



**AGENDA**  
**COMMUNITY DEVELOPMENT BOARD MEETING**  
**JANUARY 11, 2023 AT 6:00 PM**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FL 32266**

1. Call to Order and roll call.
2. Pledge of Allegiance.
3. Introduction of Heather Whitmore, Community Development Director.
4. V23-01 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Charles and Wendy Capper, for the property known as 211 Myrtle Street (RE# 172627-0000). The request is to vary Section 27-238(4) Maximum lot coverage of 50% leaving 61.15%. The request to exceed the maximum lot coverage is to build a swimming pool in the rear yard.
5. V23-02 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Mr. Jean Bakkes, for the property known as 2009 Marsh Point Road (RE# 173379-0000). The requests are to vary Table 27-239 Rear yard (request of 15 ft, leaving 10 ft in lieu of the required 25 ft in the R-2 zoning district and Section 27-237(2) Floor area ratio (request of 8156 square ft in lieu of the required maximum of 70% or 3000 sf whichever is less leaving 62% on an 18225-sf size lot. The request for variances is to build an addition build to the existing single-family dwelling.
6. V23-03 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for David and Julie Pippins, for the property known as 806 Oceanfront (172697-0000). The request is to vary Table 27-239 for both Side yards (requests of 3 ft 9 in leaving 3 ft 3 in in lieu of the required 7 ft side yards in the North and South Sides of the property). The request for variances is to demolish the existing single-family dwelling and build and new one with the same width of 23 ft 6 in.
7. V23-04 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Ian and Jessica Otto, for the property known as 428 south Street (172697-0000). The request is to vary Table 27-239 for the east side yard (requests of 2 ft 8 in leaving 4 ft 3 in in lieu of the required 7.1 ft east side yard). The request for variance is to build following the same setback as the existing home. **(Applicant requested this item be tabled and moved to the Feb. 8, 2023 agenda.)**
8. V23-05 Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Kristi and Santo Maimone, for the property known as 110 Magnolia Street (RE# 172662-0000). The requests are to vary Section 27-237(4) maximum floor area ratio in the R-4 (RC Overlay) zoning district (a request of 20% in lieu of the required maximum of 65% leaving 85%). The three requests to Table 27-239 Rear yard (request of 2 ft, leaving 13 ft in lieu of the required 15 ft), both Side yard setbacks (request of 2 ft each side, leaving 5 ft in lieu of the required 7 ft on each side), Front yard (request of 4 ft 1.5 in, leaving 5 ft 8.5 in in lieu of the required 10 ft). Section 27-238(4) maximum lot coverage of 3.8% leaving 53.8% in lieu of the required maximum of 50% lot coverage. The request for variances is for the removal of an existing two-family structure to build a new single-family structure with pool and 2-car garage.
9. Open Discussion.
10. Adjourn.

**PARKING CODE THROUGH APRIL 1ST: HX12**

CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT  
DEPARTMENT



# STAFF REPORT

**MEETING DATE:** January 11, 2023  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** V23-01

---

**TO:** Community Development Board  
**FROM:** Heather Whitmore, AICP, Community Development Director  
**DATE:** December 29, 2022  
**SUBJECT:** Variance Request\_211 Myrtle Street

---

- I. BACKGROUND:** An application for a variance was submitted on November 4, 2022, requesting relief for
- Lot coverage exceeding 50% (§27-238 (4)).

**II. DISCUSSION:**

The property owner of 211 Myrtle Street requests to vary Section 27-238(4) maximum lot coverage of 50% to permit a 59% lot coverage. The purpose of the request to exceed the maximum lot coverage is to build a swimming pool in the rear yard.

The subject lot is 50' x 128' (6,400 square feet) with an existing single-family home with associated driveways, walkways, front porch and back patio having a combined 3,488 square feet for a total lot coverage of 55%. The applicant desires to add an approximately 270 square foot pool for a new total lot coverage of 59%.

Sec. 27-238. - Maximum lot coverage states:

- (a) The impervious surface on any lot, or parcel of land, shall not exceed the maximum area as provided for below, and for purposes of calculation, shall include all impervious areas, such as pool areas, hot tubs, and driveways; "gross site area" is defined in article I.
- (4) R-4 district: Fifty (50) percent of gross site area.

(b) Pervious pavements, as defined in section 27-516, shall not count towards impervious surface areas.

Sec. 27-15. – Definitions states:

*“Impervious surface and semi-impervious means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, buildings, roofs, concrete, sidewalks, driveways, pools, and pavement areas, and semi-impervious surfaces such as compacted clay and other similar surfaces, such that the permeability and infiltration capacity is less than that of the existing, uncompacted, native soil subgrade.*

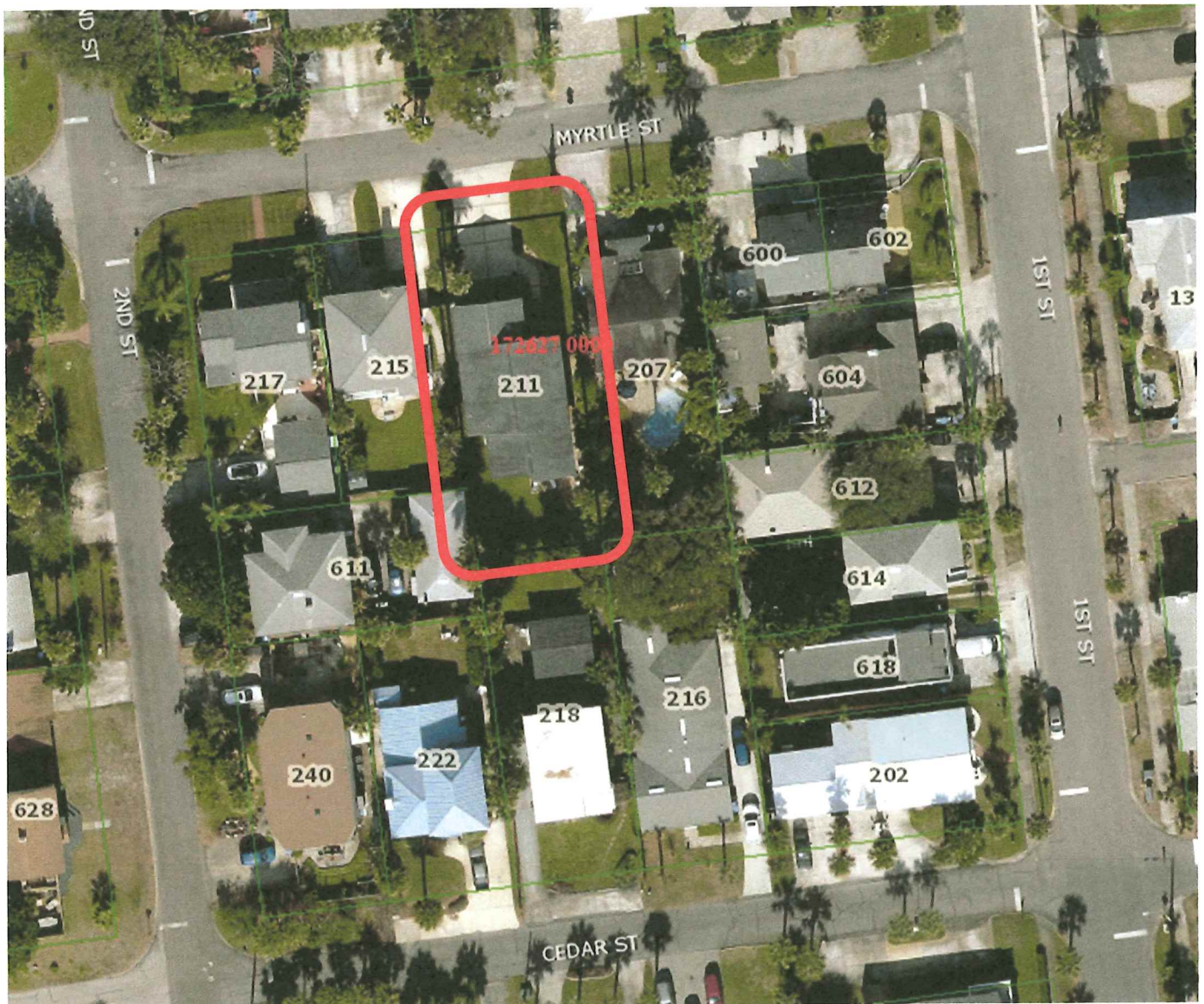


Figure 1: Ariel Map of 211 Myrtle St, Neptune Beach

### III. FINDINGS:

1. **The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.**

- a. **Applicant Response:** “The plan is to remove some of the existing pavers to reduce lot coverage but some cannot be removed due to structural support of second story master bedroom and balcony.”
- b. **Staff Response:** Staff finds that the impervious surface on the lot has existed since the home was built, however the patio appears to have been expanded since the home was established. The homesite did have 50% lot coverage when it was constructed, the expansion of the rear patio did increase the impervious coverage of the site. However, the applicant is willing to reduce a portion of the impervious coverage to align better with the current Land Development Code.

The property does not have a unique and peculiar circumstances that is not shared by other property owners in the same zoning district

2. **The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.**

- a. **Applicant Response:** “Will remove as much existing patio as possible.”
- b. **Staff Response:** Staff finds that the impervious surface on the lot has existed since the home was built, however the patio appears to have been expanded since the home was established. The homesite did have 50% lot coverage when it was constructed, the expansion of the rear patio did increase the impervious coverage of the site. However, the applicant is willing to reduce a portion of the impervious coverage to align better with the current Land Development Code.

The proposed variance is not necessary to allow the reasonable use of the parcel of land.

3. **The proposed variance would not adversely affect adjacent and nearby properties or the public in general.**

- a. **Applicant Response:** “Should not have any impact on adjacent properties.”

- b. **Staff Response:** Lot coverage standards are in place to maintain compatible density and intensity in the residential setting. They are also in place to protect neighbors and the community from increased stormwater runoff.

For this reason, the proposed variance is not consistent with the purpose and intent of lot coverage maximum and may adversely affect adjacent and nearby properties or the public in general.

**4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.**

- a. **Applicant Response:** “Pool will not be visible from street, drainage will not be affected.”

- b. **Staff Response:** The proposed lot coverage is higher than adjoining neighbors and is not consistent with the area surrounding the site. It is unknown if the proposed variance will diminish property values.

**5. The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.**

- a. **Applicant Response:** “Property improvement.”

- b. **Staff Response:** Lot coverage standards are in place to maintain compatible density and intensity in the residential setting. They are also in place to protect neighbors and the community from increased stormwater runoff.

For this reason, the proposed variance is not consistent with the purpose and intent of lot coverage maximum. The proposed variance is not in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.

**6. The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.**

- a. **Applicant Response:** “We are working within the footprint developed by the prior owners (1990) (2012)”

- b. **Staff Response:** The need for the variance has been created by the actions of the property owner.

**7. Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.**

- a. **Applicant Response:** “I believe (have been told) others have similar issues and have been approved period I hope future homeowners can make improvements that don't harm neighbors as well period.”
- b. **Staff Response:** Granting the variance will confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.

**IV. CONCLUSION:**

The applicant has offered to reduce the existing patio area to allow for a smaller increase in lot coverage. However, the overall lot coverage will still be in excess of the 50%. There are other ways to mitigate the additional lot coverage created by adding the pool. Other potential solutions may include changing some of the existing impervious surface material to a previous paver material.

Staff recommends denial of V23-01 because granting the variance will confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district. Staff finds no unique hardship. The requested action creates a self-imposed hardship.

**V. RECOMMENDED MOTION:**

- a. I recommend approval of V23-01 with conditions.
  - i. Removal of patio area.
  - ii. Conversion on impervious to pervious lot coverage.

OR

- b. I recommend denial of V23-01.

V23-01

# APPLICATION FOR ZONING VARIANCE



TO THE CITY OF NEPTUNE BEACH COMMUNITY DEVELOPMENT DEPARTMENT  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266-6140  
PH: 270-2400 Ext 34 Email: [CDD@NBFL.US](mailto:CDD@NBFL.US)

**IMPORTANT NOTE: THE COMMUNITY DEVELOPMENT BOARD, IN CONSIDERING YOUR PETITION, IS ACTING IN A QUASI-JUDICIAL CAPACITY AND ANY DISCUSSION WITH MEMBERS, OTHER THAN AT A PUBLIC MEETING IS PROHIBITED AND ANY SUCH CONTACT MAY VOID YOUR PETITION.**

Date Filed: 11/14	Zoning District: R-4 (Residential)	Real Estate Parcel Number: 172107-0000
Name & Address of Owner of Record: Charles and Wendy Capper 211 Myrtle St NB		Property Address: 211 Myrtle St. Neptune Beach, FL 32266 Number of units on property: 1
Contact phone number# 404-242-9614	Have any previous applications for variance been filed concerning this property? no	
e-mail address wccapper@comcast.net	If Yes, Give Date: _____	
Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows: <i>Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.</i>		
1. Explain the proposed relief being sought from the code(s): we would like exception of pervious/impervious % to accomodate a pool in the backyard		
2. Explain the purpose of the variance (if granted)? to be able to put pool in		
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary): 27-238(4)		

PAID NOV 04 2022

A. How does your property have unique and peculiar circumstances, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel and not shared by other property owners. The hardship cannot be created by or be the result of the property owner's own action.

plan is to remove some of existing pavers to reduce lot coverage but some cannot be removed due to structural support of second story master bedroom and balcony.

B. How is the proposed variance the minimum necessary to allow reasonable use of the property?

will remove as much of existing patio as possible.

C. Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.

should not have any impact on adjacent properties.

D. Indicate how the proposed variance will not diminish property values nor alter the character of the area.

pool will not be visible from street, drainage will not be affected.

E. Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.

property improvement

F. Explain how the need for the proposed variance has not been created by you or the developer?

we are working within footprint developed by prior owners (1990) (2012).

G. Indicate how granting of the proposed variance will not confer upon you any special privileges that is denied by the code to other lands, buildings or structures in the same zoning district.

I believe (have been told) others have similar issues and have been approved. I hope future homeowners can make improvements that don't harm neighbors as well.



4. <b>Required Attachments</b> -Applicant must include the following: <b>(INCOMPLETE PACKAGES WILL BE RETURNED)</b>
A. 8 1/2" by 11" overhead site plan drawn to an appropriate scale showing the location of all existing and proposed improvements to the property and including all setback measurements from property lines. <b>WHICH HAS NOT BEEN REDUCED.</b>
B. Survey of the property certified by licensed surveyor and <b>dated within one year of application date.</b> <b>SURVEY MUST BE ORIGINAL SIZE AND CAN NOT BEEN REDUCED.</b>
C. Copy of Deed
D. Pictures of the property as it currently exists
5. Letter of authorization for agent to make application (Required only if not made by owner)
6. <b>NON-REFUNDABLE FEE:</b> <b>\$300.00 (Residentially zoning property) / \$500.00 (Commercially Zoned Property)</b>

NO APPLICATION WILL BE ACCEPTED UNTIL ALL THE REQUESTED INFORMATION HAS BEEN SUPPLIED AND THE REQUIRED FEE HAS BEEN PAID. THE ACCEPTANCE OF AN APPLICATION DOES NOT GUARANTEE ITS APPROVAL BY THE COMMUNITY DEVELOPMENT BOARD. THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING BY MAIL AND POSTING OF THE PROPERTY. THE APPLICANT OR HIS/HER AUTHORIZED AGENT MUST BE PRESENT AT THE MEETING.

\*If a residential zoning variance is granted, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.

\*If a commercially zoned variance is granted by council, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR A ZONING VARIANCE AS REQUESTED.

NAME (S) OF PROPERTY OWNER (S)

Wendy and Charles Capper

NAME OF AUTHORIZED AGENT

\_\_\_\_\_

ADDRESS OF PROPERTY OWNER

211 Myrtle Street  
Neptune Beach 32266

ADDRESS OF AUTHORIZED AGENT

\_\_\_\_\_

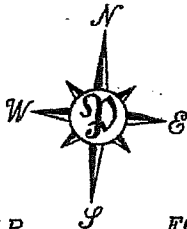
SIGNATURE OF OWNER OR AUTHORIZED AGENT:

Wendy R Capper

MAP SHOWING BOUNDARY SURVEY OF  
 LOT 64 BLOCK -- AS SHOWN ON MAP OF  
 NEPTUNE BEACH TERRACE SECTION 2

AS RECORDED IN PLAT BOOK 15 PAGES 44 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

CERTIFIED TO: A RUSSELL SMITH, SHARON L. SMITH TRUST, BANK OF AMERICA,  
 FIRST AMERICAN TITLE INSURANCE COMPANY, BLACKBURN, BLACKBURN P.A.



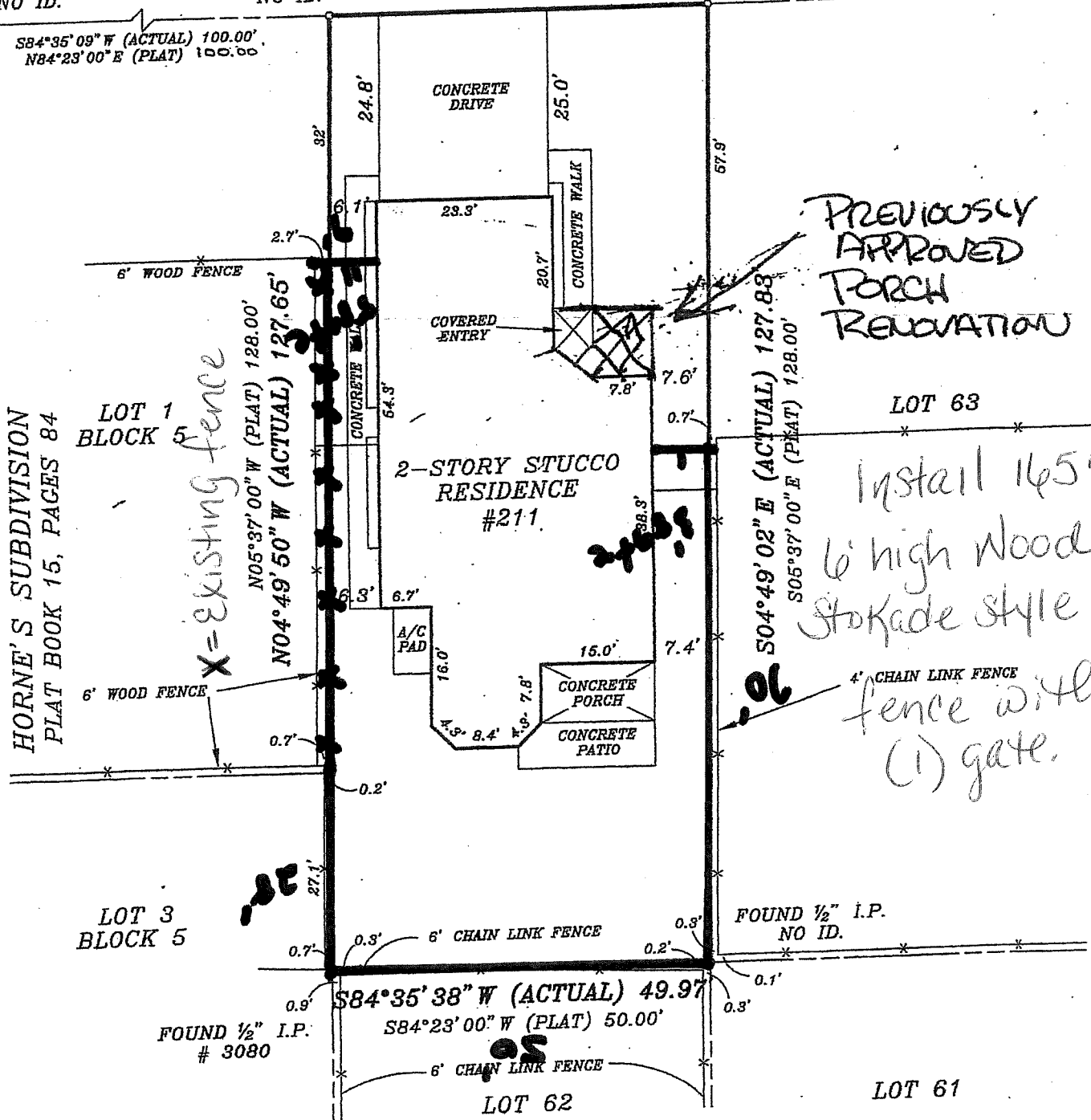
MYRTLE STREET  
 (57' RIGHT-OF-WAY)

Current

FOUND 2" I.P. NO ID. FOUND 1/2" I.P. N84°23'00" E 50.00' FOUND 1/2" I.P. NO ID.

THIRD STREET  
 (60' RIGHT-OF-WAY)

S84°35'09" W (ACTUAL) 100.00'  
 N84°23'00" E (PLAT) 100.00'



PREVIOUSLY APPROVED PORCH RENOVATION

Install 165' 0" 6' high wood Stokade style fence with (1) gate.

HORNE'S SUBDIVISION  
 PLAT BOOK 15, PAGES 84

LOT 1 BLOCK 5

LOT 3 BLOCK 5

LOT 63

LOT 62

LOT 61

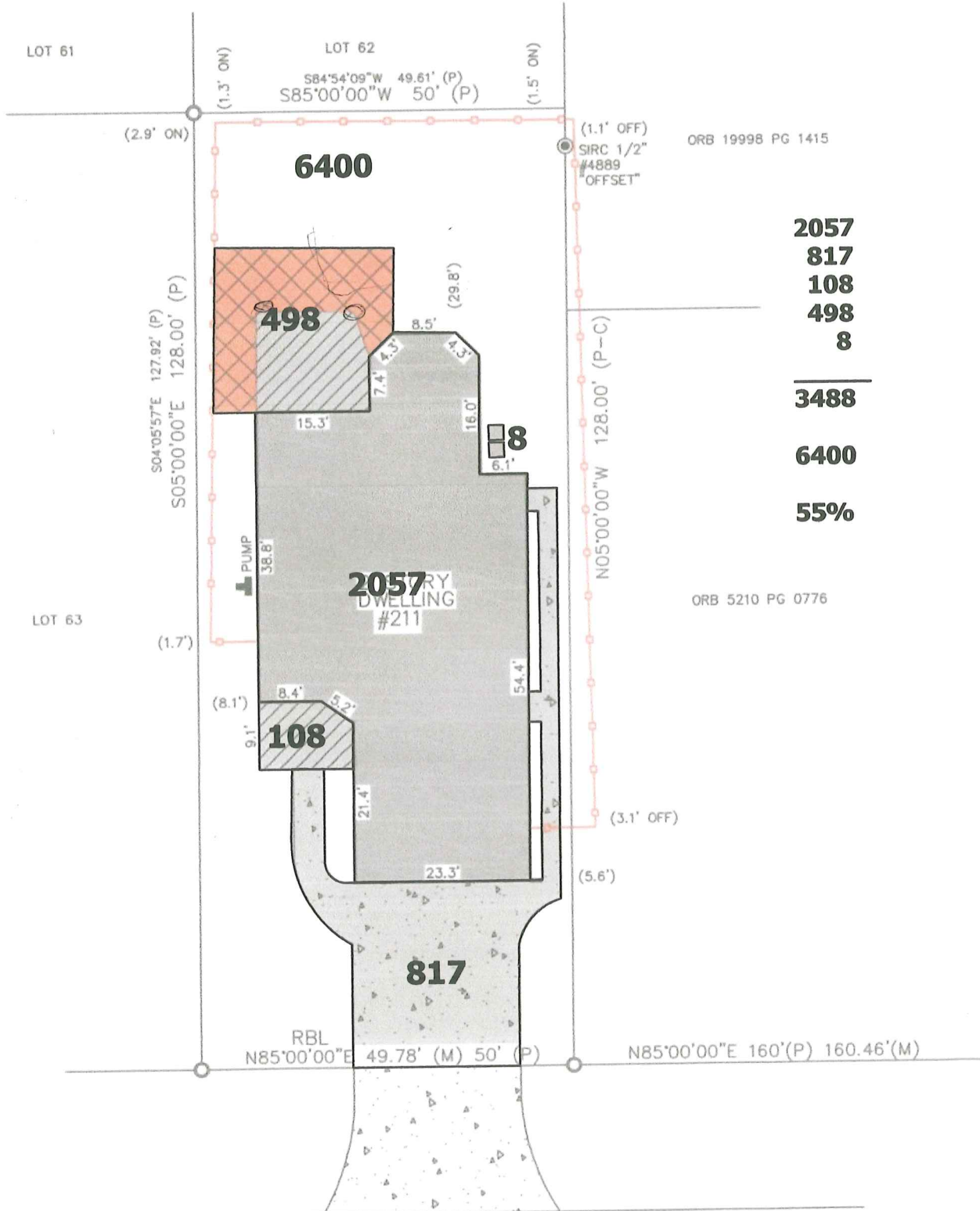
FOUND 1/2" I.P. # 3080

FOUND 1/2" I.P. NO ID.

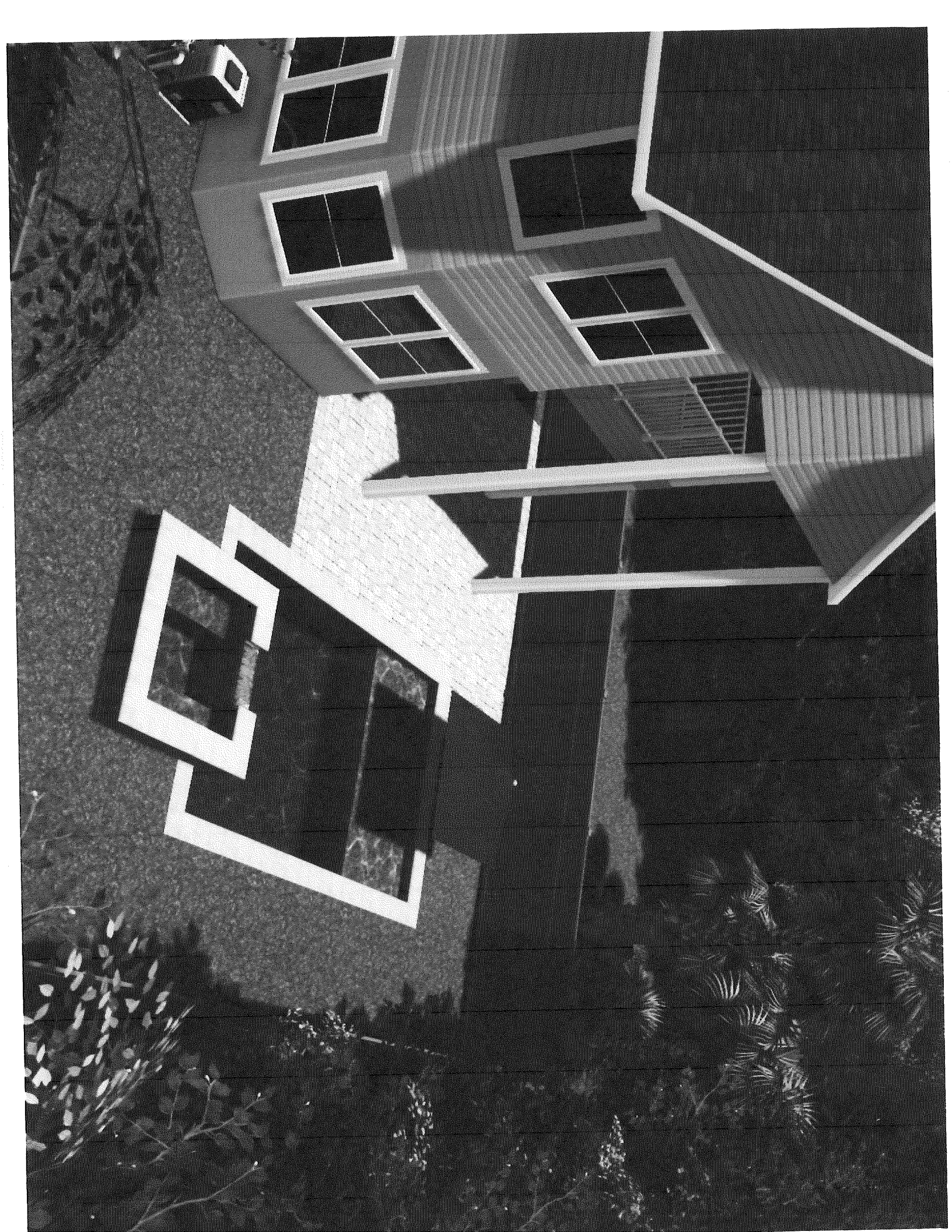
Existing

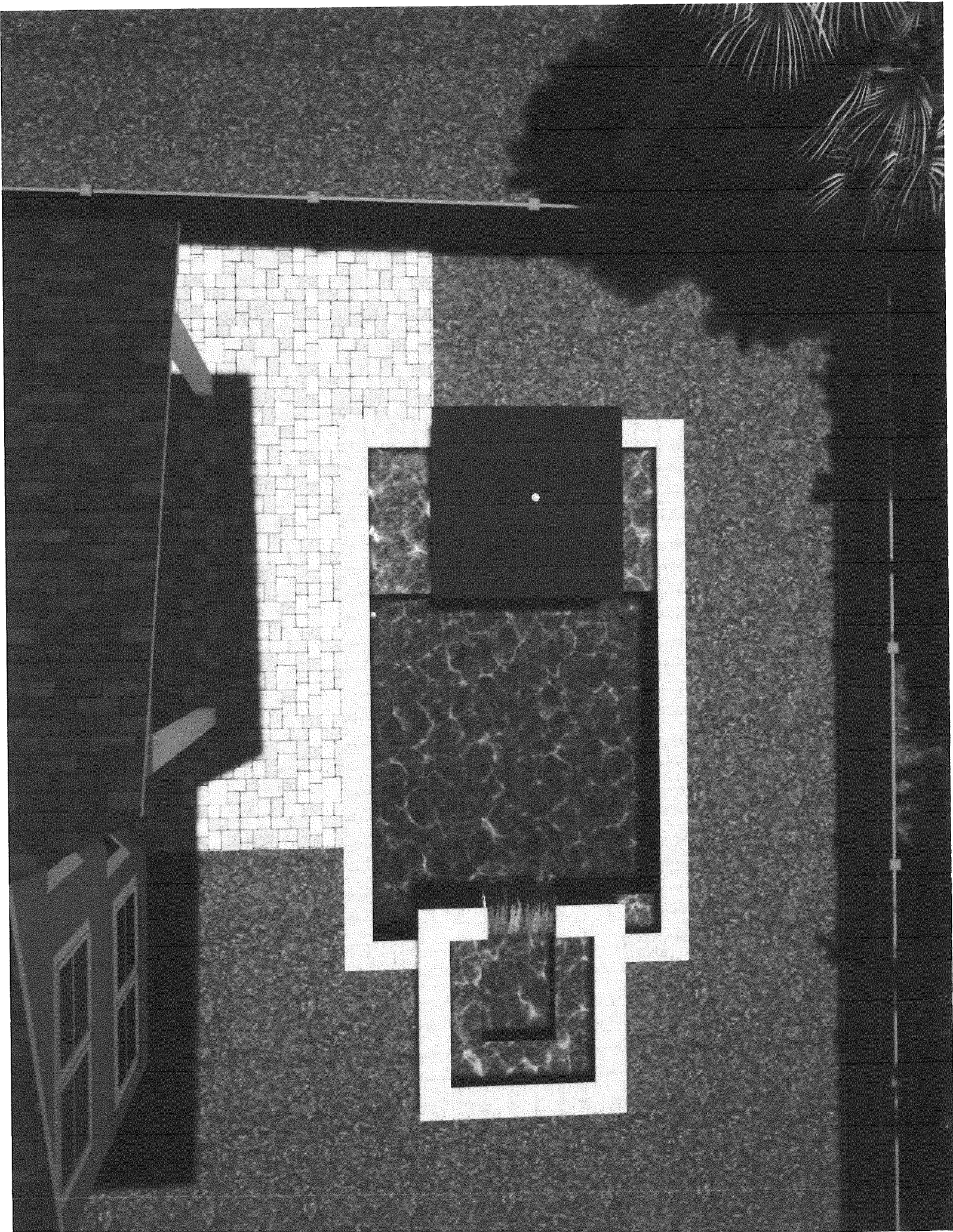
This is a Double Sided Document

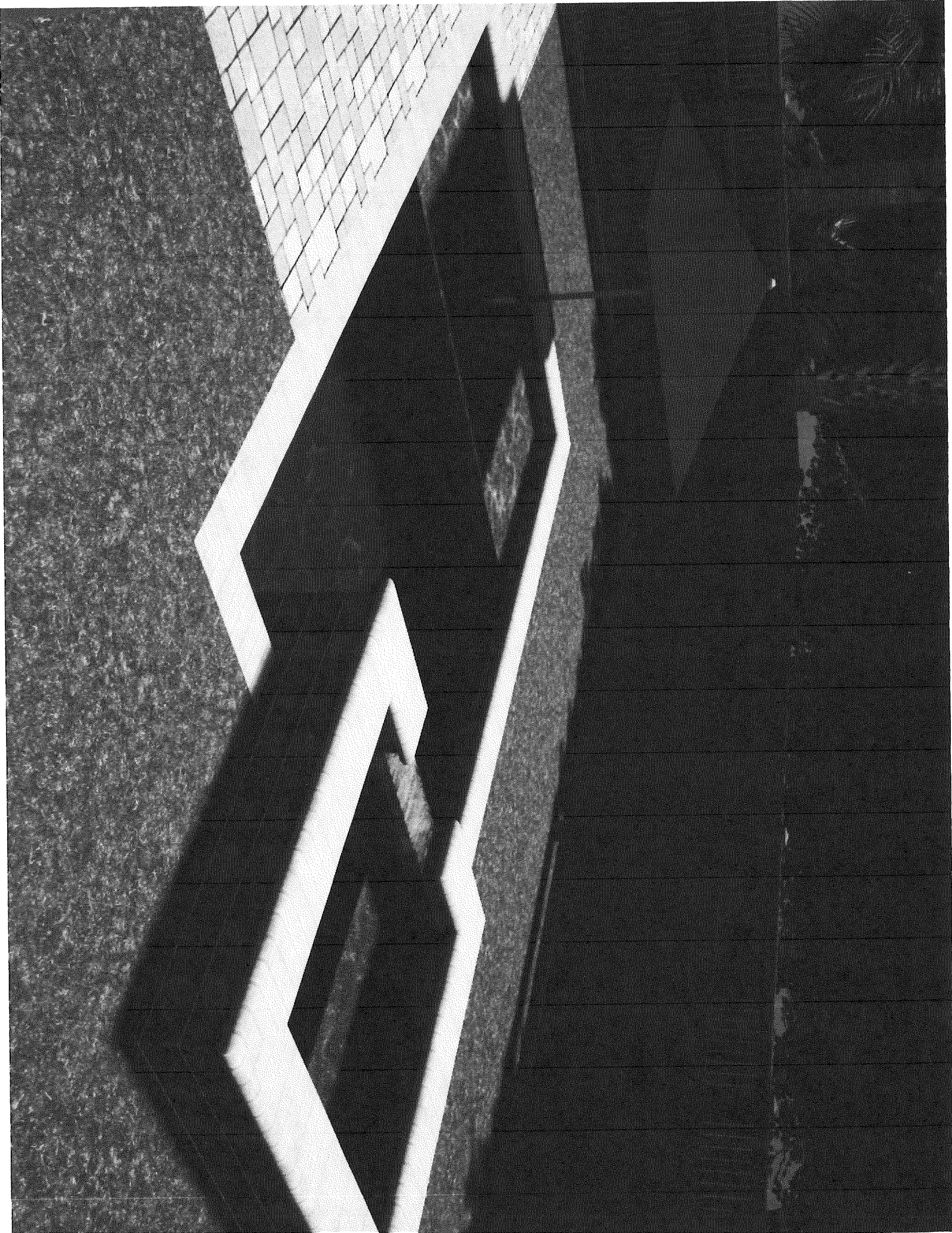
This is a Double Sided Document

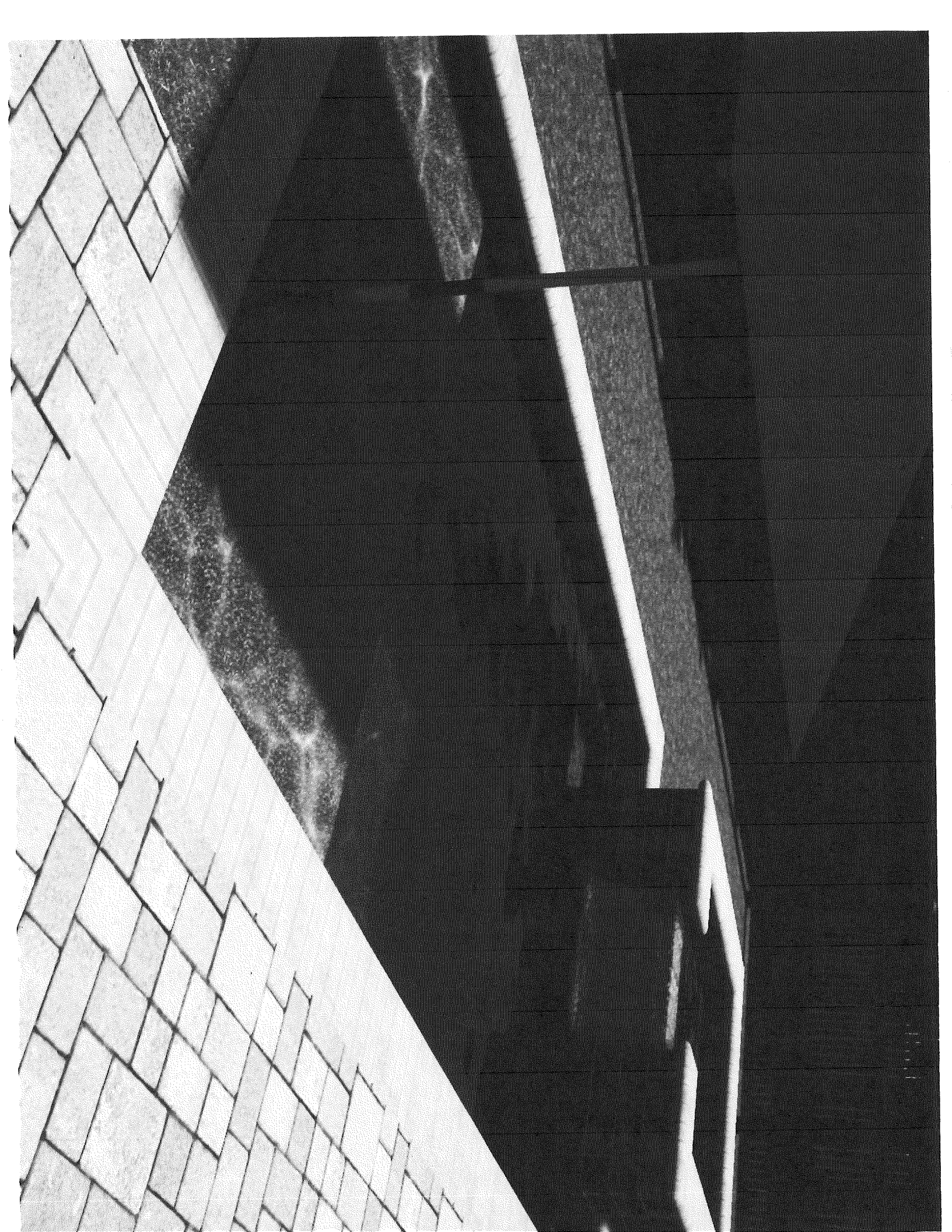


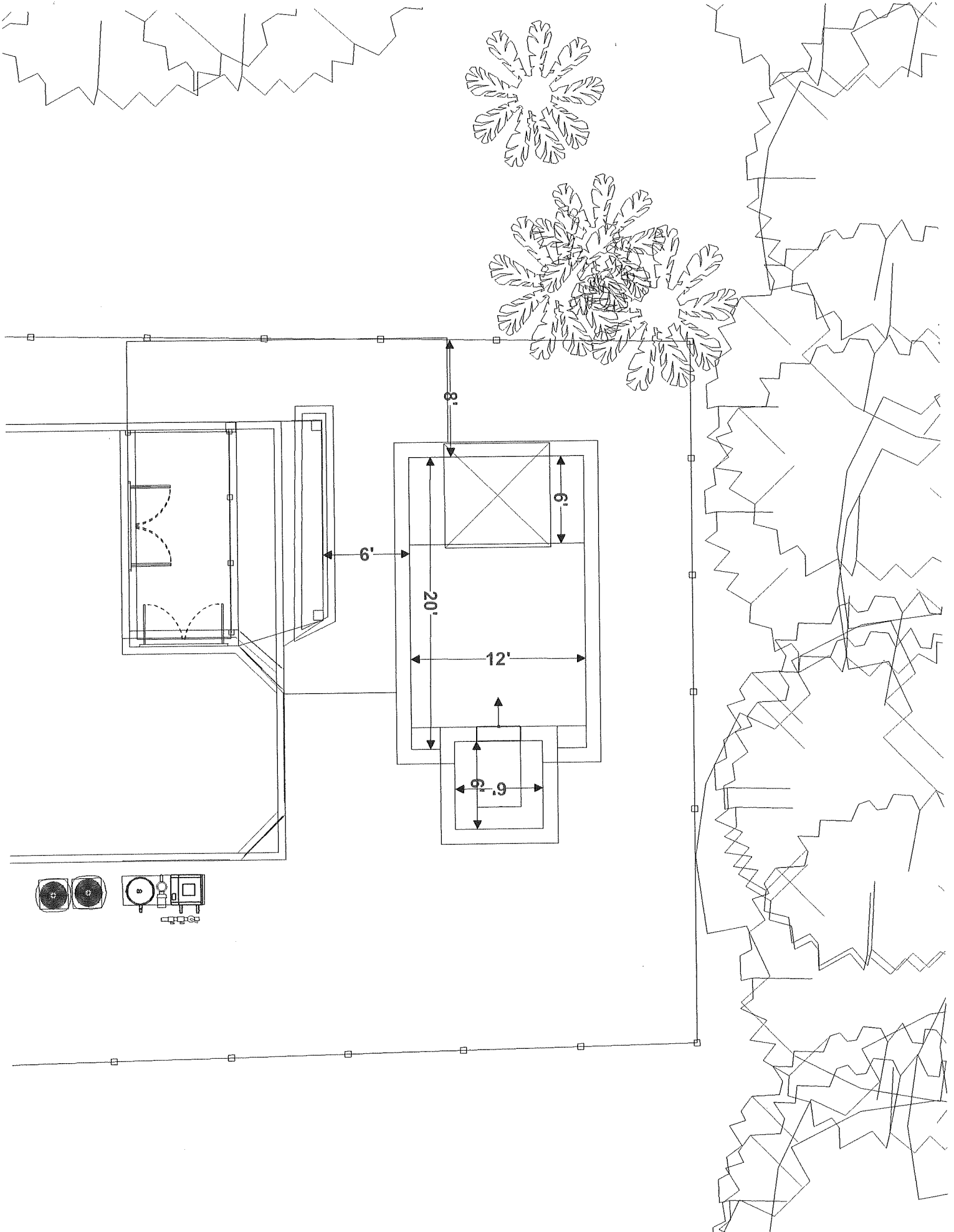
2057
817
108
498
8
<hr/>
3488
6400
55%













Prepared by, Record & Return to:  
Rock Solid Law  
220 Ponte Vedra Park Dr., Suite 280  
Ponte Vedra Beach, FL 32082  
File No.: JM22-045

## WARRANTY DEED

This Warranty Deed Made this 20 day of May, 2022, by **A. Russell Smith and Sharon L. Smith, husband and wife**, hereinafter called the grantor, whose post office address is: 13949 SW 137th Ct., Newberry, FL 32669 to **Charles S. Capper and Wendy R. Capper, husband and wife**, whose post office address is: 211 Myrtle Street, Neptune Beach, FL 32266, hereinafter called the grantee.

**WITNESSETH:** That said grantor, for and in consideration of the sum of \$1,537,500.00 Dollars, and other variable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situated in **Duval County, Florida**, viz:

**Lot 64 of NEPTUNE BEACH TERRACE - SECTION 2, according to the Plat thereof as recorded in Plat Book 15, Page(s) 44, of the Public Records of Duval County, Florida.**

**Parcel ID No. 172627-0000**

**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 12/31/2021, reservations, restrictions and easements of record, if any.  
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates).

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:

Carissa Adams  
Witness Carissa Adams

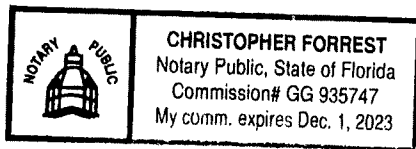
Lima Varghese  
Witness Lima Varghese .

A. Russell Smith  
A. Russell Smith  
Sharon L. Smith  
Sharon L. Smith

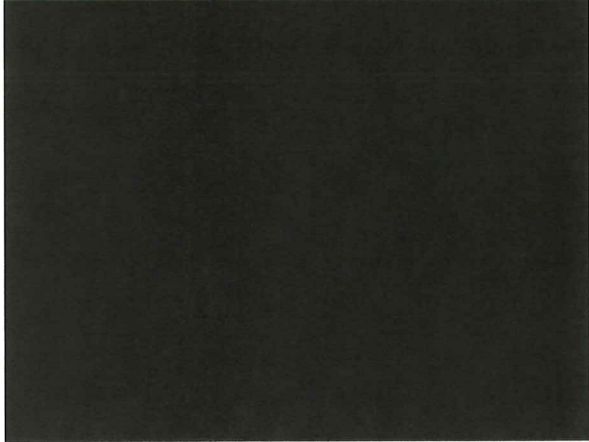
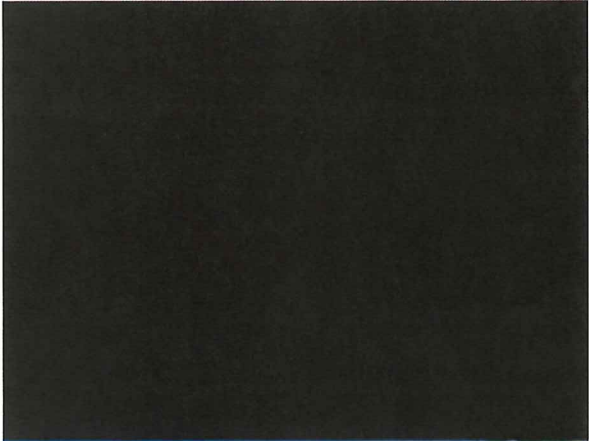
State of Florida  
County of Alachua

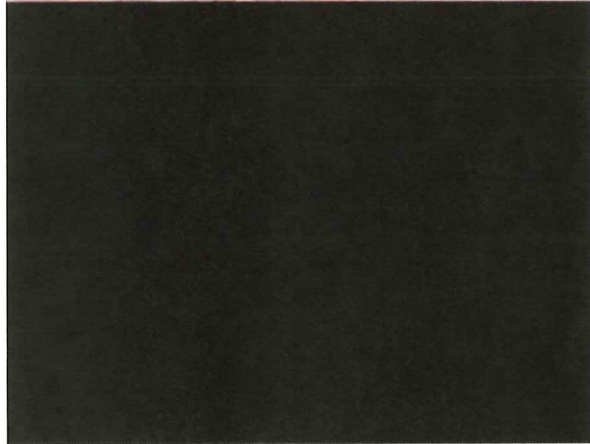
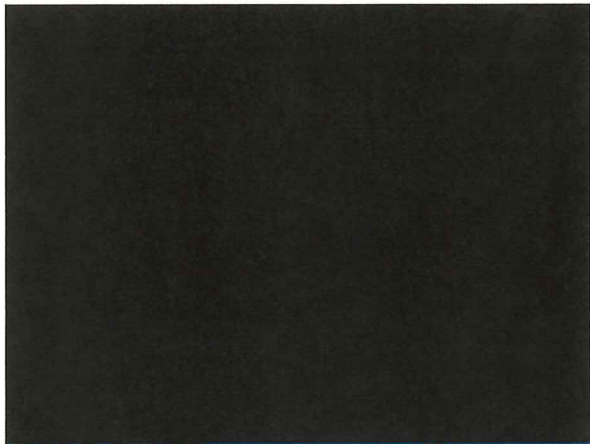
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 14<sup>th</sup> day of May, 2022, by A. Russell Smith and Sharon L. Smith, husband and wife, who  are personally known or  have produced drivers' licenses as identification.

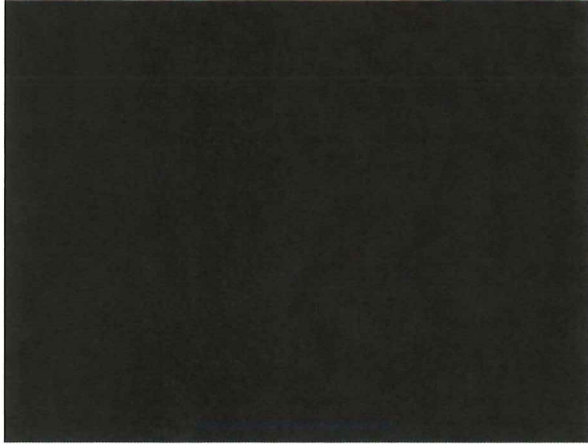
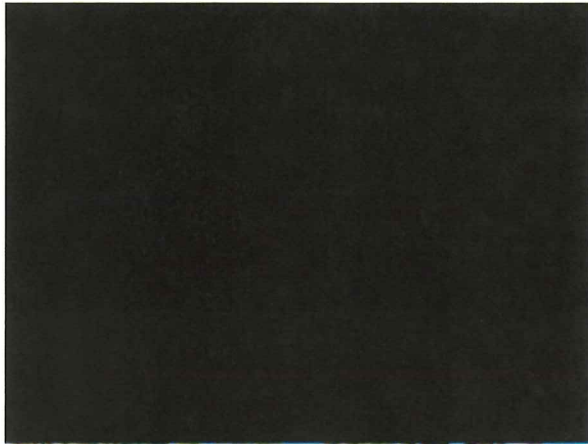
[Seal]



Christopher Forrest  
Notary Public  
Print Name: Christopher Forrest  
My Commission Expires: 12/01/2023







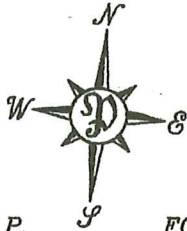


Rendering of proposed pool. Pavers beyond the house support will be removed as far as possible.

# MAP SHOWING BOUNDARY SURVEY OF LOT 64 BLOCK -- AS SHOWN ON MAP OF NEPTUNE BEACH TERRACE~SECTION 2

AS RECORDED IN PLAT BOOK 15 PAGES 44 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

CERTIFIED TO: A RUSSELL SMITH, SHARON L. SMITH TRUST, BANK OF AMERICA,  
FIRST AMERICAN TITLE INSURANCE COMPANY, BLACKBURN, BLACKBURN, P.A.



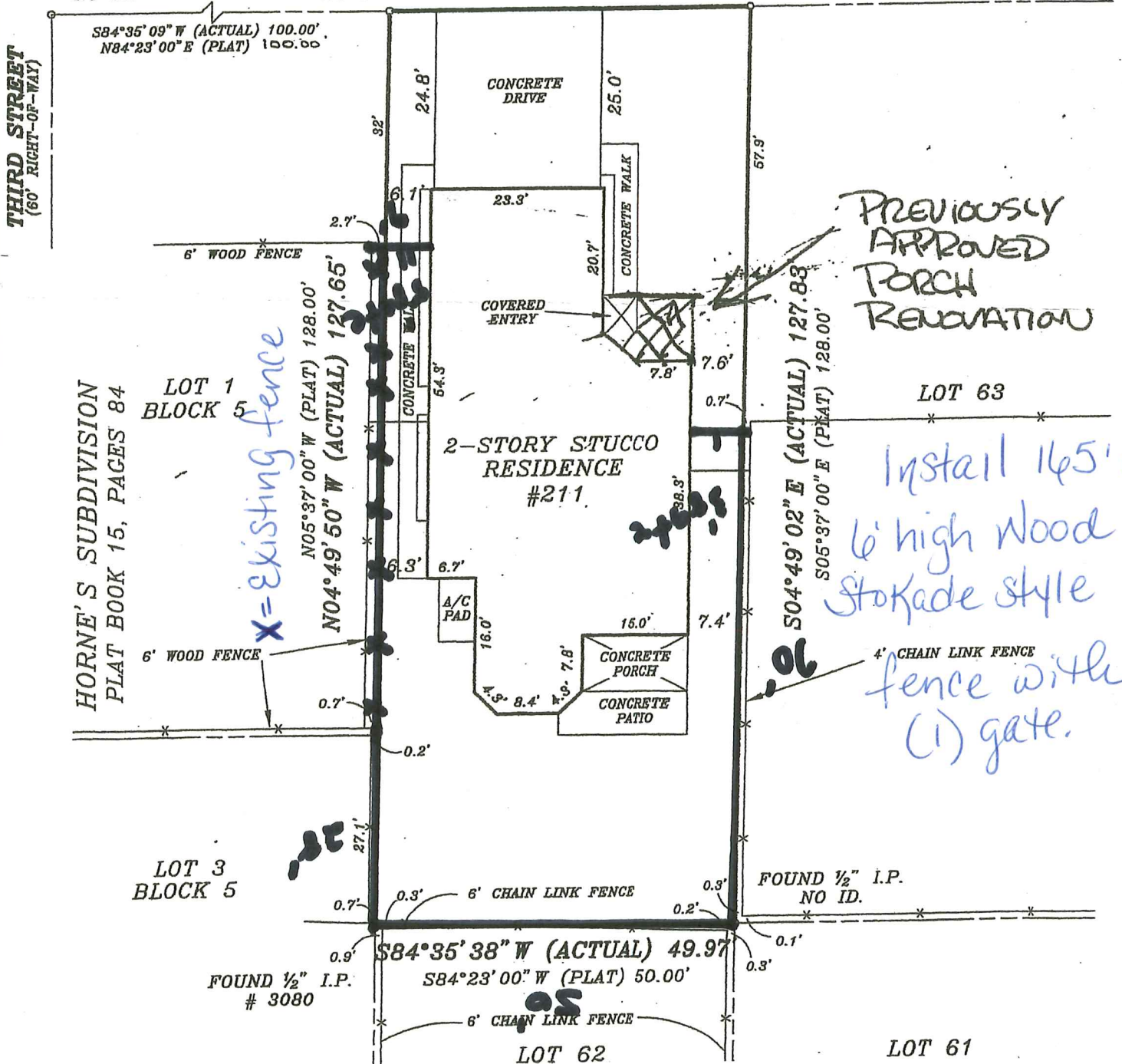
**MYRTLE STREET**  
(57' RIGHT-OF-WAY)

Current

FOUND 2" I.P. NO ID.      FOUND 1/2" I.P. N84°23'00"E 50.00'      FOUND 1/2" I.P. NO ID.

THIRD STREET  
(60' RIGHT-OF-WAY)

S84°35'09" W (ACTUAL) 100.00'  
N84°23'00" E (PLAT) 100.00'



CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



# STAFF REPORT

**MEETING DATE:** January 11, 2023  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** V23-02

---

**TO:** Community Development Board

**FROM:** Heather Whitmore, AICP, CFM, PTP Community Development Director

**DATE:** December 29, 2022

**SUBJECT:** Variance Request \_2009 Marsh Point Road

---

- I. **BACKGROUND:** An application for two variances was submitted on October 31, 2022, requesting relief for:
1. Rear setbacks (Table 27-239)
  2. Floor Area Ratio (FAR) (27-237 (2))

II. **DISCUSSION:**

The property owner of 2009 Marsh Point Road requests vary: 1) Table 27-239 Rear yard setback by 15 ft to permit a 10 ft setback in lieu of the required 25 ft setback in the R-2 zoning district.

Additionally....

The property owner of 2009 Marsh Point Road requests vary: 2) Section 27-237(2) maximum floor area ratio of 70% (or 3,000 square foot whichever is less) to build an addition onto the existing single-family dwelling. The subject lot is 18,225 square feet with an existing 3,872 square foot single-family home with of 21% FAR. The applicant desires to add an approximately 1,984 square foot addition with a parking area below.

The lot in a floodplain thus, the parking area would count toward FAR as well. The parking area would be approximately 1,981 square feet. The total new FAR would be 43% at 7,837 square feet and a 45% lot coverage with all driveways and pool area.



Sec. 27-237. - Building area requirements states:

(2) R-2 district: Total floor area of all buildings are limited to a maximum floor area ratio (FAR) of seventy (70) percent of the total lot area or a maximum of three thousand (3,000) square feet, whichever is less.



Figure 1:2009 Marsh Point Road

### III. FINDINGS:

1. The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.

- a. **Applicant Response:** “We’ve feel living facing the intercoastal waterway during hurricane Matthew and Irma and most recently during Nicole we had about 1 foot of water in our existing garage. For this reason and because the house is built on posted beams, we want the new building extension of the house to be at the same height for a higher elevation leaving us with 2,000 square feet under the house space that is most practically used as garage space. This will be built at the current required seven feet above the floodplain elevation. No relief from lot covered requirements because lot is oversized just shy of double the required footage to be a double lot.”
- b. **Staff Response:** Staff finds that the property is unique due to its size, shape, and natural features. The lot layout limits area options for the addition. The floodplain conditions are unique.

**2. The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.**

- a. **Applicant Response:** “Lot is irregular in shape, which hinders additions on any other part of the property.”
- b. **Staff Response:** Staff finds that a variance for the rear setback is the minimum necessary to allow for construction of a single-family home expansion. The floodplain conditions are unique.

Staff agrees that the requested FAR of 43% is reasonable use of the land. The code creates the hardship.

The issue is that the R1, R2, and R3 zones are larger and can allow larger homes, but the new 3,000 maximum square feet values may be more restrictive than intended, throwing existing homes into non-conformity and causing the need for previously unneeded variance applications.

**3. The proposed variance would not adversely affect adjacent and nearby properties or the public in general.**

- a. **Applicant Response:** “Acacia Road is unpaved and permanently closed because it is in a very low lying marsh.”
- b. **Staff Response:** Staff finds the proposed variances to the rear setbacks and FAR building on the lot would not negatively impact adjacent and nearby properties or the public in general.

Staff agrees that the requested FAR of 43% is reasonable use of the land. The code creates the hardship.

**4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.**

- a. **Applicant Response:** “The addition and quality of construction will elevate the neighborhood.”
- b. **Staff Response:** Staff finds that the proposed variance will not diminish property value. Staff agrees that the requested FAR of 43% is reasonable use of the land. The code creates the hardship.

**5. The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.**

- a. **Applicant Response:** “Prior to new code, no variance for FAR would have been required.”
- b. **Staff Response:** Staff finds that the variance requests of building on rear setback reduction are in harmony with the general intent of the LDC.

The lot layout limits area options for the addition. The floodplain conditions are unique. Staff agrees that the requested FAR of 43% is reasonable use of the land. The code creates the hardship.

**6. The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.**

- a. **Applicant Response:** “Code changes created request and should probably be reviewed.”
- b. **Staff Response:** Staff agrees that the proposed variance requests for rear setbacks and FAR are not created entirely through the actions of the property owner.

The lot layout limits area options for the addition. The floodplain conditions are unique. Staff agrees that the requested FAR of 43% is reasonable use of the land. The code creates the hardship.

**7. Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.**

- a. **Applicant Response:** “Due to lot’s size, more buildable space should be allowed.”

- b. **Staff Response:** Staff finds that granting the variance requests for construction on the lot and rear setbacks will not confer upon the applicant any special privilege.

The lot layout limits area options for the addition. The floodplain conditions are unique. Staff agrees that the requested FAR of 43% is reasonable use of the land. The code creates the hardship.

- IV. **CONCLUSION:** Staff recommends approval to build on the rear setbacks and exceed 3,000 FAR as described Floor Area Ratio (FAR) (27-237 (2)).

V. **RECOMMENDED MOTION:**

- a. I recommend approval of V23-02.

OR

- b. I recommend denial of V23-02

V23-02

# APPLICATION FOR ZONING VARIANCE



TO THE CITY OF NEPTUNE BEACH COMMUNITY DEVELOPMENT DEPARTMENT  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266-6140  
PH: 270-2400 Ext 34 Email: [CDD@NBFL.US](mailto:CDD@NBFL.US)

**IMPORTANT NOTE: THE COMMUNITY DEVELOPMENT BOARD, IN CONSIDERING YOUR PETITION, IS ACTING IN A QUASI-JUDICIAL CAPACITY AND ANY DISCUSSION WITH MEMBERS, OTHER THAN AT A PUBLIC MEETING IS PROHIBITED AND ANY SUCH CONTACT MAY VOID YOUR PETITION.**

Date Filed: 10/31/2022	Zoning District: NR-2	Real Estate Parcel Number: 173379-0000
Name & Address of Owner of Record: Jean Bakkes, 2009 Marsh Point Rd Neptune Beach, FL 32266		Property Address: 2009 Marsh Point Rd Neptune Beach, FL 32266
Contact phone number# 904-853-6801	Number of units on property <u>1</u>	
e-mail address <u>jeanbriers@yahoo.com</u>	Have any previous applications for variance been filed concerning this property? <u>No</u>	
If Yes, Give Date: _____		
Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows: <i>Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.</i>		
1. Explain the proposed relief being sought from the code(s): 1) Relief from FAR - Limit of 3,000 sq ft for R2 zoning added in new ULDC(2022). Existing FAR is 3,872. Requesting FAR of approximately 5,300 sq ft plus 1,984 sq ft of garage space. Total 7,284 plus pool. 2) Setback for rear of yard from 25ft to 10 ft.		
2. Explain the purpose of the variance (if granted)? FAR (finished area ratio) Our lot is 18,225 sq ft. 45% lot cover should allow 8,201 sq ft of cover. 3,000 would imply 16.46% of lot cover. Our family has lived here for 9 years and is growing. My wife is pregnant with baby no 3 now and we plan 3 more. Building on to accommodate our growing family.		
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):		

Point 2 above continued: We also live facing the intra coastal waterway and during hurricane's Matthew and Irma and most recently Nicole, we had about 1 ft of water in our existing garage. For this reason and because the house is built on posted beams, we want to the new building extension of the house to be at the same or higher elevation leaving us with 2,000 sq ft of under the house space that is most practically used as garage space. This would be built at the current required 7' above flood plain elevation. No relief from lot cover required because lot is oversized and just shy of double the required footage to be a double lot.

Paid ck #  
1033

B. How is the proposed variance the minimum necessary to allow reasonable use of the property?

LOT IS IRREGULAR IN SHAPE, WHICH HINDERS ADDITIONS ON ANY OTHER PART OF THE PROPERTY.

C. Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.

ACACIA ROAD IS UNPAVED & PERMANENTLY CLOSED BECAUSE IT IS VERY LOW & MUSHY.

D. Indicate how the proposed variance will not diminish property values nor alter the character of the area.

THE ADDITION & QUALITY OF CONSTRUCTION WILL ELEVATE THE NEIGHBORHOOD.

E. Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.

PREVIOUS TO NEW CODE, NO VARIANCE FOR FAR WOULD BE REQUIRED.

F. Explain how the need for the proposed variance has not been created by you or the developer?

CODE CHANGE CREATED REQUEST & SHOULD PROBABLY BE REVIEWED.

G. Indicate how granting of the proposed variance will not confer upon you any special privileges that is denied by the code to other lands, buildings or structures in the same zoning district.

DUE TO LOT SIZE, MORE BUILDABLE SPACE SHOULD BE ALLOWED.

4. <b>Required Attachments</b> -Applicant must include the following: <b>(INCOMPLETE PACKAGES WILL BE RETURNED)</b>
A. 8 1/2" by 11" overhead site plan drawn to an appropriate scale showing the location of all existing and proposed improvements to the property and including all setback measurements from property lines. <b>WHICH HAS NOT BEEN REDUCED.</b>
B. Survey of the property certified by licensed surveyor and <b>dated within one year of application date.</b> <b>SURVEY MUST BE ORIGINAL SIZE AND CAN NOT BEEN REDUCED.</b>
C. Copy of Deed
D. Pictures of the property as it currently exists
5. Letter of authorization for agent to make application (Required only if not made by owner)
6. <b>NON-REFUNDABLE FEE:</b> <b>\$300.00 (Residentially zoning property) / \$500.00 (Commercially Zoned Property)</b>

**NO APPLICATION WILL BE ACCEPTED UNTIL ALL THE REQUESTED INFORMATION HAS BEEN SUPPLIED AND THE REQUIRED FEE HAS BEEN PAID. THE ACCEPTANCE OF AN APPLICATION DOES NOT GUARANTEE ITS APPROVAL BY THE COMMUNITY DEVELOPMENT BOARD. THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING BY MAIL AND POSTING OF THE PROPERTY. THE APPLICANT OR HIS/HER AUTHORIZED AGENT MUST BE PRESENT AT THE MEETING.**

**\*If a residential zoning variance is granted, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.**  
**\*If a commercially zoned variance is granted by council, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.**

**I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR A ZONING VARIANCE AS REQUESTED.**

NAME (S) OF PROPERTY OWNER (S)

NAME OF AUTHORIZED AGENT

Boaxles

[Signature]

ADDRESS OF PROPERTY OWNER

ADDRESS OF AUTHORIZED AGENT

\_\_\_\_\_

\_\_\_\_\_

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

[Signature]

Prepared by and return to:

Ruth K. McDonald  
Hathaway & Reynolds, P.A.  
50 A1A North, Suite 108  
Ponte Vedra Beach, FL 32082

---

(Space Above This Line For Recording Data)

**NOTE: THIS DEED WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH OR SURVEY AND THE PREPARER MAKES NO STATEMENT REGARDING ITS VALIDITY TO PASS TITLE TO THE GRANTEE.**

## Warranty Deed

This **Warranty Deed** made this 19th day of December, 2014, between **Marshpoint Properties, LLC**, a Florida limited liability company whose post office address is 14286 Beach Boulevard NR 150, Jacksonville Beach, FL 32250, grantor, and **Jean Bakkes, an unmarried man**, whose post office address is 13889 Hanover Park Court, Jacksonville, FL 32224;

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

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

Lot 1, Block 26, Prado Ferrer, being a Replat of Blocks 1, 2, 3, and 15 through 31, both inclusive of Plat 2, Florida Beach, according to the plat thereof as recorded in Plat Book 11, page 61 of the current public records of Duval County, Florida.

Parcel Identification Number: 173379-0000

**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.

**SUBJECT TO** covenants, conditions, restrictions, easements of record and taxes for the current year.

**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 as specified herein.

**Note to Clerk: This property conveys unencumbered property for no consideration from an entity grantor to the sole owner of the grantor, therefore, only minimum deed stamps are due.**

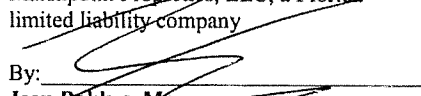


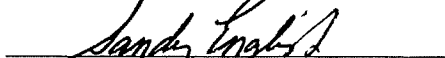
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

"GRANTOR"  
Marshpoint Properties, LLC, a Florida  
limited liability company

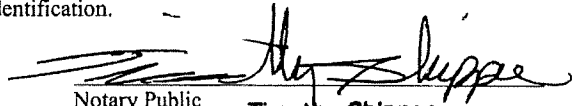
  
Name: Timothy Shippee

By:   
Jean Bakkes, Manager

  
Name: Sandy English

State of Florida  
County of St. Johns

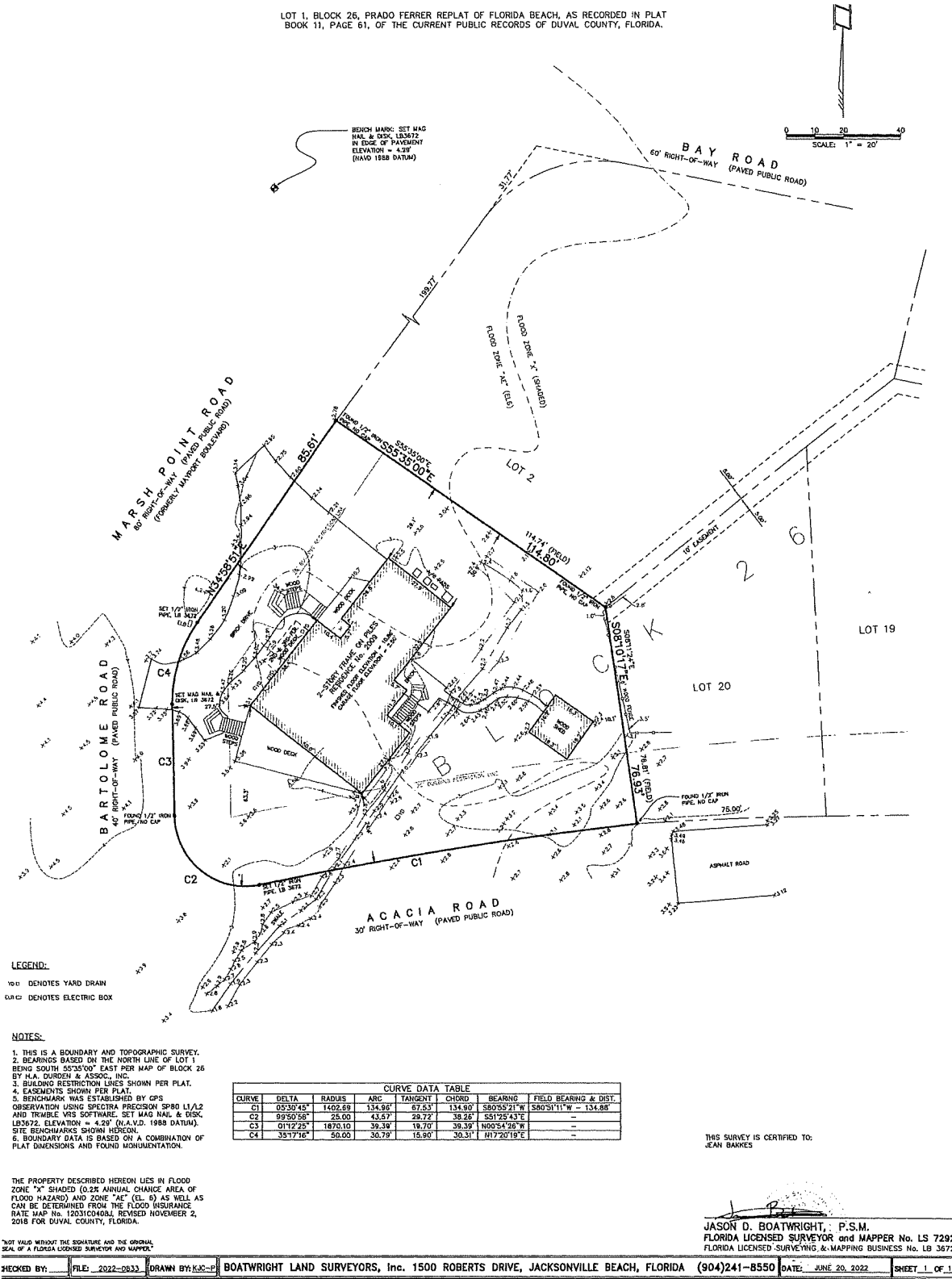
The foregoing instrument was acknowledged before me this 19 day of December,  
2014, by Jean Bakkes, the Manger of Marshpoint Properties, LLC, a Florida limited liability  
company, on behalf of the company, who ( ) are personally known to me or (  ) have produced  
Valid D.L. as identification.

  
Notary Public  
Printed Name: Timothy Shippee  
My Commission Expires: 11/25/17

# Existing

## MAP SHOWING SURVEY OF

LOT 1, BLOCK 26, PRADO FERRER REPLAT OF FLORIDA BEACH, AS RECORDED IN PLAT BOOK 11, PAGE 61, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



**LEGEND:**  
 100 □ DENOTES YARD DRAIN  
 600 □ DENOTES ELECTRIC BOX

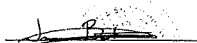
- NOTES:**
1. THIS IS A BOUNDARY AND TOPOGRAPHIC SURVEY.
  2. BEARINGS BASED ON THE NORTH LINE OF LOT 1 BEING SOUTH 25°35'00" EAST PER MAP OF BLOCK 26 BY H.A. DURDEN & ASSOC., INC.
  3. BUILDING RESTRICTION LINES SHOWN PER PLAT.
  4. EASEMENTS SHOWN PER PLAT.
  5. BENCHMARK WAS ESTABLISHED BY GPS OBSERVATION USING SPECTRA PRECISION SP80 L1/L2 AND TRIMBLE VRS SOFTWARE. SET MAG NAIL & DISK, LB3672, ELEVATION = 4.20' (N.A. V.D. 1988 DATUM). SITE BENCHMARKS SHOWN HEREON.
  6. BOUNDARY DATA IS BASED ON A COMBINATION OF PLAT DIMENSIONS AND FOUND MONUMENTATION.

**CURVE DATA TABLE**

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	BEARING	FIELD BEARING & DIST.
C1	05°30'45"	1402.69	134.89	67.651	134.60	S80°57'11" W	134.88
C2	99°50'58"	25.00	43.67	29.72	38.26	S51°28'43"E	-
C3	01°12'25"	1870.10	39.39	18.70	39.39	N00°54'26" W	-
C4	35°17'36"	58.00	38.79	15.90	38.31	N17°20'19"E	-

THIS SURVEY IS CERTIFIED TO:  
 JAH BANKS

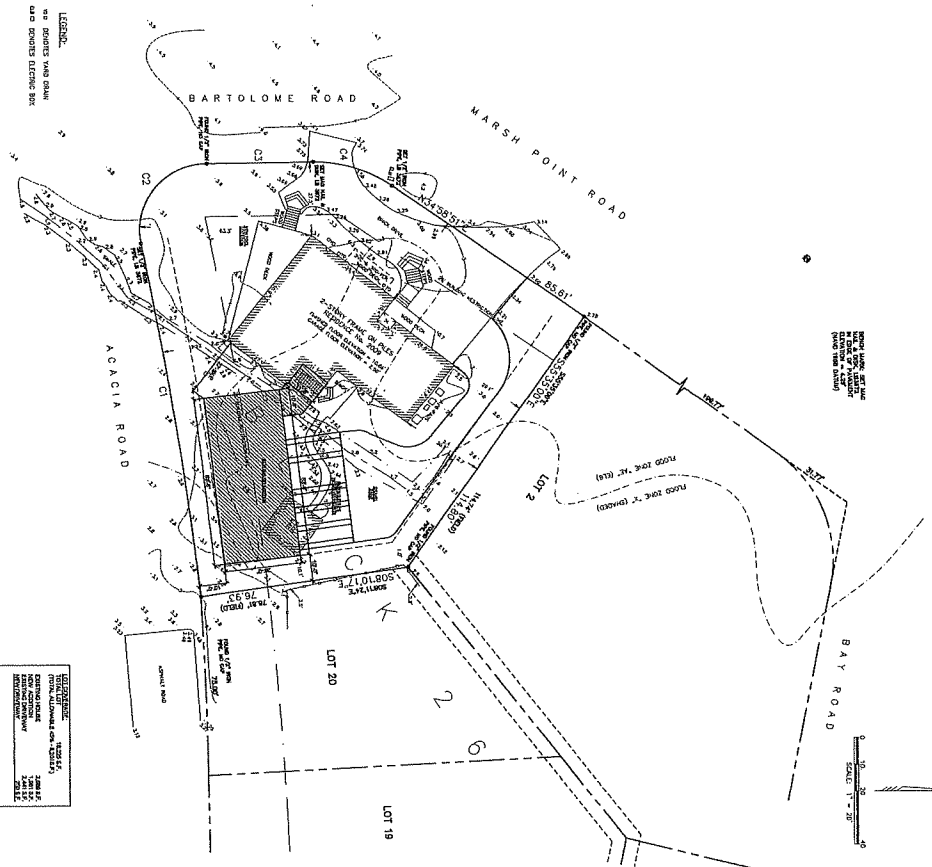
THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X" SHADED (0.2% ANNUAL CHANCE AREA OF FLOOD HAZARD) AND ZONE "AE" (SL-1) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031CH04L, REVISED NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.

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

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

Proposed

MAP SHOWING SURVEY OF  
 LOT 1, BLOCK 2, PHASE 2, FROM SURVEY OF PINEA BEACH, AS RECORDED IN PLY  
 ROAD 11, PAGE 61, OF THE CURRENT PUBLIC RECORDS OF DUAL COUNTY, FLORIDA.

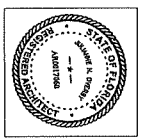


- LEGEND:**
- 1. BOUNDARY OF THE SUBJECT LOT.
  - 2. BOUNDARY OF THE SUBJECT BLOCK.
  - 3. BOUNDARY OF THE SUBJECT PHASE.
  - 4. BOUNDARY OF THE SUBJECT TRACT.
  - 5. BOUNDARY OF THE SUBJECT COUNTY.
  - 6. BOUNDARY OF THE SUBJECT STATE.
  - 7. BOUNDARY OF THE SUBJECT COUNTRY.
  - 8. BOUNDARY OF THE SUBJECT WORLD.
  - 9. BOUNDARY OF THE SUBJECT UNIVERSE.
  - 10. BOUNDARY OF THE SUBJECT GALAXY.
  - 11. BOUNDARY OF THE SUBJECT COSMOS.
  - 12. BOUNDARY OF THE SUBJECT UNIVERSE.
  - 13. BOUNDARY OF THE SUBJECT GALAXY.
  - 14. BOUNDARY OF THE SUBJECT COSMOS.
  - 15. BOUNDARY OF THE SUBJECT UNIVERSE.
  - 16. BOUNDARY OF THE SUBJECT GALAXY.
  - 17. BOUNDARY OF THE SUBJECT COSMOS.
  - 18. BOUNDARY OF THE SUBJECT UNIVERSE.
  - 19. BOUNDARY OF THE SUBJECT GALAXY.
  - 20. BOUNDARY OF THE SUBJECT COSMOS.

GROUP	NO.	DESCRIPTION	DATE	BY	REVISION
1	1	ISSUED FOR PERMITTING	10/24/2022	JNO	1
2	2	ISSUED FOR PERMITTING	10/24/2022	JNO	2
3	3	ISSUED FOR PERMITTING	10/24/2022	JNO	3
4	4	ISSUED FOR PERMITTING	10/24/2022	JNO	4
5	5	ISSUED FOR PERMITTING	10/24/2022	JNO	5
6	6	ISSUED FOR PERMITTING	10/24/2022	JNO	6
7	7	ISSUED FOR PERMITTING	10/24/2022	JNO	7
8	8	ISSUED FOR PERMITTING	10/24/2022	JNO	8
9	9	ISSUED FOR PERMITTING	10/24/2022	JNO	9
10	10	ISSUED FOR PERMITTING	10/24/2022	JNO	10
11	11	ISSUED FOR PERMITTING	10/24/2022	JNO	11
12	12	ISSUED FOR PERMITTING	10/24/2022	JNO	12
13	13	ISSUED FOR PERMITTING	10/24/2022	JNO	13
14	14	ISSUED FOR PERMITTING	10/24/2022	JNO	14
15	15	ISSUED FOR PERMITTING	10/24/2022	JNO	15
16	16	ISSUED FOR PERMITTING	10/24/2022	JNO	16
17	17	ISSUED FOR PERMITTING	10/24/2022	JNO	17
18	18	ISSUED FOR PERMITTING	10/24/2022	JNO	18
19	19	ISSUED FOR PERMITTING	10/24/2022	JNO	19
20	20	ISSUED FOR PERMITTING	10/24/2022	JNO	20

**DATE ISSUED:**  
 OCTOBER 24, 2022

**BAKKES RESIDENCE**  
 2009 MARSH POINT ROAD  
 NEPTUNE BEACH, FL 32266



**JNO**  
 Architectural and Interior Design

Julianne N. O'nealy, R.A.  
 2482 Mullin Street  
 Jacksonville Beach, Florida 32250  
 904-794-8428  
 Email: jno@jnovorthy.com  
 FL AIC-007060 - FL ID-621

**NOTE:**  
 DO NOT SCALE DRAWINGS  
 IF PRINTED ON 11"x17"  
 MEDIA, DRAWING SCALE  
 IS HALF-SIZED.

**ARCHITECTURAL  
 SITE  
 PLAN**

CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



# STAFF REPORT

**MEETING DATE:** January 11, 2023  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** V23-02

---

**TO:** Community Development Board

**FROM:** Heather Whitmore, AICP, CFM, PTP Community Development Director

**DATE:** December 29, 2022

**SUBJECT:** Variance Request\_ 806 Ocean Front

---

- I. **BACKGROUND:** An application for two variances was submitted on October 31, 2022, requesting relief for:
- Rear setbacks (Table 27-239)

II. **DISCUSSION:**

The property owner of 806 Ocean Front requests to vary Table 27-239 for both Side yards. Specifically, the applicant requests to encroach 3 feet 9 inch into the required 7 foot side yard, leaving 3 feet 3 inch in lieu of the required 7 foot side yards on both the north and South sides of the property.

The purpose of the request for the variance is to demolish the existing single-family dwelling and build and new one with the *same width* of 23 foot 6 inch. The new home would have the same north-south footprint as the existing home, but will have new east-west placement on the lot and allow for necessary parking.

The subject lot is 30 feet wide by 180 feet deep with an existing 1930 single family home that currently encroaches 3 feet 9 inch into the required 7 foot side yard, leaving 3 feet 3 inch in lieu of the required 7 foot side yards on both the north and south sides of the property.



Figure 1:806 Ocean Front

### III. FINDINGS:

1. **The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.**

- a. **Applicant Response:** “the lot is only about 30 feet wide compared to the required minimum width of 50 almost any other law that is the size of the townhouse for duplex that is attached with no side yard. The existing structure was built in the 30s and is not the result of property there is actions.”

- b. **Staff Response:** Staff finds that the property is unique due to its size. The Land Development Code (LDC) §27-703 (a) (1), Purpose and intent states,

“An existing lot that qualifies as a nonconforming lot of record may be used for the purposes allowed in its zoning district (see section 27-705).”

The lot layout limits area options for the addition. Furthermore this is an existing condition. This is a continuation of a nonconforming footprint of the north-south encroachment of the house into the side yard set back.

**2. The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.**

a. **Applicant Response:** “to provide A2 stall garage the door needs to be 18 feet wide plus an additional 24 feet on each side for opening the car doors all nine inches for CMU wall construction each side. Thus the structure must be (18’+2’+2’+.75’+.75’=23’6”)

b. **Staff Response:** Staff finds that a variance for the side setback is the minimum necessary to allow for construction of a single-family home expansion. The narrow lot conditions are unique.

**3. The proposed variance would not adversely affect adjacent and nearby properties or the public in general.**

a. **Applicant Response:** “The proposed width of the new structure will be almost the same as the existing structure period the owners have communicated with both neighbors adjacent to the property and both owners of the adjacent properties have expressed no objections or concerns to the proposed variants as described.”

b. **Staff Response:** Staff finds the proposed variances to the side setbacks on the lot would not negatively impact adjacent and nearby properties or the public in general. The new home would have the same north-south footprint as the existing home.

**4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.**

a. **Applicant Response:** “The proposed width of the new structure would be almost the exact same as the existing structure. Additionally the neighboring properties have provided letters of their approval please see the attached.”

b. **Staff Response:** Staff finds that the proposed variance will not diminish property value. The new home would have the same north-south footprint as the existing home. The new home will provide additional parking that will improve the quality of life and improve the property value of the adjoining property.

**5. The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.**

a. **Applicant Response:** “The purpose of the unified land development code is preserve the historic character of the area. Given that this is how the old home was originally developed it complies with the character of the existing neighborhood.”

- b. **Staff Response:** Staff finds that the variance requests of building on side setback reduction are in harmony with the general intent of the LDC. The lot layout limits area options for the addition.
  
- 6. **The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.**
  - a. **Applicant Response:** “This home was built in the 1930s and was subdivided long before the current land development code or homeowners were around.”
  - b. **Staff Response:** Staff agrees that the proposed variance request for side setbacks was not created through the actions of the property owner. The lot layout limits area options for the addition.
  
- 7. **Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.**
  - a. **Applicant Response:** “this is one of the only lots that is 30 feet wide or less that is not they connected townhouse or duplex, which has no side yard on one or either side. It's uncommon hardship that would require a future development to be narrower than typical double wide trailer home.”
  - b. **Staff Response:** Staff finds that granting the variance request for construction on the lot and side setbacks will not confer upon the applicant any special privilege. The lot layout limits area options for the addition.

IV. **CONCLUSION:** Staff recommends approval to build on the side setbacks as requested.

V. **RECOMMENDED MOTION:**

a. I recommend approval of V23-03.

OR

b. I recommend denial of V23-03

V 23-03

# APPLICATION FOR ZONING VARIANCE



THE CITY OF NEPTUNE BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266-6140  
PH: 270-2400 Ext 34 or [cdd@nbf.us](mailto:cdd@nbf.us)

**IMPORTANT NOTE: THE COMMUNITY DEVELOPMENT BOARD, IN CONSIDERING YOUR PETITION, IS ACTING IN A QUASI-JUDICIAL CAPACITY AND ANY DISCUSSION WITH MEMBERS, OTHER THAN AT A PUBLIC MEETING IS PROHIBITED AND ANY SUCH CONTACT MAY VOID YOUR PETITION.**

Date Filed: <u>12/01/2022</u>	Zoning District: <u>R-4 (RC overlay)</u>	Real Estate Parcel Number: <u>172697 0000</u>
Name & Address of Owner of Record: <u>David Pippins</u> <u>806 Ocean Front, Neptune Beach</u>		Property Address: <u>806 Ocean Front</u> <u>Neptune Beach, FL</u> Number of units on property <u>1</u>
Contact phone <u>904-631-6039</u> number# _____	e-mail <u>pippins1@comcast.net</u> address _____	Have any previous applications for variance been filed concerning this property? _____ If Yes, Give Date: _____
Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows: <i>Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.</i>		
1. Explain the proposed relief being sought from the code(s): <u>Requesting a side yard setback of 3'-3" (in lieu of 7')</u>		
2. Explain the purpose of the variance (if granted)? <u>To build a single family residence with a width of 23'-6" (in lieu of 16' width that is allowed by current code compliance.)</u>		
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):  A. How does your property have unique and peculiar circumstances, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel and not shared by other property owners. The hardship cannot be created by or be the result of the property owner's own action.  <u>Lot is only about 30' wide compared to the required minimum width of 50'. Almost any other lot that is this size is a townhome or duplex that is attached (no side yard). The existing structure was built in the 1930's and is not the result of the property owner's own action.</u>		



B. How is the proposed variance the minimum necessary to allow reasonable use of the property?

To provide a 2 stall garage the door needs to be 18' wide plus an additional 24" on each side for opening car doors and an additional 9" for CMU wall structure and furring on each side.

Thus:  $18' + 2'(x2) + 0.75'(x2) = 23'-6"$

C. Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.

The proposed width of the new structure will be almost the same as the existing structure. The owners have communicated with both neighbors adjacent to the property and both owners of the adjacent properties have expressed no objections or concerns to the proposed variance as described.

D. Indicate how the proposed variance will not diminish property values nor alter the character of the area.

The proposed width of the new structure will be almost the same as the existing structure. Additionally, the neighboring properties have provided letters of their approval. Please see attached.

E. Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code.

The unified land development code is to preserve the historical character of the area. Given that this is how this old home was originally developed, it complies with the character of the existing neighborhood.

F. Explain how the need for the proposed variance has not been created by you or the developer?

This home was built in the 1930's and was subdivided long before the current land development code or the homeowners were around.

G. Indicate how granting of the proposed variance will not confer upon you any special privileges that is denied by the code to other lands, buildings or structures in the same zoning district.

This is one of the only lots that is 30' wide or less that is not a connected townhome or duplex, which have no side yard on one or neither side. It is an uncommon hardship that would require a future development to be narrower than a typical (double wide) trailer home.

4. **Required Attachments**-Applicant must include the following: **(INCOMPLETE PACKAGES WILL BE RETURNED)**
- A. 8 1/2" by 11" overhead site plan drawn to an appropriate scale showing the location of all existing and proposed improvements to the property and including all setback measurements from property lines. **WHICH HAS NOT BEEN REDUCED.**
  - B. Survey of the property certified by licensed surveyor **dated within one year of application date.** **WHICH HAS NOT BEEN REDUCED.**
  - C. Copy of Deed
  - D. Pictures of the property as it currently exists
5. Letter of authorization for agent to make application (Required only if not made by owner)
6. **NON-REFUNDABLE FEE:**  
**\$300.00 (Residentially zoning property) / \$500.00 (Commercially Zoned Property)**

NO APPLICATION WILL BE ACCEPTED UNTIL ALL THE REQUESTED INFORMATION HAS BEEN SUPPLIED AND THE REQUIRED FEE HAS BEEN PAID. THE ACCEPTANCE OF AN APPLICATION DOES NOT GUARANTEE ITS APPROVAL BY THE COMMUNITY DEVELOPMENT BOARD. THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING BY MAIL AND POSTING OF THE PROPERTY. THE APPLICANT OR HIS/HER AUTHORIZED AGENT MUST BE PRESENT AT THE MEETING.

\*If a residential zoning variance is granted, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.  
\*If a commercially zoned variance is granted by council, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR A ZONING VARIANCE AS REQUESTED.


NAME (S) OF PROPERTY OWNER (S)  
David and Julie Pippins

NAME OF AUTHORIZED AGENT  
 \_\_\_\_\_

ADDRESS OF PROPERTY OWNER  
806 Ocean Front, Neptune Beach  
FL 32266

ADDRESS OF AUTHORIZED AGENT  
 \_\_\_\_\_

SIGNATURE OF OWNER OR AUTHORIZED AGENT:  

**OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT**

**\*THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.\***

MA is hereby authorized TO ACT ON BEHALF OF \_\_\_\_\_, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to a variance:

BY: \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print Name  
Daytime Telephone Number \_\_\_\_\_ State of Florida  
County of \_\_\_\_\_

Signed and sworn before me on this \_\_\_\_\_ day of, 20\_\_\_\_.

By \_\_\_\_\_

Identification verified: \_\_\_\_\_ Oath sworn:  Yes  No

\_\_\_\_\_  
Notary Signature My Commission expires: \_\_\_\_\_

Prepared by and return to:  
**Heather Reynolds**  
**Ponte Vedra Title, LLC**  
**50 A1A North, Suite 108**  
**Ponte Vedra Beach, FL 32082**  
File Number: **PVT150110**

(Space Above This Line For Recording Data)

## Warranty Deed

This Warranty Deed made this 27<sup>th</sup> day of February, 2015, between Sharon Roberts Henderson and Candace C. Tschirki, a married couple whose post office address is 1418 Tiber Avenue, Jacksonville, FL 32207, grantor, and David Pippins and Julie Pippins, husband and wife whose post office address is 806 Oceanfront, Neptune Beach, FL 32266, grantee:

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

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

**PARCEL NO. 1:**

A PART OF LOTS 9 AND 10, BLOCK 17, TOGETHER WITH A PART OF GILBERT AVENUE, TOGETHER WITH A PART OF LOT 2, BLOCK 10, ALL AS SHOWN ON A MAP OF NEPTUNE, AS RECORDED IN PLAT BOOK 2, PAGE 12 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 9; THENCE SOUTHERLY, ALONG THE WEST LINE OF SAID LOT 9, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING; THENCE EASTERLY, PARALLEL WITH THE NORTH LINE OF SAID LOTS 9 AND 10 AND ITS EASTERLY PROJECTION, A DISTANCE OF 180.00 FEET TO THE WEST LINE OF LOT 1, BLOCK 10; THENCE SOUTHERLY, ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 4.00 FEET; THENCE EASTERLY ALONG THE NORTH LINE OF AFORESAID LOT 2, BLOCK 10, A DISTANCE OF 8.6 FEET, MORE OR LESS, TO THE EAST FACE OF THE CONCRETE BULKHEAD ON THE ATLANTIC OCEAN; THENCE SOUTHERLY, ALONG SAID EAST FACE OF THE CONCRETE BULKHEAD, A DISTANCE OF 26.00 FEET; THENCE WESTERLY, PARALLEL WITH THE NORTH LINE OF SAID LOTS 9 AND 10 AND ITS EASTERLY PROJECTION, A DISTANCE OF 188.4 FEET; MORE OR LESS, TO THE WEST LINE OF SAID LOT 9; THENCE NORTHERLY ALONG SAID WEST LINE OF LOT 9, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING. ALSO KNOWN AS THE NORTH 30.00 FEET OF THE SOUTH ONE-HALF OF LOTS 9 AND 10, BLOCK 17, AND THE NORTH 26.00 FEET OF LOT 2, BLOCK 10, AND ALSO THAT PORTION OF GILBERT AVENUE LYING EAST OF SAID NORTH 30.00 FEET OF THE SOUTH ONE-HALF OF LOTS 9 AND 10, BLOCK 17, AND BETWEEN THE EASTERLY PROJECTION OF THE NORTH AND SOUTH LINES OF SAID NORTH 30.00 FEET OF THE SOUTH ONE-HALF OF LOTS 9 AND 10, BLOCK 17 TO THE HIGH WATER MARK OF THE ATLANTIC OCEAN, ALL AS SHOWN ON MAP OF NEPTUNE, AS RECORDED IN PLAT BOOK 2, PAGE 12 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

**PARCEL NO. 2:**

THAT PART OF THE SOUTH 4.00 FEET OF LOT 1, BLOCK 10, AS SHOWN ON THE MAP OF NEPTUNE, AS RECORDED IN PLAT BOOK 2, PAGE 12 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, LYING WESTERLY OF THE EAST FACE OF THE CONCRETE BULKHEAD ON THE ATLANTIC OCEAN.

**TOGETHER WITH:**

EASEMENT RECORDED IN OFFICIAL RECORDS VOLUME 5643, PAGE 1960, AND AMENDED IN OFFICIAL RECORDS VOLUME 6011, PAGE 164, BOTH OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

Parcel Identification Number: 1726970000

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

(8)

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

**SUBJECT TO** covenants, conditions, restrictions, easements of record and taxes for the current year.

**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 as specified herein.

**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:

[Signature]  
Witness 1 Signature

[Signature]  
Sharon Roberts Henderson

Witness 1 Printed Name Ruth K. McDonald

[Signature]  
Candace C. Tschirki

[Signature]  
Witness 2 Signature

Witness 2 Printed Name Jolyn Clark

State of Florida  
County of St Johns

The foregoing instrument was acknowledged before me this 24th day of February, 2015, by **SHARON ROBERTS HENDERSON AND CANDACE C. TSCHIRKI, A MARRIED COUPLE**, who ( ) is personally known to me or (  ) has produced Valid FL Driver's License as identification.

 Ruth K. McDonald  
COMMISSION # EE 198375  
EXPIRES: MAY 27, 2016  
WWW.AARONNOTARY.com

[Signature]  
Notary Public

Printed Name: Ruth K. McDonald

My Commission Expires: May 27 2016

OFFICIAL RECORDS

Newton & Morehead  
2320 S. 3rd Street, Suite 11  
Jax, Fla. 32250

CLARIFICATION OF EASEMENT AGREEMENT

This Clarification Agreement made this 21 day of August, 1985 by and between Robert C. Luten, hereinafter referred to as Luten, and Thaddeus M. Moseley and Linda C. Moseley, hereinafter referred to as Moseley,

WITNESSETH:

Whereas, Moseley is going to purchase property described in Exhibit "B" of that certain Easement Agreement recorded in Official Records Volume 5643, pages 1960 - 1965 of the current public records of Duval County, Florida; and

Whereas, Luten is the owner of property described in Exhibit "A" of said Easement Agreement; and

Whereas, Moseley will not purchase said property until the terms and conditions of said Easement Agreement are clarified and modified as to clearly state the original intent and intent of the parties hereto; and

Whereas, both parties will be governed by the Easement Agreement and want said terms to be more clearly defined to prevent future problems or misinterpretations;

Now, therefore, in consideration of Ten and NO/100 Dollars and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties do hereby agree as follows and that same shall run with the land:

1. Paragraph 3 of the Easement Agreement as recorded in Official Records Volume 5643, page 1960 is hereby clarified to the understanding that Luten, his heirs, successors in interest or assigns have an easement solely for ingress and egress only across that portion of the drive way (described in Volume 5643, page 1964 of the current public records of Duval County, Florida) that is perpendicular between Luten's garage door access as it transverses the driveway to Twin Place, and that the easement is not to, upon, and over all of the driveway as originally stated in the easement.

2. Paragraph 4 of the Easement Agreement aforementioned is hereby clarified to the understanding that the easement is solely

1300

for the purpose of ingress and egress only across that portion of the driveway (described in Volume 5643, page 1964 of the current public records of Duval County, Florida) that is perpendicular between Luten's garage door access as it transverses the driveway to Twin Place, and that the easement is not to, upon and over all of the driveway as originally stated.

3. Paragraph 5 of the Easement Agreement aforementioned is hereby clarified to the understanding that the easement is for the use of Luten, his heirs, assigns, successors in interest, guests and visitees and not for the general public, and further, that the easement is solely for ingress and egress as stated herein. Also, said easement in no way affects Moseley, their heirs, successors in interest, transferees or assigns, except for allowing ingress and egress to the garage as stated herein.

4. The intent of the Easement Agreement was and is solely for the purpose of any ingress and egress to the garage and not a grant of any possessory rights, or any other use of said driveway not solely for ingress and egress.

All to which the parties by their respective signatures hereinbelow agree to, understand and accept.

*Lucia Adams*  
Everlena Owens

*Robert C. Luten*  
ROBERT C. LUTEN

*Gloria C. Stark*  
*Dulora M. King*

*Thaddeus M. Moseley*  
THADDEUS M. MOSELEY  
*Linda C. Moseley*  
LINDA C. MOSELEY

STATE OF FLORIDA  
COUNTY OF DUVAL

I hereby certify that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgements, personally appeared Robert C. Luten, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that he executed the same for the purpose therein expressed.  
WITNESS my hand and official seal in the county and state aforesaid this 30<sup>th</sup> day of August, 1985.

*Richard D. Jones*  
Notary Public, State of Florida  
at large  
My Commission Expires: 9-3-89

STATE OF FLORIDA  
COUNTY OF DUVAL

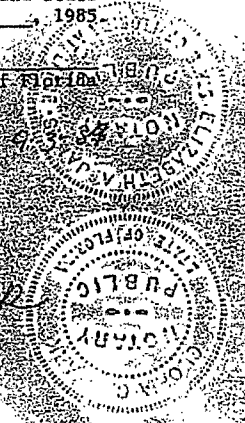
I hereby certify that on this day, before me, an officer duly authorized in the state aforesaid and in the county aforesaid to take acknowledgments, personally appeared Thaddeus M. Moseley and Linda C. Moseley, his wife, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same for the purposes therein expressed.

WITNESS my hand and official seal in the county and state aforesaid this 30<sup>th</sup> day of August, 1985.

*Elizabeth A. Jones*  
Notary Public, State of Florida  
at Large

My Commission expires: 9/30/85

*30<sup>th</sup> of August*  
*Gloria C. Stark*



NOTARY PUBLIC, STATE OF FLORIDA  
My Commission Expires Oct. 13, 1987  
Bonded by Transamerica Insurance Co.

85- 83069  
SEP 9 11 24 AM '85

FILED AND RECORDED IN PUBLIC  
RECORDS OF DUVAL COUNTY, FLA.  
*Elizabeth A. Jones*  
CLERK OF PUBLIC RECORDS



EASEMENT AGREEMENT

5043 1960  
OFFICIAL RECORDS

THIS AGREEMENT, made this 8 day of April, 1963, by and between ROBERT J. FARBER, DORIS S. FARBER AND BESS J. STEIN hereinafter referred to as Grantors and Robert C. Lutén, hereinafter referred to as Grantee.

WITNESSETH:

Whereas, Grantee is going to purchase the below described property from Judy S. Klein, the present owner:

See Attached Exhibit A

Whereas, Grantors, are the owners of property adjacent to the above described property. Said property being specifically described as :

See Attached Exhibit B

Whereas, the only ingress and egress to the garage is the property to be purchased by Grantee is over a concrete driveway situated on the above described property owned by the Grantors.

Whereas, Grantee will not purchase the property from Judy S. Klein until this agreement is executed by Grantors and,

Whereas, Robert C. Lutén is obtaining financing from Alliance Mortgage Company to purchase the above described property owned by Judy S. Klein and Alliance Mortgage Company will not make its loan to Grantee until this agreement is executed by the Grantors.

Now, Therefore, in consideration of Ten and no/100 (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, the parties do hereby agree as follows:

1. This agreement shall be recorded in the public records of Duval County, Florida, and shall be binding on the parties hereto, their heirs, successors and assigns.
2. The parties acknowledge that the only ingress and egress to the garage and property to be purchased by the Grantee is over the concrete driveway situated on the Grantors aforementioned property.
3. The Grantors grant an easement in, to, upon and over all that portion of the concrete and cement driveway situated on Grantors property, as shown by H. A. Durden survey, dated August 5, 1966
4. The easement is for the sole and only purpose of ingress and egress over and upon all that portion of the driveway necessary and common to the way from Twin Place into the garage and house situated upon the aforementioned property to be purchased by the Grantee.
5. It is distinctly agreed and understood, that the easement is not an exclusive easement but is subject to the equal right on the part of the Grantors, their heirs, successors, and assigns, of ingress and egress over and upon the same portion of the driveway, which right is expressly reserved.

THIS INSTRUMENT WAS PREPARED BY  
FRED L. AHERN, JR.  
ATTORNEY AT LAW  
P. O. BOX 50066  
JACKSONVILLE BEACH, FLA. 32250

Signed, Sealed and Delivered in the presence of:

*[Handwritten signatures of witnesses]*

*[Handwritten signature]*  
Robert J. Farber  
*[Handwritten signature]*  
Doris S. Farber  
*[Handwritten signature]*  
Bess J. Stein

GRANTORS

2012

25 00

Vol. 2843: 1981  
OFFICIAL RECORDS

Signed, Sealed and Delivered in the presence  
of:

*Robert C. Luten*  
*[Signature]*

*Robert C. Luten*

*[Signature]*  
Robert C. Luten

GRANTEE

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 8 day of April, 1983  
by Robert J. Farber and Doris S. Farber.

*[Signature]*  
Notary Public

My commission expires:  
Notary Public, State of Florida at Large  
My commission expires June 21, 1984  
Bonded by American Surety & Casualty Company

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 8<sup>th</sup> day of April, 1983  
by Bess J. Stain.

*[Signature]*  
Notary Public

My commission expires:  
Notary Public, State of Florida at Large  
My commission expires June 21, 1984  
Bonded by American Surety & Casualty Company

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 20 day of April, 1983  
by Robert C. Luten.

*[Signature]*  
Notary Public

My commission expires:



5643-1952

OFFICIAL RECORDS

## MAP SHOWING SURVEY OF

### Parcel No. 1:

A part of Lots 9 and 10, Block 17, together with a part of Gilbert Avenue, together with a part of Lot 2, Block 10, all as shown on a Map of Neptune, as recorded in Plat Book 2, Page 12 of the Current Public Records of Duval County, Florida, more particularly described as follows: For a Point of Reference commence at the Northwest corner of said Lot 9; thence Southerly, along the West line of said Lot 9, a distance of 60.00 feet to the POINT OF BEGINNING; thence Easterly, parallel with the North line of said Lots 9 and 10 and its Easterly projection, a distance of 150.00 feet to the West line of Lot 1, Block 10; thence Southerly, along said West line of Lot 1, a distance of 4.00 feet; thence Easterly along the North line of aforesaid Lot 2, Block 10, a distance of 8.6 feet, more or less, to the East face of the concrete bulkhead on the Atlantic Ocean; thence Southerly, along said East face of the concrete bulkhead, a distance of 20.00 feet; thence Westerly, parallel with the North line of said Lots 9 and 10 and its Easterly projection, a distance of 188.4 feet, more or less, to the West line of said Lot 9; thence Northerly along said West line of Lot 9, a distance of 30.00 feet to the POINT OF BEGINNING. Also known as the North 30.00 feet of the South one-half of Lots 9 and 10, Block 17, and the North 26.00 feet of Lot 2, Block 10, and also that portion of Gilbert Avenue, lying East of said North 30.00 feet of the south one-half of Lots 9 and 10, Block 17, and between the Easterly projection of the North and South lines of said North 30.00 feet of the South one-half of Lots 9 and 10, Block 17 to the High Water Mark of the Atlantic Ocean, all as shown on Map of Neptune, as recorded in Plat Book 2, Page 12 of the Current Public Records of Duval County, Florida.

### Parcel No. 2:

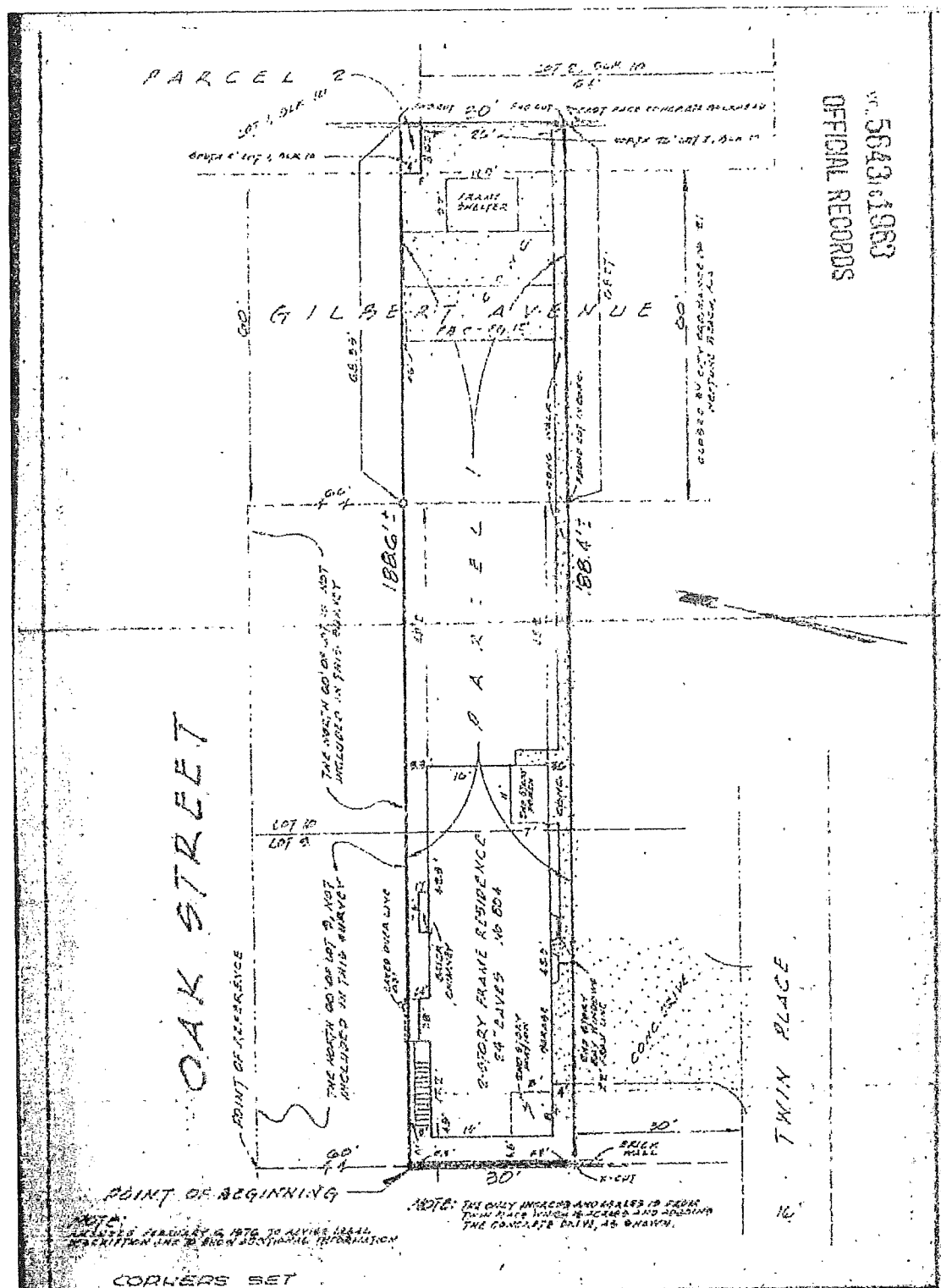
That part of the South 4.00 feet of Lot 1, Block 10, as shown on the Map of Neptune, as recorded in Plat Book 2, Page 12 of the Current Public Records of Duval County, Florida, lying Westerly of the East face of the concrete bulkhead on the Atlantic Ocean.

For: Judy S. Klein

ATLANTIC

OCEAN

NO. 5643, 1983  
 OFFICIAL RECORDS



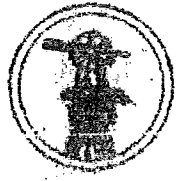
CORNERS SET

- LEGEND**
- METAL STAKE SET
  - METAL STAKE FOUND
  - ⊙ PERMANENT REFERENCE MON.
  - WOOD BOUND SET
  - REFERENCE

SCALE  
 1" = 20'

CHECKED BY

**RAY, DURDEN, SNYDER & ASSOCIATES**  
 PROFESSIONAL LAND SURVEYORS  
 38 EAST 17TH STREET  
 JACKSONVILLE, FLORIDA  
 PHONE 253-6474



BY: *Ray Durdan*  
 REGISTERED SURVEYOR CERTIFICATE NO. 1214 FLORIDA



866 oceanfront





South Facing  
Twin Place



Facing East  
Side





EAST ELEVATION  
(Rear / Front)

**MAP SHOWING BOUNDARY AND TIDAL WATER SURVEY**

PARCEL NO. 1:  
 A PART OF LOTS 9 AND 10, BLOCK 17, TOGETHER WITH A PART OF GILBERT AVENUE, TOGETHER WITH A PART OF LOT 2, BLOCK 10, ALL AS SHOWN ON A MAP OF NEPTUNE, AS RECORDED IN PLAT BOOK 2, PAGE 12 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, MORE PARTICULARLY, 9, THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 2, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING, THENCE EASTERLY PARALLEL WITH THE NORTH LINE OF SAID LOTS 9 AND 10 AND ITS EASTERLY PROJECTION, A DISTANCE OF 180.00 FEET TO THE WEST LINE OF LOT 1, BLOCK 10; THENCE SOUTHERLY ALONG SAID WEST LINE OF LOT 1, A DISTANCE OF 4.00 FEET; THENCE EASTERLY ALONG THE NORTH LINE OF AFORESAID LOT 2, BLOCK 10, A DISTANCE OF 8.6 FEET, MORE OR LESS, TO THE EAST FACE OF THE CONCRETE BULKHEAD, A DISTANCE OF 30.00 FEET; THENCE SOUTHERLY ALONG SAID EAST LINE OF SAID LOTS 9 AND 10, A DISTANCE OF 30.00 FEET; THENCE EASTERLY ALONG SAID EAST LINE OF SAID LOTS 9 AND 10, A DISTANCE OF 18.4 FEET, MORE OR LESS, TO THE POINT OF BEGINNING, ALSO KNOWN AS THE NORTH 30.00 FEET OF LOT 9, A DISTANCE OF 30.00 FEET TO THE EAST OF SAID NORTH 30.00 FEET OF LOT 2, BLOCK 10, AND ALSO THAT PORTION OF GILBERT AVENUE LYING EAST OF SAID NORTH 30.00 FEET OF SAID NORTH 30.00 FEET OF SAID LOTS 9 AND 10, BLOCK 17, AND BETWEEN THE EASTERLY PROJECTION OF THE NORTH AND SOUTH LINES OF SAID NORTH 30.00 FEET OF SAID LOTS 9 AND 10, BLOCK 17 TO THE HIGH WATER SURVEY LINE AS SHOWN ON MAP OF NEPTUNE, AS RECORDED IN PLAT BOOK 2, PAGE 12 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

PARCEL NO. 2:  
 THAT PART OF THE SOUTH 4.00 FEET OF LOT 1, BLOCK 10, AS SHOWN ON THE MAP OF NEPTUNE, AS RECORDED IN PLAT BOOK 2, PAGE 12 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, LYING WESTERLY OF THE EAST FACE OF THE CONCRETE BULKHEAD ON THE ATLANTIC OCEAN.

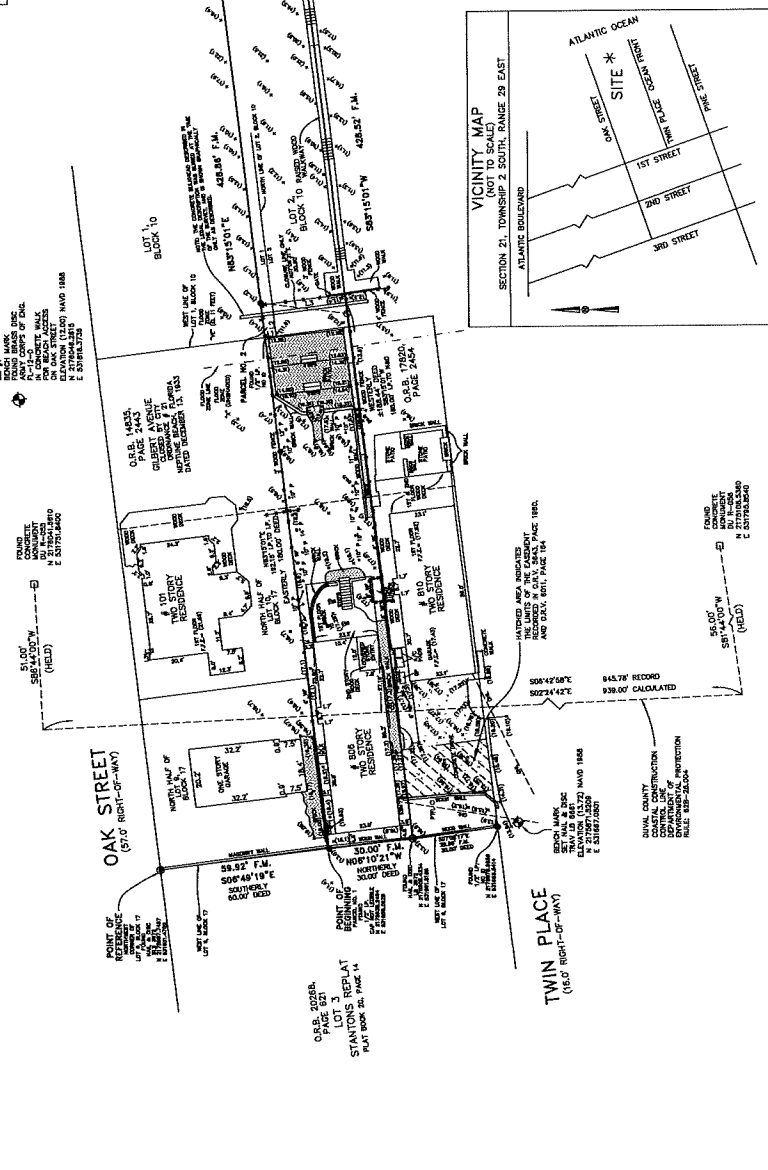
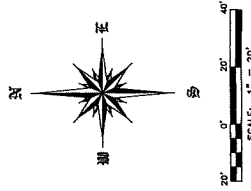
TOGETHER WITH:  
 EASEMENT RECORDED IN OFFICIAL RECORDS VOLUME 5643, PAGE 1960, AND AMENDED IN OFFICIAL RECORDS VOLUME 6011, PAGE 184, BOTH OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

CERTIFIED TO:  
 DAVID PIPPINS AND JULIE PIPPINS

**GENERAL NOTES**

- 1) BEARINGS SHOWN HEREON ARE BASED UPON THE NAD 83 DATUM, NORTH AMERICAN DATUM OF 1983 (NAD 83), AND IS BASED ON THE U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA) DATUM, NORTH AMERICAN DATUM OF 1983 (2011) OR NAD83 (2011), FOR THE STATE OF FLORIDA. STATE PLANE COORDINATE SYSTEM, FOR THE STATE OF FLORIDA, NAD 83 (2011).
- 2) THE "MEAN HIGH WATER LINE" ELEVATION SHOWN HEREON WAS OBTAINED BY AN EBMAL REQUISITE TO THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP), AS PER THE "MEAN HIGH WATER PROCEDURAL APPROVAL", DATED NOVEMBER 2, 2022. THE "MEAN HIGH WATER LINE" ELEVATION WAS OBTAINED BY THE DEP, AS PER THE "MEAN HIGH WATER PROCEDURAL APPROVAL", DATED NOVEMBER 2, 2022. THE "MEAN HIGH WATER LINE" ELEVATION WAS OBTAINED BY THE DEP, AS PER THE "MEAN HIGH WATER PROCEDURAL APPROVAL", DATED NOVEMBER 2, 2022. THE "MEAN HIGH WATER LINE" ELEVATION WAS OBTAINED BY THE DEP, AS PER THE "MEAN HIGH WATER PROCEDURAL APPROVAL", DATED NOVEMBER 2, 2022.
- 3) THE "MEAN HIGH WATER LINE" ELEVATION WAS OBTAINED BY THE DEP, AS PER THE "MEAN HIGH WATER PROCEDURAL APPROVAL", DATED NOVEMBER 2, 2022. THE "MEAN HIGH WATER LINE" ELEVATION WAS OBTAINED BY THE DEP, AS PER THE "MEAN HIGH WATER PROCEDURAL APPROVAL", DATED NOVEMBER 2, 2022.
- 4) REFERENCE BENCHMARK: A BENCH MARK (BM) IS A POINT OF KNOWN ELEVATION LOCATED IN A BEARING BOUNDARY ON 3RD STREET (STATE ROAD 1-A SOUTH) AT THE INTERSECTION OF 3RD STREET AND 1ST STREET, AS SHOWN ON MAP OF NEPTUNE, AS RECORDED IN PLAT BOOK 2, PAGE 12 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, DESIGNATION: 19 324.
- 5) THE EXTENT OF UNDERGROUND FOOTINGS AND UTILITIES NOT EVIDENCED BY ABOVE GROUND APPEARANCES, IF ANY, ARE NOT SHOWN.
- 6) THE METHODOLOGY USED TO DETERMINE THE MEAN HIGH WATER LINE WAS A COMBINATION OF CONVENTIONAL SURVEY EQUIPMENT AND RTK GPS EQUIPMENT.

LINE NUMBER	DIRECTION	DISTANCE
L1	SOUTHERLY	4.00'
L2	EASTERLY	±8.6'
L3	SOUTHERLY	28.00'



ATLANTIC OCEAN

"MEAN HIGH WATER LINE" ELEVATION LOCATED BY THIS FIRM ON NOVEMBER 17, 2022, AS PER THE TIDAL WATER SURVEY PROCEDURE APPROVAL FROM THE STATE OF FLORIDA, DEPARTMENT OF ENVIRONMENTAL PROTECTION, DATED NOVEMBER 2, 2022.

NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SIGNED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. THIS SURVEY IS LIMITED TO THE BOUNDARY AND THE SHOWN PARTIES OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SURVING PARTY OR PARTIES. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED BY OTHER PARTIES OR PARTIES TO THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED BY OTHER PARTIES OR PARTIES TO THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR THE ACCURACY OF THE DATA PROVIDED BY OTHER PARTIES OR PARTIES TO THIS SURVEY.

DATE: NOVEMBER 17, 2022  
 TIME: 11:20  
 SURVEYOR: DAVID PIPPINS  
 LICENSE NO.: 56319  
 FIRM: A & J LAND SURVEYORS, INC.  
 ADDRESS: 38 - 42  
 NO. 10 UNLESS OTHERWISE NOTED  
 AS NOTED  
 (SEE PLAN FOR DETAILS)

LEGEND:  
 [Symbol] CONCRETE BULKHEAD  
 [Symbol] CONCRETE  
 [Symbol] ASPHALT  
 [Symbol] GRAVEL  
 [Symbol] SAND  
 [Symbol] GRASS  
 [Symbol] WOOD  
 [Symbol] FENCE  
 [Symbol] UTILITY LINE  
 [Symbol] EASEMENT

A & J LAND SURVEYORS, INC.  
 CERTIFICATE OF AUTHORIZATION NO. LB 6861  
 PROFESSIONAL LAND SURVEYORS  
 5847 LUCILLA STREET  
 JACKSONVILLE, FLORIDA 32207  
 OFFICE: (904) 346-1733  
 FAX: (904) 346-1735

GEORGE J. WARD, STATE OF FLORIDA  
 REGISTERED LAND SURVEYOR, CERTIFICATE NUMBER 5155





CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



# STAFF REPORT

**MEETING DATE:** January 11, 2023  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** V23-05

---

**TO:** Community Development Board  
**FROM:** Heather Whitmore, AICP, Community Development Director  
**DATE:** December 29, 2022  
**SUBJECT:** Variance Request\_110 Magnolia Street

---

- I. **BACKGROUND:** An application for a variance was submitted on December 9, 2022, requesting relief for
1. Maximum Floor Area Ratio (FAR) Section 27-237(4)
  2. Front setbacks (Table 27-239)
  3. Side setbacks (Table 27-239)
  4. Rear setbacks (Table 27-239)
  5. Maximum lot coverage Section 27-238(4)

II. **DISCUSSION:**

Property owners for the property known as 110 Magnolia Street requests to vary Section 27-237(4) maximum floor area ratio in the R-4 (RC Overlay) zoning district to exceed the maximum of 65% to permit 85% FAR.

Additionally...

This application include relief sought on three setbacks in Table 27-239 R-4 (RC Overlay) zoning district, including:

-Front yard, request to encroach an additional 4 feet 1.5 inch, leaving 5 feet 8.5 inch in lieu of the required 10 feet.

-Both side yard setbacks, request to encroach an additional 2 feet into each side, leaving 5 feet in lieu of the required 7 feet on each side.

-Rear yard setback, request to encroach an additional 2 feet, leaving 13 ft in lieu of the required 15 ft.

Additionally....

This application includes a request to exceed Section 27-238(4) maximum lot coverage of 50%, by an additional 3.8% to permit a total lot coverage of 53.8% lot coverage.

The subject 65-foot by 70-foot (4,358 SF) lot currently includes a two-family home. The purpose of the request for variances is for the removal of an existing two-family structure to build a new single-family structure with pool and 2-car garage.



Figure 1:110 Magnolia Street

### III. FINDINGS:

1. **The property has unique and peculiar circumstances, which create an exceptional and unique hardship. For the purpose of this determination, the unique hardship shall be unique to the parcel and not shared by other property owners in the same zoning district.**

a. **Applicant Response:**

“-Small lot size, the midst development of the lot

-Irregular shape lot; limits development a lot

-Nonconforming duplex does not meet the standards of the current building and energy code

-Existing substandard structure with evidence of termite damage, toxic asbestos siding requires mediation, 2 by 4 exterior wall construction with minimal insulation, plumbing and HVAC does not need building code and when design standards,

-Cost prohibitive to make building upgrades, new construction preferable”

b. **Staff Response:** Staff finds that the property is somewhat unique due to its size. It is smaller than some of the adjoining lots, however, it is not the smallest lot in the neighborhood.

2. **The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.**

a. **Applicant Response:** “Based on the property owners growing family size and living accommodations, comparable houses in the area provide more adequate housing needs in terms of square footage and bedroom bathroom accommodations for an average family. Therefore, it's preferable to demo the existing building and construct a single family home that will meet the long term needs to the property owner and their current and future family needs. In addition, new construction will provide the family with the longevity required to remain at the property for years to come.”

b. **Staff Response:** Further staff finds that a variance for the front and rear setbacks is the minimum necessary to allow for construction of a single-family home. Staff does not agree that the variance for the side setbacks is the minimum necessary for reasonable use of the land.

Staff recommends not exceeding the side yard setbacks to protect density, intensity, and privacy in the neighborhood.

Staff does not agree that the requested FAR of 85% is the minimum necessary for reasonable use of the land.

Staff does not agree that the request to exceed maximum lot coverage of 50%, by an additional 3.8% to permit a total lot coverage of 53.8% is the minimum necessary for reasonable use of the land.

Staff recommends not exceeding a FAR of 65% or lot coverage beyond 50% as not to impact stormwater run-off and neighboring properties further negatively.

**3. The proposed variance would not adversely affect adjacent and nearby properties or the public in general.**

- a. **Applicant Response:** “The proposed variance will be typical of homes in the neighborhood in terms of square footage and quality of construction, improving the property value and reducing future maintenance. A new single family residence and place of multifamily to the community and more permanent less transient nature of the neighborhood, therefore adding value and safety to the neighborhood. Single family in place of multifamily will reduce the parking and traffic activity and enhance the community. The new single family residence with two car garage will reduce vehicles parked in front of the residential adding to the quality of the community.
- b. **Staff Response:** Staff finds the proposed variances to the front and rear setbacks and building on the lot would not negatively impact adjacent and nearby properties or the public in general.

Currently, the existing structure is built almost 5’ from the front property line and has about 10 feet from the rear property line

Staff recommends not exceeding the side yard setbacks to protect density, intensity, and privacy in the neighborhood. Staff recommends not exceeding a FAR of 65% or lot coverage beyond 50% as not to impact stormwater run-off and neighboring properties further negatively.

**4. The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.**

- a. **Applicant Response:** “The construction of a new single-family residence in place of multifamily will be in scale and in character with most other homes in the neighborhood. The new single family residence will be built to current standards and designed to maximize the value of the property and enhance the value of adjacent properties.
- b. **Staff Response:** It is unknown if the proposed variance will diminish property values or increase surrounding property values by reducing the non-



conformities, building to current building code standards, and decreasing the overall lot coverage.

**5. The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.**

- a. **Applicant Response:** “Construction of a new single family residence will follow the most recent design guidelines set forth by the current building code to enhance the exterior design and improve the overall look of the quality of housing and neighborhood friendly design.”
- b. **Staff Response:** Staff finds that the variance requests for the front and rear setback reduction are in harmony with the general intent of the LDC.

Staff does not agree that the side yard setback request, lot coverage, or FAR request of is in harmony with the general intent of the LDC as the RC Overlay’s special requirements require historic development patterns that are sensitive to the history and character of the surrounding neighborhood (§27-243, LDC).

**6. The need for the variance has not been created by the actions of the property owner or developer nor is the result of mere disregard for the provisions from which relief is sought.**

- a. **Applicant Response:** “The existing lot is substandard in terms of size and property shape. The variance would be required to build single family residence comparable in scale and value to neighborhood properties.”
- b. **Staff Response:** Staff agrees that the proposed variance requests for construction on the lot to reduce the front and rear setbacks are not created through the actions of the property owner.

Staff finds that the request for the side, lot coverage, and 85% FAR is requested due to the property owners desire for additional square footage.

**7. Granting the variance will not confer upon the applicant any special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district.**

- a. **Applicant Response:** “The single-family residence would be comparable to adjacent homes and would not introduce any special privileges outside of similar homes in the area.”
- b. **Staff Response:** Staff finds that granting the variance requests for construction on the lot front and rear setbacks will not confer upon the applicant any special privilege.

Staff would not recommend granting the side yard setback variance, lot coverage or 85% FAR variance request as this is excessive based on the surrounding properties.

- IV. CONCLUSION:** Staff recommends approval to build on the front and rear setbacks. Staff would not recommend granting the side yard setback variance, lot coverage or 85% FAR variance request as this is excessive based on the surrounding properties.

Further, staff suggests adding a condition that the property owner may consider a lesser FAR maximum.

**V. RECOMMENDED MOTION:**

- a. I recommend approval of V23-05.

OR

- b. I recommend approval of V23-05 front and rear setback variance request only.

OR/AND

- c. I recommend denial of V23-05 side yard setback variance request which is a self-induced hardship.

- d. OR/AND

- e. I recommend denial of V23-05 FAR and lot coverage requests which are self-induced hardships.

- f. OR/AND

- g. I recommend denial of V23-05 based on the applicant's requests which are all self-induced hardships.

# APPLICATION FOR ZONING VARIANCE

V23-05



THE CITY OF NEPTUNE BEACH  
 COMMUNITY DEVELOPMENT DEPARTMENT  
 116 FIRST STREET  
 NEPTUNE BEACH, FLORIDA 32266-6140  
 PH: 270-2400 Ext 4 or piperturner@nbfl.us

**IMPORTANT NOTE: THE COMMUNITY DEVELOPMENT BOARD, IN CONSIDERING YOUR PETITION, IS ACTING IN A QUASI-JUDICIAL CAPACITY AND ANY DISCUSSION WITH MEMBERS, OTHER THAN AT A PUBLIC MEETING IS PROHIBITED AND ANY SUCH CONTACT MAY VOID YOUR PETITION.**

Date Filed: 12/08/22	Zoning District: R-4 (C/O overlay)	Real Estate Parcel Number: 172662-0000
Name & Address of Owner of Record: Property KRISTI & SANTO MAIMONE 810 6TH AVE NORTH JACKSONVILLE BEACH, FL. 32250		Address: 110 MAGNOVIA STREET NEPTUNE BEACH, FL Number of units on property 2
Contact phone Have any previous applications for number#	variance been filed concerning this property? NO	
e-mail If Yes, Give Date:	address N/A	
Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows: <i>Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.</i>		
1. Explain the proposed relief being sought from the code(s): - SEE ATTACHED		
2. Explain the purpose of the variance (if granted)?		
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):		
A. How does your property have unique and peculiar circumstances, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel and not shared by other property owners. The hardship cannot be created by or be the result of the property owner's own action.		

SEE ATTACHED 2

B. How is the proposed variance the minimum necessary to allow reasonable use of the property?

C. Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.

D. Indicate how the proposed variance will not substantially diminish property values in, nor alter the essential character of the surrounding site.

E. Explain how the proposed variance is in harmony with the general intent of the Unified Land Development Code (ULDC) and the specific intent of the relevant subject area(s) of the ULDC.

F. Explain how the need for the proposed variance has not been created by the actions of the property owner or the developer nor is the result of mere disregard for the provisions from the which relief is sought?

4. **Required Attachments**-Applicant must include the following: **(INCOMPLETE PACKAGES WILL BE RETURNED)**
- A. 8 1/2" by 11" overhead site plan drawn to an appropriate scale showing the location of all existing and proposed improvements to the property and including all setback measurements from property lines. **WHICH HAS NOT BEEN REDUCED.**
  - B. Survey of the property certified by licensed surveyor dated within one year of application date. ← **WHICH HAS NOT BEEN REDUCED.**
  - C. Copy of Deed
  - D. Pictures of the property as it currently exists
5. Letter of authorization for agent to make application (Required only if not made by owner)
6. **NON-REFUNDABLE FEE:**  
**\$300.00 (Residentially zoning property) / \$500.00 (Commercially Zoned Property)**

NO APPLICATION WILL BE ACCEPTED UNTIL ALL THE REQUESTED INFORMATION HAS BEEN SUPPLIED AND THE REQUIRED FEE HAS BEEN PAID. THE ACCEPTANCE OF AN APPLICATION DOES NOT GUARANTEE ITS APPROVAL BY THE COMMUNITY DEVELOPMENT BOARD. THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING BY MAIL AND POSTING OF THE PROPERTY. THE APPLICANT OR HIS/HER AUTHORIZED AGENT MUST BE PRESENT AT THE MEETING.

\*If a residential zoning variance is granted, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.  
\*If a commercially zoned variance is granted by council, then a 30 day wait period must pass before any required building permits can be released, in order to allow time for appeals.

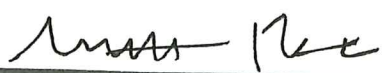
I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I HEREBY APPLY FOR A ZONING VARIANCE AS REQUESTED.

NAME (S) OF PROPERTY OWNER (S)  
 Kristi Maimone    Santo Maimone

NAME OF AUTHORIZED AGENT  
 SCOTT RAE

ADDRESS OF PROPERTY OWNER  
 810 6th Ave North  
 Jacksonville Beach, FL 32270

ADDRESS OF AUTHORIZED AGENT  
 345 SOUTH ROSCOE BLVD.  
 PONTE VEDRA BEACH, FL 32082

SIGNATURE OF OWNER OR AUTHORIZED AGENT:  


**OWNER'S AUTHORIZATION FOR AGENT/AFFIDAVIT OF ASSENT**

**\*THIS FORM MUST BE FILLED OUT IN THE CASE THAT THE APPLICANT IS NOT THE OWNER OF THE PREMISES UNDER WHICH THE PARTICULAR APPLICATION IS BEING FILED.\***

Scott Rae is hereby authorized TO ACT ON BEHALF OF Santo & Kristi Maimone, the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to Neptune Beach, Florida, for an application related to a variance:

BY: Santo Maimone

[Signature] Kristi Maimone  
Signature of Owner

Santo Maimone (440)796-0136 Kristi Maimone 904 866 2547

Print Name  
Daytime Telephone Number

State of Florida  
County of DUVAL

Signed and sworn before me on this November 23 day of, 2022.

By Andrew Austin



Andrew Austin  
NOTARY PUBLIC  
STATE OF FLORIDA  
Comm# GG300637  
Expires 2/24/2023

Identification verified: Drivers License Oath sworn:  Yes  No

[Signature]  
Notary Signature

My Commission expires: 02/24/2023

**Prepared By:**

Gibraltar Title Services, LLC  
4190 Belfort Rd., Suite 475  
Jacksonville, FL 32216

**Return To:**

Gibraltar Title Services, LLC  
4190 Belfort Rd., Suite 475  
Jacksonville, FL 32216

Order No.: GTS-21121854

Property Appraiser's Parcel I.D. (folio) Number:  
172662-0000

21198832  
915000

**WARRANTY DEED**

THIS WARRANTY DEED dated January 24, 2022, by Steven E. Harris, individually and as Trustee of the Mary Lou Harris Testamentary Trust, whose post office address is 1140 Ravenwood Rd, Boulder, Colorado 80303 (the "Grantor"), to Kristi Lynne Maimone and Santo Maimone, IV, a married couple, whose post office address is 810 6th Ave North, Jacksonville Beach, Florida, 32250 (the "Grantee").

(Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten And No/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the Grantee, all that certain land situated in County of Duval, State of Florida, viz:

THE EAST 5 FEET OF THE SOUTH 60 FEET OF LOT 2, THE SOUTH 60 FEET OF THE WEST 20 FEET OF LOT 3, AND THE SOUTH 70 FEET OF THE EAST 40 FEET OF LOT 3, BLOCK 15, NEPTUNE, ACCORDING TO PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

Property is not the homestead of the Grantor(s).

Subject to easements, restrictions, reservations and limitations of record, if any.

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

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the 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: 2021.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in presence of:

Thomas Rubino

Witness Signature

Thomas Rubino

Printed Name of First Witness

[Signature]

Witness Signature

Crissy E Rodriguez

Printed Name of Second Witness

Mary Lou Harris Testamentary Trust

BY: Steven E. Harris

Steven E Harris, individually and as Trustee

Grantor Address:

1140 Ravenwood Rd  
Boulder, CO 80303

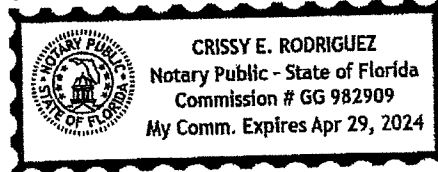
State of Florida

County of Miami-Dade

THE FOREGOING instrument was acknowledged before me by means of  physical presence or  online notarization, this 24 day of January, 2022, by Steven E. Harris, individually and as Trustee of the Mary Lou Harris Testamentary Trust who is personally known to me or who  produced CO driver license as identification.

[Signature]

Notary Public: Crissy E Rodriguez  
My Commission Expires: 4/29/2024



[SEAL]

Completed via Remote Online Notarization using 2 way Audio/Video technology.



1. Explain the proposed relief being sought from the code(s):
  - *Rear yard – 13’ in lieu of 15’*
  - *Side yard – 5’ in lieu of 7’*
  - *Front yard – 5’-8 ½” in lieu of 10’ (Note: 5’-8 ½” to match existing front setback)*
  - *85% FAR in lieu of 65% FAR*
  - *63% lot coverage in lieu of 50% lot coverage (existing coverage = 66%)*
  - *Construction of a **new single family residence** in place of an existing duplex*
  - *Additional Note: The existing 2-unit building (to be demolished) is currently 5’ from the rear setback (existing shed) & 5’-7” at the current front setback (not per current code at 10’ required front setback).*
2. Explain the purpose of the variance (if granted)?
  - *To allow conversion of multi-family building to single family residence*
  - *To optimize the efficiency of a small, irregular shaped lot and improve property value and utilization of property*
  - *New construction of single family residence to meet current building and energy codes and to withstand coastal weather conditions.*
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):
  - A. How does your property have unique and peculiar circumstances, which create an exceptional and unique hardship? Unique hardship shall be unique to the parcel and not shared by other property owners. The hardship cannot be created by or be the result of the property owner’s own action.
    - *Small lot size; limits development of lot*
    - *Irregular shaped lot; limits development of lot*
    - *Non-conforming duplex does not meet standards of current building and energy code*
    - *Existing Substandard construction with evidence of termite damage, toxic asbestos siding requiring mediation, 2x4 exterior wall construction*

*with minimal insulation, plumbing and HVAC does not meet current building code and wind design standards*

- *Cost prohibitive to make building upgrades; new construction preferable*

B. How is the proposed variance the minimum necessary to allow reasonable use of the property?

- *Based on the property owner's growing family size and living accommodations, comparable houses in the area provide more adequate housing needs in terms of square footage and bedroom / bathroom accommodations for an average family. Therefore, it is preferable to demo the existing building and construct a single family home that will meet the long term needs of the property owner and their current and future family needs. In addition, new construction will provide the family with the longevity required to remain at the property for years to come.*

C. Indicate how the proposed variance will not affect adversely adjacent or nearby properties or the public in general.

- *The proposed variance will be typical of homes in the neighborhood in terms of square footage and quality of construction, improving the property value and reducing future maintenance.*
- *A new single family residence in place of multi-family will add to the community and more permanent (less transient) nature of the neighborhood, therefore adding value and safety to the area.*
- *Single family in place of multi-family will reduce the parking and traffic activity and enhance the community.*
- *The new single family residence with 2-car garage will reduce vehicles parked in front of the residence adding to the quality of the community.*

D. Indicate how the proposed variance will not diminish property values nor alter the character of the area.

- *The construction of a new single family residence in place of multi-family will be in scale and in character with most other homes in the neighborhood.*

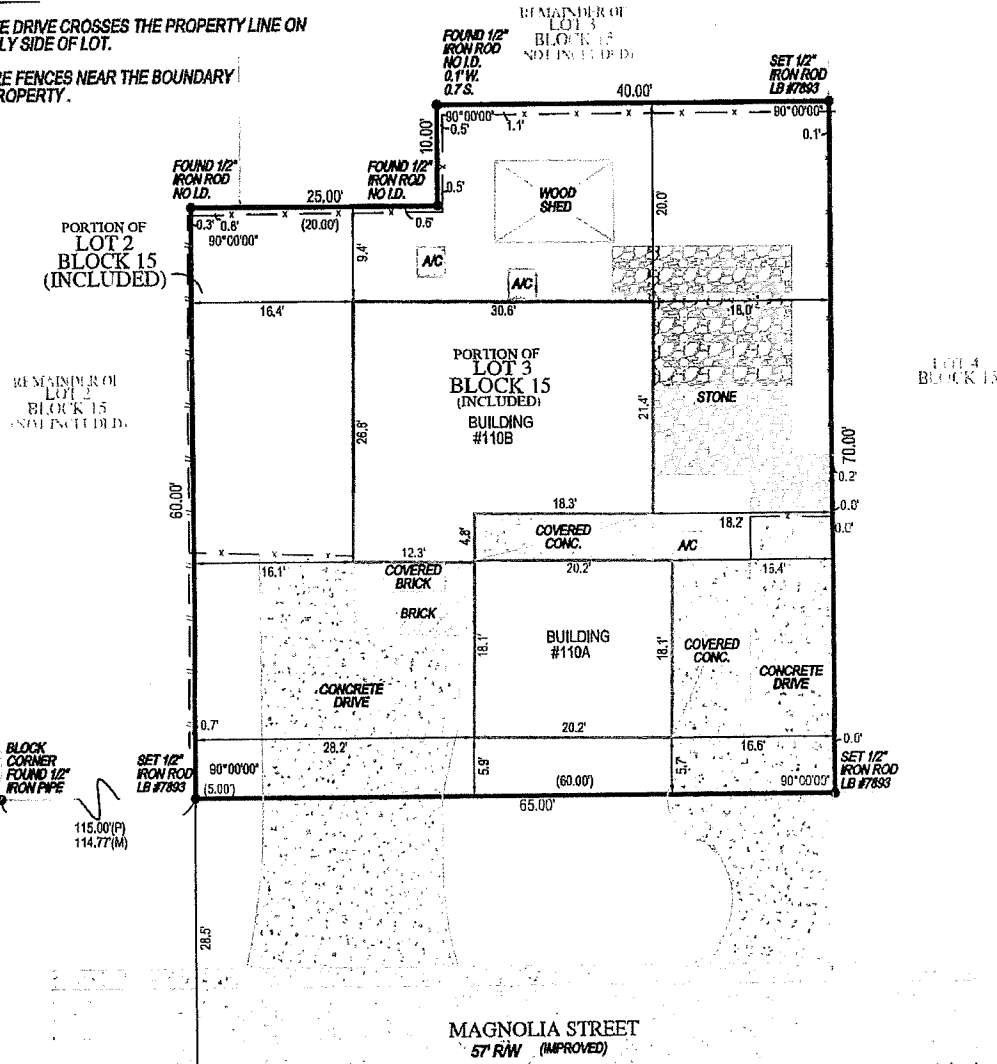
- *The new single family residence will be built to current standards and design to maximize the value of the property and enhance the value of adjacent properties.*
- E. Explain how the proposed variance is in harmony with the general intent of the Unified Land development Code.
- *Construction of a new single family residence will follow the most recent design guidelines set forth by the current building code to enhance the exterior design and improve the overall look of the quality of housing and neighborhood friendly design.*
- F. Explain how the need for the proposed variance has not been created by you or the developer?
- *The existing lot is sub-standard in terms of size and property shape.*
  - *The variance would be required to build a single family residence comparable in scale and value to neighboring properties.*
- G. Indicate how granting of the proposed variance will not confer upon you any special privileges that is denied by the code to other lands, buildings or structures in the same zoning district?
- *The single family residence would be comparable to adjacent homes and would not introduce any special privileges outside of similar homes in the area.*

# BOUNDARY SURVEY

**SURVEY NOTES**

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

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.



SCALE 1"=16'

BLOCK CORNER FOUND 1/2" IRON PIPE  
115.00'(P)  
114.77'(M)



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

*Kenneth Osborne*  
**Kenneth Osborne**

Digitally signed by Kenneth Osborne  
Date: 2022.01.20 18:41:46 -05'00'

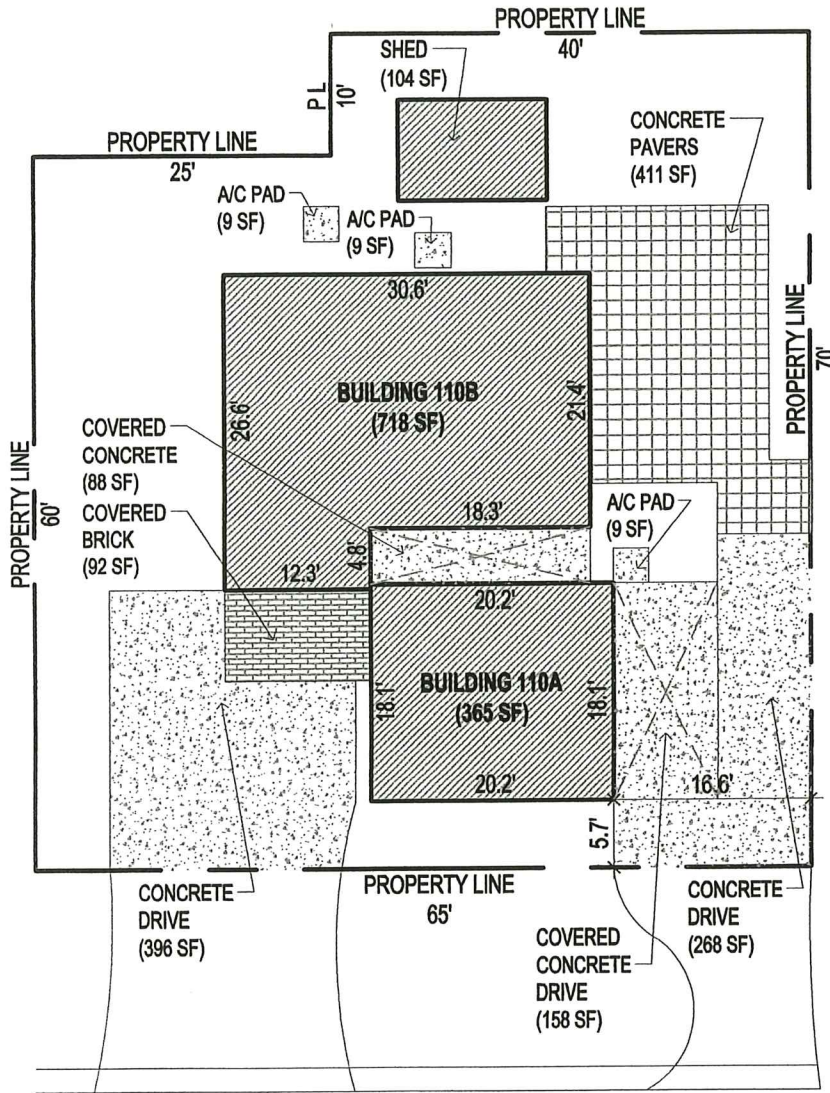
PAGE 2 OF 2 PAGES  
(NOT COMPLETE WITHOUT PAGE 1)



**TARGET SURVEYING, LLC**  
LB #7893

**SERVING FLORIDA**  
6260 N. MILITARY TRAIL, SUITE 102  
WEST PALM BEACH, FL 33407  
PHONE (561) 640-4800  
STATEWIDE PHONE (800) 226-4807  
STATEWIDE FACSIMILE (800) 741-0576  
WEBSITE: <http://targetsurveying.net>

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



MAGNOLIA STREET

1

**EXISTING SITE PLAN**

SCALE: 1/16" = 1'-0" (EXISTING SITE INFORMATION)

**PROJECT INFORMATION:**

PROJECT DESCRIPTION: NEW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE.

PROJECT ADDRESS: 110 MAGNOLIA STREET  
NEPTUNE BEACH, FL

LEGAL DESCRIPTION:

TAX ASSESSORS PARCEL NO.: 172662-0000

ZONE: R-4 (R-C OVERLAY)

LOT SIZE: 4,358 SF

CONSTRUCTION TYPE: TYPE V (UNSPRINKLED)

SETBACKS:

FRONT	10'
SIDE	7'
REAR	15'
MAX. BLDG. HEIGHT:	28'
NUMBER OF STORIES	2

**FAR (65%) ALLOWABLE**

LOT AREA: 4,358 SF

65% FAR ALLOWABLE = 2,833 SF

TOTAL SF 2,562 SF = 58% FAR

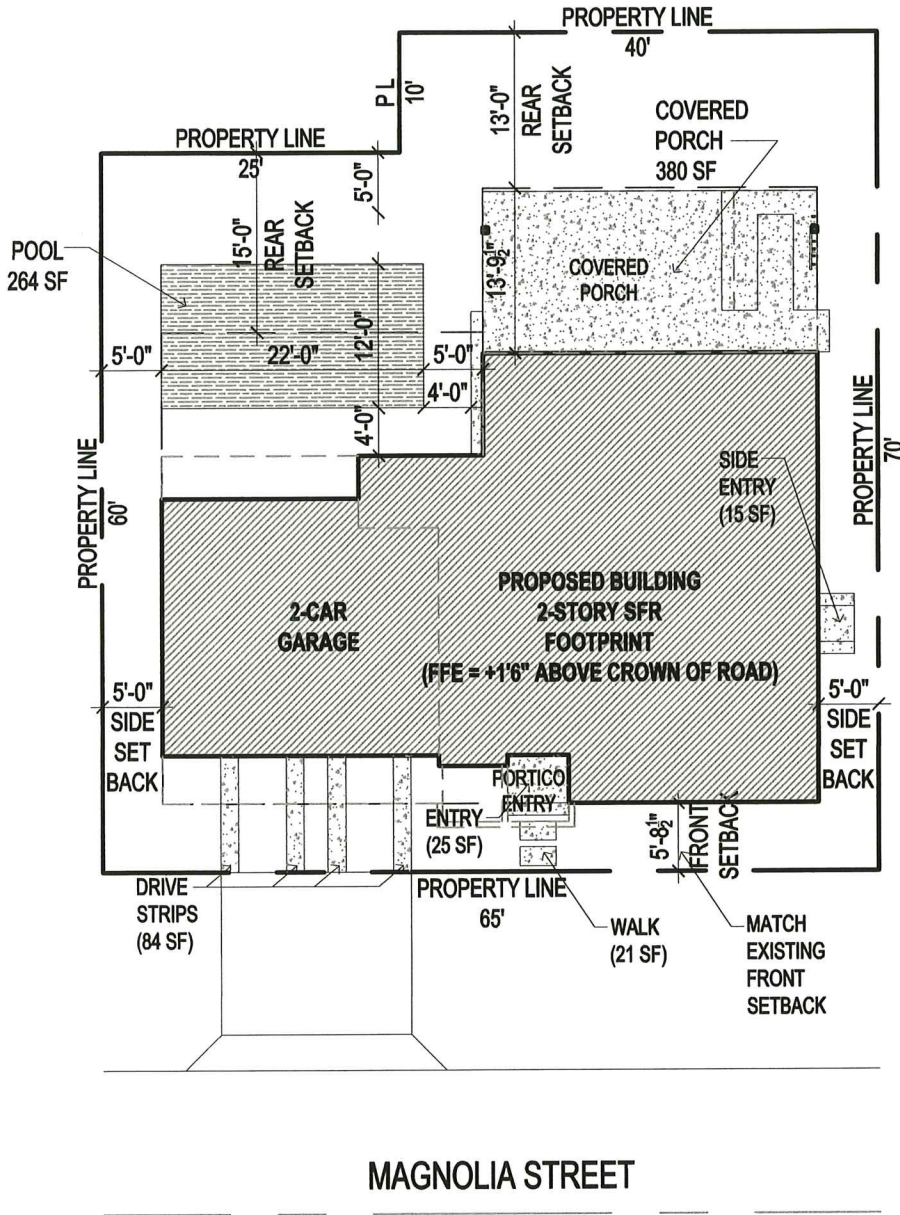
(SEE ATTACHED PROPERTY APPRAISER INFORMATION)

**LOT COVERAGE:**

LOT AREA: 4,358 SF

50% LOT AREA ALLOWABLE = 2,179 SF IMPERVIOUS

BUILDING 110A	365 SF
BUILDING 110B	718 SF
CONCRETE DRIVE WEST	396 SF
COVERED BRICK	92 SF
COVERED CONCRETE	88 SF
CONCRETE DRIVE EAST	268 SF
COVERED CONCRETE DRIVE	158 SF
CONCRETE PAVERS	411 SF
(3) A/C PADS	27 SF
SHED	104 SF
<b>TOTAL</b>	<b>2,891 SF = 66%</b>



**PROJECT INFORMATION:**

PROJECT DESCRIPTION: NEW CONSTRUCTION OF A SINGLE FAMILY RESIDENCE.  
 PROJECT ADDRESS: 110 MAGNOLIA STREET  
 NEPTUNE BEACH, FL

LEGAL DESCRIPTION:  
 TAX ASSESSORS PARCEL NO.: 172662-0000  
 ZONE: R-4 (R-C OVERLAY)  
 LOT SIZE: 4,358 SF  
 CONSTRUCTION TYPE: TYPE V (UNSPRINKLED)

SETBACKS:  
 FRONT 10'  
 SIDE 7' > REQUEST 5' SIDE YARD <  
 REAR 15' > REQUEST 13' REAR YARD <  
 MAX. BLDG. HEIGHT: 28'  
 NUMBER OF STORIES 2

**FAR (65%) ALLOWABLE**

LOT AREA: 4,358 SF  
 65% FAR ALLOWABLE = 2,833 SF

FLOOR 1 1,071 SF  
 FLOOR 2 2,112 SF  
 TOTAL A/C 3,082 SF  
 GARAGE 521 SF  
 TOTAL SF 3,704 SF = 85% FAR

> REQUEST 85% FAR <

**LOT COVERAGE:**

LOT AREA: 4,358 SF  
 50% LOT AREA ALLOWABLE = 2,179 SF IMPERVIOUS

BUILDING FOOTPRINT 1,592 SF  
 DRIVE STRIPS 58 SF  
 ENTRY PAD 25 SF  
 ENTRY WALKWAY 9 SF  
 EAST SIDE ENTRY 15 SF  
 REAR COVERED PORCH 380 SF  
 POOL 264 SF  
 TOTAL 2,343 SF = 53.8%

NOTE: CURRENT SITE IS 66% LOT COVERAGE

> REQUEST 53.8% LOT COVERAGE <

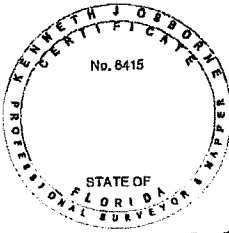
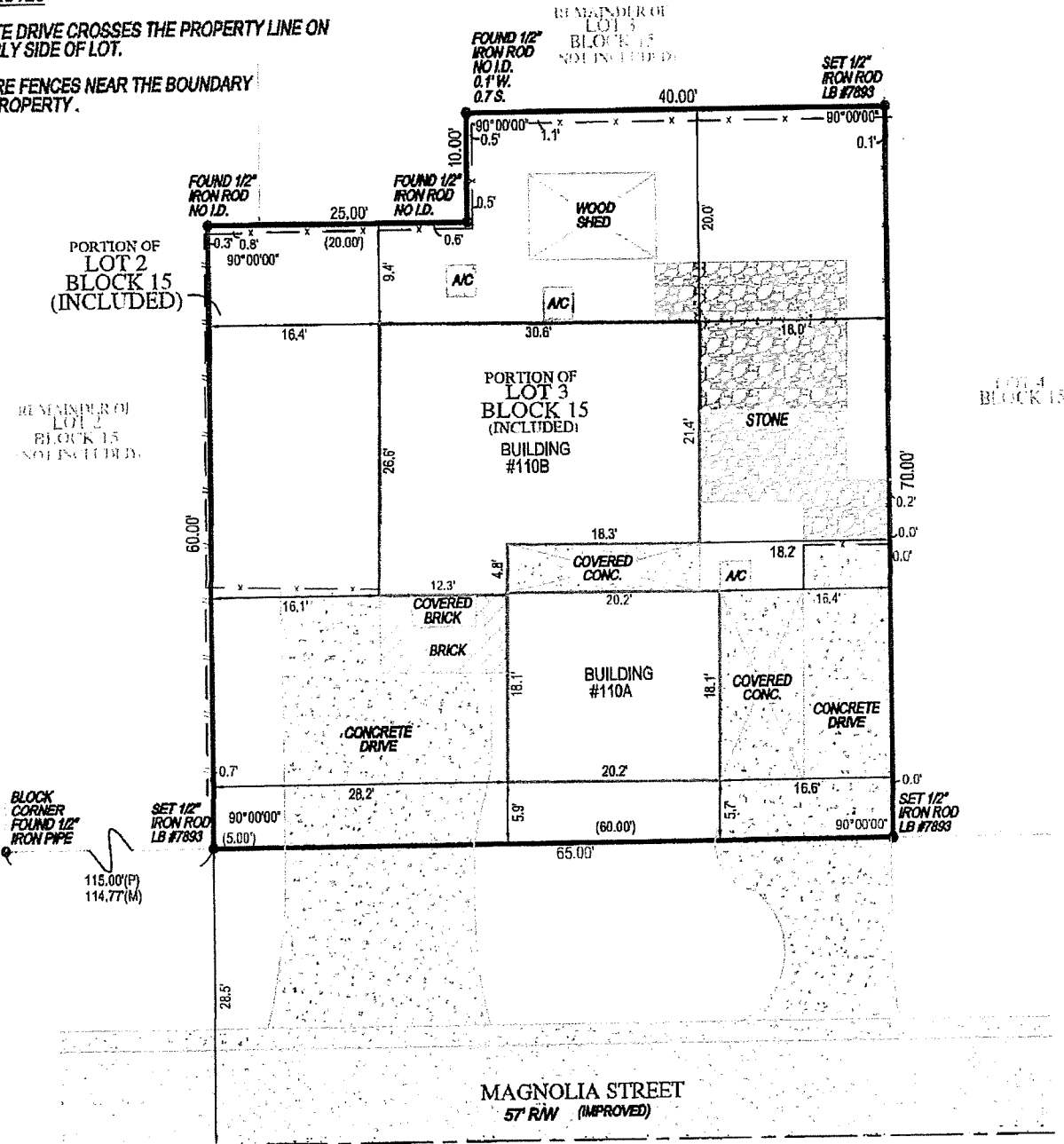
**1 PROPOSED SITE PLAN**  
 SCALE: 1/16" = 1'-0" (PROPOSED 85% VARIANCE FAR)

# BOUNDARY SURVEY

**SURVEY NOTES**

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

THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.



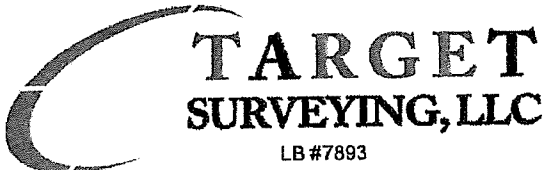
**SURVEYORS CERTIFICATE**

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

**Kenneth Osborne**  
 Digitally signed by Kenneth Osborne  
 Date: 2022.01.20 18:41:46 -05'00'

(SIGNED) *Kenneth Osborne*  
 KENNETH J OSBORNE  
 PROFESSIONAL SURVEYOR AND MAPPER #6415

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



**TARGET SURVEYING, LLC**  
 LB #7893  
 SERVING FLORIDA  
 6250 N. MILITARY TRAIL, SUITE 102  
 WEST PALM BEACH, FL 33407  
 PHONE (561) 640-4800  
 STATEWIDE PHONE (800) 226-4807  
 STATEWIDE FACSIMILE (800) 741-0576  
 WEBSITE: <http://targetsurveying.net>

# LEGAL DESCRIPTION AND CERTIFICATION

THE EAST 5 FEET OF THE SOUTH 60 FEET OF LOT 2, THE SOUTH 60 FEET OF THE WEST 20 FEET OF LOT 3, AND THE SOUTH 70 FEET OF THE EAST 40 FEET OF LOT 3, BLOCK 15, NEPTUNE, ACCORDING TO PLAT THEREOF, RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

Community Number: 120079 Panel: 0409 Suffix: J F.I.R.M. Date: Flood Zone: X Field Work: 1/19/2022

Certified To:  
KRISTI LYNNE MAIMONE AND SANTO MAIMONE, IV; GIBRALTAR TITLE SERVICES; OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY ; TRUIST

Property Address:  
110 MAGNOLIA STREET  
NEPTUNE BEACH, FL 32266














Survey Number: 521616

Client File Number: 21121854

### ABBREVIATION DESCRIPTION:

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


### SYMBOL DESCRIPTIONS:

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

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

### GENERAL NOTES:

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

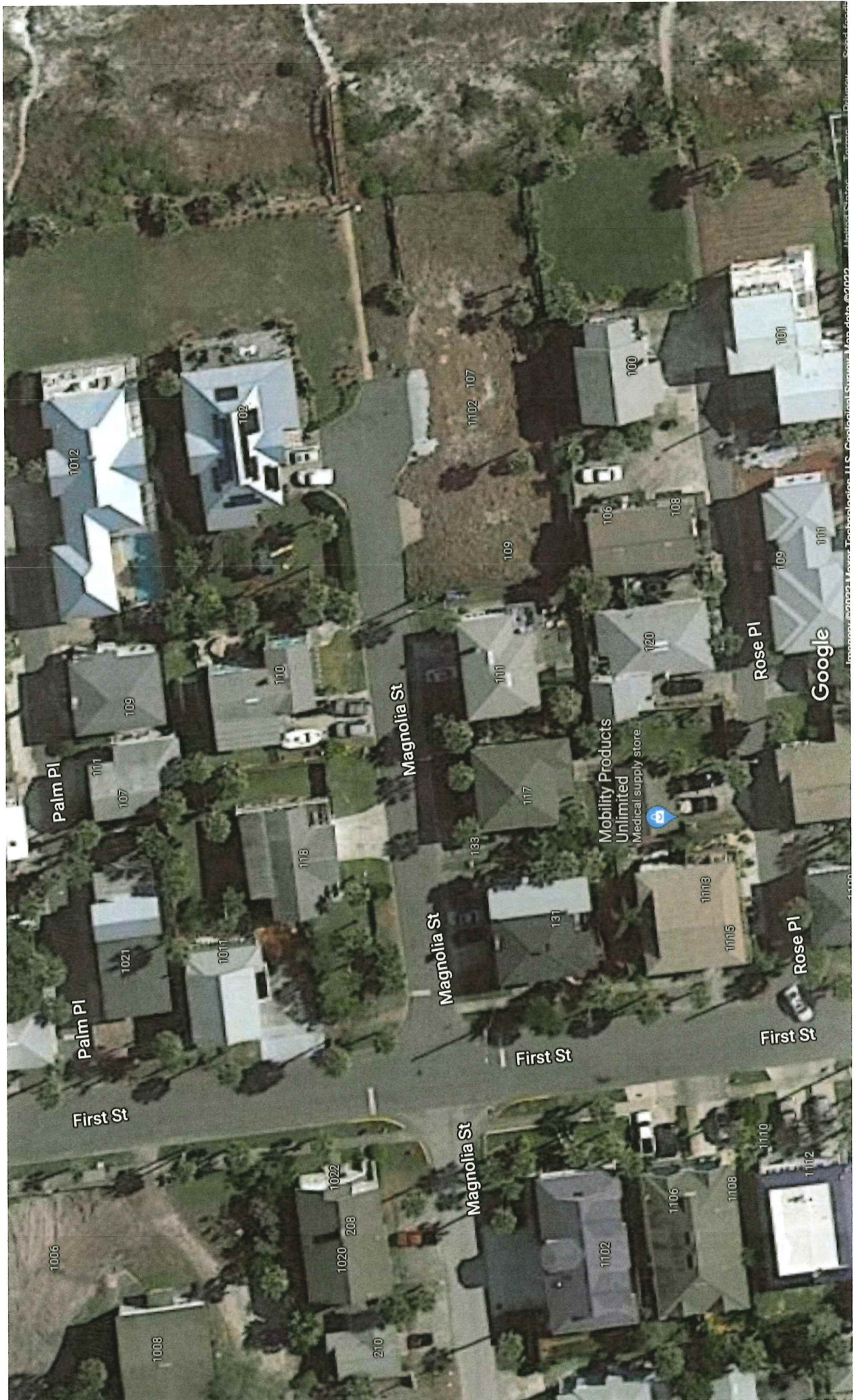


# TARGET SURVEYING, LLC

LB #7893

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





1006

1008

1020 208

210

First St

Palm Pl

1021

1011

1118

Palm Pl

1011

107

109

110

Magnolia St

Magnolia St

1133

First St

131

1117

Mobility Products Unlimited  
Medical supply store



120

106

108

109

1102 107

100

101

Rose Pl

109

Google

Rose Pl

First St

1113

1115

Magnolia St

1102

1106

1108

1110

1112



EXIST. BLDG.

110 MAGNOLIA STREET

Magnolia St

Magnolia St

Magnolia St

Magnolia St

Google

NOTE: EXISTING FRONT SETBACK = 5.7'

1021

1011

1009

102

110

1108

1011

1013

1002

107

