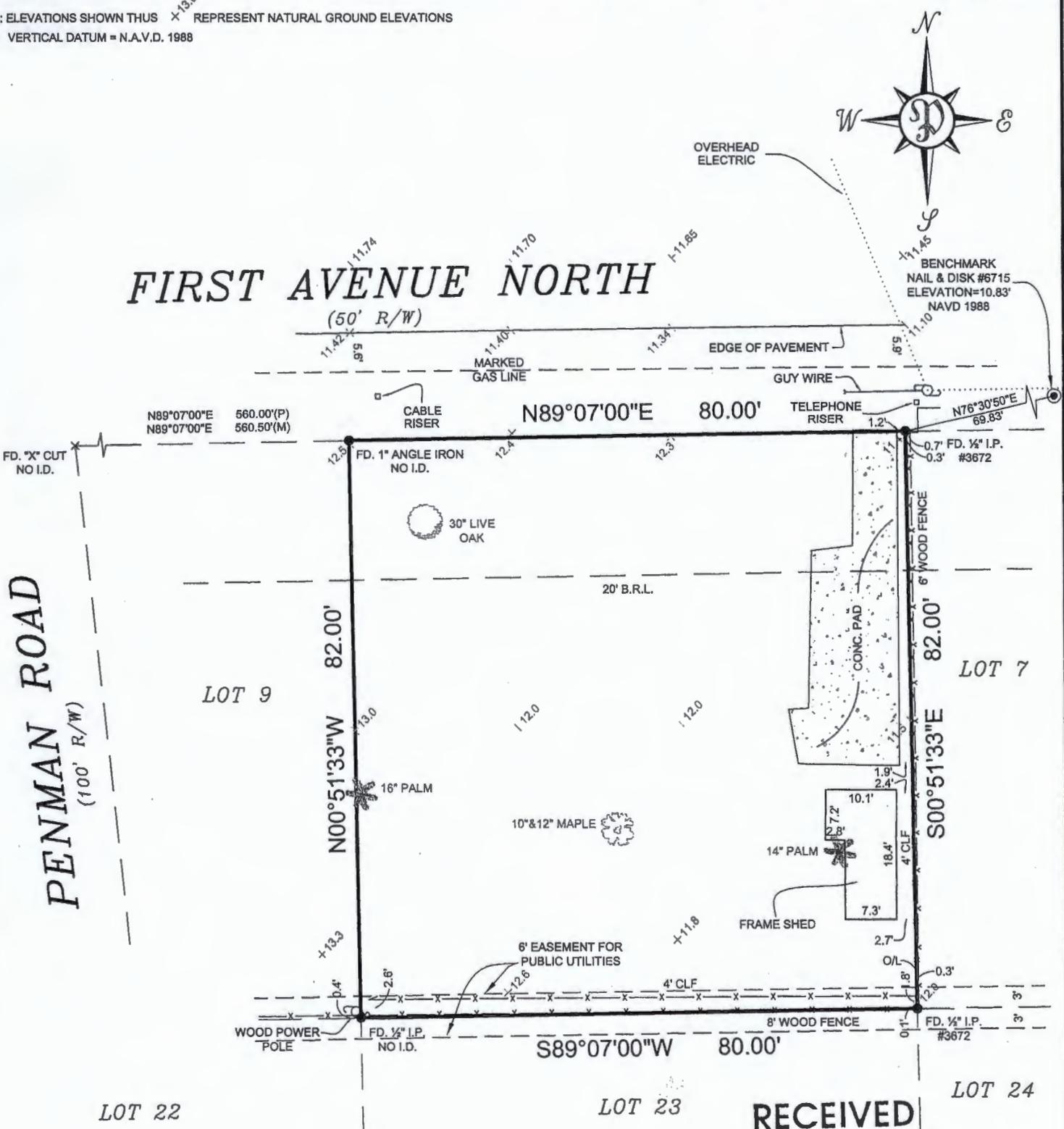
# MAP SHOWING BOUNDARY SURVEY OF

LOT 8 BLOCK - AS SHOWN ON MAP OF  
**PINE GROVE UNIT 3**

AS RECORDED IN PLAT BOOK 16 PAGES 94 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO: JWB CONSTRUCTION GROUP

NOTE: ELEVATIONS SHOWN THUS  $\times$ 13.0 REPRESENT NATURAL GROUND ELEVATIONS  
VERTICAL DATUM = N.A.V.D. 1988



**RECEIVED**

MAY - 9 2017  
17-100084  
PLANNING & DEVELOPMENT

ADDITIONAL LOCATION & TOPOGRAPHICAL SHOTS : 11-30-16, W.O.#15-1899-2

## PERRET AND ASSOCIATES, INC.

5627 ATLANTIC BOULEVARD SUITE #6, JACKSONVILLE, FLORIDA 32207 (904) 805-0030 ~ FAX (904) 805-9888

**GENERAL NOTES:**

- (1) BEARINGS SHOWN HEREON ARE BASED ON THE SOUTH R/W LINE OF FIRST AVENUE NORTH AS N89°07'00"E, PER PLAT.
- (2) THIS PROPERTY HAS NOT BEEN ABSTRACTED FOR EASEMENTS, COVENANTS, RESTRICTIONS.
- (3) UNDERGROUND UTILITIES SERVING THIS PROPERTY HAVE NOT BEEN LOCATED OR SHOWN
- (4) THIS PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" AS SCALED FROM F.E.M.A. FLOOD INSURANCE RATE MAP, PANEL 12007-0417H, DATED 8-3-2013.

LEGEND	
P.C.	POINT OF CURVATURE
P.T.	POINT OF TANGENCY
P.R.C.	POINT OF REVERSE CURVE
P.C.C.	POINT OF COMPOUND CURVE
P.O.C.	POINT ON CURVE
P.R.M.	PERMANENT REFERENCE MONUMENT
P.C.P.	PERMANENT CONTROL POINT
B.R.L.	BUILDING RESTRICTION LINE
CLF	CHAIN LINK FENCE
R/W	RIGHT-OF-WAY
O.R.B.	OFFICIAL RECORDS BOOK
OL	ON LINE
-	BREAK LINE
RADIUS	RADIUS (CENTRAL ANGLE)
DELTA	DELTA (CENTRAL ANGLE)
ARC LENGTH	ARC LENGTH
CHORD	CHORD
CHORD BEARING	CHORD BEARING
LINE RADIAL TO CURVE	LINE RADIAL TO CURVE
AIR CONDITIONER	AIR CONDITIONER
CONC.	CONCRETE
FOUND	FOUNDATION
IRON PIPE	IRON PIPE
MEASURED	MEASURED
PLAT	PLAT
FENCE	FENCE
WOOD POWER POLE	WOOD POWER POLE

SCALE 1"=20'  
10/30/2015  
DATE OF FIELD SURVEY

STATE OF FLORIDA  
NATHAN P. PERRET, FLA. CERT. NO. 6900



LB ~ 6715







# APPLICATION FOR VARIANCE

BOA No. 17-100082

HEARING DATE 6-20-2017

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. A boundary survey prepared by a registered land surveyor that shows the location of all existing improvements. Survey, plat or new site plan must also show all proposed additions and/or improvements added to the drawing, to scale (on 11"x17" paper or smaller).
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of **\$250.00** (due at the time of application submittal).
5. Completed application.

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PLANNING & DEVELOPMENT

## APPLICATION INFORMATION

Applicant Name: Hoose Homes and Investments LLC Telephone: 904-677-6777  
 Mailing Address: 7563 Philips Highway, Ste 109 E-Mail: alex@jwbcompanies.com  
Jacksonville, Florida 32256

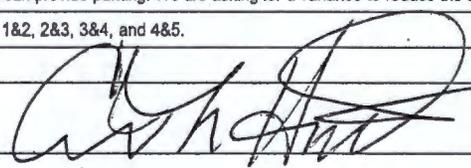
Agent Name: Curtis Hart Telephone: 904-993-5008  
 Mailing Address: 8051 Tara Lane E-Mail: curtishart1972@att.net  
Jacksonville, Florida 32216

Landowner Name: Hoose Homes and Investments LLC Telephone: \_\_\_\_\_  
 Mailing Address: 7563 Philips Highway, Ste 109 E-Mail: \_\_\_\_\_  
Jacksonville, Florida 32256

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/or Real Estate Number: 322 & 314 12th Ave North  
 Legal description of property (Attach copy of deed): Re# 174617-0000, 174616-0000. See attached Legal and Deed.  
 Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). The application of the LDC code creates a hardship by not allowing an additional parking space and a patio for the enjoyment of the owner.  
We are asking for relief from the code so we can provide parking. We are asking for a variance to reduce the accessory structure setback lines from 5' to 1' on the driveways and patios between units 1&2, 2&3, 3&4, and 4&5.

Applicant's Signature:  Date of Application: 5-8-17

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: C-1 FLOOD ZONE: \_\_\_\_\_

CODE SECTION (S): Sec 34-339(e)(4)h for accessory structure setbacks of 0', in lieu of 5' required.  
34-373(h) for vehicular area setback of 0', in lieu of 5' required,  
to allow construction of a five-unit townhouse structure.

**VARIANCE APPLICATION STANDARDS AND CONDITIONS**

BOA No. 17-100082

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

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	The property has a Conditional Use for RM-1 which permits multifamily. In order to provide a driveway and patio, we need a variance to reduce the required 5' setback to 1'.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Multifamily dwellings of any layout would require a variance for the driveway and patios because Jacksonville Beach policies defines a driveway and patio as an accessory structure.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	This would not be a special privilege since the LDC requires two parking spaces and this is the only layout that would meet the LDC.
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	We are conforming as closely to the code as possible.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	This is the minimum variance necessary to provide relief.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	Granting this variance will meet the purposes, goals, objectives, and policies of the code by providing two parking spaces and a patio.

# EXHIBIT B

## Agent Authorization

Date: \_\_\_\_\_

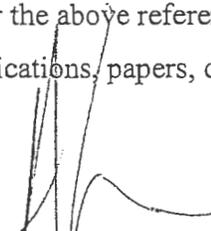
City of Jacksonville Beach  
Planning and Development Department

Re: Agent Authorization for the following site location:

314 & 322 12<sup>th</sup> Avenue North

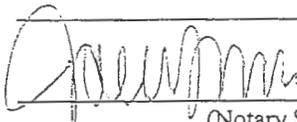
Gentleman:

You are hereby advised that the undersigned is the owner of the property 314 & 322 12<sup>th</sup> Avenue North. Said owner hereby authorizes and empowers Curtis L. Hart to act as agent to file application(s) for Variance for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

  
\_\_\_\_\_  
Hoose Homes & Investments  
Alex Sifakis

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 14 day of April, 2017 by ALEX SIFAKIS, who is personally known to me or has produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
(Notary Signature)



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17-100082

PLANNING & DEVELOPMENT

Prepared By and Return To:  
David J Heekin, Esq.  
Landmark Title  
4540 Southside Boulevard, Suite 202  
Jacksonville, Florida 32216

File No.: LMT 16-1579  
Grantee's TIN: \_\_\_\_\_

**General Warranty Deed**

Made this September 16, 2016, By **Anya Johnson, a single woman**, whose address is: 1015 Atlantic Boulevard, Suite 214, Atlantic Beach, Florida 32233, hereinafter called the Grantor, to **Hoose Homes and Investments, LLC, a Florida limited liability company**, whose address is: 7563 Philips Highway, Suite 109, Jacksonville, Florida 32256, 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 consideration, 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, more particularly described as follows:

Lots 3, 4 and 9, Block 124 of PABLO BEACH IMPROVEMENT COMPANY'S PLAT OF PART OF NORTHERN PORTION OF PABLO BEACH, according to the Plat thereof as recorded in Plat Book 5, Page(s) 66, of the Public Records of Duval County, Florida.

Parcel ID Number: 174616-0000, 174617-0000, and 174622-0000

Subject to taxes accruing subsequent to December 31, 2015.

Subject to covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose 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.

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MAY - 9 2017

17-100082

PLANNING & DEVELOPMENT

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

Signed, sealed and delivered in our presence:

[Signature] \_\_\_\_\_ (Seal)  
Anya Johnson

Witness Printed Name David J. Heekin

[Signature] \_\_\_\_\_ (Seal)

Witness Printed Name Kate Richardson

State of Florida  
County of Duval

The foregoing instrument was acknowledged before me this 16th day of September, 2016, by Anya Johnson, who is/are personally known to me or who has produced \_\_\_\_\_ as identification.

[Signature]  
\_\_\_\_\_  
Notary Public



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MAY - 9 2017

17-100082

PLANNING & DEVELOPMENT

**LEGAL DESCRIPTION**

LOT 3 & 4, BLOCK 124, PABLO BEACH IMPROVEMENT COMPANY'S PLAT OF PART OF NORTHERN PORTION OF PABLO BEACH, FLORIDA, AS RECORDED IN PLAT BOOK 5, PAGE 66, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

**RECEIVED**  
MAY - 9 2017  
17-100082  
PLANNING & DEVELOPMENT

Minutes of Board of Adjustment Meeting  
Held Tuesday, October 4, 2005

The applicant stated that he wishes to build a two-story single family home on the property. He advised that he is requesting the variance because the lot is only 50 ft X 100 ft.

Mr. Hartkemeyer opened a public hearing and asked if anyone wished to speak either in favor of or in opposition to the request?

William Stang, 384 1<sup>st</sup> Street, Atlantic Beach, spoke in favor.

Seeing no one else who wished to address the Board, Mr. Hartkemeyer closed the public hearing.

**Roll call vote:** Ayes – McGill, Hall, Hartkemeyer and Jolley. Nays – Sellers. Motion carried by a vote of 4 to 1.

**Case: BOA #05-100263**

**Location:** Lot 3, 4 & 9, Block 124, R/P Pt Pablo Beach North; 315 11<sup>th</sup> Avenue North & 322 12<sup>th</sup> Avenue North

**Applicant:** Ronald A. & Anya Johnson

**Motion:** It was moved by Mr. McGill, seconded by Mr. Jolley, to approve a request for no turning and maneuvering space, for parking area setbacks of 0 feet in lieu of 5 feet minimum in several locations, and for 40 parking spaces in lieu of 46 spaces required for a new, 9200 square feet, medical office building.

Tat Chan, architect for the project, distributed additional information concerning the request and stated that the building would take up the majority of two of the lots and the remainder would be used for parking.

Mr. Hartkemeyer opened a public hearing and asked if anyone wished to speak either in favor of or in opposition to the request?

Fred Cattar, 1301 North 4<sup>th</sup> Street, Jacksonville Beach, spoke in favor.

Sandy Golding, 1203 18<sup>th</sup> Avenue North, Jacksonville Beach, had questions about the request.

Ron Taylor, 360 13<sup>th</sup> Avenue North, Jacksonville Beach, spoke in opposition.

Seeing no one else who wished to address the Board, Mr. Hartkemeyer closed the public hearing.

Mr. Hall made a substitute motion, which was seconded by Mr. McGill, to approve a request for no turning and maneuvering space and for parking area setbacks of 0 feet in lieu of 5 feet minimum in several locations for a new, 9200 square feet, medical office building.

**Roll call vote:** Ayes – Hall and McGill. Nays – Sellers, Hartkemeyer and Jolley. Motion was denied by a vote of 3 to 2.



CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 9934

November 17, 2016

Lisandro Rosales  
7563 Philips Highway, Suite 109  
Jacksonville, FL 32256

RE: **Planning Commission Case: PC# 37-16**  
**Conditional Use Application** for a new two-family dwelling unit located in  
a *Commercial, limited: C-1* zoning district, located at 314 12<sup>th</sup> Avenue N.

Mr. Rosales,

The City of Jacksonville Beach Planning Commission met on Monday, November 14, 2016 in Council Chambers to consider your **Conditional Use Application** for a new two-family dwelling unit located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code. The request was **Approved**.

Please remove the public notices posted on the property.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org





CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 7534

February 14, 2017

Mr. Curtis Hart  
8051 Tara Lane  
Jacksonville, FL 32216

RE: **Planning Commission Case: PC# 1-17**  
**Conditional Use Application** for multiple family residential, for a five-unit townhouse development, located in a *Commercial, limited: C-1* zoning district, for property located at 322 and 314 12<sup>th</sup> Avenue North.

Mr. Hart,

The City of Jacksonville Beach Planning Commission met on Monday, February 13, 2017 in Council Chambers to consider your client's **Conditional Use Application** for multiple family residential, for a five-unit townhouse development, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-342(d)(15) of the Jacksonville Beach Land Development Code.

The request was Approved.

Please remove the public notice posted on the property.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org





CERTIFIED MAIL RECEIPT# 7012 2210 0002 4628 7602

March 14, 2017

Curtis Hart  
8051 Tara Lane  
Jacksonville, FL 32216

RE: **Planning Commission Case: PC# 9-17**  
**Concept Plat Application** for a proposed five-unit townhouse project,  
located in a *Commercial, limited: C-1* zoning district located, at 322 and  
314 12th Avenue North.

Mr. Hart,

The City of Jacksonville Beach Planning Commission met on Monday, March 13, 2017 in Council Chambers to consider your client's **Concept Plat Application** for a proposed five-unit townhouse project, located in a *Commercial, limited: C-1* zoning district, pursuant to Section 34-503 of the Jacksonville Beach Land Development Code.

The request was **Approved**.

Pursuant to Section 34-504 of the Land Development Code, within one (1) year of receipt of a concept plan for plat, a development order for a development plan for plat shall be submitted pursuant to the procedures and standards of section 34-251. et seq., or the concept plan for plat shall become null and void.

Should you have any additional questions related to this matter, please feel free to contact our office at (904) 247-6231.

Sincerely,

Heather Ireland, AICP  
Senior Planner

City of

Jacksonville Beach

City Hall

11 North Third Street

Jacksonville Beach

FL 32250

Phone: 904.247.6231

Fax: 904.247.6107

Planning@jaxbchfl.net

www.jacksonvillebeach.org



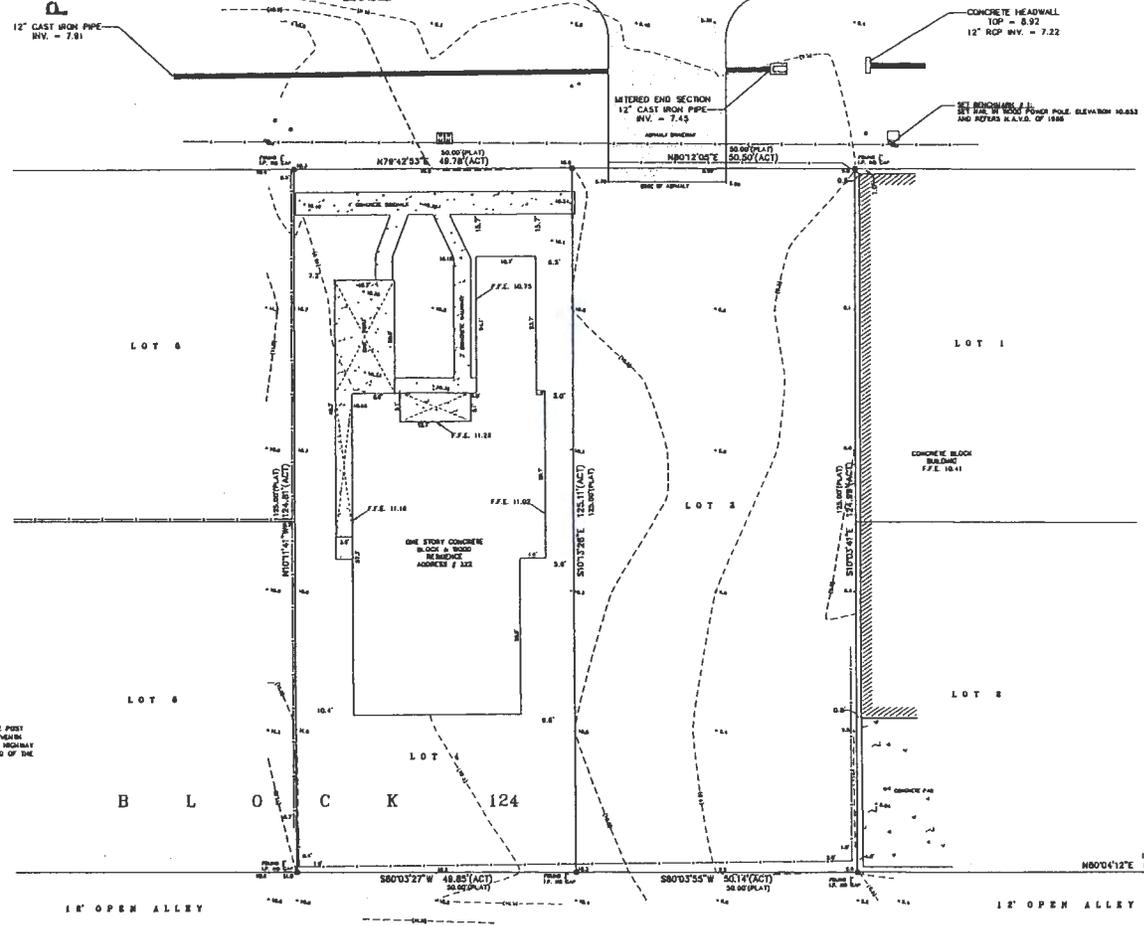
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MAY 9 2017  
17-100082

PLANNING & DEVELOPMENT

MAP SHOWING TOPOGRAPHIC & TREE SURVEY OF  
LOTS 3 AND 4, BLOCK 124, PABLO BEACH IMPROVEMENT'S  
PLAT, AS RECORDED IN PLAT BOOK 8, PAGE 88, OF THE  
CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

12th AVENUE NORTH  
(80' RIGHT-OF-WAY)



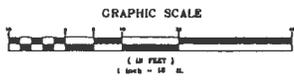
- LEGEND**
- (ACT) = ACTUAL
  - SEP = SECTION PREVENTER
  - CH = CHUTE
  - CL = CENTERLINE
  - CLP = CONCRETE LINE
  - CLF = CONCRETE FENCE
  - CLM = CONCRETE MOUNT
  - CONC = CONCRETE
  - (C) = CURB
  - FD = FLOOR
  - IS = INTERSECTION
  - IP = IRON PIPE
  - IS = IRON ROD
  - Δ = DELTA
  - PC = PIPE CURBANT
  - = LIGHT POLE
  - DV = WATER VALVE
  - = GAS VALVE
  - = SEWER VALVE
  - = ELECTRIC METER
  - = WELL
  - = POWER POLE
  - = BENCHMARK
  - = CLEAN OUT
  - = PROPERTY LINE
  - = WATER MARK
  - A = ARC LENGTH
  - B.S. = OFFICIAL RECORDS BOOK
  - D.S. = OFFICIAL RECORDS VOLUME
  - P.L. = PLAT
  - PL = PLAT TOP ELEVATION
  - PL = PLAT BOTTOM ELEVATION
  - POE = POINT OF BEGINNING CURVE
  - POE + PAGE(S)
  - POB = POINT OF BEGINNING CURVE
  - PT = POINT OF TANGENCY
  - R = RADIUS
  - REC = RECORD
  - R/W = RIGHT-OF-WAY
  - CL = CENTERLINE
  - = LANDSCAP FERRIS
  - = STORM SEWER MANHOLE
  - = SANITARY SEWER MANHOLE
  - = TELECOMMUNICATION MANHOLE
  - = WATER MANHOLE
  - = ELECTRIC MANHOLE
  - = SIGN
  - = FURNED 1/2" IRON PIPE WITH NO I.D. UNLESS OTHERWISE NOTED
  - = FURNED 1/4" CONCRETE MONUMENT
  - = NO I.D. UNLESS OTHERWISE NOTED
  - = FURNED 1/2" I.D. OR 1/4" I.D. UNLESS OTHERWISE NOTED

- TOPOGRAPHIC LEGEND**
- 30.0' = TOPOGRAPHIC HARD SPOT SHOT
  - 30.0' = TOPOGRAPHIC SOFT SPOT SHOT
  - (1)--- = MAJOR CONTOUR 1.0' INTERVAL
  - (0.5)--- = MAJOR CONTOUR 0.5' INTERVAL

**SEWER BENCHMARK**  
SEWER BENCH MARK IS 324 1078, ELEVATION 10.16 AND NEPICES  
R.A.Y.D. OF 1988

**LOCAL GRID** 773.77 (234 M) EAST OF THE INTERSECTION CORNER OF THE POST  
OFFICE BUILDING, 155.77 (47.8 M) SOUTH OF THE CENTERLINE OF SEVEN  
AVENUE NORTH, 17.77 (5.4 M) WEST OF THE WEST CURB OF STATE HIGHWAY  
AND 10.77 (3.3 M) WEST OF THE EAST CURB OF THE  
FLORIDA TURNPIKE.

- GENERAL NOTES**
1. BENCHMARKS AND DISTANCES ESTABLISHED FROM PLAT BOOK 8, PAGE 88
  2. DIMENSIONS SHOWN WITHIN THIS SURVEY AND BENCH MARK, CONCRETE AND FENCE SET.
  3. ALL DIMENSIONS SHOWN WITHIN THIS SURVEY ARE IN FEET AND IN DECIMALS AND ARE BASED ON THE U.S. SURVEY FOOT.
  4. THIS SURVEY WAS PERFORMED IN THE BEST INTEREST OF THE CLIENT.
  5. BENCHMARKS, THERE MAY BE ADDITIONAL BENCHMARKS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
  6. THIS IS NOT A BOUNDARY SURVEY AND DOES NOT PURPORT TO BE SUCH.

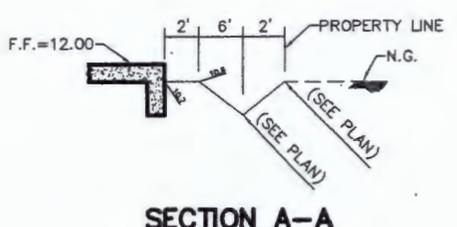
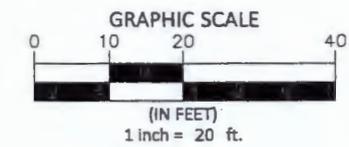
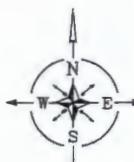
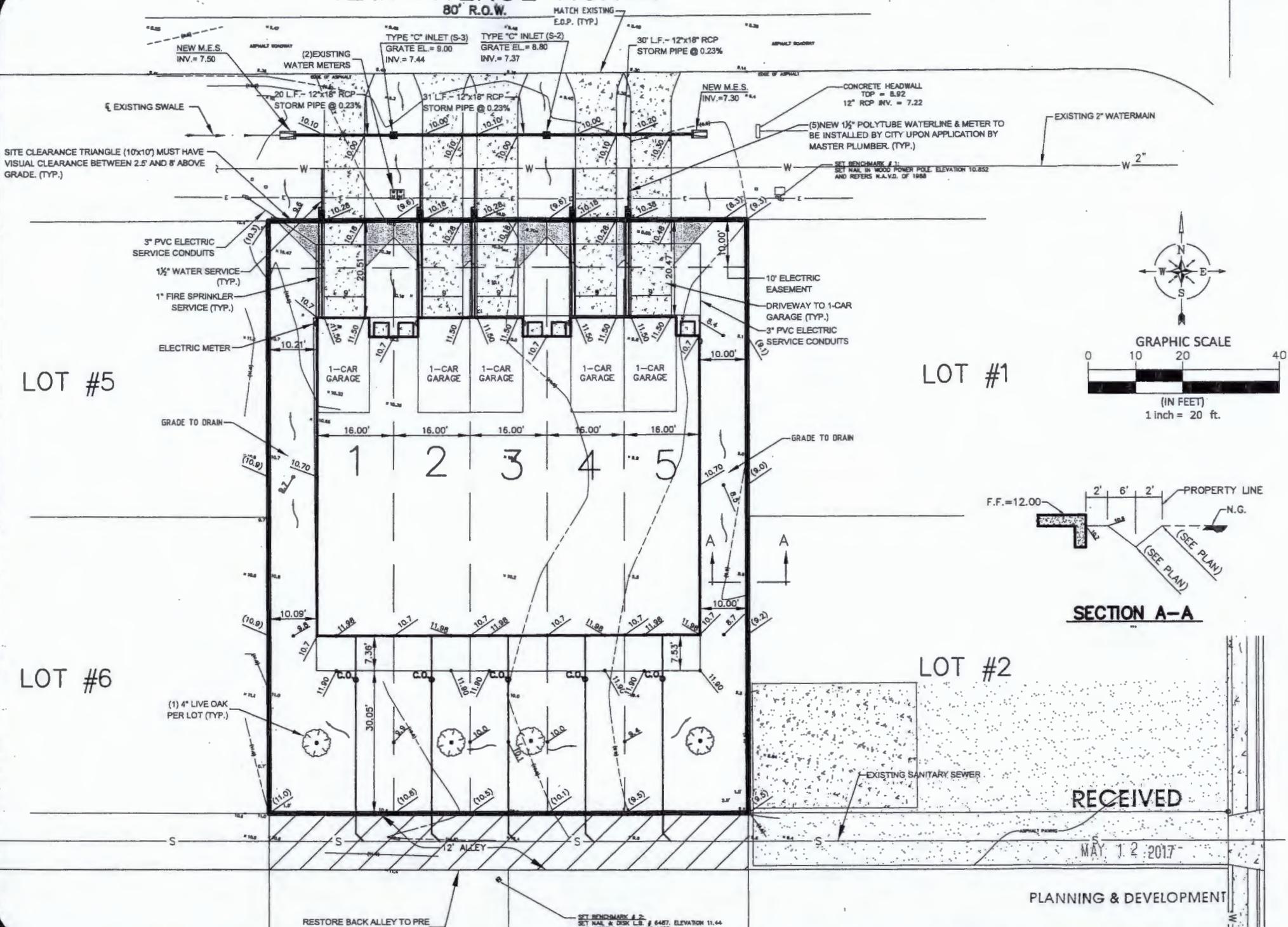


3rd STREET NORTH  
(FLORIDA STATE ROAD # A1A)  
(80' RIGHT-OF-WAY)

PROJECT NO.	17-02-25
FILE NO.	XX-XX-XX
CERTIFICATIONS:	0000000000
DATE	
PREPARED BY	
CHECKED BY	
DATE	
DUVAL COUNTY, FLORIDA	JACKSONVILLE BEACH
ARC SURVEYING & MAPPING, INC.	

# 12th AVENUE NORTH

80' R.O.W.



314 & 322, 12th AVENUE NORTH  
SITE ENGINEERING PLAN

NORTH FLORIDA ENGINEERING SERVICES, INC.  
CERTIFIED LICENSE # 20086  
8432 Baymeadows Road, Suite 286, Jacksonville, FL 32256  
/P/ (904) 737-0971 /FAX (904) 394-5372  
/E/ EMAIL: FAVRE.NFE@GMAIL.COM /H/ HUBBARD & LUBIT P.E.

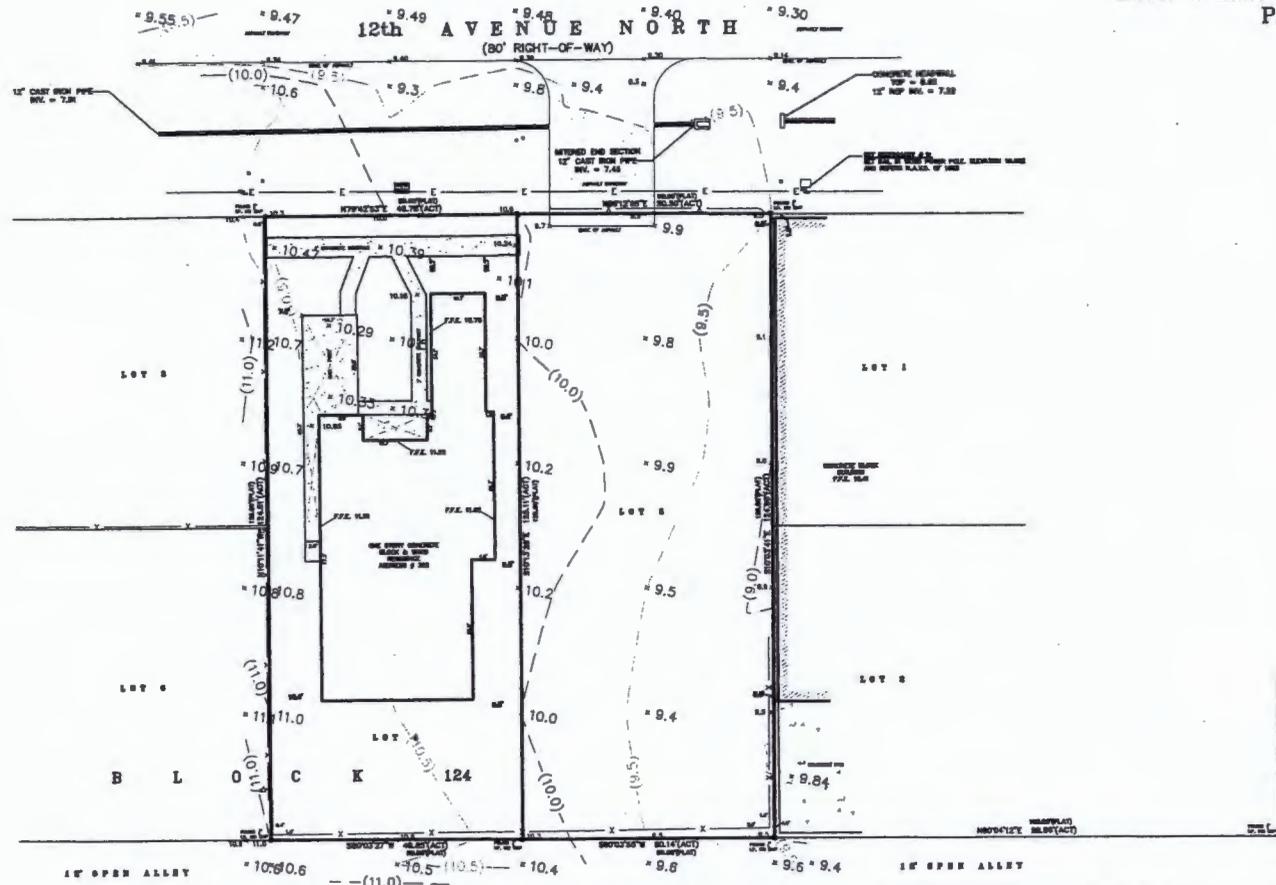
DATE: 01/16/2017  
JOB NUMBER: 17-004  
SCALE: 1"=20'

SHEET NUMBER  
**3**

PLANNING & DEVELOPMENT

U:\JOBS\2017\17-004\CADD\Sheet 3--17-004-- SITE ENGINEERING PLAN.dwg Current Layout Tab = 11X17 Fri May 12, 2017 - 09:55

**MAP SHOWING TOPOGRAPHIC & TREE SURVEY OF  
LOTS 3 AND 4, BLOCK 124, PABLO BEACH IMPROVEMENT'S PLAT, AS RECORDED IN PLAT BOOK 5,  
PAGE 66, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA**



**LEGEND**

- |                          |  |
|--------------------------|--|
| (ACT) = ACTUAL           | A = ARC LENGTH   |
| BFP = BACKFLOW PREVENTER | O.R.B. = OFFICIAL RECORDS BOOK                                   |
| CB = CATCH BASIN         | O.R.V. = OFFICIAL RECORDS VOLUME                                 |
| CH = CHORD               | (P) = PLAT   |
| CL = CENTERLINE          | PB = PLAT BOOK   |
| CLF = CHAIN LINK FENCE   | PC = POINT OF CURVATURE  |
| C.M. = CONCRETE MONUMENT | PCC = POINT OF COMPOUND CURVE                                    |
| CONC = CONCRETE          | PG(S) = PAGE(S)  |
| (D) = DEED               | PRC = POINT OF REVERSE CURVE                                     |
| FND. = FOUND             | PT = POINT OF TANGENCY   |
| I.D. = IDENTIFICATION    | R = RADIUS   |
| I.P. = IRON PIPE         | REC. = RECORD  |
| I.R. = IRON ROD          | R/W = RIGHT-OF-WAY   |
| Δ = DELTA                | CL = CENTER LINE   |
| ⊕ = FIRE HYDRANT         | ♿ = HANDICAP PARKING   |
| ☼ = LIGHT POLE           | ⊙ = STORM SEWER MANHOLE  |
| ⊗ = WATER VALVE          | ⊙ = SANITARY SEWER MANHOLE                                       |
| ⊗ = GAS VALVE            | ⊙ = TELECOMMUNICATION MANHOLE                                    |
| ⊗ = SEWER VALVE          | ⊙ = WATER MANHOLE  |
| ⊙ = WELL                 | ⊙ = ELECTRIC MANHOLE   |
| ⊙ = POWER POLE           | ⊙ = SIGN   |
| ⊙ = BENCHMARK            | ⊙ = WETLAND FLAG   |
| ⊙ = CLEAN OUT            | ⊙ = FOUND 1/2" IRON PIPE WITH NO I.D. UNLESS OTHERWISE NOTED     |
| ⊙ = PROPERTY LINE        | ⊙ = FOUND 4"x4" CONCRETE MONUMENT NO I.D. UNLESS OTHERWISE NOTED |
| ⊙ = WATER METER          | ⊙ = FOUND NAIL & DISK NO I.D. UNLESS OTHERWISE NOTED             |

**RECEIVED**

MAY - 9 2017  
17-100082  
PLANNING & DEVELOPMENT

**GENERAL NOTES**

- BEARINGS AND DISTANCES ESTABLISHED FROM PLAT BOOK 5, PAGE 66
- DIMENSIONS SHOWN THUS 25.0' AND DENOTE BUILDING, CONCRETE AND FENCE TIES.
- ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND IN TENTHS AND ARE BASED ON THE U.S. SURVEY FOOT.
- THIS SURVEY WAS PERFORMED WITH THE BENEFIT OF TITLE COMMITMENT.
- NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.
- THIS IS NOT A BOUNDARY SURVEY AND DOES NOT PURPORT TO BE SUCH.

**GRAPHIC SCALE**



( IN FEET )  
1 inch = 30 ft.

**SOURCE BENCHMARK:**  
BRASS DISK STAMPED B 324 1970, ELEVATION 10.16 AND REFERS  
N.A.V.D. OF 1988

LOCATED 77.5 FT (23.6 M) EAST OF THE NORTHEAST CORNER OF THE POST  
OFFICE BUILDING, 45.5 FT (13.9 M) SOUTH OF THE CENTERLINE OF SEVENTH  
AVENUE NORTH, 17.4 FT (5.3 M) WEST OF THE WEST CURB OF STATE HIGHWAY  
A1A SOUTHBOUND LANES AND 0.6 FT (0.2 M) WEST OF THE EAST END OF THE FOUNDATION.

DUVAL COUNTY, FLORIDA  
JACKSONVILLE BEACH

File name:	Party Chief:	Dwn by:	Drawing Date:				
	J. ROONEY	JDY	02-15-17				
Reference files:	Field Bk/Pg:	Ckd by:	Survey Date:				
	J2-109, 1-6	BLP	02-14-17				
Survey Performed for:							
CURTIS L. HART   MANAGING MEMBER							
HART RESOURCES LLC							
No. Approved:	5/3/17	REVISED BORDER & SCALE					
No. Approved:	Date	Description					

PROJECT NO.  
**17-02-25**

FILE NO.  
**XX-XX-XX**

SHEET 1 OF 1



# APPLICATION FOR VARIANCE

BOA NO. 17-100105  
HEARING DATE 7-18-17

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. A boundary survey prepared by a registered land surveyor that shows the location of all existing improvements. Survey, plat or new site plan must also show all proposed additions and/or improvements. **RECEIVED**  
drawing, to scale (on 11"x17" paper or smaller).
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of **\$250.00** (due at the time of application submittal).
5. Completed application.

JUN - 2 2017

## PLANNING & DEVELOPMENT

### APPLICATION INFORMATION

**Applicant Name:** Lony and Carla Taylor **Telephone:** 904.386.0501  
**Mailing Address:** P.O. Box 47402 **E-Mail:** lonyt@expressionscarpet.com  
Jacksonville, FL 32247  
**Agent Name:** \_\_\_\_\_ **Telephone:** \_\_\_\_\_  
**Mailing Address:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

**Landowner Name:** Timothy Durdan **Telephone:** 904.476.5046  
**Mailing Address:** 555 34th Ave S. **E-Mail:** \_\_\_\_\_  
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.

0" Isabella Blvd aka 3502 Isabella Blvd.

### VARIANCE DATA

Street address of property and/or Real Estate Number: 180806-0000 Lot 5 21 + 22, Blk 9  
 Legal description of property (Attach copy of deed): 11-36 09-35-29E Oceanview Highlands  
 Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). Lony + Carla are interested in purchasing the above property in an effort to relocate to Tat Beach. They have hired an architect to design a property and are looking to decrease the side setback to 7'6" on both sides and a lot coverage of 49%.  
 Applicant's Signature: [Signature] Carla Taylor Date of Application: 6/2/17

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: R5-1 FLOOD ZONE: X  
 CODE SECTION (S): 34-336 (e)(1) C-2 for side yards of 7.5' each, in lieu of 10' required;  
" (e)(1) E. for 49% lot coverage, in lieu of 35% maximum;  
to allow construction of a single-family dwelling with pool-  
on Lot 22.

**VARIANCE APPLICATION STANDARDS AND CONDITIONS**

BOA No. \_\_\_\_\_

**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 <del>No</del>	Special condition because it is a nonconforming lot
Special circumstances and conditions do not result from the actions of the applicant.	Yes <del>No</del>	Nonconforming lot 6007 square ft.
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.	No	
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	Similar parcels in the area have been awarded variance for side setbacks and lot coverage
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	<b>RECEIVED</b>
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	JUN - 2 2017 17-100105 PLANNING & DEVELOPMENT

VI 6506 2092

OFFICIAL RECORDS

The Department of  
Revenue  
1111  
JACKSONVILLE, FL 32209

RETURN TO GRANTEE

# Warranty Deed

THIS INDENTURE, Made this 25TH day of APRIL, A. D. 1988 BETWEEN ROBERT E. GRAY AND EVELYN S. GRAY, HIS WIFE

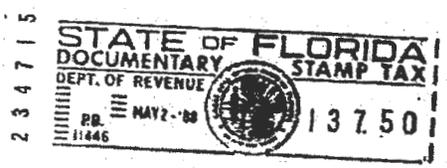
of the County of DUVAL, State of FLORIDA, part IES of the first part, and TIMOTHY D. DURDEN AND KAREN L. DURDEN, HIS WIFE  
MAILING ADDRESS: 555 34th AVENUE SOUTH JACKSONVILLE BEACH, FL. 32250

of the County of DUVAL, State of FLORIDA, part IES of the second part,  
WITNESSETH: That the said part IES of the first part, for and in consideration of the sum of TEN AND 00/100'S ----- Dollars, to IT in hand paid by the said part IES of the second part, the receipt whereof is hereby acknowledged, HAVE granted, bargained and sold to the said part IES of the second part, THEIR heirs and assigns forever, the following described land, situate, lying and being in the County of DUVAL, State of Florida, to wit:

RECEIVED

LOTS 21 AND 22, BLOCK 9, OCEAN VIEW HIGHLANDS, ACCORDING TO PLAT THEREOF, RECORDED IN PLAT BOOK 11, PAGE 36, CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

JUN - 2 2017  
17-100105  
PLANNING & DEVELOPMENT



SUBJECT TO RESTRICTIVE COVENANTS, CONDITIONS, EASEMENTS AND RESERVATIONS OF RECORD.

And the said part IES of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said part IES of the first part ha VE hereunto set THEIR hands and sealed the day and year first above written.  
SIGNED AND SEALED IN OUR PRESENCE:

*[Handwritten signatures]*  
----- (SEAL)  
ROBERT E. GRAY  
----- (SEAL)  
EVELYN S. GRAY  
----- (SEAL)  
----- (SEAL)

STATE OF FLORIDA } ss.  
COUNTY OF DUVAL

Before me personally appeared ROBERT E. GRAY and EVELYN S. GRAY, his wife, to me well known and known to me to be the individuals described in and who executed the foregoing instrument, and acknowledged to and before me that THEY executed the same for the purposes therein expressed.

WITNESS my hand and official seal this 25TH day of APRIL 1988 at JACKSONVILLE County and State aforesaid.

28 MAY 2 1988  
88-40371

*[Handwritten signature]*  
Notary Public in and for the County and State Aforesaid.  
My commission expires:

Notary Public, State of Florida  
My Commission Expires Sept. 12, 1989

Tim and Karen Durden  
555 34<sup>th</sup> Avenue South  
Jacksonville Beach, FL 32250

May 24, 2017

Dear City of Jacksonville Beach:

Please accept this letter as our authorization for Greene Alonzo Taylor IV and Carla Taylor, husband and wife, to request an audience at a City Council Meeting for a request for variance pertaining to a vacant lot they are purchasing from me and my wife.

**Specifics:**

- Purchase Date (recorded): 5/2/88
- Property Tax ID: 180806-0000
- Description: Lot 22, Block 9 Ocean View Highlands
- Plat Book/Page #: Plat Book 11, Page 36
- Book/Page #: 6506/2092

**RECEIVED**

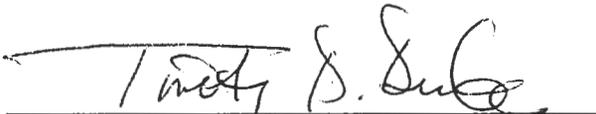
JUN - 2 2017

17-100105

PLANNING & DEVELOPMENT

Attached please find a copy of the deed and recent survey.

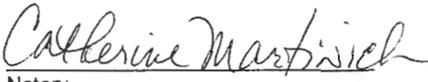
If you have any questions, please contact me at 904/476-5046. Thank you.

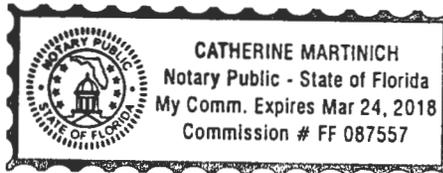
  
\_\_\_\_\_  
Timothy D. Durden

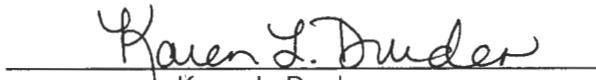
5.25-17  
Date

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 25<sup>th</sup> day of May, 2017, by Timothy D. Durden, who is personally known to me or produced FLDL as identification.

  
\_\_\_\_\_  
Catherine Martinich  
Notary  
5-25-2017  
Date

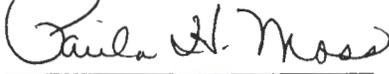


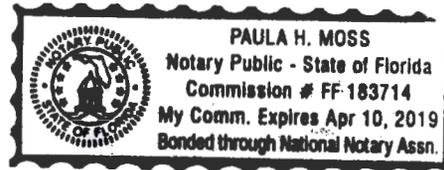
  
\_\_\_\_\_  
Karen L. Durden

5/25/17  
Date

STATE OF FLORIDA  
COUNTY OF St. Johns

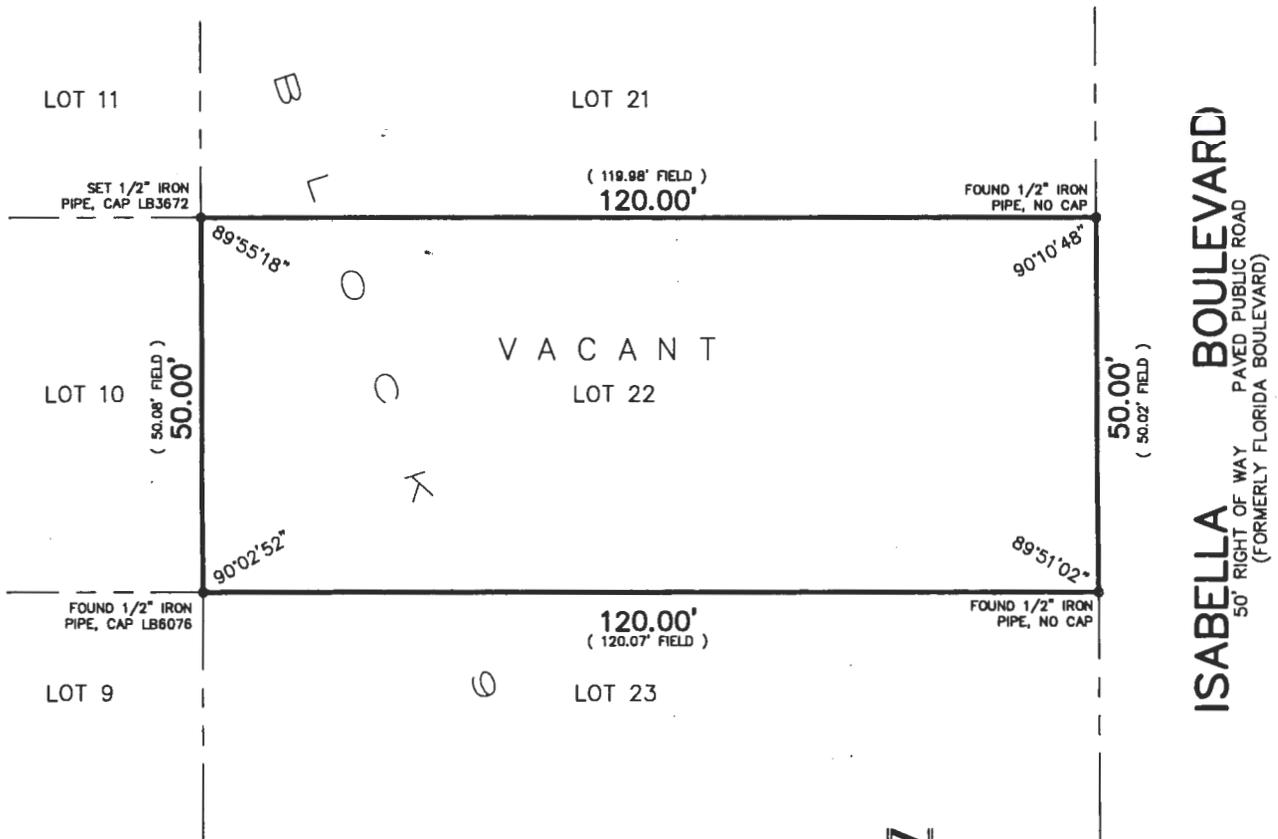
The foregoing instrument was acknowledged before me this 25 day of May, 2017, by Karen L. Durden, who is personally known to me or produced \_\_\_\_\_ as identification.

  
\_\_\_\_\_  
Paula H. Moss  
Notary  
5/25/17  
Date



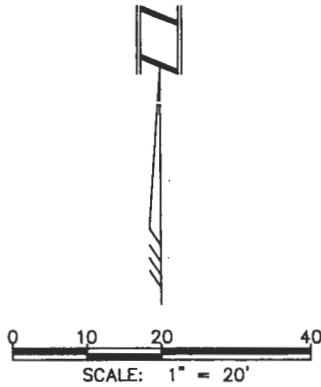
# MAP SHOWING SURVEY OF

LOT 22, BLOCK 9, OCEAN VIEW HIGHLANDS AS RECORDED IN PLAT BOOK 11,  
PAGE 36 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



**ISABELLA BOULEVARD**  
50' RIGHT OF WAY PAVED PUBLIC ROAD  
(FORMERLY FLORIDA BOULEVARD)

- NOTES
1. THIS IS A BOUNDARY SURVEY.
  2. NO BUILDING RESTRICTION LINES PER PLAT.
  3. INTERIOR ANGLES AS PER FIELD SURVEY.
  4. NORTH PROTRACTED FROM PLAT.



THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031C0419H, REVISED JUNE 3, 2013 FOR DUVAL COUNTY, FLORIDA.

THIS SURVEY WAS MADE FOR THE BENEFIT OF GREENE ALONZA TAYLOR, IV & CARLA SUE TAYLOR; FIRST COAST TITLE SERVICES; and WESTCOR LAND TITLE INSURANCE COMPANY.

**RECEIVED**  
 JUN - 2 2017  
 17-100105  
 PLANNING & DEVELOPMENT

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

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

CHECKED BY: \_\_\_\_\_  
 DRAWN BY: SWC  
 FILE: 2017-0691

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

DATE: MAY 23, 2017  
 SHEET 1 OF 1

**LEGAL DESCRIPTION:**

11-36 04-35-24E  
 OCEANVIEW HIGHLANDS  
 LOTS 21,22 - BLK 4  
 LOT: "22"  
 R/E STRAP # 1, 100806 0000  
 ADDRESS: 0  
 ISABELLA BLVD  
 JACKSONVILLE BEACH 32250

\*\*MAP BOOK "9509" / PAGE "0650603092" - DUVAL COUNTY, FLORIDA\*\*

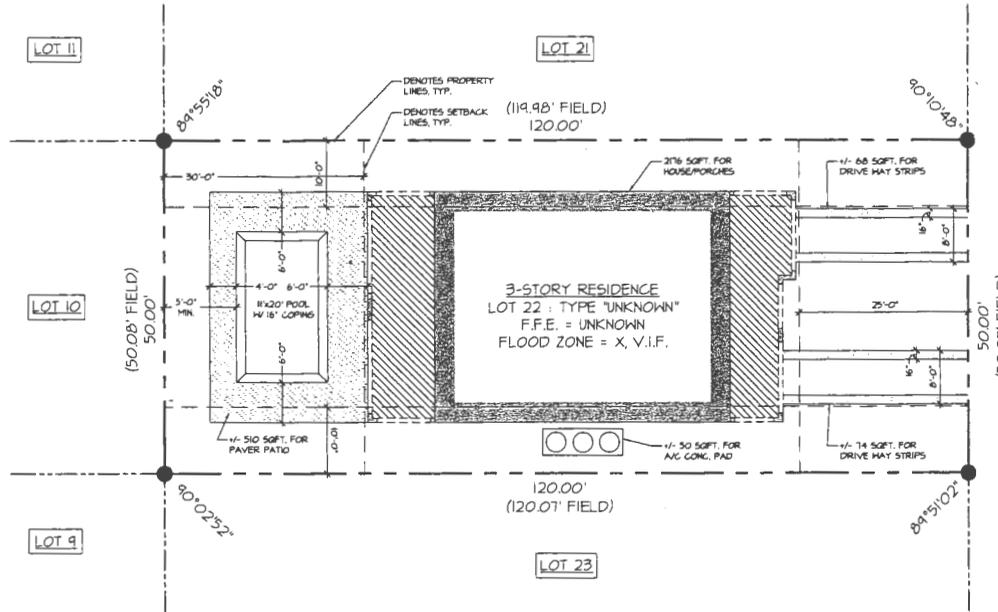


**SITE PLAN NOTES**

- IT IS THE RESPONSIBILITY OF THE GENERAL CONTRACTOR TO STAKE-OUT PERIMETER OF STRUCTURE & FIELD VERIFY ALL SETBACKS PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- FOOTPRINT PLACEMENT IS SHOWN FOR REFERENCE ONLY & IS SUBJECT TO CHANGE - REF. NEW SURVEY OR LANDSCAPE PLANS (FINAL HOUSE LOCATION TBD BY THE BUILDER OR G.C.)
- VERIFY EXIST. FLOOD ZONES & COORDINATE ALL REQUIRED DOCUMENTS/REQUIREMENTS W/ NEW BUILDING LOCATION IF APPLICABLE.
- VERIFY ALL CODES & RESTRICTIONS WITH STATE & LOCAL MUNICIPALITIES PRIOR TO CONSTRUCTION.
- S.C. TO VERIFY ANY EXISTING STRUCTURES, SEPTIC, GAS, ETC. DEMOLISH & RELOCATE AS REQUIRED PER LOCAL CODES OR FINAL LOCATION OF NEW HOUSE.
- \*\*ALL (WATER, SEWER, & ELECTRICAL) SERVICE PROVIDERS TO BE VERIFIED BY BUILDER\*\*
- \*\*THE APPLICANT/OWNER/CONTRACTOR SHALL IMMEDIATELY CONTACT DUVAL COUNTY LOT GRADING STAFF SHOULD MODIFICATIONS TO THE DRAINAGE PLAN BE REQUIRED DURING SITE DEVELOPMENT, BASED ON ACTUAL FIELD CONDITIONS.\*\*
- \*\*1% MINIMUM SLOPE WILL BE PROVIDED FROM BUILDING TO DISCHARGE POINT
- \*\*HVAC PAD LOCATION - TO BE COORDINATED BY BUILDER\*\*
- \*\*NOTE: DRAINAGE TYPE TO BE COORDINATED BY BUILDER\*\*

**SITE INFO:**

ZONING: JR5-2 - RES LD  
 FLOOD ZONE: X \*CERTIFICATES REQUIRED\*  
 FRONT SETBACK: 25'-0"  
 SIDE SETBACKS: 10'-0" (PROPOSE VARIANCE TO 7.5' SETBACKS)  
 REAR SETBACK: 30'-0"

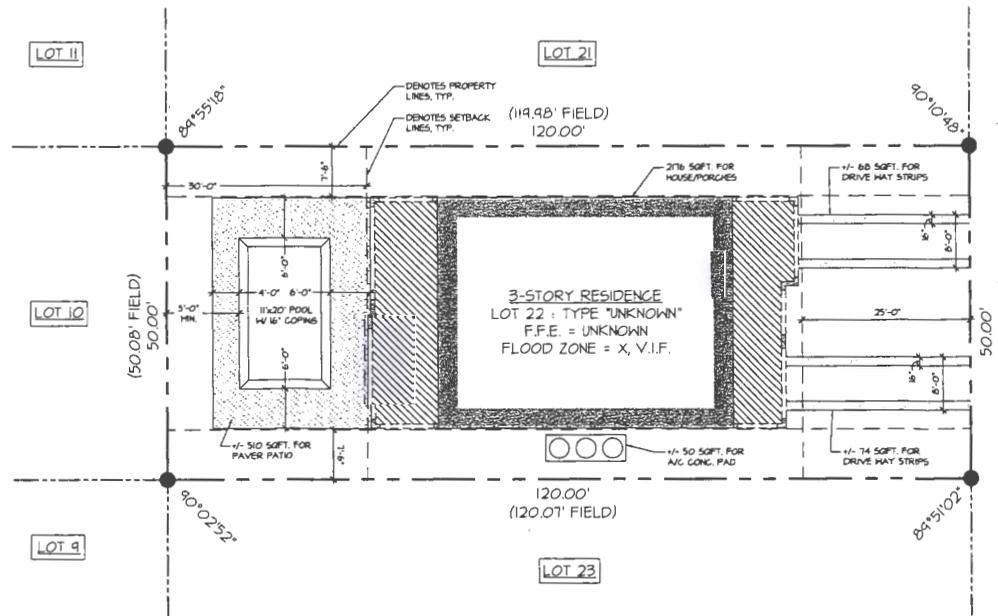


**SITE PLAN - ORIGINAL SETBACKS W/ 35% LOT COVERAGE**

SCALE: 1" = 10'-0"

**SITE CALCULATIONS: 35% MAX. COVERAGE**

TOTAL LAND AREA: 0.137406336 ACRES	= 6007.2 SQFT.
6,000 x 35%	= 2100 SQFT.
HOUSE/PORCHES - DRIVEWAYS - A/C PAD - PAVERS	= 2876 SQFT.



**SITE PLAN - PROPOSED SETBACKS W/ 49% LOT COVERAGE VARIANCE**

SCALE: 1" = 10'-0"

**SITE CALCULATIONS: 49% MAX. COVERAGE**

TOTAL LAND AREA: 0.137406336 ACRES	= 6007.2 SQFT.
6,000 x 49%	= 2940 SQFT.
HOUSE/PORCHES - DRIVEWAYS - A/C PAD - PAVERS	= 2876 SQFT.



JAA ARCHITECTURE INC.  
 3718 ST. JOHN'S AVE.  
 JACKSONVILLE FL 32209  
 P: 904.378-9108  
 E: JOHN@JAAARCHITECTURE.COM  
 LIC: AR92748

THIS DOCUMENT, ALONG WITH ASSOCIATED DOCUMENTS, IS AN INSTRUMENT OF DESIGNER'S SERVICE FOR THE EXCLUSIVE USE AT THE PROJECT IT IS SO HEREIN. INFORMATION DERIVED FROM THIS DOCUMENT AND/OR ASSOCIATED DOCUMENTS, MAY NOT BE USED FOR OTHER WORKS OR PROJECTS WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE DESIGNER.

**"TAYLOR RESIDENCE"**  
**LOT 22 - R/E # 180806 - 0000**  
 0 ISABELLA BLVD.  
 JACKSONVILLE BEACH, FLORIDA 32250  
**RECEIVED**

JUN - 2 2017  
 17-100105

PLANNING & DEVELOPMENT



DATE: 06.02.2017

PRJCT #:

SHEET

**A0.1**

SCHEMATIC SET



# APPLICATION FOR VARIANCE

BOA No. 17-100106

HEARING DATE 7/18/17

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. A boundary survey prepared by a registered land surveyor that shows the location of all existing improvements. Survey, plat or new site plan must also show all proposed additions and/or improvements added to the drawing, to scale (on 11"x17" paper or smaller).
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of **\$250.00** (due at the time of application submittal).
5. Completed application.

RECEIVED  
JUN - 2 2017

PLANNING & DEVELOPMENT

### APPLICATION INFORMATION

Applicant Name: Jeffery B Hall Telephone: (386) 693-5005  
 Mailing Address: 140 Palm Circle Flagler Beach, FL 32136 E-Mail: jbh0007@gmail.com

Agent Name: \_\_\_\_\_ Telephone: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

Landowner Name: Jeffery B Hall Telephone: (954) 304-3243  
 Mailing Address: \_\_\_\_\_ E-Mail: jbh0007@gmail.com

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

### VARIANCE DATA

Ret# 17106106-0000

Street address of property and/or Real Estate Number: 605 Upper 8th Avenue South  
 Legal description of property (Attach copy of deed): lot 19, Block 7 Oceanside Park  
 Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). Because of an allowed undersized lot I am unable to have a patio in the backyard.  
 Properties all over Jacksonville Beach especially new construction in south Jacksonville Beach are not held to a 35% lot coverage rule.

Applicant's Signature: [Signature] Date of Application: 6-2-17

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2 FLOOD ZONE: \_\_\_\_\_  
 CODE SECTION (S): 34-337 (c)(1) for 46.6% lot coverage, in lieu of 35% maximum  
to allow a patio addition to an exisiting single-family dwelling

**VARIANCE APPLICATION STANDARDS AND CONDITIONS**

BOA No. 17-100106

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

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

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	This is an undersized lot. <del>Not sure who or</del> why it was allowed.  JUN - 2 2017
Special circumstances and conditions do not result from the actions of the applicant.	NO	NO specail circumstances
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	NO	This rule varies all over Jacksonville Beach. Even new construction is not helld to this standard.
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	
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	
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	Its a small residential home and I want my grand kids to have a back patio to cookout on instead of the mud and sand.

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JUN - 2 2017  
17-100106  
PLANNING & DEVELOPMENT

Prepared by and return to:  
Jeffery B. Hall  
140 Palm Circle  
Flagler Beach, Florida 32136

General Warranty Deed

Made this 15<sup>th</sup> day of December, 2014 A.D. By Jeffery B. Hall and Sheryl B. Hall, his wife, whose address is: 140 Palm Circle, Flagler Beach, Florida 32136, hereinafter called the grantor, to Jeffery B. Hall and Sheryl B. Hall his wife, as to an undivided 80% interest, Clinton Richard Peters as to an undivided 10% interest and Rachel Lanae Peters as to an undivided 10% interest, all as joint tenants with rights of survivorship, whose post office address is: 605 South Upper 8th Avenue 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 19, Block 7, Oceanside Park, as per plat thereof, recorded in Plat Book 8, Page 13, of the Public Records of Duval County, Florida.

This Deed represents an intra-familial transfer of unencumbered property no consideration has been paid.

Parcel ID Number: 176466-0000

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, 2014.

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

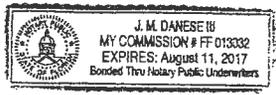
Signed, sealed and delivered in our presence:

[Signature]  
Witness Printed Name J. M. Danese  
[Signature]  
Witness Printed Name Linda Tainig

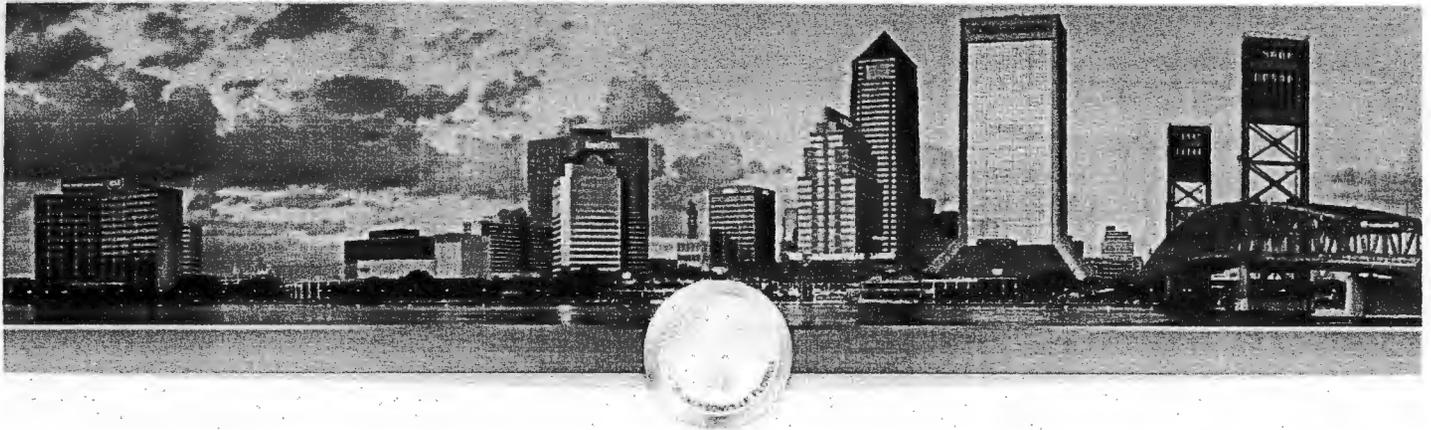
[Signature] (Seal)  
Jeffery B. Hall  
Address: 140 Palm Circle, Flagler Beach, Florida 32136  
[Signature] (Seal)  
Sheryl B. Hall  
Address: 140 Palm Circle, Flagler Beach, Florida 32136

State of Florida  
County of Duval

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of December, 2014, by Jeffery B. Hall and Sheryl B. Hall, his wife, who is/are personally known to me or who has produced drivers license as identification.



[Signature]  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_



Login is for County Staff Only  
**RECEIVED**  
 Login

[Property Tax Search](#)   [Account Detail](#)   [Bill Detail](#)

Welcome

**2016 Bill Detail**

[Property Tax Search](#)

Account Detail

Property Appraiser

JUN - 2 2017

17-100106  
 PLANNING & DEVELOPMENT

[Tangible Tax Search](#)

[Local Business Tax Search](#)

[Collection Cart](#)

[Tax Collector Home](#)

**Tax Account Details**

Account	Property Type	Year
176466-0000	REAL ESTATE	2016

**Mailing Address:**  
 HALL JEFFERY B ET AL  
 HALL SHERYL B R/S  
 605 S UPPER 8TH AVE  
 JACKSONVILLE BEACH, FL  
 32250

**SITUS:**  
 605 S UPPER 8TH AVE 32250

**Exemptions**  
 HX 25000  
 HB 25000

**Millage Code**  
 USD2

**Escrow Code**

**TDA Number**  
 0

**Status Code**

**Status Message**

**Legal Description**

8-13 04-3S-29E OCEANSIDE PARK LOT 19 BLK 7

Ad Valorem Taxes						
Taxing Code	Taxing Authority	Assessed Value	Exemption Amount	Taxable Value	Millage Rate	Taxes
1002	CITY OF JACKSONVILLE	\$241,865.00	\$50,000.00	\$191,865.00	8.15120	\$1,563.93
2001	ST JOHNS RIVER WTR MGMT DIST	\$241,865.00	\$50,000.00	\$191,865.00	0.28850	\$55.35
4001	FL INLAND NAVIGATION	\$241,865.00	\$50,000.00	\$191,865.00	0.03200	\$6.14
6002	USD2-JAX BEACH	\$241,865.00	\$50,000.00	\$191,865.00	3.79470	\$728.07
7001	SCHOOLS	\$241,865.00	\$25,000.00	\$216,865.00	6.80200	\$1,475.11
<b>Total</b>						<b>19.0684 \$3,828.60</b>

**Non Ad-Valorems**

No Non-Ad Valorem Assessment Records Found

**If Paid By**

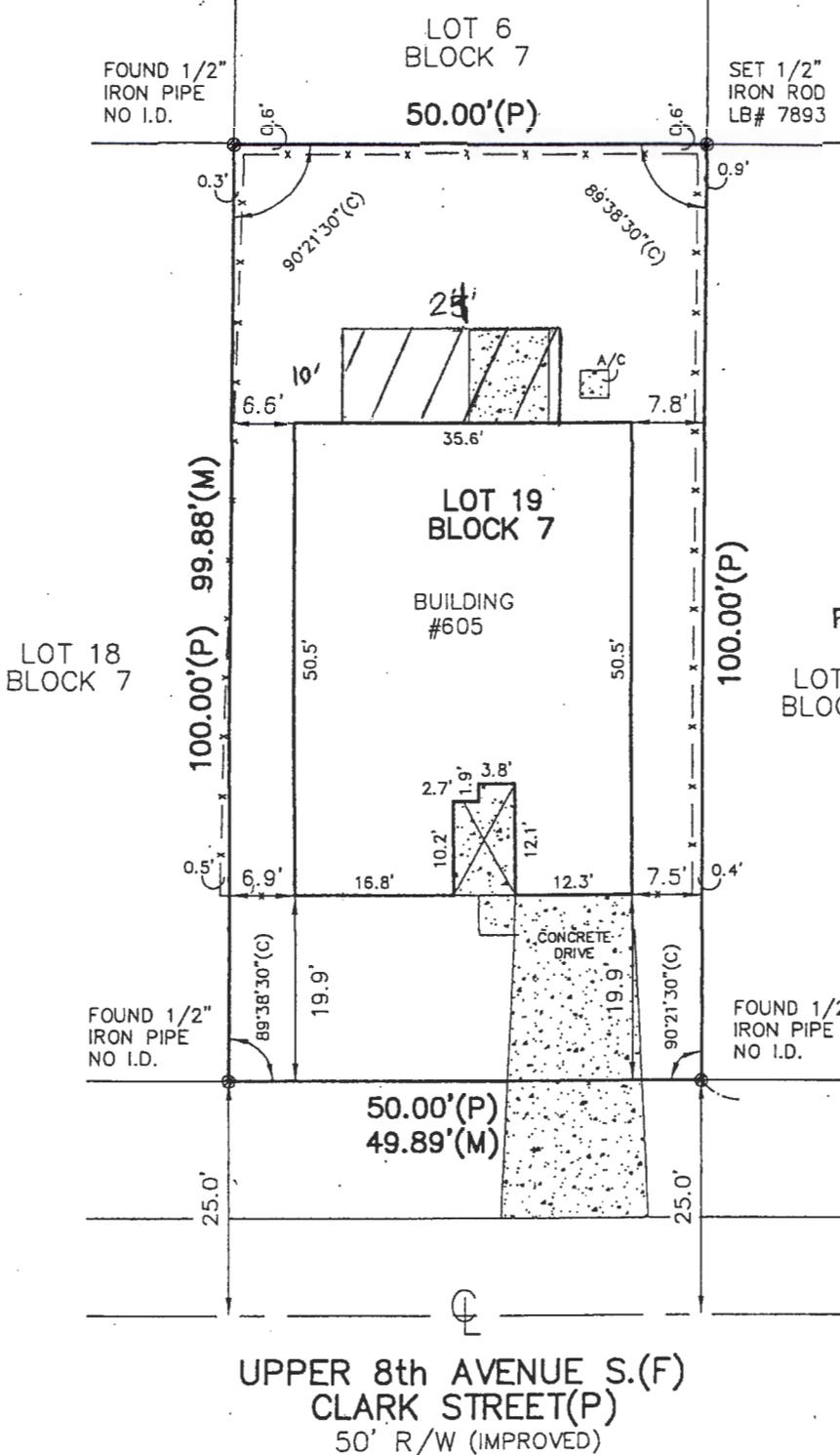
**Payment History**

Taxes	Fees	Interest	Discount	If Paid By	Amount Due
Date Paid	Receipt Year	Receipt	Receipt	Paid By	Paid
1/31/2017	2017	4231419.0001			\$3,752.03

**Unpaid Tax Certificates**

No Records Found

TO SCALE



**SURVEY NOTES**  
 CONCRETE DRIVE CROSSING OVER PROPERTY LINE ON SOUTHERLY SIDE OF LOT.  
 THERE ARE FENCES NEAR THE REAR AND SIDES OF THE PROPERTY.

RECEIVED

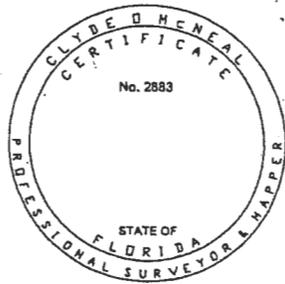
JUN - 2 2017  
 17-100106  
 PLANNING & DEVELOPMENT



UPPER 8th AVENUE S.(F)  
 CLARK STREET(P)  
 50' R/W (IMPROVED)

# BOUNDARY SURVEY

LB #7893

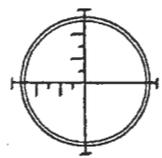


SURVEYORS CERTIFICATE

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)

Clyde O. McNeal  
Digitally signed by Clyde O McNeal  
 DN: cn = Clyde O. McNeal, c = US  
 Date: 2014.05.10 16:12:25 -0400



## TARGET SURVEYING, LLC

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 STATEWIDE FACSIMILE (800) 741-0576

# UPCHURCH, BAILEY AND UPCHURCH, P.A.

JOHN D. BAILEY, JR.  
FRANK D. UPCHURCH III  
DONALD W. WALLIS  
SIDNEY F. ANSBACHER  
KATHERINE GAERTNER JONES  
MICHAEL A. SIRAGUSA  
STEPHEN A. FAUSTINI  
ALLYSON BOYLES CURRIE  
ERIN ROHAN SMITH

ATTORNEYS AT LAW  
Established 1925  
780 North Ponce de Leon Boulevard  
St. Augustine, Florida 32084  
www.ubulaw.com  
Telephone (904) 829-9066  
Facsimile (904) 825-4862  
Please reply to:  
Post Office Drawer 3007  
St. Augustine, Florida 32085-3007

OF COUNSEL:  
TRACY WILSON UPCHURCH  
FRANK D. UPCHURCH, SR.  
(1894-1986)  
HAMILTON D. UPCHURCH  
(1925-2008)  
FRANK D. UPCHURCH, JR.  
(1922-2012)

December 2, 2016

## VIA EMAIL AND OVERNIGHT MAIL

**CLatham@jaxbchfl.net**

**Fed Ex Tracking #7778 4737 1858**

The Honorable Charles Latham, Mayor  
City of Jacksonville Beach, Florida  
11 North Third Street  
Jacksonville Beach, Florida 32250

Re: Claim for Dispute Resolution pursuant to s. 70.51, Fla. Stat.,  
by Almonaster, L.L.C. /

Dear Mayor Latham:

This law firm represents Almonaster, L.L.C. (Almonaster). Please accept this claim letter as a demand to initiate the special magistrate processes set out in the Florida Land Use and Environmental Dispute Resolution Act, s. 70.51, Fla. Stat. (the Demand) (the Act). This Demand concerns the City of Jacksonville Beach (City) Board of Adjustment development order denying an application requested by Almonaster on City Case No. BOA 16-100187 (the Order). The City Board of Adjustment denied its application on November 15, 2016, as shown on the attached Exhibit "A."

For purposes of the Act, Almonaster is an "Owner" that the Order negatively impacted. In advance of pursuing more formal remedies, including possible takings and Bert J. Harris Act claims under s. 70.001, Fla. Stat., and Federal and State equivalent claims under the United States Constitution; FLA. CONST., and the Equal Protection and Due Process clauses of those Constitutions, Almonaster initiates this dispute resolution process with the goal of resolving the issues the Order presents.

Almonaster own a medium density residential (RM-1) property at 2648 Almonaster St., Jacksonville Beach (the Property), at which it have expended substantial sums in expectation and anticipation of developing 4-6 condominium units. The application sought distance variances to authorize townhomes at far less coverage than is allowed as of right for condominiums today.

The City has interpreted its zoning code for multiple other nearby sites and owners to allow for greater densities and intensities, including property directly across

The Honorable Charles Latham, Mayor  
December 2, 2016  
Page 2

the street. Furthermore, the Owner, Almonaster, is entitled as of right to a condominium of up to six (6) units, at far greater intensity and density; has pulled permits to commence a four (4) unit condominium; and is prepared to expand to six (6) units.

The record of the proceedings on the Development Order demonstrate pervasive opposition to multi-family use of the Property. This, notwithstanding the fact that the property use allows more intensive multi-family as of right and allowing more intensive nearby uses.

Additionally, the development order violates S. 166.033, Fla. Stat., because it fails to identify and cite authority supporting the denial.

The foregoing shows the development order is unreasonable and unfairly burdens the Owner's interest in the Property.

We appreciate your promptly processing this consistent with s. 70.51, Fla. Stat., and hope we can promptly resolve this dispute.

I remain,

Respectfully,



Sidney F. Ansbacher

SFA/cs  
Enclosure

cc: Susan Erdelyi, Esq. (w/encl) (via email)  
Client

**CERTIFIED MAIL # 7012 2210 0002 4628 9422**

November 16, 2016

Mr. David Palaj  
12480 Arrowleaf Lane  
Jacksonville, FL 32225

RE: BOA# 16-100187  
2648 Almonaster Street  
(all of Lot 10, Block 8, together with Lots 4 and 5, Block 8,  
except the west 120 feet thereof, Atlantic Shores)

Dear Mr. Palaj,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, November 15, 2016 to consider your application for a variance from the requirements of the Land Development Code.

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

- 34-339(e)(4)b. for interior lot widths of 12.08 feet and 12.56 feet each in lieu of 15 feet required, and for exterior lot widths of 12 feet and 12.08 feet, each in lieu of 25 feet required.
- 34-339(e)(4)c.3., for a rear yard setback of 20 feet in lieu of 30 feet required.
- 34-373(d) for parking area setback of 0 feet in lieu of 5 feet along interior property lines.

To allow for a development of a four-unit townhouse project.

The Board **denied** the request.

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

Sincerely,



Heather Ireland, AICP  
Senior Planner

**Exhibit A**



**Special Magistrate's Report and Recommendation  
In the Section 70.51, Florida Statutes, Proceeding Initiated  
by Almonaster, LLC , following the City of Jacksonville Beach's  
Board of Adjustment Denial of Almonaster's Application for a Variance  
City File No. 29137**

Pursuant to Section 70.51(15)(a), Florida Statutes, Terrance E. Schmidt , as special magistrate, held hearings in this proceeding on April 25 and May 1, 2017, after due notice to the parties and all substantially affected persons. The hearings were held for the purpose of determining whether Almonaster, LLC ("owner") and the City of Jacksonville Beach, Florida, could resolve their differences arising out of the decision by the City's Board of Adjustment ("Board") to deny a variance application submitted by owner for property located at 2648 Almonaster Street, Jacksonville Beach, Florida (the "property").

In attendance at the April 25, 2017, hearing were Keith Pereau, David Palaj, and Sidney Ansbacher, Esq. on behalf of the owner and Bill Mann, City Planning and Development Director, and Susan Erdelyi, Esq., City Attorney, for the City of Jacksonville Beach. Those same persons attended the May 1, 2017, hearing and interested person Doug Hastie also attended that hearing.

The April 25, 2017, hearing was conducted as the mediation portion of the proceeding at which all of the persons present discussed the history of the subject property located adjacent to the owner's previous development of the four townhouses directly behind and to the west of the property on Isabella Street, the Board of Adjustment's denial of the variance application on the grounds that the applicant did not establish a "hardship," and other potential uses of the property. The hearing did not result in an agreement between the parties. Accordingly, the hearing was continued to May 1, 2017, to allow the two parties to present evidence and oral argument to the special magistrate in support of their respective positions.

Between the two hearings, the special magistrate listened to the tape of the Board of Adjustment meeting at which the Board heard from the applicant and interested persons, and individual Board members made comments regarding the application and their individual votes to deny the application.

At the May 1, 2017 hearing, the parties agreed that the special magistrate could consider the owner's December 2, 2016 demand to initiate Section 70.51 proceedings; the City's April 24, 2017 response, including the tabbed documents attached to the City's response; the audio tape of the Board of Adjustment meeting; and a Google aerial map depicting the property and surrounding neighborhood attached as Exhibit A. The owner's representative, David Palaj, testified under oath regarding the variance

[■]  
**MarksGray**  
LAWYERS FOR ENTERPRISE

**SUSAN S. ERDELYI**  
Attorney at Law  
email: sse@marksgray.com  
tel: 904.807-2126  
fax: 904.399.8440

April 24, 2017

Mr. Terrence Schmidt  
Bledsoe Jacobson  
501 Riverside Avenue, Suite 903  
Jacksonville, Florida 32202

RE: Almonaster/Jacksonville Beach  
Our File No.: 29137

Dear Mr. Schmidt:

We write to give the City of Jacksonville Beach's response to Almonaster's demand for a 70.51 proceeding in the referenced matter.

Almonaster's complaint was made after the City of Jacksonville Beach's Board of Adjustment denied Almonaster's application for a variance. *See Application, attached as #2 and Denial letter attached as # 5.* At the time it applied for the variance, Almonaster had already secured permits to build a four-unit condominium structure. *See # 1 to documents attached.* The variance application was filed by Almonaster LLC on October 17, 2016. After proper notice, a public hearing was held on November 15, 2016. The board unanimously denied Almonaster's request for the following variances:

- interior lot widths of 12.08 feet and 12.56 feet in lieu of 15 feet
- exterior lot widths of 12 feet and 12.08 feet each in lieu of 25 feet.
- Rear yard setback of 20 feet in lieu of 30 feet.
- Parking area setback of 0 feet in lieu of 5 feet along interior property lines.

Almonaster had planned to build a four-unit condominium, but changed its plans because it preferred to build fee-simple town houses instead. The variance request for reduced setbacks was related to the change of plans.

The City's position is that its board made the right decision under the city's code because Almonaster failed to meet the definition of "hardship" as required by the code. Relevant sections of the code are contained in Sec. 34-339. *See Exhibit 13.* This section contains the various setback requirements for the RM-1 (residential multifamily) zoning district. Also relevant is Division 6, Sec. 34-281-34-289 governing variances. *See Exhibit 14.*

April 24, 2017  
Page 2

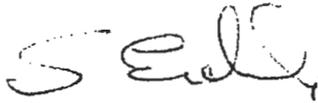
Testimony at the hearing included neighbors who both supported and opposed the variances.

Included with this letter is a chronology of documents with a timeline that the parties and you may find helpful in tomorrow's proceedings.

Thank you for agreeing to serve as the special magistrate in this matter.

Kind regards,

**MARKS GRAY, P.A.**

A handwritten signature in cursive script, appearing to read "S Erdelyi".

Susan S. Erdelyi

SSE/jlm  
Enclosure  
cc: Sid Ansbacher, Esquire  
29137/1499609

application and the need for the variance. The owner also submitted through Mr. Palaj a site plan, elevation drawings, and a three-dimensional rendering of a six-unit condominium that could be built on the site under its existing zoning without requiring any variances. Copies of the drawings are attached as Exhibit B. Mr. Hastie spoke about his and other neighbors' concerns about the effect the project might have on parking on Almonaster Street and identified his home and the site of a Gate gas station to the northeast of the subject property that is not shown on the Google map.

At the special magistrate's request and with the consent of both parties, the owner supplemented the record with copies of the permit set of drawings for the 4-unit townhouses constructed by the owner on Isabella Street ("Isabella drawings"), relevant pages of which are attached as Exhibit C and the permit set of drawings for the 4-unit townhome project that is the subject of this proceeding ("Almonaster drawings"), relevant pages of which are attached as Exhibit D.

Both parties have waived the time deadline requirements under Section 70.51, Florida Statutes.

Findings of Fact

Based on the evidence described above, the special magistrate makes the following findings of fact:

1. The owner bought the property in the fall of 2014.
2. At the time the owner bought the property, it was zoned for multi-family use up to 20 units per acre.
3. The property is approximately 1/3 of an acre but is 2 square feet short of being large enough to build a 6-unit condominium. However, the owner has a commitment from the adjacent landowner on Almonaster Street to sell owner the 2 feet, if necessary for the owner to build a 6-unit condominium.
4. The owner originally sought and obtained a building permit in May 2015 to construct a 4-unit condominium on the property. The owner did not require any zoning changes because the property was zoned for more than 4 units. The owner did not require any variances because the footprint of the building was within the applicable setback restrictions, there was adequate road frontage for the driveway access to a condominium, and there was adequate space in the garages and on the common

driveway area in front of the building to accommodate the required 8 parking spaces (2 per unit).

5. After obtaining the building permit, the owner became concerned about unforeseen liabilities associated with building a 4-unit condominium, including increased expenses for insurance and increased architect fees associated with the architect's increased liability exposure for designing condominiums that the architect would pass on to the owner. Those extra costs would have required the owner to construct a 6-unit condominium to absorb the additional costs which was something the owner preferred not to do. As a result, the owner decided to construct the project as four townhouses with fee title to each unit being held separately by each owner. Mr. Palaj testified that the townhouses would also be more conforming with the rest of the structures in the neighborhood, which includes the townhouses that back up to the property and single family residences to the south with sloped roofs (the 6-unit condominium would have had a flat roof and parking under the units to comply with the 35-foot building height restriction and parking requirements for 6 units).

6. The problem that arose from the decision to build the townhouses was that each townhome required its own separate driveway. The two outside townhouses required at least 25 feet of road frontage and each interior townhome required at least 15 feet of road frontage to meet the applicable setback requirements. Additionally, there was a minimum setback requirement of 5 feet between each driveway. Although the off-road portion of the property is large enough to construct the building without requiring any variances for the building itself, the full width of the property does not all front on Almonaster Street. Rather, while the property itself is approximately 100 feet wide on the building pad portion, it is only approximately 48 feet wide at the street. Accordingly, the owner needed variances from the minimum setbacks for the road frontage and driveway separations ("driveway variances") to build the units as townhouses even though the paved parking area would be essentially the same as the paved parking common area for the 4-unit condominium.

7. As a result of the unusual configuration of the property and the need for separately titled lots, the owner decided to move the building footprint back approximately 10 feet from the footprint of the proposed condominium to enable each unit owner to have the greatest parking area possible on his or her lot in front of his or her unit. However, that change brought the back of the building to within between approximately 20 feet from the back lot line for the nearest unit to 24.4 feet for the furthest unit. That move required a variance from the rear yard setback requirement of 30 feet.

8. The owner filed an application for a variance from the driveway setback requirements and the rear yard setback which was heard before the Board of Adjustment on November 15, 2016. At the hearing, Mr. Palaj described the project and the need for the variances and identified the "hardship" as the unusual shape of the lot and the desire to move the building back to facilitate more parking area on the site.

9. The interested persons who spoke regarding the variance request were the following:

- a. Jon McGowan, who does not live in the neighborhood, spoke in favor of drawing a line in the sand against granting variances for townhouses next to single family homes;
- b. Doug Hastie, who lives on Isabella Street (the street behind and to the west of the property), stated that the Board had turned down a variance request by the owner several months ago and asked that the Board turn this variance request down also;
- c. Anna Lee, who lives in one of the four-unit townhouses previously constructed by the owner directly behind the subject property on Isabella Street had been concerned about the effect of the rear setback variance on her property but after hearing the presentation said she had no problem with the variance request;
- d. Charles and Karen Hutcherson who live on St. Augustine Boulevard expressed concern that the project would result in parking problems on Almonaster Street and opposed granting the variance;
- e. Wendy Lovett , who lives in one of the four-unit townhouses previously constructed by the owner directly behind the subject property on Isabella Street, complimented the owner on the construction of her townhome and spoke in favor of the variance; and
- f. Michael Garby, who lives on the corner of St. Augustine Blvd. and Almonaster Street immediately adjacent to the subject property (his property is most directly affected by the driveway variance) spoke in favor of granting the variance.

10. Mr. Palaj briefly responded to the public comments. He explained that this variance request was different than the one made last year. He also noted that the property was zoned for multi-family, and the owner could build more units if it had chosen to build a condominium project which would result in more traffic problems than

the current project. He did not specifically say that a 6-unit 3-story condominium could be built on the property without the need for any variances.

11. After hearing from members of the public, the Board members generally expressed concerns about approving a variance to permit the 4-unit townhome project adjacent to single family residences and the effect the townhouses might have on traffic on Almonaster Street and voted 5-0 to deny the variance.

12. Section 34-281, Ordinances of the City of Jacksonville Beach, provides:  
"Purpose.

Variances are deviations from the terms of the LDC which would not be contrary to the public interest and owing to special circumstances or conditions, the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship." (emphasis added)

13. Section 34-283, Ordinances of the City of Jacksonville Beach, provides that "Variances shall only be granted from the dimensional standards of Article VII.... Variances shall not be granted to permit a use not generally allowed in the zoning district in which [the property] is located."

14. There is no specific definition of "hardship" in the City's ordinances but Section 34-286 sets the standards applicable to variances as follows:

"In order to authorize any variance from the terms of this Code, the board of adjustment must find that:

- (1) Special conditions and circumstances exist which are peculiar to this parcel of land ... which are not applicable to other parcels of land in the same zoning district;
- (2) Special circumstances and conditions do not result from the actions of 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 ... in the same 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;
- (5) Grant of the variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure; and

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

15. The subject property is located in a “residential, multiple family (RM-1) zoning district” which permits multiple family dwellings (i.e., apartments, condominiums and townhouses). The square footage of the property would permit a 5-unit condominium, but with the acquisition of 2 square feet the adjacent neighbor has agreed to sell to the owner, if necessary, the square footage would permit a 6-unit condominium on the site with parking beneath a three-story building with a flat roof that would meet the 35-foot height restriction.

16. The 4-unit townhouses the owner seeks to construct on the property are virtually identical to the 4-unit townhouses the owner built on Isabella Street in 2015 that are directly behind the property. Although the units in each project have living space on the third floor, that space is a single bonus room which occupies no more than half of the basic footprint of each unit. It is also significant that the southerly wall of the Isabella building has two windows on the second floor and one window on the third floor (in the bonus room) that look down on the single family homes to the south; the southerly wall of the proposed Almonaster building has only one window on the third floor (in the bonus room) that looks down on the single family homes on St. Augustine Blvd. See Exhibits B and C.

17. In contrast to the two 4-unit townhome projects, a 6-unit condominium that could be built on the property without the necessity of any variances would have full floors on the second and third floors, six windows on the second and third floors of the southern end, and balconies on the second and third floors on the southeast corner that would look out over the neighbors’ homes to the south. See Exhibit B

#### PARTIES’ RESPECTIVE POSITIONS

It is the City’s position that the variance application was properly denied by the Board because the owner did not establish a “hardship” as that term is used in Section 34-286, primarily because the owner could build a 4-unit condominium on the property without the necessity for a variance. Accordingly, because the owner has an alternative economical use for the property in the form of a 4-unit or 6-unit condominium, the owner’s preference to build a 4-unit townhome project did not constitute a “hardship.”

It is the owner's position that the "hardship" arises from the unusual shape of the lot with its restricted front footage on Almonaster Street. The owner also contends that the 4-unit townhome development is not materially different from the 4-unit condominium for which a permit was granted and the townhome plan relieves the neighborhood of the "hardship" resulting from a 6-unit condominium built on the property.

As noted above, the interested members of the public and some members of the Board were primarily concerned at the hearing about the very existence of multi-family housing next to the single-family homes on St. Augustine Blvd. and the potential that residents of the townhouses or their guest might create a parking problem on Almonaster Street. In general, the expressed sentiment was that any multi-family housing next to the single-family residences on St. Augustine Blvd. would be objectionable both aesthetically and due to the perceived street parking problems. There was no discussion among the owner, the Board or members of the public regarding the effect on the neighborhood if the owner built the 6-unit 3-story condominium project it could legally build on the property without the necessity for any variances.

#### THE SECTION 70.51 PROCESS

Section 70.51, Florida Statutes, is entitled Land Use and Environmental Dispute Resolution. Under the statute, if an owner believes that a governmental development order (specifically including an order denying a variance) is unreasonable or unfairly burdens the use of the owner's property, the owner may apply for relief under the statute. Section 70.51(2)(a) and (3), Florida Statutes.

Under Section 70.51, the special magistrate does not act as a circuit court or appellate court to determine whether the City's decision is the correct legal decision. Nor does the process create a separate legal cause of action. Section 70.51(24). Rather, Section 70.51 tolls the time for the owner to bring judicial action so that the special magistrate can assist the City and the owner in determining if there is some mutually agreeable accommodation that can be reached that will avoid costly litigation between them.

The statute requires the special magistrate to first conduct a mediation at a public hearing. The hearing "must be informal and open to the public and does not require the use of an attorney.... The object of the hearing is to focus attention on the impact of the

government action giving rise to the request for relief and to explore alternatives to the development order....” Id. at 70.51(17)(a)(emphasis added)

Section 70.51(17) specifically provides that **the special magistrate’s “first responsibility is to facilitate a resolution of the conflict between the owner and governmental entities to the end that some modification of the owner’s proposed use of the property or adjustment in the development order ... may be reached.”** Id. at 70.51(17)(a)(emphasis added) However, if the parties cannot reach an acceptable resolution, “the special magistrate shall consider the facts and circumstances set forth in the request for relief and any responses and any other information produced at the hearing in order to determine whether the action by the governmental entity ... is unreasonable or unfairly burdens the real property.” Id. at 70.51(17)(b)(emphasis added)

Section 70.51 specifically authorizes the special magistrate to consider, among other things:

- (a) The history of the real property, including when it was purchased, where it is located, ... and how it was initially used.

\*\*\*

- (c) The history of ... land use controls [on the property] ....
- (d) The present nature and extent of the real property, including its natural ... characteristics.
- (e) The reasonable expectations of the owner at the time of acquisition ... under the regulations then in effect....
- (f) The public purpose sought to be achieved by the development order ...; whether the development order ... is necessary to the achievement of the public purpose; and **whether there are alternative development orders that would achieve the public purpose and allow for reduced restrictions on the use of the property.**

\*\*\*

- (g) Any other information determined relevant by the special magistrate.” (emphasis added)

Section 70.51(19) provides that the special magistrate may, subject to the owner’s consent, **“recommend one or more alternatives that protect the public interest served by the development order ... but allow for reduced restraints on the use of the owner’s real property, including but not limited to :**

1. An adjustment of land development ... standards.

2. Increases or modifications in the density, intensity or use of areas of development.

\* \* \*

9. Issuance of ... a variance, special exception, or other extraordinary relief .... (emphasis added)

The special magistrate's recommendation is not binding on the parties; however, regardless of whether the City or owner accepts or rejects the special magistrate's recommendation, the special magistrate's determination that "the development order ... is unreasonable or unfairly burdens the use of the owner's property may serve as an indication of sufficient hardship to support ... variances, or special exceptions to the application of ... [the] ordinances to the subject property" in a subsequent judicial proceeding. *Id.* at 70.51(25)(emphasis added); See also Bentley, *Understanding the Florida Land Use and Environmental Dispute Resolution Act*, 37 Stetson L. Rev. 381, 417-18 (2008)

### SPECIAL MAGISTRATE'S CONCLUSIONS

Based on the evidence at the second hearing, the special magistrate finds that the action of the Board in denying the variance was unknowingly<sup>1</sup> unreasonable and/or unfairly burdens the owner's property within the meaning of Section 70.51 with no benefit, and actually a potential detriment, to the public interest and the interests of the adjoining property owners and immediate neighbors for the following reasons:

1. Because the property is zoned RM-1, the variance application did not violate the absolute prohibition in Section 34-283 for "a use not generally allowed in the zoning district in which [the property] is located."

2. The owner's variance application was arguably consistent with the stated purpose of Section 34-281 quoted above. In the first place, for the reasons stated below, the requested variance was not only not contrary to the public interest, it was beneficial to the public interest to the extent the owner was voluntarily reducing the legally permissible density of the project from 6 units to 4 units and building townhouses with pitched roofs which were more consistent with the adjacent single family homes than a 3-story condominium project with a flat roof and all of the dwelling space and balconies on the second and third floors. Second, the lot does constitute a "special

---

<sup>1</sup> The special magistrate's conclusion that the decision was "unknowingly unreasonable" is based on the fact that much of the information presented in this proceeding was either not presented to the Board or not effectively communicated to the Board at the November 15, 2016, hearing. Thus, the Board did not have the opportunity to consider many of the key factors that lead the special magistrate to conclude that denial of the variance application was unreasonable and/or unfairly burdens the owner's property within the meaning of Section 70.51.

circumstance or condition” because it is essentially a 100’ wide lot with a 48’ bottleneck entrance at the road, an unusual lot configuration at the least. Finally, the literal interpretation of the applicable setbacks resulted in an “undue and unnecessary hardship” on the owner, the neighborhood and the public because the 4-unit townhome development was substantially the same as the 4-unit condominium already approved and substantially better for all concerned than a 6-unit condominium which could be constructed on the property.

3. The application also arguably met the requirements of Section 34-283 for the following reasons (numbered to correspond to the subsections of Section 34-283):

(1) The bottleneck characteristic of the lot at the street is a “special condition or circumstance peculiar to this parcel of land;”

(2) The bottleneck did not result from the actions of the owner;

(3) Granting the variance would not have conferred on the owner any special privilege denied by the comprehensive plan;

(4) The literal interpretation and enforcement of the existing variances would deprive the owner of rights commonly enjoyed by other parcels of land in the same zoning district and would work an unnecessary and undue hardship on the owner as evidenced by the fact that the Google aerial photograph and owner’s site plan demonstrate there would be substantially more on-site parking area on the property than there is for the townhouses previously constructed by the owner adjacent and to the west of the property. Accordingly, denial of the variance application deprived the owner of the right to construct townhouses consistent with the existing zoning and directly adjacent townhouses with no benefit to the neighborhood or the public from the denial.

(5) The requested variances from the road frontage and driveway setback requirements were the minimum variances necessary to make possible the reasonable use of the land for a 4-unit townhome project. The 10’ rear yard setback variance was arguably the minimum variance necessary to construct the 4-unit townhouses with the least detrimental effect to the public by moving the footprint back ten feet to increase the parking surface in front of the building and avoid vehicles parking in the street. However, as discussed below, it appears to the special magistrate that a variance may still permit the owner to build the same townhouses and permit angled driveway parking on the easterly portion of the parking area; and

(6) The grant of the variance would have been generally consistent with the purposes of the comprehensive plan and would not have adversely affected the

adjacent land because the 4-unit townhome project was consistent with (a) the applicable zoning, (b) the very similar 4-unit townhome project previously built by the owner immediately adjacent to the west of the property; (c) the one-story or two-story single family residences on St. Augustine Blvd.; (d) a reasonable transition between the commercial properties to the north and east, the 4-unit townhouses to the west, and the single-family residences to the south. In that regard, perhaps the best evidence that the project is consistent with the adjacent property is the fact that two of the four townhome owners to the west and Mr. Garber, the owner of the only adjacent single-family residence fronting on both St. Augustine Blvd. and Almonaster Street (who would therefore be most affected by the street parking concern) all spoke in favor of the variance request. No adjacent property owner opposed the variance request.

4. The denial was from all appearances based on the understandable but erroneous belief that the 4-unit townhome development would be more detrimental to the neighborhood than the 4-unit condominium project for which the permit had been approved. However, the parking problems on Almonaster Street or St. Augustine Blvd. would be no greater for a 4-unit townhome development than they would be for a 4-unit condominium, and as noted above, there is more parking surface on the townhome site plan than on the condominium site plan.

5. The variance request for the road frontage and driveways similarly had no greater adverse effect on the neighborhood or the public. The evidence at the hearing established that there would be greater on-site parking area for the 4-unit townhouses than for the 4-unit condominium. The only difference between the two parking areas was that the owners of the townhouses would have fee title ownership to their respective driveways and parking areas. However, in response to a question from the special magistrate, the City Planning and Development Director stated that the City would not permit the unit owners to fence off their driveways and would require that the unit owners' property be subject to cross-easements to allow emergency vehicles access to the townhouses. Accordingly, there would be no visible difference between the parking area for the condominium and the parking area for the townhouses. The testimony confirmed that the only difference would be the three lines on a paper survey delineating the internal boundaries of the individual townhouse lots. See Exhibit E (owner's site plan with the relevant townhouse lot survey lines highlighted):

6. The denial did not appear to take into account the owner's ability to build a 6-unit condominium project on the property without the necessity for any variances. That project would have a materially greater adverse effect on the neighborhood because the primary dwelling units would be on the second and third floors of the condominium so that the unit owners would be looking down on their neighbors from one floor higher up than would be the case with the townhouses. Moreover, the

concerns expressed by members of the public and the Board that the townhouses were an inappropriate intrusion on the single-family homes to the south would be exacerbated by the taller, far less esthetically attractive condominium project for which the property is properly zoned.<sup>2</sup>

7. This is also not a case where approval of the variance could create a bad precedent or a slippery slope with respect to future variance applications. The property in this case is infill property between commercial property to the north and east, the townhouses to the west, and the single family residential homes with full street frontage to the south. The lot is uniquely configured. Accordingly, there would be little or no comparable variance request in an area with the same zoning and the same circumstances where an owner could look to this variance request as the basis for seeking another. Moreover, the law in this jurisdiction is that the grant of a variance to surrounding property owners is not a relevant fact and cannot be the basis for granting a variance that does not otherwise meet the requirements of law. City of Jacksonville v. Taylor, 721 So.2d 1212 (Fla. 1st DCA 1998).

8. The rear yard setback presents a dilemma to the special magistrate. On the one hand, the rear setback variance unquestionably frees up more parking space in front of the building, and two of the four neighbors directly affected by that variance request appeared at the hearing before the Board and spoke in favor of the variance. On the other hand, it appears from the site plan that the pictured vehicles drawn on the site plan might still have sufficient room to park in the slanted portion of the driveways if the building were moved forward either 5 feet or 10 feet. The special magistrate is neither an engineer nor a land planner, hence the dilemma reflected in paragraph 2 below:

For all of the foregoing reasons, the special magistrate makes the following recommendations:

1. Subject to approval of this recommendation by the Board of Adjustment and the owner and approval of the owner's Development Plan and Building Permit application by the City, the owner would waive any right to construct a 5-unit or 6-unit condominium on the property.

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<sup>2</sup> The present owner may not necessarily be the party that builds such a condominium. If the present owner does not desire to build either a 4-unit condominium or a 6-unit condominium, it always has the option of selling the property to another developer that would be less concerned about building the 6-unit condominium, especially since it can be built without the need to apply for any variances from the City.

2. Absent agreement from the Board of Adjustment to permit the full 10' rear setback variance in order to accommodate greater parking in front of the townhouses and less potential for on-street parking by owners and/or guests, the owner's requested setback variance be limited to 5 feet (i.e., the distance from the back property line to the building footprint would be approximately 29.4 feet at the south end and 25.0 feet at the north end of the building).<sup>3</sup>

3. The driveway variances be approved by the Board of Adjustment, subject to the owner (a) establishing cross-easements over the driveways as required by the City Planning and Development Director for cross access by the townhouse owners and for emergency vehicle access to the townhouses and (b) installing a low decorative fence as close to the street as permissible on either side of the driveway to discourage on-street parking by unit owners and guests.

4. Pursuant to Sections 70.51(19) and (21), this recommendation is subject to the owner's consent and approval by the City Commission.

Dated: June 12, 2017



TERRANCE E. SCHMIDT, ESQ.  
SPECIAL MAGISTRATE  
501 Riverside Avenue  
Suite 903  
Jacksonville, Florida 32202

Cc: Office of Attorney General  
State of Florida  
Department of Legal Affairs  
The Capitol PL-01  
Tallahassee, Florida 32399-1050

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<sup>3</sup> It is the special magistrate's intention that consideration of this recommendation by the Board of Adjustment should include a discussion of whether the 10' setback variance should be approved notwithstanding this recommendation so as to increase the parking area in the front of the building to facilitate on-site parking. The special magistrate's recommendation that the variance be reduced to 5' is based on an uninformed assumption that the 5' reduction in parking area in front of the building will not adversely affect each townhome owner's ability to park one car in the garage and one car in the driveway in front of his or her unit. If that is an erroneous assumption, the special magistrate would recommend that the City approve the 10' variance.



# APPLICATION FOR VARIANCE

BOA No. 11-100187  
HEARING DATE 11-15-16

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. A boundary survey prepared by a registered land surveyor that shows the location of all existing improvements. Survey, plat or new site plan must also show all proposed additions and/or improvements added to the drawing, to scale (on 11"x17" paper or smaller).
2. Proof of ownership (copy of deed or current property tax notification).
3. If applicant is not owner, notarized written authorization from owner is required.
4. Non-refundable processing fee of \$250.00 (due at the time of application submittal).
5. Completed application.

RECEIVED  
OCT 17 2016

**SCANNED** PLANNING & DEVELOPMENT

## APPLICANT INFORMATION

Applicant Name: ALMONASTER LLC Telephone: 904-305-3112  
 Mailing Address: ~~12480~~ 12480 Arrowleaf Ln. E-Mail: DavidPalaj1@gmail.com  
 Agent Name: JAN R 32225 Telephone: \_\_\_\_\_  
 Mailing Address: DAVID PALAJ E-Mail: \_\_\_\_\_  
SAME  
 Landowner Name: SAME ALMONASTER LLC Telephone: 904-305-3112  
 Mailing Address: 12480 Arrowleaf Lane E-Mail: DavidPalaj1@gmail.com  
JACKSONVILLE, FL 32225

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

Ret# 180517-0200

## VARIANCE DATA

Street address of property and/or Real Estate Number: 2648 Almonaster St. @ Jan R 32225  
 Legal description of property (Attach copy of deed): ALL OF LOT 10, BLK 8, TOGETHER WITH LOTS 4 & 5 BLK 8 EXCEPT  
 Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). SHAPE OF LOT, CREATES HARDSHIP THE WEST 120 FEET  
REAR YARD 20 FT. IN LIEU OF 30 FT; CROSS EXEMENTS  
DRIVEWAYS  
HERE ON ATLANTIC SIDE

Applicant's Signature: [Signature] Date of Application: 10/17/2016

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: BM-1 FLOOD ZONE: \_\_\_\_\_  
 CODE SECTION (S): 34-339(e)(4)b. for interior lot widths of 12.03' and 12.56', each in lieu of 15' required, and for exterior lot widths of 12' and 12.03', each in lieu of 25' required;  
34-339(e)(4)c.3 for a rear yard setback of 20', in lieu of 30' required;  
34-373(d) for parking area setback of 0', in lieu of 5' along interior property lines,  
to allow development of a four-unit townhouse project.

**VARIANCE APPLICATION STANDARDS AND CONDITIONS**

BOA No. 16-100187

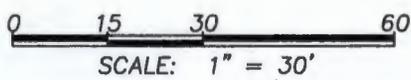
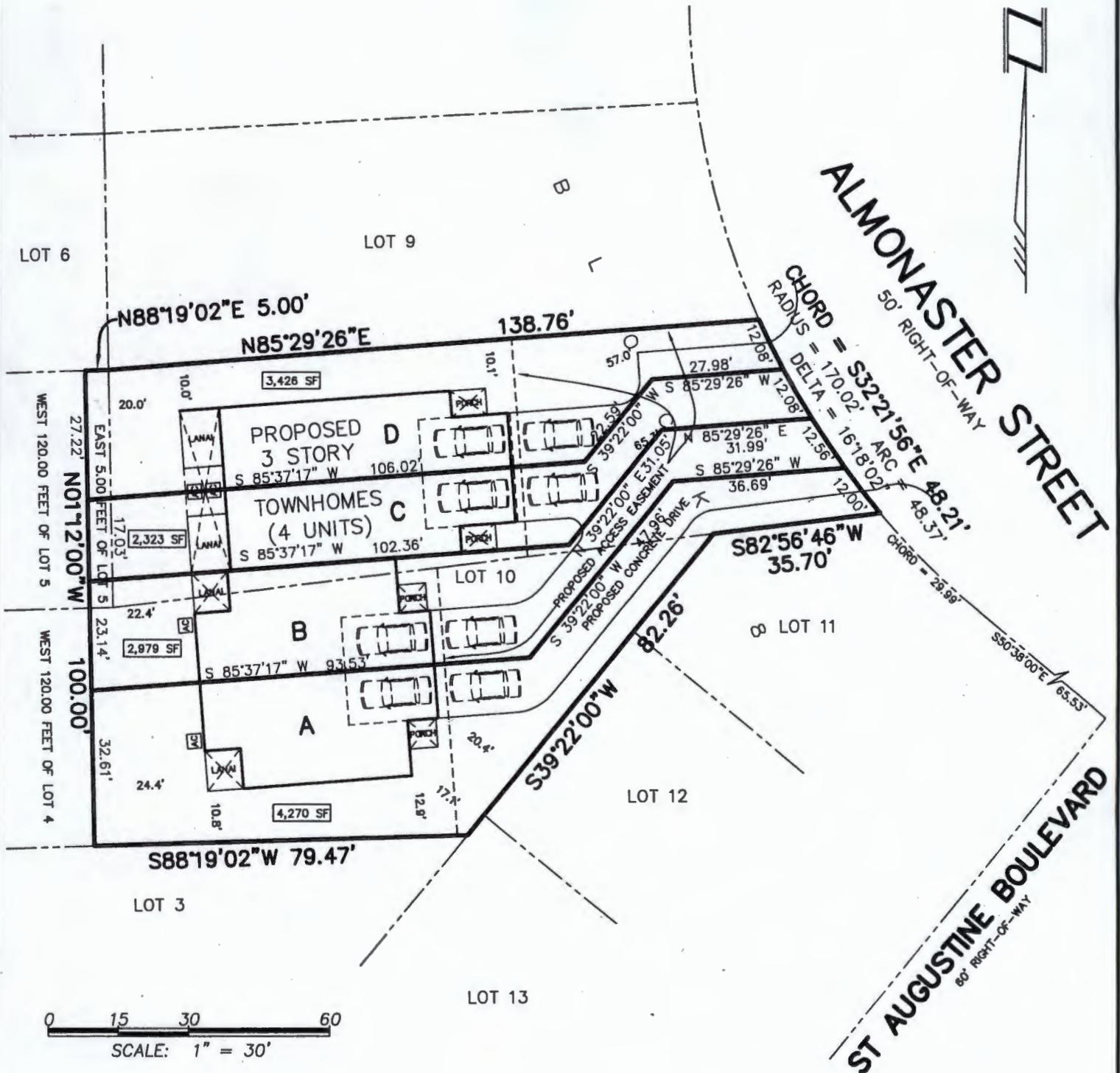
**Section 34-281 Purpose.** Variances are deviations from the terms of the LDC, which would not be contrary to the public interest when owing to special circumstances or conditions; the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

**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.

<b>Standard</b>	<b>Applies? Yes/No</b>	<b>Circumstances/ Explanation</b>
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.		<b>RECEIVED</b>  OCT 17 2016
Special circumstances and conditions do not result from the actions of the applicant.		<b>PLANNING &amp; DEVELOPMENT</b>
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.		
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.		
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.		
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.		

# SITE PLAN

ALL OF LOT 10, BLOCK 8, TOGETHER WITH LOTS 4 AND 5, BLOCK 8, EXCEPT THE WEST 120 FEET THEREOF, ATLANTIC SHORES, AS RECORDED IN PLAT BOOK 14, PAGE 39 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



AREA CALCULATIONS	
BUILDING	3,964 SF
PORCH, LANAI, A/C	588 SF
DRIVEWAY	2,997 SF
TOTAL IMPERVIOUS AREA	7,549 SF
TOTAL SITE AREA	12,998 SF
58% IMPERVIOUS COVERAGE	

- NOTES:**
1. THIS IS A MAP ONLY.
  2. NO BUILDING RESTRICTIONS OR EASEMENT LINES PER PLAT.
  3. BEARINGS BASED ON THE SOUTH LINE OF LOT 4 BEING SOUTH 88°19'02" WEST.
  4. THE IMPROVEMENTS SHOWN ON THIS PLAN ARE PROPOSED.
  5. THE PLANS AND DIMENSIONS AND SQUARE FOOTAGE CALCULATIONS SHOWN HEREON ARE ONLY APPROXIMATIONS. THE DIMENSIONS SHOWN ON THIS PAGE ARE TO THE EXTERIOR OF THE OUTERMOST WALLS.

THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" (AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031C0419H, REVISED JUNE 3, 2013 FOR DUVAL COUNTY, FLORIDA.

**RECEIVED**

OCT 17 2016  
16-100187  
PLANNING & DEVELOPMENT

11-15-16  
BOA MINUTES

Minutes of Board of Adjustment Meeting  
held Tuesday, November 15, 2016, at 7:00 P.M.,  
in the Council Chambers, 11 North 3<sup>rd</sup> Street,  
Jacksonville Beach, Florida

**Call to Order**

The meeting was called to order by Chairman Cummings.

**Roll Call**

Tom Buck  
Jeff Truhlar *absent*  
John Moreland (Vice-Chairman)  
Sylvia Osewalt  
Scott Cummings (Chairman)

**Alternates:**

Francis Reddington  
Chase Sams

**Ex-parte Communications**

There was none.

**Approval of Minutes**

Mr. Moreland moved approval of the October 16, 2016 meeting minutes, seconded by Mr. Buck. Motion to approve the minutes was approved unanimously.

**Correspondence**

There was none.

**NEW BUSINESS:**

**(A) Case Number: BOA 16-100179**

**Name of Applicant:** Darsh Woods

**Property Address:** 21 North 11<sup>th</sup> Avenue

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for a corner side yard of 2.4 feet in lieu of 10.6 feet required to allow a first and second story deck addition to an existing multi-family dwelling. The existing 2.4 foot for the existing structure was approved via BOA 12-100116, but that approval limited to the then existing improvements.

See Item (E),  
2<sup>nd</sup> PG,  
(Almonaster Variance)

Mr. John Atkins, 286 South 1<sup>st</sup> Street, stated he was in favor with the project. He stated that the Code needs to be addressed, and that they would allow 65% for multi-family. He stated that the front setback sounds large, but it would bring it in line with the other parcels on the street.

**Discussion:**

Mr. Reddington stated that 62% lot coverage was excessive. Mr. Cummings added that he understood this was a small lot but did not feel comfortable with the amount of lot coverage requested.

Mr. Buck added that it would be nice if the percent lot coverage was lower. He stated that he liked what they were doing with the property but had concerns. Ms. Osewalt added that she thought the lot coverage requested was excessive.

**Roll Call Vote:** Nays – Osewalt, Moreland, Cummings, Reddington, and Buck. Motion denied unanimously.

**(E) Case Number: BOA 16-100187**

**Name of Applicant:** Almonaster, LLC

**Property Address:** 2648 Almonaster Street

**Motion to Approve:** It was moved by Mr. Moreland, seconded by Ms. Osewalt, to approve a request for interior lot widths of 12.08 feet and 12.56 feet each in lieu of 15 feet required, and exterior lot widths of 12 feet and 12.08 feet each in lieu of 25 feet required; for a rear yard setback of 20 feet in lieu of 30 feet required; for parking area setback of 0 feet in lieu of 5 feet along interior property lines, to allow for development of a four-unit townhouse project.

**Applicant:** The agent for the applicant, David Palaj, 12480 Arrow Leaf Lane, Jacksonville, stated that the hardship is the shape of the lot. He added that they are not trying to maximize the footprint of the building. He added that the building is laid out such that the rear yard setback changes from north to south on the property.

Mr. Reddington asked if this fit into the character of the neighborhood. Mr. Palaj stated it does because there are townhomes backing to the parcel.

**Public Hearing:**

Mr. John McGowan, 5 17<sup>th</sup> Avenue North, stated that they talked to the community and this was the most important issue facing the City. He stated that putting a town house in this area was part of the problem.

Mr. John Hastie, 2701 Isabella Blvd., stated that any hardships with access were created by this same developer and encourage them to deny the application.

Ms. Ana Lee, 2653 Isabella Blvd., stated that the applicant built their townhome and they were happy were theirs. She stated that she did not have issues with the proposed request.

Mr. Charles Hutcherson, 359 St. Augustine Blvd., stated that they were here a year ago and the request was denied. He stated that the setbacks were there for a reason and they should abide by the Code. He stated he did not get notice of the request.

Ms. Wendy Lovett, 2653 Isabella Blvd., stated that she lived in the townhouse in the area and expressed her support for the proposal. She stated that her only concern was with Almonaster, which is a very narrow street.

Mr. Michael Garbee, 403 St. Augustine Blvd., stated his backyard was backed in and didn't have a problem with the proposal.

Ms. Karen Hutcherson, 359 St. Augustine Blvd., stated that there would be more neighbors present had they been informed. She stated that her biggest concern was parking, and it would be a safety issue if they were allowed the variance and there would be not enough parking for residents. She also stated that she had concerns with flooding in this area of the City. Mr. Mann clarified how the request would affect parking on this parcel.

Mr. Palaj noted that the previous variance was not what was being requested tonight. He added that the proposal was less than what could be built and impacts were less.

**Discussion:**

Mr. Moreland stated that they could build more units on the property but that would still require a variance. He thought that this area would be a parking concern, and increase in parking would have an adverse impact on parking.

Mr. Reddington stated that he was concerned with the compatibility with the neighborhood.

Mr. Buck stated that he voted for the previous project, but stated that squeezing four townhomes on this parcel was not a good idea. Mr. Cummings agreed.

**Roll Call Vote:** Nays - Moreland, Cummings, Reddington, Buck, and Osewalt. Amended motion denied unanimously.

**PLANNING DEPARTMENT REPORT**

There was none.



CERTIFIED MAIL# 7012 2210 0002 4628 9422

November 16, 2016

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

Mr. David Palaj  
12480 Arrowleaf Lane  
Jacksonville, FL 32225

RE: BOA# 16-100187  
2648 Almonaster Street  
*(all of Lot 10, Block 8, together with Lots 4 and 5, Block 8,  
except the west 120 feet thereof, Atlantic Shores)*

Dear Mr. Palaj,

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on Tuesday, November 15, 2016 to consider your application for a variance from the requirements of the Land Development Code.

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

- 34-339(e)(4)b., for interior lot widths of 12.08 feet and 12.56 feet each in lieu of 15 feet required, and for exterior lot widths of 12 feet and 12.08 feet, each in lieu of 25 feet required;
- 34-339(e)(4)c.3., for a rear yard setback of 20 feet in lieu of 30 feet required;
- 34-373(d) for parking area setback of 0 feet in lieu of 5 feet along interior property lines

To allow for a development of a four-unit townhouse project.

The Board **denied** the request.

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

Sincerely,

Heather Ireland, AICP  
Senior Planner

