



City of Jacksonville Beach

11 North Third Street
Jacksonville Beach, Florida

Agenda

Board of Adjustment

Tuesday, August 15, 2017

7:00 PM

Council Chambers

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 July 5, 2017

CORRESPONDENCE

OLD BUSINESS

- a. **Case Number:** BOA 17-100025 Request for Reconsideration
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: Variance request (BOA# 16-100040) was denied July 18, 2017.

Notes:

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

Notes:

NEW BUSINESS

- a. **Case Number:** **BOA 17-100104**
Applicant/Owner: South Jax Beach, LLC
Agent: Rick Johnson
Property Address: 3510 Ocean Drive South
Parcel ID: 181477-0000
Current Zoning: RS-1
Motion to Approve: **City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1., for a front yard setback of 18 feet, in lieu of 25 feet required; 34-336(e)(1)c.2., for a northerly side yard of 6.5 feet, and a southerly side yard of 8.2 feet, each in lieu of 10 feet required; 34-336(e)(1)c.3., for a rear yard setback of 10 feet, in lieu of 30 feet required; 34-336(e)(1)e., for 48.7% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling with pool, for property legally described as A part of Lots 8, 9, 10, and 11, Block 5, *Atlantic Shores*. (Lot B)**

Miscellaneous Info: No previous variance requests.

Notes:

- b. **Case Number:** **BOA 17-100106**
Applicant/ Owner: Jeffery B. Hall
Property Address: 605 Upper 8th Avenue South
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. **Case Number:** BOA 17-100119
Applicant/ Owner: Michael Junk
Property Address: 715 Holly Drive
Parcel ID: 174890-0000
Current Zoning: RS-1
Motion to Approve: **City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.3., for a front yard setback of 20 feet, in lieu of 25 feet required; 34-336(e)(1)e., for 45% lot coverage, in lieu of 35% maximum; to allow a front porch addition to an existing single-family dwelling, for property legally described as Lot 11, Block 8, Pine Grove Unit 2.**

Miscellaneous Info: No previous variance requests

Notes:

- d. **Case Number:** BOA 17-100122
Applicant/Owner: Robert Angelieri
Agent: John Denneen
Property Address: 175 South 21st Avenue
Parcel ID: 179306-0010
Current Zoning: RM-2
Motion to Approve: **City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(1)c.1, for a front yard setback of 12 feet in lieu of 20 feet required; 34-338(e)(1)c.2, for a corner side yard setback of 2 feet in lieu of 10 feet required, and side yards totaling 7 feet in lieu of 15 feet required; 34-338(e)(1)c.3, for a rear yard setback of 7 feet in lieu of 30 feet required; 34-338(e)(1)e., for 59% lot coverage in lieu of 35% maximum; to allow construction of a new single-family dwelling on Lot 3, for property legally described as Lot 3, except the easterly 5 feet thereof and all of Lot 6, Block BB as shown on map of Permenters Replat of South Pablo or Atlantic Camp Grounds.**

Miscellaneous Info: No previous variance requests

Notes:

- e. **Case Number:** **BOA 17-100123**
Applicant/Owner: Robert Angelieri
Agent: John Denneen
Property Address: 175 South 21st Street
Parcel ID: 179306-0010
Current Zoning: RM-2
Motion to Approve: **City of Jacksonville Beach Land Development Code Section(s) 34-338(e)(1)c.1, for a front yard setback of 12 feet in lieu of 20 feet required; 34-338(e)(1)c.2, for a corner side yard setback of 2 feet in lieu of 10 feet required, and side yards totaling 7 feet in lieu of 15 feet required; 34-338(e)(1)c.3, for a rear yard setback of 7 feet in lieu of 30 feet required; 34-338(e)(1)e., for 60.5% lot coverage in lieu of 35% maximum; to allow construction of a new single-family dwelling on Lot 6, for property **legally described** as Lot 3, except the easterly 5 feet thereof and all of Lot 6, Block BB as shown on map of Permenters Replat of South Pablo or Atlantic Camp Grounds.**
- Miscellaneous Info:** Two previous variance requests (BZA# 406-84 and BZA# 421-85).

Notes:

- f. **Case Number:** **BOA 17-100125**
Applicant/Owner: Brian Dohmen
Property Address: 3108 South Ocean Drive
Parcel ID: 181511-0000
Current Zoning: RS-1
Motion to Approve: **City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1., for a front yard setback of 18 feet, in lieu of 25 feet required; 34-336(e)(1)c.2., for 5 foot side yards, each in lieu of 10 feet required; 34-336(e)(1)e., for 49% lot coverage, in lieu of 35% maximum; 34-336(e)(1)g., for an accessory structure (pool deck) setback of 2 feet in lieu of 5 feet required; to allow construction of a new single-family dwelling for property **legally described** as Lot 6, Block 1, *Atlantic Shores Ocean Front Section – Division B*.**
- Miscellaneous Info:** No previous variance requests.

Notes:

- g. **Case Number:** **BOA 17-100126**
 Applicant/Owner: South Jax Beach, LLC
 Agent: Rick Johnson
 Property Address: 3510 South Ocean Drive
 Parcel ID: 181477-0000
 Current Zoning: RS-1
 Motion to Approve: **City of Jacksonville Beach Land Development Code Section(s) 34-336(e)(1)c.1.**, for a front yard setback of 18 feet, in lieu of 25 feet required; **336(e)(1)c.2.**, for side yard setbacks of 7.5 feet each, in lieu of 10 feet required; **34-336(e)(1)c.3.**, for a rear yard setback of 15 feet, in lieu of 30 feet required; and **34-336(e)(1)e.**, for 52.5% lot coverage, in lieu of 35% maximum; to allow construction of a new single-family dwelling with pool, for property **legally described** as A part of Lots 8, 9, 10, and 11, Block 5, *Atlantic Shores*. (Lot A)
 Miscellaneous Info: No previous variance requests.

Notes:

- h. **Case Number:** **BOA 17-100129**
 Applicant/Owner: Shawn T. Shanahan
 Property Address: 919 North 8th Avenue
 Parcel ID: 174508-0000
 Current Zoning: RS-1
 Motion to Approve: **City of Jacksonville Beach Land Development Code Section(s) 34-337(e)(1)c.2.**, for an easterly side yard setback of 4.1 feet, in lieu of 5 feet required; **34-337(e)(1)c.3.**, for a rear yard setback of 21.5 feet, in lieu of 30 feet required; **34-337(e)(1)e.**, for 48.6% lot coverage, in lieu of 35% maximum; to allow for a room addition and carport to garage conversion for an existing single-family dwelling, for property **legally described** as the west 20 feet of Lot 10 and the east 40 feet of Lot 11, Block 100, *Pablo Beach Improvement Company's Plat of the northern portion of Pablo Beach*.
 Miscellaneous Info: One previous variance request (BOA# 12-100080).

Notes:

PLANNING DEPARTMENT REPORT

The next scheduled meeting is **Wednesday, September 6, 2017**. There are seven (7) 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, July 5, 2017, 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 Chairman Moreland.

Roll Call

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

Alternates:

Francis Reddington *absent*
Chase Sams *absent*

Ex-parte Communications

Mr. Moreland stated that he had a voice mail from Ms. Christian in support of the first case and talked to the applicant.

Approval of Minutes

There were none.

Correspondence

There was none.

OLD BUSINESS:

(A) Case Number: BOA 17-100090

Name of Applicant: Nancy Soderberg

Property Address: 3714 Duval Drive

Application: Ms. Osewalt read into the record the applicant's request, which was for approval of 52.6% lot coverage in lieu of 35% maximum; and for accessory structure setback of 1 foot in lieu of 5 feet required; to allow for paving additions to the rear yard of an existing dwelling unit.

Applicant: The applicant, Ms. Nancy Soderberg, 3714 Duval Drive, stated that the lot is substandard size of 8400 square feet. She stated that the contractor laid some pavers on the property that contributed to the excess lot coverage. She stated that they are asking for an increase from 44%. She added that the pavers would be hidden by a hedge, and drainage improvements will help address drainage impacts. She added that the neighbors were in favor of the request.

Mr. Cummings noted that the lot seemed to be over 10,000 square feet and the lot was conforming. Mr. Buck asked if everything was there when they purchased the lot. Ms. Soderberg stated that what they were looking at was what was current.

The contractor for the applicant, Mr. Kevin Apple, 5160 Big Forest Lane, Jacksonville, stated that Ms. Soderberg has more than what is noted on the front yard that does not show on the survey. Ms. Osewalt stated that is public right-of-way and is not included. Mr. Mann noted that Jacksonville Beach differs from the Code of Atlantic Beach, which includes public right-of-way as part of the setback.

Mr. Moreland asked what the least amount of request would be acceptable. Ms. Soderberg stated that she would have to alter the pavers in the front yard to reduce it. She stated that they may be able to work with 47% lot coverage. Ms. Osewalt reminded everyone that they must determine if the denial prevents reasonable use of the property. Ms. Soderberg stated that she thought this was an optimum improvement to the property.

Public Hearing:

Mr. John Bordelon, 3804 Duval Drive, stated that the project was done without a building permit, and he notified the City. He thought that the applicant was in violation of overbuilding the property and she needed a variance that she hadn't received, and there was no hardship. He stated that there would be a bad precedence if they granted this after it was already done.

Mr. William Hillegas, 3739 Duval Drive, stated that he agreed with Mr. Bordelon. He wondered if the Board would have approved this if it had come before the Board before it was constructed. He expressed his opposition to the amount of coverage.

Mr. Richard Bush, 3705 Duval Drive, stated that the backyard and drainage were better than what was there before. He added that there would be a hardship if the applicant was forced to tear up the driveway.

Mr. Apple stated that it was his mistake that he didn't realize that there was a permit needed for non-structural construction.

Discussion:

Ms. Osewalt stated that the lot was conforming with 44% lot coverage already

approved and no apparent hardship.

Ms. Osewalt moved to deny the application because it is a conforming lot and there is no hardship. There was no second of that motion.

Mr. Cummings stated that he did not have an issue with the pavers. Mr. Buck stated that he understood what Ms. Osewalt's intent was, but stated that he could live with the 3% increase.

Motion to Approve: Mr. Buck moved to approve the application with 47% lot coverage rather than 52%, and including the 1-foot setback. Mr. Cummings seconded that motion.

Roll Call Vote: Ayes – Buck, Moreland, Truhlar, and Cummings. Nays - Osewalt. Motion approved 4-1.

NEW BUSINESS

(A) Case Number: BOA 17-100091

Name of Applicant: Bobby Rose

Property Address: 131 North 10th Avenue

Application: Ms. Osewalt read into the record the applicant's request, which was for approval of a request for 53.1% lot coverage lieu of 35% maximum, to allow for an accessory building addition to an existing legal nonconforming single family dwelling.

Applicant: The agent for the applicant, Richard Moore, 6060 Chester Circle, Jacksonville, stated he was with Direct Movement Group. He stated that Mr. Rose needed more storage space. Mr. Moreland asked if this would be a business. Mr. Buck asked if they had talked to their neighbors. Mr. Moore described the bordering parcels.

Mr. Bobby Rose, 131 North 10th Avenue, was also barely audible. He stated that he needed room for a workroom. Mr. Buck stated that typically they do not approve greater than 50% lot coverage.

Mr. Mann noted that the lot size was over 5,400 square feet. This is an accessory structure, but they must treat this as a 6,000 square foot lot requirement. The applicant once again spoke something unintelligible into the mic.

Public Hearing:

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

Discussion:

Ms. Osewalt noted that the lot was non-conforming. Mr. Truhlar stated that he would be comfortable with something less than 50% lot coverage.

Motion to Approve: It was moved by Mr. Truhlar to approve 47.5% lot coverage rather than the amount requested in the application, as discussed and presented. The motion was seconded by Mr. Cummings.

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

(B) Case Number: BOA 17-100092

Name of Applicant: Nathan Hayes

Property Address: 2001 Waterway Island Lane

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 feet in lieu of 30 feet required; for 46% lot coverage in lieu of 35% maximum; to allow construction of a single-family dwelling.

Applicant: The applicant, Mr. Nathan Hayes, address unintelligible, provided additional information to the Board. He reviewed the site plan, noting that the parcel was irregularly shaped which created the hardship. He stated that they needed additional paver area to allow the car to get out of the garage. He provided letters from the neighbors stating that they had no objection to the variance, as well as other variances in the area that were approved.

Public Hearing:

Mr. Tony Davenport, 55 Tallwood Road, expressed his opposition to the request. He questions whether there was a hardship, stating that building a bigger house on the parcel is not a hardship. He noted that this lot was platted as an irregular lot and the buyer should have been aware.

Discussion:

Mr. Cummings noted that the lot is a conforming lot based on size. Mr. Buck noted that they had approved some houses in this area for over 35% lot coverage, but thought that this request was excessive and the percentage needed to be reduced. Ms. Osewalt stated that she agreed with Mr. Davenport that this request was not reasonable.

Mr. Cummings asked Mr. Mann if there was a hardship for someone with an irregularly shaped lot. Mr. Mann responded only if it doesn't meet minimum lot width at the building line. He stated that this property was conforming.

Motion: It was moved by Ms. Osewalt to deny the request because it was not the minimum relief necessary to allow reasonable use of the property. The motion was seconded by Mr. Cummings.

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

(C) Case Number: BOA 17-100094

Name of Applicant: Ricky and Erika Alley

Property Address: 459 South 34th Avenue

Application: Ms. Osewalt read into the record the applicant's request, which was for approval of a request for 49% lot coverage in lieu of 35% maximum, and for an accessory structure setback of 4 feet in lieu of 5 feet required, to allow a pool and deck addition to an existing single-family home.

Applicant: The applicant, Mr. Ricky Alley, 459 34th Avenue South, stated that they were trying to minimize the area of the pavers but wanted this deck addition. He stated that none of the neighbors are opposed. Mr. Mann stated that the setback is for the back of the pool deck.

Ms. Osewalt asked what they were asking for. Mr. Alley stated they were asking for 47.6%, but Mr. Mann stated that they were asking for 49%. Mr. Alley stated that they were previously approved for side yard setbacks and 45% lot coverage. Mr. Moreland asked if the previously approved variance to 45% has addressed the substandard size of the lot. Mr. Alley stated that other neighbors had received more than 45%.

Public Hearing:

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

Discussion:

Mr. Cummings stated that the lot was 6660 square feet. Ms. Osewalt stated that the previous variance should have addressed the issue.

Motion to Approve: It was moved by Ms. Osewalt that the application be approved only for an accessory structure setback for four feet in lieu of five feet required, with no increase in lot coverage. The motion was seconded by Mr. Buck.

Roll Call Vote: Ayes - Buck, Osewalt, Truhlar, Cummings, and Moreland. The motion to approve the request as modified was approved unanimously

(D) Case Number: BOA 17-100095

Name of Applicant: John and Michelle Tipton

Property Address: 2333 Azalea Drive

Application: Ms. Osewalt read into the record the applicant's request, which was for approval of a side yard setback of five feet in lieu of 10 feet required to allow construction of a single-family dwelling.

Applicant: The applicant, John Tipton, 2333 Azalea Drive, stated that their home was a total loss from Matthew. He stated that it is too expensive to repair so they would like to rebuild but build up to avoid tropical weather destruction happening again. He stated that they don't want to build a two-story house to block their neighbors' view. He stated that they wanted to build a detached garage.

Mr. Mann asked if there was an existing garage and did this replicate the existing condition that isn't shown on the survey.

Mr. Tipton stated that they are going to use the same footprint as the existing house. He stated that they are doing a three-foot stem wall to raise the elevation.

Ms. Michelle Tipton, 2333 Azalea Drive, provided the Board with letters from the neighbors that were in support of the proposal. She read the names and addresses into the record. She said that she had spoken to the neighbors and noted that they did not want to block the view with two-story houses or a different location of the garage.

Public Hearing:

Mr. Francis Floyd, 910 24th Street North, stated that he appreciated the view from his second floor, and supported this variance.

Ms. Pat Fisher, 2300 Azalea Drive, stated that she had letters from neighbors that opposed this proposal. She stated that the proposal to build five feet from the property line is too close. She read into the record the names and addresses of people who opposed the proposed variance.

Mr. Bruce Floyd, 1003 North 24th Street, stated that his view to the marsh was across the Tipton property and would support their proposal to stick to a one-story

home. He added that he is familiar with drainage and this should not be an issue for this proposal.

Mr. Dave Lemaire, 910 23rd Street, North, expressed support for the proposed variance. He stated that a two-story house would obstruct his view.

Ms. Tipton stated that they had received some neighbor's support who do not want two stories. She added that the garage would border the garage of the neighbor to the west, not their living area.

Discussion:

Mr. Truhlar asked Mr. Mann what a standard garage would be. Mr. Mann stated that a two-car garage typically had a 20-foot width and the depth varied.

Mr. Buck noted that the garage would go over the footprint of the existing garage which is already five feet from the property line. He did not think the five feet setback would cause a problem.

Motion to Approve: It was moved by Ms. Osewalt that the application be approved as proposed, limited to as discussed and presented. The motion was seconded by Mr. Cummings.

Roll Call Vote: Ayes - Buck, Osewalt, Truhlar, Cummings, and Moreland. The motion to approve the request as modified was approved unanimously.

(E) Case Number: BOA 17-100096

Name of Applicant: Ken Atlee

Property Address: 480 South 9th Avenue

Application: Ms. Osewalt read into the record the applicant's request, which was for approval of a corner side yard setback of 7.5 feet in lieu of 10 feet required and side yards totaling 12.5 feet in lieu of 15 feet required; for a rear yard setback of 15 feet in lieu of 30 feet required; and for 55% lot coverage in lieu of 35% required to all construction of a single-family dwelling.

Applicant: The applicant, Mr. Tim Townsend, 428 Hopkins Street, Neptune Beach, stated that the property was not marketable. He stated that Mr. Atlee approached him about this parcel and needed the variances requested to build on that lot.

Mr. Cummings asked if they could go down from 55% lot coverage. Mr. Townsend responded he could go down to 48%.

Mr. Buck asked if he could live with a smaller request for a backyard setback. Mr.

Mann noted to the applicant that he could also withdraw the application, and if he did, there is no minimum time frame in which to re-apply, whereas if the application is denied he has to wait a year to re-apply for the same variances.

Mr. Townsend then withdrew the application.

(F) Case Number: BOA 17-100097

Name of Applicant: Kendra Kirkland

Property Address: 840 South 2nd Avenue

Application: Ms. Osewalt read into the record the applicant's request, which was for approval of a front yard setback of 15 feet in lieu of 20 feet required; for side yards of 7.5 feet each, in lieu of 10 feet required; for a rear yard setback of 9 feet, in lieu of 30 feet required; for 50% lot coverage in lieu of 30 feet required; to allow construction of a two-family dwelling.

Applicant: The agent for the applicant, Mr. Randy Rice, 91687 Gateway Blvd., Amelia Island, stated that the lot is substandard and is zoned for a two-family dwelling. He stated that he would be willing to modify the request in response to what he heard tonight. Mr. Moreland asked if the front yard requested would be similar to others along the street.

A woman addressed this issue but did not elect to go to the microphone until well into her discussion, and her name was not audible. Once audible, she noted that they may be blocking the view of the lot next door. Ms. Osewalt noted that they would be 21 feet closer to their neighbor to the back than required. Mr. Rice noted that if they followed the requirements, they would only have a 10-foot deep house.

Public Hearing:

Mr. Moreland noted the nine people who had completed cards who were opposed to the request but did not wish to address the Board.

Mr. Tony Komarek, 533 11th Avenue South, stated that there is no hardship. The builder purchased a substandard lot knowing the requirements of the setbacks. Mr. Komarek stated that they could build a smaller building unit than what they wanted. He noted that this is not the least request that would allow development on this lot.

Mr. Sam Thomas, 2249 South Beach Parkway, stated that the members of the church across the street opposed this proposal. He stated that the applicant knew it was substandard when purchased. He added that there was a problem with parking at the church and this would make it worse.

Ms. Shandy Thompson, 522 3rd Avenue South, stated that there is a parking issue in this area. She stated that the proposed development is not consistent with the

surrounding units. She stated that they could easily build a single-family unit there.

The woman noted that they had an option on the property but did not take a gamble because they haven't made the purchase yet. She noted that there are other units in the area the same size as the one requested. She added that by building on this land, they would take land that isn't meant for public parking.

Mr. Rice added that this property is not the solution to the parking issue. He noted there would be adequate parking for people living on this parcel. He added this parcel is a lot of record that is unbuildable without this request.

Discussion:

Ms. Osewalt noted that while the lot was substandard, she did not think that a three-story duplex was the only thing that should be allowed on this lot.

Mr. Buck noted that they have denied several lots in the area similar to this where single-family units were built. He stated that he could not support a duplex on this lot.

Motion: It was moved by Mr. Buck that the application be denied finding that the variances were not the minimum necessary to allow reasonable use of the property. The motion was seconded by Mr. Cummings.

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

(G) Case Number: BOA 17-100098

Name of Applicant: Greg Barnett

Property Address: 634 South 15th Avenue

Application: Ms. Osewalt read into the record the applicant's request, which was for approval of 42% lot coverage in lieu of 35% maximum to allow construction of a new single-family dwelling with pool.

Applicant: The applicant's partner, Mr. Ryan Pallo, 3010 3rd Street South, stated that the lot was non-conforming, being a 6,250 square-foot lot where 7,500 square feet is the minimum.

Mr. Buck asked if there was any opposition from the neighbors. Mr. Pollo said there was none.

Mr. Mann noted that they would have to shift the house five feet to allow the corner side yard to be 10 feet.

Public Hearing:

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

Discussion:

Mr. Buck noted that if the lot were conforming the lot coverage would be 35%

Motion to Approve: It was moved by Mr. Cummings that the application be approved as proposed. The motion was seconded by Mr. Truhlar.

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

Adjournment

There being no further business coming before the Board, Mr. Moreland adjourned the meeting at 9:05 P.M.

Submitted by: Amber Maria Lehman
Staff Assistant

Approval:

_____ Chairman

Date: _____



APPLICATION FOR VARIANCE

6-20-17
BOA No. 17-100025
HEARING DATE 4-4-2017
2/18

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

SCANNED

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.

RECEIVED

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.

PLANNING & DEVELOPMENT

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	This 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.

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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 Albambra Drive West, Jacksonville, FL 32207 of the County of Duval, State of Florida, grantor*, and Hasteb, LLC, a Florida limited liability company whose post office address is 3982 Albambra 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.

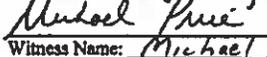
and said grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

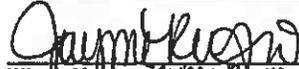
* "Grantor" and "Grantee" are used for singular or plural, as context requires.

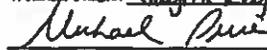
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

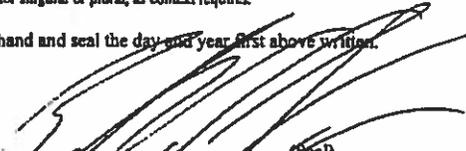
Signed, sealed and delivered in our presence:

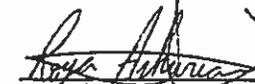

Witness Name: Jymie Reynolds


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: _____



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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.

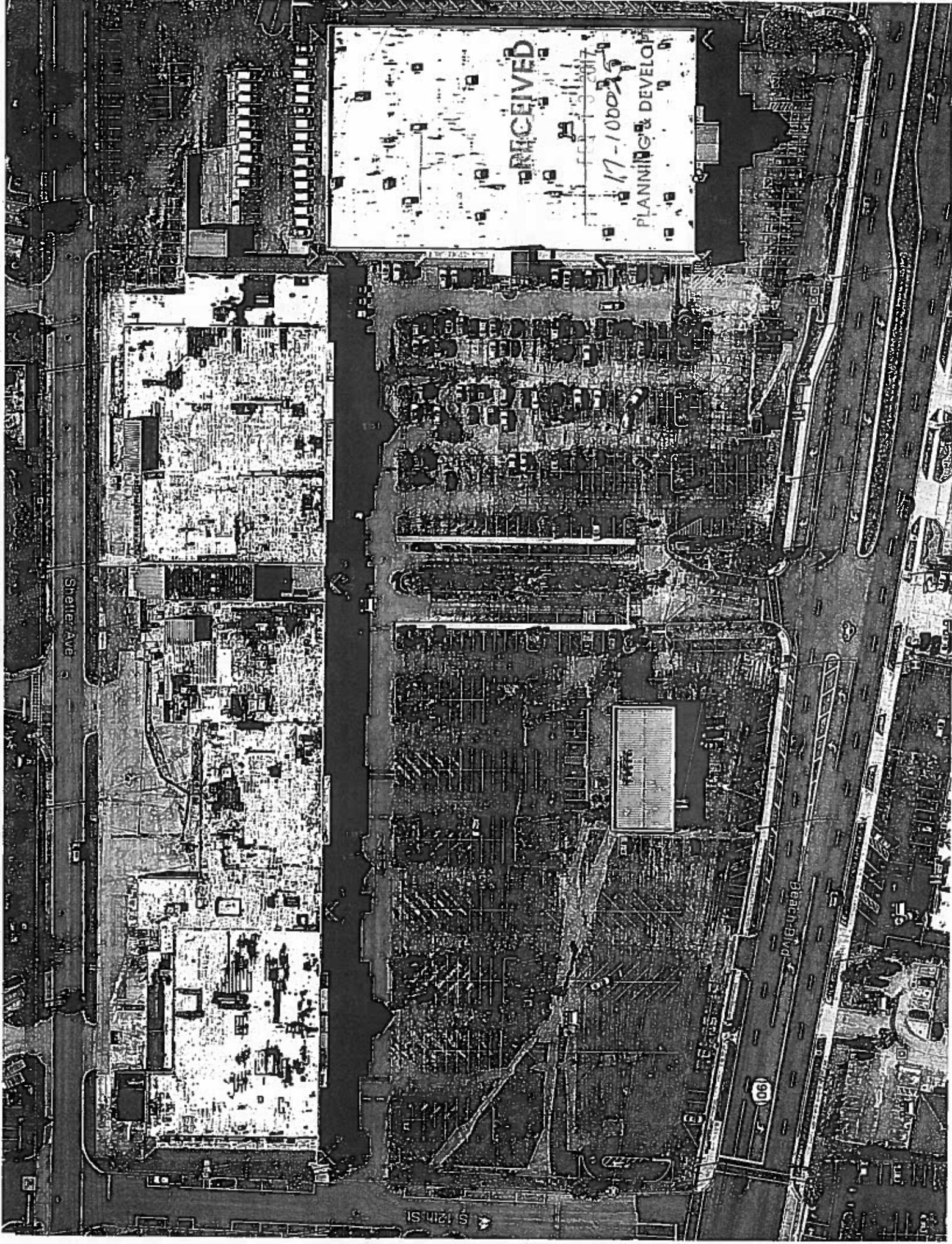
PARCEL I.D. NO.: 177502-0000

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FEB 13 2017

17-100025

PLANNING & DEVELOPMENT



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JUN 11 2017

17-100026

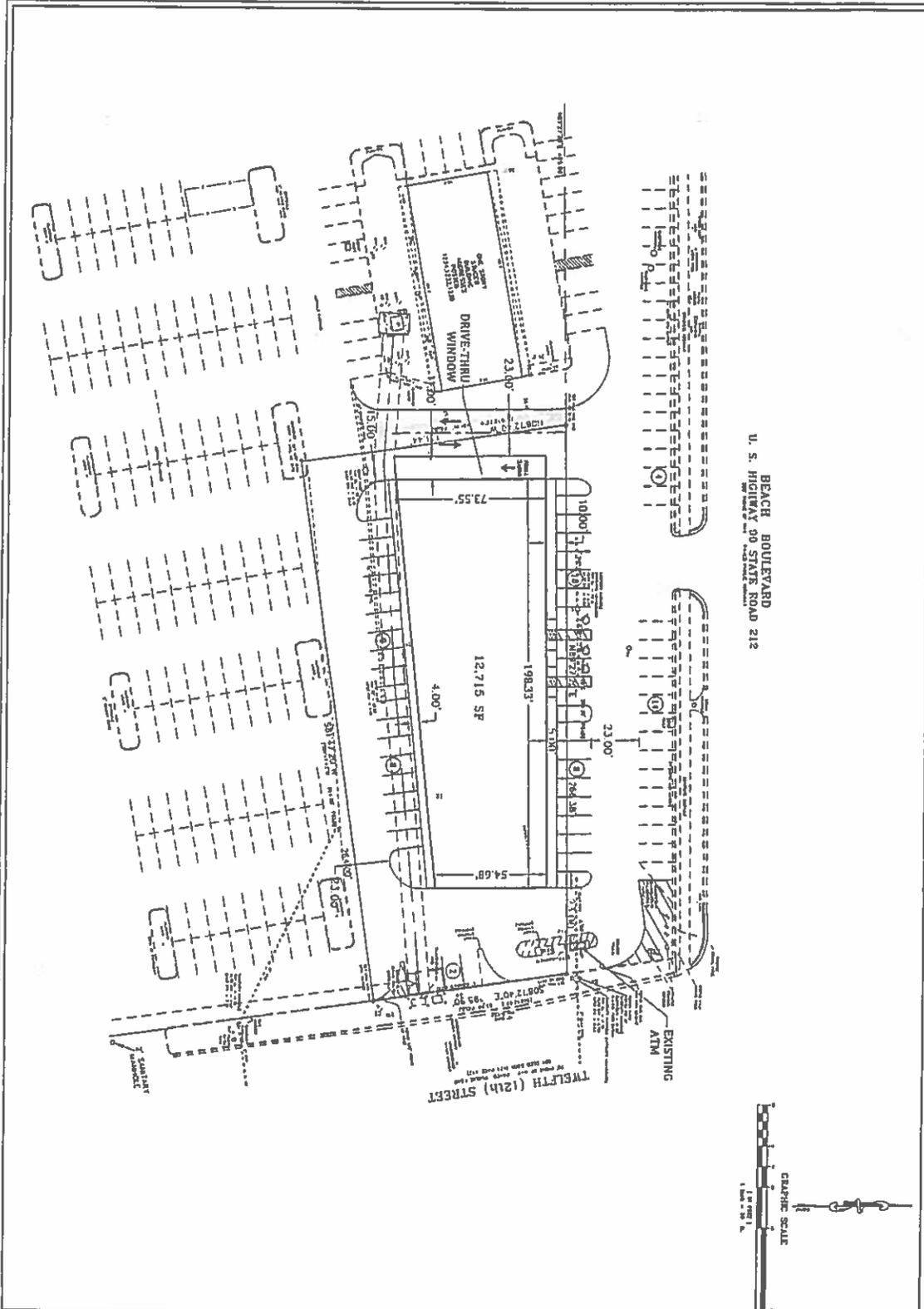
PLANNING & DEVELOPMENT

Shelley Ave

Beach Blvd

S 12th St

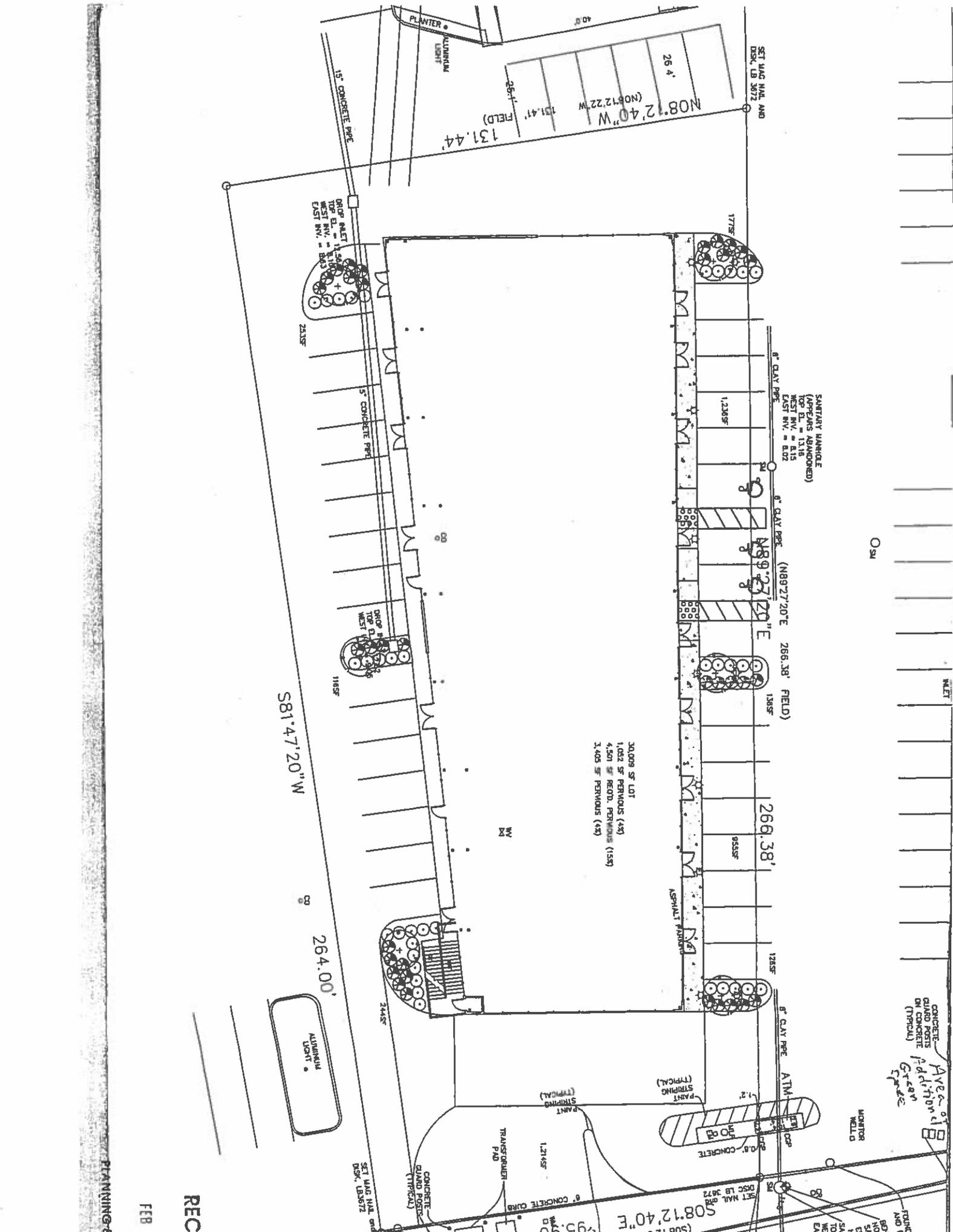
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BEACH BOULEVARD
U. S. HIGHWAY 90 STATE ROAD 212

C-4	<p>CONCEPTUAL PLAN BEACH PLAZA OUT PARCEL SW CORNER OF BEACH BLVD & 12TH ST Jacksonville Beach, Florida</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Project No:</td><td>1811-0701</td></tr> <tr><td>Date:</td><td>JUNE, 2018</td></tr> <tr><td>Prepared by:</td><td>REF</td></tr> <tr><td>Drawn by:</td><td>MDM</td></tr> <tr><td>Checked by:</td><td>REF</td></tr> </table>	Project No:	1811-0701	Date:	JUNE, 2018	Prepared by:	REF	Drawn by:	MDM	Checked by:	REF	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>No.</td><td>Description</td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> <tr><td> </td><td> </td></tr> </table>	No.	Description								
Project No:	1811-0701																						
Date:	JUNE, 2018																						
Prepared by:	REF																						
Drawn by:	MDM																						
Checked by:	REF																						
No.	Description																						
<p>CSI CIVIL SERVICES, INC. CONSULTING ENGINEERS</p> <p>2304 ST. JOHNS BLUFF BLVD. E JACKSONVILLE, FLORIDA 32246 PHONE (904) 641-1831 FAX: (904) 643-0957</p>																							

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 FEB 13 2017
 17-16002
 PLANNING & DEVELOPMENT



SANITARY MANHOLE
(APPEARS ABANDONED)
TOP EL. = 13.18
WEST INV. = 8.15
EAST INV. = 8.02

30,009 SF LOT
1,082 SF PERVIOUS (4%)
4,301 SF RESTD. PERVIOUS (15%)
3,405 SF PERVIOUS (4%)

CONCRETE GUARD POSTS ON CONCRETE (TYPICAL)
Ave 6
Addition
Green
Gravel

RECE
FEB 1

PLANNING &

REV OF R/W/ML
 P 4-4 89A
 WJH

Wypit's
 WG Pitts Company
 8150 Bordenway Road, Suite 300
 Jacksonville, FL 32256
 Phone: 904-722-1111
 Fax: 904-722-1112
 www.wypits.com

ASHCO, INC.
 4418 BORDENWAY ROAD, SUITE 301
 JACKSONVILLE, FL 32216
 Phone: 904-722-1111
 Fax: 904-722-1112
 www.ashco.com

BEACH PLAZA OUTPARCEL
 1181 BEACH BLVD
 JACKSONVILLE, FL 32209
 Project Director

ARCHITECT
 Bruce Dwyer, LLC
 Bruce Dwyer, Sr.
 P.O. Box 1000732
 Jacksonville, FL 32210
 Phone: 904-722-1111
 Fax: 904-722-1112

STRUCTURAL & MEP ENGINEER
 Lee J. Engineering, Inc.
 Lee J. Lee, P.E.
 1400 N. Laurel Dr.
 Jacksonville, FL 32218-2815
 Phone: 904-722-1111
 Fax: 904-722-1112

CIVIL ENGINEER
 G.W. Engineering, Inc.
 G.W. Engineering, Inc.
 2344 St. Johns Blvd. S.
 Jacksonville, FL 32216
 Phone: 904-651-1818
 Fax: 904-651-1818

TRAFFIC ENGINEER
 Chandler Traffic Solutions, Inc.
 Richard R. Chandler, P.E., P.T.C.E.
 1000 N. Orange Ave., Suite 401
 Jacksonville, FL 32209
 Phone: 904-421-0410
 Fax: 904-421-0410

LANDSCAPE ARCHITECT
 G.W. Pitts Company, LLC
 8150 Bordenway Road, Suite 300
 Jacksonville, FL 32256
 Phone: 904-722-1111
 Fax: 904-722-1112

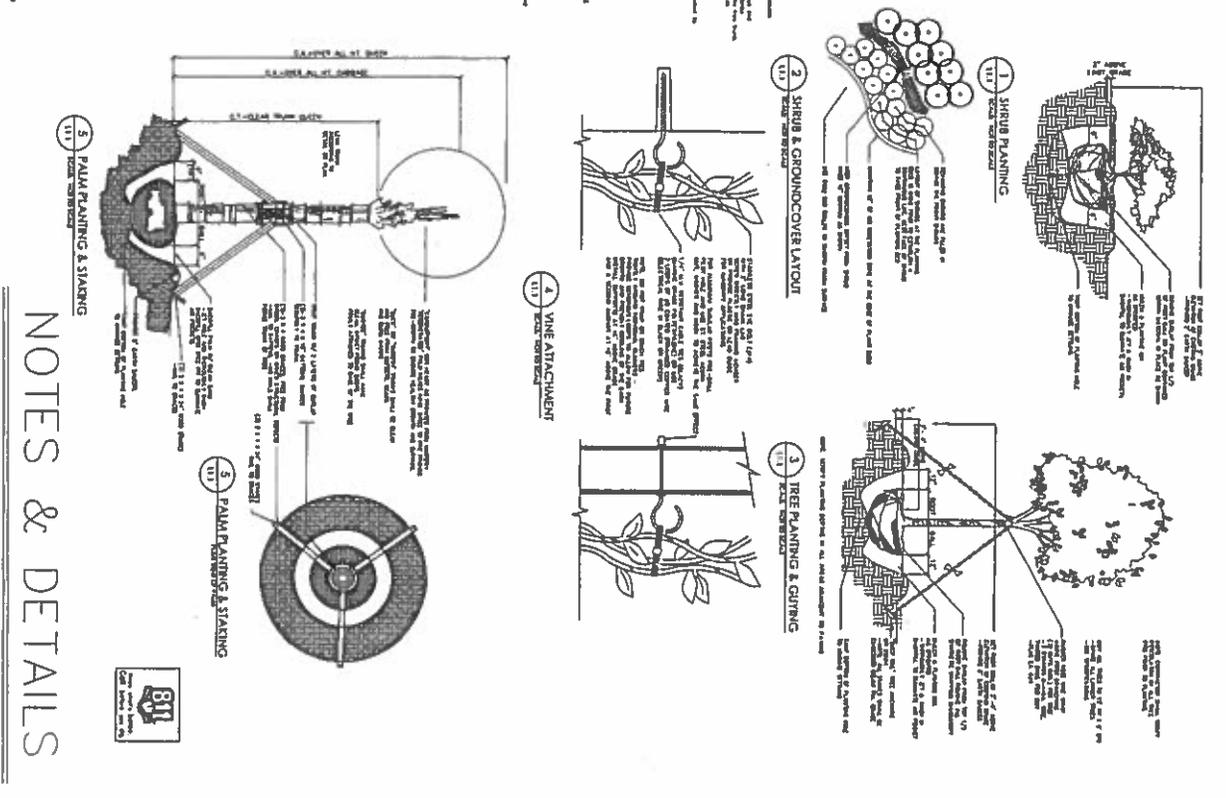
Key Plan
 GARDEN BUILDING
 North

Permit Drawing
 No. Date Description

Drawing Title
 LANDSCAPE PLANS

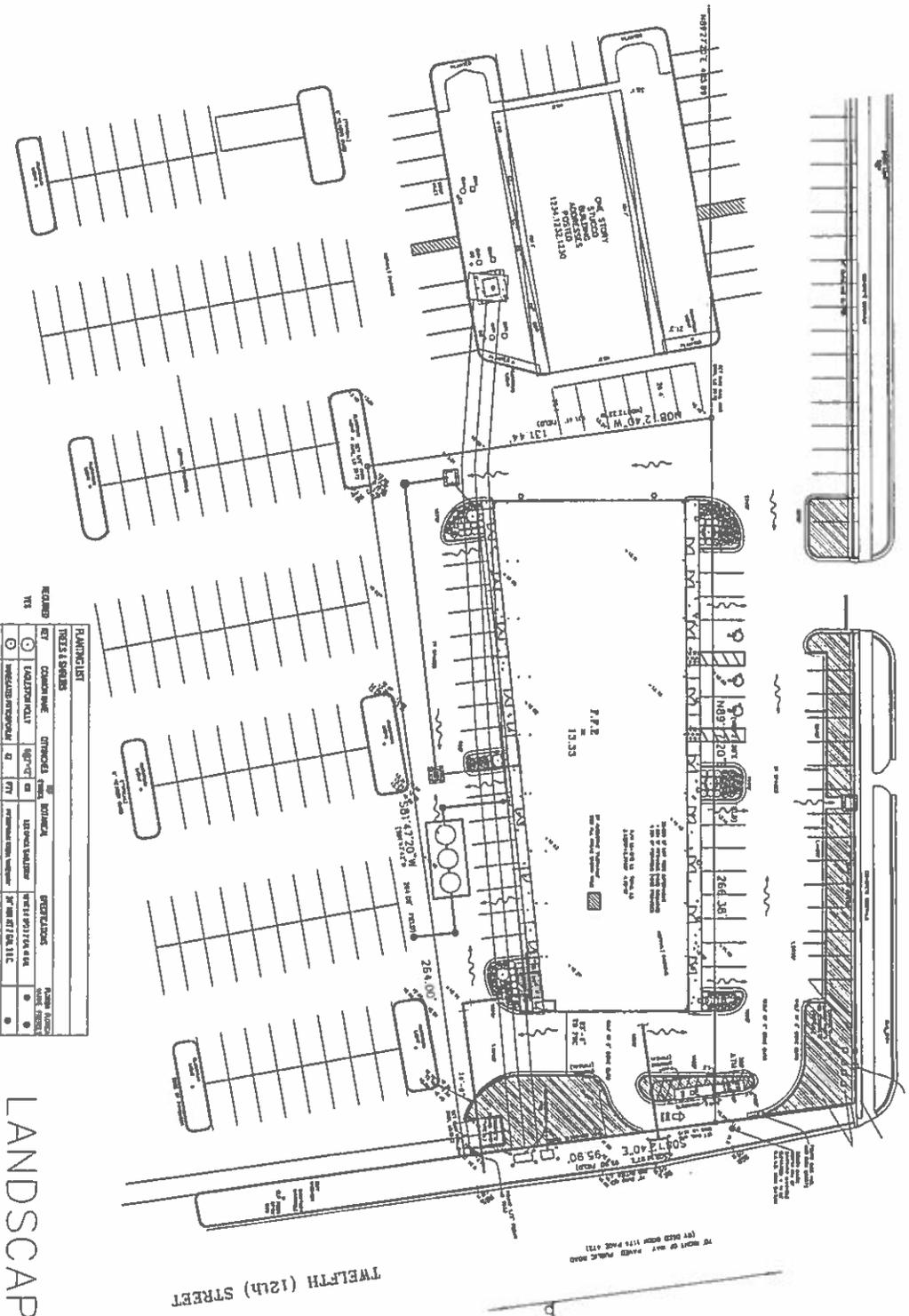
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1. SHRUB PLANTING
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BEACH BOULEVARD
U. S. HIGHWAY 90 STATE ROAD 212



PLANTING LIST

SYMBOL	COMMON NAME	APPROX. QUANTITY	PLANTING DATE	PLANTING LOCATION	PLANTING METHOD
○	LAUREL OLEANDER	10	1/15/12	ALONG SIDE OF DRIVE	PLANTING
○	WAX PALM	10	1/15/12	ALONG SIDE OF DRIVE	PLANTING
○	SPYGLASS PALM	10	1/15/12	ALONG SIDE OF DRIVE	PLANTING
○	SPYGLASS PALM	10	1/15/12	ALONG SIDE OF DRIVE	PLANTING
○	SPYGLASS PALM	10	1/15/12	ALONG SIDE OF DRIVE	PLANTING
○	SPYGLASS PALM	10	1/15/12	ALONG SIDE OF DRIVE	PLANTING
○	SPYGLASS PALM	10	1/15/12	ALONG SIDE OF DRIVE	PLANTING
○	SPYGLASS PALM	10	1/15/12	ALONG SIDE OF DRIVE	PLANTING
○	SPYGLASS PALM	10	1/15/12	ALONG SIDE OF DRIVE	PLANTING
○	SPYGLASS PALM	10	1/15/12	ALONG SIDE OF DRIVE	PLANTING

LANDSCAPE PLANS

GRAPHIC SCALE 0 20 40 60 80 100

WGD & RWR
© 4-4 B04
M19



WG Plants Company
8750 Brynmere Road, Suite 300
Jacksonville, FL 32218
904-250-1199
www.wgplants.com



ASHCO, INC.
6475 BOWEN ROAD, SUITE 201
JACKSONVILLE, FL 32218
www.ashco.com

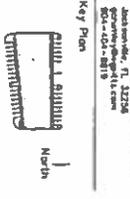
BEACH PLAZA OUTPARCEL
1000 BEACH BLVD. N.W.
JACKSONVILLE, FL 32250

Project Director
ARCHITECT
LIFE
Diane Green, S.
P.O. Box 20000
Jacksonville, FL 32202
www.diane-green.com

STRUCTURAL & MEP ENGINEER
Lee J. Engineering, Inc.
1111 E. 1st St., Suite 100
Jacksonville, FL 32202-3645
www.leejeng.com

TRAFFIC ENGINEER
Diane Lynn Solutions, Inc.
1000 Beach Blvd., Suite 100
Jacksonville, FL 32209
www.dianelynn.com

LANDSCAPE ARCHITECT
W.G. Plants Company, LLC
8750 Brynmere Road, Suite 300
Jacksonville, FL 32218
www.wgplants.com



Drawing Title

No.	Date	Description

Job No. 142488
Date: 04/12/12
Scale: As Shown
Sheet: 2 of 2

L-1.2

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

Cathy Martinich

From: Bill Mann
Sent: Wednesday, May 03, 2017 10:40 AM
To: 'Richard Withers'
Cc: Cathy Martinich; Heather Ireland
Subject: Ash Varaince

Mr. Withers,

I received your email and plans From FDOT concerning the right of way in front of Mr Ash's project. Mr. Ash's variance will be reconsidered at the 6-20-17 BOA meeting, under Old Business, so you'll be the first item on that agenda.

As I informed you at the prior BOA meeting, you or Mr. Ash will be receiving a letter informing you of the postage fee due to us for the adjacent property owner re-notification of the variance.

This fee must be paid prior to the board's re-consideration of the application on June 20.

William C. Mann, AICP, FRA-RP
Director
Planning and Development Dept.
City of Jacksonville Beach
11 N. 3rd St. – City Hall
Jacksonville Beach, FL 32250
(904) 247-6231



July 21, 2017

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

RE: BOA# 17-100025
1198 Beach Boulevard
(Part of Castro Y Ferrer Grant, Sec. 38, Township 2S, Range 29E)

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, July 18, 2017, to consider Hasteh, 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:

- Sec. 34-343(e)(5), for 97% lot coverage in lieu of 85% maximum;

To allow construction of a new commercial building.

The Board *denied* the request, finding that the applicant would not be denied reasonable use of his property without the requested variance, and that the requested variance was not the minimum necessary, to make possible reasonable use of the property.

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

Sincerely,

William C. Mann III, AICP
Planning and Development Director



BOARD OF ZONING AND ADJUSTMENT
CITY OF JACKSONVILLE BEACH

MEMORANDUM OF ACTION, CASE NO. BZA 16-90

The Board of Zoning at their meeting of 3-6-90

19__, considered the (application) (appeal) of EDWARD ASH-

____ (name) of BEACH PLAZA, JAX, BEACH

and decided as follows: (address)

The (application) (appeal) was

Granted

Granted with stipulations attached thereto as follows:

Denied for following reasons: _____

The application was carried over to the meeting of _____
_____, 19__ and must be (reposted) (readvertised), prior
to the next meeting.

The action of the Board was (unanimous (aye), (nay)
vote.

3-6-90
DATE

David E. Phillips
CHAIRMAN

RECEIVED

JUN - 7 2017

PLANNING & DEVELOPMENT

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

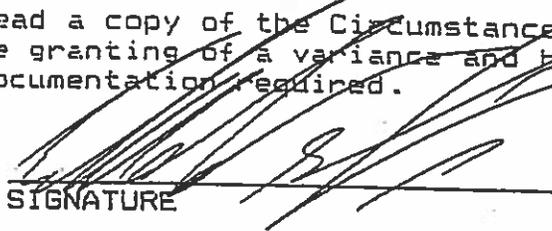
_____ having a identifiable financial
interest in real property located at SOUTHSIDE OF BEACH BLVD.
BETWEEN PENMAN RD
SHETTER AVE. & 12TH ST., Jacksonville Beach, FL, legally described
as SEE ATTACHED EXHIBIT "A"

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.

27 / 1990
DATE


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.

RECEIVED

JUN - 7 2017



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

www.jacksonvillebeach.org

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

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

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:

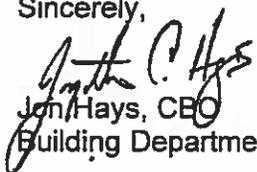
- 34-377, for 16 on-site parking spaces in lieu of 48 parking spaces

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,


Jonathan P. 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



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 2240 0002 4628 9422

November 16, 2016

Mr. David Palaj
12480 Arrowleaf Lane
Jacksonville, FL 32225

CITY OF
Jacksonville Beach
City Hall
111 North Third Street
Jacksonville Beach
FL 32250
Phone: 904.247.6231
Fax: 904.247.6107
Planning@jaxbeach.net
www.jacksonvillebeach.org

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

[■]
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

**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 Perea, 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

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 unknowingly¹ 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

¹ 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.²

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.

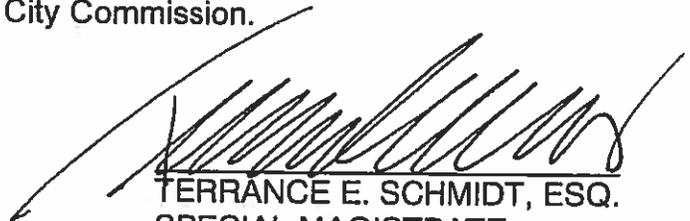
² The present owner may not necessarily be the party that builds such a condominium. If the present owner does not desire to build either a 4-unit condominium or a 6-unit condominium, it always has the option of selling the property to another developer that would be less concerned about building the 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).³

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

³ 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.

8-15-2017



APPLICATION FOR VARIANCE

BOA No. 17-100104
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: South Jax Beach LLC Telephone: (904) 354-3603
 Mailing Address: 118 West Adams Street, Suite 600 E-Mail: dawn@shultzinv.com
Jacksonville, Florida 32202

Agent Name: Rick Johnston Telephone: (904) 219-5003
 Mailing Address: 3528 Ocean Dr S E-Mail: rjohnston.mec@gmail.com
Jacksonville Beach, Florida 32202

Landowner Name: South Jax Beach LLC Telephone: (904) 354-3603
 Mailing Address: 118 West Adams Street, Suite 600 E-Mail: dawn@shultzinv.com
Jacksonville, Florida 32202

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.

Re# 181477-0000

VARIANCE DATA

Street address of property and/or Real Estate Number: 3510 Ocean Drive South Lot B
 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). platted lots are non conforming RS-1 lots, variance is required to make property more useable and consistent with surrounding set backs and lot coverages. Property consists of 2 lots variance is requested for both and consists of the following request: Northernly platted lot 7761 sf, hence variance for 18' Front Yard, 7.5' side yard, 15' rear yard including 50% lot coverage. Southern platted lot 6253 sf, hence variance for 18' front yard, 7.5' side yard, 15' rear yard including 50% lot coverage

Applicant's Signature: [Signature] Date of Application: 4/24/17

(e)(1) c1 THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1 FLOOD ZONE: X

CODE SECTION (S): 34-336 for a front yd setback of 18' in lieu of 25' required;
(e)(1) c2 for a northernly side yd of 6-5' and a southernly side yd of 3-2', each in lieu of 10' required
(e)(1) c-3 for a rear yd setback of 10', in lieu of 30' required;
(e)(1) p. for 48.7% lot coverage; in lieu of 35% maximum;
to allow construction of a single-family dwelling with pool.

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 17-100104

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	lots are currently non conforming RS-1 Lots, the variance is required to enjoy utilize the lots consistent with the zoning
Special circumstances and conditions do not result from the actions of the applicant.	no	request is not as a result of applicant RECEIVED
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	JUN - 2 2017 <u>17-100104</u> PLANNING & DEVELOPMENT
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	lots currently cannot enjoy the utilization of a conforming RS-1 Lot, multiple instance of lots in immediate area where variance has been granted to increase land owners utilization of non conforming lots of record
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	yes	set backs and coverages reconcile to intent of RS-1 Conforming lot of record
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	multiple examples in immediate surrounding areas where same variance concept has been applied.

John R. Schultz
Chief Executive Officer

The Schultz Companies

118 W. Adams Street, Suite 600 ♦ Jacksonville, Florida 32202

June 6, 2017

Owners Agent Designation & Authorization:

South Jax Beach, LLC does designate and authorize Rick Johnston as the owner's agent to represent, assemble and file any and all necessary documents related to City of Jacksonville Beach permitting, variance, land use and or zoning applications and represent as required in any such hearing for the property owned at 3510 Ocean Dr., S., Jacksonville Beach, FL 32250.

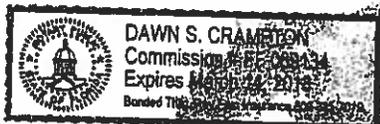


John R. Schultz



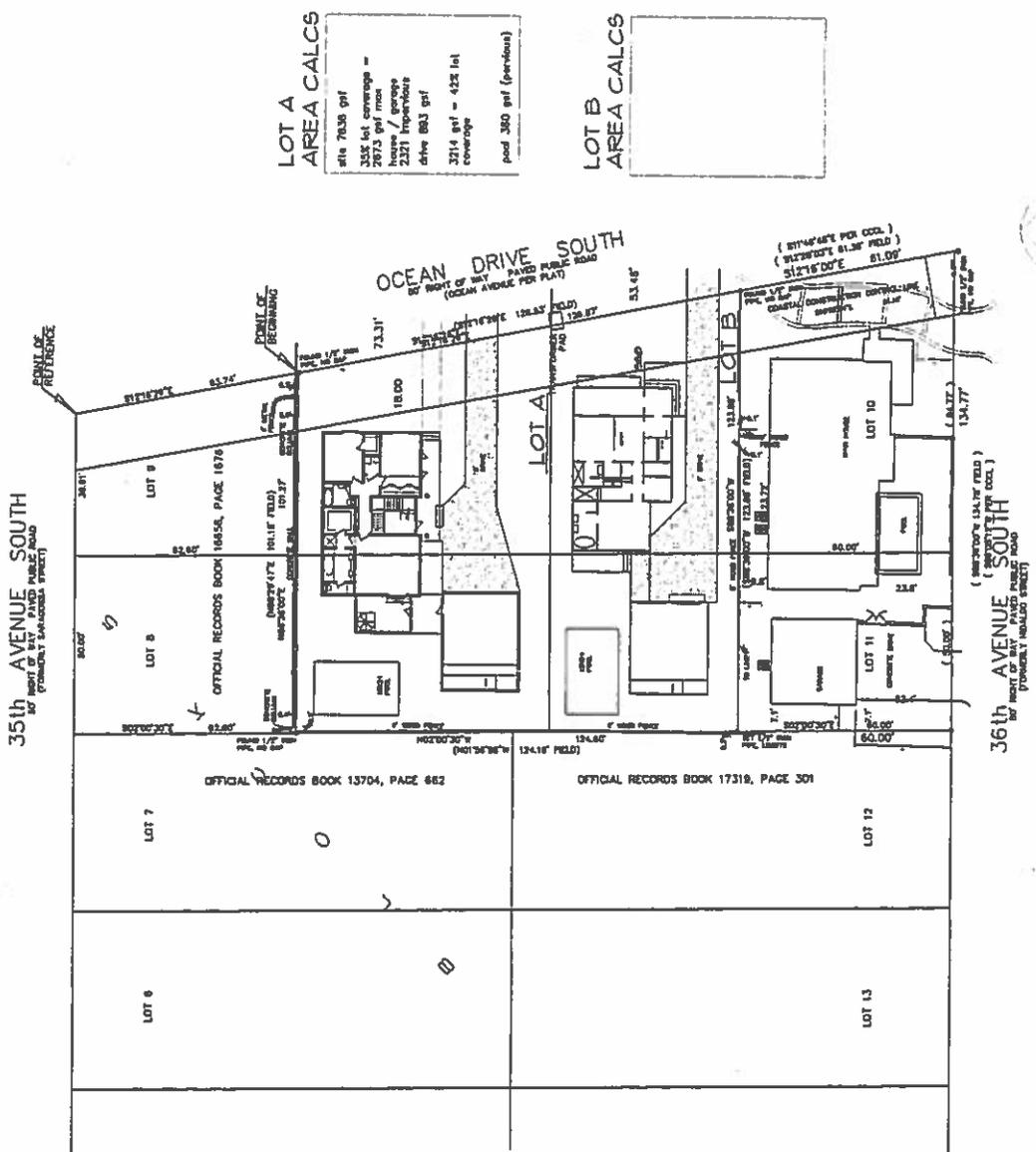
Notary

Seal



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JUN - 9 2017
17-100104
PLANNING & DEVELOPMENT



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JUN - 9 2017
 17-100104
 PLANNING & DEVELOPMENT

DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWESTERLY CORNER OF LOT 8, BLOCK 5 OF SAID ATLANTIC SHORES OCEAN FRONT SECTION DIVISION "A"; THENCE SOUTH 02°00'30" EAST ALONG THE WESTERLY LINE OF SAID LOTS 8 AND 11, A DISTANCE OF 134.60 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°36'00" EAST, PARALLEL TO THE NORTHERLY LINE OF LOTS 8 AND 9, BLOCK 5 OF SAID ATLANTIC SHORES OCEAN FRONT SECTION DIVISION "A", A DISTANCE OF 114.34 FEET; THENCE SOUTH 12°16'29" EAST ALONG THE EASTERLY LINE OF SAID LOT 10, ALONG THE WESTERLY RIGHT OF WAY LINE OF OCEAN DRIVE SOUTH AS NOW ESTABLISHED AS A 50 FOOT RIGHT OF WAY, A DISTANCE OF 53.46 FEET; THENCE SOUTH 88°36'00" WEST, PARALLEL TO THE NORTHERLY LINE OF SAID LOTS 8 AND 9, A DISTANCE OF 123.88 FEET; THENCE NORTH 02°00'30" WEST, ALONG THE WESTERLY LINE OF SAID LOT 11, A DISTANCE OF 52.50 FEET TO THE POINT OF BEGINNING.

35th AVENUE SOUTH

50' RIGHT OF WAY PAVED PUBLIC ROAD
(FORMERLY SARAGOSSA STREET)

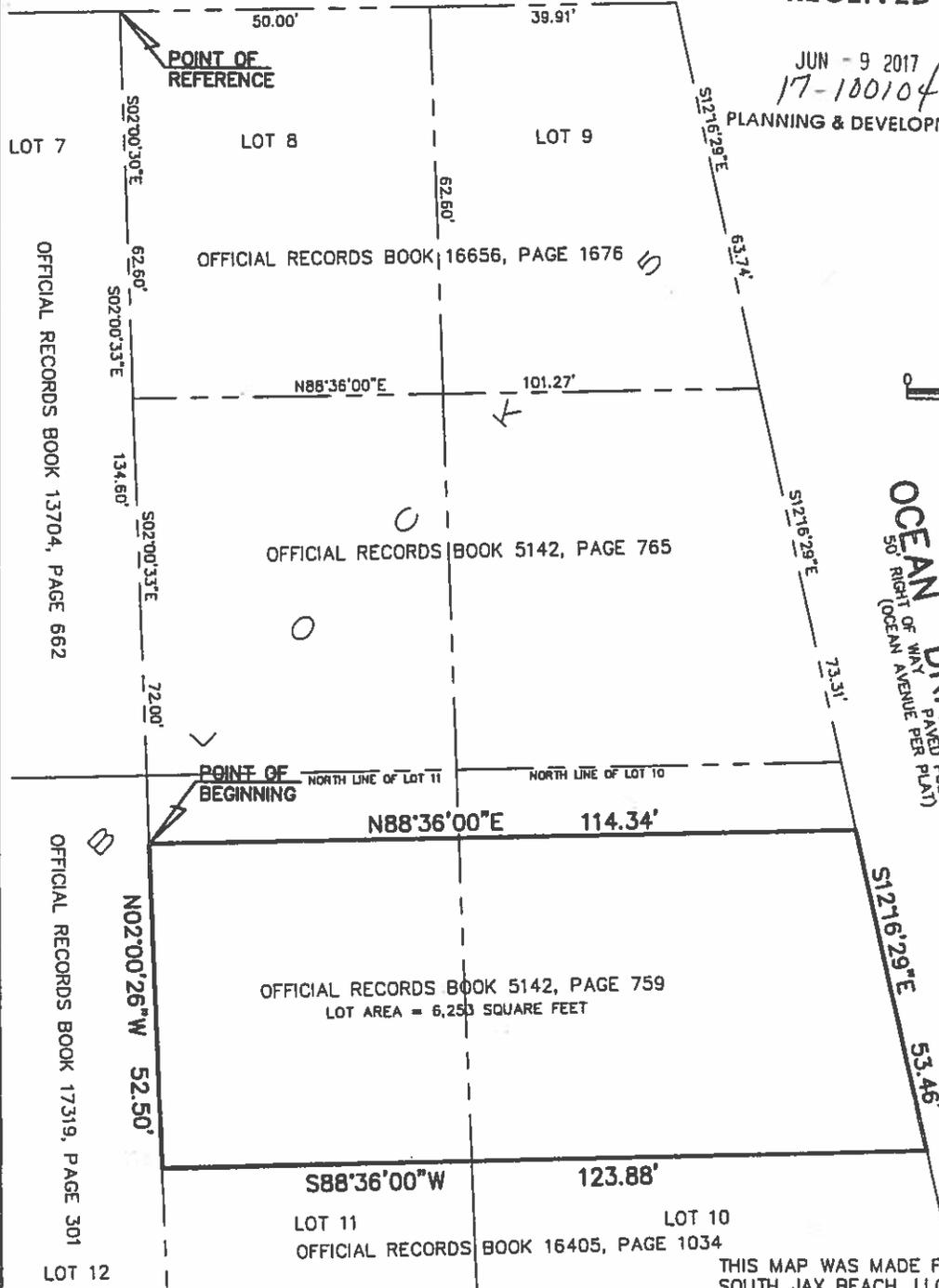
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17-100104
PLANNING & DEVELOPMENT



OCEAN DRIVE SOUTH
50' RIGHT OF WAY PAVED PUBLIC ROAD
(OCEAN AVENUE PER PLAT)

- NOTES:
1. THIS IS A MAP ONLY.
 2. BEARINGS BASED ON THE WEST RIGHT OF WAY LINE OF OCEAN DRIVE SOUTH BEING S12°16'29"E AS PER PLAT.
 3. NO BUILDING RESTRICTION LINES PER 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 NUMBER 12031C0419H, REVISED JUNE 3, 2013 FOR DUVAL COUNTY, FLORIDA.

THIS MAP WAS MADE FOR THE BENEFIT OF SOUTH JAX BEACH, LLC; FORUM CAPITAL PARTNERS, LLC; FIDELITY NATIONAL TITLE INSURANCE COMPANY; AND VAN ROOY LAW.

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

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

CHECKED BY: _____
DRAWN BY: SWC
FILE: 2017-0780-B

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

DATE: JUNE 8, 2017
SHEET 1 OF 1

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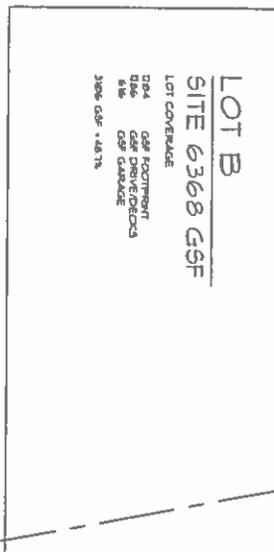
JUN 23 2017

17-100104
PLANNING & DEVELOPMENT

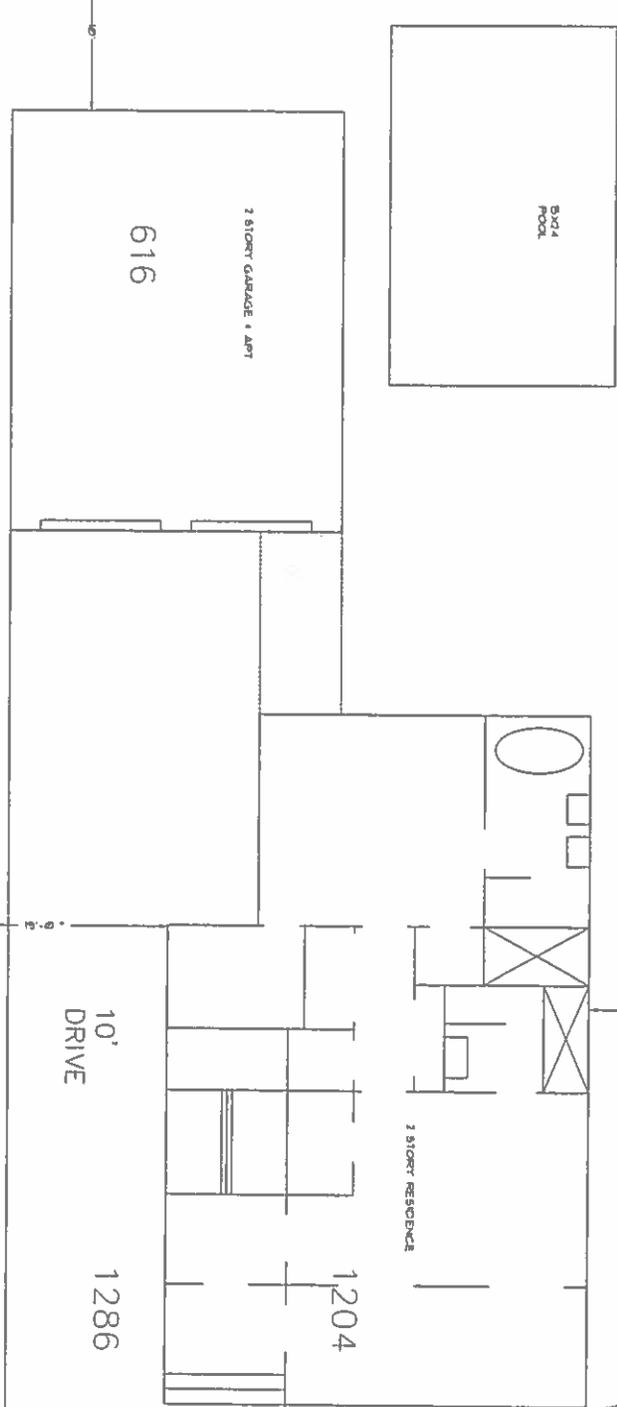
AREA NOTES

LOT B
SITE 6368 GSF
LOT COVERAGE
784 GAR FOOTPRINT
856 GAR DEVELOPABLES
516 GAR GARAGE
200 GSF - 14875

123.88'
S88°36'00"W LOT B
123.88'



OCEAN DRIVE SOUTH
(S12°16'29"E 126.63' FIELD)
126.87'
53.5'
18' setback



6' WOOD FENCE S88°36'00"W
(S88°36'00"W 123.88' FIELD)

123.88'



CONCEPT SITE PLAN LOT B
SCALE 1/4" = 1'-0"



FOUND 1/2" IRON PIPE, NO CAP

OCEAN DRIVE HOUSE
JACKSONVILLE BEACH, FLORIDA

MICHAEL DUNLAP ARCHITECT P.A.
100 NORTH SECOND AVENUE
JACKSONVILLE BEACH, FLORIDA 32250 904.358.1002
FLORIDA REGISTRATION AR 5160

DATE 06-27-17
SHEET A-1

T. 1/2" IRON
PC. 183672



APPLICATION FOR VARIANCE

BOA No. 17-100106

HEARING DATE 7/18/17

8-15

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# 176466-0000

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 (e)(1) for 46.6% lot coverage, in lieu of 35% maximum
to allow a patio addition to an existy 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. Not sure who or why it was allowed. JUN - 2 2017
Special circumstances and conditions do not result from the actions of the applicant.	NO	NO specail circumstances 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.	NO	This rule varies all over Jacksonville Beach. Even new construction is not held 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 15th 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 Lanse 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 Taining

[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

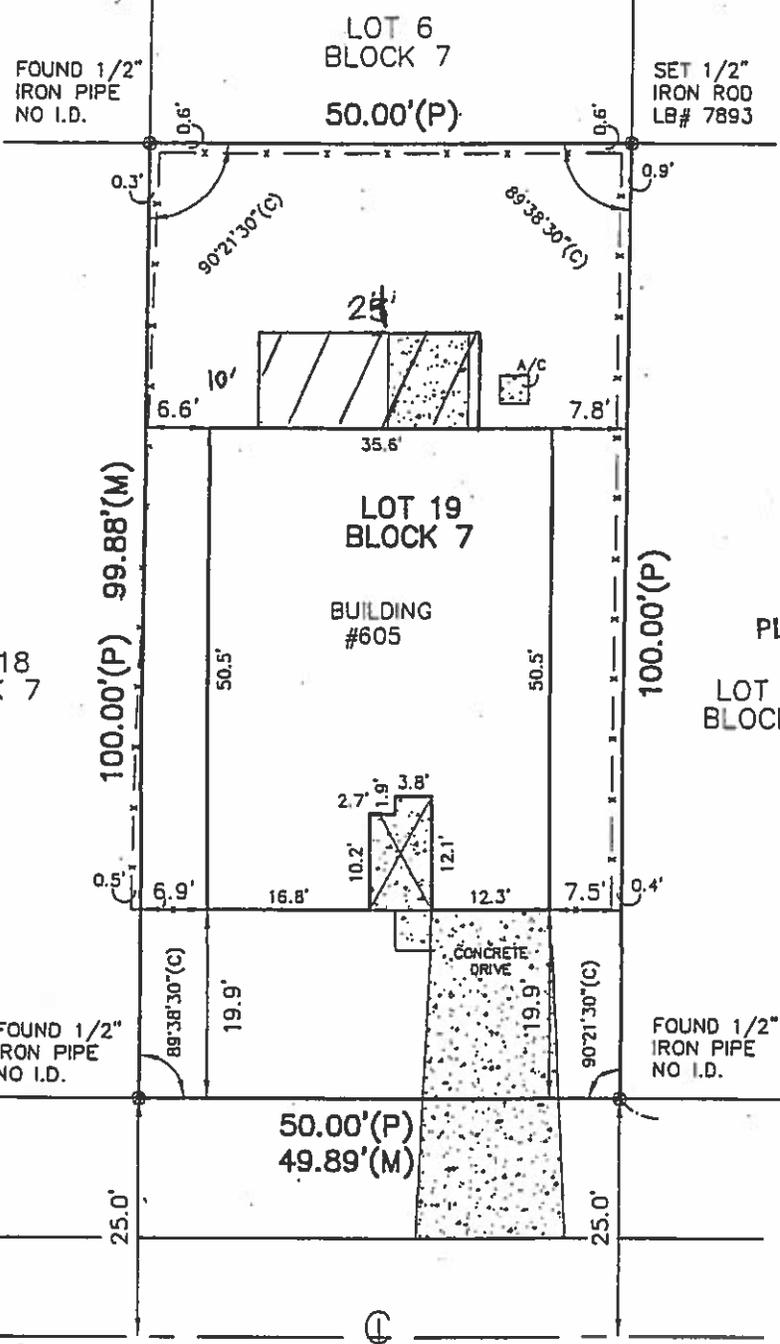
State of Florida
County of Duval

The foregoing instrument was acknowledged before me this 15th 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: _____

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



LOT 18
BLOCK 7

LOT 20
BLOCK 7

FOUND 1/2"
IRON PIPE
NO I.D.

FOUND 1/2"
IRON PIPE
NO I.D.

BLOCK CORNER

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

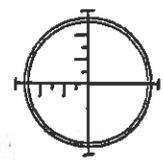
BOUNDARY SURVEY

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.



TARGET SURVEYING, LLC

SERVING ALL FLORIDA COUNTIES

6250 N. MILITARY TRAIL, SUITE 102
 WEST PALM BEACH, FL 33407
 PHONE (561) 640-4800
 FACSIMILE (561) 640-0576
 STATEWIDE PHONE (800) 226-4807
 STATEWIDE FACSIMILE (800) 741-0576

(SIGNED)

Clyde O. McNeal

Digitally signed by Clyde O. McNeal
 DN: cn = Clyde O. McNeal, c = US
 Date: 2014.06.10 16:12:25 -0400

CLYDE O. McNEAL, PROFESSIONAL SURVEYOR AND MAPPER #2883



APPLICATION FOR VARIANCE

BOA No. 17-100119
HEARING DATE 8-15-2017

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). *ADD TO EXISTING SURVEY*
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 23 2017

APPLICATION INFORMATION

PLANNING & DEVELOPMENT

Applicant Name: Michael L Junk Telephone: (904) 237-6718
 Mailing Address: 715 Holly Drive E-Mail: mjunk23278@aol.com
Jacksonville Beach
 Agent Name: Same as above Telephone: _____
 Mailing Address: _____ E-Mail: _____
 Landowner Name: Same as above Telephone: _____
 Mailing Address: _____ E-Mail: _____

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

VARIANCE DATA

Street address of property and/or Real Estate Number: 715 Holly Drive
 Legal description of property (Attach copy of deed): 03222 PINE GROVE UNIT 02 ?
 Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary).
Front of residence is old (1972) and out dated improvements will give a modern look to keep up with the improvements in the neighborhood.
In addition the actual paved road - Holly Drive is on the west side of the right of way, so the front yard is excessive at this residence.
Placing a new front porch on the home would aesthetically fit well with the neighborhood and other homes setbacks.

Applicant's Signature: [Signature] Date of Application: 6/21/17

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1 FLOOD ZONE: X
 CODE SECTION (S): 34-336(e)(1) c-3 for a front yard setback of 20', in lieu of 25' required,
" (e)(1) e. for 45% lot coverage, in lieu of 35% maximum, to
allow a front porch addition to an existing single-family dwelling

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 17-100119

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 road, Holly Drive is located on the west edge of the right of way. This gives a greater than usual dimension from the home to the paved street edge. Adding the porch addition would still balance the other homes setbacks across the street.
Special circumstances and conditions do not result from the actions of the applicant.	Yes	The original home was constructed in 1972 and no improvements to the front of the home have been made since then.
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	RECEIVED JUN 23 2017 PLANNING & DEVELOPMENT
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	Many homes in the area have undergone improvements and additions that encroach into the setbacks. This porch addition will greatly enhance the home as well as the neighborhood that has seen many other homes improved.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	We seek a 5' reduction in the front yard setback.
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	In general improvements to the current home stock have been encouraged by the city and increase property values in the community.

MAP SHOWING SURVEY OF

Lot 11, Block 8

Pine Grove Unit 2

Recorded in Plat Book 17 of CURRENT Public Records of Duval County, Fla.

R. L. CROASDELL COMPANY

CIVIL ENGINEERING & LAND SURVEYING

429 East Adams Street Jacksonville, Florida

Date: 3-11-97
Scale: 1" = 20'

CERTIFICATION: This survey meets the minimum technical standards for a boundary survey as set forth by the Board of Professional Surveyors & Mappers, pursuant to Section 472.027, Florida Statutes and I further certify that the property shown hereon lies within Zone X as delineated on the U. S. Department of Housing and Urban Development Boundary Map No. 120078, Panel 0001 D, effective April 17, 1989.

CERTIFIED TO: Michael L. and Vicki W. Junk,
and Educational Community Credit Union
c/o C U Services

SIGNED: Florida Registered Land Surveyor No. 3058

RECERTIFIED: December 21, 2001 (FOUND ALL CORNERS)

LEGEND

o Denotes Found 1/2" Iron Pipe

x—x—x Denotes Fence

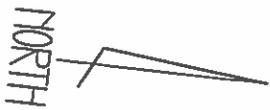
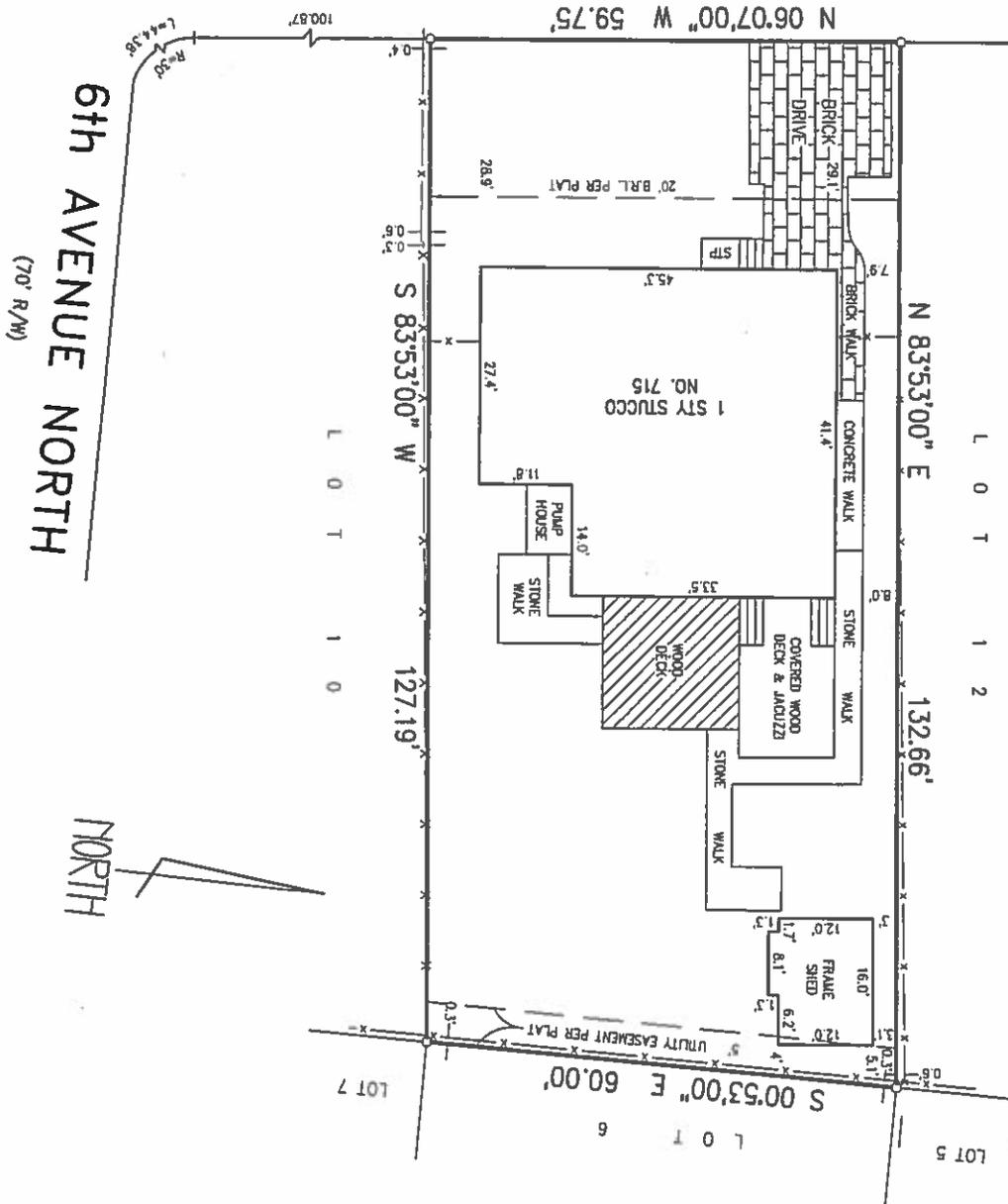
P.R.M. Denotes Permanent

Reference Monument

UNLESS THIS MAP/REPORT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER, IT IS FOR INFORMATION PURPOSES ONLY AND IS NOT VALID.

Job No.: 61615
BASIS OF BEARINGS: North 06°07' West for the
Easterly right of way line of Holly Drive (assumed)

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JUN 23 2017
17-100119
PLANNING & DEVELOPMENT



6th AVENUE NORTH
(70' R/W)

HOLLY DRIVE
(70' R/W)

RECEIVED

17-100119

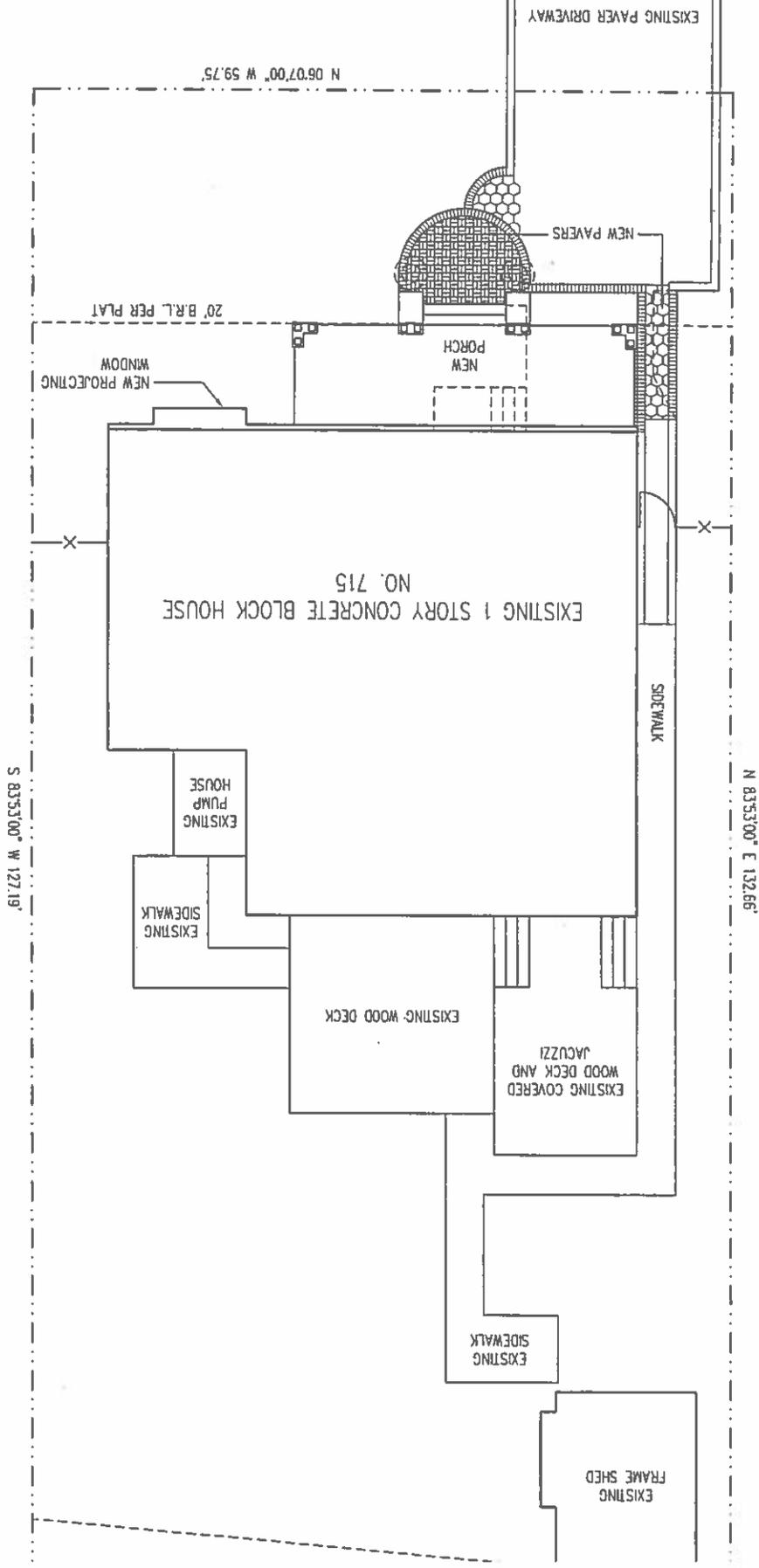
JUN 23 2017

RECEIVED

HOLLY DRIVE 70' R/W

SITE PLAN FOR JUNK RESIDENCE

SCALE: 1" = 10' WHEN PRINTED ON 11x17 PAPER



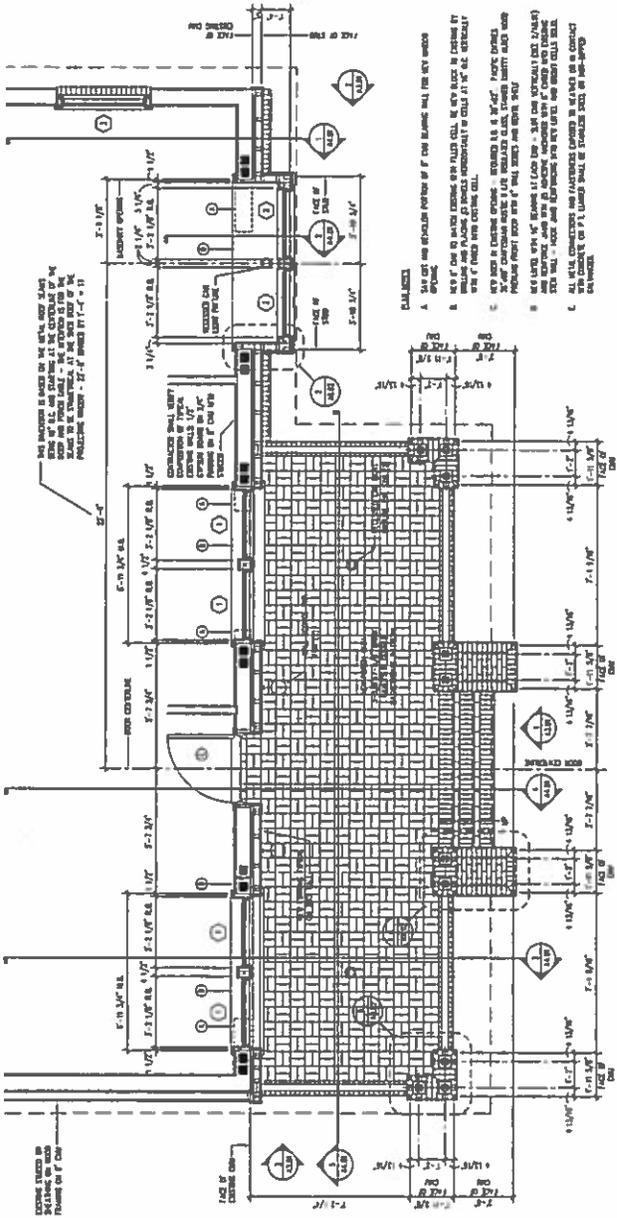
FISHER KOPPENHAFFER
 ARCHITECTURE INTERIOR DESIGN
 1100 Cypress Creek Drive
 Jacksonville, Florida 32216
 Phone: 904.247.8877
 Fax: 904.247.8888
 Corporate License Number: A-13889-1

CONTRACT NUMBER: 2016-00119
 PROJECT NO.: 2016-00119

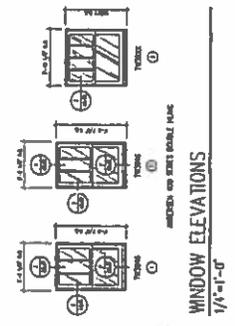
PORCH ADDITION & WINDOW REPLACEMENT
JUNK RESIDENCE
 715 HOLLY DRIVE
 JACKSONVILLE BEACH, FLORIDA

DATE: 3/9/17
 FLOOR PLAN AND SITE PLAN
 DRAWN BY: [Name]
 PROJECT NO.: 2016-00119

A2.01
 PERMIT SET

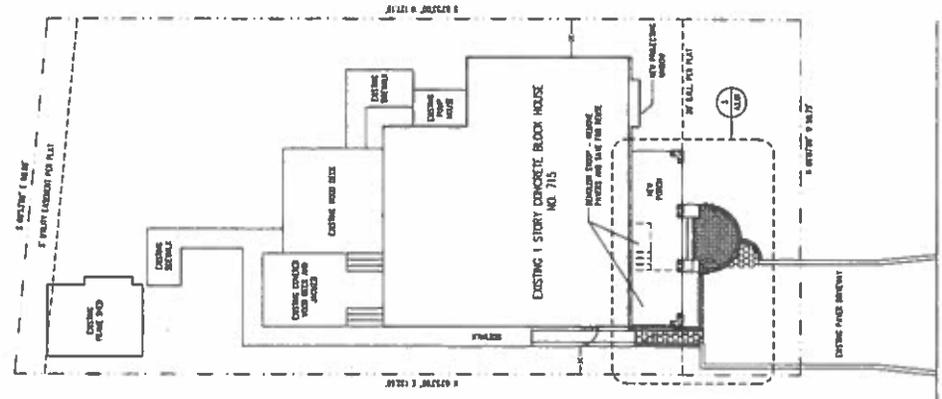


1 FLOOR PLAN
 A2.01 3/8"=1'-0"

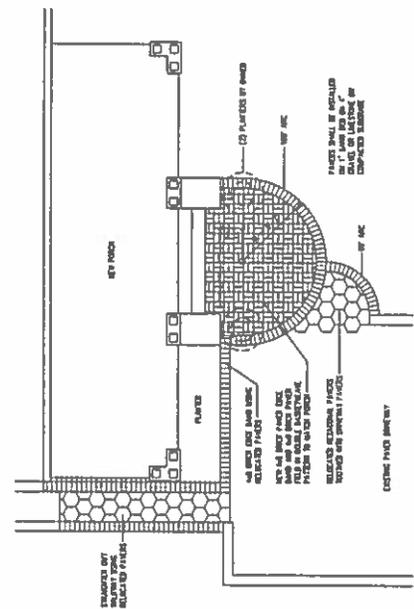


RECEIVED

JUN 23 2017
 17-100119
 PLANNING & DEVELOPMENT



2 SITE PLAN
 A2.01 1/16"=1'-0"



3 SITE PLAN DETAIL
 A2.01 1/4"=1'-0"

Cathy Martinich

From: Planning Division
Sent: Tuesday, August 08, 2017 8:22 AM ✓
To: Cathy Martinich
Subject: FW: ATTN:Kathy Re: BOA 17-100122, 17-100123

From: cheryl@comcast.net [mailto:cheryl@comcast.net]
Sent: Monday, August 07, 2017 5:52 PM
To: Geno <genopal@comcast.net>
Subject: ATTN:Kathy Re: BOA 17-100122, 17-100123

I want to address front, side and rear yards setbacks. Also concerned about 60% lot coverage on both lots. Greenspace in our neighborhood is disappearing every year. Safety becomes a concern when pushing buildings close to the street. The roads are barely 2 lanes as is and with cars parked along becomes a one lane road now.

Our neighborhood is a mix of seniors(who walk to the beach everyday), families with young children, folks walking dogs, riding bikes and carrying surfboards to the beach.

If you were to come to our neighborhood, you will notice a vinyl fence was erected on 2nd St. between 21st and 22nd Ave S. It is literally on the street! It has raised all of the safety safety concerns we mentioned previously. This busy section of 2nd St. is reduced to one lane and becomes an issue with pedestrians, large trucks, traffic which come together everyday on this street. Whatever hardships being brought forward are not enough to change the landscape of our neighborhood anymore than has already happened. The greenspace is needed and the safety of walking the neighborhood can not be jeopardized.

Please reject this request and set the bar at what a real hardship is. Please put the people who live here now, a priority over this kind of project.



APPLICATION FOR VARIANCE

BOA No. 17-100122

HEARING DATE 8-15-2017

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

JUN 29 2017

APPLICATION INFORMATION

PLANNING & DEVELOPMENT

Applicant Name: Robert Angelieri Telephone: (904) 241-2902
 Mailing Address: 175 S 21st street Jax Bch 32250 E-Mail: angelieri.raku@gmail.com
Avenue angelieri.raku@gmail.com

Agent Name: John Denneen Telephone: (904) 237-4598
 Mailing Address: 1q254 Neck rd Ponte Vedra Bch 32082 E-Mail: john@denneenconstruction.com

Landowner Name: Robert Angelieri Telephone: (904) 241-2902
 Mailing Address: 175 21st S Jax Bch 32082 50 E-Mail: angelieri.raku@gmail.com
Avenue angelieri.raku@gmail.com

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

VARIANCE DATA

Street address of property and/or Real Estate Number: 175 21st street s 179306-0010 (Lot 3)
Avenue

Legal description of property (Attach copy of deed): 9-44 04-35-29E.12 Permenters R/P Atlantic Camp Grounds Lots 3(EX e SFT),6 BIK BB

Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). RS-1 Zoning requires a minimum of 10,000 Sq. Ft Lot. Subject lot is 2,800 Sq. Ft. in size thus our harship is that the subject lot is substandard lot per current zoning. Applicant is asking for front yard of 12 feet in lieu of 20 feet required For acomer side yard of 2 feet and a total side yards of 7 feet in lieu of 10 and 15 respectively For a rear yard of 7 feet in lieu of 30 ft required, and for 59% lot coverage in lieu of 35%

Front yard at garage face parking area to be 18 feet in lieu of 20 feet required

Applicant's Signature: *Robert Angelieri* Date of Application: 6/28/17

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE	
CURRENT ZONING CLASSIFICATION: <u>RM-2</u> (Approved C.U. single-family per RS-3 studs)	FLOOD ZONE: <u>X</u>
CODE SECTION (S): <u>34-338(e)(1)c.1 for a front yd setback of 12' in lieu of 20' required;</u>	
<u>(e)(1)c.2 " " corner side yd setback of 2', in lieu of 10', and side yards totalling 7', in lieu of 15' required;</u>	
<u>(e)(1)c.3 for a rear yd setback of 7', in lieu of 30' required;</u>	
<u>(e)(1)e. for 59% lot coverage, in lieu of 35% maximum;</u>	
<u>to allow construction of a new single-family dwelling.</u>	

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 17-100122

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.

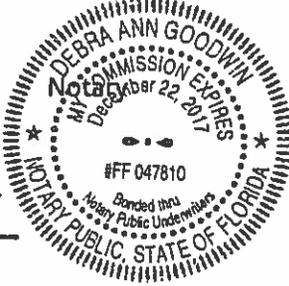
Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	NO	
Special circumstances and conditions do not result from the actions of the applicant.	YES	<p>RECEIVED</p> <p>JUN 29 2017</p> <p>PLANNING & DEVELOPMENT</p>
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	
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	

Authorization Affidavit

I Robert Angeleri authorize John Denneen to represent me in a variance meeting

Robert Angeleri

Robert Angeleri
6-28-17



Debra Ann Goodwin
Debra Ann Goodwin
6-28-17

RECEIVED

JUN 29 2017
17-100122
PLANNING & DEVELOPMENT

Ref 17-100/22

Regular meeting of the Board of Adjustment held on Tuesday, April 2, 1985 at 8:00 P.M. in the Council Chamber, Community Center Building.

Call to order The meeting was called to order by Richard Shore, Chairman.

Roll Call Present: Guy Craig, Charles Jolley, Reid McCormick, Rick Shore, David Polovina

Also present were Steven Lindorff, Planning and Development Director, Walter Henderson, Acting Building Official and Gerald Lute, Fire Marshal.

Approve min. The minutes of the previous meeting were approved as written.

421-85 Robert Angelieri, 2nd Street and 21st Avenue South, variance request for 18" cantilever setback on 2nd floor on the west, south and east.

Mr. Shore reported on the previous dates Mr. Angelieri had been before the Board and the variances previously granted.

Motion to appr. Mr. Jolley moved, seconded by Mr. Polovina to approve the variance request.

Discussion Mr. Angelieri stated that the second floor was 9' off the ground. The bedrooms are on the second floor and he would like the additional space. He believes the house is more attractive with this cantilever.

Mr. Shore feels there should be no further encroachment in the front yard.

Mr. Angelieri had not designed the house and had not had his plans drawn at the time he applied for the setback variances. He could have designed the house to fit the setbacks granted. There was a discussion on the variances previously granted. Mr. Lindorff read the conditions of a hardship.

Mr. polovina does not feel there is a hardship involved. There was no mention of a cantilever in the original application.

Vote on motion Vote on the motion to approve resulted in one aye - Mr. Jolley and 4 nays. The motion failed.

422-85 Helen B. Tinsley, 1230 Penman Road, garage enclosure exception request.

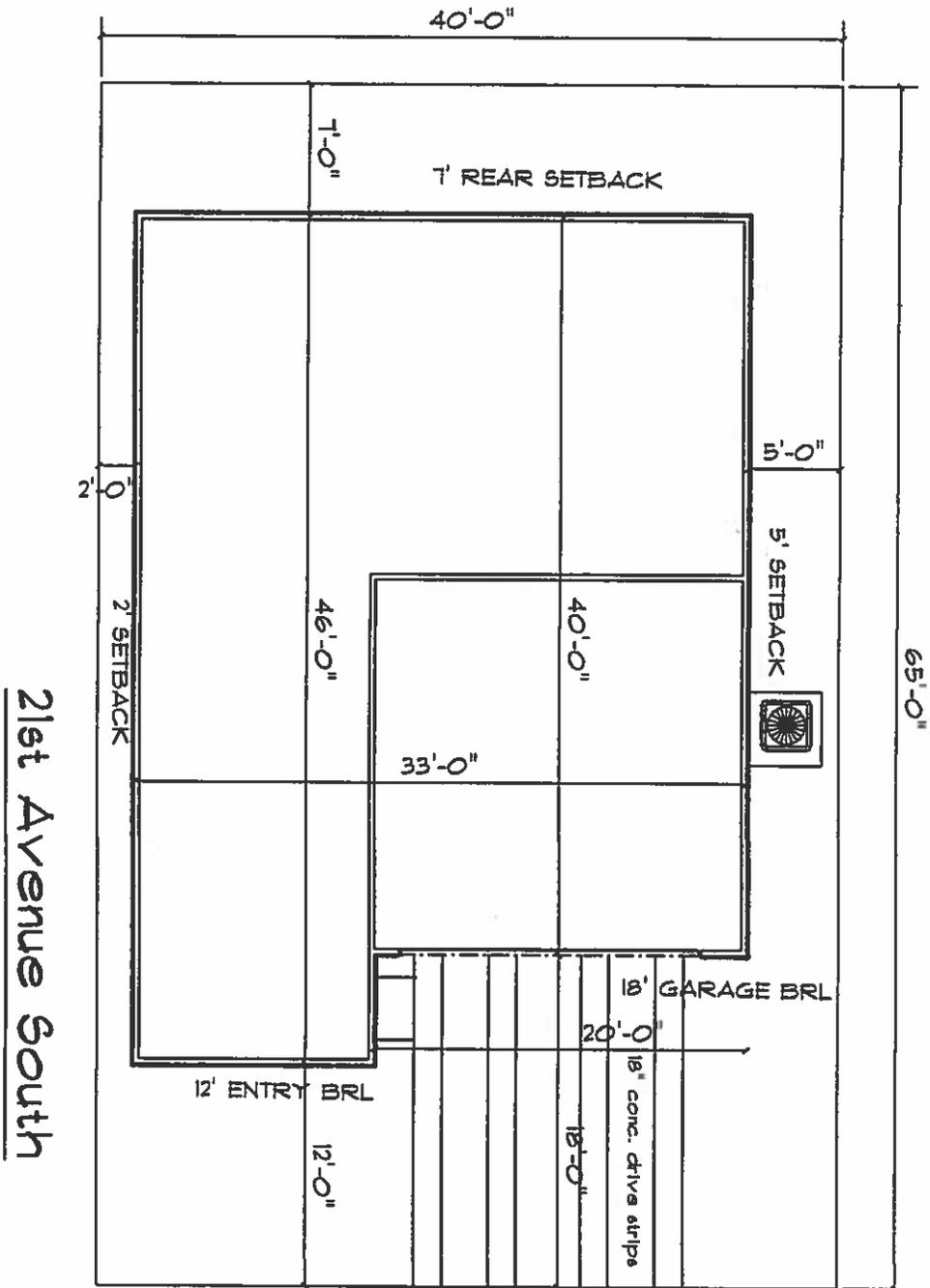
Motion to app. Mr. Jolley moved to approve, seconded by Mr. McCormick. Vote resulted in all ayes.

423-85 E.L. Overton, 640 North Third Street, variance request for driveway entrance from 6th Avenue North and eliminate two parking spaces.

Motion to appr. Mr. Jolley moved to approve the variance as requested, seconded by Mr. Polovina.

Discussion Mr. Lindorff told the Board that D.O.T. would not approve a curbcut on Third Street. Mr. Overton received a temporary Certificate of Occupancy to move into the building since he lost his lease on the old building and had to move. Building permits will no longer be issued if proper approvals have not been obtained from necessary state agencies and temporary Certificate of Occupancies will no longer be issued. Mr. Overton will have to meet the provisions of the Ordinance in regards to landscaping and water retention. To get the required parking, part of the building would have to be removed.

Vote to appr. Vote on the motion to approve resulted in all ayes.



21st Avenue South

First Street South

RECEIVED

JUN 29 2017
 17-100122
 PLANNING & DEVELOPMENT

DENNEEN CONSTRUCTION CO.
 Proposed Residence
 Lot 3, Block BB
 First St. South
 Jacksonville Beach, Florida

SITE PLAN

SCALE: 1" = 10'

LOT COVERAGE:	
SITE SQUARE FOOTAGE:	2,600 SF
HOUSE FOOTPRINT:	1,398 SF
A/C pads:	16 SF
Driveway & Walks:	120 SF
TOTAL COVERAGE:	1,534 SF
COVERAGE RATIO:	59.0 %

Cathy Martinich

From: Planning Division
Sent: Tuesday, August 08, 2017 8:22 AM
To: Cathy Martinich ✓
Subject: FW: ATTN:Kathy Re: BOA 17-100122, 17-100123

From: cherylp@comcast.net [mailto:cherylp@comcast.net]
Sent: Monday, August 07, 2017 5:52 PM
To: Geno <genopal@comcast.net>
Subject: ATTN:Kathy Re: BOA 17-100122, 17-100123

I want to address front, side and rear yards setbacks. Also concerned about 60% lot coverage on both lots. Greenspace in our neighborhood is disappearing every year. Safety becomes a concern when pushing buildings close to the street. The roads are barely 2 lanes as is and with cars parked along becomes a one lane road now.

Our neighborhood is a mix of seniors(who walk to the beach everyday), families with young children, folks walking dogs, riding bikes and carrying surfboards to the beach.

If you were to come to our neighborhood, you will notice a vinyl fence was erected on 2nd St. between 21st and 22nd Ave S. It is literally on the street! It has raised all of the safety safety concerns we mentioned previously. This busy section of 2nd St. is reduced to one lane and becomes an issue with pedestrians, large trucks, traffic which come together everyday on this street. Whatever hardships being brought forward are not enough to change the landscape of our neighborhood anymore than has already happened. The greenspace is needed and the safety of walking the neighborhood can not be jeopardized.

Please reject this request and set the bar at what a real hardship is. Please put the people who live here now, a priority over this kind of project.



APPLICATION FOR VARIANCE

BOA No. 17-100123

HEARING DATE 8-15-2017

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

JUN 29 2017

APPLICATION INFORMATION

PLANNING & DEVELOPMENT

Applicant Name: Robert Angelieri
 Mailing Address: 175 S 21st street Jax Bch 32250
Avenue

Telephone: (904) 241-2902
 E-Mail: angelieri.raku@gmail.com

Agent Name: John Denneen
 Mailing Address: 1q254 Neck rd Ponte Vedra Bch 32082

Telephone: (904) 237-4598 *gmail.c*
 E-Mail: john@denneenconstruction.com

Landowner Name: Robert Angelieri
 Mailing Address: 175 21st S Jax Bch 32082 50
Avenue

Telephone: (904) 241-2902
 E-Mail: angelieri.raku@gmail.com
angelieri.raku@gmail.co

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: 175 21st street Avenue 179306-0010 (Lot 6)
 Legal description of property (Attach copy of deed): 9-44 04-35-29E.12 Permenters R/P Atlantic Camp Grounds Lots 3(EX e SFT), 6 Blk BB
 Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). RS-1 Zoning requires a minimum of 10,000 Sq. Ft Lot. Subject lot is 2,600 Sq. Ft. in size thus our harship is that the subject lot is substandard lot per current zoning. Applicant is asking for front yard of 12 feet in lieu of 20 feet required For acomer side yard of 2 feet and a total side yards off feet in lieu of 10 and 15 respectively For a rear yard of 7 feet in lieu of 30 ft required, and for 59% lot coverage in lieu of 35%
Front yard at garage face parking area to be 18 feet in lieu of 20 feet required

Applicant's Signature: *Robert Angelieri* Date of Application: 6/28/17

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE	
CURRENT ZONING CLASSIFICATION: <u>RM-2</u> <small>(Conditional Use Single Family, per RS-3 sids)</small>	FLOOD ZONE: <u>X</u>
CODE SECTION (S): <u>34-333(e)(1)(C)-1 for a front yd setback of 12', in lieu of 20' required;</u>	
<u>1e)(1)(C)-2 " " corner side yard setback of 2', in lieu of 10' required;</u>	
<u>and side yards totally 7', in lieu of 15' required;</u>	
<u>1e)(1)(C)-3 for a rear yard setback of 7', in lieu of 30' required;</u>	
<u>1e)(1)(C)-6 for 60% lot coverage, in lieu of 35% maximum;</u>	
<u>to allow construction of a new single-family dwelling.</u>	

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 17-100123

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.

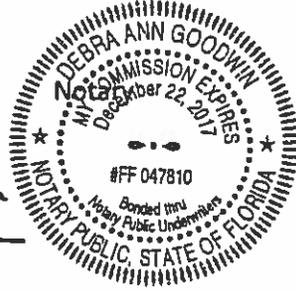
Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	NO	RECEIVED JUN 29 2017
Special circumstances and conditions do not result from the actions of the applicant.	YES	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.	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	
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	

Authorization Affidavit

I Robert Angelieri authorize John Denneen to represent me in a variance meeting

Robert Angelieri

Robert Angelieri
6-28-17



Debra Ann Goodwin
Debra Ann Goodwin
6-28-17

RECEIVED

JUN 29 2017
17-100123
PLANNING & DEVELOPMENT

Regular meeting of the Board of Adjustment held on Tuesday, December 18, 1984 at 8:00 p.m. in the Council Chamber of the Community Center Building, Jacksonville Beach, Florida.

Call to order

The meeting was called to order by Mr. Craig.

Roll Call

Present: Guy Craig, Charles Jolley, Reid McCormick, David Polovina, Richard Shore

Also present were Walter Henderson, Building Department and Gerald Lute, Fire Marshal.

Approval of minutes

The minutes of the previous meeting were approved as written.

406-84
Angelier

Robert Angelier, 21st Avenue and 2nd Street South, variance request for rear yard setback of 10' in lieu of 30' and corner setback of 10' in lieu of 20'.

Motion to approve

Mr. McCormick moved to approve the variance request, seconded by Mr. Polovina. Vote resulted in all ayes.

407-84
Maxwell

Darlene Maxwell, 903 13th Street North, garage enclosure exception request. to enlarge living area for their large family.

Motion to approve

Mr. Shore moved to approve the garage enclosure exception, seconded by Mr. McCormick. Vote resulted in all ayes.

Motion to waive
30 day period

Mr. Jolley moved to waive the 30 day waiting period for permit issuance, seconded by Mr. Shore. Vote resulted in all ayes.

408-84
Kokal

August Kokal, corner setback of 10' in lieu of 20', 10th Avenue South and 6th Street.

Motion to approve

Mr. McCormick moved to approve the variance as requested, seconded by Mr. Polovina. Vote resulted in 4 ayes, Mr. Shore abstaining.

409-84
Dixon

Charles Dixon, 15th Avenue South and 6th Street, corner setback of 10' in lieu of 20'.

Motion to approve

Mr. Shore moved to approve the variance and waive the 30 day waiting period for permit, seconded by Mr. McCormick. Vote resulted in all ayes.

410-84
Village of PV
Pacific Realty

Village of Ponte Vedra, Reflections Apartments, AIA at J. Turner Butler, variance request for parking, 2 spaces in lieu of 2.25.

Discussion

T. R. Hanlon represented Pacific Realty and asked for a reduction in parking. Four lakes for drainage on the property have reduced above ground space for green area, buildings and recreation. They feel the site plan is well balanced and pleasing. The required parking would reduce the green area and recreation facilities. They feel 2 spaces would be adequate for this particular development.

Mr. Craig feels 2.25 spaces is more desirable.

Mr. Shore told Mr. Hanlon that this Board believes adequate parking should be provided.

Mr. Bob McClure, Planning Commission, came forward and stated that the Planning Commission has approved the site plans for the developer to go ahead with his final plans however they also have concerns with less than the required parking. There appears to be adequate land to provide parking.

approved only one parking variance for one space year. He has been told that the Board has approved the variance for one space year. He has been told that the Board has approved the variance for one space year.

Ref BZA 17-100123

Regular meeting of the Board of Adjustment held on Tuesday, April 2, 1985 at 8:00 P.M. in the Council Chamber, Community Center Building.

Call to order The meeting was called to order by Richard Shore, Chairman.

Roll Call Present: Guy Craig, Charles Jolley, Reid McCormick, Rick Shore, David Polovina

Also present were Steven Lindorff, Planning and Development Director, Walter Henderson, Acting Building Official and Gerald Lute, Fire Marshal.

Approve min. The minutes of the previous meeting were approved as written.

421-85 Robert Angelieri, 2nd Street and 21st Avenue South, variance request for 18" cantilever setback on 2nd floor on the west, south and east.

Mr. Shore reported on the previous dates Mr. Angelieri had been before the Board and the variances previously granted.

Motion to appr. Mr. Jolley moved, seconded by Mr. Polovina to approve the variance request.

Discussion Mr. Angelieri stated that the second floor was 9' off the ground. The bedrooms are on the second floor and he would like the additional space. He believes the house is more attractive with this cantilever.

Mr. Shore feels there should be no further encroachment in the front yard.

Mr. Angelieri had not designed the house and had not had his plans drawn at the time he applied for the setback variances. He could have designed the house to fit the setbacks granted. There was a discussion on the variances previously granted. Mr. Lindorff read the conditions of a hardship.

Mr. polovina does not feel there is a hardship involved. There was no mention of a cantilever in the original application.

Vote on motion Vote on the motion to approve resulted in one aye - Mr. Jolley and 4 nays. The motion failed.

422-85 Helen B. Tinsley, 1230 Penman Road, garage enclosure exception Helen B. Tinsley request.

Motion to app. Mr. Jolley moved to approve, seconded by Mr. McCormick. Vote resulted in all ayes.

423-85 E.L. Overton, 640 North Third Street, variance request for driveway entrance from 6th Avenue North and eliminate two parking spaces.

Motion to appr. Mr. Jolley moved to approve the variance as requested, seconded by Mr. Polovina.

Discussion Mr. Lindorff told the Board that D.O.T. would not approve a curbcut on Third Street. Mr. Overton received a temporary Certificate of Occupancy to move into the building since he lost his lease on the old building and had to move. Building permits will no longer be issued if proper approvals have not been obtained from necessary state agencies and temporary Certificate of Occupancies will no longer be issued. Mr. Overton will have to meet the provisions of the Ordinance in regards to landscaping and water retention. To get the required parking, part of the building would have to be removed.

Vote to appr. Vote on the motion to approve resulted in all ayes.

**MAP SHOWING BOUNDARY SURVEY OF LOT 3, EXCEPT THE
EASTERLY 5 FEET THEREOF AND ALL OF LOT 6, BLOCK "BB"
AS SHOWN ON MAP OF PERMENTER'S REPLAT OF SOUTH PABLO
OR ATLANTIC CAMP GROUNDS**

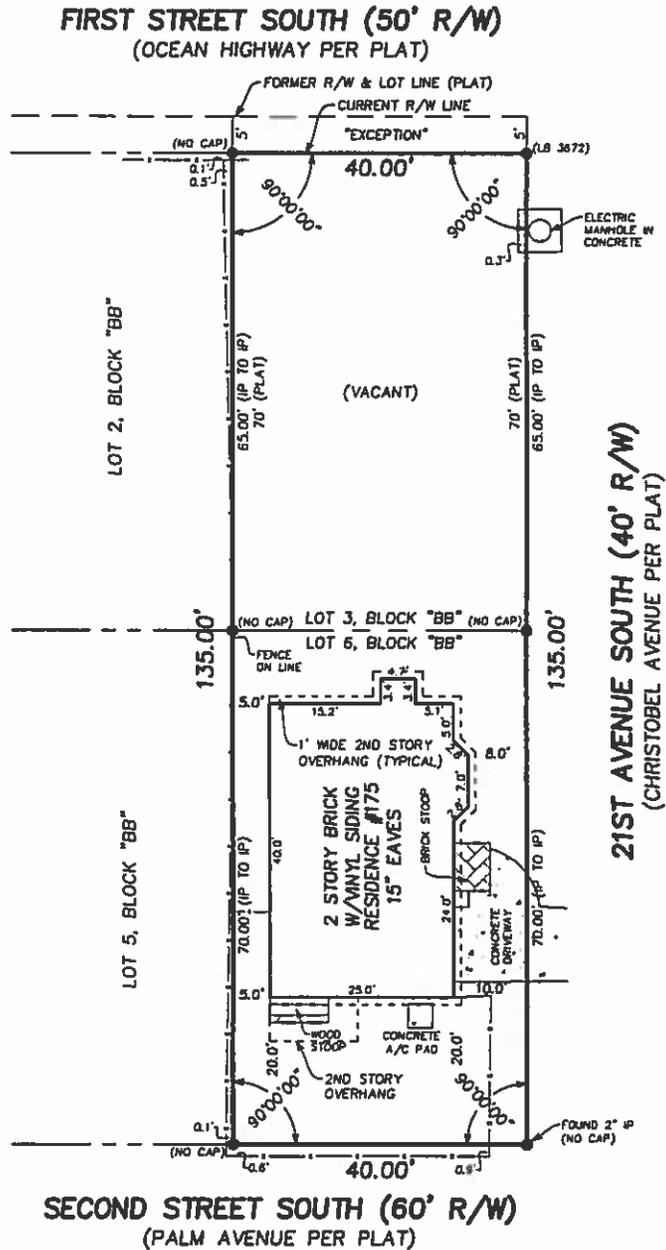
AS RECORDED IN PLAT BOOK 9, PAGE 44 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

LEGEND	
●	FOUND 1/2" IRON (AS NOTED)
○	SET 1/2" IRON (LB 1704)
IP	IRON PIPE
R/W	RIGHT OF WAY
O.R.	OFFICIAL RECORDS BOOK OR VOLUME
—	6' WOOD FENCE W/TIES TO FACE

NOTES:

1. THE NORTH ARROW SHOWN HEREON IS APPROXIMATE AND FOR PICTORIAL PURPOSES ONLY. TRUE NORTH MAY VARY.
2. THE PROPERTY SURVEYED HEREON APPEARS TO LIE WITHIN FLOOD ZONE "X" AS SCALED FROM THE FLOOD INSURANCE RATE MAPS, COMMUNITY PANEL NO. 12007B-0002D, DATED APRIL 17, 1989.
3. INFORMATION SHOWN THUS: (PLAT) REFERS TO ABOVE MENTIONED PLAT BOOK 9, PAGE 44.

CERTIFIED TO:
ROBERT B. ANGELIERI



RECEIVED

JUN 29 2017
17-100123

PLANNING & DEVELOPMENT



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 472.027, FLORIDA STATUTES), AND FURTHER CERTIFY THAT THERE ARE NO VISIBLE ENCROACHMENTS UPON THE SUBJECT PROPERTY EXCEPT AS SHOWN.

SURVEYED: JULY 27, 2012

SCALE: 1"=20'

FIELD BOOK: 828 PAGE: 62

FIELD BOOK: _____ PAGE: _____

CLARSON AND ASSOCIATES, INC.
PROFESSIONAL SURVEYORS & MAPPERS
1843 MALDO AVE., JACKSONVILLE, FL. 32207
(904) 396-2823 LB NO. 1704

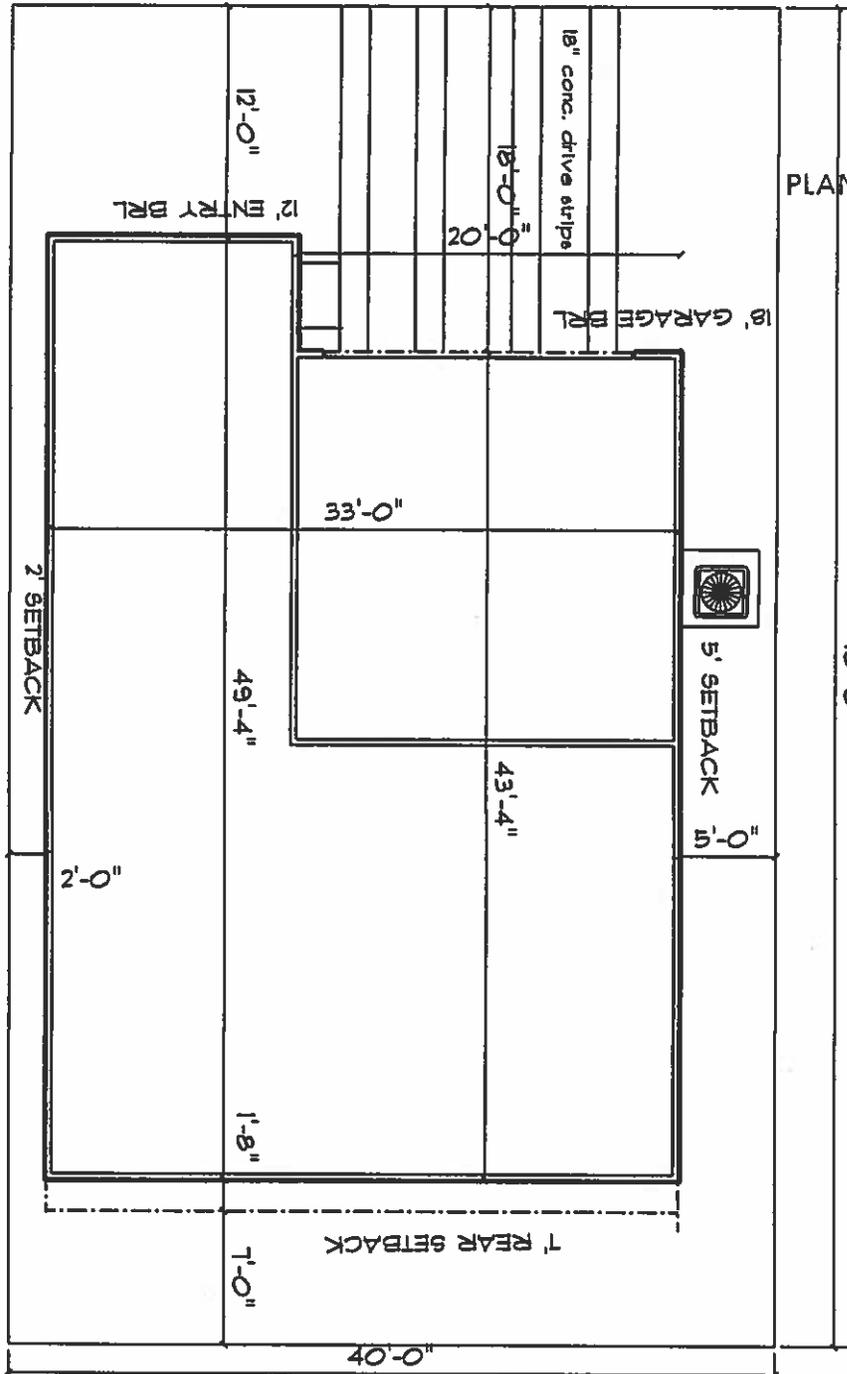
REGISTERED SURVEYOR NO. 4487, FLORIDA
JOSE A. HILL JR.
SURVEY NOT VALID WITHOUT EMBOSSED SURVEYOR'S SEAL

Second Street South

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JUN 29 2017
17-100123

PLANNING & DEVELOPMENT



21st Avenue South

DENNEEN CONSTRUCTION CO.
Proposed Residence
Lot 6, Block BB
First St. South
Jacksonville Beach, Florida

SITE PLAN

SCALE: 1" = 10'

LOT COVERAGE:	
SITE SQUARE FOOTAGE:	2800 SF
HOUSE FOOTPRINT:	1508 SF
A/C pads:	16 SF
Driveways & Walks:	120 SF
TOTAL COVERAGE:	1644 SF
COVERAGE RATIO:	58.71 %



APPLICATION FOR VARIANCE

BOA No. 17-100125

HEARING DATE 8-15-2017

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

JUL - 3 2017

PLANNING & DEVELOPMENT

APPLICATION INFORMATION

Applicant Name: Brian Dohmen Telephone: (312) 339-9737
 Mailing Address: 3629 N. Paulina E-Mail: bddohmen@gmail.com
Chicago, IL 60613

Agent Name: Christi Elflein, Starr Sanford Design Telephone: (904) 477-2207
 Mailing Address: 370 4th Ave. S. E-Mail: christi@starrsanford.com
Jacksonville Beach, FL 32250

Landowner Name: Brian Dohmen Telephone: (312) 339-9737
 Mailing Address: 3108 Ocean Dr. E-Mail: bddohmen@gmail.com
Jacksonville Beach, FL 32250

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

VARIANCE DATA

Street address of property and/or Real Estate Number: 3108 Ocean Dr, Jacksonville Beach, FL 32250
 Legal description of property (Attach copy of deed): Lot 6, Block 1, Atlantic Shores, Oceanfront Section, Division "B"
 Justification for Variance: (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:  Date of Application: _____

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1 FLOOD ZONE: X/AO-Depth 2'

CODE SECTION (S): 34-336(e)(1)(c)-1 for a front yd. setback of 18', in lieu of 25' required;
(e)(1)(c)-2 for 5' side yards, each in lieu of 10' required;
(e)(1)(e) for 49% lot coverage, in lieu of 35% maximum;
(e)(1)(g) for accessory structure (pool deck) setback of 2', in lieu of 5' required, to allow construction of a new single-family dwelling.

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 17-100125

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 RECEIVED
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	Please see attached. JUL 3 - 2017 PLANNING & DEVELOPN
Special circumstances and conditions do not result from the actions of the applicant.	Yes	Please see attached.
Granting the variance will not confer upon the applicant any special privileges denied by the comprehensive plan and this code to other parcels of land, buildings, or structures, in the same zoning district.	Yes	Please see attached.
Literal interpretation and enforcement of the terms and provisions of this code would deprive the applicant of rights commonly enjoyed by other parcels of land in the same zoning district, and would work an unnecessary hardship.	Yes	Please see attached.
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	Yes	Please see attached.
Grant of variance will be generally consistent with the purposes, goals, objectives, and policies of the comprehensive plan and this Code and will not adversely affect adjacent land.	Yes	Please see attached.

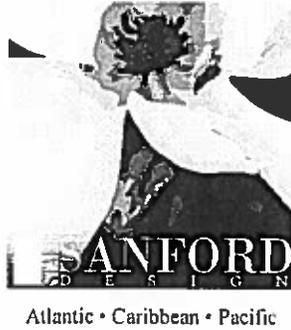
Brian D. Dohmen
Owner 3108 Ocean Drive South, Jacksonville Beach, Florida 32250
3629 North Paulina
Chicago, IL 60613
July 11, 2017

City of Jacksonville Beach Planning Department
City Hall, First Floor
11 North Third Street
Jacksonville Beach, FL 32250

To whom it may concern:

Please let it be known that I have designated Star Stanford Design to act as my agent regarding the property located at 3108 Ocean Drive South, Jacksonville Beach, FL 32250.

I can be reached at 312.339.9737 or at bddohmen@gmail.com for questions or further information.



RECEIVED

JUL 3 - 2017

17-100125

PLANNING & DEVELOPMENT

Application for Variance
3108 Ocean Drive, Jacksonville Beach, FL 32250

Justification for Variance

3108 Ocean Drive was platted prior to the implementation of the modern day zoning districts in Jacksonville Beach. The property is now zoned, Residential, Single Family (RS-1). RS-1 requires a minimum lot size of 10,000 sq. ft. with a minimum lot width of 90 ft. at the building line. This lot is approximately 50 ft. wide by 138 ft. deep with a lot size of 6,817 sq. ft., which is 32% smaller than the minimum required lot size. It is therefore a non-conforming RS-1 lot, not meeting either the minimum lot size or the minimum lot width at the building line. Literal enforcement of the Land Development Code, RS-1 regulations, would create an undue and unnecessary hardship.

Currently, there is an existing house on the property that was built in 1947. It does not meet the required zoning setbacks or lot coverage. We are proposing to remove this house and replace it with a new single family home that will improve upon setbacks and lot coverage, however variances are still needed because it is a non-conforming lot.

The following variances are requested:

Front Yard Setback

RS-1 Regulation: 25 ft.

Existing Setback: 9.8 ft.

- Proposed Setback: 18 ft.

Side Yard Setback

RS-1 Regulation: 10 ft.

Existing Northern Side Yard Setback: 6.1 ft.

- Requested Northern Side Yard Setback: 5 ft.

Existing Southern Side Yard Setback: 5.1 ft.

- Proposed Southern Side Yard Setback: The proposed house will be setback 15 ft. from the southern side yard property line with a small plunge pool setback 5 ft.

Lot Coverage

RS-1 Regulation: 35%

Existing Lot Coverage: 56%

- Proposed Lot Coverage: 49%

JUL 3 - 2017

17-100125

PLANNING & DEVELOPMENT

Variance Application Standards and Conditions

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

Applies? Yes

Explanation: The RS-1 zoning district sets the minimum lot size at 10,000 sq ft. and a minimum lot width of 90 ft. at the building line. 3108 Ocean Dr. is 32% smaller than the minimum lot size with only 50 ft. of width at the building line. The setback and lot coverage requirements on this non-conforming lot create a hardship on the lot because of its small size. Variances are needed to design an appropriately proportioned single family house. The existing house is proposed to be removed and a new house is proposed. The proposed house will improve upon the impact of the house on the land with greater front yard and side yard setbacks and less lot coverage. However, a variance is still needed for both setbacks and lot coverage because of the nonconforming size of the lot.

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

Applies? Yes

Explanation: The proposed home will be similar in size to its neighbors with setbacks also similar to its neighbors. For example, the adjacent neighbor to the north, 3100 Ocean Dr., has side yard setbacks of 6.4 ft. and 6.7 ft. The adjacent neighbor to the south, 3110 Ocean Dr., has a front yard setback of 10.1 ft.

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

Applies? Yes

Explanation: The current front yard setback of the existing structure is 9.8 ft. The proposed structure will almost double this setback providing 18 ft. of driveway and two parking spaces in front of the garage. The new setback will be consistent with neighbor setbacks.

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

Applies? Yes

Explanation: The proposed front and side yard setbacks will be consistent with neighboring homes. We are not requesting to be closer to the front or side property lines than any of our neighbors. And we will adhere to the rear yard setback.

Lot coverage will be improved. The RS-1 zoning district requires a maximum of 35% lot coverage on a 10,000 sq. ft. lot, which would equate to a lot coverage of 3500 sq. ft. We are requesting a lot coverage of approximately 3300 sq. ft. With a lot size of 6817 sq. ft., the existing house lot coverage is approximately 55.5%. The proposed house lot coverage is 49%.

Please see Sheets A1.1-4 for detailed information on lot coverage.

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

Applies? Yes

Explanation: The front and side yard variance and the lot coverage variance will allow for a reasonable use of the parcel of land for a single family residential home.

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

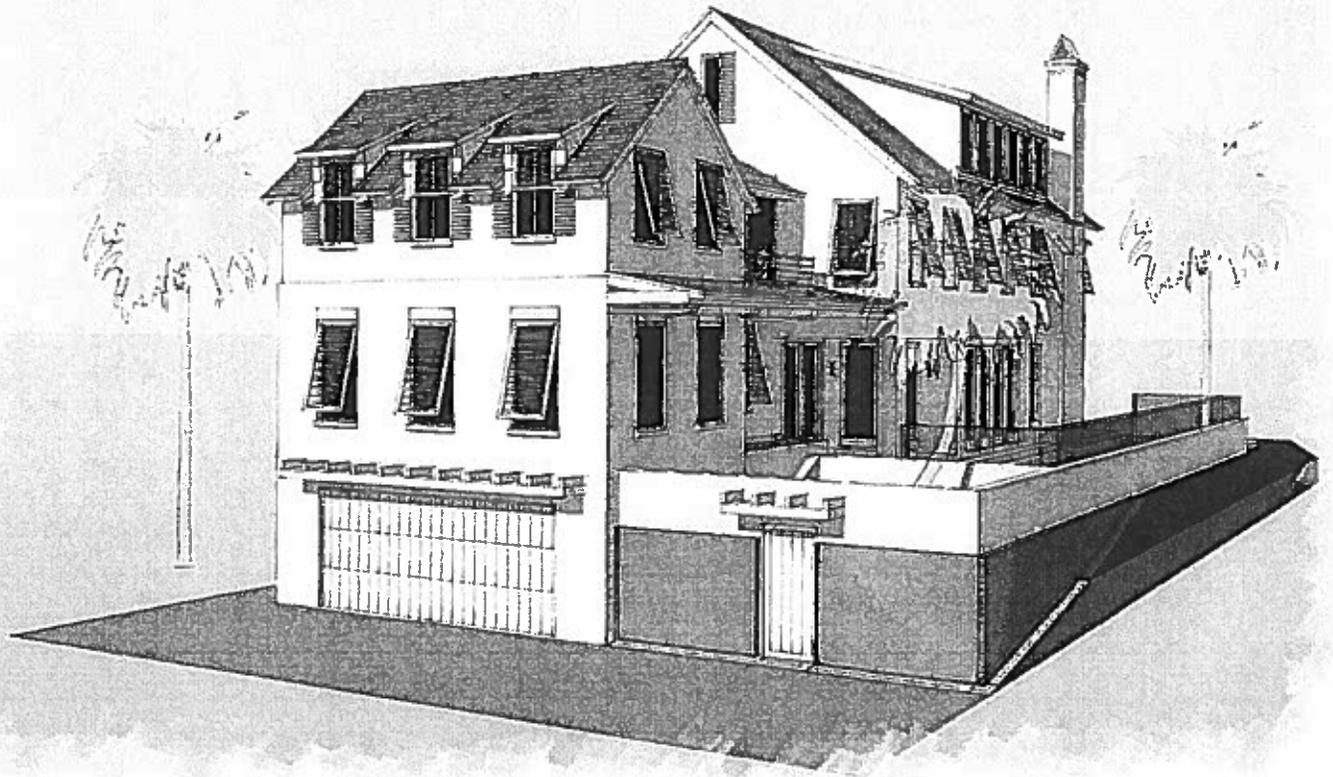
Applies? Yes

Explanation: 3108 Ocean Drive has a Future Land Use designation of Low Density Residential and a zoning designation of Residential, Single Family (RS-1). The proposed single family home is consistent with the purposes, goals, objectives and policies of these codes and will not adversely affect adjacent lands.

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JUL 3 - 2017
17-100125
PLANNING & DEVELOPMENT

Jacksonville Beach Variance Application



3108 Ocean Drive
Jacksonville Beach, FL 32250

July 3, 2017

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JUL 3 - 2017
17-100125
PLANNING & DEVELOPMENT

Location Aerial



Prepared by: Starr Sanford Design
370 Fourth Avenue South
Jacksonville Beach, FL 32250
starrsanforddesign.com
Prepared for: 3108 Ocean Drive S.
Jacksonville Beach, FL 32250
Date Prepared: March 2017
Source: Google Earth, 2016

RECEIVED

JUL 3 - 2017

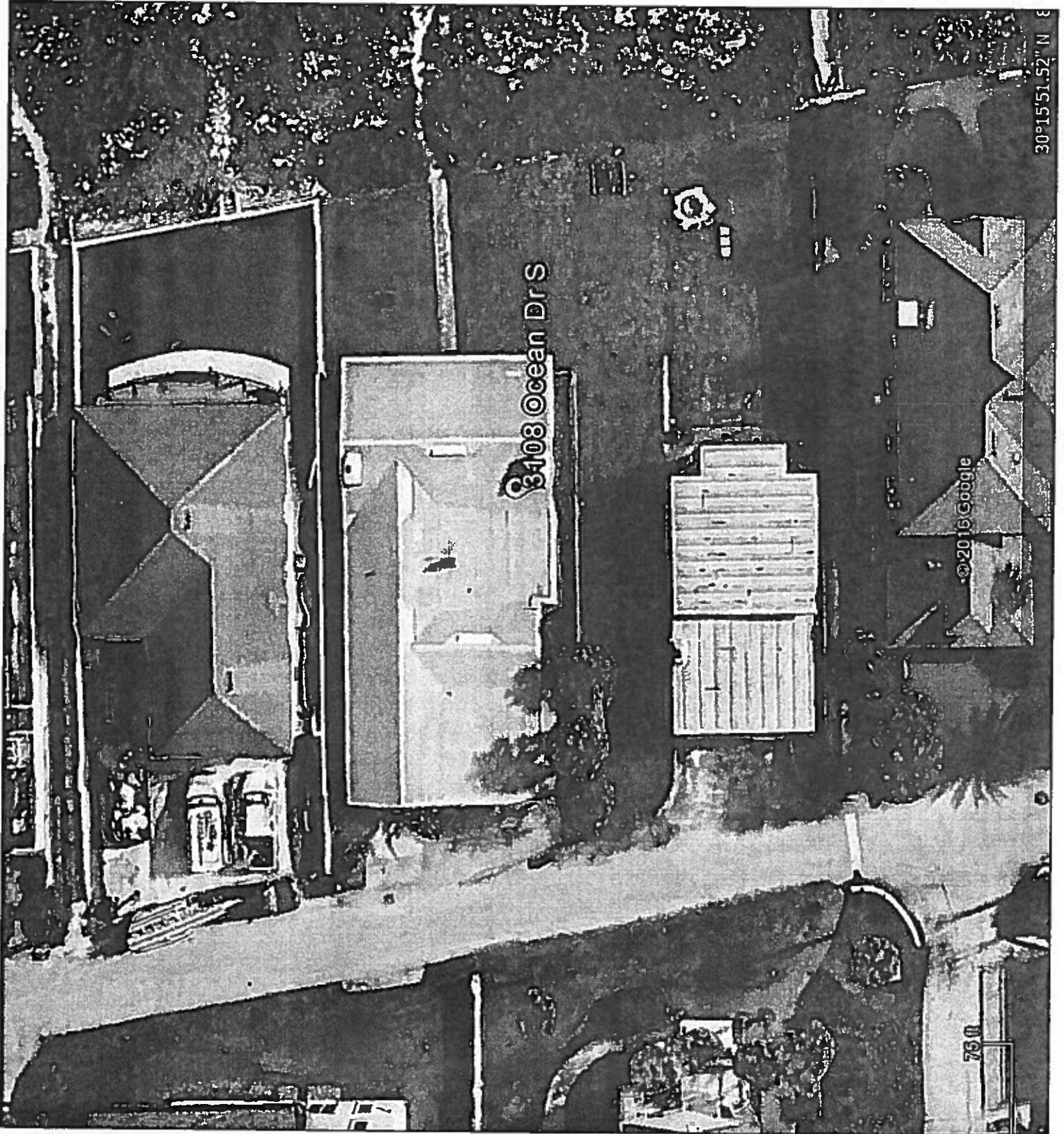
17-100125

PLANNING & DEVELOPMENT



North

Site Aerial



Prepared by: Starr Sanford Design
370 Fourth Avenue South
Jacksonville Beach, FL 32250
starrsanforddesign.com
Prepared for: 3108 Ocean Drive S.
Jacksonville Beach, FL 32250
Date Prepared: March 2017
Source: Google Earth, 2016

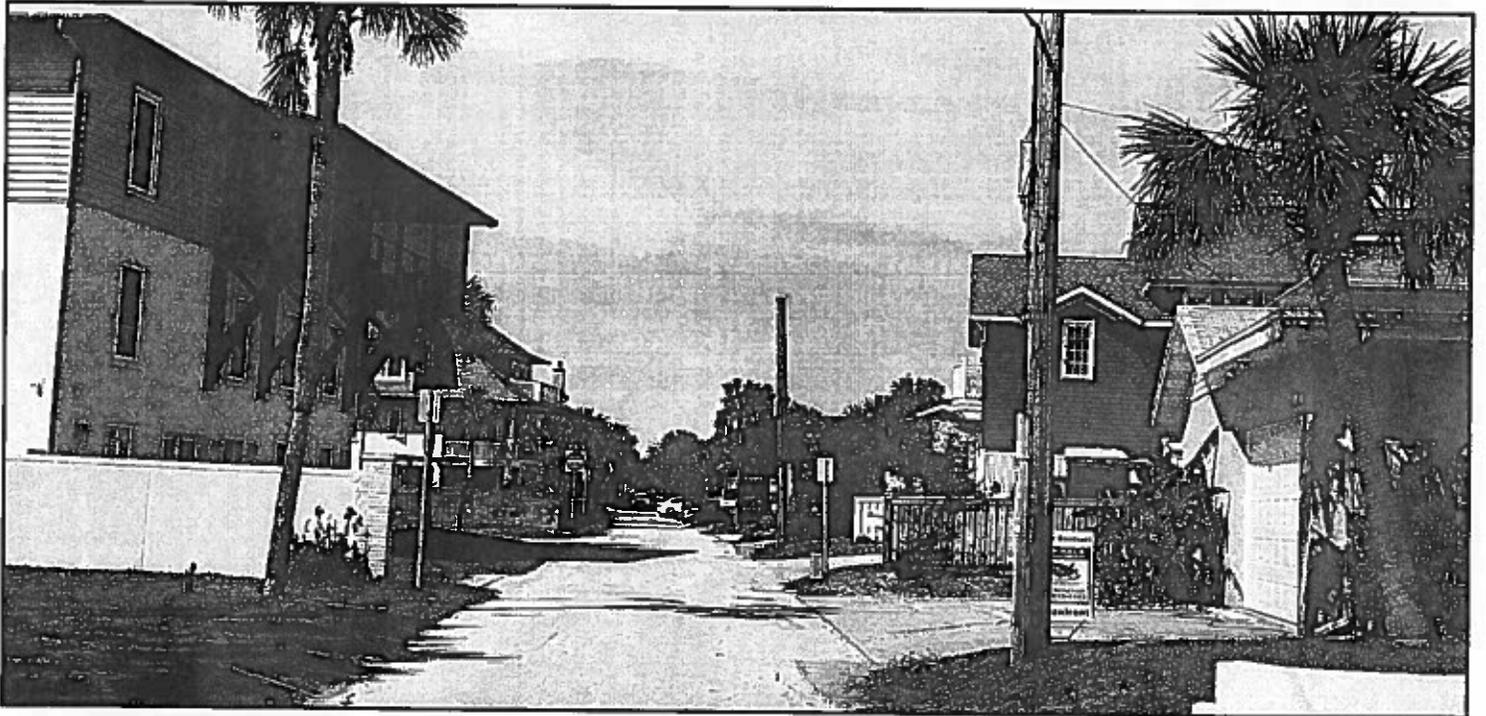
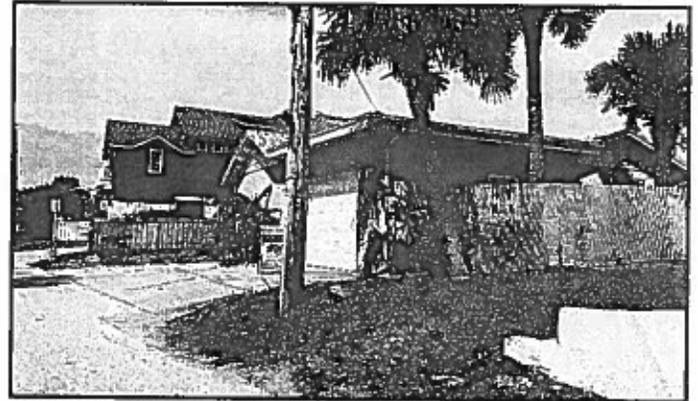
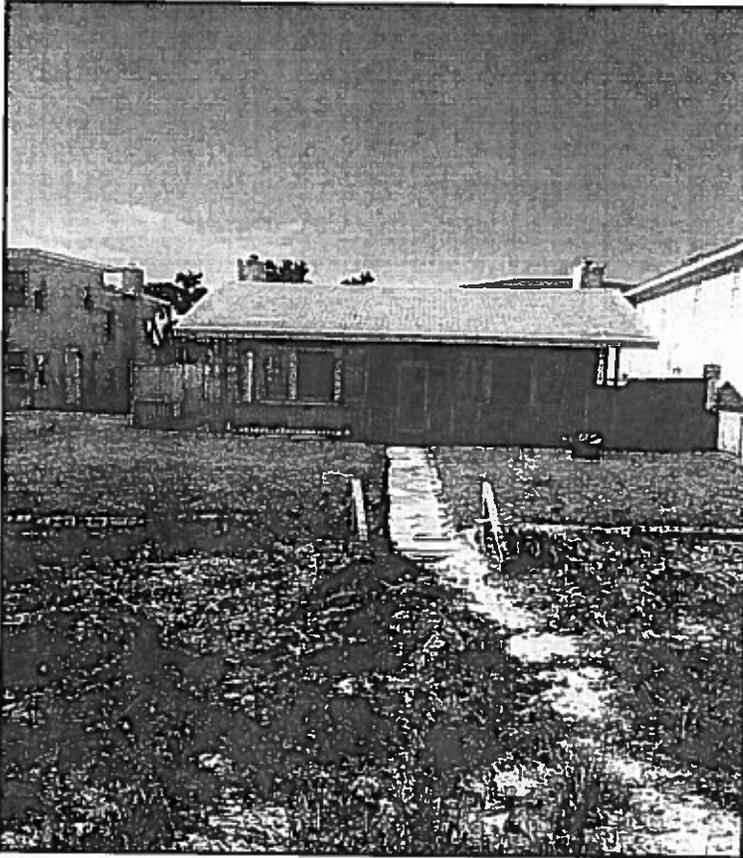
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JUL 3 - 2017
17-100125
PLANNING & DEVELOPMENT



North

Existing Site Photos



Prepared by: Starr Sanford Design
370 Fourth Avenue South
Jacksonville Beach, FL 32250
starrsanforddesign.com
Prepared for: 3108 Ocean Drive S.
Jacksonville Beach, FL 32250
Date Prepared: March 2017
Source: Starr Sanford Design

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JUL 3 - 2017
17-100125
PLANNING & DEVELOPMENT



Dohmen Residence
 3108 Ocean Drive Jacksonville Beach, FL
 www.starrsanders.com (904) 767-9741

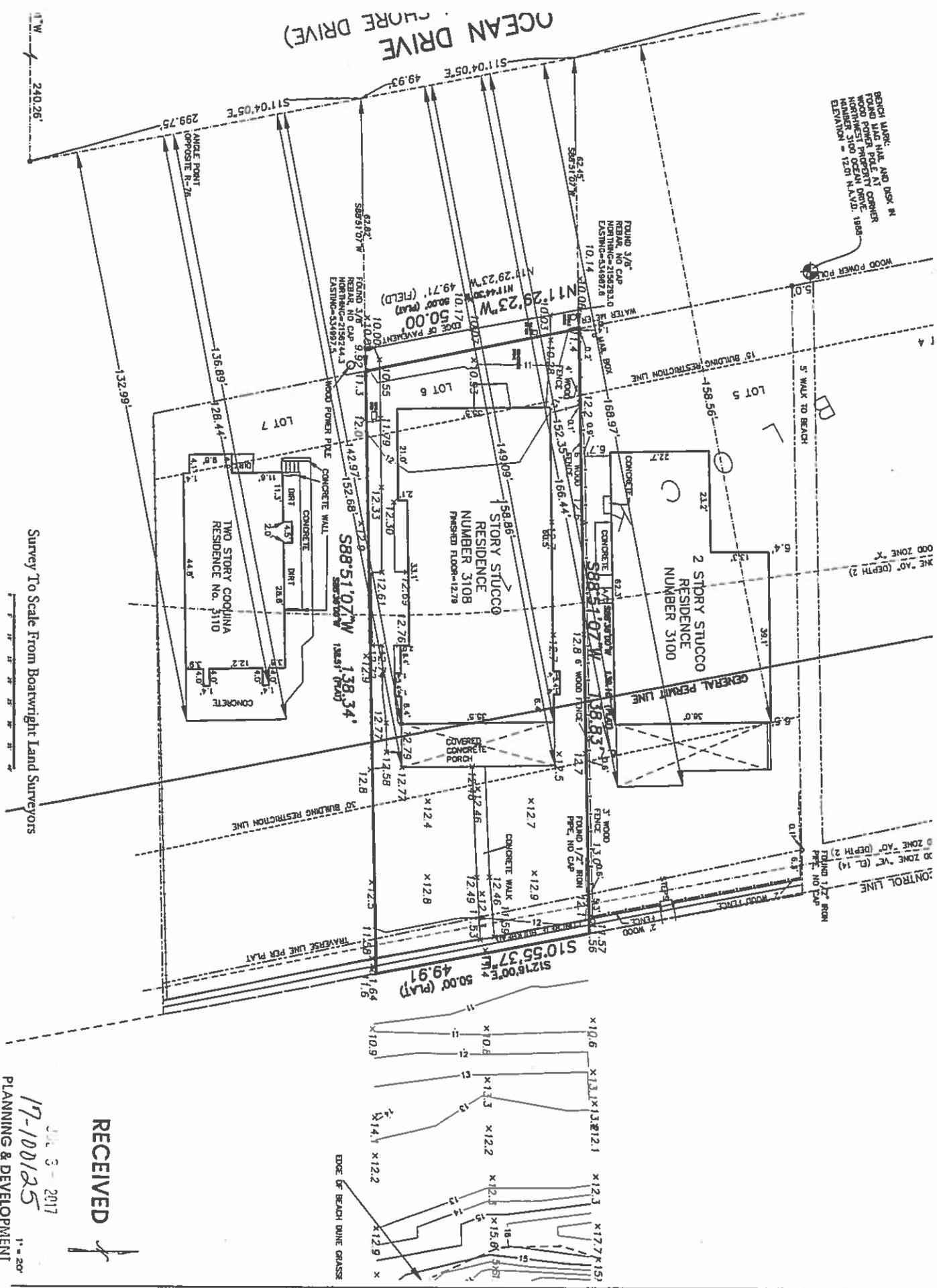
Design: _____
 Development: _____
 Project #: 17004
 Date: 6/30/17
 Revised: _____

Sheet: **A1.0**

RECEIVED

July 3 - 2017
 17-100125
 PLANNING & DEVELOPMENT

Survey To Scale From Boatwright Land Surveys



BENCH MARK: NAIL AND DISK IN
 FOUND POWER POLE CORNER
 WOOD POWER PROPERTY DRIVE
 NUMBER 3100 (COTI N.A.V.D.)
 ELEVATION = 1001 N.A.V.D.

10' ZONE "AD" (DEPTH 2)
 10' ZONE "VE" (CL 14)
 FOUND 1/2" from
 PFC, NO CAP

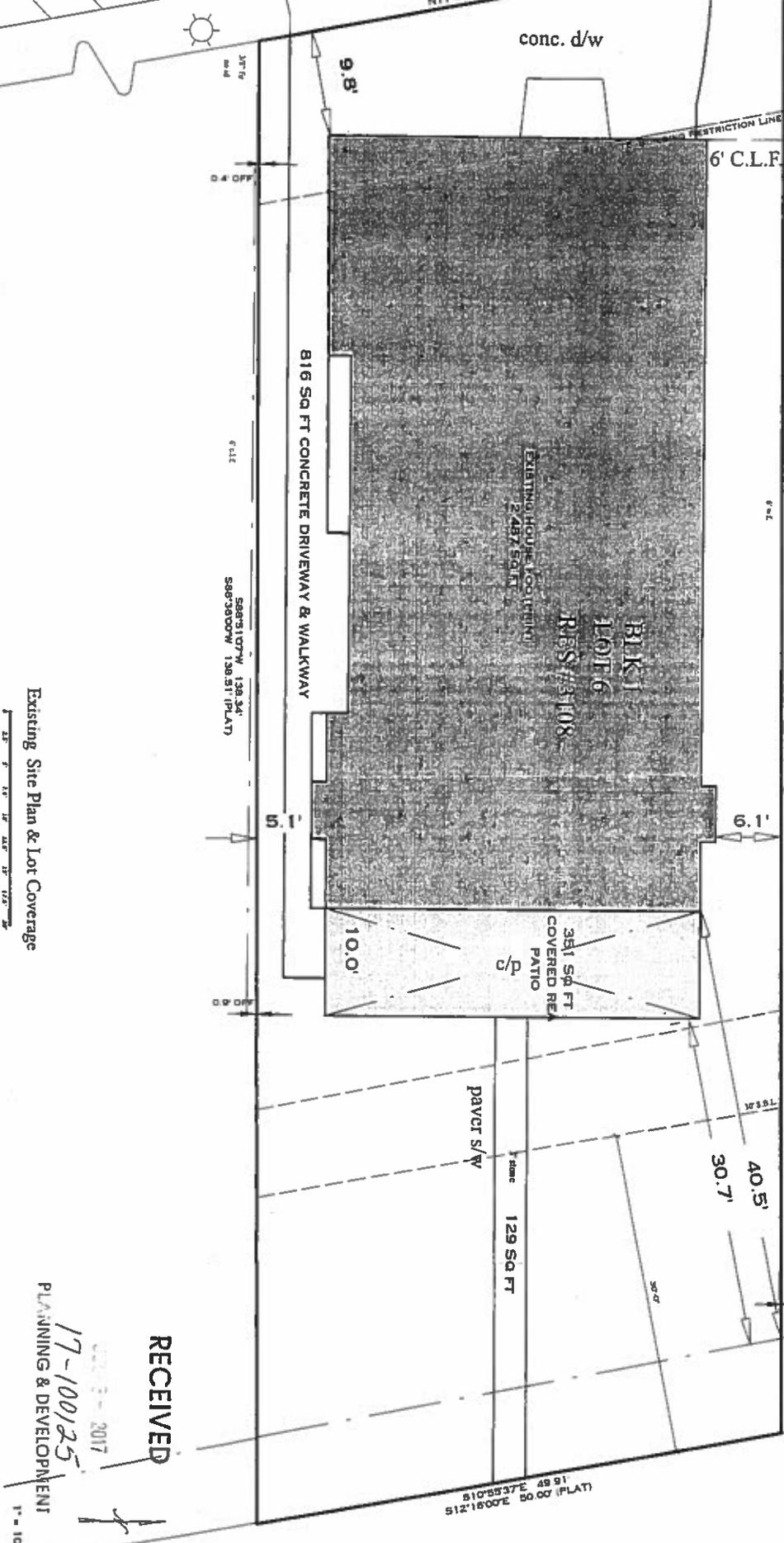
10' ZONE "AD" (DEPTH 2)
 10' ZONE "VE" (CL 14)
 FOUND 1/2" from
 PFC, NO CAP

510.55.37
 S127.60°E 50.00' (PLAT)
 49.91'

EDGE OF BEACH DUNE GRASS

Existing Lot Coverage Calculations

	Sq. FT.	PERCENT
LOT SIZE	6,817	100%
EXISTING IMPERVIOUS ROOFED STRUCTURES	2,836	42%
EXISTING IMPERVIOUS POOL COPING & CONCRETE	-	0%
EXISTING IMPERVIOUS DRIVEWAY	816	12%
EXISTING IMPERVIOUS ADDITIONAL CONCRETE/BRICK WALK	129	2%
EXISTING TOTAL IMPERVIOUS	3,783	55%



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17-100125
 PLANNING & DEVELOPMENT

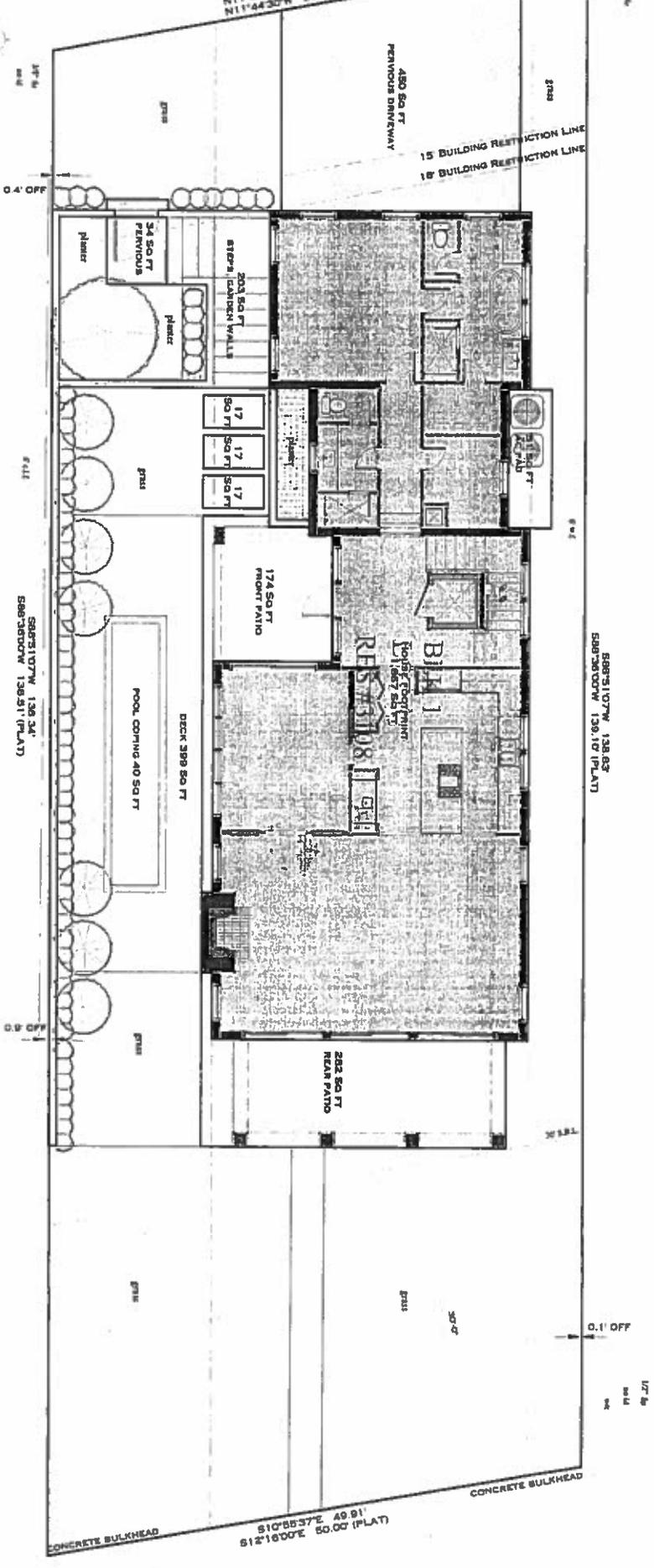
Dohmen Residence
 3108 Ocean Drive Jacksonville Beach, FL
 www.starrsford.com (904) 707-8261



Design:
 Development:
 Project #:
 Date:
 Revised:

Proposed Lot Coverage Calculations

LOT SIZE	SQ. FT.	PERCENT
PROPOSED IMPERVIOUS ROOFED STRUCTURES	6,817	100%
PROPOSED IMPERVIOUS POOL COPING & CONCRETE	1,867	27%
PROPOSED GRASS CRETE DRIVEWAY 484 SQ. FT. @ 50%	40	1%
PROPOSED IMPERVIOUS ADDITIONAL CONCRETE	242	4%
PROPOSED TOTAL IMPERVIOUS	1,160	17%
	3,309	49%



Proposed Site Plan Lot Coverage



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Dohmen Residence
3188 Ocean Drive Jacksonville Beach, FL
www.starstanford.com (904) 267-9741



Design
Development
Project #
17004
Date:
6/20/17
Revised:

Sheet
A1.2



Dohmen Residence
 3108 Ocean Drive Jacksonville Beach, FL
 www.sterckensford.com (904) 707-9763

Design
 Development
 Project #: 17004
 Date: 6/30/17
 Revised:

Sheet
 A1.4

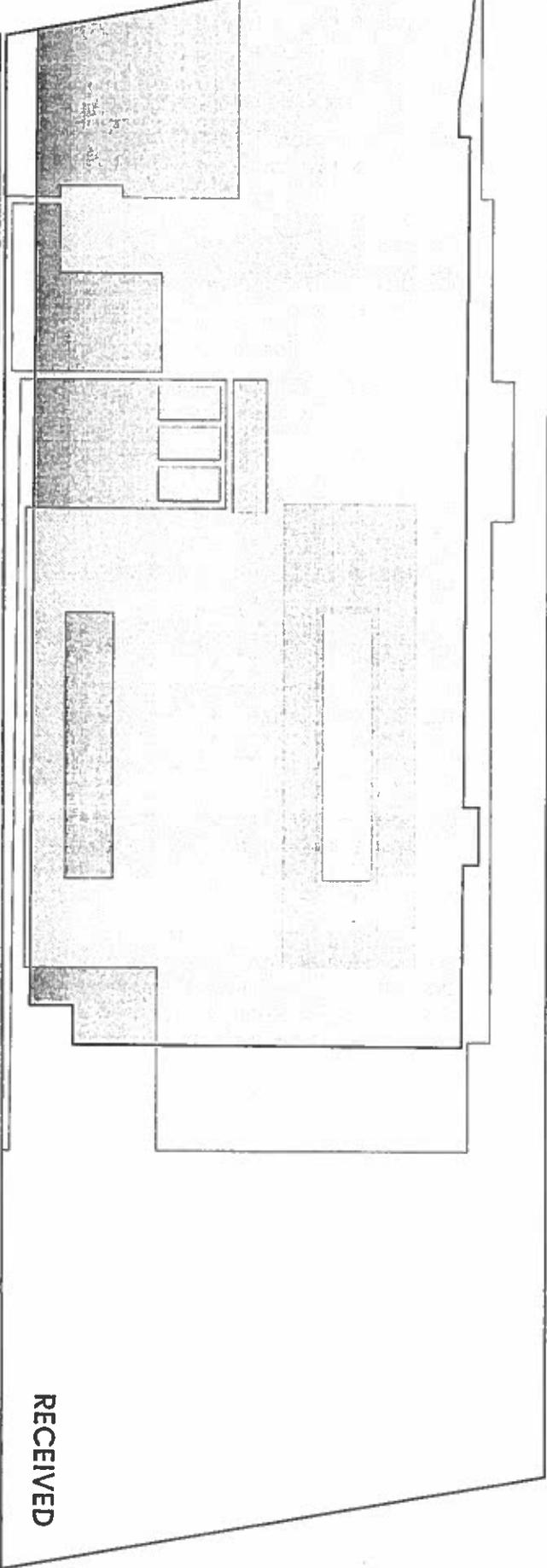
Existing Lot Coverage Calculations

Lot Size	Sq. Ft.	Percent
EXISTING TOTAL IMPERVIOUS	6,817	100%
PROPOSED TOTAL IMPERVIOUS	3,783	55%
MAX 35% ALLOWABLE LOT COVERAGE OF 10,000 SQ. FT. LOT	3,500	51%

**For Comparison
 Conforming Lot Coverage Calculations**

Lot Size of RS-1	Sq. Ft.	Percent
EXISTING TOTAL IMPERVIOUS	10,000	100%
PROPOSED TOTAL IMPERVIOUS	3,783	38%
MAX ALLOWABLE LOT COVERAGE	3,500	35%

3W = PROPOSED LOT COVERAGE



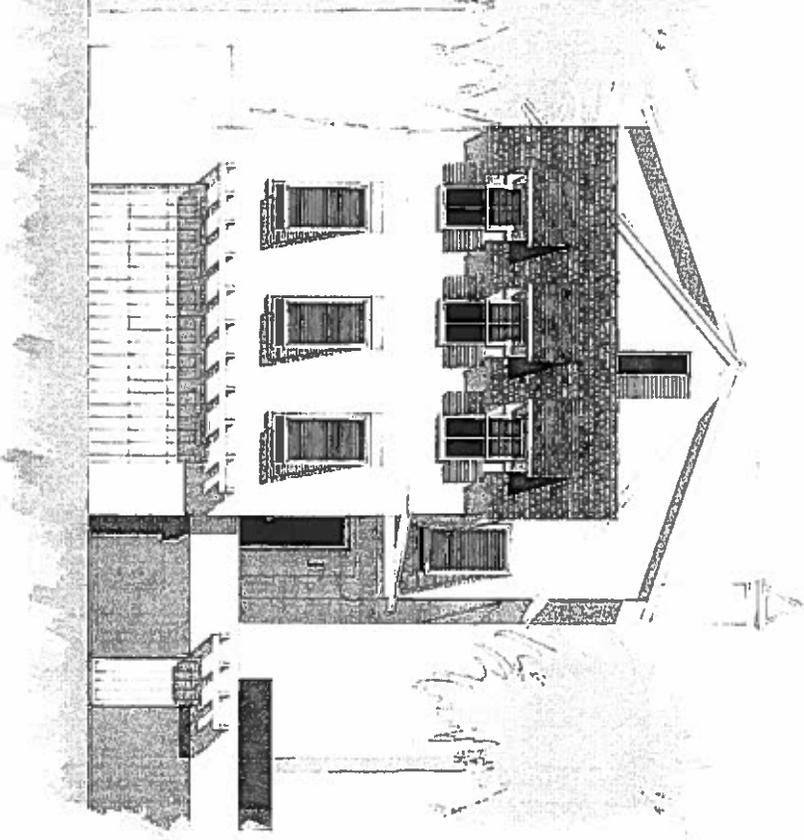
EXISTING LOT COVERAGE

Existing & Proposed Lot Coverage Comparison

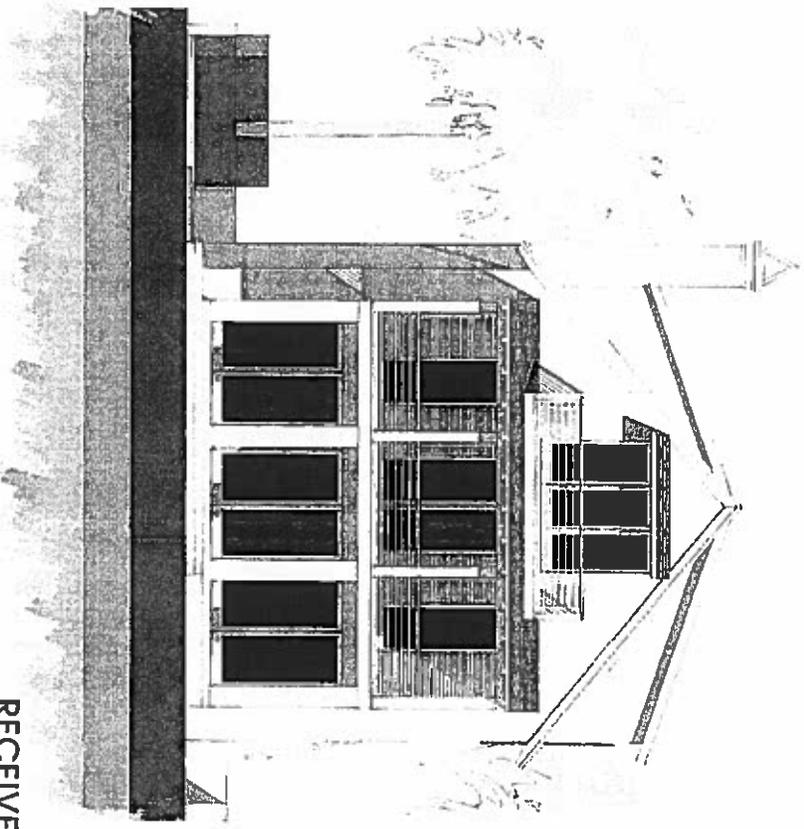


17-100125
 2017

PLANNING & DEVELOPMENT, INC.



Front Street Elevation



Rear Beach Elevation

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17-100125

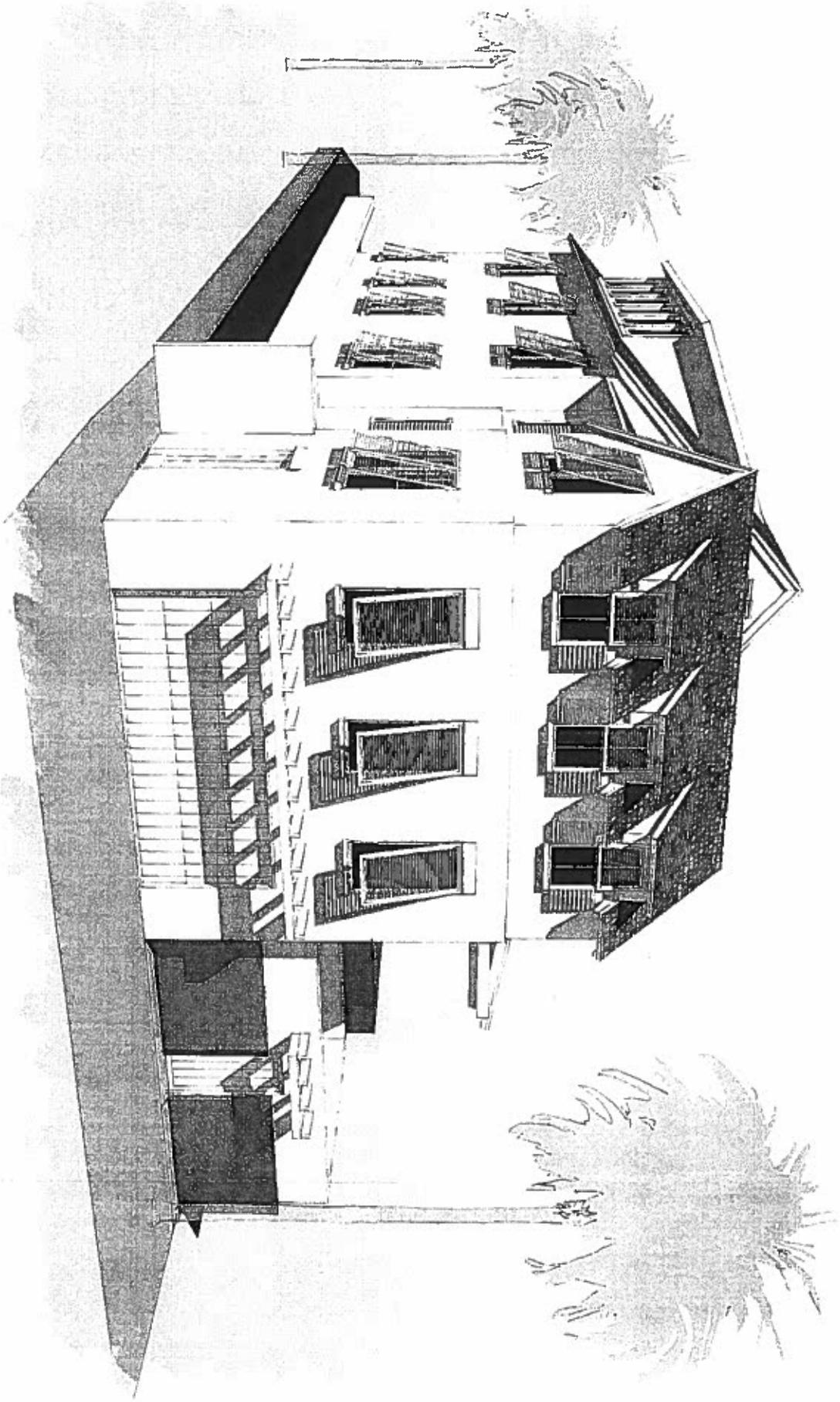
PLANNING & DEVELOPMENT

Dohmen Residence
 3108 Ocean Drive Jacksonville Beach, FL
 www.starrsanford.com(904)707-9761



Project #
17004

Sheet
3.1



Street Isometric Elevation

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2017
17-100125

PLANNING & DEVELOPMENT

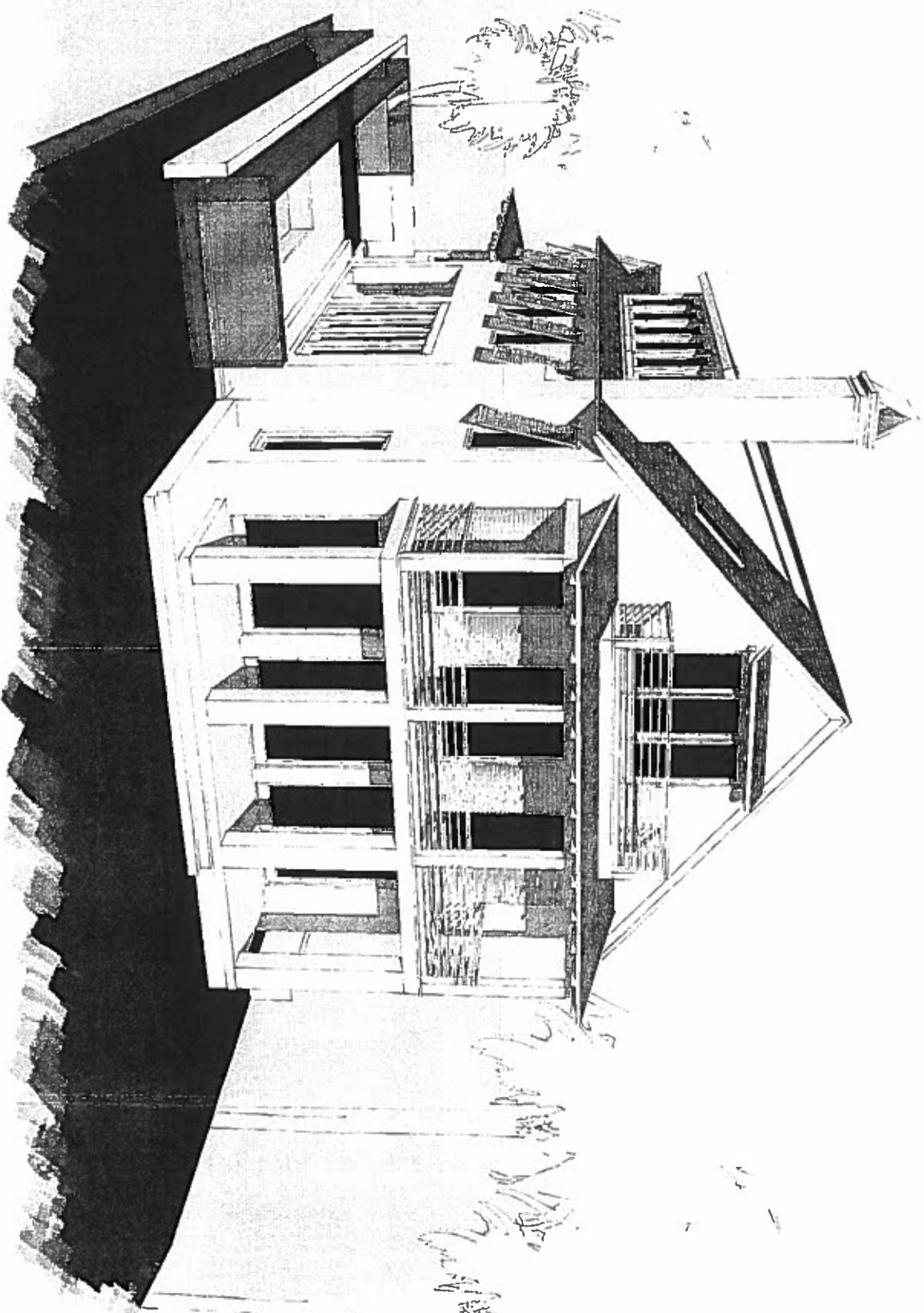
Dohmen Residence
3108 Ocean Drive Jacksonville Beach, FL
www.starrsanford.com(904)707-9761



Project #: 17004

Sheet

3.2



Beach Isometric Elevation

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JUL 17 2017
17-100125

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Dohmen Residence
3108 Ocean Drive Jacksonville Beach, FL
www.starrsanford.com(904)707-9761

Project #
17004

Sheet
3.3



APPLICATION FOR VARIANCE

815-2011

BOA No. 17-100126

HEARING DATE 8-1-2017

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.

APPLICANT INFORMATION

Applicant Name: South Jax Beach LLC Telephone: 904-354-3603
 Mailing Address: 118 West Adams St. suite 600 E-Mail: Downeschulkinu.com
Jacksonville, FL 32202
 Agent Name: Rick Johnston Telephone: 904-219-5003
 Mailing Address: 3528 Ocean Dr. S. E-Mail: rjohnston_mccaw@gmail.com
Jax Beach 32250
 Landowner Name: South Jax Beach LLC Telephone: same as above
 Mailing Address: 118 West Adams St suite 600 E-Mail: _____
Jax FL 32202

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# 181477-0000

VARIANCE DATA

Street address of property and/or Real Estate Number: 3510 Ocean Dr Lot A
 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). Non conforming lot of record, this parcel is
worthier in lot Request 18', 7.5' side, 15' rear and 65% lot coverage - lot is platted at 776 sq ft.

Applicant's Signature: [Signature] Date of Application: 7/5/17

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-1 FLOOD ZONE: _____
 CODE SECTION (S): 3A-336(e)(1) c-1 for a front setback of 13', in lieu of 25' required;
(e)(1) c-2 for side yard setbacks of 7.5', each in lieu of 10' required;
(e)(1) c-3 for a rear yard setback of 15', in lieu of 30' required;
(e)(1) e for 52.5% lot coverage, in lieu of 35% maximum
to allow construction of a new single-family dwelling with pool

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 17-100/26

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	Lots are currently won conforming lots, the variance is required to enjoy & utilize lots consistent with zoning
Special circumstances and conditions do not result from the actions of the applicant.	NO	Request is NO as result of Applicant
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	lots currently cannot enjoy the utilization of a conforming RS-1 lot, multiple instances of lots in immediate area have been granted similar variances
Grant of variance is the minimum variance that will make possible the reasonable use of the parcel of land, building or structure.	YES	set Backs & coverage reconciled to intent of RS-1
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	multiple examples in immediate area where same variance concept has been applied -

John R. Schultz
Chief Executive Officer

The Schultz Companies

118 W. Adams Street, Suite 600 ♦ Jacksonville, Florida 32202

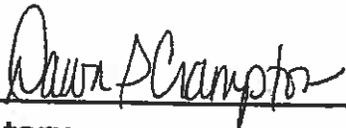
June 6, 2017

Owners Agent Designation & Authorization:

South Jax Beach, LLC does designate and authorize Rick Johnston as the owner's agent to represent, assemble and file any and all necessary documents related to City of Jacksonville Beach permitting, variance, land use and or zoning applications and represent as required in any such hearing for the property owned at 3510 Ocean Dr., S., Jacksonville Beach, FL 32250.



John R. Schultz



Notary

Seal



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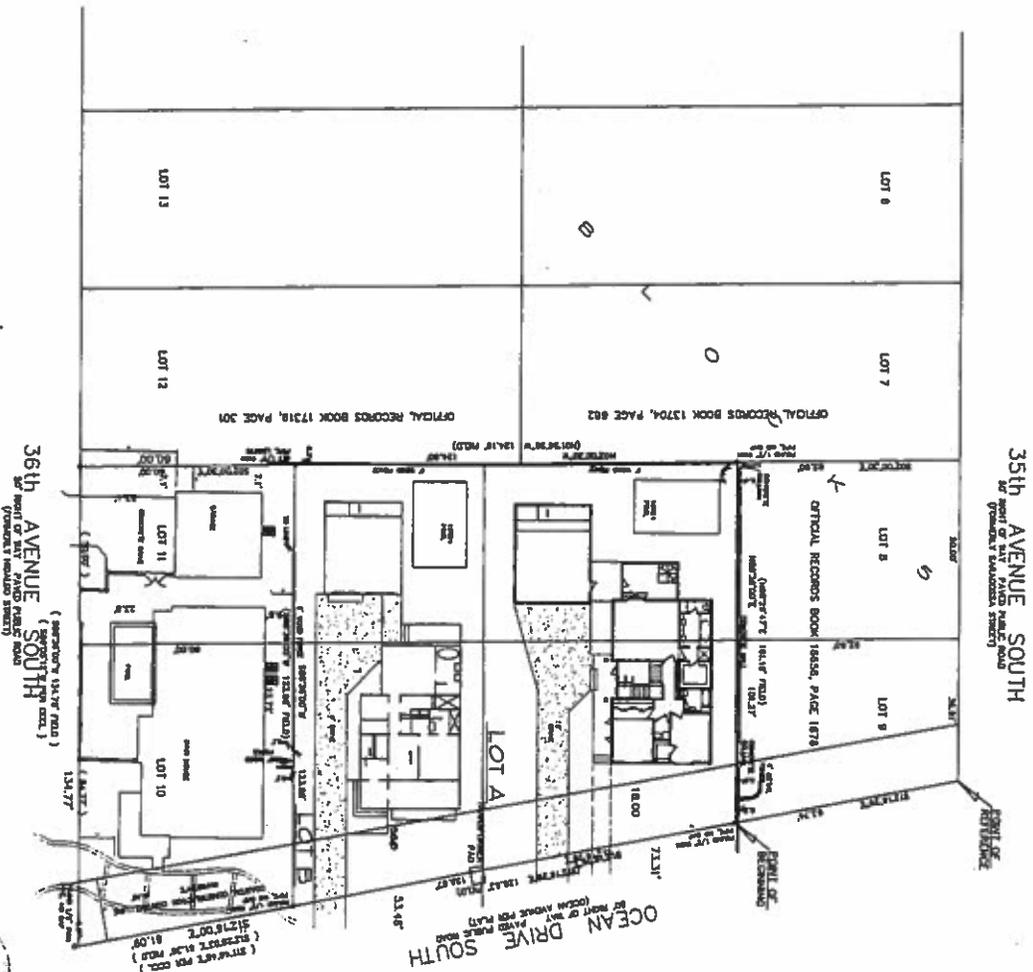
JUN - 9 2017

17-100126

PLANNING & DEVELOPMENT

JUN - 9 2017
17-100124

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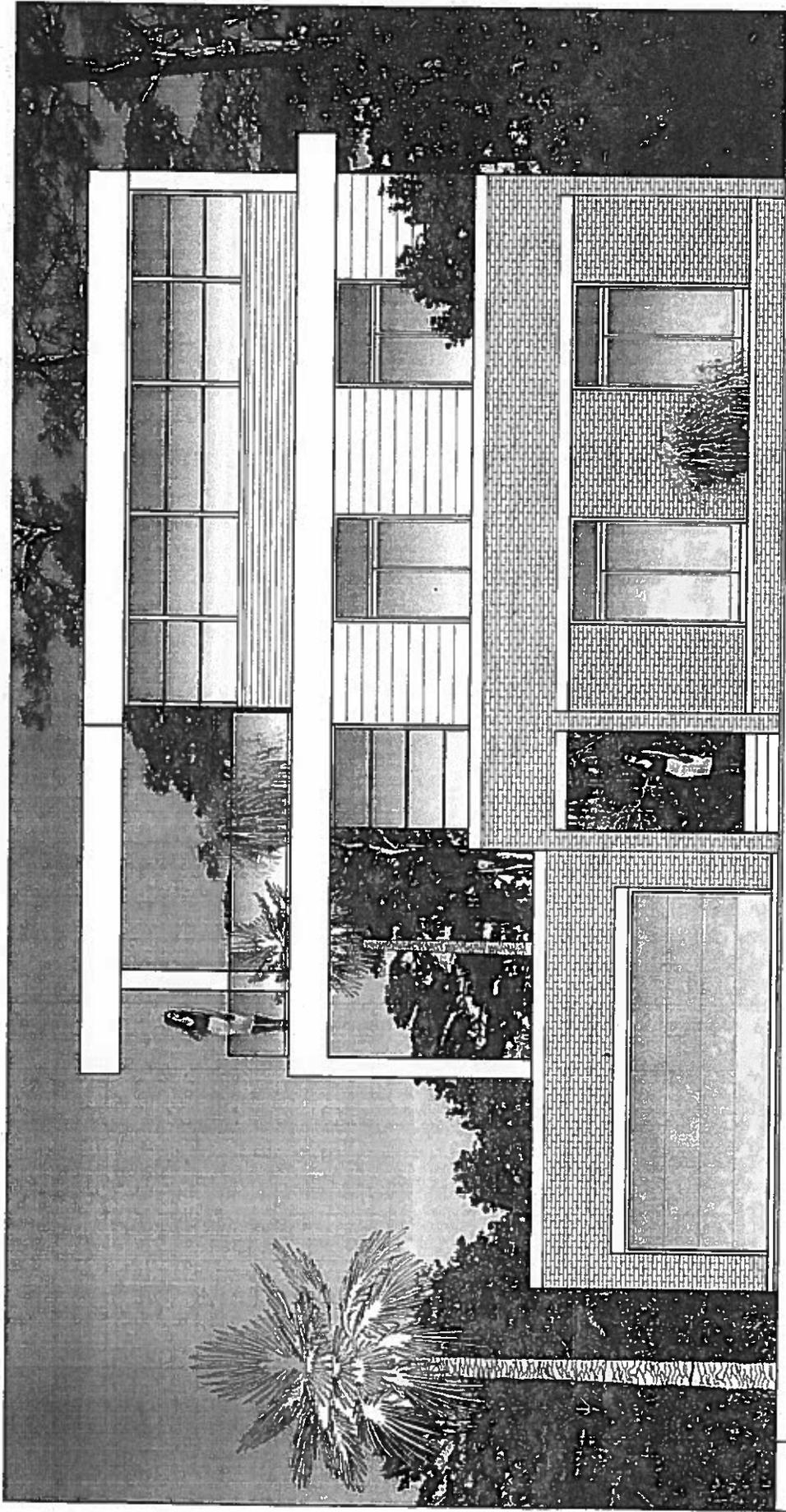
CONCEPT SITE PLAN
SCALE 1/8" = 1'-0"



LOT A
AREA CALCS

site 7636 sqf
326 lot coverage =
2873 sqf max
house / garage
2321 sqft/bedrooms
driv 883 sqf
2714 sqf = 42% lot
coverage
pool 360 sqf (optional)

LOT B
AREA CALCS



EAST ELEVATION

SCALE 1/4"=10'

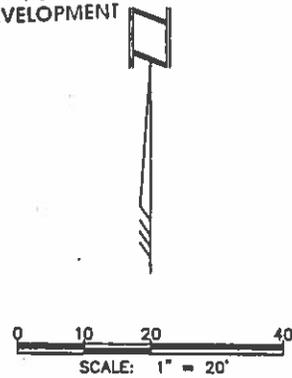
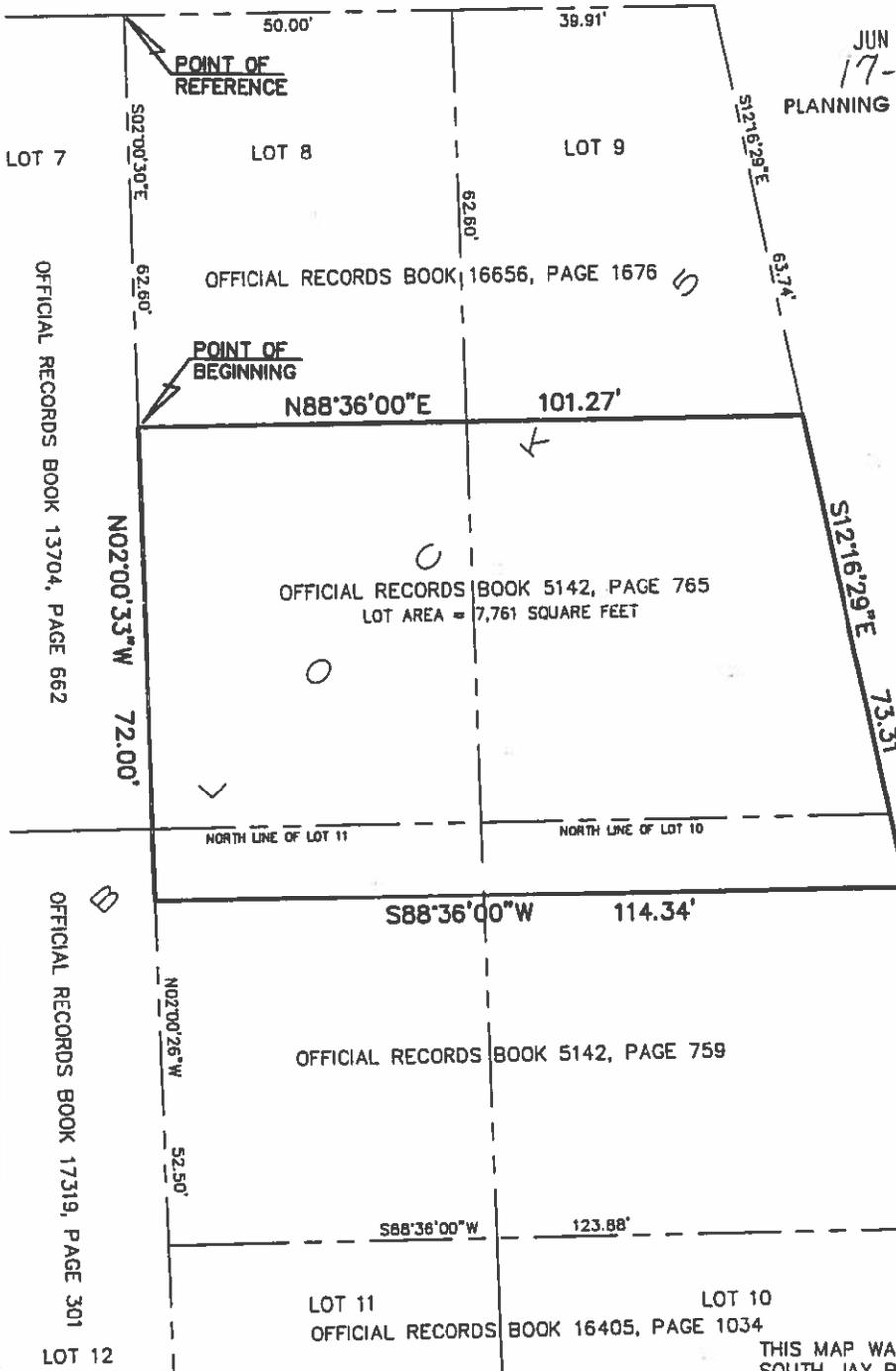
DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWESTERLY CORNER OF SAID LOT 8; THENCE SOUTH 02°00'30" EAST ALONG THE WESTERLY LINE OF SAID LOT 8, A DISTANCE OF 62.60 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88°36'00" EAST, PARALLEL TO THE NORTHERLY LINE OF SAID LOTS 8 AND 9, A DISTANCE OF 101.27 FEET; THENCE SOUTH 12°16'29" EAST ALONG THE EASTERLY LINE OF SAID LOTS 8 AND 10, ALONG THE WESTERLY RIGHT OF WAY LINE OF OCEAN DRIVE SOUTH AS NOW ESTABLISHED AS A 50 FOOT RIGHT OF WAY, A DISTANCE OF 73.31 FEET; THENCE SOUTH 88°36'00" WEST, PARALLEL TO THE NORTHERLY LINE OF SAID LOTS 8 AND 9, A DISTANCE OF 114.34 FEET; THENCE NORTH 02°00'30" WEST, ALONG THE WESTERLY LINE OF SAID LOTS 11 AND 8, A DISTANCE OF 72.00 FEET TO THE POINT OF BEGINNING.

35th AVENUE SOUTH

50' RIGHT OF WAY PAVED PUBLIC ROAD
(FORMERLY SARAGOSSA STREET)

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17-100126
PLANNING & DEVELOPMENT



OCEAN DRIVE SOUTH
50' RIGHT OF WAY PAVED PUBLIC ROAD
(OCEAN AVENUE PER PLAT)

- NOTES:
1. THIS IS A MAP ONLY.
 2. BEARINGS BASED ON THE WEST RIGHT OF WAY LINE OF OCEAN DRIVE SOUTH BEING S12°16'29"E AS PER PLAT.
 3. NO BUILDING RESTRICTION LINES PER 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 NUMBER 12031C0419H, REVISED
JUNE 3, 2013 FOR DUVAL COUNTY, FLORIDA.

THIS MAP WAS MADE FOR THE BENEFIT OF
SOUTH JAX BEACH, LLC; FORUM CAPITAL PARTNERS,
LLC; FIDELITY NATIONAL TITLE INSURANCE COMPANY;
AND VAN ROOY LAW.

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

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

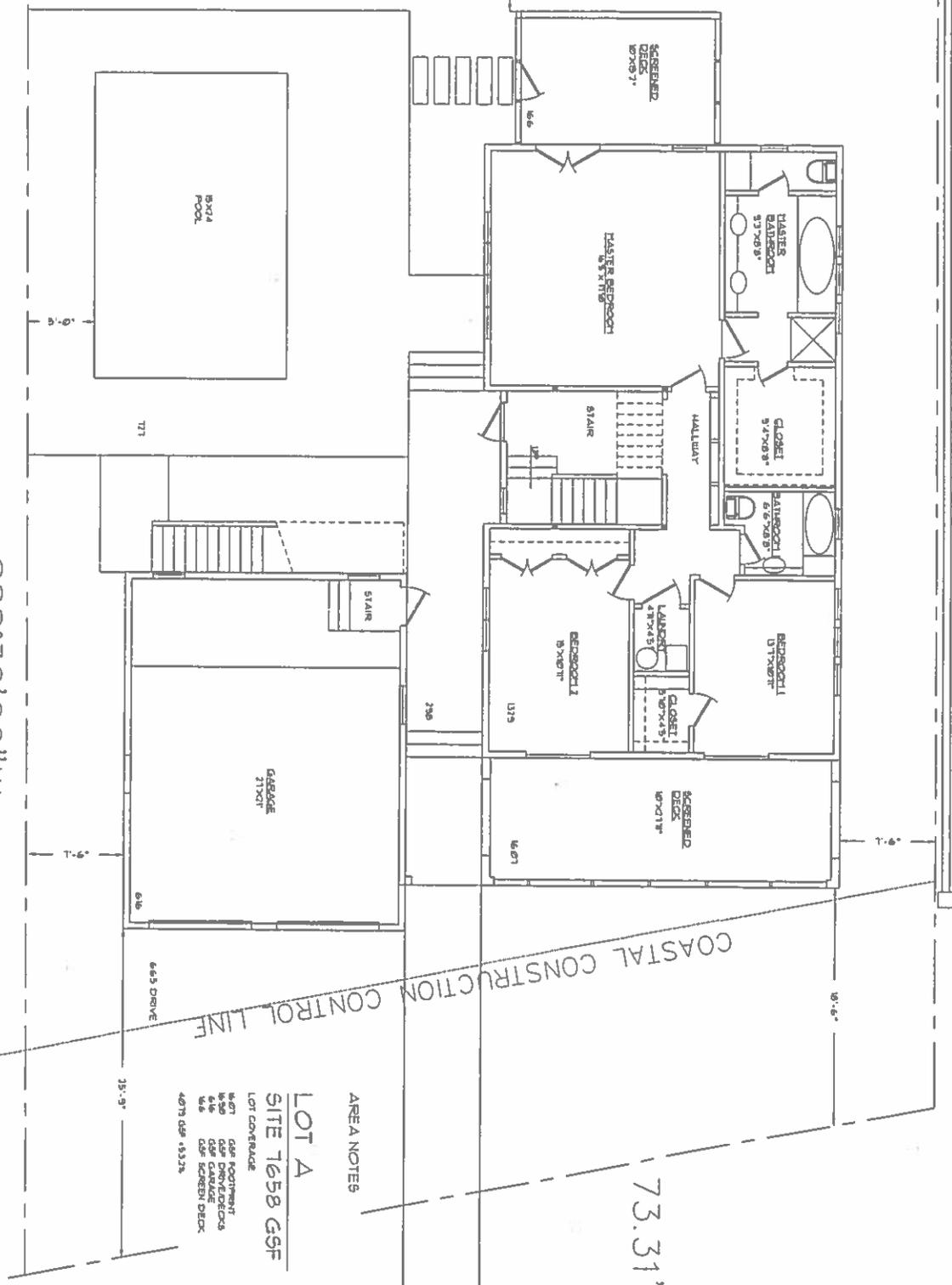
CHECKED BY: _____
DRAWN BY: SWC
FILE: 2017-0780-A

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

DATE: JUNE 8, 2017
SHEET 1 OF 1

(N88°29'47"E 101.18' FIELD)
 N88°36'00"E
 101.27'

IVED
 2017
 DEVELOPMENT



AREA NOTES
LOT A
SITE 7658 GSF
 LOT COVERAGE
 4079 GSF ± 53.2%

OCEAN DRIVE SOUTH
 50' RIGHT OF WAY PAVED PUBLIC ROAD
 (OCEAN AVENUE PER PLAT)

S88°36'00"W
 123.88'



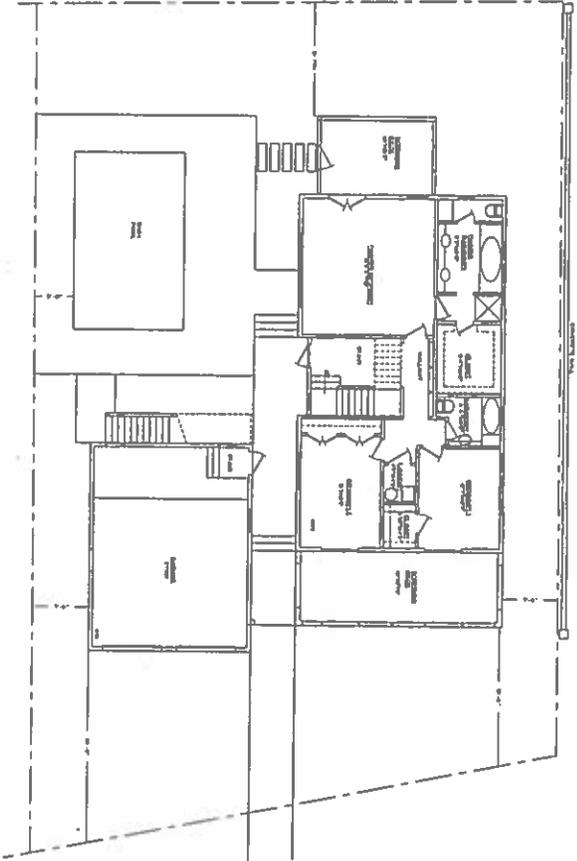
CONCEPT SITE PLAN LOT A
 SCALE 1/4" = 1'-0"



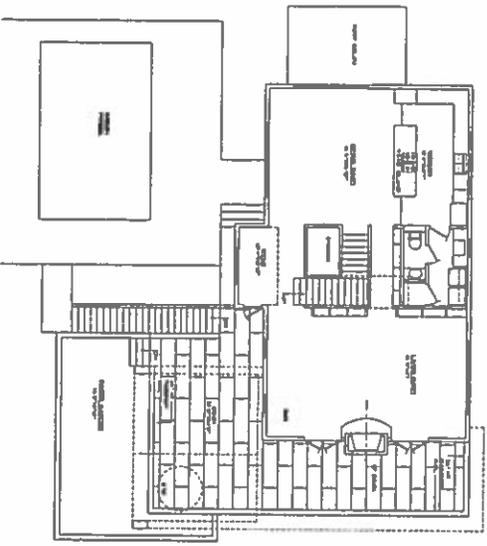
OCEAN DRIVE HOUSE
 JACKSONVILLE BEACH, FLORIDA

MICHAEL DUNLAP ARCHITECT P.A.
 110 NORTH SECOND AVENUE
 JACKSONVILLE BEACH, FLORIDA 32250 354.358.1807
 FLORIDA REGISTRATION AR 3260

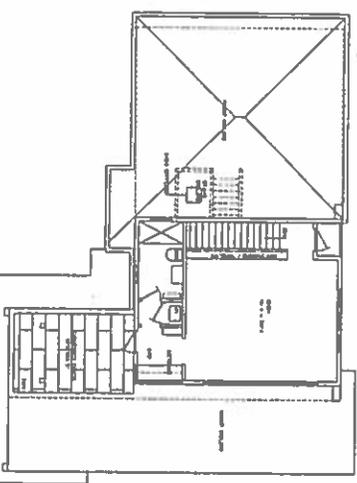
DATE: 06-27-11
 SHEET: A-1



CONCEPT FIRST FLR



CONCEPT 2ND FLR



CONCEPT 3rd & ROOF DECK PLAN

OCEAN DRIVE SOUTH
 50' NORTH OF WAY
 10' EAST OF PUBLIC ROAD
 (LOCAL AVENUE PER PLAN)



AREA NOTES, LOT A

FIRST FLOOR	1779 GSF
SECOND FLOOR	1387 GSF
THIRD FLOOR	618 GSF
COVERED DECKS	814 GSF
SCREENED DECKS	428 GSF
CARPACE	616 GSF
TOTAL	3346 GSF (142)



APPLICATION FOR VARIANCE

BOA No. 17-100129
HEARING DATE 8-15-2017

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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APPLICANT INFORMATION

Applicant Name: Shawn T. Shanahan Telephone: 904-465-3840
 Mailing Address: 919 8th Ave. North E-Mail: shawn@toptwoinc.com
Jacksonville Beach FL 32250 Stacy Lopez 904 234-
 Agent Name: _____ Telephone: 6384
 Mailing Address: _____ E-Mail: _____
 Landowner Name: _____ 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: 919 8th Ave. North Jacksonville Beach FL 32250
 Legal description of property (Attach copy of deed): west 20 ft. of lot 10 & east 40 ft. of lot 11 Blk 100 Palmetto
 Justification for Variance: (State the hardship that is created by the application of the code to the property). (Attach a separate sheet if necessary). lot is more narrow than others on street and existing carport is already closer to property line than required. Extension of carport will be kept in line with existing structure.

Applicant's Signature:  Date of Application: 7/3/2017

THIS BOX FOR OFFICE USE ONLY, GO TO NEXT PAGE

CURRENT ZONING CLASSIFICATION: RS-2 FLOOD ZONE: X
 CODE SECTION (S): 34-37(re)(1)c-2 for an angled sideyard of 4-1', in lieu of 5' required;
(EX)(1)c-3 for a rear yard setback of 26.5', in lieu of 30' required;
(EX)(1)e for 43.6% lot coverage, in lieu of 35% maximum;
to allow for a room addition and carport to garage conversion
for an existing single-family dwelling

(Prior variance for 46% lot)

VARIANCE APPLICATION STANDARDS AND CONDITIONS

BOA No. 17-100129

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

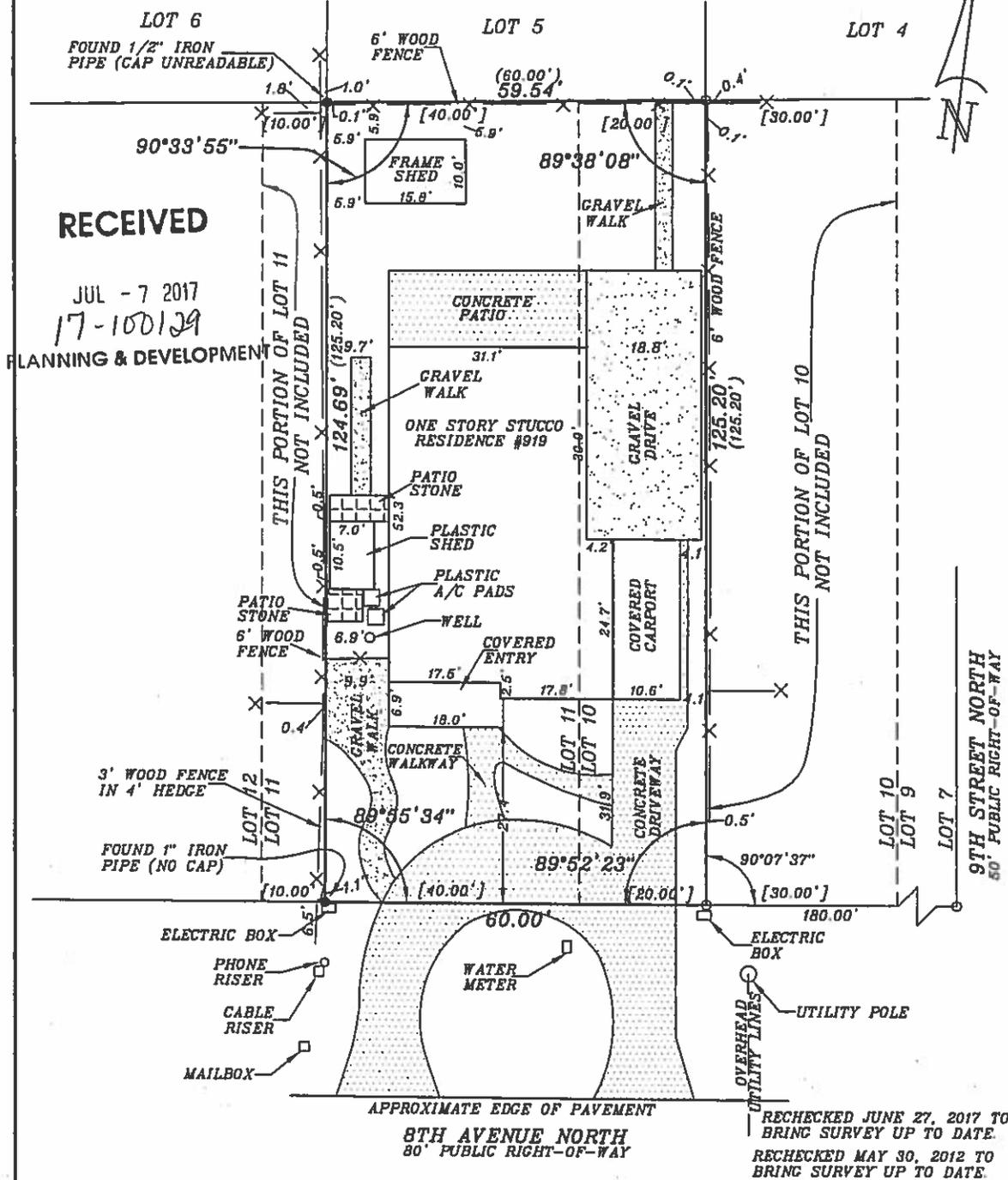
Section 34-286. Standards applicable to all variances. In order to authorize any variance from the terms of this code, the Board of Adjustment must find that the following criteria have been met. To assist the Board in making this finding, please complete the blanks on the form below.

Standard	Applies? Yes/No	Circumstances/ Explanation
Special conditions and circumstances exist which are peculiar to the parcel of land building or structure, which are not applicable to other parcels of land, structures or buildings in the same zoning district.	Yes	lot is narrow - more than other parcels
Special circumstances and conditions do not result from the actions of the applicant.	Yes	pre-existing RECEIVED
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	JUL 3 - 2017 17-100129 PLANNING & DEVELOPMENT
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	existing structure would need to be removed
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	

CAUTION

MAP SHOWING SURVEY OF:

THE WEST 20 FEET OF LOT 10 AND THE EAST 40 FEET OF LOT 11, BLOCK 100, PABLO BEACH IMPROVEMENT COMPANY'S PLAT OF THE NORTHERN PORTION OF PABLO BEACH, FLORIDA AS RECORDED IN PLAT BOOK 6, PAGE 66, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



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17-100129

PLANNING & DEVELOPMENT

RECHECKED JUNE 27, 2017 TO BRING SURVEY UP TO DATE.
RECHECKED MAY 30, 2012 TO BRING SURVEY UP TO DATE.

- NOTES:**
- 1) THIS IS A BOUNDARY SURVEY.
 - 2) THIS PROPERTY APPEARS TO LIE IN FLOOD ZONE "X" WHICH IS THE AREA OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN BY FLOOD MAPS REVISED JUNE 3, 2013, COMMUNITY PANEL No. 120078 0417 H, MAP No. 12031C0417H.
 - 3) NO BUILDING RESTRICTION LINE BY PLAT.
 - 4) ALL DISTANCES SHOWN THUS: (60.00') ARE BY PLAT. DISTANCES THUS: [40.00'] BY DEED, ALL OTHER ANGLES AND DISTANCES WERE FIELD MEASURED.
 - 5) ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE UNITED STATES STANDARD.

LEGEND:
O DENOTES FOUND 1/2" IRON PIPE (NO CAP)

I HEREBY CERTIFY TO:
SHAWN SHANAHAN

THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO SECTION 112.027 FLORIDA STATUTES AND CHAPTER 11, FLORIDA ADMINISTRATIVE CODE.

No. 5523

FLORIDA REGISTERED SURVEYOR NO. 15663
ROBERT D. TOMPKINS

DATE: FEBRUARY 2008

SCALE: 1" = 40'

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A REGISTERED SURVEYOR AND MAPPER THIS MAP IS NOT VALID. ADDITIONS OR DELETIONS TO THIS MAP BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

SIZEMORE AND ASSOCIATES INC.
SURVEYING & MAPPING

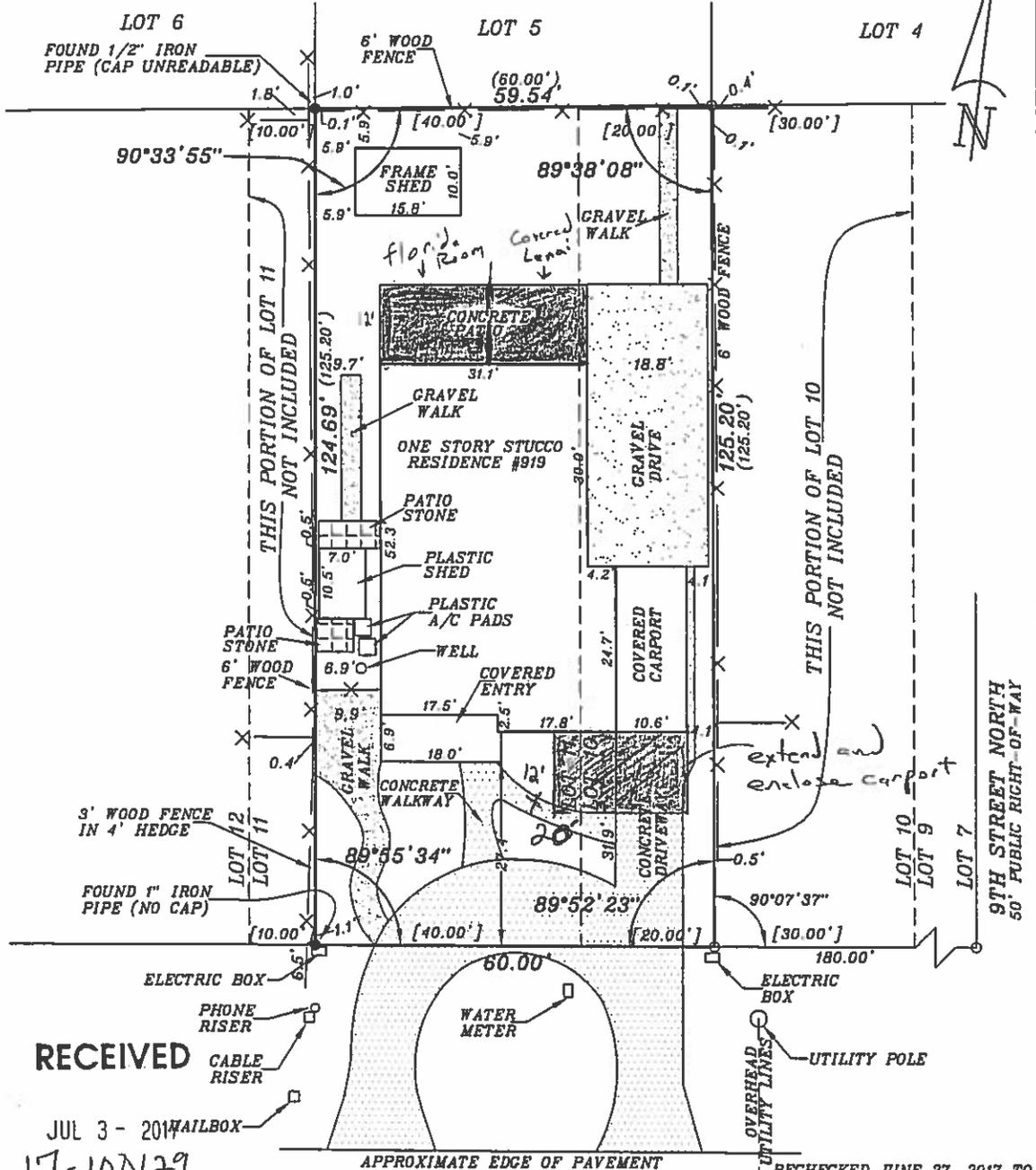
6282 DUPONT STATION CT. E. UNIT 12
JACKSONVILLE, FLORIDA 32217
(904) 737-8767

LICENSED BUSINESS #6878

F.R. 484, PG. 21

MAP SHOWING SURVEY OF:

THE WEST 20 FEET OF LOT 10 AND THE EAST 40 FEET OF LOT 11, BLOCK 100, PABLO BEACH IMPROVEMENT COMPANY'S PLAT OF THE NORTHERN PORTION OF PABLO BEACH, FLORIDA AS RECORDED IN PLAT BOOK 5, PAGE 66, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



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JUL 3 - 2017

17-100129

PLANNING & DEVELOPMENT

RECHECKED JUNE 27, 2017 TO BRING SURVEY UP TO DATE
 RECHECKED MAY 30, 2012 TO BRING SURVEY UP TO DATE.

- NOTES:
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 - 5) ALL MEASUREMENTS WERE MADE IN ACCORDANCE WITH THE UNITED STATES STANDARD.

LEGEND:
 O DENOTES FOUND 1/2" IRON PIPE (NO CAP)
 I HEREBY CERTIFY TO:
 SHAWN SHANAHAN

THAT THIS SURVEY MEETS THE STANDARDS OF PRACTICE AS SET FORTH BY THE FLORIDA BOARD OF SURVEYORS AND MAPPERS, PURSUANT TO SECTION 472.027 FLORIDA STATUTES AND CHAPTER 61, FLORIDA ADMINISTRATIVE CODE.

NO. 5563
 FLORIDA REGISTERED SURVEYOR NO. 5563
 ROBERT D. TOMPKINS
 DATE: FEBRUARY 14 2015
 SCALE: 1" = 20'

UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER THIS MAP IS NOT VALID. ADDITIONS OR DELETIONS TO THIS MAP BY OTHER THAN THE SIGNING PARTY IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY.

SIZEMORE AND ASSOCIATES INC.
 SURVEYING & MAPPING
 LICENSED BUSINESS #5878 6282 DUPONT STATION CT. E. UNIT #2 JACKSONVILLE, FLORIDA 32217 (904) 737-8767

F.B. 21