

V22-01

# 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@nbfl.us



**IMPORTANT NOTE: THE COMMUNITY DEVELOPMENT BOARD, IN CONSIDERING YOUR PETITION, IS ACTING IN AQUASI-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:	Zoning District: Residential R-1	Real Estate Parcel Number: Plat Book 54 Page 93, Book 11273 page 2448-2453, Book 14263 page 2438-2441
Name & Address of Owner of Record: HOA, Sunset Point Neptune Beach, Inc.  Contact phone number# John Pass:(914) 329-0973 : John Nevin, PE (904) 728-8722  e-mail address: jjpass3@gmail.com		Property Address: Tara Court, Neptune Beach, FL 32266  Number of units on property 13 lots  Have any previous applications for variance been filed concerning this property? Unknown  If Yes, Give Date: _____

Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows:

*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.*

1. Explain the proposed relief being sought from the code(s):

*The need for this variance is based on the fact that the Sunset Point community, including road way and drainage system, was designed and approved for development in 2001. CONB took over the roadway, Tara Court, in 2002. For the most part, current city codes were not in effect then. The developer did not complete a storm water system by 2006 when the storm water permit expired. The St. Johns River Water Management District (WMD) and the City of Neptune Beach (CONB) did not determine that the system had not been completed even as development and building of homes occurred. The WMD has since determined that the HOA must now construct and certify a storm water system for the community or face enforcement action. The community including the roadway and 12 out of 13 lots have been fully developed and now requires a storm water plan that must meet the WMD standards and can also be integrated with the existing roadway and developed properties without causing major damage to driveways, large trees, landscape, and other infrastructure. The WMD has approved permit 70456-7 (Attachment #1) that meets their standards. Approval from CONB is now needed. See current pictures of community (Attachment #2). See plat and associated deed documents (Attachment #3)*

*Variance from Section 27-519 as follows:*

*(b) Conveyance System Design: Because the WMD approved system (70456-7) as well as the original permitted system (70456-1, now expired) involve swales and pipes under driveways, we need a variance from this requirement. The only storm sewer calculations were done by the original engineer for the two C-Inlets with associated 15" pipe that were constructed and which are currently working. We are designing a system of swales and small bleed down pipes to mostly allow the stormwater to percolate and meet the WMD 3 Yr – 1 hr swale design or simple retention system percolation design. Some of the swales are interconnected with 6 or 8 inch PVC pipes to allow the water in the swales to slowly work its way to the weir and outfall piping system. We did not calculate the runoff through the system; we only met the requirements of the WMD for both retention and the 3 year 1 hour storm event. See Calculations as approved by the WMD for Permit # 70456-7, along with percolation data (Attachment #4), and the Storm Tabs (Attachment #5). The percolation data and Storm Tabs data were provided by Connolly & Wicker (C&W), the original engineer for Sunset Point, in 2001, and approved as part of 70456-1 by the WMD and CONB. Also*

see the Site Plan for 70456-7 (Attachment# 6) and Survey (Attachment# 7).

(c) SWMF. Because we drain directly to the Inter Coastal Water Way (ICWW), the WMD did not require proof of meeting pre/post criteria. However because of the new system design which includes small pipes under some driveways and most of the stormwater percolating into the ground, we anticipate the site does meet pre/post for most storm events. This designed system of dry retention swales will be constructed and maintained by the HOA. They include the 12' of clear access required by the CONB. The system of swales will dry up in less than 72 hours as demonstrated in the WMD calculations. We have included the percolation tests run by the original engineer and the new calculations as well (Attachment #4).

(d) Streets and road drainage: The existing roadway has ribbon curb instead of curb and gutter. This was allowed when this road was built and accepted by the CONB on February 5, 2002. There are no curb inlets since there are no curbs. As noted in item (d) ribbon curbs and road side swales are allowed in Low Impact Developments (LID) projects. Our newly designed swales meet the rules under this allowance as they are mostly designed with a 6:1 side slopes and can be constructed without removing any trees.

(e) Attenuation: Because the ultimate outfall of this system drains directly to the ICWW the WMD did not require proof of meeting pre/post criteria. It is understood that you cannot cause flooding to the ICWW. However because of the system design including small pipes and much of the stormwater percolating into the ground instead of just flowing through a pipe network, it is anticipated the site does meet pre/post for most storm events. The Original design (70456-1) approved by the WMD and CONB in 2001 also did not include pre/post calculations.

(f) Storm Sewers and culverts: The system permitted with the WMD (70456-7) includes swales and 6" or 8" PVC/Ductile Iron pipes under some of the existing driveways. Due to how shallow the new system needs to be constructed in order to drain to the existing outfall, we could not get City standard pipes (15") to work. While we would never say this system can handle every storm event, it is believed this system will be a huge improvement over what is currently in place. The original design called for 12" culverts under the driveways, and limited each driveway to only 12 feet wide. The WMD approved these smaller pipes (70456-7) and asserted they be maintained and jetted clean as needed to prevent blockage. The HOA has agreed to maintain these pipes and swales clean and in working order. This requirement is in the HOA Covenants and Restrictions and as per CONB requirements.

## 2. Explain the purpose of the variance (if granted)?

The original stormwater collection and treatment system which was designed (by C&W) and permitted by the WMD (# 70456-1) and CONB was never completed and certified by Jarrett Development Company (Developer) as required under both permits. This was brought to the attention of the WMD by one of the Homeowners in June, 2017. It was at this point that the WMD realized, the stormwater system was never completely constructed nor was it inspected and certified by the Engineer of Record. WMD Permit # 70456-1 was also never transferred from the developer to the HOA. Due to the realization that the WMD mishandled the permit, they recommend the HOA hire an Engineer and submit a modified plan to be permitted and constructed. This effort became permit # 70456-7. The intent now is to construct this modified permit # 70456-7, approved on June 11, 2020 and expires on June 12, 2022. The process to get to this agreed upon permit was very lengthy and time consuming. The design does meet the WMD required stormwater treatment while at the same time having as minimal impact on the large trees, driveways and constructed homes. On the north side of Tara Court, some of the swales constructed will be within the CONB Right of Way (ROW), while other portions will be in private HOA drainage easements. Therefore the HOA needs an ROW permit from the CONB which has proven difficult. We have already submitted for ROW permit on three different occasions. If this variance application is approved, we will again submit for a CONB ROW permit. Failure to build the WMD approved and required system by June, 2022 will result in enforcement actions which include daily fines. This system cannot be built entirely in the existing 25' drainage easement because of existing trees (some protected), width of driveways, and other infrastructure such as underground gas tanks. Our revised plans create a LID for this community, which is not possible without utilizing some CONB ROW. This is further explained below in 3A.

## 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.

*Construction and certification of the original WMD permit #70456-1 for required storm water management system was never completed by developer. The WMD did not realize this violation until 2017 after 11 out of 13 homes were constructed and approved for occupancy by the CONB. If the HOA were to build the stormwater system in accordance with the original plans (WMD Permit # 70456-1) which would not be in the CONB ROW it would require demolishing approximately 8,000 sf of existing private driveways and 220 inches of large specimen trees as well as landscape and impact other infrastructure such as mailboxes and underground gas tanks. The driveways would then need to be reconstructed so that they are no larger than 12' wide, in accordance with the calculations done by C&W.*

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

*Because was not sufficient land set aside to build a stormwater treatment pond, then the only way to actually treat the site created stormwater is to build a swale retention system as was originally designed and permitted by both the WMD and the CONB. Also due to the existing conditions of the community, the best and most environmentally friendly way to install this system is to put it near the roadway. This will eliminate the need to demolish 220 inches of existing trees on the site. The pipe sizes of 6" and 8" are the largest we can do without re-grading everyone driveways and possibly the outfall system. These pipes can be bored under the driveways in most cases, eliminating the need to disturb the ground.*

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

*First of all currently there is little to no drainage swales, pipes or overall system inside of Sunset Point. Thus anything we do to improve the situation will actually benefit the adjacent and nearby properties and public. The system of swales and pipes we are installing has been deemed appropriate and meeting state standards by the WMD and therefore they permitted our design. Before this permit # 70456-7 (which requires the variance) could be approved; it had to be publically advertised for possible appeal or complaint from the public (none processed). The City roadway, Tara Court, only serves the homes within Sunset Point, and thus there will no impact to any other residences. Tara Court was constructed in early 2000's and has remained exactly the same since then with no issues. Our only goal is to add a stormwater treatment swale system as required and permitted by the WMD. All of these steps were approved by the Community HOA board. The Special assessments required to construct these improvements were also approved by the Board. The majority of homeowners within Sunset Point have indicated approval of the construction of the 70456-7 system. The minutes of these votes (Attachment #8 ) are included with this submittal.*

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

*Currently, selling homes inside of Sunset Point is negatively impacted due to the fact that the HOA is under a non compliance order by the WMD to construct a storm water system as soon as possible. Once this work is completed, this negative impact will be removed. A stormwater management system is required for proper treatment and flow of storm water which will benefit the community and area. The system is a system of roadside swales with inter-swale connecting culverts under driveways which is common for this area. This system of swales can only help drain the community faster and help to reduce standing water inside the community. Rather water simply*

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

*The main goal of the ULDC is to protect the health and welfare of the community. Currently inside of Sunset Point a subdivision consisting of 13 lots and approximately 650 of roadway are built without the benefit of a stormwater collection, treatment and discharge system. Because this was done by developer and allowed by all agencies, the WMD agreed to work with the community to come up with an affordable solution which met State Standards. This solution is WMD Permit # 70456-7. While this system does not meet some of today's codes within the CONB, it does provide a good solution for a 20 year old mistake made by many. While the cost to install this system is not cheap to a 13 lot community, it is probably less than half the price of installing what was permitted back in 2001. That system had to be installed prior to the homes and driveways. Now that those elements are built, it is too costly and destructive to go back to that alternative, and the WMD agreed with this.*

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

*Certainly the developer (who subsequently closed his corporation under which this community was built) was responsible for ensuring the completion of the storm water system. This was not done. The developer failed to build all the required swales and did not conduct any inspections to ensure homes were being built prior to 2006 with the required swales and with the connecting pipes under the appropriately sized driveways. The WMD by their own admission said they mismanaged the permit and failed to obtain an as built certificate from the developer or perform a final inspection necessary to ensure compliance and enable transfer of the permit to the HOA. To this day the developer is the owner of record for the permit which has expired. The developer simply left it up to the home owners and home builders to ensure the system was fully completed and functioning properly, which is not legal according to the SJWMD. When the WMD finally inspected the community in 2017, they noted a lack of swales for all the lots and the lack of any connecting pipes except for 2 adjoining lots. The CONB accepted the roadway in 2002 after it was constructed but failed to note the lack of swales in the community or the lack of swales and driveway culverts for homes that were provided a CO. Therefore the regulatory agencies appeared to have approved this community as having a completed storm water system when in fact it was not completed. The homeowners, (original and new) are now left with the responsibility to design and construct a system. We now appeal to the CONB to allow the HOA to correct this wrong by allowing this variance.*

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.

*First of all for a community to get to the same situation as this community, there would need to be laws broken by the developer. There would need to be mistakes made by regulatory agencies. This community would not be asking for these variances if the homes and road were not already built. These variances are being requested because the community has already been constructed and in place for years. The alternative would be extremely expensive and highly destructive to the existing driveways, infrastructure, and environment. After driving through nearby communities, there are some in the vicinity with the same roadway and drainage system we are requesting. Thus this variance will not create an unusual situation as it is not uncommon to the area. Also having stormwater refill the groundwater aquifer instead of just discharging into the ICWW is much better for the environment and can help prevent salt water intrusion which is a serious issue in South Florida. Because of the high infiltration rate of the soils, most of the runoff should percolate into the ground prior to reaching the existing pipes at the western side of the community. Once constructed, the HOA is required to maintain this system, which will significantly improve the drainage within the community.*

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. CITY MANAGER HAS ALLOWED SURVEY FROM LATE 2019, as per email Sunset Point HOA – R/W Use Permit July 6, 2012**

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)

\_\_\_\_\_

ADDRESS OF PROPERTY OWNER

\_\_\_\_\_

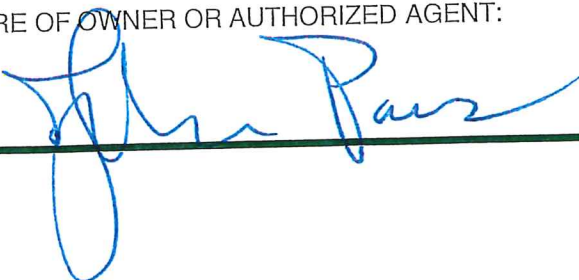
NAME OF AUTHORIZED AGENT

John Pass HOA Board VP

ADDRESS OF AUTHORIZED AGENT

2020 Tara Court  
Neptune Beach  
FL

SIGNATURE OF OWNER OR AUTHORIZED AGENT:



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

*N/A as per City Attorney*

**\*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.\***

\_\_\_\_\_ is hereby authorized TO ACT ON BEHALF OF  
\_\_\_\_\_, the owner(s) of those lands described within the attached application, and as de

BY:

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

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
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: \_\_\_\_\_

**SUBMISSION AND REVIEW PROCESS DATES FOR THE COMMUNITY DEVELOPMENT BOARD**

Submission of plans by these deadline days **does not** guarantee automatic scheduling of review by the Community Development Board (CDB) for that meeting date. Submission or





# St. Johns River

## Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • 386-329-4500  
On the internet at [www.sjrwmd.com](http://www.sjrwmd.com).

Attachment #1

June 11, 2020

Charles H Armstrong  
Sunset Point Homeowners Association of Neptune Beach, Inc.  
12620-3 Beach Blvd.  
Suite 301  
Jacksonville, FL 32246

SUBJECT: 70456-7  
Sunset Point

Dear Sir/Madam:

Enclosed is your individual permit issued by the St. Johns River Water Management District on June 11, 2020. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

### Technical Staff Report:

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting). Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number and then on the TSR folder.

### Noticing Your Permit:

For noticing instructions, please refer to the noticing materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become non-final and any activities that you choose to undertake pursuant to your permit will be at your own risk. Please refer to the attached Notice of Rights to determine any legal rights you may have concerning the District's agency action.

### Compliance with Permit Conditions:

To submit your required permit compliance information, go to the District's website at [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting). Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form. The forms to comply with your permit conditions are available at [www.sjrwmd.com/permitting](http://www.sjrwmd.com/permitting) under the section "Handbooks, forms, fees, final orders". Click on forms to view all permit compliance forms, then scroll to the ERP application forms section and

### GOVERNING BOARD

Douglas Burnett, CHAIRMAN  
ST. AUGUSTINE

Ron Howse, TREASURER  
COCO

Douglas C. Bourmique  
VERO BEACH

Susan Dolan  
SANFORD

1/2

select the applicable compliance forms. Alternatively, if you have difficulty finding forms or need copies of the appropriate forms, please contact the Bureau of Regulatory Support at (386) 329-4570.

**Transferring Your Permit:**

Your permit requires you to notify the District within 30 days of any change in ownership or control of the project or activity covered by the permit, or within 30 days of any change in ownership or control of the real property on which the permitted project or activity is located or occurs. You will need to provide the District with the information specified in rule 62-330.340, Florida Administrative Code (F.A.C.). Generally, this will require you to complete and submit Form 62-330.340(1), "Request to Transfer Permit," available at <http://www.sjrwmd.com/permitting/permitforms.html>.

Please note that a permittee is liable for compliance with the permit before the permit is transferred. The District, therefore, recommends that you request a permit transfer in advance in accordance with the applicable rules. You are encouraged to contact District staff for assistance with this process.

Thank you and please let us know if you have additional questions. For general questions contact [e-permit@sjrwmd.com](mailto:e-permit@sjrwmd.com) or (386) 329-4570.

Sincerely,



Michelle Reiber, Bureau Chief  
Division of Regulatory Services  
St. Johns River Water Management District  
525 Community College Parkway, S.E.  
Palm Bay, FL 32909  
(321) 409-2129

Enclosures: Permit  
Notice of Rights  
List of Newspapers for Publication

cc: District Permit File

John Easley Nevin  
Nevin Engineering Services  
701 Market Street  
Suite 106-B  
St. Augustine, FL 32095



**ST. JOHNS RIVER WATER MANAGEMENT DISTRICT**  
**Post Office Box 1429**  
**Palatka, Florida 32178-1429**

**PERMIT NO:** 70456-7

**DATE ISSUED:** June 11, 2020

**PROJECT NAME:** Sunset Point

**A PERMIT AUTHORIZING:**

Construction of a modified Stormwater Management System with stormwater treatment by retention and swales for the Sunset Point development, a 0.2 - acre project to be constructed and operated as per plans received by the District on June 8, 2020.

**LOCATION:**

Section(s): 38  
Duval County

Township(s): 2S

Range(s): 29E

**Receiving Water Body:**

Name	Class
Intracoastal Waterway	III Marine

**ISSUED TO:**

Sunset Point Homeowners Association of Neptune Beach, Inc.  
12620-3 Beach Blvd.  
Suite 301  
Jacksonville, FL 32246

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

**PERMIT IS CONDITIONED UPON:**

See conditions on attached "Exhibit A", dated June 11, 2020

**AUTHORIZED BY:** St. Johns River Water Management District  
Division of Regulatory Services

By:



Cammie Dewey  
Environmental Resource Program Manager

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**"EXHIBIT A"**  
**CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 70456-7**  
**Sunset Point**  
**DATED June 11, 2020**

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice," (October 1, 2013) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), incorporated by reference herein, indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C., and shall be submitted electronically or by mail to the Agency. However, for activities involving more than one acre of construction that also require a NPDES stormwater construction general permit, submittal of the Notice of Intent to Use Generic Permit for Stormwater Discharge from Large and Small Construction Activities, DEP Form 62-621.300(4)(b), shall also serve as notice of commencement of construction under this chapter and, in such a case, submittal of Form 62-330.350(1) is not required.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
  - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated with a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
  - b. For all other activities — "As-Built Certification and Request for Conversion to Operation Phase" [Form 62-330.310(1)].

- c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
- a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.4 of Volume I) as filed with the Florida Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
  - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation and Maintenance Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
- a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
  - b. Convey to the permittee or create in the permittee any interest in real property;
  - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
  - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the District in writing:
- a. Immediately if any previously submitted information is discovered to be inaccurate; and
  - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall

request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850) 245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, F.S. For project activities subject to prior consultation with the DHR and as an alternative to the above requirements, the permittee may follow procedures for unanticipated discoveries as set forth within a cultural resources assessment survey determined complete and sufficient by DHR and included as a specific permit condition herein.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
20. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any



time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

21. This permit does not authorize the permittee to cause any adverse impact to or "take" of state listed species and other regulated species of fish and wildlife. Compliance with state laws regulating the take of fish and wildlife is the responsibility of the owner or applicant associated with this project. Please refer to Chapter 68A-27 of the Florida Administrative Code for definitions of "take" and a list of fish and wildlife species. If listed species are observed onsite, FWC staff are available to provide decision support information or assist in obtaining the appropriate FWC permits. Most marine endangered and threatened species are statutorily protected and a "take" permit cannot be issued. Requests for further information or review can be sent to [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com).
22. The storm water management system must be constructed and operated in accordance with the plans received by the District on June 8, 2020.
23. This permit does not authorize impacts to wetlands or any other surface waters.
24. This permit for construction will expire two years from the date of issuance.
25. Construction of the stormwater management system as depicted on the plans received by the District on June 8, 2020, must be completed within nine (9) months of permit issuance.











3/3







# SUNSET POINT

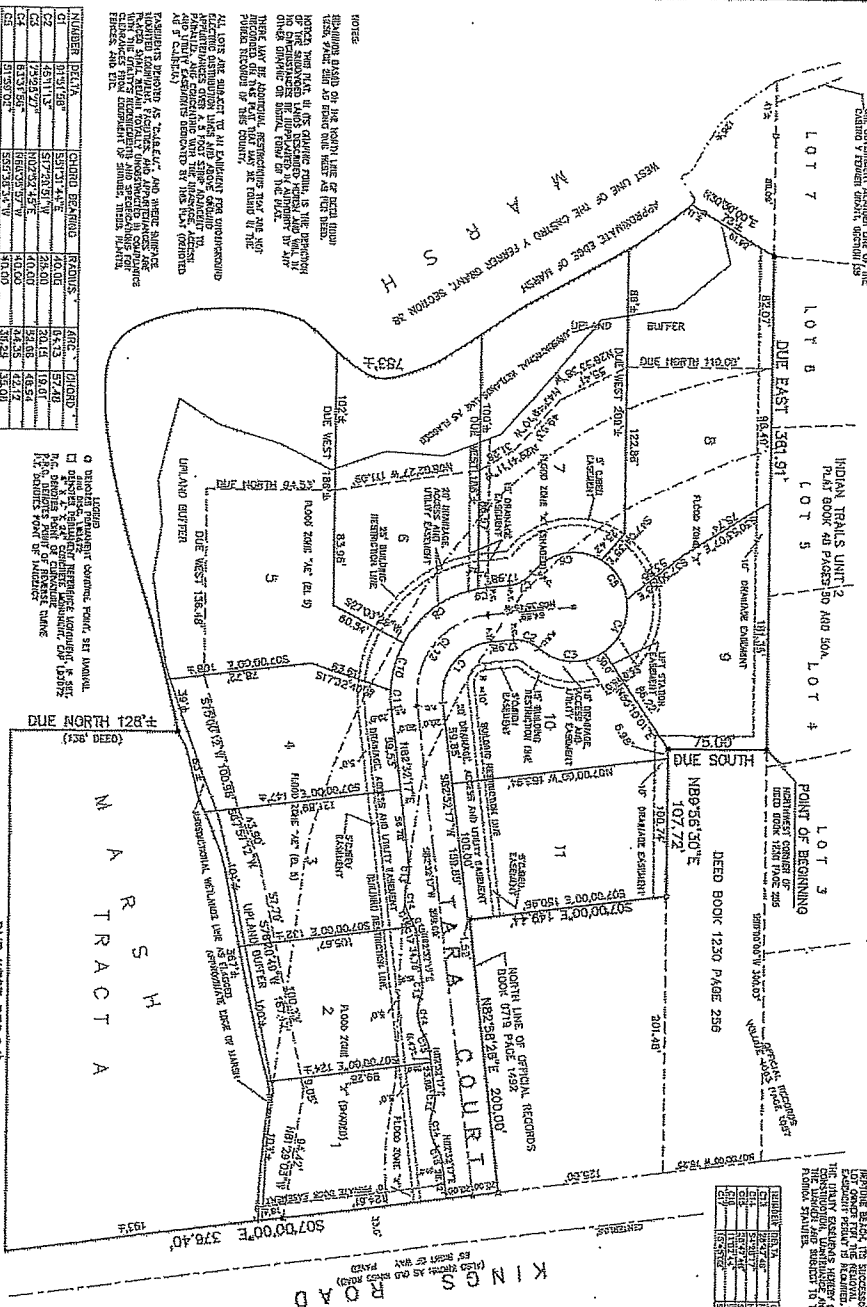
CITY OF NEPTUNE BEACH, FLORIDA  
A PART OF THE CASTRO Y FERRER GRANT, SECTION 36,  
TOWNSHIP 2 SOUTH, RANGE 29 EAST, DUVAL COUNTY, FLORIDA.

PLAT BOOK 54 PAGE 93A

SHEET 2 OF 2

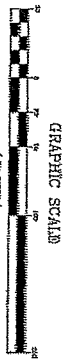
THE FOLLOWING SUBDIVISION HAS BEEN APPROVED AS SHOWN BY THE ATTACHED MAP, AND THE CITY OF NEPTUNE BEACH, FLORIDA, HAS AGREED TO ACCEPT THE SAME FOR RECORD. THE CITY ENGINEER HAS REVIEWED THE MAP AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE CITY ENGINEERING DEPARTMENT'S STANDARDS AND SPECIFICATIONS. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OF THE INFORMATION CONTAINED THEREIN.

NUMBER	AREA	PERCENT	AREA	PERCENT
1	1.00	100.00	1.00	100.00
2	1.00	100.00	1.00	100.00
3	1.00	100.00	1.00	100.00
4	1.00	100.00	1.00	100.00
5	1.00	100.00	1.00	100.00
6	1.00	100.00	1.00	100.00
7	1.00	100.00	1.00	100.00
8	1.00	100.00	1.00	100.00
9	1.00	100.00	1.00	100.00
10	1.00	100.00	1.00	100.00
11	1.00	100.00	1.00	100.00
12	1.00	100.00	1.00	100.00
13	1.00	100.00	1.00	100.00
14	1.00	100.00	1.00	100.00
15	1.00	100.00	1.00	100.00
16	1.00	100.00	1.00	100.00
17	1.00	100.00	1.00	100.00
18	1.00	100.00	1.00	100.00
19	1.00	100.00	1.00	100.00
20	1.00	100.00	1.00	100.00



NUMBER	AREA	PERCENT	AREA	PERCENT
1	1.00	100.00	1.00	100.00
2	1.00	100.00	1.00	100.00
3	1.00	100.00	1.00	100.00
4	1.00	100.00	1.00	100.00
5	1.00	100.00	1.00	100.00
6	1.00	100.00	1.00	100.00
7	1.00	100.00	1.00	100.00
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9	1.00	100.00	1.00	100.00
10	1.00	100.00	1.00	100.00
11	1.00	100.00	1.00	100.00
12	1.00	100.00	1.00	100.00
13	1.00	100.00	1.00	100.00
14	1.00	100.00	1.00	100.00
15	1.00	100.00	1.00	100.00
16	1.00	100.00	1.00	100.00
17	1.00	100.00	1.00	100.00
18	1.00	100.00	1.00	100.00
19	1.00	100.00	1.00	100.00
20	1.00	100.00	1.00	100.00

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KINGS ROAD

PLAT BOOK 54 PAGE 93A

2/12

Prepared by, record and return to:

Fred L. Ahern, Jr.  
Buschman, Ahern, Persons & Bankston  
2215 South Third Street, Suite 101  
Jacksonville Beach, FL 32250  
06-0101

Doc # 2008118409, OR BK 13177 Page 350,  
Number Pages: 4  
Filed & Recorded 04/05/2006 at 11:55 AM,  
JIM FULLER CLERK CIRCUIT COURT DUVAL COUNTY  
RECORDING \$35.50

*Incorporation of Lot 12*

*Re-recorded to include corrected  
adjustable Rate Rider*

*with  
Sunset*

*Point*

**SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR SUNSET POINT**

This Supplemental Declaration of Covenants and Restrictions for Sunset Point ("Supplemental Declaration") is made effective March 31, 2006, by **Sunset Point Homeowners Association of Neptune Beach, Inc.** ("Association") and **Michael McPhail and Kelly McPhail**, husband and wife ("McPhails").

**WITNESSETH:**

**WHEREAS**, the Declaration of Covenants, Conditions and Restrictions for Sunset Point has been recorded in Official Records Book 10433, at page 1876, as supplemented by that Supplemental Declaration of Covenants and Restrictions For Sunset Point, dated August 1, 2003, recorded in Official Records Book 11273, Page 2448, all of the public records of Duval County, Florida (together, the "Declaration"); and

**WHEREAS**, the Developer in the Declaration, has assigned all of the Developer's rights therein to the Association.

**WHEREAS**, McPhails own certain real property more particularly described on Exhibit "A" attached hereto and made a part hereof (the "Property"); and

**WHEREAS**, the parties to this Supplemental Declaration desire to subject the Property to all of the terms, conditions and provision contained in the Declaration.

**NOW, THEREFORE**, the parties hereby declare that:

1. All capitalized terms contained in this Supplemental Declaration shall have the same meanings as such terms are defined by the Declaration.
2. All of the Property and any portion thereof shall be held, transferred, sold and conveyed and occupied subject to all covenants, restrictions, easements, charges and liens and all other matters as set forth in the Declaration as amended from time to time. In the event of conflict between the Declaration and this Supplemental Declaration, this Supplemental Declaration shall control.
3. Except as specifically supplemented hereby, the Declaration shall remain in full force and effect as originally executed and recorded.

4. This Supplemental Declaration shall become effective upon its recordation in the public records of Duval County, Florida.

IN WITNESS WHEREOF, the parties have caused this instrument to be duly executed as of the day and year first above written.

Signed, sealed and delivered  
in the presence of:

Sunset Point Homeowners Association of  
Neptune Beach, Inc., a Florida  
Corporation

By: [Signature]  
Phillip J. May, as its President

[Signature]  
First Witness Signature  
DALE TOPOLSKI

First Witness Printed Name

[Signature]  
Second Witness Signature  
Fred L. Ahern Jr

Second Witness Printed Name

[Signature]  
First Witness Signature  
DALE TOPOLSKI

First Witness Printed Name

[Signature]  
Second Witness Signature  
Fred L. Ahern Jr

Second Witness Printed Name

[Signature]  
Michael McPhail

[Signature]  
Kelly McPhail

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me, this 28 day of March, 2006, by Phillip J. May, as President of Sunset Point Homeowners Association of Neptune Beach, Inc., a Florida corporation, on behalf of said corporation, who presented his driver's license as identification.



Notary Seal

[Signature]  
Notary Public



STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me, this 31 day of March, 2006,  
by Michael McPhail and Kelly McPhail, who presented their driver's licenses as identification.



Dale Topolski  
Notary Public

Notary Seal

**EXHIBIT "A"**

A part of the Castro Y Ferrer Grant, Section 38, Township 2 South, Range 29 East, Duval County, Florida, being more particularly described as follows: For a Point of Beginning commence at the Northeast corner of Lot 11, **SUNSET POINT**, as recorded in Plat Book 54, pages 93 and 93A of the current public records of said Duval County, Florida; thence North  $89^{\circ}56'30''$  East, along the South line of those lands described in Deed Book 1230, page 256 of said public records, a distance of 102.27 feet; thence South  $06^{\circ}22'02''$  East, a distance of 137.04 feet to the North right of way line of Tara Court, (a right of way of variable width); thence South  $82^{\circ}58'26''$  West, along said right of way line, a distance of 100.00 feet to the East line of aforementioned Lot 11; thence North  $07^{\circ}00'00''$  West, along said East line, a distance of 149.44 feet to the Point of Beginning.

THIS DOCUMENT PREPARED  
BY AND RETURN TO:

THOMAS M. JENKS, ESQ.  
PAPPAS METCALF JENKS & MILLER, P.A.  
245 RIVERSIDE AVENUE, SUITE 400  
JACKSONVILLE, FL 32202

Doc# 2003257523  
Book: 11273  
Pages: 2448 - 2453  
Filed & Recorded  
08/08/2003 09:01:33 AM  
JIM FULLER  
CLERK CIRCUIT COURT  
DUVAL COUNTY  
RECORDING \$ 25.00  
TRUST FUND \$ 3.50

*Incorporation of Lot 13  
with Sunset Point*

**SUPPLEMENTAL DECLARATION OF COVENANTS AND RESTRICTIONS  
FOR SUNSET POINT**

**THIS SUPPLEMENTAL DECLARATION** is made effective August 1, 2003, by  
**STEPHEN G. JARRETT and DAVID W. COLE, JR.** (together, the "Developer").

**WITNESSETH:**

**WHEREAS**, the Developer is the developer of certain real property more particularly  
described on the attached Exhibit A (the "Property"); and

**WHEREAS**, the Declaration of Covenants, Conditions and Restrictions for Sunset Point  
has been recorded in Official Records Book 10433, at page 1876, of the public records of Duval  
County, Florida (together, the "Declaration"); and

**WHEREAS**, the Developer desires to subject the Property to all of the terms, conditions  
and provision contained in the Declaration as provided for under the terms of Section 3.2 of the  
Declaration, and the owners of the Property have hereby consented thereto.

**NOW, THEREFORE**, the Developer hereby declares that:

1. All capitalized terms contained in this Supplemental Declaration shall have the  
same meanings as such terms are defined by the Declaration.
2. All of the Property and any portion thereof shall be held, transferred, sold and  
conveyed and occupied subject to all covenants, restrictions, easements, charges and liens and all  
other matters as set forth in the Declaration as amended from time to time. In the event of  
conflict between the Declaration and this Supplemental Declaration, this Supplemental  
Declaration shall control.
3. Except as specifically supplemented hereby, the Declaration shall remain in full  
force and effect as originally executed and recorded.
4. This Supplemental Declaration shall become effective upon its recordation in the  
public records of Duval County, Florida.


(13)

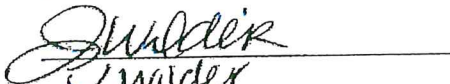
IN WITNESS WHEREOF, the Developer has caused this instrument to be duly executed as of the day and year first above written.


Signed, sealed and delivered  
in the presence of:



Fred L. Ahern Jr.  
(Print Name)

  
Robert Fleischmann  
(Print Name)

  
J. Wilder  
(Print Name)

  
Dale Topolsky  
(Print Name)

  
STEPHEN G. JARRETT

  
DAVID W. COLE, JR.

STATE OF FLORIDA

COUNTY OF Duval

The foregoing instrument was acknowledged before me this 4th day of August, 2003,  
by STEPHEN G. JARRETT.

  
(Print Name) FRED L. AHERN, JR.

NOTARY PUBLIC, State of Florida

Commission #

My Commission Expires:

Personally Known ☒

or Produced I.D. ☐

[check one of the above]

Type of Identification Produced

DRIVERS LICENSE



Fred L. Ahern, Jr.  
MY COMMISSION # DD209623 EXPIRES  
June 6, 2007  
BONDED THRU TROY FAIR INSURANCE, INC.

STATE OF FLORIDA )

COUNTY OF Duval )

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of August, 2003,  
by **DAVID W. COLE, JR.**

*Dale Topolski*  
(Print Name Dale Topolski)  
NOTARY PUBLIC, State of Florida  
Commission #  
My Commission Expires:             
Personally Known             
or Produced I.D.             
[check one of the above]  
Type of Identification Produced           







**CONSENT AND JOINDER TO SUPPLEMENTAL  
DECLARATION OF COVENANTS AND RESTRICTIONS FOR  
SUNSET POINT**

The undersigned do hereby consent to and join in the execution of the Supplemental Declaration of Covenants and Restrictions for Sunset Point to which this Consent and Joinder is attached (the "Supplemental Declaration") and by such consent and joinder, do hereby agree that any real property owned by the undersigned that is within the lands described by the Supplemental Declaration or any amendment or supplement thereto, shall hereafter be subject to all terms and provisions of the Declaration of Covenants and Restrictions for Sunset Point, as recorded in Official Records Book 10433, at page 1876 of the public records of Duval County, Florida.

Signed, sealed and delivered  
in the presence of:

  
Fred L. Ahern Jr.  
(Print Name)

X   
Robert Fleischmann  
(Print Name)

  
Fred L. Ahern Jr.  
(Print Name)

X   
Robert Fleischmann  
(Print Name)

  
STEPHEN G. JARRETT

  
ROBIN R. JARRETT

STATE OF FLORIDA )

COUNTY OF Duval )

The foregoing instrument was acknowledged before me this 4th day of August, 2003,  
by **STEPHEN G. JARRETT** and **ROBIN R. JARRETT**, his wife.

[Signature]  
(Print Name FRED L. AHERN, JR.)

NOTARY PUBLIC, State of Florida at Large

Commission # \_\_\_\_\_

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

Personally known ☒ or Produced ID \_\_\_\_\_

[check one of the above]

Type of Identification Produced

DRIVERS LICENSE



Fred L. Ahern, Jr.  
MY COMMISSION # DD209623 EXPIRES  
June 6, 2007  
BONDED THRU TROY FAIR INSURANCE, INC.

11/12

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12/12