

**CITY OF JACKSONVILLE BEACH
FLORIDA**



MEMORANDUM TO: Board of Adjustment Members

Date: May 23, 2006

There will be a regular meeting of the Board on **Tuesday, June 6, 2006** at 7:00 P. M., in the Council Chambers at City Hall, 11 North 3rd Street, Jacksonville Beach.

1. CALL TO ORDER

2. ROLL CALL: Keith Hall, Steven Hartkemeyer, Bobby Jolley, Terry McGill,
John Moreland
Alternates: Charlie Sellers and Joseph Loretta

3. EX-PARTE STATEMENT

4. APPROVAL OF MINUTES: May 2, 2006

5. CORRESPONDENCE:

6. OLD BUSINESS:

7. NEW BUSINESS:

(A) Case Number: BOA 06-100101

Name of Applicant: Robert Ford

Name of Agent: Tim Franklin, Esq.

Property Address: 29 South 20th Avenue

Current Zoning: RM-2 (RS-3 Standards)

Motion to Approve: **City of Jacksonville Beach Land Development Code Section: 34-338 (e)(1) c.1, for a front yard of 9 feet in lieu of 20 feet required, 34-338 (e)(1) c.3, for a rear yard of 7 feet in lieu of 30 feet required, and 34-338 (e)(1) e, for 55% lot coverage in lieu of 35% maximum to allow for a new single family dwelling, for property located at 29 South 20th Avenue, more specifically, Lot 3, Block K, Permenter's Replat of South Pablo or Atlantic Camp Grounds.**

Miscellaneous Info & Description: One approved and one disapproved variance and no open code violations. See packet for details.

Notes: _____

(B) Case Number: BOA 06-100102

Name of Applicant: Rick and Anna Rocktoff

Name of Agent: Same

Property Address: 483 South 11th Avenue

Current Zoning: RS-3

Motion to Approve: **City of Jacksonville Beach Land Development Code Section: 34-338 (e)(1) e, for 39% lot coverage in lieu of 35% maximum to allow for improvements to a single family dwelling, for property located at 483 South 11th Avenue, more specifically, Lot 7, Block 105, Oceanside Park.**

Miscellaneous Info & Description: One previous variance and no open code violations.
See packet for details.

Notes: _____

(C) Case Number: BOA 06-100105

Name of Applicant: Marian and Justin Lee

Name of Agent: Same

Property Address: 2540 St Johns Blvd

Current Zoning: RS-2

Motion to Approve: **City of Jacksonville Beach Land Development Code Section: 34-337 (e)(1) e, for 45% lot coverage in lieu of 39.5% maximum to allow for a swimming pool addition to a single family dwelling, for property located at 2540 St Johns Blvd, more specifically, Lot 13, Block 4, Jacksonville Beach Heights.**

Miscellaneous Info & Description: One previously approved variance and no open code violations. See packet for details.

Notes: _____

(D) Case Number: BOA 06-100106

Name of Applicant: Robert Boyd Enterprises, LLC.

Name of Agent: Randy Deloach

Property Address: 133 & 135 South 13th Avenue

Current Zoning: RM-2

Motion to Approve: **City of Jacksonville Beach Land Development Code Section: 34-340 (e)(3) c.2, for a corner side yard of 10 feet in lieu of 20 feet required, and 34-340 (e)(3) c.3, for a rear yard of 15 feet in lieu of 30 feet required to allow for a new multi-family dwelling, for property located at 133 & 135 South 13th Avenue, more specifically, Lot 7 & Lot 8, Block 122, Pablo Beach South.**

Miscellaneous Info & Description: No previous variances or no open code violations.

Notes: _____

(E) Case Number: BOA 06-100107

Name of Applicant: Marty Cline

Name of Agent: Same

Property Address: 2825 St Johns Blvd

Current Zoning: RS-2

Motion to Approve: **City of Jacksonville Beach Land Development Code Section: 34-337 (e)(1) e, for 49% lot coverage in lieu of 44% maximum to allow for improvements to a single-family dwelling, for property located at 2825 St Johns Blvd, more specifically, Lot 3, Block 8, Jacksonville Beach Heights.**

Miscellaneous Info & Description: One previously approved variance and no open code violations. See packet for details.

Notes: _____

(F) **Case Number:** BOA 06-100108

Name of Applicant: Ronald & Misti Stephens

Name of Agent: Paul Eakin, Esq.

Property Address: 1100 Shetter Avenue

Current Zoning: I-1

Motion to Approve: **City of Jacksonville Beach Land Development Code Section: 34-373 (d), for 0' parking area setback in lieu of 5' minimum along the westerly property boundary, and 34-377, for 25 spaces in lieu of 26 spaces required to allow for a new office/warehouse/gym mixed-use building, for property located at 1100 Shetter Avenue, more specifically, part of Lot 4, of an unrecorded subdivision known as West Pablo, situated in Government Lot 6, Section 33.**

Miscellaneous Info & Description: No previous variances or open code violations.

Notes: _____

NOTICE

If a person decides to appeal any decision by the Board of Adjustment with respect to any matter considered at any meeting, such person may need a record of the proceedings, and, for such purpose, 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.

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 Planning and Development Department no later than 5:00 p.m. on the day preceding the meeting.

**Minutes of Board of Adjustment Meeting
Held Tuesday, May 2, 2006 at 7:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



Call to Order

The meeting was called to order by Chairperson Steven Hartkemeyer.

Roll Call

Keith Hall
Steven Hartkemeyer (*Chairperson*)
Bobby Jolley (*Absent*)
Terry McGill (*Vice Chairperson*)
John Moreland (*Absent*)
Charlie Sellers
John Loretta

Also present were Jon Hays, Building Official, and Amber Lehman, Recording Secretary.

Opening Statement

Mr. Hartkemeyer read the following statement into the record:

“These variance applications are before the Board of Adjustment for public hearing and consideration. A variance is an approved deviation from the terms of the LDC that will not be contrary to the public interest when owing to special circumstances or conditions where the literal enforcement of the provisions of the LDC would result in undue and unnecessary hardship.

Under the laws of the State of Florida, a public hearing for a zoning variance application is handled as a “*quasi-judicial*” proceeding. A quasi-judicial proceeding means that the decision-making group is functioning in a manner similar to a court with the voting members sitting as impartial decision makers hearing testimony and questioning presenters, who are to provide substantial and competent evidence to support their side of the issue under consideration. It is the duty of the Board of Adjustment to arrive at sound decisions. This includes receiving citizen input regarding the effect of the variance on the neighborhood, especially where the input is fact-based and not a simple expression of opinion.

It is the applicant’s burden to demonstrate that their application is consistent with the Land Development Code and Comprehensive Plan. If the applicant is successful in showing consistence, then it is up to the Board of Adjustment to produce competent, substantial evidence of record to the contrary, if the application is to be denied. The Board of Adjustment’s decision on a variance application is to be based on the criteria contained in Section 34-286 of the Land

Minutes of Board of Adjustment Meeting
held Tuesday, May 2, 2006

Development Code. Each member of the Board of Adjustment has been provided a copy of the criteria. In addition, the Board of Adjustment has received a copy of the application being presented.”

“Before opening the meeting and requesting a motion on any of the applications before us this evening, beginning with myself, each of the members is requested to indicate for the record both the names of the persons and the substance of any ex-parte communications regarding any of the applications. An ex-parte communication refers to any meeting or discussion with person or citizen who may have an interest in this decision, which occurred outside of public hearing process.”

Mr. Sellers stated that he had a conversation with Mr. Aquino in reference to Case BOA 06-100079.

Approval of Minutes

Because the minutes from the April 18, 2006, meeting was received late by some board members, the minutes were tabled until the next meeting.

Correspondence

There was no correspondence.

OLD BUSINESS:

There was no old business.

NEW BUSINESS:

Case: BOA 06-100078

Location: 1204 North 21st Street, Lot 6 and the South 20 feet of Lot 5, Block 23,
Jacksonville Beach, Section “A”

Applicant: Mr. Michael Caudill

Motion: It was moved by Mr. Hall, seconded by Mr. Sellers to approve a request for 40% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling.

The applicant, Mr. Caudill, stated that he would like to have a pool in her back yard for their children to enjoy.

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

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

Roll call vote: Ayes – Sellers, Hall, Hartkemeyer, Loretta, and McGill. Motion carried unanimously.

Case: BOA 06-100079

Location: 140 South 30th Avenue, Lot 5, Block 8, Atlantic Shores, Division “B”

Applicant: Carlos Aquino

Motion: It was moved by Mr. Hall, seconded by Mr. Loretta to approve a request for 44% lot coverage in lieu of 35% maximum to allow for a swimming pool addition to a single-family dwelling.

The applicant, Mr. Aquino, stated that he would like to have a pool in his backyard so that their children will have a safe place to play, since his neighborhood does not have adequate sidewalks.

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

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

Roll call vote: Ayes – Sellers, Loretta, Hall, McGill and Hartkemeyer. Motion carried unanimously.

Adjournment

There being no further business coming before the Board, Mr. Hartkemeyer adjourned the meeting at 7:15 P.M.

Submitted by: Amber Maria Lehman, Recording Secretary

Approval:

Steven Hartkemeyer, Chairman

Date: June 6, 2006



City of Jacksonville Beach, Florida

BOA No. 06-100101

Application for Variance

This form is intended for submittal, along with the required attachments, 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 public notice of the request will schedule it for review, public hearing and a decision.

RECEIVED

Required Documentation

APR 27 2006

1. A boundary survey or plat of the land, prepared by a registered land surveyor that shows the location of all existing improvements.
2. Site plan showing all existing and proposed improvements drawn to scale including the lot coverage percentage of all improvements (structures and surfacing).
3. Proof of ownership (copy of deed or current property tax notification), 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 submitted).
5. Completed application.

PLANNING & DEVELOPMENT

Application Information

Applicant's name: LANDOWNER THROUGH AGENT Phone: 465-2208

Mailing address: _____

Agent's name: TIM FRANKLIN, ESQ. Phone: 465-2208

Mailing address: 418 SEAGATE AVE., NEPTUNE BCH, FL 32266

Landowner's name: ROB FORD* Phone: 626-2898

Mailing address: 29 20TH AVE SOUTH, JAX BCH, FL 32250

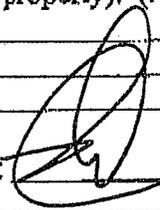
Please provide the name, address and telephone number for any other land use, environmental, engineering architectural, economic or other professionals assisting in the application on a separate sheet of paper.

Variance Data

Street address of property: 29 20TH AVENUE S.

Legal description of property (attach copy of deed): SEE ATTACHED

Reason for the Variance request: (applicant must state the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). SEE ATTACHED

Applicant's Signature:  Date of Application: 4-20-06

THIS BOX FOR OFFICE USE, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RM-2 (RS-3 per C.O. Use) FLOOD ZONE: X

CODE SECTION (S): 34-338(e)(1) C.1. FOR 1 FRONT YARD OF 9 FEET IN LIEU OF 20 FEET REQUIRED,

34-338(e)(1) C.3. FOR A REAR YARD OF 7 FEET IN LIEU OF 30 FEET REQUIRED

34-338(e)(1) C.10. FOR 55' LOT COVERAGE IN LIEU OF 35% MAXIMUM TO ALLOW FOR A NEW SINGLE FAMILY DWELLING

Variance Application Standards and Conditions

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	Meets? 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	SEE ATTACHED MATERIALS
Special circumstances and conditions do not result from the actions of the applicant.	YES	" "
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	" "
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	" "

Support Materials BOA 06-100|01

Public Hearing 6/06/06
beginning @ 7:00 p.m.

The following materials including attendant attachments are offered in support of BOA application 06-100____, filed and properly before the honorable Board of Adjustment for the City of Jacksonville Beach, Florida (the "Board"). The Landowner has filed the application with agent's authority for representation set forth therein.

SUMMARY OF REQUEST.

The landowner owns the lot at 29 20th Ave. South, and a copy of the deed evidencing same is attached as *Exhibit A*. Currently, a single-family home together with numerous accessory structures and pervious surfaces are located on the property as per the 8.5 x 11 survey attached as *Exhibit B* (with a larger, scaled version provided separately to staff), and also as depicted at *Exhibit C*. A map showing the lot's location is attached as *Exhibit D*.

The lot is approximately 70' x 40' and is a non-conforming lot of record and as such is exempt from minimum lot area and minimum lot width requirements under the City's Land Development Code ("LDC"). However, the lot is subject to required yard and lot coverage requirements imposed in relation to minimums for RS-3 single-family dwellings here allowed by a conditional use permit and where otherwise zoned RM-2.

The applicant previously was denied a variance for lot coverage of 69%, rear yard setback of 7', front yard setback of 6.8' and a side yard setback of 4'. In response to Board concerns raised in the previous denial, the applicant has substantially revised its prior application. To wit, applicant has reduced the intensity of its lot coverage request by almost 40% from 69% to 54.9%, has reduced the front yard setback request by 2.5' or about 20% and has eliminated the side yard setback variance request entirely. As before, applicant is proposing to construct a 3 story, single-family dwelling incorporating an unenclosed 2nd and 3rd floor balcony (and open at 1st floor underneath) of a reasonable size and style given the allowable densities and prime location near the ocean.

VARIANCE REQUESTED.

Front Yard Setback / s. 34-338(e)(1)c.1., LDC: The variance application requests a variance to 9 feet in lieu of 20 feet standard.

Rear Yard Setback / s. 34-338(e)(1)c.3., LDC: The variance application requests a variance to 7 feet rear yard in lieu of 30 feet standard.

Lot Coverage / s. 34-338(e)(1)e., LDC: The variance application requests a variance to 54.9% lot coverage in lieu of 35% standard.

All the foregoing as depicted on the site plan attached as *Exhibit E*.

STANDARDS OF VARIANCE.

The applicant meets all standards and criteria for the granting of this variance as set forth at section 34-286 of the LDC, as according to the following submitted evidence by which a positive

finding may be made on each of the criteria:

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.

First, the subject lot is only 40 feet wide and has a depth of only 70 feet and is therefore a very narrow and irregular lot without regard to the zoning district requirements.

Second, the lot is a non-conforming lot of record first platted in the early 1900s, and, while thereby exempt from minimum lot area requirements, is extremely undersized at only 2,800 square feet and falling well short of the applicable, minimum RS-3 lot size of 6,000 square feet. Alternatively, were the applicant to construct a duplex allowed by the underlying RM-2 zoning, the minimum lot area is likewise 6,000 square feet. Thus, this lot experiences a hardship meeting the yard and coverage requirements in part because it does not meet the minimum lot area requirements.

Third, while the lot of record is likewise exempt from minimum width requirements, its practical lack of width creates hardship when yard requirements are considered. Given the proposed orientation to Ocean Drive is the only practical solution, the 40' wide lot falls 20' short of meeting a minimum 60' RS-3 width. Meeting side yard setbacks as proposed, only a 25' wide envelope remains and forces the applicant into the front and rear yards to create a functional, livable space. Treating the lot as being 70' wide works no solution where the lot is then only 40' deep and the setbacks are 50' feet resulting in negative 10' of buildable space! Thus, the lot experiences a hardship because it fails to meet the minimum width requirements and especially considering also the limited amount of corresponding overall area as set forth above.

Fourth, the existing structure on the property is non-conforming (as is the lot itself), was constructed with a foundation to support only a single-story structure and therefore cannot be rehabilitated or repaired to any reasonable extent under the LDC. Therefore, the applicant has a greater hardship than other property owners in the same district who have conforming structures which may be rehabilitated.

Finally, the lot is located in close proximity to the ocean and carries a much greater raw land value such that compliance with the strict terms of the LDC imposes a greater hardship on this lot compared to other lots in the same zoning district located further to the west.

All the foregoing considered together demonstrates that applicant's hardship is based on unique and peculiar site-specific circumstances not applicable to all RM-2 zoned lots and certainly not to those having also a conditional use to allow for RS-3 single-family uses.

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

Yes. The circumstances and conditions do not result from the actions of the applicant.

This variance was not filed as a result of any enforcement action against the applicant. Further, the applicant's desire to reasonably develop the property despite hardship does not make the situation self-created where applicant's predecessors in title could have similarly applied for a

variance.

Granting the variance will not confer upon the applicant any special privileges denied by the 2010 Comprehensive plan and the LDC to other parcels of land, buildings or structures, in the same zoning district?

Yes. Granting the variance will not confer special privileges.

Any similarly-sized and situated lot facing a hardship from the strict application of the LDC may likewise apply for a variance. Variances granted to others upon similar application suggest a reasonable degree of variance to the landowner would not constitute special privilege.

Literal interpretation and enforcement of the terms and provisions of the 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.

Assuming applicant met the minimum lot area requirement of 6,000 square feet, applicant would be permitted up to 2,100 square feet of coverage under the 35% standard. With only a 2,800 square foot lot built to the 2,100 coverage footprint permitted in an RS-3 zoned district, the resulting percentage would be about 75%! Applicant has instead proposed only 1,537 square feet of coverage at the first floor for all buildings, balconies and drives or approximately 54.9% coverage. Failure to allow applicant to construct the dwelling at a reasonable size, style, etc. with resulting lot coverage would deprive applicant of the intended rights and uses for its lot.

Also, with regard to the lot coverage requirements, applicant would be allowed up to 65% lot coverage were he to construct a tri-plex or multi-family (stacked) structure on the RM-2 zoned lot instead of the proposed single-family dwelling under the RS-3 conditional use (although the corresponding minimum lot area would admittedly then be less at 5,000 square feet.).

Likewise with regard to setbacks, the standards are based and correspond in part on minimums for lot area and width which the applicant's lot doesn't meet. Without some relief from the literal interpretation of the Code, applicant cannot construct a functional, livable, reasonably-sized structure and this regardless of whether oriented to 20th Ave. S. or to Ocean Drive. In addition, the intensity of this request is in keeping both with the current footprints of past and recent structures developed in this area close to the Ocean; most people in this area use balconies to get outdoors on-site and use the beach as a yard keeping yards free of clutter, accessory structures, noise, etc., utilize 2 car, enclosed garages to retard salt-water corrosion of vehicles, and all this common to the neighborhood.

Accordingly, the applicant would be deprived of rights commonly enjoyed by others under applicable RS-3 district requirements if denied the right to build a reasonably-sized, functional and livable dwelling by variance.

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

Yes.

Given the narrow width and especially small lot area, applicant is proposing the minimums necessary in order to build his personal residence. The enclosed, HVAC portion of the structure will only contain about 710 square feet of space at the first floor level with remainder required in order to provide a true, 2 car, enclosed garage including the one covered space required by Code. Given the small width of the structure, there will be considerable non-livable space (especially including stairs, elevator shaft and landings) to be provided to go up rather than out on this small lot.

Grant of variance will be generally consistent with the purposes, goals, objectives and policies of the 2015 Plan and LDC, and will not adversely affect adjacent land?

Yes.

First, the redevelopment of the lot will greatly improve the present drainage by reducing existing lot coverage from about 73% to about 55%.

Second, the erection of a single-family rather than a duplex or multi-family structure will accomplish a reduction in density and intensity at this location to the betterment of adjacent land vis-à-vis what might be constructed lawfully.

Third, aligning the garage to front on 20th Ave. S. will ensure better visibility and provide greater pedestrian/biker safety along busy Ocean Drive. Moreover, the provision of a true, 2 car enclosed garage where only one space is required to be enclosed by Code will lessen or eliminate the need for on-street and/or on-drive parking and will thereby reduce drive clutter and be more aesthetically pleasing.

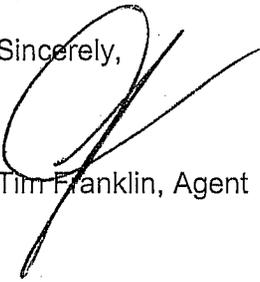
Fourth, considering the balconies at the 2nd and 3rd floor will be open yard at the 1st floor, the practical effect of the 54.9% lot coverage will be lessened providing for greater on-site water recapture, drainage and flow of light and air than would first appear to be the case.

SUMMARY

In sum, variance application BOA 06-100___ demonstrates a hardship by virtue of narrow lot width, insufficient area and insufficient depth for the general RS-3 zoning requirements on which the standards for lot coverage and yards/setbacks are based. The variance requested is a substantial change from that previously requested and can now truly be said to represent the least amount possible to still allow reasonable, beneficial use while reducing current lot coverage and providing other benefits to the immediate neighbors and greater beach area.

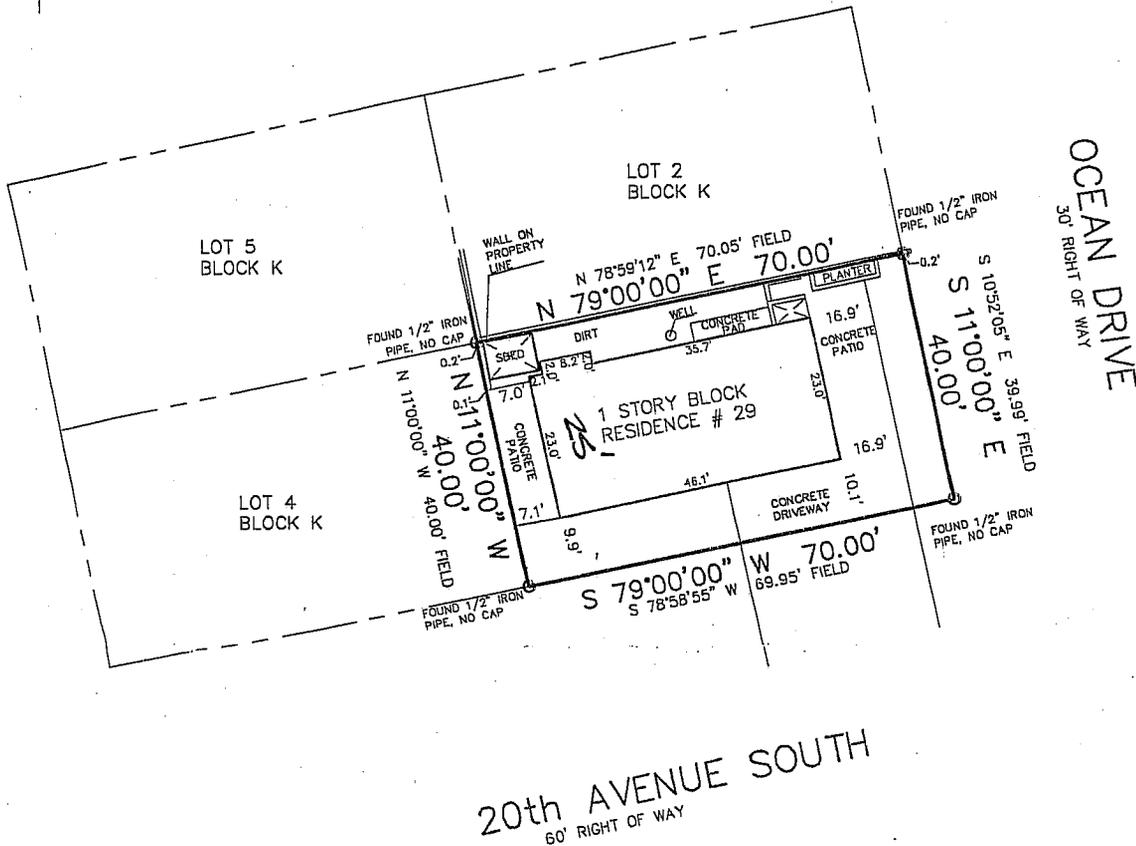
Your consideration is appreciated and your support is encouraged.

Sincerely,


Tim Franklin, Agent

MAP SHOWING SURVEY OF

LOT 3, BLOCK K, PERMENTER'S REPLAT OF SOUTH PABLO OR ATLANTIC CAMP GROUNDS AS RECORDED IN PLAT BOOK 9, PAGE 44 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



NOTES:

1. THIS IS A BOUNDARY SURVEY.
2. BEARINGS BASED ON THE WESTERLY LINE OF LOT 3, BLOCK K PERMENTER'S REPLAT OF SOUTH PABLO OR ATLANTIC CAMP GROUNDS, BEING NORTH 11°00'00" WEST AS PER PLAT.
3. NO BUILDING RESTRICTION LINE PER PLAT.

THIS SURVEY WAS MADE FOR THE BENEFIT OF ROBERT FORD & JEANNE FORD; JOHN QUANDT; ATTORNEYS' TITLE INSURANCE FUND, INC.; PROPERTY LAW, P.A.

THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" (AREA OUTSIDE 500-YEAR FLOOD PLAIN) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 120078 0002 D, REVISED APRIL 17, 1989 FOR JACKSONVILLE BEACH, FLORIDA.

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

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

CHECKED BY: *sm*
 DRAWN BY: AC
 FILE: 2005-1913

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

DATE: JANUARY 4, 2005
 SHEET 1 OF 1

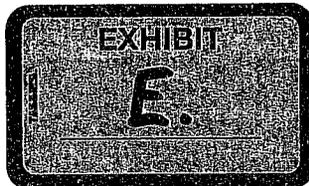
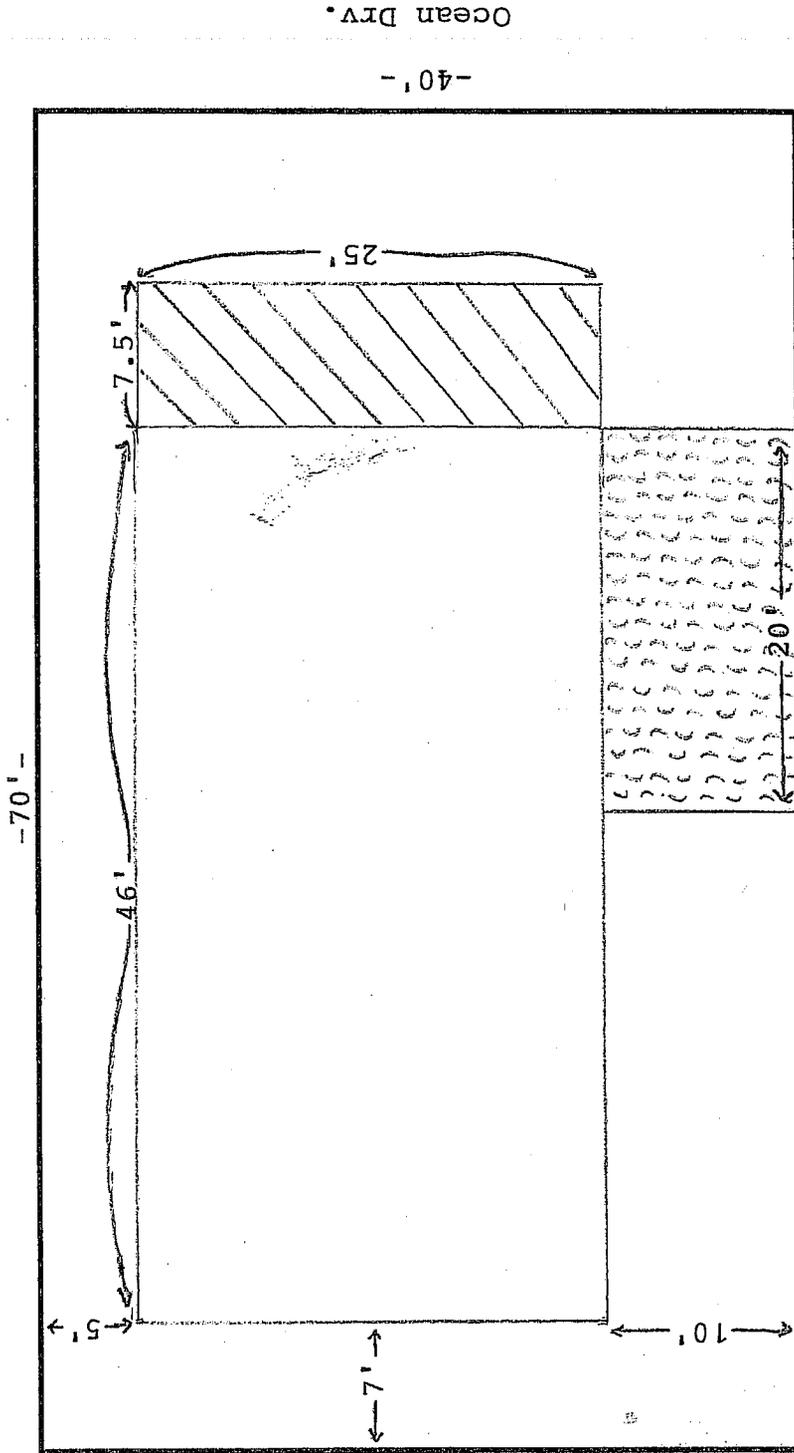


PROPOSED SITE PLAN

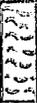
29 20th Ave. South

Scale: 1" = 10'

North



20th Ave. S.

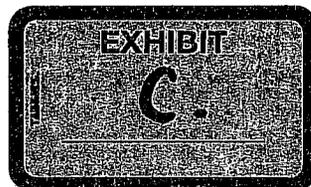
COVERAGE KEY:		
Main:		= 41.07% mol
Balcony:		= 7.14% mol
Drive:		= 6.69% mol
TOTAL		= 54.9% mol



Subject Property Facing North



Subject Property Facing West



Location ID:

170000

Property address:

29 S 20TH AVE

PARCEL NUMBER:

179377.0010.

Location Special Notes and Information

Item	Number/Code	Description	Date
BP Land Note	VARI	BZA#41-90 8-21-90 SIDE SETBACK 5'1" LIEU	08/24/1990
BP Land Note	VARI	10', 9'9" LIEU 10', ALL EXISTING SETBACKS	08/24/1990
BP Land Note	COND	STOP WORK ORDER PER J SPENCE FOR ROOF	05/07/2004
BP Land Note	COND	5-7-04	05/07/2004
BP Land Note	COND	PC#22-05 APPROVED 1/9/06 FOR A SF IN A	01/10/2006
BP Land Note	COND	RM-2 ZONING DISTRICT, SUBJECT TO RS-3	01/10/2006
BP Land Note	COND	STANDARDS	01/10/2006
BP Land Note	VARI	BOA#06-100010 DENIED 2/21/06 FOR A FY OF	02/22/2006
BP Land Note	VARI	6.8' ILO 20' REQUIRED, A SY OF 4' ILO 5'	02/22/2006
BP Land Note	VARI	REQUIRED, A RY OF 7' ILO 30' REQUIRED, &	02/22/2006
BP Land Note	VARI	FOR 69% IC ILO 35% MAXIMUM TO ALLOW FOR	02/22/2006
BP Land Note	VARI	A NEW STD.	02/22/2006
BP Open Appl	04-00000895	ROOFING - Status AP	05/10/2004



City of Jacksonville Beach, Florida

BOA No. 06-100102

Application for Variance

This form is intended for submittal, along with the required attachments, 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.

PLANNING & DEVELOPMENT

Required Documentation

APR 27 2006

- 1. ✓ A boundary survey or plat of the land, prepared by a registered land surveyor that shows the location of all existing improvements.
- 2. ✓ Site plan showing all existing and proposed improvements drawn to scale including the lot coverage percentage of all improvements (structures and surfacing).
- 3. ✓ Proof of ownership (copy of deed or current property tax notification), 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 submitted).
- 5. ✓ Completed application.

RECEIVED

Application Information

Applicant's name: RICK & ANNA ROCKTOFF Phone: 904-249-0378

Mailing address: 483 11TH AVE S, JACKSONVILLE BEACH, FL 32250

Agent's name: _____ Phone: _____

Mailing address: _____
Landowner's name: RICHARD & ANNA ROCKTOFF Phone: 904-249-0378

Mailing address: 483 11TH AVE S., JACKSONVILLE BEACH, FL 32250

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

Variance Data

Street address of property: 483 11TH AVENUE S. JACKSONVILLE BCH, FL 32250

Legal description of property (attach copy of deed): LOT 7, BLOCK 105, OCEANSIDE PARK, AS RECORDED IN PLAT BOOK 3, PG. 13 OF CURRENT RECORDS OF DUVAL COUNTY, FL

Reason for the Variance request: (applicant must state the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). CURRENTLY DO NOT HAVE AN OUTDOOR SITTING AREA IN BACKYARD. ADDITION OF A TRELIS & LEAN-TO PATIO WILL ALLOW USE/ENJOYMENT OF BACK YARD

Applicant's Signature: Anna Rocktoff

Date of Application: 4/26/2006

THIS BOX FOR OFFICE USE, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-3

FLOOD ZONE: X

CODE SECTION (S): 34-338(c)(1): for 39% lot coverage in lieu of 35% maxium to allow for improvements to a single family dwelling

Variance Application Standards and Conditions

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.

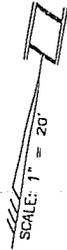
Section 34-286.

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.

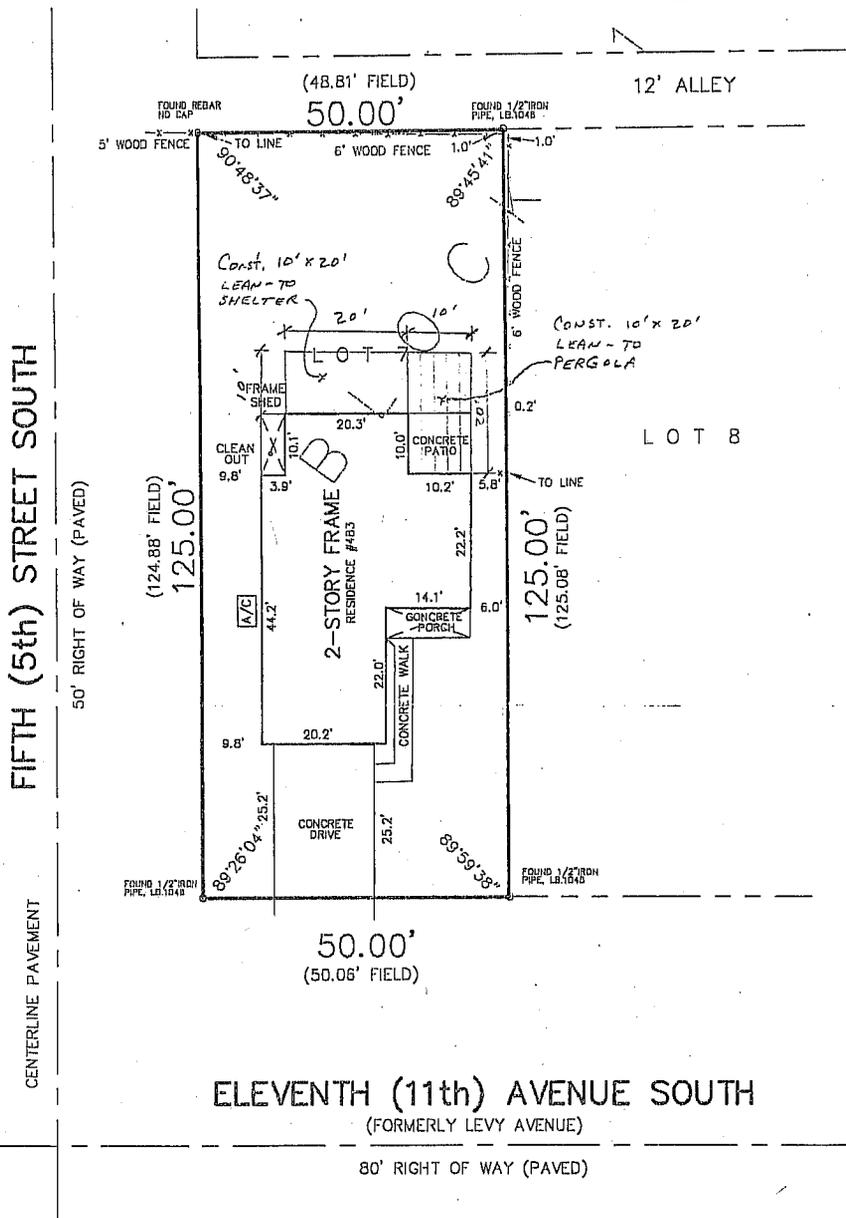
Standard	Meets? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Y	OWNERS CURRENTLY DO NOT HAVE AN OUTSIDE SITTING AREA IN BACK YARD. PROPOSED IMPROVEMENTS WOULD PROVIDE OPEN, COVERED PATIO
Special circumstances and conditions do not result from the actions of the applicant.	Y	OWNERS BOUGHT HOUSE AS-IS. PREVIOUS OWNERS HAD ENCLOSED WHAT USED TO BE OUTDOOR SITTING AREA
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Y	EVERYONE ELSE IN NEIGHBORHOOD HAS SUCH AN OUTDOOR SITTING AREA TO ENJOY. THIS WOULD ALLOW OWNER TO ENJOY SIMILAR RIGHTS
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Y	SUCH OUTDOOR PATIOS ARE COMMON THROUGHOUT THE NEIGHBORHOOD. PROPOSED IMPROVEMENT WOULD ALLOW OWNER TO ENJOY BACK YARD PRIVILEGES REST OF NEIGHBORS DC
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Y	REQUESTED VARIANCE WILL BARELY EXCEED STATED 35% LOT COVERAGE
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Y	VARIANCE IS IN KEEPING & CONSISTENT WITH PURPOSES, GOALS, OBJECTIVES & POLICIES OF THE COMPREHENSIVE PLAN & CODE & WILL NOT AFFECT ADJACENT LAND

MAP SHOWING SURVEY OF

LOT 7, BLOCK 105, OCEANSIDE PARK, AS RECORDED IN PLAT BOOK 8, PAGE 13, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



105



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

THE PROPERTY SHOWN HEREON LIES IN FLOOD ZONE "X" (AREA OUTSIDE 500 YEAR FLOOD PLAIN) AS DETERMINED FROM THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 120078 0002 D, REVISED APRIL 17, 1989 FOR JACKSONVILLE BEACH, FLORIDA.

THIS SURVEY WAS MADE FOR THE BENEFIT OF RICHARD ROCKTOFF & ANNA ROCKTOFF; LENDING TREE LOANS; STEWART TITLE GUARANTY COMPANY; AND BUSCHMAN, AHERN, PERSONS & BANKSTON.

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

CHECKED BY: *[Signature]*
 DRAWN BY: JCI
 FILE: 2005-1258

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

DATE: AUGUST 18, 2005
 SHEET 1 OF 1

06-100102

~~06-811~~

50 x 125

6250

$$\begin{aligned}
 &(10.1 + 44.2) \times (20.2 + 14.1) \\
 &\quad \langle 14.1 \times 22 \rangle \\
 &14.1 \times 5 \\
 &3 \times 27 \\
 &25.2 \times 16.5
 \end{aligned}$$

$$\begin{aligned}
 &1862.49 \\
 &\langle 310.2 \rangle \\
 &70.5 \\
 &81 \\
 &415.8
 \end{aligned}$$

2119.59

ADD 10 x 30

300

2419.59

39%



Application for Variance

This form is intended for submittal, along with the required attachments, 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 or plat of the land, prepared by a registered land surveyor that shows the location of all existing improvements.
2. Site plan showing all existing and proposed improvements drawn to scale including the lot coverage percentage of all improvements (structures and surfacing).
3. Proof of ownership (copy of deed or current property tax notification), 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 submitted).
5. Completed application.

Application Information

Applicant's name: Marian & Justin Lee Phone: 242-0529
 Mailing address: 2540 St. Johns Blvd Jax Beach, FL 32250
 Agent's name: _____ Phone: _____
 Mailing address: _____
 Landowner's name: (Same as Applicant's info. Above) Phone: same as above
 Mailing address: (Same as above)
 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. See Pool Contractor's information attached

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APR 28 2006

Variance Data

PLANNING & DEVELOPMENT

Street address of property: 2540 St. Johns Blvd
 Legal description of property (attach copy of deed): Lot 13 B1K4 Book #11 pg 40 (R3)
 Reason for the Variance request: (applicant must state the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). Please see attached.

Applicant's Signature: Marian Lee Date of Application: 4.26.06

THIS BOX FOR OFFICE USE, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: R3-2 FLOOD ZONE: X
 CODE SECTION (S): 34-337(e)(1) e: For 45% lot coverage in lieu of 39.5% maximum to allow for a swimming pool addition to a single family dwelling

Variance Application Standards and Conditions

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	Meets? 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	
Special circumstances and conditions do not result from the actions of the applicant.	Yes	
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	
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	<p>RECEIVED</p> <p>APR 28 2006</p> <p>PLANNING & DEVELOPMENT</p>
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	

April 27, 2006

To: City Of Jacksonville Beach
Board of Adjustment Committee

Re: Request for inground pool

From: Marian and Justin Lee
2540 St. Johns Blvd
Jacksonville Beach, FL 32250
904 242-0529

We are requesting a variance for an additional percent of lot coverage to put in a private pool at our home in Jacksonville Beach.

Our lot area is 6000 square feet, a smaller lot than the standard minimum lot area of 7500 square feet as per the RS-2 Dimensional standards. Based on this number, the additional 350 square feet we are asking for would put us at a mere 1% over the 35% lot coverage allowance. This is a minimum amount of decking to ensure a safe environment around the pool.

We appreciate in advance the consideration.

Pool Contractor's Information:

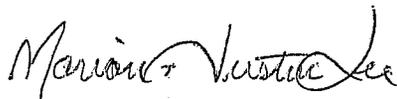
H&H Of Jacksonville, Inc.
John Huffman
PO Box 550925
Jacksonville, FL 32255
Ph (904) 940-7815 or (904) 646-9565
State Certification No. CPC 052512

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APR 28 2006

PLANNING & DEVELOPMENT

Respectfully,



Marian and Justin Lee

MAP SHOWING SURVEY OF

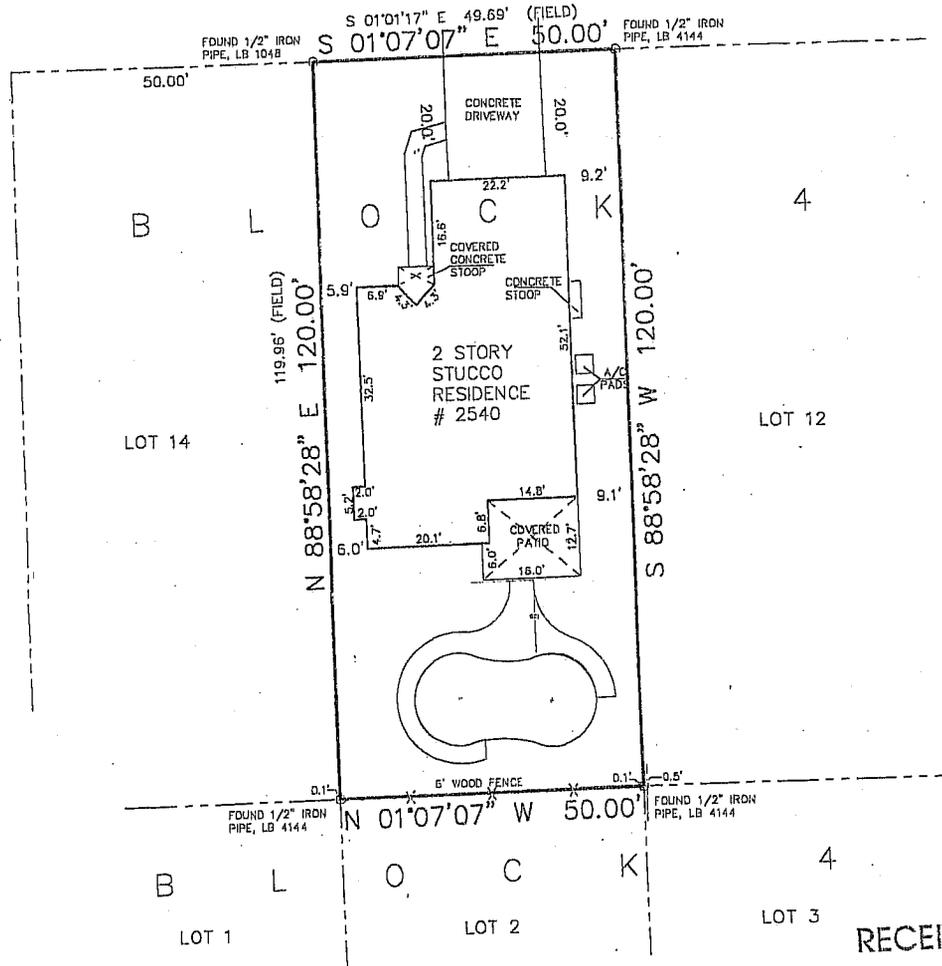
LOT 13, BLOCK 4, JACKSONVILLE BEACH HEIGHTS, AS RECORDED IN PLAT BOOK 11, PAGE 40 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

SCALE: 1" = 20'

ST. JOHNS BOULEVARD

50' RIGHT OF WAY (PAVED)

OSCEOLA STREET
50' RIGHT OF WAY (PAVED)



NOTES

1. THIS BOUNDARY SURVEY.
2. NO BUILDING RESTRICTION-LINE PER PLAT.
3. BEARING BASED ON THE NORTH LINE OF LOT 13, BLOCK 4 OF JACKSONVILLE BEACH HEIGHTS, BEING NORTH 88°58'28" EAST, AS PER SURVEY No. 15788 BY H.A. DURDEN & ASSOCIATES.

THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "X" AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 120078 0002 D, REVISED APRIL 4, 1989 FOR THE CITY OF JACKSONVILLE BEACH, DUVAL COUNTY, FLORIDA.

THIS SURVEY WAS MADE FOR BENEFIT OF JUSTIN & MARIAN LEE; BANK OF AMERICA; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY; PATTERSON, BOND & LATSHAW, P.A.

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

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

CHECKED BY: *SM*
DRAWN BY: AC
FILE: 2005-1474

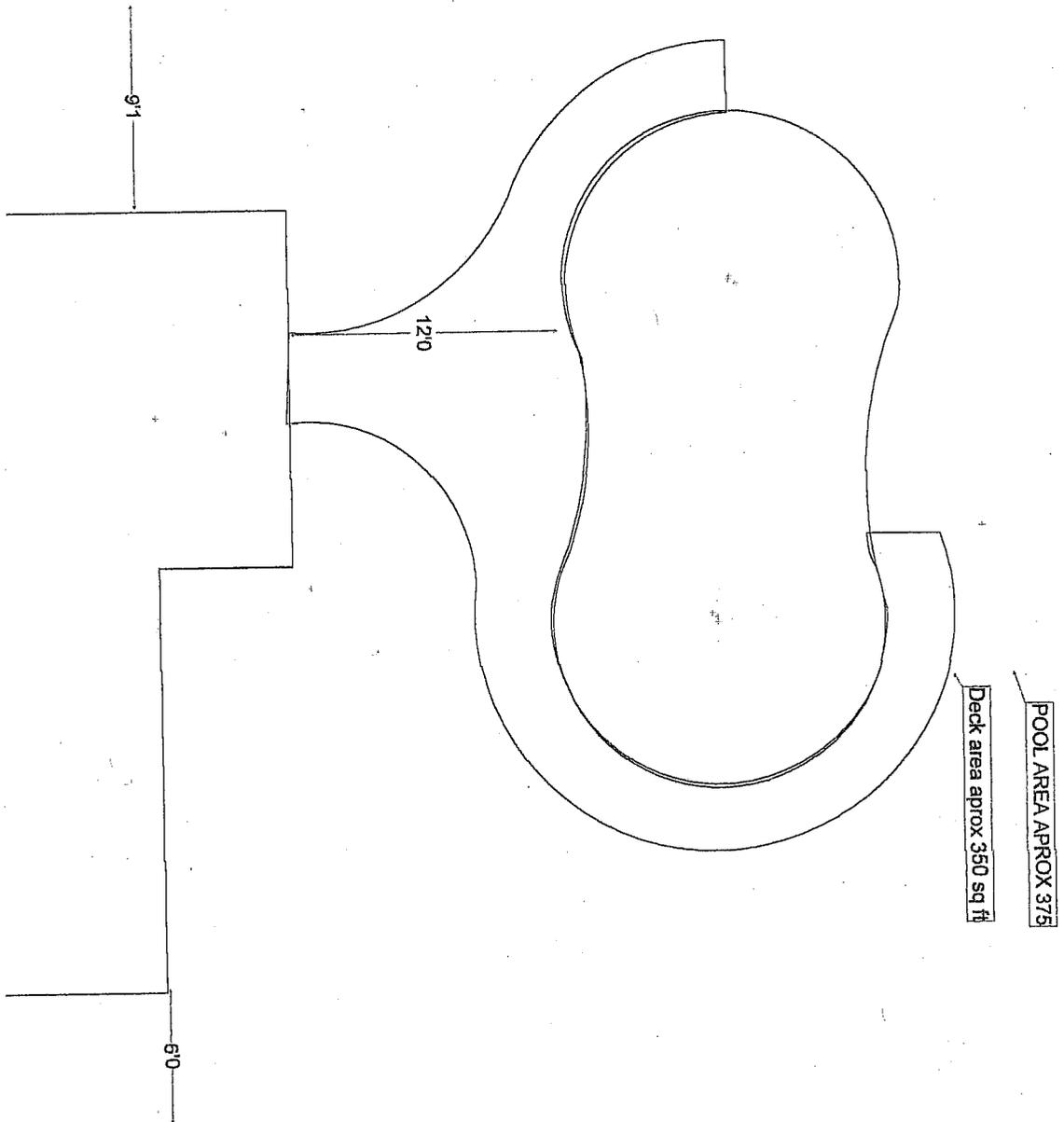
BOATWRIGHT LAND SURVEYORS, INC.
1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 241-8550

DATE: SEPTEMBER 29, 2005
SHEET 1 OF 1

RECEIVED

APR 28 2006

PLANNING & DEVELOPMENT



5/1/06 : 06-100105

$$\begin{array}{l} (14.8 + 20.1)(52.1 + 6.8) \\ 2.0 \times 5.2 \\ 6 \times 16 \end{array} \quad \begin{array}{l} 2055.61 \\ 10.4 \\ 96 \end{array}$$

$$\begin{array}{l} \langle 16.6 \times 13 \rangle \\ 6 \times 3 \\ 3 \times 25 \\ 16 \times 20 \\ 2 \times 4 \end{array}$$

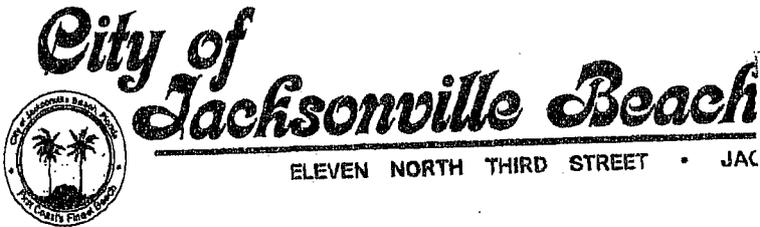
$$\begin{array}{l} \langle 215.8 \rangle \\ 18 \\ 75 \\ 320 \\ 12 \end{array}$$

AAA 350

$$\begin{array}{r} 2371.21 \\ \hline 350 \end{array}$$

2721.21

$\frac{2}{2} 45\%$



ELEVEN NORTH THIRD STREET • JAC

January 21, 2005

Stephen B. Williams
Edgewater Companies, Inc.
1008 North 3rd Street
Jacksonville Beach, FL 32250

RE: BOA 04-100425
2540 St. Johns Blvd.

Dear Mr. Williams:

The Board of Adjustment for the City of Jacksonville Beach met and held a public hearing at 7:00 p.m. on January 19, 2005 to consider your variance application.

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

- 34-337 (e)(1) e: for 39.5% lot coverage in lieu of 35% maximum

To allow for a new single family dwelling.

The results of the meeting were:

- *Approved.*

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

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

Sincerely,

Jonathan Hays, CBO
Building Department

JCH/jmv

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:
Williams 04-100425

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Name (Please Print Clearly) (to be completed by mailer)
Street, Apt. No., or PO Box No.
City, State, ZIP+4

7099 3400 1885 5968



Application for Variance

This form is intended for submittal, along with the required attachments, 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 or plat of the land, prepared by a registered land surveyor that shows the location of all existing improvements.
2. Site plan showing all existing and proposed improvements drawn to scale including the lot coverage percentage of all improvements (structures and surfacing).
3. Proof of ownership (copy of deed or current property tax notification), 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 submitted).
5. Completed application.

Application Information

Applicant's name: ROBERT BOYD ENTERPRISES, LLC Phone: 904-249-8886
 Mailing address: 127 13th AVE S, UNIT C, JACKSONVILLE BEACH, FL 32250
 Agent's name: RANDY DELOACH Phone: 904-249-0619
 Mailing address: 59 34th AVE S, JACKSONVILLE BEACH, FL 32250
 Landowner's name: LEWIS F. HUNTER AND JAMES E. FALES Phone: 904-249-1585
 Mailing address: 240 14th AVE S, JACKSONVILLE BEACH, FL 32250

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MAY 1 2006

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

PLANNING & DEVELOPMENT

Street address of property: 133 AND 135 13th AVE S, JAX BCH, FL 32250
 Legal description of property (attach copy of deed): SEE ATTACHED SHEETS
 Reason for the Variance request: (applicant must state the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). _____

SEE ATTACHED SHEET

Applicant's Signature: Robert J. Branley Date of Application: 5/1/06

THIS BOX FOR OFFICE USE, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RU-2 FLOOD ZONE: X
 CODE SECTION (S): 34-340 (c) (3) C.2: FOR A CORNER SIDE YARD OF 10 FEET IN LIEU OF 20 FEET REQUIRED,
34-340 (c) (3) C.3: FOR A REAR YARD OF 15 FEET IN LIEU OF 30 FEET REQUIRED TO ALLOW
FOR A ADJACENT WITH FAMILY DWELLING

Variance Application Standards and Conditions

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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.

PLANNING & DEVELOPMENT

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	Meets? 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 EXISTING STRUCTURES WERE BOTH BUILT A NUMBER OF YEARS AGO AND DO NOT CONFORM TO CURRENT SETBACK AND BUILDING REQUIREMENTS.
Special circumstances and conditions do not result from the actions of the applicant.	YES	THE APPLICANT HAS NOT DONE ANYTHING THAT WOULD RESULT IN SPECIAL CIRCUMSTANCES OR CONDITIONS.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	YES	EXISTING ADJACENT STRUCTURES WOULD LINE-UP WITH THE PROPOSED STRUCTURE MAKING THE OVERALL APPEARANCE OF THE AREA ESTHETICALLY PLEASING.
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	ADJACENT PROPERTIES AND THE PROPERTY ACROSS THE STREET HAVE SIMILAR SETBACKS. NOT ALLOWING THE SAME CONSIDERATION WILL CREATE A PARKING HARDSHIP.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	GRANTING OF THE VARIANCE IS THE MINIMUM VARIATION TO MAKE IT POSSIBLE TO PROVIDE GROUND LEVEL PARKING ENTIRELY UNDER THE BUILDING.
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	IF GRANTED THE NEW STRUCTURE WILL LINE-UP WITH THE TWO BUILDINGS IMMEDIATELY ADJACENT TO IT.

Variance Request

We are combining our adjacent lots, located at 133 and 135 13th Avenue South, in order to build new homes. The existing structures on both lots do not conform to the current setbacks or building codes (see attached surveys). It is our intent to remove the existing structures and build new units that conform to the current building codes. However, if a new structure is built pursuant to the current setbacks, it will result in a hardship to the neighborhood by eliminating five public parking spaces (see Exhibit I). If the Board of Adjustment will allow a ten-foot side yard setback and a fifteen-foot rear yard setback then the building can be raised and all parking can be placed under the building (see exhibit II) The increase in setbacks is needed to offset the loss of buildable space on the ground level dedicated to parking. Additionally, we could add four additional public parking spaces along 13th Avenue South if the City desires. Currently there are driveways to the existing homes on 13th Ave now. Furthermore, from two to four visitors spaces will be provided under the building pending architectural design. Instead of losing five public parking spaces the City can save five public spaces on 2nd Street, gain four more public spaces on 13th Ave South if desired and gain from two to four off street spaces for visitors. The net difference is sixteen to eighteen parking spaces.

It should be mentioned that the fifteen-foot setback will line-up with the building immediately adjacent to it on 13th Ave South and the ten-foot setback will line-up with the building immediately adjacent to it on 2nd Street. Lot coverage is sixty per cent (60%).

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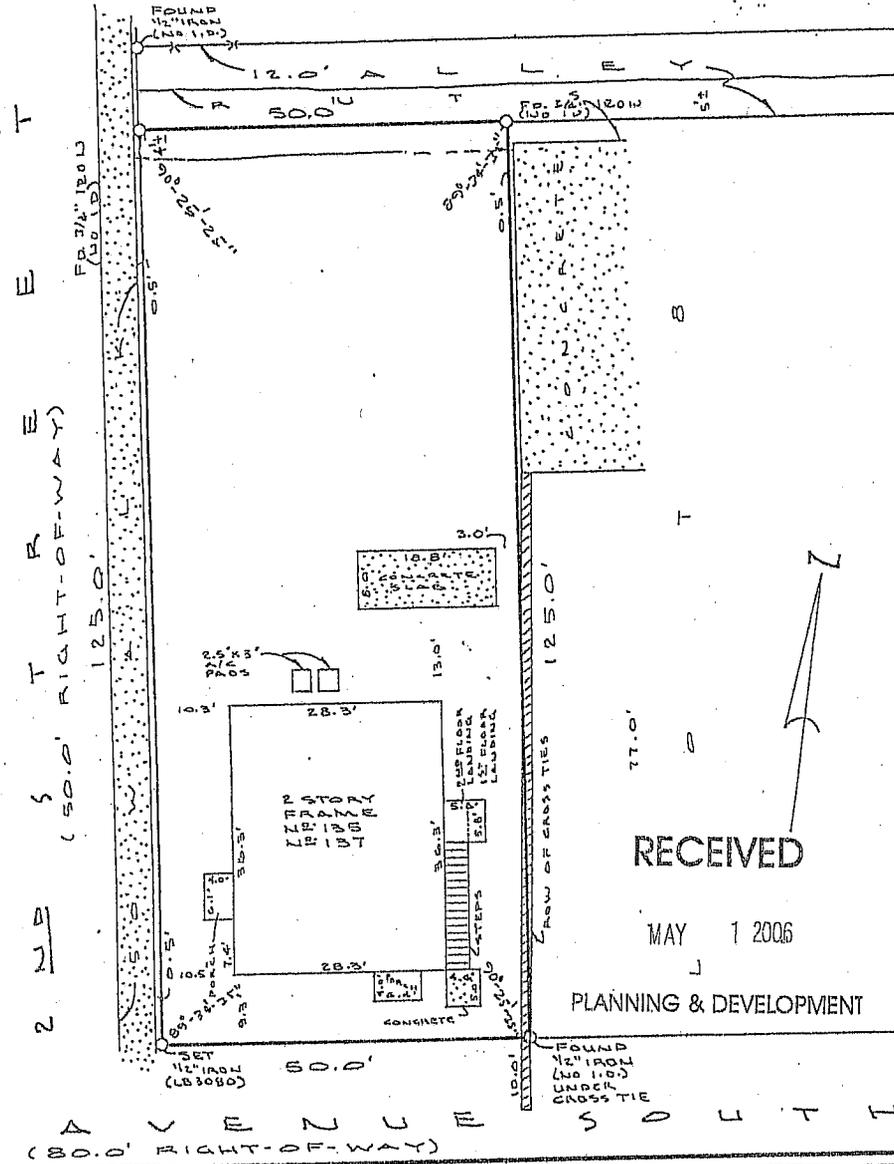
MAY 1 2006

PLANNING & DEVELOPMENT

MAP SHOWING SURVEY OF

Lot 7, Block 122, PABLO BEACH SOUTH, according to the plat thereof recorded in Plat Book 3, Page 28 of the Current Public Records of Duval County, Florida.

CERTIFIED TO: LEWIS F. HUNTER, JANICE K. HUNTER,
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY and
 FISHER, TOUSEY, LEAS & BALL, P.A.
 NATIONSBANK OF FLORIDA, N.A.



ELLIS, CURTIS & KOOKER, INC.
 LAND SURVEYORS AND PLANNERS
 (LB # 3080)

1660 EMERSON STREET
 JACKSONVILLE, FLORIDA 32207
 (904) 396-6334
 FAX (904) 396-9997

5531 BRANDIES AVENUE
 CALLAHAN, FLORIDA 32011
 (904) 879-9161
 FAX (904) 396-9997



GENERAL NOTES:

- 1.) This is a BOUNDARY
- 2.) No abstract of Title furnished.
- 3.) Not abstracted for easements.
- 4.) Basis of Bearings: N/A

Not valid unless Surveyor's
 Official Seal is embossed
 hereon.

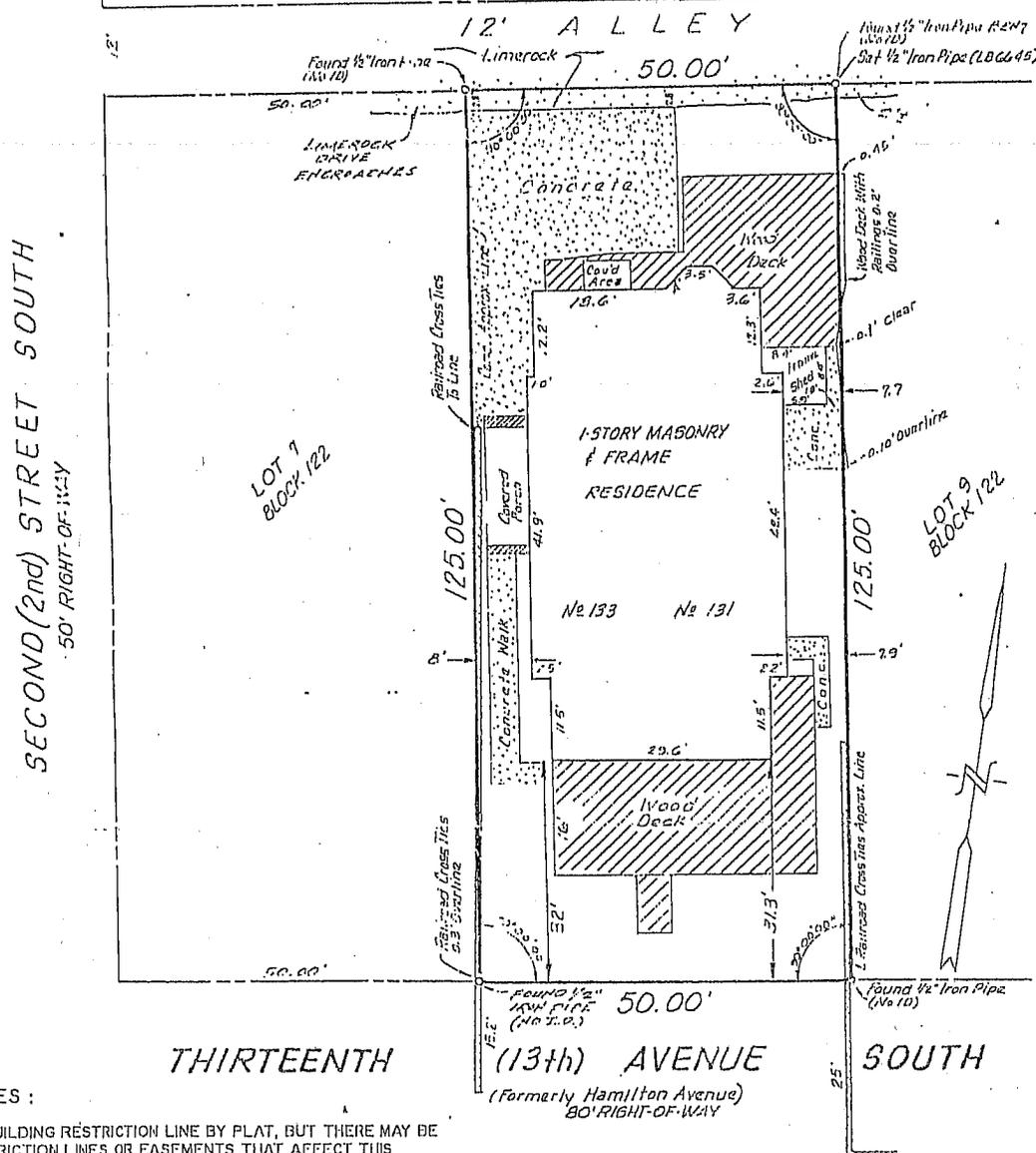
Handwritten signature
 HAROLD G. EVERETT, JR.
 Certificate No. 3287
 LOUIS J. EVERETT
 Certificate No. 4099
 Professional Surveyors & Mappers
 State of Florida

- LEGEND:**
- CONCRETE MONUMENT
 - IRON PIPE OR ROD
 - O/E OVERHEAD ELECTRIC
 - O/T OVERHEAD TELEPHONE
 - X CROSS-CUT IN CONCRETE
 - X-X FENCE

As best determined from an
 inspection of Flood Insurance Rate
 Map: 120078 0002 D
 dated 4-17-89, the lands/house
 surveyed lie in Zone "X"

MAP SHOWING BOUNDARY SURVEY OF:

LOT 8, BLOCK 122, PARLO BEACH SOUTH, AS RECORDED IN PLAT BOOK 3, PAGE 28 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



THIRTEENTH (13th) AVENUE SOUTH
(Formerly Hamilton Avenue)
80' RIGHT-OF-WAY

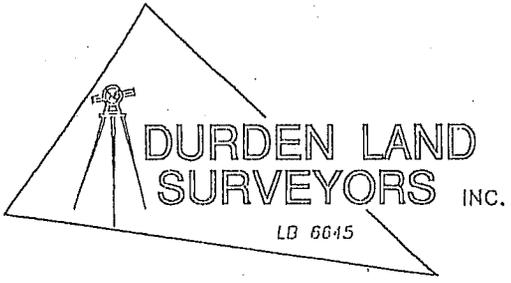
NOTES :
NO BUILDING RESTRICTION LINE BY PLAT, BUT THERE MAY BE RESTRICTION LINES OR EASEMENTS THAT AFFECT THIS PROPERTY BY ZONING OR RECORDED IN THE PUBLIC RECORDS OF THIS COUNTY THAT ARE NOT SHOWN ON THIS SURVEY.

THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "X" BY FLOOD MAPS REVISED 4/17/1989, COMMUNITY PANEL NO. 120078 0002 D.

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MAY 1 2006

PLANNING & DEVELOPMENT

CERTIFIED TO : JIM FALES



H. Bruce Durden

PROFESSIONAL LAND SURVEYOR NO. 1674 FLORIDA
H. BRUCE DURDEN, SR.

1103 SOUTH THIRD STREET
JACKSONVILLE BEACH, FLORIDA 32250
(904) 249-7261 FAX (904) 241-1252

DATE: MARCH 3, 1998
SCALE: 1"=20'

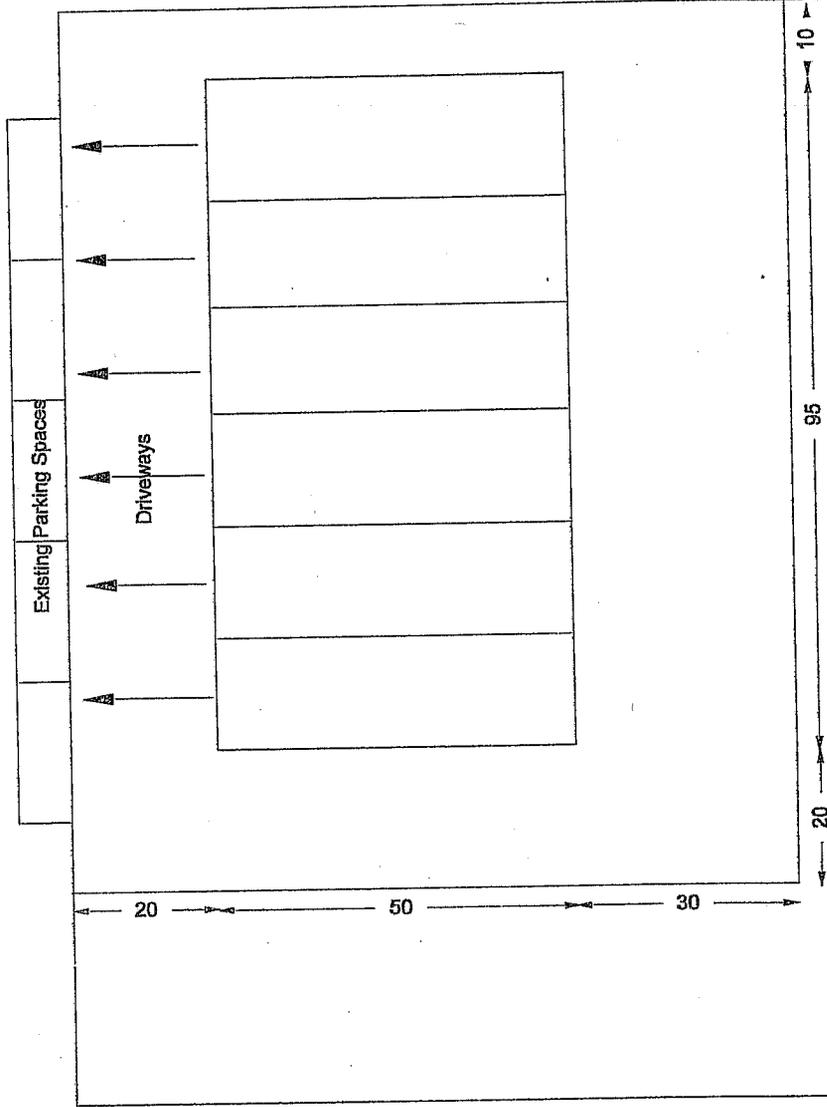
THIS MAP OF SURVEY IS NOT VALID UNLESS IT IS SIGNED AND HAS THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR.

RECEIVED

MAY 1 2006

PLANNING & DEVELOPMENT

Exhibit I
2nd Street South

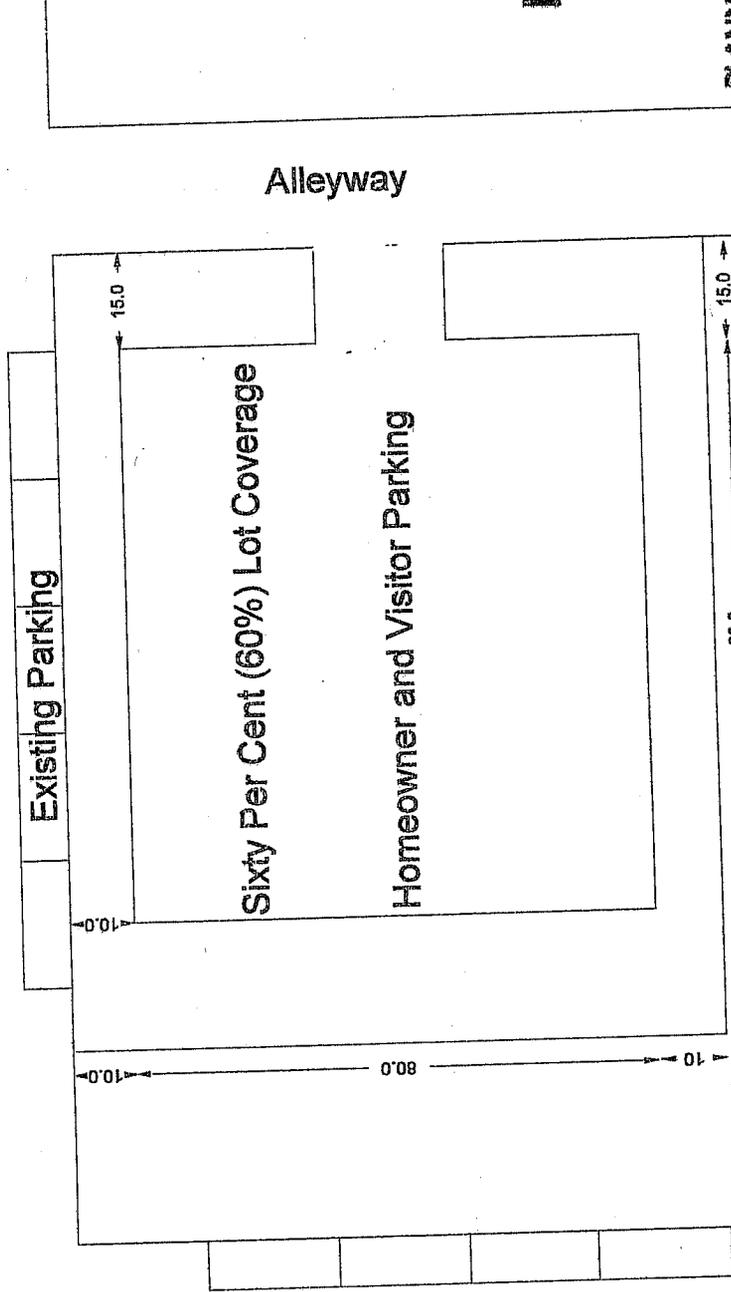


13th Ave South

Exhibit II

Variance Requested In Order To Provide Parking Underneath The Building

2nd Street South



Potential New Parking Spaces
13th Ave South

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MAY 1 2006

PLANNING & DEVELOPMENT

- Net Effect of Providing Parking Under the Building
- Maintain Existing Five Parking Spaces on 2nd Street
 - Add New Public Parking Spaces on 13th Ave South
 - Remove Non-Conforming Homes at 133 and 135 13th Ave South
 - New Building will Line-Up with Buildings at 127 13th Ave South and 1207 2nd Street South
 - Alleyway Behind 133 and 135 13th Ave is Paved
 - Visibility at the Intersection of 2nd Street and 13th Ave S is Improved
 - Removes Existing Variance in Place at 133 13th Ave South



Application for Variance

This form is intended for submittal, along with the required attachments, 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 or plat of the land, prepared by a registered land surveyor that shows the location of all existing improvements.
2. Site plan showing all existing and proposed improvements drawn to scale including the lot coverage percentage of all improvements (structures and surfacing).
3. Proof of ownership (copy of deed or current property tax notification), 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 submitted).
5. Completed application.

RECEIVED

MAY 1 2006

PLANNING & DEVELOPMENT

Application Information

Applicant's name: MARTY CLINE Phone: 904-241-3510

Mailing address: 2825 St. Johns Blvd., JAX BEACH, 32250 Phone: _____

Agent's name: _____ Mailing address: _____

Landowner's name: MARTY CLINE Phone: 904-241-3510
Mailing address: 2825 St. Johns Blvd., JAX BEACH, 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: 2825 St. Johns Blvd.

Legal description of property (attach copy of deed): ✓

Reason for the Variance request: (applicant must state the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary).

I NEED additional ROOM FOR ANOTHER FAMILY MEMBER (PARENTS) to MOVE IN.

Applicant's Signature: [Signature]

Date of Application: 5-1-06

THIS BOX FOR OFFICE USE, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2 FLOOD ZONE: X
CODE SECTION (S): 34-337(e)(1)(e) For 49% lot coverage in lieu of 44% maximum to allow for improvements to a single family dwelling

Variance Application Standards and Conditions

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	Meets? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	YES	Lot is UNIQUE to AREA IN THAT I DO NOT HAVE ANOTHER HOME Lot AT MY BACK PROPERTY LINE. Addition will not INTRUDE ON ANY OTHER PERSONS PROPERTY.
Special circumstances and conditions do not result from the actions of the applicant.	YES	(TAKING CARE OF PARENTS)
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	
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	THERE ARE OTHER HOMES IN THIS AREA WITH THE SAME OR MORE 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	I LOOKED INTO ALL OPTIONS.
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	I HAVE NO NEIGHBOR IN BACK OF MY Lot. MY Lot BACKS UP TO 40 FT BUFFER BETWEEN MY HOME & SOUTH BEACH PARK playing FIELDS.

MAP SHOWING BOUNDARY SURVEY OF LOT 3, BLOCK 8 AS SHOWN ON MAP OF JACKSONVILLE BEACH HEIGHTS

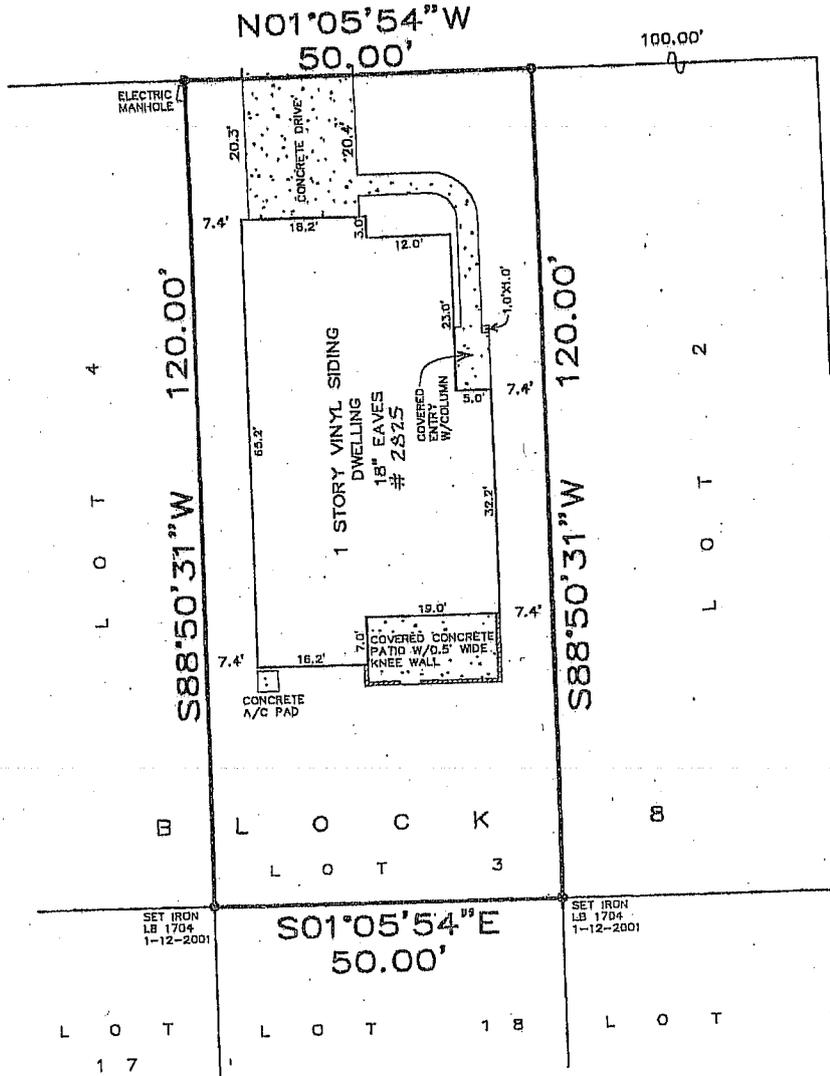
AS RECORDED IN PLAT BOOK 11, PAGE 40 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.
FOR: **HESTCON, INC.**

BEARING REFERENCE: S 01°17'48" E FOR EAST LINE OF CONSTITUTION COVE PER PLAT BOOK 35, PAGES 56 & 56A

ST. JOHNS BOULEVARD
(50' RIGHT OF WAY)

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DESOTO STREET
(50' RIGHT OF WAY)

CERTIFIED TO:
MARTY & KRISTA CLINI
WELLS FARGO HOME MORTGAGE
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
BLANKENSHIP LAW FIRM, P.A.

FINAL SURVEY: 1-12-2001
FOUNDATION SURVEY: 11-1-2000
NOTE: FOUND ALL IRONS, EXCEPT AS NOTED
NOTE: FOUND ALL IRONS

I HEREBY CERTIFY THAT THIS SURVEY, PERFORMED UNDER MY RESPONSIBLE DIRECTION MEETS THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYORS IN ACCORDANCE WITH CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE (PURSUANT TO SECTION #72.027, FLORIDA STATUTES), AND FURTHER CERTIFY THAT THERE ARE NO VISIBLE ENCROACHMENTS UPON THE SUBJECT PROPERTY EXCEPT AS SHOWN.

NOTE: THE LOT SURVEYED HEREON APPEARS TO LIE WITHIN FLOOD ZONE "X" AS SCALED FROM THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 12007B-0002D, DATED 4-17-89.

CLARSON AND ASSOCIATES, INC.
1843 NALDO AVE., JACKSONVILLE, FL., 32207

SURVEYED SEPTEMBER 1, 2000.
SCALE: 1" = 20'
FIELD BOOK 653 PAGE 23

Jose A. Hill Jr.
REGISTERED SURVEYOR NO. 4487, FLORIDA
JOSE A. HILL JR.
SURVEY NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL

- LEGEND:**
- FOUND CONCRETE MONUMENT
 - 1/2" SET IRON - LB 1704
 - B.R.L. BUILDING RESTRICTION LINE
 - CENTRAL ANGLE
 - RADIUS
 - ARC LENGTH
 - CHORD
 - P.C. POINT OF CURVATURE
 - P.T. POINT OF TANGENCY
 - P.R.C. POINT OF REVERSE CURVE
 - P.C.C. POINT OF COMPOUND CURVE
 - FOUND
 - R/W RIGHT-OF-WAY
 - D.R.V. OFFICIAL RECORDS VOLUME
 - J.E.A. JACKSONVILLE ELECTRIC AUTHORITY
 - 6" WOOD FENCE (WITH TIES TO FACE)

Property address:
 2825 ST JOHNS BLVD
 180882.0000.

PARCEL NUMBER:

Location Special Notes and Information

Item	Number/Code	Description	Date
BP Land Note	VARI	BOA 72-2000, 8/15/00, APPROVED FOR	09/26/2000
BP Land Note	VARI	EXCEEDING THE 35% MAXIMUM LOT COVERAGE	09/26/2000
BP Land Note	VARI	PERCENTAGE TO ALLOW FOR CONSTRUCTION OF	09/26/2000
BP Land Note	VARI	SINGLE FAMILY DWELLINGS IN ACCORDANCE	09/26/2000
BP Land Note	VARI	WITH REQUIRED YARD DIMENSIONS AND TO NOT	09/26/2000
BP Land Note	VARI	EXCEED THE MAXIMUM LOT COVERAGE	09/26/2000
BP Land Note	VARI	PERCENTAGE PROVIDED THE LOT MEETS THE	09/26/2000
BP Land Note	VARI	MINIMUM LOT AREA REQUIREMENT.	09/26/2000
BP Open Appl	00-00200290	DRIVEWAY APRON APPLICATION - STATUS AP	08/18/2000

50×120

6000

20.35×16

325.6

$62.2 \times (16.2 + 19.)$

2189.44

18.2×3

54.6

3×14

42

~~16~~

16×22

352

2963.64

$\frac{2963.64}{2} = 1481.82$

2963.64

$< 13 \times 22 >$

$< 3 \times 3 >$

$2668.64 \text{ existing } \frac{2668.64}{2} = 1334.32$



Application for Variance

This form is intended for submittal, along with the required attachments, 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 or plat of the land, prepared by a registered land surveyor that shows the location of all existing improvements.
2. Site plan showing all existing and proposed improvements drawn to scale including the lot coverage percentage of all improvements (structures and surfacing).
3. Proof of ownership (copy of deed or current property tax notification), 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 submitted).
5. Completed application.

Application Information

Applicant's name: Ronald C. & Misti A. Stephens Phone: 237-0921
 Mailing address: 1110 Shetter Avenue, Jacksonville Beach, Florida 32250
 Agent's name: Paul M. Eakin, Esquire Phone: 247-6565
 Mailing address: 599 Atlantic Boulevard, Suite 4, Atlantic Beach, Florida 32233
 Landowner's name: Ronald C. & Misti A. Stephens Phone: 237-0921
 Mailing address: Same.

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: 1100 Shetter Ave
~~88 10th Street South, Jacksonville Beach, FL 32250~~
 Legal description of property (attach copy of deed): Pt. Lot 4, Govt. Lot 6, Sec. 33, Twn 2 South, Range 29E
 Reason for the Variance request: (applicant must state the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). Part of Applicant's use does not fall squarely within definitions of parking standards. Applicant's use of its own property is inhibited by its neighbor (Separate Sheet Attached).

Applicant's Signature: _____

Date of Application: 5/1/06

THIS BOX FOR OFFICE USE, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: I-1

FLOOD ZONE: X

CODE SECTION (S): LDC Sec. 34-373(d) for 0' ~~set~~ parking area setback in lieu of 5' minimum along the westerly property boundary, and Sec. 34-377 for 25 spaces in lieu of 26 spaces required for a new office/warehouse/94m mixed-use building.

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Variance Application Standards and Conditions

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	Meets? 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	Neighbor's gasoline is on Applicant's property; code not clear on parking requirement.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Result from actions of neighbor and unclear code provisions.
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	Will actually treat property as equal to that of others.
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	Would not allow Applicant full use of property depending on arbitrary interpretation.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Variance is one parking space. Variance on landscape is with ourselves as adjacent owner.
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	We are the adjacent landowner.

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SEPARATE SHEET

Stephens Variance Application

1. Variance requested for relief from 5 foot landscape buffer on west side of property.
2. Variance requested of one (1) less parking space from that otherwise required. Current parking need based on use:

Total Personal Trainer Space:	3,389 s.f.	
@ one (1) space per 200 s.f.	=	16.9
Total office space:	2,471 s.f.	
@ one (1) space per 300 s.f.	=	8.2
Total warespace:	1257 s.f.	
@ one (1) space per 1,000 s.f.	=	<u>1.2</u>
		26.3 = 26

Parking spaces currently required: 26 with 2 as handicapped.

Currently there are nineteen (19) available with one as handicapped.

Six (6) more spaces to become available once neighbor turns off and secures gas line on westside of our property.

Then total would be twenty-five (25) spaces with one (1) for handicapped - which would meet code requirements. See section 34-378(c).

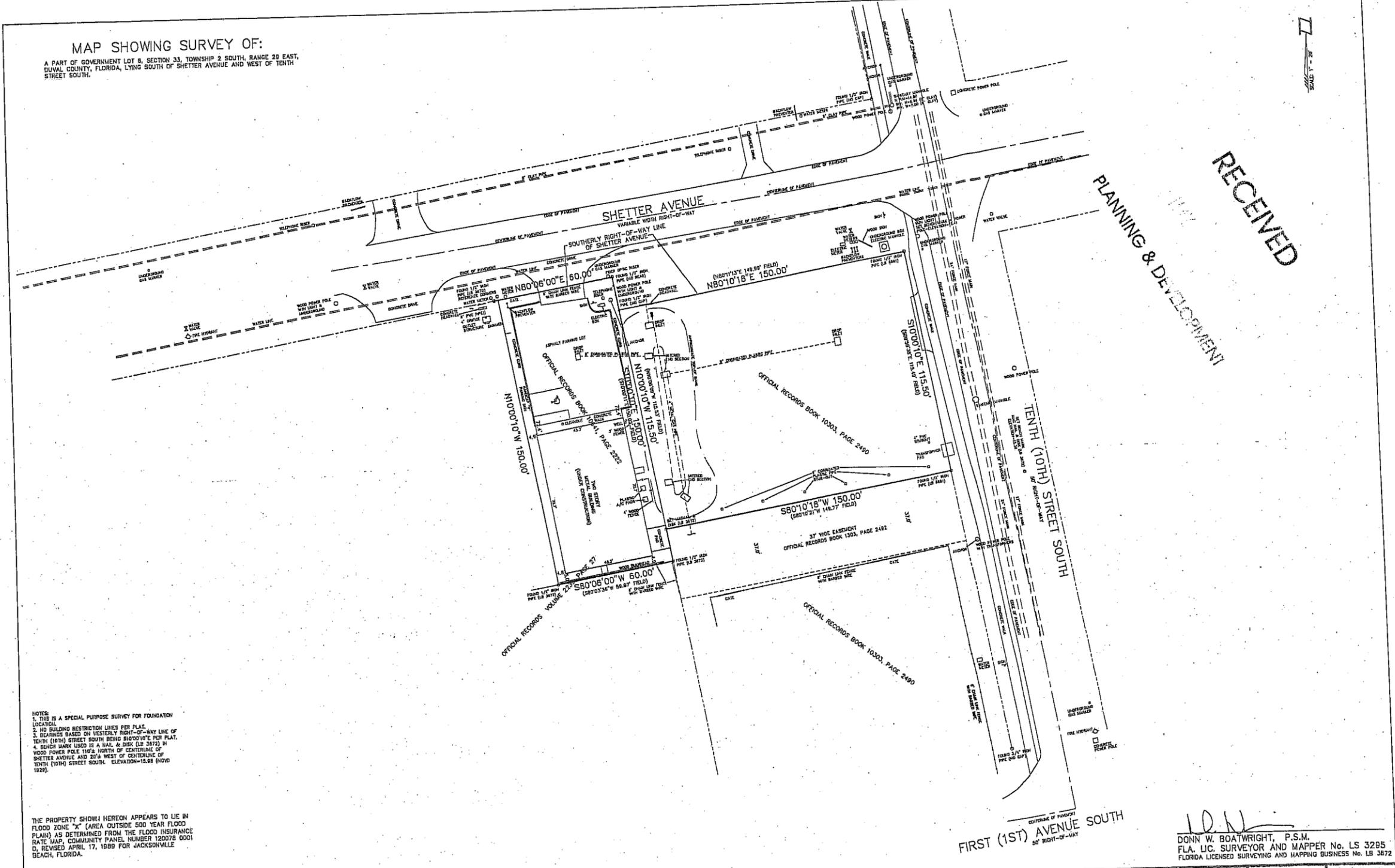
3. Variance requested is to occupy entire space now utilizing 19 available spaces until such time as gas line removed and 6 additional spaces added.

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MAP SHOWING SURVEY OF:
 A PART OF GOVERNMENT LOT 8, SECTION 33, TOWNSHIP 2 SOUTH, RANGE 28 EAST,
 DUVAL COUNTY, FLORIDA, LYING SOUTH OF SHETTER AVENUE AND WEST OF TENTH
 STREET SOUTH.



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NOTES:
 1. THIS IS A SPECIAL PURPOSE SURVEY FOR FOUNDATION
 LOCATION.
 2. NO BUILDING RESTRICTION LINES PER PLAN.
 3. BEARINGS BASED ON WESTERLY RIGHT-OF-WAY LINE OF
 TENTH (10TH) STREET SOUTH BEING S10°00'18\"/>

THE PROPERTY SHOWN HEREON APPEARS TO LIE IN
 FLOOD ZONE "X" (AREA OUTSIDE 500 YEAR FLOOD
 PLAIN) AS DETERMINED FROM THE FLOOD INSURANCE
 RATE MAP, COMMUNITY PANEL NUMBER 120078 0001
 D, REVISED APRIL 17, 1989 FOR JACKSONVILLE
 BEACH, FLORIDA.

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

10.11
 DONN W. BOATWRIGHT, P.S.M.
 FLA. LIC. SURVEYOR AND MAPPER No. LS 3285
 FLORIDA LICENSED SURVEYING AND MAPPING BUSINESS No. LB 3672

