



AGENDA
COMMUNITY DEVELOPMENT BOARD MEETING
February 12, 2025 AT 6:00 PM
116 FIRST STREET
NEPTUNE BEACH, FL 32266

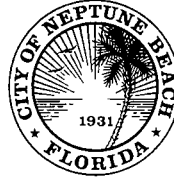
1. Call to Order and Roll Call
2. Pledge of Allegiance
3. Swearing in of new members
4. November 13, 2024 and January 8, 2025
5. **V25-02:** Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Linda A Olsen for the property is currently known 1409 Neptune Grove Drive W (RE# 172437-0000). The applicant requests a variance from Section 27-328 (a) (2) requiring a three foot side yard setback for accessory structures, and (5) to permit more than three (3) accessory structures per lot. The property is in the R-1 zoning district.
6. **V25-03:** Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Mitchell McCue for the property is currently known 1410 Florida Blvd (RE# 172437-0000). The applicant requests a variance from Section 27-328 and 27-231(b)(3) to permit the construction of an accessory structure to the west of the principal structure and to reduce the front yard setback requirement on Florida Blvd from 35 feet to 25 feet due to the shape of the lot. The property is in the R-1 zoning district.
7. **Code Discussion (Boats/RVs in Yards):** Sec. 27-335- Parking, Storage or Use Of Major Recreational Equipment.
8. **Article XVIII Nonconforming Lots, Structures, Uses and Signs.**
9. Subcommittee Reports
10. Open Discussion
11. Adjourn

Residents and Board Members attending public meetings can validate their parking at no cost by using the parking code

DD14

After 5:00 on the date of the meeting, follow these steps:

- Make sure you are parked in a North Beaches public parking space – we can't validate valet parking or parking in private lots.
- To use a kiosk: Press the Start button and then select 2 to enter your plate and the validation code.
- To use the Flowbird app: Tap the nearest yellow balloon and tap "Park here." From the payment screen, select "Redeem a code" at the top. Confirm your information and tap "Purchase" the price will show "Free."



MINUTES
COMMUNITY DEVELOPMENT BOARD
NOVEMBER 13, 2024 AT 6:00 P.M.
COUNCIL CHAMBERS
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held in person November 13, 2024, at 6:00 p.m. in the Council Chambers.

Attendance

Board members were in attendance:

Greg Schwarzenberger, Chair
Rene Atayan, Vice-Chair
Jonathan Raiti, Member
Tony Mazzola, Member
Rhonda Charles, Alternate Member

Lynda Padrta, Alternate Member

The following staff members were present:

Heather Whitmore, Community Development Director
Paul Waters, City Attorney
Piper Turner, Code Compliance Supervisor

**Call to
Order/Roll Call**

Vice-Chair Atayan called the meeting to order at 6:00 p.m.

Pledge

Pledge of Allegiance.

Minutes

Approval of Minutes for October 16, 2024.

MOTION: TO APPROVED THE OCTOBER 16, 2024 MEETING MINUTES, AS SUBMITTED.

Made by Padtra, seconded Mazzola.

Roll Call Vote:

Ayes: 6-Mazzola, Padtra, Charles, Raiti, Atayan, Schwarzenberger
Noes: 0

MOTION APPROVED.

**Code
Enforcement
Policy,
Procedures &
Priorities
Workshop**

Rico Armstrong, Code Enforcement Officer, gave an overview of the Role of Code Enforcement, Procedures, Policies, and City Ordinances.
The Power Point Presentation is included with the minutes.

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The floor was open for the Public to address the board.

Public
Comments

Rick Sauls, 126 Cedar St. stated that Covid changed everything. People have purchased items to have something to do. The Code did not keep with this. If RVs and boats are tagged and the properties East of 3rd St have enough room to park them in the back or side yards, then they should be allowed.

Mr. Boston stated there is no rear access to the backyards between 3rd and 5th Street. Modern boats are better looking than the older ones. There is no place for storage in Neptune Beach. Boats and RVs are not a threat, provided they are kept up.

Mr. Myers, 1923 Strickland Rd, parks his board on the gravel. Has a corner lot since his house is at Strickland/Strickland . There needs to be public education before enforcement. Can a variance be requested? There is room for improvement.

Gina Kline, 220 Myra St, has a small travel trailer that received a notice. She has a large garage that the trailer was moved to. Why now? Why is the City being proactive, now? The Code was deleted for several years and then reinserted. What changed?

Vanya Thompson, 528 Bay St, lives across the street from Jarboe Park on a corner lot and parks her trailer on the side of the house behind a fence. Can we impose a local law that can meet the needs of the public.

Deborah Bledsloe, 1440 Bucknoll Cove, Sees a lot of violations but has almost 14000 square feet of land. Has planted bushes long the property line it hide the RV from the public. They use it as an extra safety item during hurricanes. RVs and boats need to be tagged and maintained in order to be able to stay on the property.

Elaine Reese, 573 Valley Forge Rd, unloading RV after trip. Parks their RV on their private driveway. They have a corner lot.

Mr. Sink, 703 Lincoln Rd, stated they use their boat every couple of days and they too have a corner lot.

Board
Discussion
with staff:

Mr. Schwartzenberger: Mr. Armstrong was thrown to the wolves. It may have been better to talk about this beforehand. It has been a long time since Neptune Beach has had active Code Enforcement.

Mr. Mazzola: Wants to dig into the code and how they are being applied.

Mr. Waters, City Attorney, stated there is no variance process for code violations. Code cases are handled by a Special Magistrate who sets as a judge.

Ms. Whitmore stated that the code defines yards and that corner lots have two front yards. The corner side is the larger length and the primary front yard is where the house faces. Where the main front door is. Section 27-335 parking and storage of boats and recreational vehicles were dropped from the code during the rewrite by Dover Kohl. This section was put back in to the code in 2021.

Mrs. Atayan: Focus on safety and quality of life. Are you safe in your community. Are structures built correctly? Quality of life, what does affect you and your neighbors? Proactive defines where things can go? No one way or size fits all.

Mr. Raitti: Life safety is important. Lost of trees during construction. Tree roots of oaks need to be protected.

Ms. Padtra: Safety is first. Upkeep needs to be addressed due ot quality of life and values. Reactive code enforcement. There are people who make list of neighbors because they don't care for their neighbors.

The board needs to discuss definitions of yards and give recommendation of proactive versus reactive. How to treat cover lots and placement of boats and RVs on them.

Adjournment: Meeting was adjourned at 8:56 pm.

Greg Schwartzenberger, Chair

ATTEST:

Piper Turner, Board Secretary



CODE ENFORCEMENT COMMUNITY WORKSHOP AGENDA

- 1) Introductions
- 2) The Role Of Code Enforcement
 - a) Ensure All State And Local Land Development And Property Maintenance Codes Are Upheld In Our Community.
- 3) Enforcement Procedures
 - a) FS.162 "County Or Municipal Code Enforcement"
 - b) CONB Chapter 2 Division 2 "Code Enforcement Board"
 - c) CONB Chapter 28 "Nuisances"
- 4) Code Enforcement Policy
 - a) Reactive V. Proactive
 - b) Definition of Nuisance
 - c) Violation Timeline And Process
 - i) Property Notice
 - ii) Hearing
 - iii) Abatement By The City
 - iv) Levy or Special Assessment
- 5) City Ordinances
 - a) International Property Maintenance Code
 - b) Key Codes
 - i) Chapter 28 Nuisances
 - ii) Chapter 27 Land Development Code
 - c) Code Enforcement LDC Priority Ordinances
 - i) Sec. 27-330: Hedges In The Visibility Triangle
 - ii) Sec. 22-28/27-335: Boats And RV's In The Front Yard
 - iii) Unpermitted Structures
- 6) Board Q&A Session
- 7) Public Q&A And Feedback On Code
 - a) Q&A
 - b) Feedback On Policy
 - c) Feedback On Priorities
- 8) Board Feedback On Enforcement Policy And Priorities
- 9) Next Steps



CODE ENFORCEMENT COMMUNITY WORKSHOP

November 13, 2024



Agenda

- 1 Introductions
- 2 The Role of Code Enforcement
- 3 Enforcement Procedures
- 4 Code Enforcement Policy
- 5 City Ordinances
- 6 Board Q&A Session
- 7 Public Feedback
- 8 Board Feedback
- 9 Next Steps



Introductions

- Purpose
- Process
- Who's who

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- Purpose
 - Inform
 - What's going on and why we are here

Education over Compliance

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The beginning of the process

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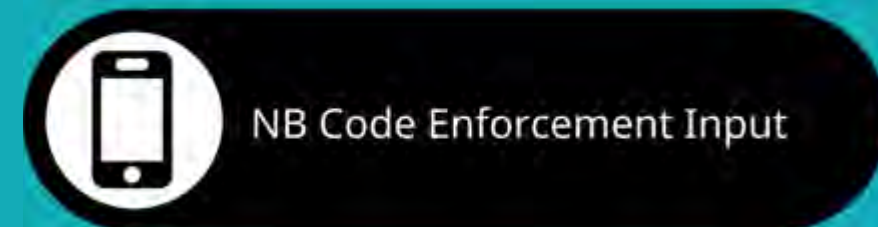
Introductions

- Ways to Participate
 - Join Mailing List
 - Comments and Feedback via web
 - CDB
 - Public Meetings
 - Contact Staff
 - City Council

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The Role of Code Enforcement

- Protect
- Support
- Compliance

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Enforcement Procedures

- State Law
- Local Law
- Compliance

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Enforcement Procedures

- Notice of Violation Letters



City of Neptune Beach Code Enforcement

Courtesy Notice of Code Violation

November 13, 2024

Property Owner(s): CITY OF NEPTUNE BEACH
Property Address : 116 1st St Neptune Beach, FL 32266
Legal Description: PCNR 172791-0000

On 11/13/2024, a complaint was received / or a violation was observed on the above referenced property, an inspection of the property found violations of the City of Neptune Beach Code of Ordinances. Please review the following and take corrective action as indicated.

Violation: Development permit required.

Referenced City of Neptune Beach Code: Sec. 27-78.

Development permits include: All types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, tree removal permits, sign permits, resurfacing permits, etc.

Corrective Action: Cease all work and obtain all required permits and inspections through certificate of completion. Apply for a permit and pass all required inspections.

Please correct the violation(s) by November 23rd, 2024. Should the violation(s) not be corrected on this date further Code Enforcement action will be implemented.

Your immediate attention to this matter is appreciated. If you feel this condition is not a violation, there are conditions requiring additional time to rectify the violation, or there are extenuating circumstances as to why this violation cannot be addressed in the allotted time, please contact our office at (904) 270-2400 Ext 45 and speak to the Code Enforcement Officer.

Upon complying with any Code Enforcement matter it is always the responsibility of the Respondent to contact the Code Enforcement Officer at (904) 270-2400 Ext 45 to request a re-inspection of the property to ascertain and document compliance.

Rico Armstrong
Code Enforcement
(904) 270-2400 Ext 45



City of Neptune Beach Code Enforcement

NOTICE OF VIOLATION

November 13, 2024

CASE NO. 0000

TO: PROPERTY OWNER(S): CITY OF NEPTUNE BEACH
PROPERTY ADDRESS: 116 1st St Neptune Beach, FL 32266
LEGAL DESCRIPTION: PCNR 172791-0000

An inspection of the above property revealed:

Violation: Development permit required.

Referenced City of Neptune Beach Code: Sec. 27-78.

Development permits include: All types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, tree removal permits, sign permits, resurfacing permits, etc.

Corrective Action: Cease all work and obtain all required permits and inspections through certificate of completion. Apply for a permit and pass all required inspections.

- You will be allowed 10 days from the date of this posting to correct the violation(s).
- Violations must be corrected by November 23rd, 2024.
- To request an inspection to verify that the violation has been corrected call the Code Enforcement Officer at 904-270-2400 Ext 45.
- Your failure to comply with the terms of the Notice will result in this matter being heard before the Neptune Beach Special Magistrate at the time and place shown on the Notice of Hearing.

Code Enforcement Officer
Rico Armstrong

Phone Number
904-270-2400 Ext 45

Enforcement Procedures

- Notice of Hearing



City of Neptune Beach Code Enforcement

December 2, 2024

CASE NO.0000
TO:
PROPERTY OWNER(S): CITY OF NEPTUNE BEACH
PROPERTY ADDRESS: 116 1st St Neptune Beach, FL 32266
LEGAL DESCRIPTION: PCN# 172791-0000

NOTICE OF HEARING

1. You failed to comply with the terms of the Notice of Violation dated **November 13, 2024**. Accordingly, you are hereby notified that your violations have been set for hearing and that the Special Magistrate will hear about this case at 9:00 AM, or as soon thereafter as this case may be heard, on **to be determined**. The hearing will be conducted at Neptune Beach City Hall Council Chambers, 116 1st Street, Neptune Beach, Florida 32266.
2. You must be present at this hearing to avoid an order being entered into against you solely with the evidence presented by the Code Inspector **and a lien being recorded against your property**. Each violation may be assessed as a fine of up to \$250.00 per day for each day, the violation continues beyond a date set by the Special Magistrate for compliance or \$500.00 per day for a repeat violation. If the City of Neptune Beach prevails in prosecuting your case before the Special Magistrate, it shall be entitled to recover all costs from you incurred in prosecuting the case.
3. If you have witnesses or other evidence bearing this matter, you should bring them with you at the time of the hearing. If you require assistance, contact the Code Officer at once at **904-270-2400 Ext 45**.
4. If you decide to appeal against any decision made by the Special Magistrate, you will need a record of the proceedings as well as any supporting documentation upon which the appeal is to be based.
5. You may come with or without an attorney.

THIS NOTICE IS TO BE REMOVED ONLY BY THE PROPERTY OWNER.

Code Enforcement Policy

- Reactive v. Proactive
- Definition of Nuisance
- Violations & Abatement

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Code Enforcement Policy

- Nuisance Abatement



- Voluntary Compliance

- Special Magistrate – Forced Abatement
- Abatement by the City
 - Public safety/unsafe/hazardous conditions

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City Ordinances

- Key Codes
- Code Enforcement LDC
Priority Ordinances
- Life Safety

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City Ordinances

- 2024 International Property Maintenance Code (IPMC)
 - International Code Council – Fire & Building etc.
 - Establishes minimum requirements for the maintenance of existing buildings through model code regulations that contain clear and specific property maintenance and property improvement provision;

CHAPTER TOPICS	
CHAPTERS	SUBJECTS
1	Scope and Administration
2	Definitions
3	General Requirements
4	Light, Ventilation and Occupancy Limitations
5	Plumbing Facilities and Fixture Requirements
6	Mechanical and Electrical Requirements
7	Fire Safety Requirements
8	Referenced Standards
Appendix A	Boarding Standard
Appendix B	Board of Appeals



Board Q&A Session

- Procedures
- Policy

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Public Feedback

- Q & A
- Thoughts - concerns
- Likes & don't likes
- Procedures - Policy
- Priorities
- Vision and Goals



Board Feedback

- Thoughts - concerns
- Likes & don't likes
- Procedures - Policy
- Priorities
- Next Steps

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Next Steps

- Respond to Public Feedback
- Summary of CDB Feedback
- Short Term Policy
- Long Term Outcomes
- Next Workshop Date

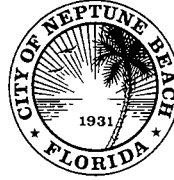
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Board Attached Reference Material

- FS.162 "County Or Municipal Code Enforcement"
- CONB Chapter 2 Division 2 "Code Enforcement Board"
- CONB Chapter 28 "Nuisances"
- International Property Maintenance Code- Preface
- Sec. 27-330: Hedges In The Visibility Triangle
- Sec. 22-28/27-335: Boats And RV's In The Front Yard



MINUTES
COMMUNITY DEVELOPMENT BOARD
January 8, 2025, 6:00 P.M.
COUNCIL CHAMBERS
116 FIRST STREET
NEPTUNE BEACH, FLORIDA 32266

Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held in person on Wednesday January 8, 2025, at 6:00 p.m. in the Council Chambers.

Attendance

Board members were in attendance:

Greg Schwarzenberger, Chair
Rene Atayan, Vice-Chair
Tony Mazzola, Member
Charley Miller, Member
Jonathan Raiti, Member
Lynda Padrta, Member
Rhonda Charles, Alternate Member

The following staff members were present:

Heather Whitmore, Community Development Director
Paul Waters, City Attorney
Piper Turner, Code Compliance Supervisor
Dallas Alvarza, Administrative Assistant

Pledge

Pledge of Allegiance.

**Call to Order/Roll
Call**

Chair Schwarzenberger called the meeting to order at 6:00 p.m.

**V25-01 Application
for Variance 834
McCollum Circle**

Application for variance as outlined in Chapter 27 for Hembree and Beatriz Nobles for the property known as 834 McCollum Circle (RE# 172403-2300): Applicant request a variance from Section 27-328 to permit a reduction in the required ten-foot separation of an accessory structure from the principal structure to allow an eight-foot separation. The property is in the R-2 zoning district.

Swearing In

City Attorney Waters asked anyone appearing before the board tonight to raise their right hand to be sworn in.

Background

An application for variance requesting relief for: Section 27-328(a)(2)b. Accessory structures separation from principal structures.

Discussion

The property owner of 834 McCollum Circle requests a variance from Section 27-238 (a) (2) b. to permit a reduction in the required ten-foot separation of an accessory structure from principal structure to allow an eight-foot separation. The property is in the R-2 zoning district. The home is located in the Neptune By the Sea neighborhood.

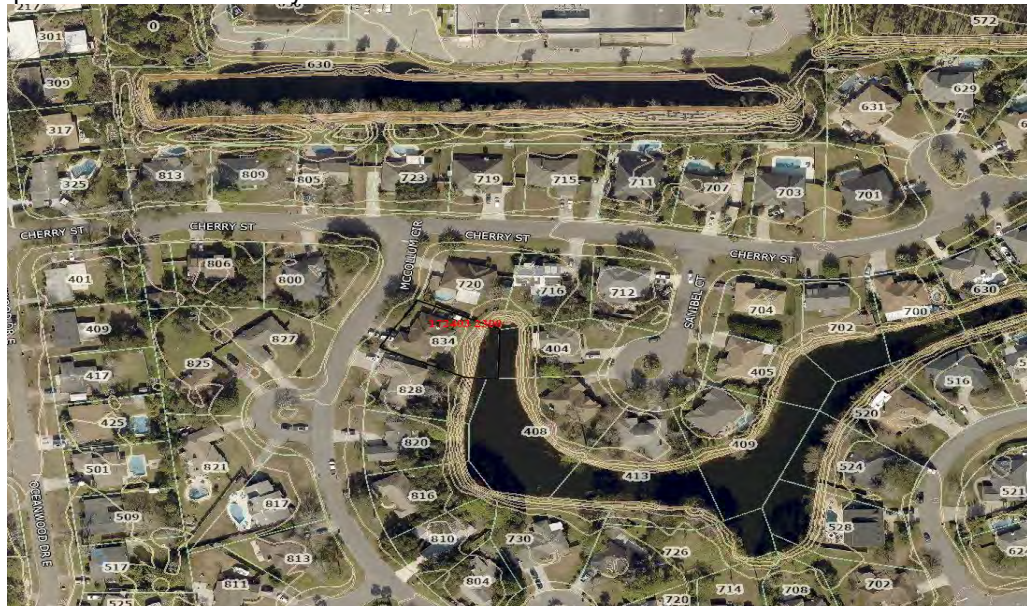
Section 27-238 (a) (2) b. states:

“Accessory structures (except as provided elsewhere in this article) shall be separated from the principal structure by not less than ten (10) feet.”

The 11,564 square foot lot is southeast of the intersection of Cherry St and McCollum Circle. The owner of the existing single-family dwelling would like to add a small 10' x 16' storage shed to the rear yard; however, the property is constrained by several site conditions. The lot backs up to a neighborhood retention pond and has a steep slope in the rear yard falling from an elevation of nine FASL (feet above sea level) to three FASL in under 20 feet, which limits locations to place a shed in the rear yard. The north side of the lot also has a ten-foot utility easement that prohibits placement of structure.

All development in the Neptune By the Sea neighborhood must be approved by the Neptune By The Sea Homeowners Association. The property owner has consulted with the HOA and has been asked to locate the shed on the northern side of the lot.

Given the limited developable area in the northern rear yard, the shed must be located eight feet from the house to avoid the steep elevation drop on the east side and ten-foot utility easement on the northern side. Therefore, the applicant requests a variance to allow an eight-foot separation from the principal structure in lieu of the required ten-foot separation of an accessory structure.



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 have an easement on the property that prevents the proposed shed from being in the required 10 foot from each wall of the property. Additionally, there is a steep slope heading down to the lake. Finally, the HOA ARC has denied the building of the shed on the other side of the property.

b. Staff Response: The property is unique and peculiar in circumstances. The northern easement, and steep slope on the rear yard limits buildable lot area. The HOA restricts development options for the owners.

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

a. Applicant Response: Given the easement and slope, the proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.

b. Staff Response: The requested variance for the separation distance from the principal structure is the minimum necessary to allow for construction of the shed. The proposed location of the shed is the maximum distance possible from the home given the site constraints.

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

a. Applicant Response: It would not. We have an explicit agreement from our neighbors. The shed will be painted the same colors as the principal property comment and be pleasant to the eye.

b. Staff Response: The proposed shed will not adversely affect adjacent and nearby properties. The HOA has approved the proposed shed.

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: It will not.

b. Staff Response: The proposed variance would not diminish property value. The HOA has approved the proposed shed.

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: If the general intent of ULDC is that homeowners be allowed the beneficial use of their property without encroaching on or adversely affecting the values, rights, and use of the adjacent property and community, then yes, the effect of this proposed variance is in harmony with the general intent of the LDC.

b. Staff Response: The variance request is in harmony with the general intent of the 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: This is not the case.

b. Staff Response: The variance request for the separation distance from the principal structure is not created through the actions of the property owner. The site conditions limit the location of the shed, and the HOA restricts options for the homeowner.

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 met with the city staff member who has stated that due to the three unique hardships, granting this variance would not be a special privilege and she would recommend granting the variance.

b. Staff Response: Granting the variance request would not confer upon the applicant special privileges not granted in the zoning district.

IV. CONCLUSION: Staff recommends approval of the variance request from Section 27-238 (a) (2) b. for an eight-foot separation of an accessory structure from a principal structure in lieu of the required ten feet.

V. RECOMMENDED MOTION:

a. I recommend approval of V25-01

OR

b. I recommend denial of V25-01

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

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: 12.12.24	Zoning District: R27 (EVALUONE B)	Real Estate Parcel Number: 172403-2000
Name & Address of Owner of Record: Hembree Nobles Beatriz Nobles 834 McLollum Cir Neptune Beach FL 32266		Property Address: 834 McLollum Cir. Neptune Beach FL 32266 Number of units on property 1
Contact phone number# 904.891.9677	Have any previous applications for variance been filed concerning this property? not aware of any	
e-mail address marlavball@gmail.com	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): Sec. 27-328 requires separation of a shed from the principal structure to be not less than 10 feet.		
2. Explain the purpose of the variance (if granted)? To build a shed on the property.		
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary): Please see attachments.		
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. 1) Easement 3) HOA denial of placement of the shed on the other side of our property. 2) Slope		

- ☒ B. Survey of the property certified by licensed surveyor and dated within one year of application date.
 SURVEY MUST BE ORIGINAL SIZE AND CAN NOT BE REDUCED.
☒ C. Copy of Deed
☒ D. Pictures of the property as it currently exists
☒ E. Letter of authorization for agent to make application (Required only if not made by owner)
 F. NON-REFUNDABLE FEE:
 \$300.00 (Residentially zoning property) / \$1,000.00 (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)

HEMBREE NOBLES
BETHEL NOBLES

NAME OF AUTHORIZED AGENT

MARLA E. NOBLES

ADDRESS OF PROPERTY OWNER

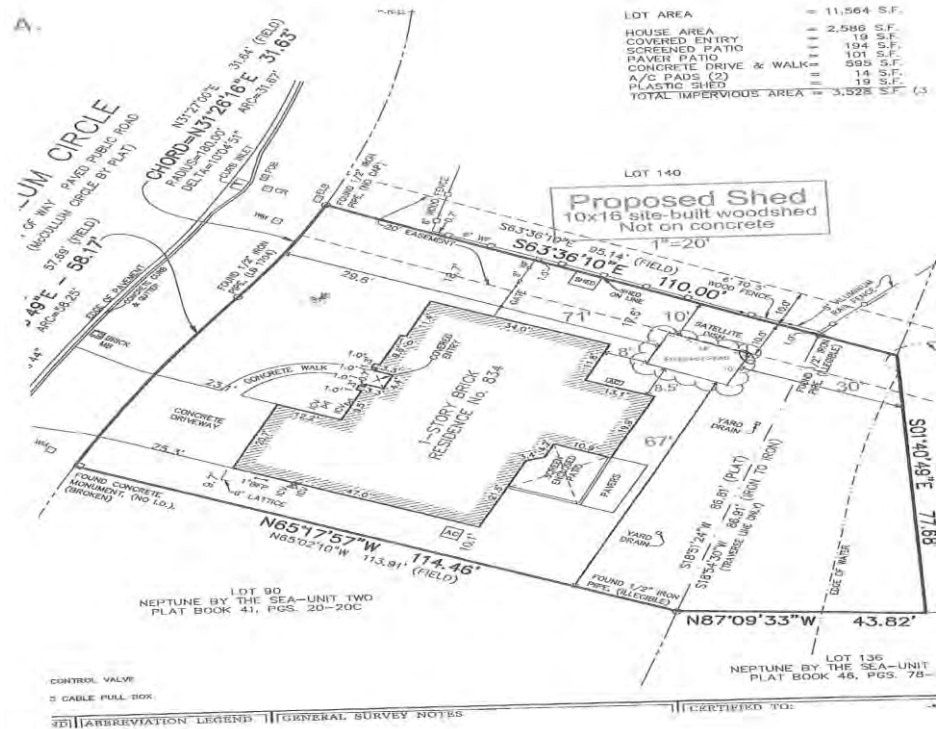
834 MCCOLLUM CIR.
NEPTUNE BEACH, FL 32266

ADDRESS OF AUTHORIZED AGENT

834 MCCOLLUM CIR.
NEPTUNE BEACH, FL 32266SIGNATURE OF OWNER OR AUTHORIZED AGENT: *Marla E.*

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.*



12/12/24, 6:09 PM

Nobles Elder Law Mail - Fwd: Request for Placement of Structure

HARDSHIP # 3 : Gmail

Maria Nobles <maria@nobleselderlaw.com>

Fwd: Request for Placement of Structure

Thu, Dec 12, 2024 at 6:05 PM

Greg Smith <jgreg1223@gmail.com>
To: maria@nobleselderlaw.com

Let me know if this works or if you need it a different way.

Greg Smith
jgreg1223@gmail.com
904-504-4620

Begin forwarded message:

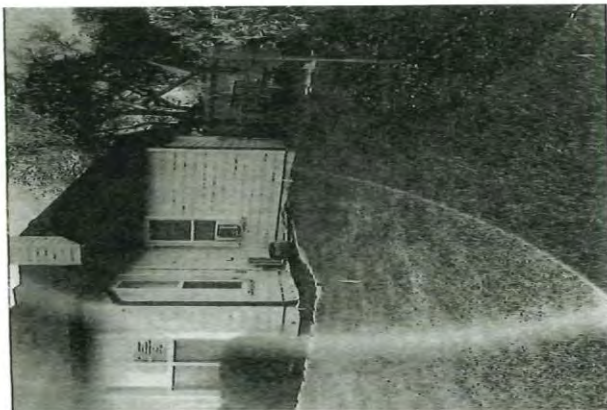
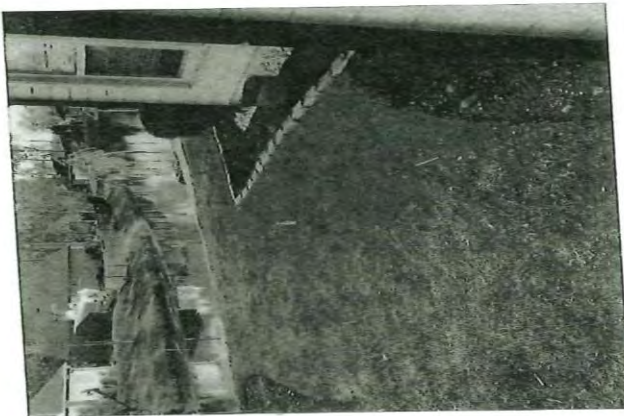
From: Greg Smith <jgreg1223@gmail.com>
Date: November 13, 2024 at 7:08:39 PM EST
To: maria@nobleselderlaw.com
Subject: Request for Placement of StructureMaria Nobles
834 McCollum Cir
Neptune Beach FL 32266

Dear Ms. Nobles;

I have received your request to place a structure on your property between yourself and your neighbor at 828 McCollum Cir. I regret to advise that I must decline your request at this time. If you have any questions, need additional information or would like to discuss this decision further, please feel free to contact me at either phone number or email address below.

Thank you,
Greg Smith, Representative
Architectural Review Committee, Neptune by the Sea III Homeowners' Association
720 Cherry St
Neptune Beach FL 32266
M: 904-504-4620
E: jgreg1223@gmail.com

cc: Brad Randall, President, Neptune by the Sea III Homeowners' Association



Ms. Nobles, property owner, addressed the board. She explained they wanted to use the shed as a home office for her to work in. There would be no plumbing in the shed only electric. They could not move the shed back because there is a lake behind the house and the bank is very steep. The shed is prefabricated and will be built on the site. The shed will match the exterior of the house.

Public Comments

Chair Schwartzberger opened the floor for public comments: There being no comments, the public hearing was closed.

Board Questions:

Mr. Mazzola: Did the HOA deny the original location? Yes

Mrs. Atayan: What will the shed be used for? Home office.

Ms. Padtra: Will there being any plumbing or a bed for sleep? No, it will be strictly used as an office.

Mr. Raiti: If the size was reduced to 8.5 feet by 14 feet it would fit, correct? The deck would not fit at that width.

FINDING OF FACT #1:

THE PROPERTY IS UNIQUE AND PECULIAR IN CIRCUMSTANCES. THE NORTHERN EASEMENT, AND STEEP SLOPE ON THE REAR YARD LIMITS BUILDABLE LOT AREA. THE HOA RESTRICTS DEVELOPMENT OPTIONS FOR THE OWNERS.

FINDING OF FACT #2:

THE VARIANCE REQUEST FOR THE SEPARATION DISTANCE FROM THE PRINCIPAL STRUCTURE IS NOT CREATED THROUGH THE ACTIONS OF THE PROPERTY OWNER. THE SITE CONDITIONS LIMIT THE LOCATION OF THE SHED, AND THE HOA RESTRICTS OPTIONS FOR THE HOMEOWNER

Made by Atayan, seconded by Schwartzberger.

MOTION: TO APPROVE VARIANCE V25-01, AS SUBMITTED.

Roll Call Vote:

Ayes: 7-Raiti, Charles, Atayan, Charles, Mazzola, Miller, Padtra and Schwartzberger

Noes: 0

MOTION CARRIED

Code Discussion

Discussion of Section 27-335 Parking, Storage or Use of Major Recreational Equipment.

CODE COMPARISON

Parking, storage or use of major recreational equipment

City	Permitted in residential	Permitted in Front Yard setback	Permitted in Front corner yard setback	Exclusively permitted In Side- Rear Yard	Size limitation
Neptune Beach	Yes	No	No	Yes (3' setback)	Boats/RV may not exceed 28'

Jax Beach	Yes	No	No	Yes	Boats less than 20' not regulations/ All RVs regulated N/A
Atlantic Beach	Yes	No (15' front setback)	No	Yes	N/A
Jacksonville	Yes	No	No	Yes	N/A
Fernandina Beach	Yes	No	No	Yes	N/A
St John County/Ponta Vedra Beach	Yes (no in Ponte Vedra)	No	No	Yes	N/A
St Augustine	Yes	No	No	Yes (5' setback)	N/A

NEPTUNE BEACH

Definition: Major recreational equipment means any large motorized or non-motorized vehicle used for recreational purposes, such as motorhomes, trailers, campers and camper shells, boats, and trailers, converted buses and trucks, dune buggies and sand rails, and trailers, cases or boxes on wheels used to transport and/or store equipment, as well as any vehicle required to carry an "RV" tag or not licensed for legal street use.

Sec. 27-335. - Parking, storage or use of major recreational equipment.

(a) No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. **Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yard and not within three (3) feet of any property line**; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment and other similar trucks or equipment.

(b) Major recreational equipment shall also **be limited to two (2) total on a property**. Each piece of equipment shall **not exceed twenty-eight (28) feet** in length.

JAX BEACH

Sec. 34-402. - Parking of heavy vehicles in RS-1, RS-2, RS-3, RM-1, and RM-2 zoning districts, or residential uses in RD or PUD zoning districts.

For the dual purpose of preserving attractive residential areas within the city and promoting safe, unimpeded traffic circulation throughout such areas, the following supplemental parking restrictions shall apply:

(1) *Within a street right-of-way*. The following vehicles shall not be parked or stored on any public street right-of-way or approved private street easement contiguous to a residentially zoned property or residentially used property in an RD or PUD district:

- Any boat or boat trailer.
- Any hauling trailer.
- Any of the following recreational vehicles: Travel trailers, motor homes and camping trailer.
- Any semi-trailer truck or cab.

- e. Any commercial vehicle which measures in excess of twenty (20) feet in total body length, seven (7) feet in total width or seven (7) feet in total height, including appurtenances, equipment or cargo.

(2) Within the setback area from a street right-of-way. The following vehicles shall not be parked or stored, in whole or part, within the required setback area from a street right-of-way or approved private street easement on residentially zoned property or residentially used property in an RD or PUD district:

- a. **Any boat which measures in excess of twenty (20) feet in length.**
- b. Any hauling trailer (except trailers mounted with boats twenty (20) feet or less in length.
- c. **Any of the following recreational vehicles: Travel trailers, motor homes and camping trailers.**
- d. Any semi-trailer truck or cab.
- e. Any commercial vehicle which measures in excess of twenty (20) feet in total body length, seven (7) feet in total width or seven (7) feet in total height, including appurtenances, equipment or cargo.

(3) On any residentially zoned property or residentially used property in an RD or PUD district. No garbage truck, pump-out truck, chemical truck, gasoline truck, fuel oil truck or similar vehicle designed to transport wastes or hazardous or noxious materials shall be parked or stored in any residentially zoned property or residentially used property in an RD or PUD district.

(4) Occupation. The trailer or camper shall not be occupied, except for the purpose of repair or maintenance, at any time during the parking or storage, except by permit which has been issued in accordance with [section 34-402\(6\)](#). The term "occupied" for the purpose of this division shall include but not be limited to electrical connections (permanent or drop cord), water and sewer connections (flexible or permanent hose), telephone connections (permanent or extension) or personal occupancy of any kind (day or night).

(5) Removal of wheels. The wheels of the trailer shall not be removed, except for repair or maintenance, at any time during such storage or parking, but the body of a truck type camper may be removed from the truck or other vehicle.

(6) Permit required for temporary occupancy of travel trailer, motor home or camping trailer. Any owner desiring to temporarily occupy any travel trailer, motor home or camping trailer which has been or is to be stored or parked as permitted in [section 34-402\(2\)](#) must apply to the code enforcement inspector for a city permit for temporary occupancy. No such permit for temporary occupancy shall be issued for a period in excess of thirty (30) consecutive calendar days and in no event shall such permit be issued for a total in excess of thirty (30) calendar days during any calendar year for the same property. Permits for temporary occupancy shall be issued only for trailers or campers stored or parked on unoccupied property which is owned by the owner of the trailer or camper being stored or parked. Such permit shall be valid only for the term stated on the permit.

(7) Enforcement. The preceding parking restrictions shall be enforced in accordance with the terms of Article XIII and the following:

- a. The parking restrictions shall not apply to commercial vehicles during the actual performance of a service at the premises where it is parked.
- b. The parking restrictions shall not apply to the loading, unloading or cleaning of vehicles provided such act is fully completed in twenty-four (24) hours.
- c. The parking of vehicles, boats and trailers in residentially zoned property or residentially used property in an RD or PUD district shall be subject to these parking restrictions regardless of the date such parking commenced, and shall not be deemed an allowable nonconforming use within the meaning of [section 34-522](#) of this LDC.

ATLANTIC BEACH**Sec. 24-163. - Storage and parking of commercial vehicles and recreational vehicles and equipment and repair of vehicles in residential zoning districts.**

(a) The storage and parking of commercial vehicles greater than twelve thousand five hundred (12,500) pounds gross vehicle weight and dual rear wheel vehicles shall be prohibited in all residential zoning districts.

(b) Commercial vehicles of less than twelve thousand five hundred (12,500) pounds gross vehicle weight, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential zoning district, except in accordance with the following requirements:

(1) No more than one (1) commercial vehicle of less than twelve thousand five hundred (12,500) pounds shall be permitted on any residential lot, and such commercial vehicle shall be parked a minimum of twenty (20) feet from the front lot line. Such commercial vehicle shall be used in association with the occupation of the resident.

(2) In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products or other hazardous materials be permitted to be parked or stored either temporarily or permanently in any residential zoning district.

(3) Commercial construction equipment or trailers containing construction equipment shall not be parked or stored on any residential lot except in conjunction with properly permitted, ongoing construction occurring on that lot.

(c) **Recreational vehicles, boats, and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential zoning district, except in accordance with the following requirements:**

(1) Not more than one (1) recreational vehicle, boat or boat trailer, or other type of trailer shall be stored or parked on any residential lot which is five thousand (5,000) square feet in lot area or less. Minimum lot area of ten thousand (10,000) square feet is required for storage or parking of any second recreational vehicle, boat or boat trailer, or other type of trailer. **In no case may more than a total of two (2) such vehicles** and trailers be parked on any residential lot.

(2) **Recreational vehicles, boats or boat trailers, or other type of trailer shall not be parked or stored closer than fifteen (15) feet from the front lot line** and shall be parked in a manner that is generally perpendicular to the front property line such that length is not aligned in a manner that extends across the front of the lot, it being the intent that recreational vehicles, boats and trailers that are parked forward of the residence should not excessively dominate the front of the lot.

(3) Recreational vehicles shall not be inhabited or occupied, either temporarily or permanently, while parked or stored in any area except in a trailer park designated for such use as authorized within this chapter.

(4) Recreational vehicles parked or stored on any residential lot for a period exceeding twenty-four (24) hours shall be owned by the occupant of said lot.

(d) Mechanical or other automotive repair work on any motor vehicle shall not be performed out-of-doors within any residential zoning district, except for minor maintenance or emergency repair lasting less than eight (8) hours and performed on a vehicle owned by the occupant of the residential property.

(e) No materials, supplies, appliances or equipment used or designed for use in commercial or industrial operations shall be stored in residential zoning districts, nor shall any home appliances or interior home furnishings be stored outdoors in any residential zoning district.

(f) The provisions of this section shall not apply to the storage or parking, on a temporary basis, of vehicles, materials, equipment or appliances to be used for or in connection with the construction of a building on the property, which has been approved in accordance with the terms of this chapter or to commercial or recreational vehicles, boats or trailers parked within completely enclosed buildings.

JACKSONVILLE

Sec. 656.409. - Parking, storage or use of recreational vehicles and boats.

No recreational vehicles shall be used for living, sleeping or housekeeping purposes when parked or stored on a residentially-zoned lot or in another location not approved for this use. **Boats, boat trailers, horse trailers or any other trailer and recreational vehicles may be parked or stored in a required rear or side yard but not in required front yards**, provided however, that these vehicles may be parked anywhere on residential premises not to exceed 24 hours during loading and unloading.

ST JOHNS COUNTY/PONTA VEDRA BEACH

Sec. 2.03.42 Recreational Vehicle/Boat Storage

All recreational vehicles, boats and utility trailers must be parked or stored in a required rear or side yard. (Exception: some Planned Unit Developments may have more or less restrictive requirements and within the Ponte Vedra Zoning District, recreational vehicles cannot be seen on property). No recreational equipment shall be used for living, sleeping or housekeeping purposes when parked or stored in a residential zoned lot or any other area not approved for such use.

ST AUGUSTINE

Major recreational equipment means any large motorized or nonmotorized vehicle used for recreational purposes, such as motor homes, trailers, campers and camper shells, boats and trailers, converted buses and trucks, dune buggies and sand rails, and trailers, cases or boxes on wheels used to transport and/or store equipment, as well as any vehicle required to carry an "RV" tag or not licensed for legal street use.

Sec. 28-337. - Parking, storage or use of major recreational equipment.

No major recreational equipment shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. **Major recreational equipment may be parked or stored in a required rear or side yard, but not in required front yards and not within five (5) feet of any property line**; provided, however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section the term "major recreational equipment" shall be as listed in section 28-2, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar type trucks or equipment.

Recreational vehicles and travel trailers may be used as temporary emergency residential units on private property or designated areas within the city based on a declared emergency and recovery order issued by the appropriate governmental

agency; such as, the City of St. Augustine, St. Johns County, the State of Florida and the federal government in the event of a catastrophic event. This is for temporary emergency purposes only, during recovery and reconstruction phases per an emergency order for a declared emergency. Recreational vehicles and travel trailers on private property can only be used by the property owner as housing after a city building permit has been issued for the repair or (re)construction of the homeowner's storm damaged residence, subsequently the recreational vehicle or travel trailer must be removed upon the issuance of a certificate of completion to repair storm damage or the expiration of the building permit to repair the storm damage to the private property which contains the recreational vehicle or travel trailer or similar vehicle. Tent camping is not permitted as an emergency residential unit.

Chair Schwartzenberger opened the floor for public comments. There being none, the public hearing was closed.

Board Discussion

Ms. Padtra: Is good with what we have.

Ms. Raiti: Asked for clarification on the 20 feet

Ms. Atayan: A 6-month grace period should be implemented to give people time to be advised of the code before code acting is taken. City Council needs to make the final decision if changes are to be made.

Subcommittee Report

Mrs. Atayan, Chairperson of the Historical subcommittee read a statement:

Hoping my colleagues and all Neptune Beach residents and their families enjoyed the holidays and are looking forward to a happy healthy and prosperous New Year

For the Neptune Beach Historical Subcommittee, 2024 was a very defining year. We took a deep dive researching and defining historic preservation for our city. From consulting with the City of Jacksonville, meeting with Wayne Wood, founder of renowned Riverside Avondale Preservation, to also consulting with the State of Florida's Director of Historic Preservation and Archeology, we have gained extraordinarily valuable and useful insight. Additionally, those contact points uncovered a treasure trove of data in the form of an already commissioned historical survey. With the indispensable help of one of our residents, Alison Ronzon, we have not only catalogued Neptune Beach property-specific data, she and I, independently have co-founded a non-profit who's work is also just getting started.

Our goal is to initiate and secure a code amendment within Q1 2025 and establish a clear cut process for applicants, thereby setting in motion the long-term preservation of our city's distinct character and charm.

The Code Subcommittee has outlined language and we are also providing the long held standard used by the State of Florida to determine Historic Designation, which, if granted to an applicant, could offer relief on a Variance request.

To declare a home historic in the state of Florida, it generally must meet several criteria set by the National Register of Historic Places, which is the standard used by many states including Florida. Here are the key findings or criteria that are typically necessary - generally speaking, an applicant must meet at least three of the criteria below.

1. ****Age****: The property must be at least 50 years old, although exceptions can be made for properties of exceptional importance.

2. ****Association with Events****: The property should be associated with events that have made a significant contribution to the broad patterns of our history, such as those related to the development of Florida or national events.
3. ****Association with Persons****: The home should be associated with the lives of persons significant in our past. This could include notable Floridians or individuals who have had a notable impact on history.
4. ****Architectural Significance****: The property must embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction.
5. ****Archeological Significance****: The property might yield, or be likely to yield, information important in prehistory or history, particularly if it has archaeological significance.
6. ****Integrity****: The home needs to retain integrity of location, design, setting, materials, workmanship, feeling, and association. This means that the property should still reflect its historical significance through its physical features and characteristics.
7. ****Historical Context****: The property should be evaluated within its historical context - how it fits into the larger historical narrative of the area or state. This involves understanding the property's role in the development of the community, state, or nation.
8. ****Documentation****: While not exactly a "finding," thorough documentation is necessary to support the nomination. This includes historical research, photographs, and sometimes architectural plans or surveys.

These criteria are part of a broader evaluation process where the property is assessed not just for its age but for its significance and how well it represents or reflects historical, architectural, or cultural values.

For file:

To be granted historical designation on a property in the state of Florida, an applicant must generally satisfy several criteria, which can vary depending on the level of designation being sought (National Register, Florida Heritage Site, or Florida Heritage Landmark). Here's a breakdown based on the available information:

- ****National Register of Historic Places****: For listing in the National Register, properties must meet the eligibility requirements outlined in the National Register Criteria for Evaluation. This includes:

- ****Age****: The property must be at least 50 years old.

- ****Integrity****: The property should retain those physical characteristics that were present during the period for which it is significant.

- ****Significance****: The property must meet at least one of the following criteria:

- A) Association with events that have made a significant contribution to the broad patterns of our history.
- B) Association with the lives of persons significant in our past.
- C) Embodying distinctive characteristics of a type, period, or method of construction, or representing the work of a master, or possessing high artistic values, or representing a significant and distinguishable entity whose components may lack individual distinction.

- D) Having the potential to yield information important in prehistory or history.[](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fdos.fl.gov%2fhistorical%2fpr eservation%2fnational-register%2fcriteria-for- listing%2f&c=E,1,sgVMgRjMiWOKpsjUYnsV454E6ZavwlkUSDNuBOKZL1lkYwiDThUzE_O4e2u-M9Hf9RH8nadIWGM2E5Nas692iUS9sYpHirdPkwPIElo&typo=1)

- ****Florida Heritage Site****: To qualify as a Florida Heritage Site:

- The property must be at least 30 years old.
- It must have significance in the areas of architecture, archaeology, Florida history, or traditional culture, or be associated with a significant event.
- The resource should visibly retain characteristics from the period of significance.
- A moved building or structure may qualify if the move was made at least 30 years ago or to preserve it from demolition with efforts to mimic the original setting.[](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fdos.fl.gov%2fhistorical%2fpr eservation%2fhistorical-markers%2fhow-to-apply%2f&c=E,1,Zb0yr1oUapLh2Aaosv0Q8SKgPn-429DIT1Ot8B87DebEy_W4TTcjK1b2_lj0JDpPj7bYwZKUCrTGq2XUKAOeIN82cKHRx_bhsr2Ne2hA kjHHaC6T&typo=1)

- ****Florida Heritage Landmark****: For Florida Heritage Landmark status:

- The property must be at least 50 years old.
- It must have regional or statewide significance in areas like architecture, archaeology, Florida history, or traditional culture, or be associated with an event of statewide or national significance.
- Similar to the Heritage Site, it should retain characteristics from its period of significance.
- In some cases, properties less than 50 years old but with significant statewide or national importance can also qualify.[](https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fdos.fl.gov%2fhistorical%2fpr eservation%2fhistorical-markers%2fhow-to- apply%2f&c=E,1,dVX0tNXnHL_AJ1tmbO9SRRBG5QvuDlclQhGQYHaFcJyUdIppOHIZkYKvcefGZZf 98J7MH1wfWkM-pwcXyQBHKtxalBlb0ara_zOZbU-iuCbQg1n9Rv-MFiEo&typo=1)

Thus, while there isn't a fixed number of "points" or criteria to satisfy, an applicant must meet the age requirement and demonstrate significance, integrity, and in some cases, specific historical or architectural value depending on the type of designation sought.

The Board inquired if it would be possible to have a joint workshop with the City Council to discuss this topic?

Mr. Hilton will present proposed ordinance changes concerning historical preservation at a future City Council workshop. Attorney Waters stated that once the Council decides if they want to move forward then he would draft an ordinance and the City Clerk will make an inquiry as to which Councilor would like to sponsor the ordinance.

Adjournment

The meeting adjourned at 7:14 p.m.

Greg Schwarzenberger, Chairperson

ATTEST:

Piper Turner, Board Secretary

CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



STAFF REPORT

MEETING DATE: February 12, 2025
BOARD/COMMITTEE: Community Development Board
APPLICATION NUMBER: V25-02

TO: Community Development Board

FROM: Heather Whitmore, AICP, PTP Community Development Director

DATE: February 10, 2025

SUBJECT: V25-02: Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Linda A Olsen for the property is currently known 1409 Neptune Grove Drive W (RE# 172437-0000). The applicant requests a variance from Section 27-328 (a) (2) requiring a three foot side yard setback for accessory structures, and (5) to permit more than three (3) accessory structures per lot.

- I. **BACKGROUND:** An application for variance requesting relief for:
- Section 27-328 (a) (2) requiring a three foot side yard setback for accessory structures, and (5) to permit more than three (3) accessory structures per lot.

II. **DISCUSSION:**

The property owner requests a variance from Section 27-328 (a) (2) requiring a three foot side yard setback for accessory structures, and (5) to permit more than three (3) accessory structures per lot in order to permit a gazebo. The property is in the R-1 Overlay zoning district.

This request was presented to staff following a Code Enforcement complaint regarding a building without a permit. On November 19, 2024 Patrick Kennedy, owner so 1412 Neptune Grove W, complained his neighbor Ms. Linda Olson, owner of 1409 Neptune Grove W, had constructed a building without a permit that appeared to encroach on his property. Upon investigation it was found that a gazebo had indeed been constructed without a permit by Ms. Linda Olson at 1409 Neptune Grove W. This resulted in Code Enforcement case 2024154, as attached. Mr. Patrick Kennedy has submitted a written complaint, as attached.

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:** My hardship is that this is a replacement structure to be safe and secure period substantial funds have been expensed from January 2024 till November 2024 period other structures have been permitted with no indication the gazebo was out of scope.

- b. **Staff Response:** The property is not unique in size or peculiar in circumstances.

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

- a. **Applicant Response:** One corner is close to the neighbor's fence line but causes no issue for the neighbor as it is partially hidden by trees and a fence. It is 33 inches off the property line.

- b. **Staff Response:** The requested variance is not the minimum necessary to allow reasonable use of the property.

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

- a. **Applicant Response:** Will not impact neighbors or the area. Improves my property in my forever home. My home is my heart.

- b. **Staff Response:** It's unknown if the proposed variance would negatively impact adjacent and nearby properties or the public in general. Mr. Patrick Kennedy has submitted a written complaint, as attached. The structure may pose a risk if not permitted.

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 new gazebo was constructed of premium materials and craftsmanship construction with extra care for safety and weather issues. Hurricane straps and cement on the four corner posts was used. Beautifully constructed with special architectural features

- b. **Staff Response:** It is unknown if the proposed variance would diminish property value.
- 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:** My backyard has been the highlight of my property. It brings me joy every day.
 - b. **Staff Response:** The variance request is not in harmony with the general intent of the 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:** It was replacing an old structure and was not informed by previous property inspector that the gazebo was not within code. My hopes is to be grandfathered in with this new structure
 - b. **Staff Response:** The variance request is created through 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:** Pre-existing structure replaced to be safe and long lasting.
 - b. **Staff Response:** Granting the variance request would confer upon the applicant a special privilege not granted in the zoning district.

IV. **CONCLUSION:** Based on the application material, the lot coverage and precise location of the gazebo cannot be verified. Staff requests a legal survey in order to provide a recommendation. Staff recommends denial of the variances as requested, or deferral of the variance until a legal survey verifying the location of gazebo and lot coverage.

V. **RECOMMENDED MOTION:**

- a. I recommend approval of V25-02
- OR
- b. I recommend denial of V25-02



Case #: 2024154

Case Date: 11/19/24

Case Type:

Complainant Name: Patrick Kennedy

Complainant Address: 1412 Neptune Grove Dr. E.

Complainant Phone: (904) 582- 2836

Description of Violation: Building Structure No Permit

Business Name:

Date Completed:

Status: Open

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
172437 0000	1409 NEPTUNE GROVE DRIVE W	LOT 30 NEPTUNE GROVE SOUTH	LINDA A OLSEN	904-699-9995	R-1

Activities

Date	Activity Type	Description	Employee	Status
11/19/2024	Follow up	Wood building structure installed on property without permit.	Rico Armstrong	Assigned

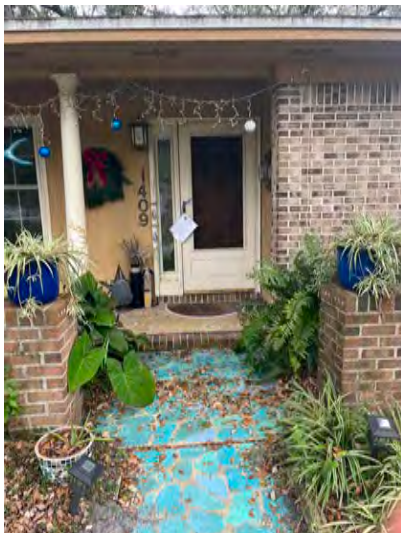
Violations

Date	Violation	Description	Notes	Status
11/19/2024	Sec. 27-78. Development permit required.	No development may be undertaken unless the activity is authorized by a development permit.		Open

Uploaded Files

Date
11/20/2024

File Name



11/20/2024



11/19/2024

11/19/2024



OWNER-BUILDER STATEMENT/AFFIDAVIT

CITY OF NEPTUNE BEACH

Florida Statutes are quoted here in part for your information to indicate the authority for exemptions for homeowners from qualifying as contractors and to express any applicable restrictions and responsibilities.

OWNERS MUST PERSONALLY APPEAR AT THE BUILDING DEPARTMENT TO SIGN THIS DOCUMENT

BY SIGNING THIS STATEMENT, I ATTEST THAT: *(Initial to the left of each statement)*

	I understand that state law requires construction to be done by a licensed contractor and have applied for an owner-builder permit under an exemption from the law. The exemption specifies that I, as the owner of the property listed, may act as my own contractor with certain restrictions even though I do not have a license.
	I understand that, as an owner-builder, I am the responsible party of record on a permit. I understand that I may protect myself from potential financial risk by hiring a licensed contractor and having the permit filed in his or her name instead of my own name. I also understand that a contractor is required by law to be licensed in Florida and to list his or her license numbers on all permit and contracts.
	I understand that I may build or improve a one-family or two-family residence or a farm outbuilding. I may also build or improve a commercial building if the costs do not exceed \$75,000. The building or residence must be for my own use or occupancy. It may not be built or substantially improved for sale or lease. If a building or residence that I have built or substantially improved myself is sold or leased within in 1 year after the construction is complete, the law will presume that I built or substantially improved it for sale or lease, which violates this exemption.
	I understand that, as the owner-builder, I must provide direct, onsite supervision of the construction.
	I understand that I may not hire an unlicensed individual person to act as my contractor or to supervise persons working on my building or residence. It is my responsibility to ensure that the persons whom I employ have the licenses required by law and by city ordinance.
	I understand that it is a frequent practice of unlicensed persons to have the property owners obtain an owner-builder permit that erroneously implies that the property owner is providing his or her own labor and materials. I, as an owner-builder, may be held liable and subjected to serious financial risk for any injuries sustained by an unlicensed person or his or her employees while working on my property. My homeowner's insurance may not provide coverage for those injuries. I am willfully acting as an owner-builder and am aware of the limits of my insurance coverage for injuries to workers on my property.
	I understand that I may not delegate the responsibility for supervising work to a licensed contractor who is not licensed to perform the work being done. <u>Any person working on my building who is not licensed must work under my direct supervision and must be employed by me, which means that I must comply with laws requiring the withholding of federal income tax and social security contributions under the Federal Insurance Contributions Act (FICA) and must provide workers' compensation for the employee.</u> I understand that my failure to follow these laws may subject me to serious financial risk.
	I agree that, as the party legally and financially responsible for this proposed construction activity, I will abide by all applicable laws and requirements that govern owner-builders as well as employers. I also understand that the construction must comply with all applicable laws, ordinances, building codes, and zoning regulations.
	I am of aware of construction practices and I have access to the Florida Building Code.

jo	I understand that I may obtain more information regarding my obligations as an employer from the Internal Revenue Service, the United States Small Business Administration, the Florida Department of Financial Services, and the Florida Department of Revenue. I also understand that I may contact the Florida Construction Industry Licensing Board at 1-850-487-1395 or at www.myflorida.com/dbpr/pro/cilb/ for more information about licensed contractors.
yn	I am aware of, and consent to that an owner-builder building permit is being applied for in my name and understand that I am the party legally and financially responsible for the proposed construction activity at the address listed below.
yn	I agree to notify the building department immediately of any additions, deletions, or changes to any of the information that I have provided on this disclosure or in the permit application package.
jo	Licensed contractors are regulated by laws designed to protect the public. If you contract with a person who does not have a license, the Construction Industry Licensing Board, the Department of Business and Professional Regulation and the building department may be unable to assist you with any financial loss that you sustain as a result of a complaint. Your only remedy against an unlicensed contractor may be in civil court. It is also important for you to understand that, if an unlicensed contractor or employee of an individual or firm is injured while working on your property, you may be held liable for damages. If you obtain an owner-builder permit and wish to hire a licensed contractor, you will be responsible for verifying whether the contractor is properly licensed and the status of the contractor's workers' compensation coverage.

Property Address: 1409 Neptune Grove Dr. West, Neptune Beach

I, LINDA OLSEN, do hereby state that I am qualified and capable of performing the requested construction involved with the permit application filed and agree to the conditions specified above.



Signature of Owner-Builder

Date

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me by Linda Olsen
(Name of person acknowledging)

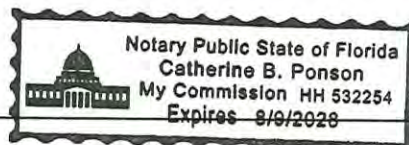
who is personally know to me or who has produced

Driver License

as identification and whom did/did not take oath.



Signature of Notary Public-State of Florida



Notary's Stamp

A violation of this exemption is subject to \$5000 administrative penalty under Florida State Statute 455.228 in addition to any civil penalties. The local permitting jurisdiction shall withhold final approval, revoke the permit, or pursue any action or remedy for unlicensed activity against the owner and any person performing work that requires licensure under the permit issued.

Building Application for Property Owner acting as their own Contractor

CITY OF NEPTUNE BEACH
COMMUNITY DEVELOPMENT DEPT
116 First Street • Neptune Beach, Florida 32266-6140
(904) 270-2400 Ext 4 • PIPERTURNER@NBFL.US



Job Address: 1409 Neptune Grove Dr. West, NB Permit Number: 202401023

Legal Description: private residence RE Parcel Number: _____

Valuation of Work \$ 2,000

Class of Work (circle one): New Addition Alteration Repair Move Demolition
Use of existing/proposed structure(s) (circle one): Commercial Residential
If an existing structure, is a fire sprinkler system installed? (Circle one): Yes No N/A

Describe in detail the type of work to be performed: old backyard gazebo needed
to be rebuilt with metal flat roof
15' x 10'

Owner's Information: Email lindaolsenart@gmail.com

Name: Linda Olsen Address: 1409 Neptune Grove Dr. West, NB
City Neptune Beach State Florida Zip 32266 Phone 904-699-9995

Architect Name & Phone # N/A

Engineer's Name & Phone # N/A

Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. This permit becomes null and void if work is not commenced within six (6) months, or if construction or work is suspended or abandoned for a period of six (6) months at any time after work is commenced. I understand that separate permits must be secured for Electrical Work, Plumbing, Signs, Wells, Pools, Furnaces, Boilers, Heaters, Tanks and Air Conditioners, etc.

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction.

[Signature] 11/21/2024
Signature of Owner-Builder Date

WARNING TO OWNER: YOUR FAILURE TO RECORD A
NOTICE OF COMMENCEMENT MAY RESULT IN YOU
PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY.

IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN
ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.

DO NOT WRITE BELOW THIS LINE: OFFICE USE ONLY

Review Result (circle one): Approved Disapproved Approved w/ Conditions

Conditions/Comments: _____

FEES: Bldg. Permit _____ Plan Review _____ BCAIA 1.5% _____ DBPR 1% _____

DSPL _____ Water tap _____ Sewer tap _____ Con water \$40.00 Meter _____

Other ZR FR

Required Documents

- Notarized Building Permit application and proof of ownership.
- Legal Survey of property with surveyor's signature. (2 copies full size)
- Tree survey with location of trees, size & species, location of proposed and existing improvements along with Arbor Permit Application. (If no trees are to be removed mark here X)
- Florida Energy Efficiency Forms are required for all new construction and additions over 600 square feet of conditioned space.
- Recorded Notice of Commencement. (Required to be file with the Clerk of the Courts when value of construction is greater than \$2500)
- Dept. of Environmental Protection Notice to Proceed. (If property is East of Coastal Construction Control line).
- Was Variance applied for and granted for construction? Yes No N/A
(If yes, when? _____)

Minimum Plan Requirements

- Plans are required for all improvements except "Flat" work. Must provide survey for "flat work".
- Two (2) bound copies of drawings to scale (1/4" = 1 '0' minimum scale) with sufficient clarity and detail to indicate the nature and scope of work
- Plan set includes a site plan, foundation plan, floor plan, shear wall plan, electrical plan, all elevations, sections and details as applicable.
- The printed name, address, telephone number, signature, date, (and registration or license number, if applicable) of the person who drew the plan is included on every page.
- Title page includes, index of drawing pages and attachments, the Type of Construction (per Florida Building Code 7th Edition) and Occupancy Class (per FBC 7th Edition).
- Plans indicate area tabulations (conditioned, covered, unconditioned and impervious)

Site plan is required for all improvements

- Indicate all zoning set back lines. If variance was obtained, indicate setback lines as approved. Proposed work, driveway, existing structures, a/c equipment, etc. are located, labeled and dimensioned. Drainage flow is indicated.

Foundation Inspection

- Includes a plan note, which states: A foundation survey shall be performed and a copy of the survey shall be onsite for the building inspector use prior to framing inspection.

Flood Zone Information

- Is property located within a flood zone?** **YES** **NO**
- If the proposed structure is located in an "X" Flood Zone "No" would be selected in this section**
- If yes then a Flood zone affidavit that indicates the minimum floor elevation required based on the Flood Control Ordinance is required. Include a plan note, which states "Structure is located in a special flood hazard area. An elevation certificate must be submitted to the building department once slab is poured and again prior to Certificate of Occupancy inspection being requested." Foundation drawings include the floor elevation of all areas of the building including garages/carports.

Structural Design Criteria

- The following information related to structural loads shall be shown on all construction plans including sheds and screen rooms.
- Plan indicates design method used to meet minimum loading requirements per Florida Building Code 6th Edition, supporting calculations are included.
- Plan indicates Basic Wind speed, h, and (km/hr).
- Plan indicates Wind importance factor (1) and building category
- Plan indicates Wind exposure - if more than one (1) wind exposure is utilized; the wind exposure and applicable wind direction shall be indicated
- Plan indicates the applicable internal pressure coefficient
- Plan indicates the design wind pressures in terms of psf, (kN/m²) to be used for the design of exterior component and cladding materials not specifically designed by the registered design professional.
- Plan indicates floor and roof live load requirements

Floor Plans Indicating the following:

- Size and arrangement of all rooms with intended use for each room. Location of air handler; fireplaces and accessible bathroom and attic access (22" x 36" min.) Emergency egress windows in all habitable rooms. All beams, headers and lintel sizes, types, ratings and support requirements.

Electrical Plans indicate the following:

- Riser diagram including size and type of service entrance conductors. (New home or new service only)
- Electrical layout plan showing location of all receptacles, switches; and distribution panel. Including a plan note that state: **"All electrical wiring to be in accordance with latest edition of the NEC."** Provide arc-fault circuit interrupters in all bedrooms.

Repairs, Alterations and Additions to Existing Structures

- Existing structures must comply with the requirement of the **Florida Building Code 8th Edition** and the Neptune Beach Unified Land Development Code Chapter 27. Provide Real Estate appraisal for structure (not property) and general ledger of construction cost by licensed contractor to support improvement percentages.

PRODUCT APPROVAL INFORMATION SHEET

ADDRESS OF PROPERTY: 1409 Neptune Grove Dr. West, Neptune Beach, FL 32266

As required by Florida Statute 553.42 and Florida Administrative Code 9B-72, please provide the information and product approval number(s) for the building components listed below as applicable to the building construction project for the permit number listed above. (Attach Florida Product Approval documentations for each item). You should contact your product supplier if you do not know the product approval number for any of the applicable listed products. Information regarding statewide product approval may be obtained at: www.floridabuilding.org

Category/Subcategory	Manufacturer	Product Description	Code Version	FL# (included suffix)	Expiration
Example	ACME	36" Exterior Widget	2024	12345.01	12/31/2026
A. Exterior Doors					
1. Swinging					
2. Sliding					
3. Sectional					
4. Roll-up					
5. Other					
6. Garage Door					
B. Windows					
1. Single Hung					
2. Horizontal Slider					
3. Casement					
4. Double Hung					
5. Fixed					
6. Awning					
7. Pass-through					
8. Projected					
9. Mullion					
10. Wind Breaker					
11. Dual Action					
12. Other					
C. Roof Material		metal			
D. Deck Weatherproofing	Pt	pressure treated premium wood			

Permit Number _____

202401023

Tax Folio Number _____

NOTICE OF COMMENCEMENT**STATE OF FLORIDA****COUNTY OF DUVAL**

THE UNDERSIGNED hereby gives notice that improvement will be made to certain real property, and in accordance with Chapter 713, Florida Statutes, the following information is provided in this Notice of Commencement.

1. Description of property (Street address): 1409 Neptune Grove Dr. West Neptune Beach, FL 32266
Legal Description: home

2. General description of improvement: replaced old gazebo for better, hurricane-proof gazebo in back yard

3. Owner information:

- a. Name and Address: 1409 Neptune Grove Dr. West, NB, FL 32266
b. Interest in property: owner
c. Name and address of fee simple titleholder (other than owner): _____

4. a. Contactor's name and address: self
b. Phone number: _____ Email: _____

5. Surety Information:

- a. Name and address: _____
b. Phone Number: _____ Email: _____
c. Amount of Bond: _____

6. a. Lender's name and address: _____
Phone Number: _____

7. Person within the State of Florida designated by Owner upon whom notices or other documents may be served as provided by 713.12(1) (a) 7. Florida Statutes.

- a. Name and address: _____
b. Phone numbers of designated persons: _____

8. a. In addition to himself or herself, Owner designates _____ of _____ to receive a copy of the Lienor's Notice as provided in Section 713.13(1) (b), Florida Statutes.

- b. Phone number of person or entity designated by owner: _____

9. Expiration date of notice of commencement (the expiration date is one (1) year from the date of recording unless a different date is specified) _____

WARNING TO OWNER: ANY PAYMENTS MADE BY THE OWNER AFTER THE EXPIRATION OF THE NOTICE OF COMMENCEMENT ARE CONSIDERED IMPROPER PAYMENTS UNDER CHAPTER 713, PART I, SECTION 713.13, FLORIDA STATUTES, AND CAN RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

Signature of Owner (Owner's Authorized Officer/Director/Partner/Manager):

(Signatory's Title/Office)

The foregoing instrument was acknowledged before me this 22nd day of November, 2024

by Linda Olsen as identification for 1409 Neptune Grove Dr. W

Notary: _____

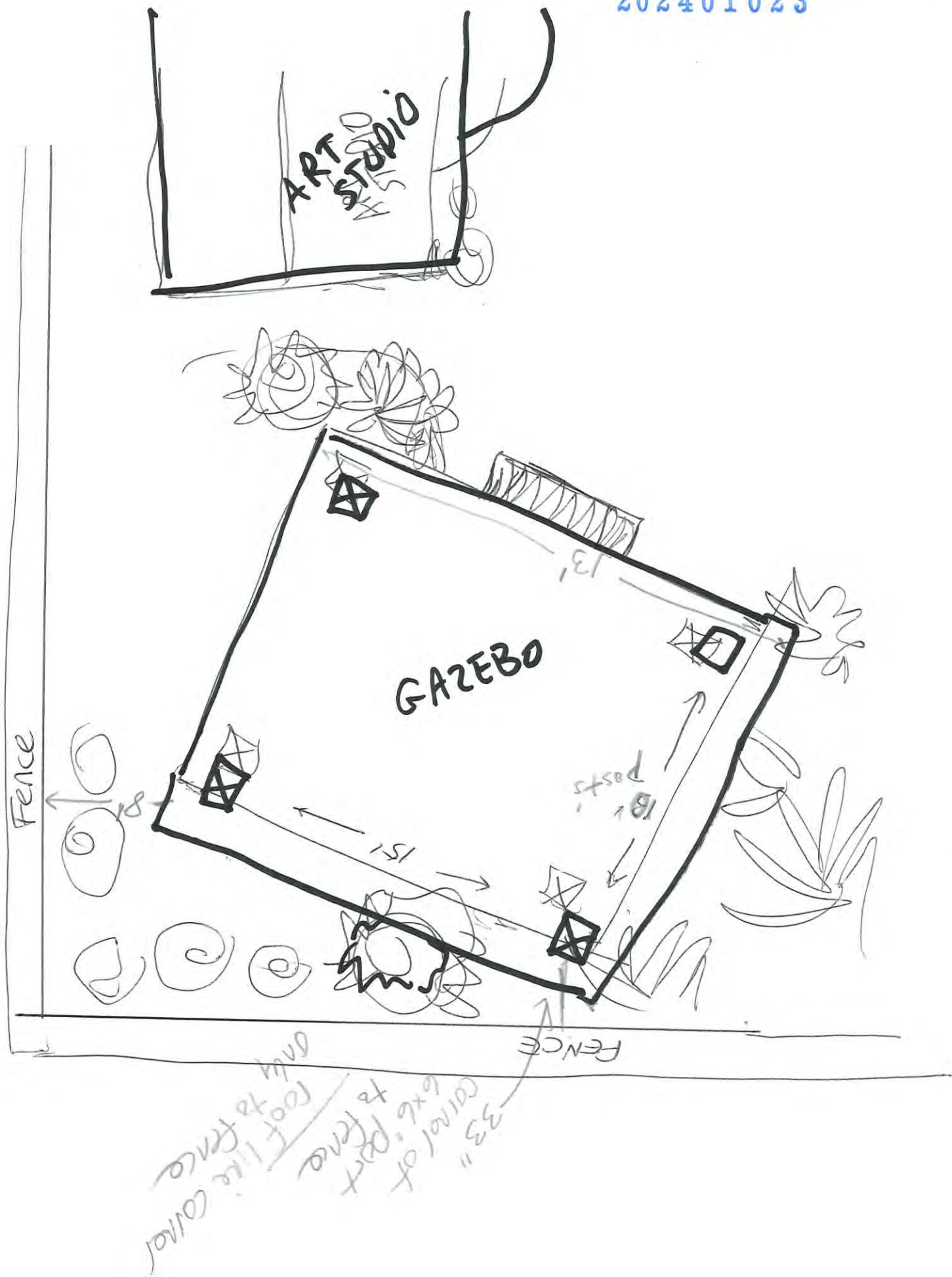


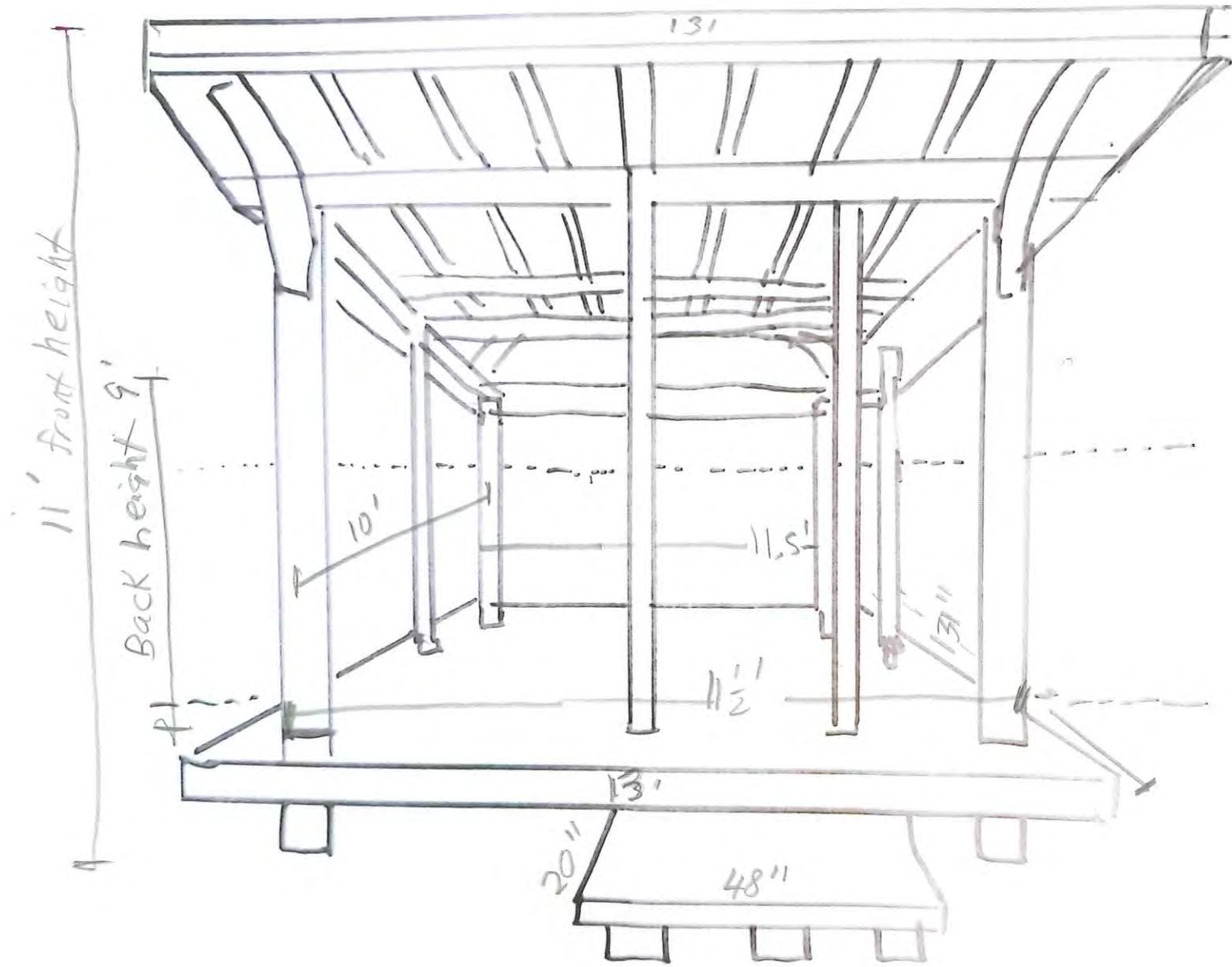
Personally Known _____ or Produced Identification ☒ Type of identification Produced: Driver's License

My commission expires: 08/09/2029

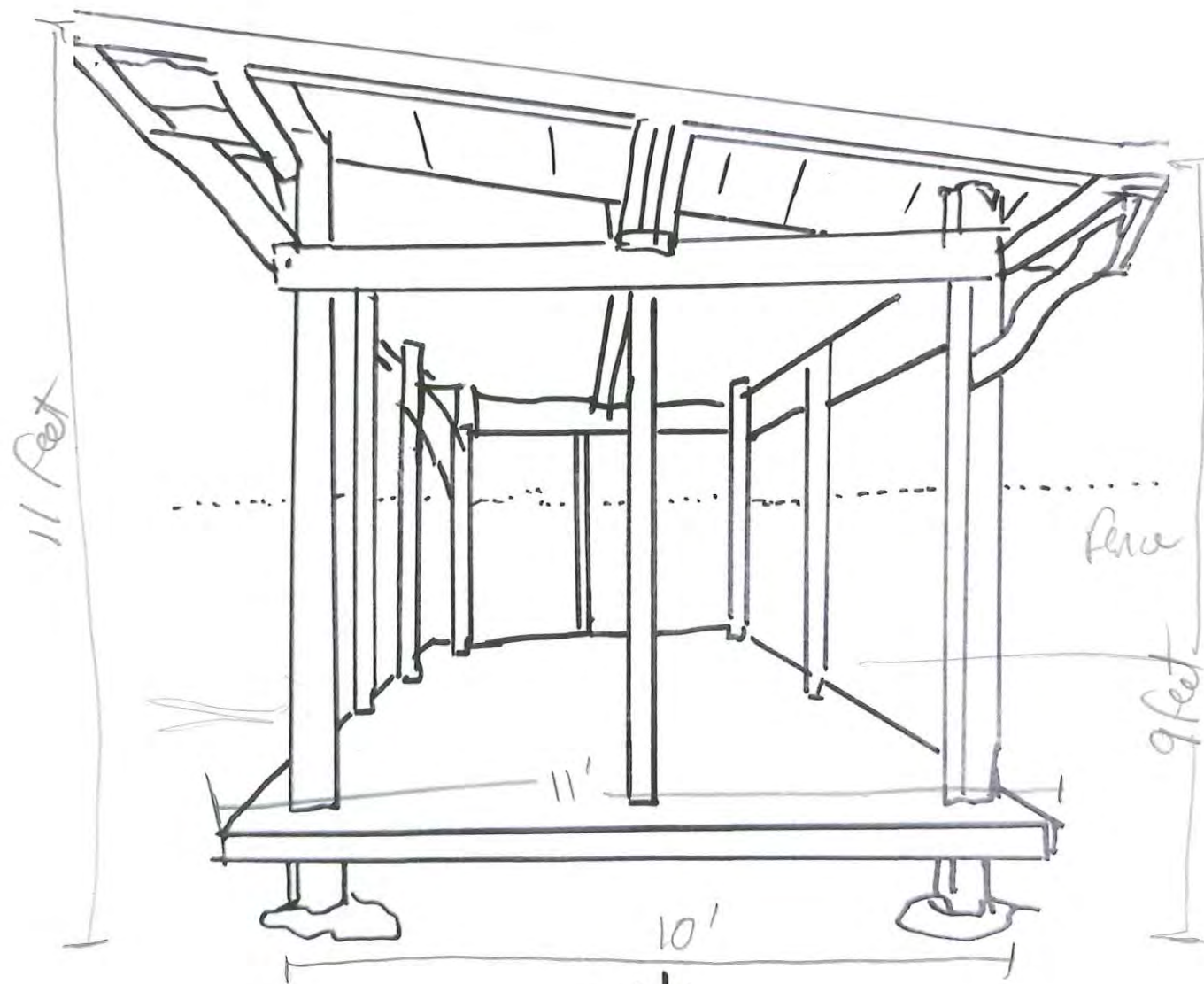
Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true to the best of my knowledge and belief.







202401023



West ←

→ East

202401023

202401023

PREPARED BY:
ERIC FERGUSON
FIRST AMERICAN MORTGAGE SOLUTIONS
1795 INTERNATIONAL WAY
IDAHO FALLS, ID 83402
AND WHEN RECORDED MAIL TO:
FIRST AMERICAN MORTGAGE SOLUTIONS
1795 INTERNATIONAL WAY
IDAHO FALLS, ID 83402
FLORIDA
COUNTY OF DUVAL



MORTGAGE RELEASE, SATISFACTION, AND DISCHARGE

The undersigned, BANK OF AMERICA, N.A., the Mortgagee of that certain Mortgage described below, does hereby release, discharge and reconvey, to the persons legally entitled thereto, all of its right, title, and interest in and to the real estate described in said Mortgage, forever satisfying, releasing, cancelling, and discharging the lien from said Mortgage.

Said Mortgage bearing the date APRIL 04, 2001, executed by LINDA A. OLSEN, UNMARRIED, Mortgagor, and recorded in Public Records in the Office of the Clerk of the Circuit Court for DUVAL County, State of FLORIDA on APRIL 20, 2001 in Book 9958 at Page 2232 as Clerk's File No. 2001092778.

AS DESCRIBED IN SAID MORTGAGE

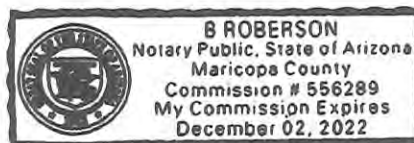
IN WITNESS WHEREOF, the undersigned has caused this Instrument to be executed on NOVEMBER 12, 2020.
BANK OF AMERICA, N.A., BY FIRST AMERICAN MORTGAGE SOLUTIONS, LLC, AS ATTORNEY-IN-FACT


ERIC FERGUSON, VICE PRESIDENT

STATE OF ARIZONA COUNTY OF MARICOPA) ss.

On NOVEMBER 12, 2020, before me, B ROBERSON, Notary Public, personally appeared ERIC FERGUSON, VICE PRESIDENT of FIRST AMERICAN MORTGAGE SOLUTIONS, LLC, AS ATTORNEY-IN-FACT FOR BANK OF AMERICA, N.A., whose identity was proven to me on the basis of satisfactory evidence to be the person who is or she claims to be and whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person, or entity, who they acted on the behalf of, executed the instrument.


B ROBERSON (COMM. EXP. 12/02/2022)
NOTARY PUBLIC



POD: 20201103
BA80501171M - LR - FL



Page 1 of 1



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 3, then 4 Email: 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: <u>12-20-2024</u>	Zoning District: <u>R1</u>	Real Estate Parcel Number: <u>Lot 30</u>
Name & Address of Owner of Record: <u>LINDA OLSEN</u> <u>1409 Neptune Grove Dr. West</u> <u>Neptune Beach, FL 32266</u>		Property Address: <u>1409 Neptune Grove Dr. West</u> <u>Neptune Beach FL 32266</u> Number of units on property <u>45 years</u>
Contact phone number# <u>904-699-9995</u> e-mail address <u>lindaolsenart@gmail.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:

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): As my home was built in 1972, my forever home is considered historically significant in Neptune Beach. I have improved my property since 1980 and have been a resident and tax payer. I want to rebuild the unsafe existing gazebo in my backyard which was built in 1997.
2. Explain the purpose of the variance (if granted)?
Replacing the unsafe, existing gazebo which has been in the same location since 1997.
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):
Original gazebo built in 1997. ① Backyard property is unique with heritage oaks and tropical foliage.
② Variance is minimum effect on adjacent properties and allows reasonable use of my property
③ Variance shall not adversely affect adjacent properties and will enhance property and area
④ Personal property rights is my general intent.
⑤ Variance is in keeping with my personal property rights and the enjoyment of my forever home
⑥ No special privileges will be provided.

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.

My hardship is that this is a replacement structure to be safe and secure. Substantial funds have been expended from Jan 2024 until Nov. 2024. Other structures have been permitted with no indication that the old gazebo was out of scope.

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

One corner is closer to neighbor's fence line but causes no issue for neighbor and is partially hidden by trees and fence - 33" off property line (see drawing D)

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

Will not impact neighbors or area. Improves my property and joy de vie in my forever home. My home is my heart.

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

The new gazebo was constructed of premium materials and craftsman construction with extra care for safety and weather issues. Hurricane straps and cemented the four corner 6x6 posts (buried 3' in ground). Beautifully constructed with special architectural features and artwork.

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

My back yard has been the highlight of my property. It brings me joy every day.

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

I was replacing old structure and was not informed by previous property inspectors that the gazebo was not within new code. My hopes to be grandfathered in with this new safer structure.

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.

Pre-existing structure replaced to be safe and longlasting.

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 and **dated within one year of application date.**
SURVEY MUST BE ORIGINAL SIZE AND CAN 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) / \$1,000.00 (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)

NAME OF AUTHORIZED AGENT

LINDA A. OLSEN

ADDRESS OF PROPERTY OWNER

ADDRESS OF AUTHORIZED AGENT

1409 Neptune Grove Dr. West
Neptune Beach, FL 32266

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.

_____ 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

Signature of Owner

Print Name

Daytime Telephone Number

State of Florida

County of _____

Signed and sworn before me on this _____ day _____ of 2024.

By _____

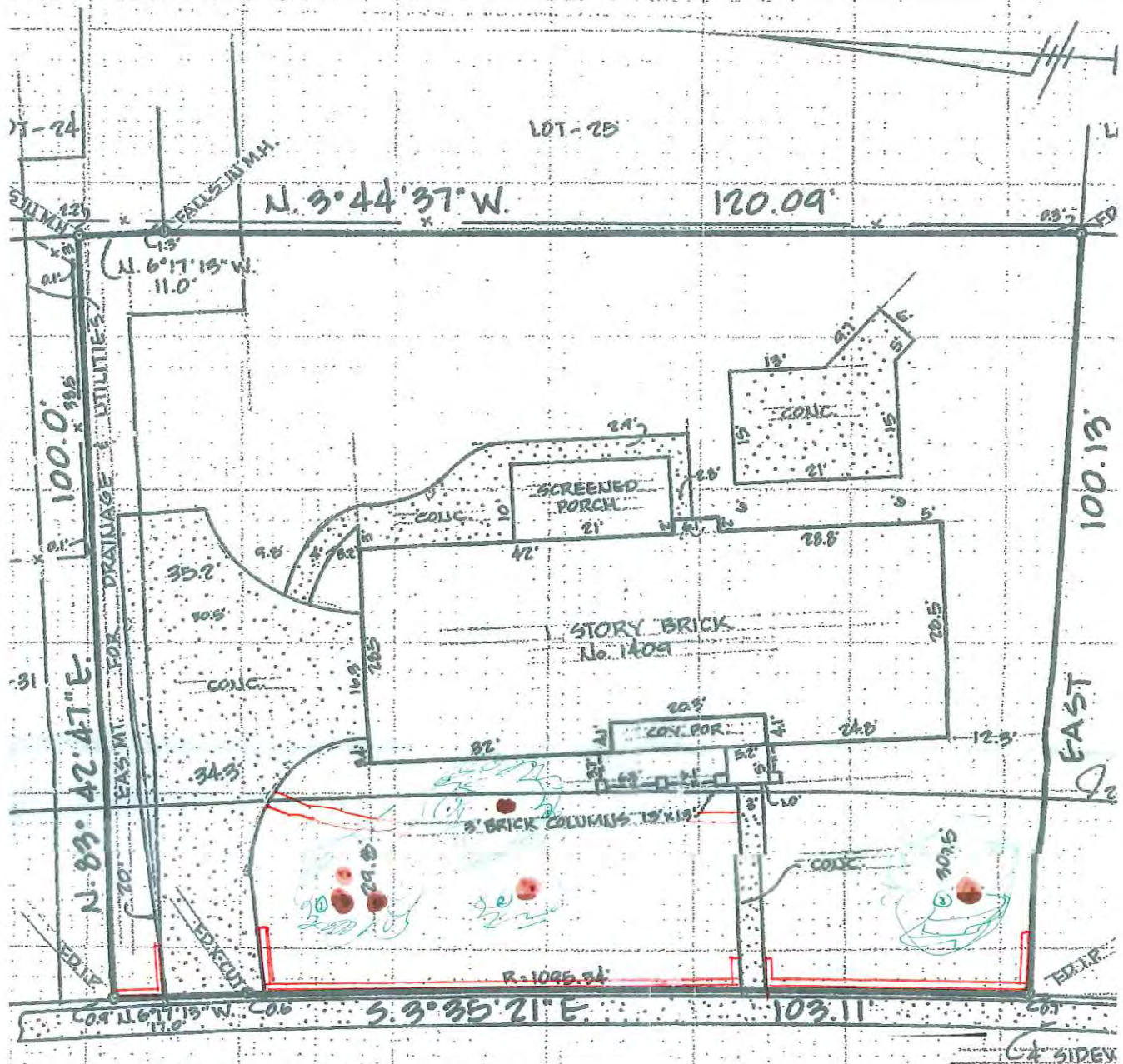
Identification verified: _____ Oath sworn: ☐ Yes ☐ No

Notary Signature

My Commission expires: _____

MAP SHOWING SURVEY OF
LOT 30 BLOCK ~ AS SHOWN ON MAP OF
NEPTUNE GROVE SOUTH

AS RECORDED IN PLAT BOOK 33 PAGE 69 OF PUBLIC RECORDS OF DUVAL CO. I
FOR GREGORY OLSEN



NEPTUNE GROVE DRIVE WEST
(60' R/W)

PREPARED BY:
ERIC FERGUSON
FIRST AMERICAN MORTGAGE SOLUTIONS
1795 INTERNATIONAL WAY
IDAHO FALLS, ID 83402

AND WHEN RECORDED MAIL TO:
FIRST AMERICAN MORTGAGE SOLUTIONS
1795 INTERNATIONAL WAY
IDAHO FALLS, ID 83402
FLORIDA
COUNTY OF DUVAL



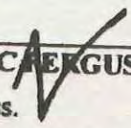
MORTGAGE RELEASE, SATISFACTION, AND DISCHARGE

The undersigned, BANK OF AMERICA, N.A., the Mortgagee of that certain Mortgage described below, does hereby release, discharge and reconvey, to the persons legally entitled thereto, all of its right, title, and interest in and to the real estate described in said Mortgage, forever satisfying, releasing, cancelling, and discharging the lien from said Mortgage.

Said Mortgage bearing the date APRIL 04, 2001, executed by LINDA A. OLSEN, UNMARRIED, Mortgagor, and recorded in Public Records in the Office of the Clerk of the Circuit Court for DUVAL County, State of FLORIDA on APRIL 20, 2001 in Book 9958 at Page 2232 as Clerk's File No. 2001092778.

AS DESCRIBED IN SAID MORTGAGE

IN WITNESS WHEREOF, the undersigned has caused this Instrument to be executed on NOVEMBER 12, 2020.
BANK OF AMERICA, N.A., BY FIRST AMERICAN MORTGAGE SOLUTIONS, LLC, AS ATTORNEY-IN-FACT

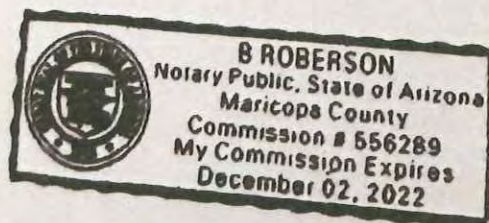

ERIC FERGUSON, VICE PRESIDENT

) ss.

STATE OF ARIZONA COUNTY OF MARICOPA

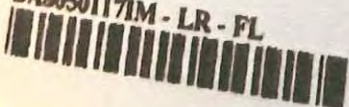
On NOVEMBER 12, 2020, before me, B ROBERSON, Notary Public, personally appeared ERIC FERGUSON, VICE PRESIDENT of FIRST AMERICAN MORTGAGE SOLUTIONS, LLC, AS ATTORNEY-IN-FACT FOR BANK OF AMERICA, N.A., whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she claims to be and whose name is subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacity, and that by their signature on the instrument the person, or entity, who they acted on the behalf of, executed the instrument.


B ROBERSON (COMM. EXP. 12/02/2022)
NOTARY PUBLIC



POD: 20201103

BA20501171M - LR - FL



Handwritten scribbles at the top of the page.



FENCE

32" from fence in this corner

131" or 10.9'

14.4'

13'

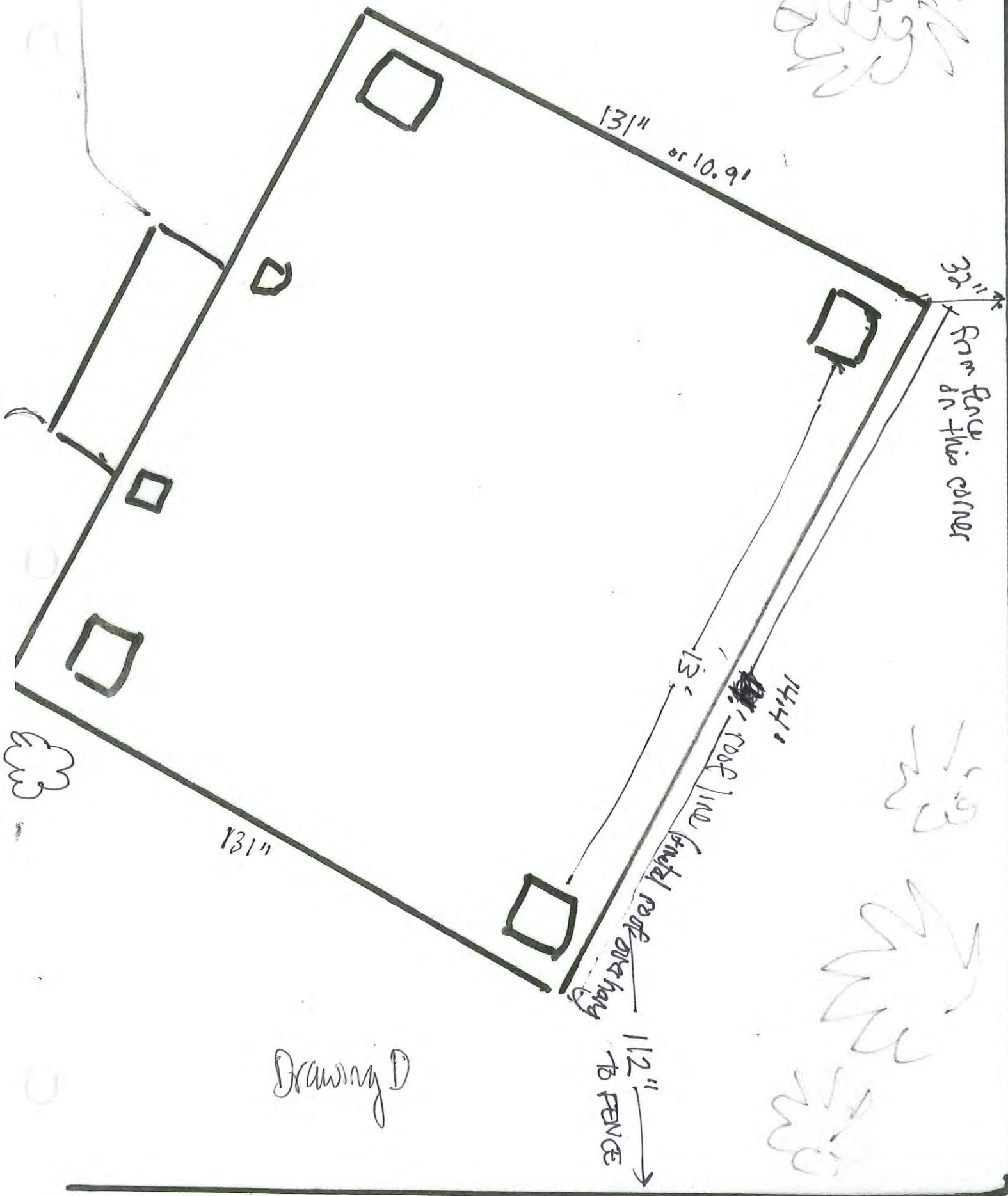
roof line (metal roof overhang)

112" to FENCE

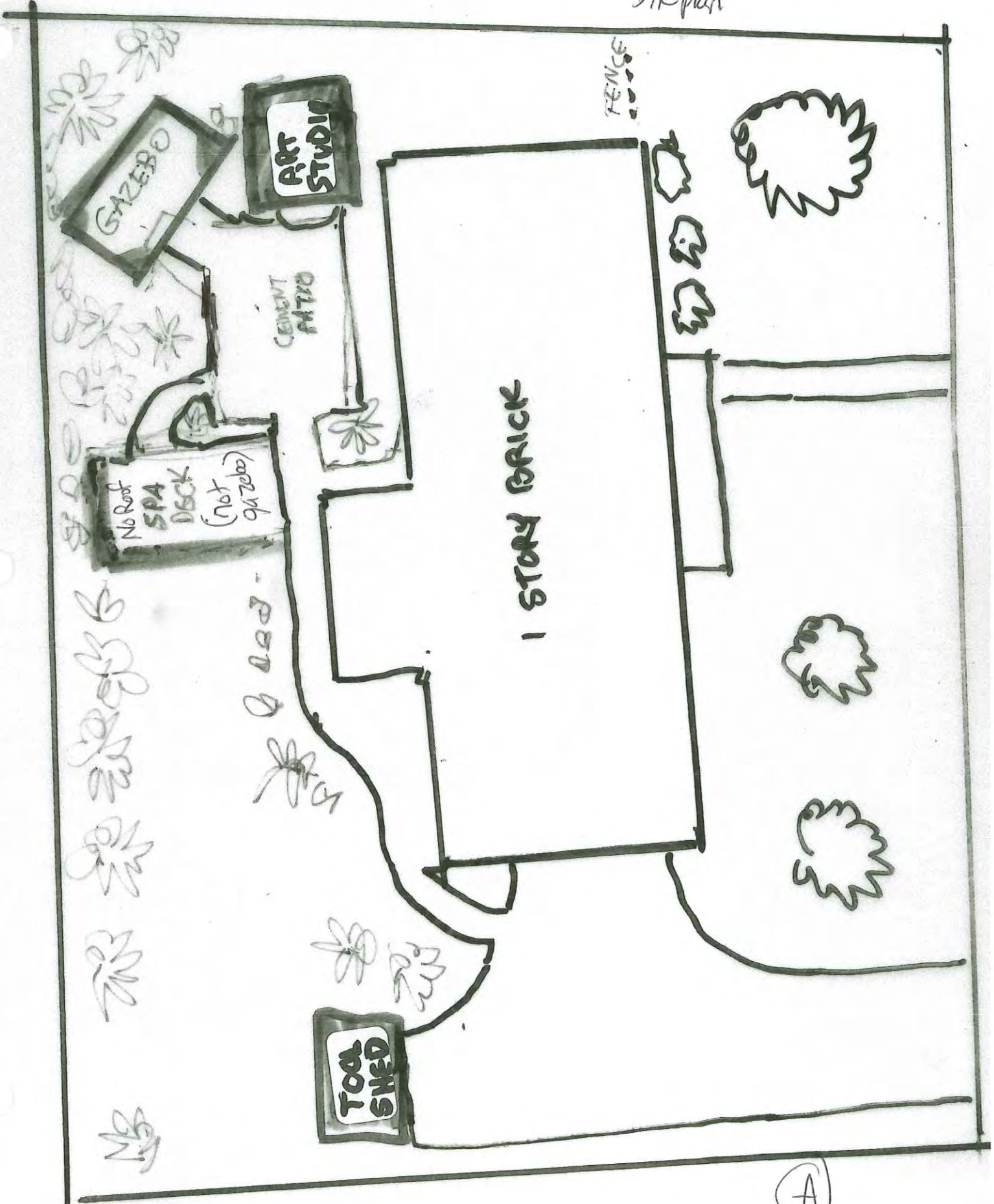
131"

Drawing D

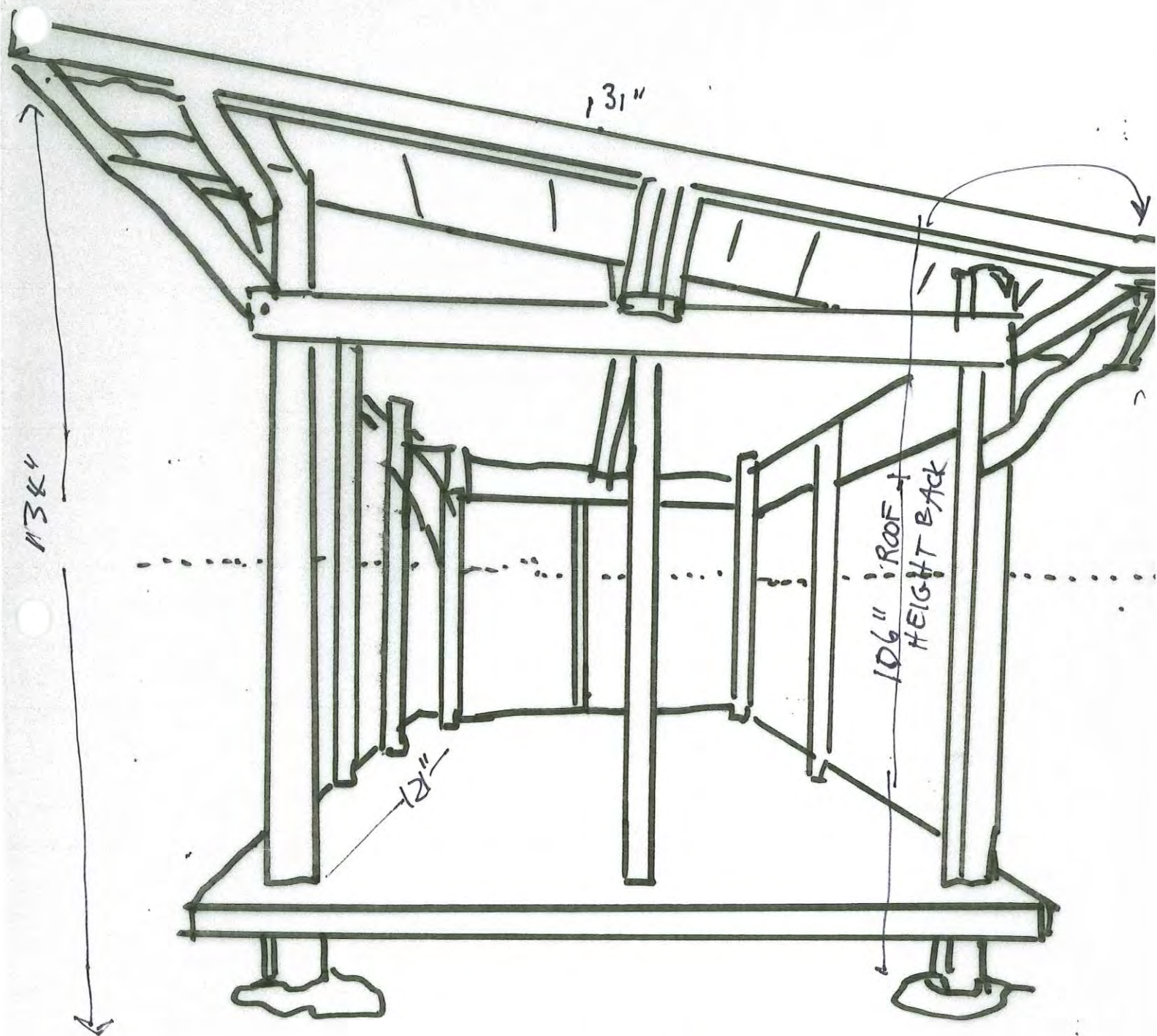
FENCE

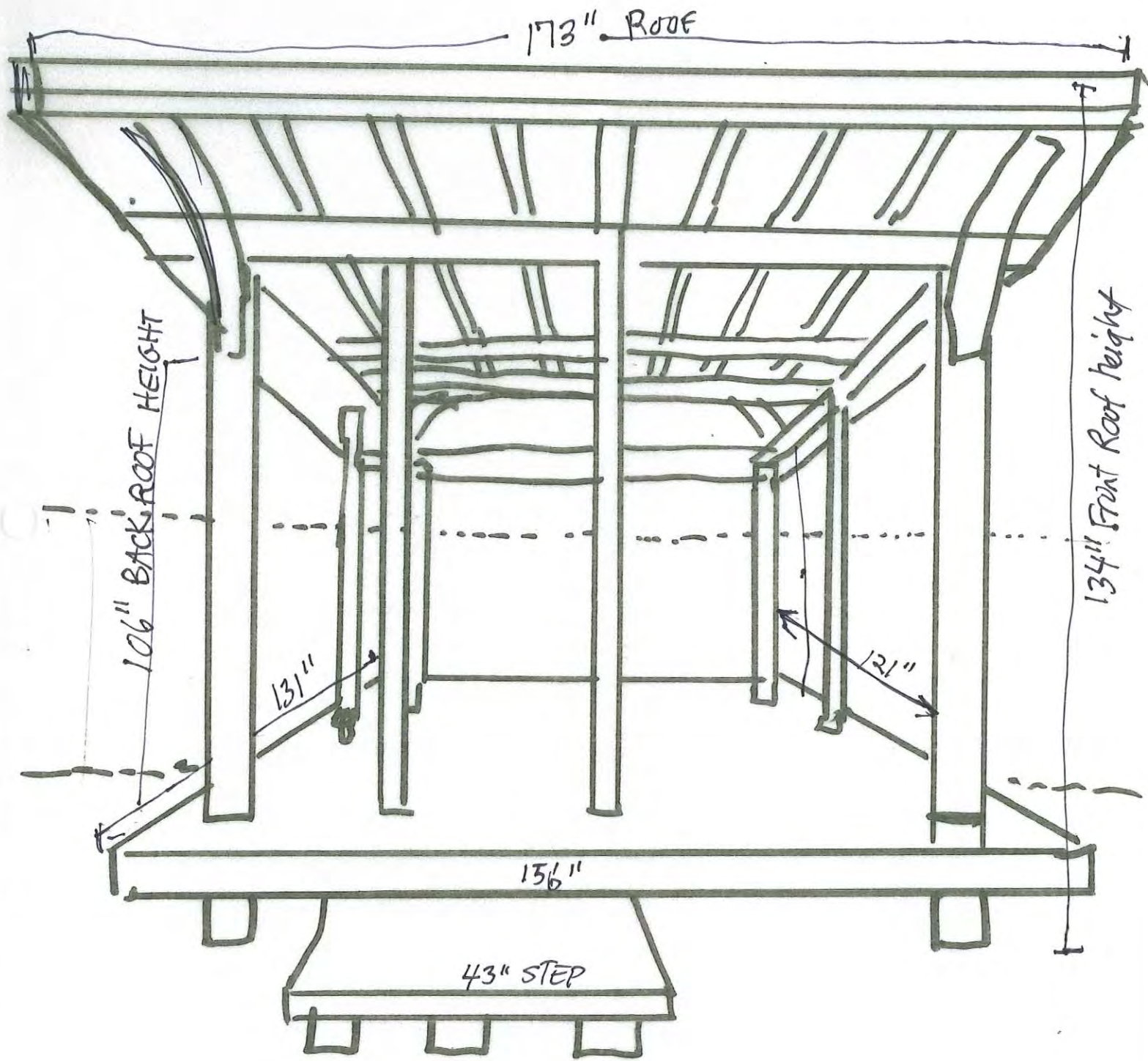


sik plan

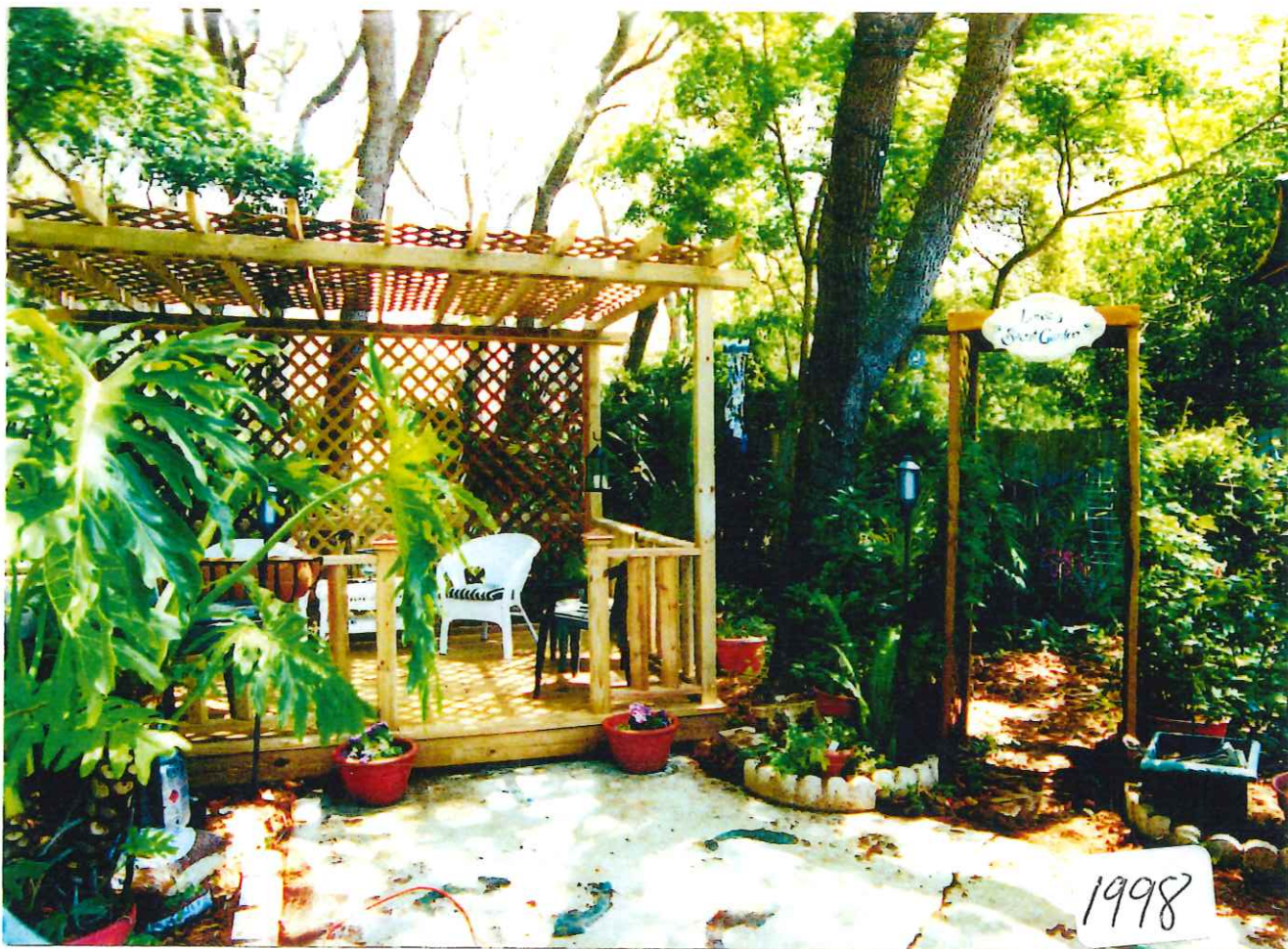


A





(C)

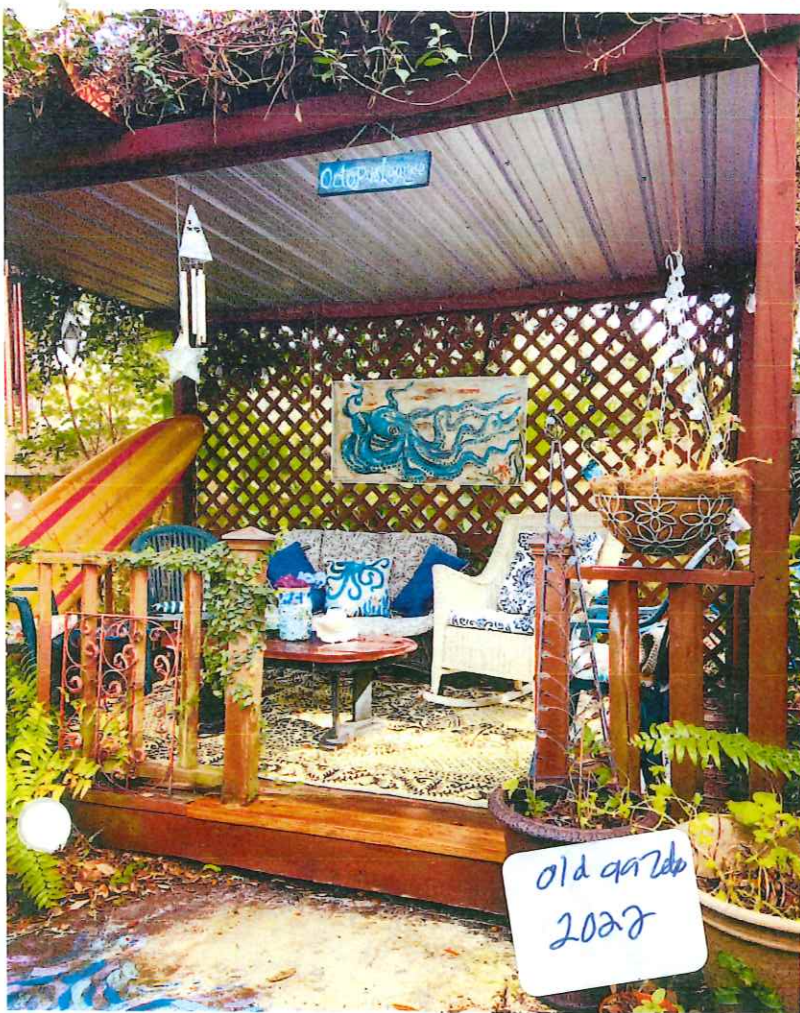




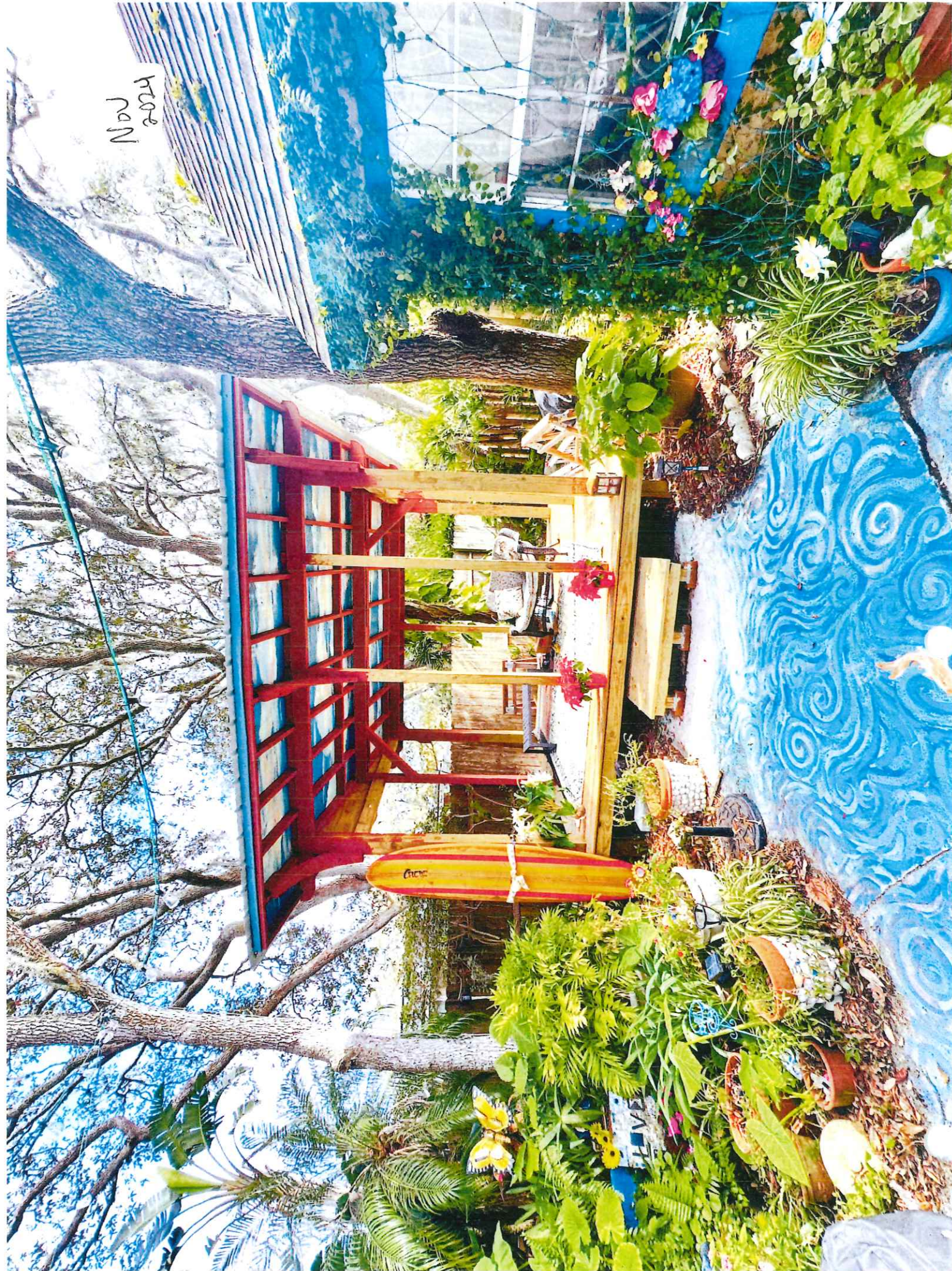
spa
deck ↑

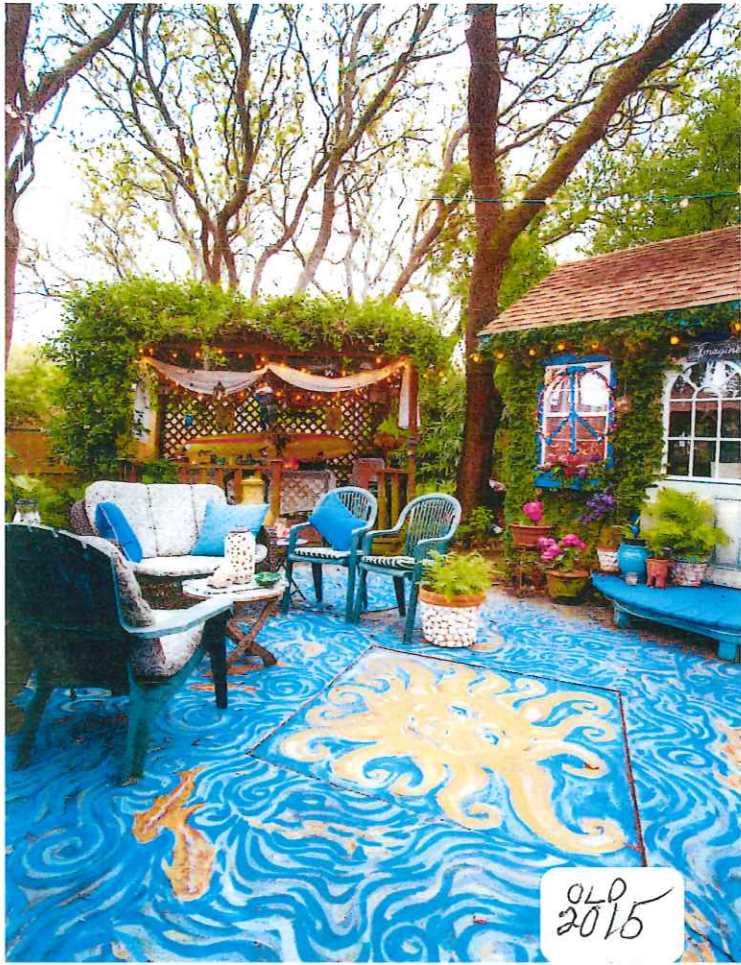
old
gazebo ↑

painting
studio



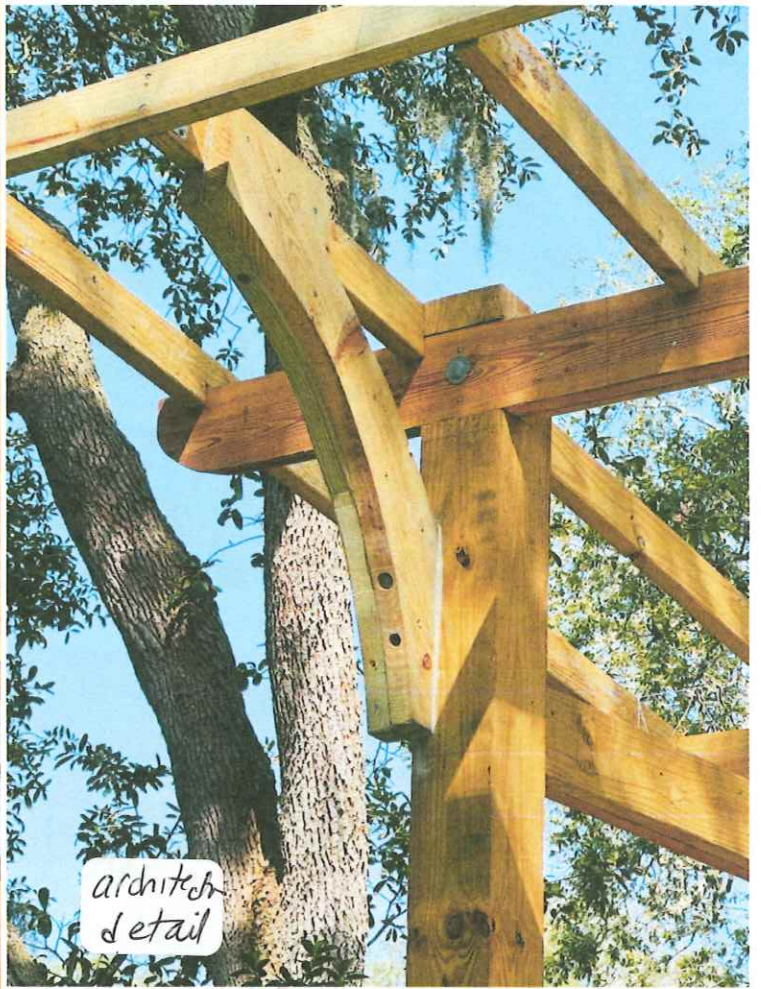
Room







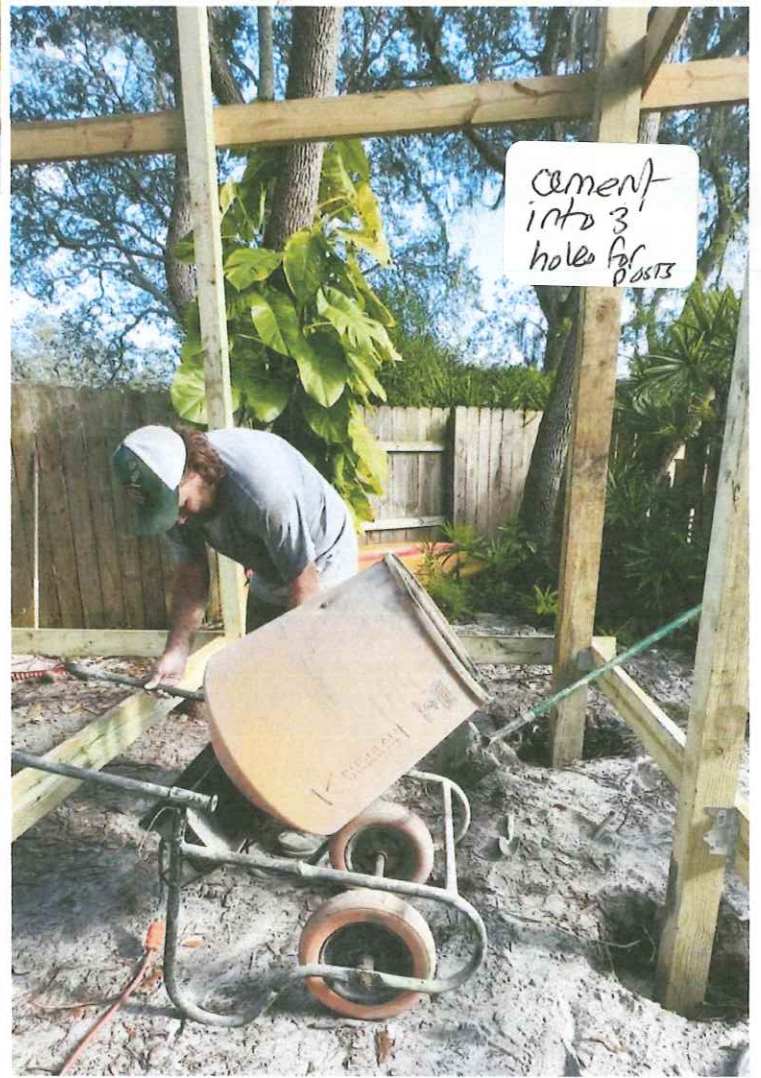
all boards
with
hurricane
strap & tap



architect
detail



Feb 2024
Dig holes

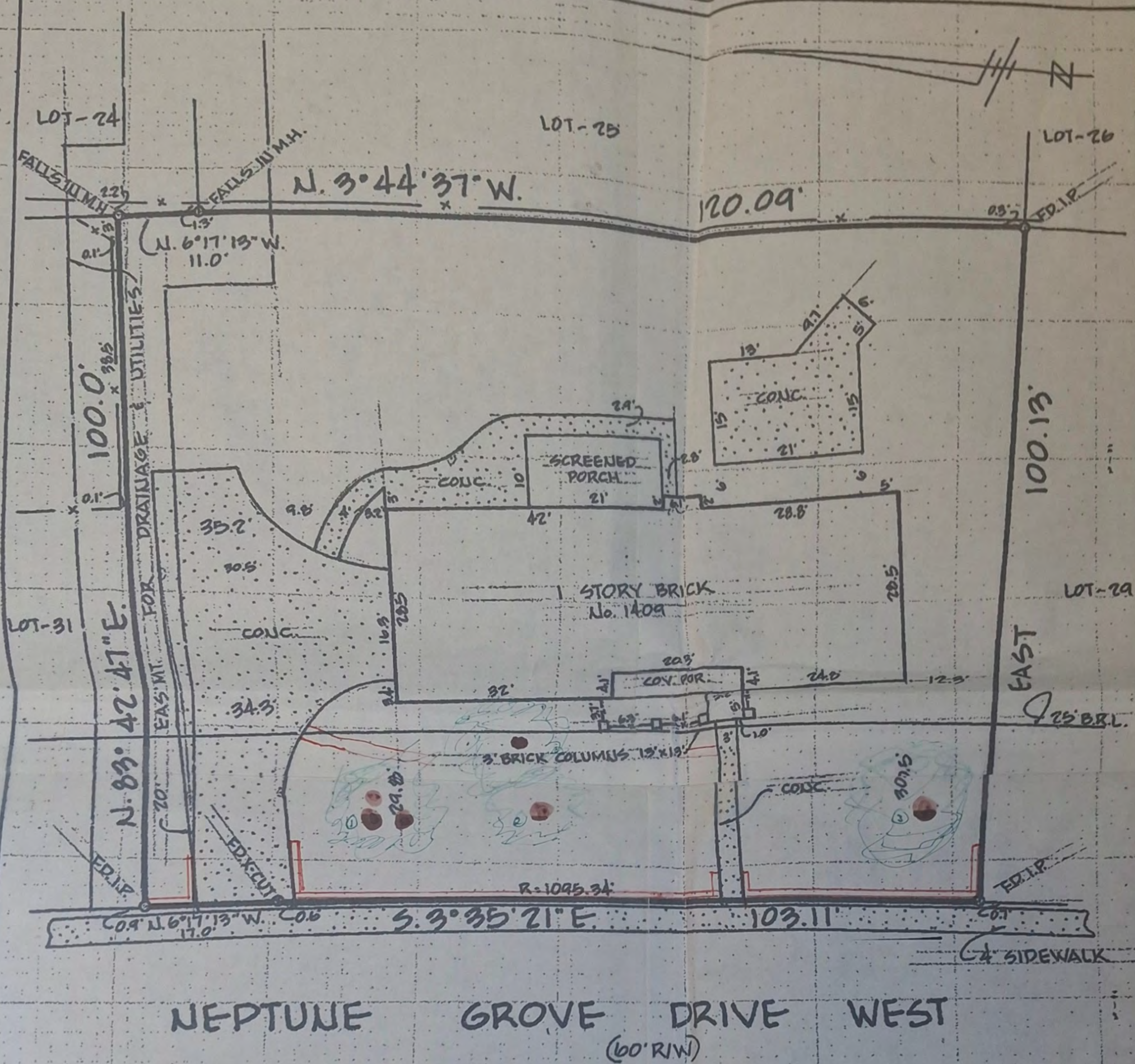


cement
into 3
holes for
posts

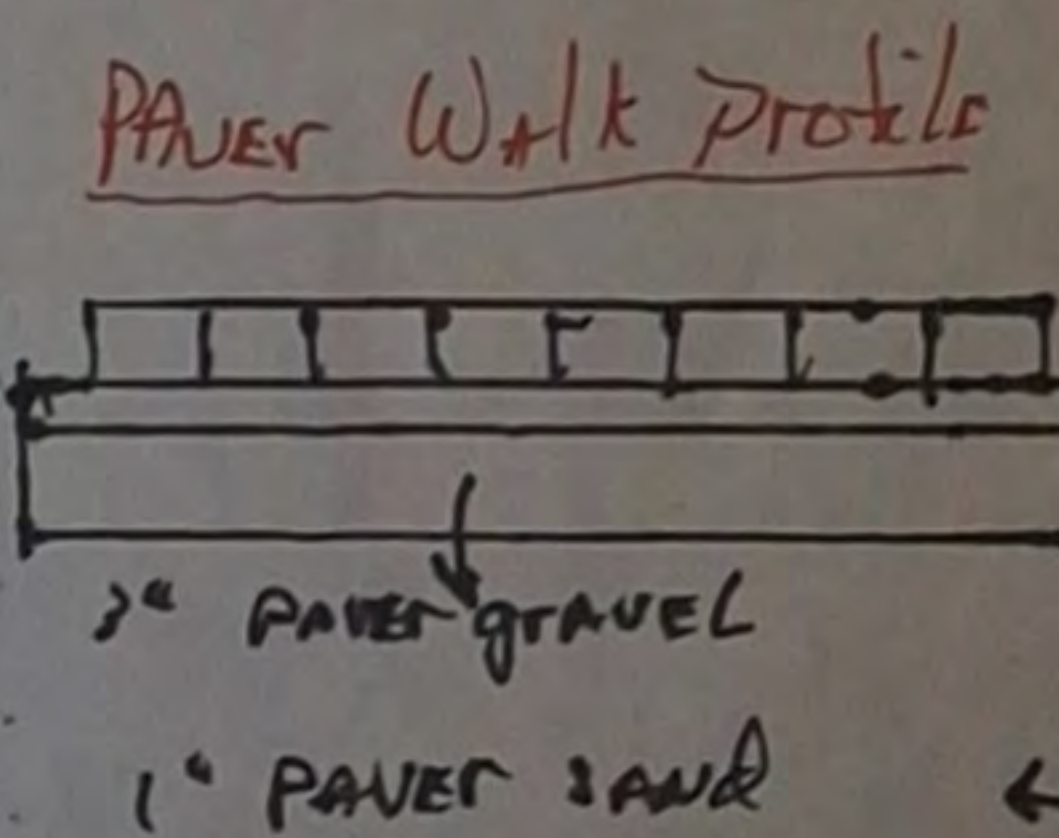
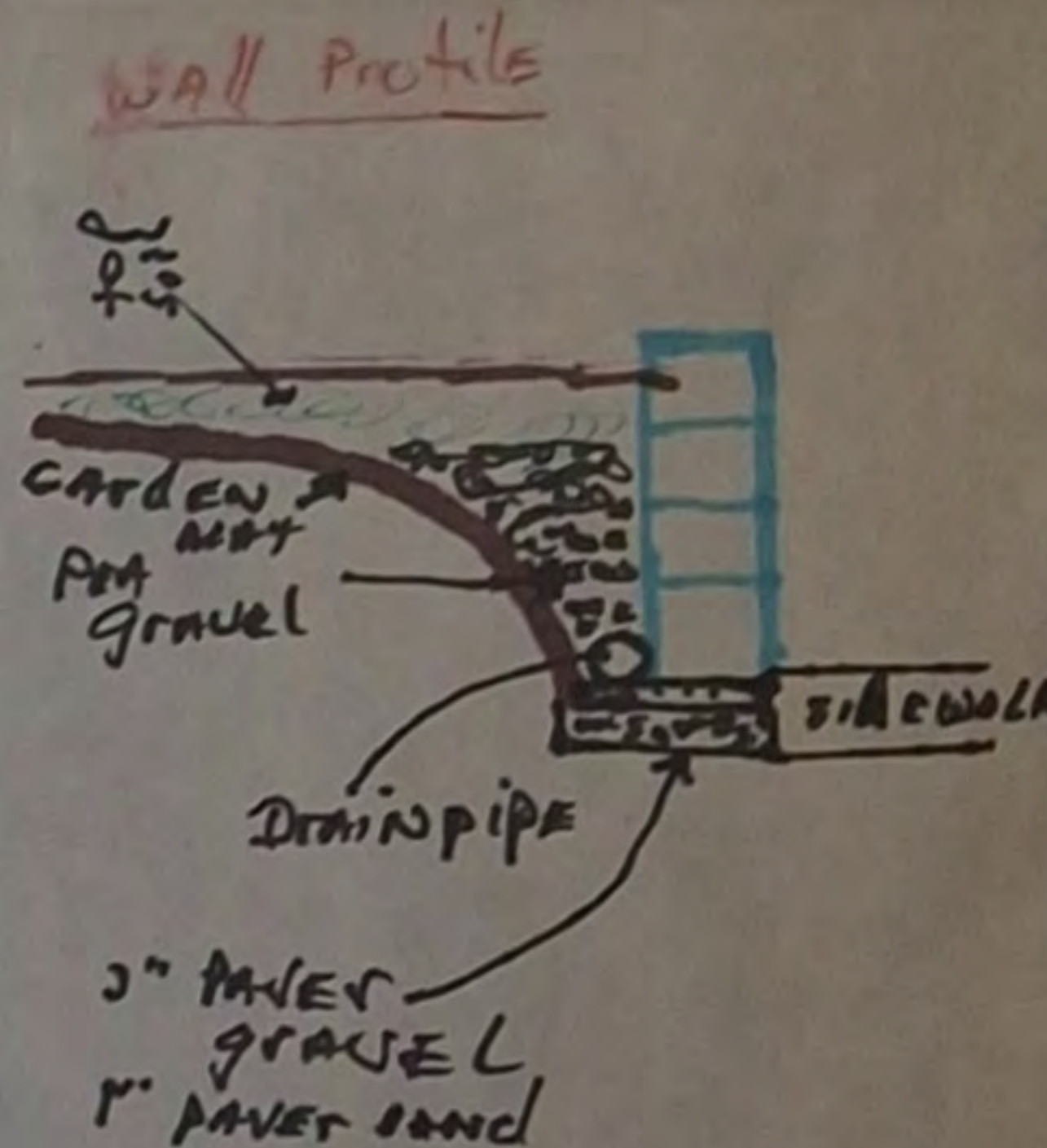


MAP SHOWING SURVEY OF LOT 30 BLOCK ~ AS SHOWN ON MAP OF NEPTUNE GROVE SOUTH

AS RECORDED IN PLAT BOOK 33 PAGE 69
FOR GREGORY OLSEN OF PUBLIC RECORDS OF DUVAL CO. FLA.



- TYPES
- ① LIVE OAKS
 - ② WATER OAK
 - ③ SUGAR MAPLE



Jim Harrison & associates. inc.

LAND SURVEYORS — 7825 BAYMEADOWS WAY BOX 40 — JACKSONVILLE, FLORIDA 32216 — 904 / 731-0722

LEGEND

- ⊙ CONC MON
- IRON COR (SET)
- X- FENCE
- IRON COR (FD.)
- ⊗ CROSS CUT

F.B. 210-1

I HEREBY CERTIFY THAT THE ABOVE LOT WAS SURVEYED BY
ME AND THAT THE DWELLING IS LOCATED UPON SAME
AS SHOWN AND THAT THERE ARE NO ENCROACHMENTS UPON SAID
LOT

JAMES D. HARRISON, JR. PLS

SCALE 1" = 20'

DATE JUNE 13, 1980

James D. Harrison, Jr.
REGISTERED SURVEYOR, NO. 2847, FLORIDA



ORDER NO. E-1106



NEW REPLACEMENT GAZEBO



DECK AND PRIVACY LATTICE FOR JACUZZI



Art Studio



TOOL SHED AT END OF DRIVEWAY

From: [Patrick Kennedy](#)
To: [Heather Whitmore](#); [Piper Turner](#)
Cc: [Sarah Kennedy](#)
Subject: Property Survey 1412 Neptune Grove Dr. E.
Date: Monday, February 10, 2025 12:46:59 PM
Attachments: [Survey 1412 NB.pdf](#)

CAUTION This email originated from outside the organization. Do NOT click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

I was planning on building a shed in my backyard along with a fence and was informed that ;

- 1.) The structure behind me is not permitted.
- 2.) The structure is currently overhanging into my property.
If you notice on the property survey that my property is about a foot past the fence which I have measured from my structure as well to confirm.
- 3.) According to Article 5 Section 27-328. The structure is required to be 5 feet off the boundary line and if its hanging into my property it does not meet the requirement.
- 4.) With the direction the slope of the roof is facing (toward my property) the water runoff goes into my property.
- 5.) The height of the structure is likely over the 12 foot height limit according to Sec. 27-328. Item #3
- 6.) Structure is likely a Hurricane/Wind safety hazard as not inspected or built to code.
- 7.) Does this structure have documented plans as required that meet the codes of the city. According to Sec. 27-328. Item # (6)

Also is there a specific time designation to work on these type of projects because we would like to enjoy our weekends without having to hear constant construction for the next year if reconstructed in the same manner.

Our living room is located closest to the structure. The banging is very disturbing after we get home from work, and it would continue until dark usually .

The structure is located right outside of our living room window and is aesthetically unpleasing, which is truly the least of my concerns.

Apparently, the previous tenant said they worked on structure for about said 6 months before we moved in, but it has been over six months of daily banging since we moved in as well, which if correct means that it takes over a year to build this shed with the current method. We would like to be able to enjoy our yard especially on the weekends when we are our kids are playing in the backyard.

Information Below is copy and pasted for quick reference from

<https://www.nbfl.gov/planning-community-development/files/updated-land-development-code.>;

ARTICLE V. - ACCESSORY STRUCTURES AND USES

Sec. 27-322. - **Generally.** This article establishes standards to regulate the location, installation, configuration, and use of accessory buildings and structures, and the conduct of accessory uses, in order to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

Sec. 27-323. - **Applicability.** It shall be unlawful to erect, cause to [be] erected, maintain or cause to be maintained, any accessory structure or to conduct any accessory use not expressly authorized by, or specifically exempted from, this Code.

Sec. 27-325. - **General standards and requirements** #5) Accessory structures shall comply with article XII, Stormwater Management and Erosion Control requirements of this chapter, and shall be included in all calculations of impervious surface and stormwater runoff or any site design requirements applying to the principal use of the parcel. Impervious surface and stormwater drainage calculations shall encompass and evaluate the entire parcel on which the accessory structure is located.

Sec. 27-328. - (c.) Accessory structures may be located in required side or rear yards, but not less than five (5) feet from any lot line.

Sec. 27-328. (3) Accessory structure does not exceed twelve (12) feet in height or fourteen (14) feet in height for a two (2) car garage with a vertical exterior wall height not to exceed eight (8) feet in height.

Sec. 27-328. (5) No more than three (3) accessory structures per lot, excluding subsection 27-328(2) c.

Sec. 27-328. (6) Accessory structures shall be shown on any development plan with full supporting documentation as required in article III of this chapter.

Please keep me updated and let me know when I can expect to build my fence and start working on my projects.

Thanks,

Patrick Kennedy
1412 Neptune Grove Dr. E.
Neptune Beach, FL
(904)582-2836



6250 NORTH MILITARY TRAIL, SUITE 102, WEST PALM BEACH, FL 33407- (800) 226-4807
WWW.TARGETSURVEYING.NET

LAND SURVEY PREPARED FOR SARAH MARIE KENNEDY AND PATRICK JACOB KENNEDY
1412 NEPTUNE GROVE DRIVE EAST, NEPTUNE BEACH, FL 32266



REQUESTED BY:

J. RILEY WILLIAMS, PLC
35 DURBIN STATION COURT, SUITE 102
ST. JOHNS, FL 32259
PH.



6250 N. Military Trail, Suite 102
West Palm Beach, FL 33407
Phone 1: 561-640-4800
Phone 2: 1-800-226-4807
Fax 1: 561-640-0576
Fax 2: 1-800-741-0576

Invoice

To: J. RILEY WILLIAMS, PLC
Survey Number: 638409
Order Date: 5/30/2024
Deliver To Attn: LAUREN HUNT
Deliver To: J. RILEY WILLIAMS, PLC
35 DURBIN STATION COURT, SUITE 102
ST. JOHNS, FL 32259

Property Address: 1412 NEPTUNE GROVE DRIVE EAST
NEPTUNE BEACH, FL 32266

Buyers: SARAH MARIE KENNEDY AND PATRICK JACOB
KENNEDY

Sellers:
Client File #: 24-0712-17

Item	Description	Amount
Survey	Survey	\$350.00
Invoice Total		\$350.00

Amount Invoiced To Date: \$350.00

Amount Paid To Date: \$0.00

Total Amount Due: \$350.00

To pay with a credit card please use this link <https://securepayment.link/targetsurveying>

LEGAL DESCRIPTION AND CERTIFICATION

LOT 25, NEPTUNE GROVE SOUTH, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 33, PAGE(S) 69, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

Community Number: 120079 Panel: 0409 Suffix: J F.I.R.M. Date: Flood Zone: X Field Work: 6/2/2024

Certified To:

SARAH MARIE KENNEDY AND PATRICK JACOB KENNEDY; J. RILEY WILLIAMS, PLC; CHICAGO TITLE INSURANCE; GATEWAY LOAN

Property Address:

1412 NEPTUNE GROVE DRIVE EAST
NEPTUNE BEACH, FL 32266

Survey Number: 638409

Client File Number: 24-0712-17

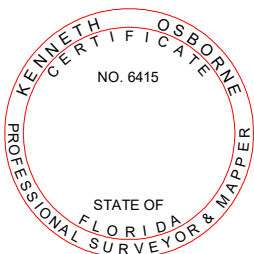
ABBREVIATION DESCRIPTION:

A.E.	ANCHOR EASEMENT	F.F. EL.	FINISH FLOOR ELEVATION
A/C	AIR CONDITIONER	F.I.P.	FOUND IRON PIPE
B.M.	BENCH MARK	F.I.R.	FOUND IRON ROD
B.R.	BEARING REFERENCE	F.P.K.	FOUND PARKER-KALON NAIL
(C)	CALCULATED	(L)	LENGTH
? CH	CENTRAL / DELTA ANGLE	L.A.E.	LIMITED ACCESS EASEMENT
(D)	CHORD	L.M.E.	LAKE MAINTENANCE EASEMENT
D.E.	DEED / DESCRIPTION	(M)	MEASURED / FIELD VERIFIED
D.H.	DRAINAGE EASEMENT	M.H.	MANHOLE
D.H.	DRILL HOLE	N&D	NAIL & DISK
D.W.	DRIVEWAY	N.R.	NOT RADIAL
E.O.W.	EDGE OF WATER	N.T.S.	NOT TO SCALE
F.C.M.	FOUND CONCRETE MONUMENT	O.H.L.	OVERHEAD UTILITY LINES

O.R.B.	OFFICIAL RECORDS BOOK
(P)	PLAT
P.B.	PLAT BOOK
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVE
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.R.C.	POINT OF REVERSE CURVE
P.T.	POINT OF TANGENCY
R/W	RIGHT-OF-WAY
(R)	RADIAL / RADIUS
S.I.R.	SET IRON ROD
T.O.B.	TOP OF BANK
U.E.	UTILITY EASEMENT

SYMBOL DESCRIPTIONS:

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



SURVEYORS CERTIFICATE

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

(SIGNED)

KENNETH J OSBORNE
PROFESSIONAL SURVEYOR AND MAPPER #6415

PRINTING INSTRUCTIONS:

WHEN PRINTING BE SURE TO SELECT "ACTUAL SIZE" TO ENSURE PROPER SCALING. DO NOT USE "FIT"

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



LB #7893

SERVING FLORIDA

6250 N. MILITARY TRAIL, SUITE 102

WEST PALM BEACH, FL 33407

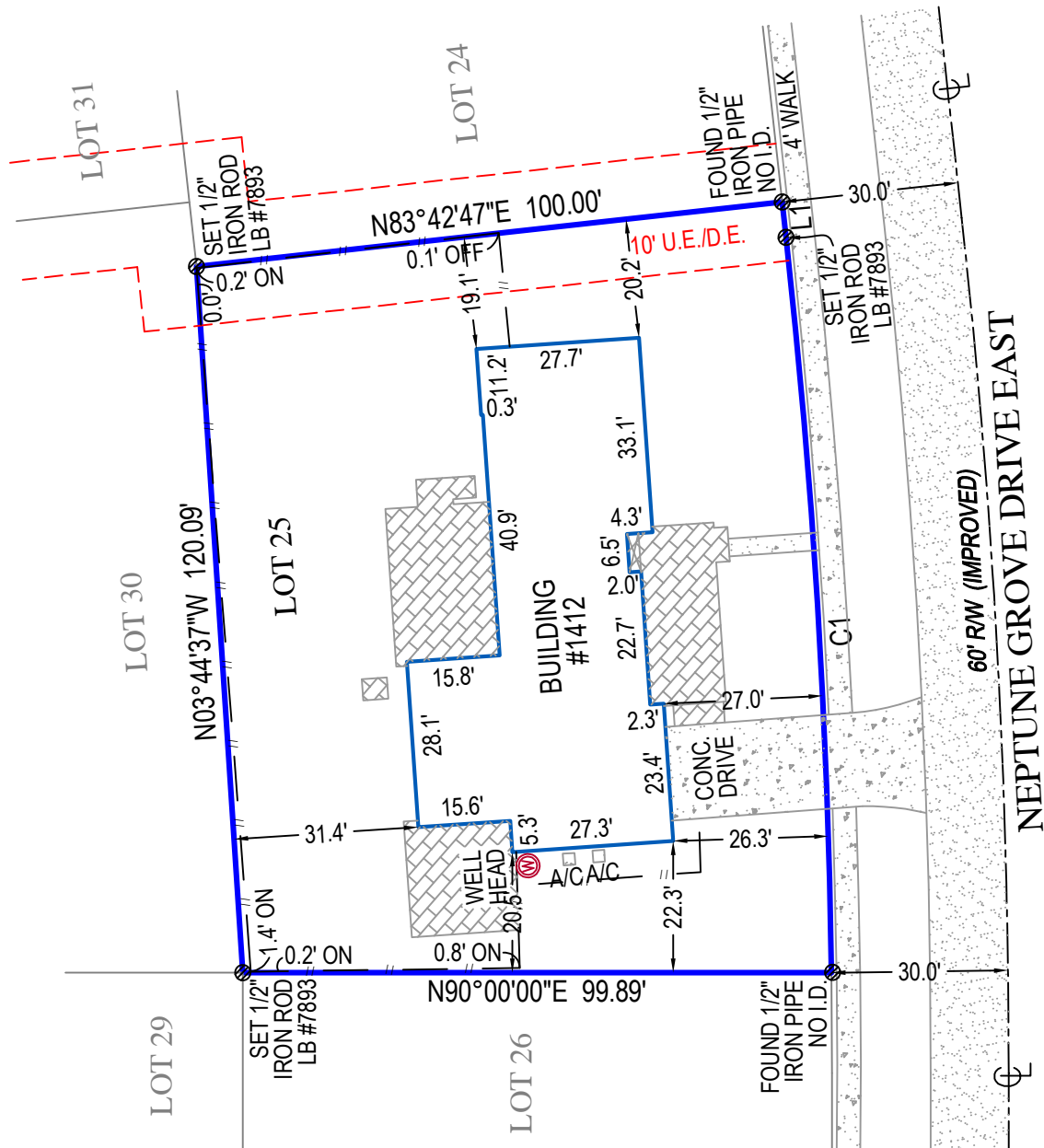
PHONE (561) 640-4800

STATEWIDE PHONE (800) 226-4807

STATEWIDE FACSIMILE (800) 741-0576

WEBSITE: www.targetsurveying.net

BOUNDARY SURVEY



SURVEY NOTES
CONCRETE DRIVE CROSSING INTO R/W
ON EASTERLY SIDE OF LOT.

THERE ARE FENCES NEAR THE BOUNDARY
OF THE PROPERTY AND CROSS INTO THE
10' U.E./D.E. AT NORTHERLY SIDE OF PROPERTY.

LINE TABLE			
LINE	LENGTH	BEARING	
L1	6.00'	S06°17'13"E	
CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	125.11'	1295.34'	5°32'01"

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

SURVEY NUMBER:
638409

GENERAL NOTES:

- LEGAL DESCRIPTION PROVIDED BY OTHERS
- THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- ONLY VISIBLE ENCROACHMENTS LOCATED.
- DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- FENCE OWNERSHIP NOT DETERMINED.
- ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.A.V.D. 1988
- THIS SURVEY HAS BEEN COMPLETED FOR A MORTGAGE TRANSACTION. ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO DESIGN OR CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT APPROVAL FROM TARGET SURVEYING PRIOR TO SUCH USE. TARGET SURVEYING ASSUMES NO RESPONSIBILITIES FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
- 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.



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>

CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



STAFF REPORT

MEETING DATE: February 12, 2025
BOARD/COMMITTEE: Community Development Board
APPLICATION NUMBER: V25-03

TO: Community Development Board

FROM: Heather Whitmore, AICP, PTP Community Development Director

DATE: February 10, 2025

SUBJECT: V25-03: Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Mitchell McCue for the property is currently known 1410 Florida Blvd (RE# 172437-0000). The applicant requests a variance from Section 27-231(b)(3) to permit the construction of an accessory structure to the west of the principal structure and to reduce the front yard setback requirement on Florida Blvd from 35 feet to 25 feet due to the shape of the lot. The property is in the R-1 zoning district.

- I. **BACKGROUND:** An application for variance requesting relief for:
- Section 27-231(b)(3) to permit the construction of an accessory structure to the west of the principal structure and to reduce the front yard setback requirement on Florida Blvd from 35 feet to 25 feet due to the shape of the lot

II. **DISCUSSION:**

The property owner requests a variance from Section 27-231(b)(3) to reduce the front yard setback requirement on Florida Blvd from 35 feet to 25 feet due to the shape of the lot in order to permit the construction of an accessory structure to the west of the principal structure. The property is in the R-1 zoning district.

The subject property is triangular in shape and takes its frontage from Florida Blvd. The standard R-1 zoning front yard setback is twenty-five (25) feet. Section 27-231 (b) (3) requires that lots fronting Florida Boulevard from Penman Road to Atlantic Boulevard have a thirty-five (35) foot front yard setback. Accessory structures may not be located in the required front yard. The proposed accessory structure is setback

In 2021 the applicant received a variance to reduce the rear yard setback to construct an attached garage on the irregular, triangular lot. The variance approved an 18 ft. by 53 ft. garage attached to the existing home. The variance was granted due to the irregular, triangular lot shape, based on the finding that the setback requirements produced a restricted buildable area.

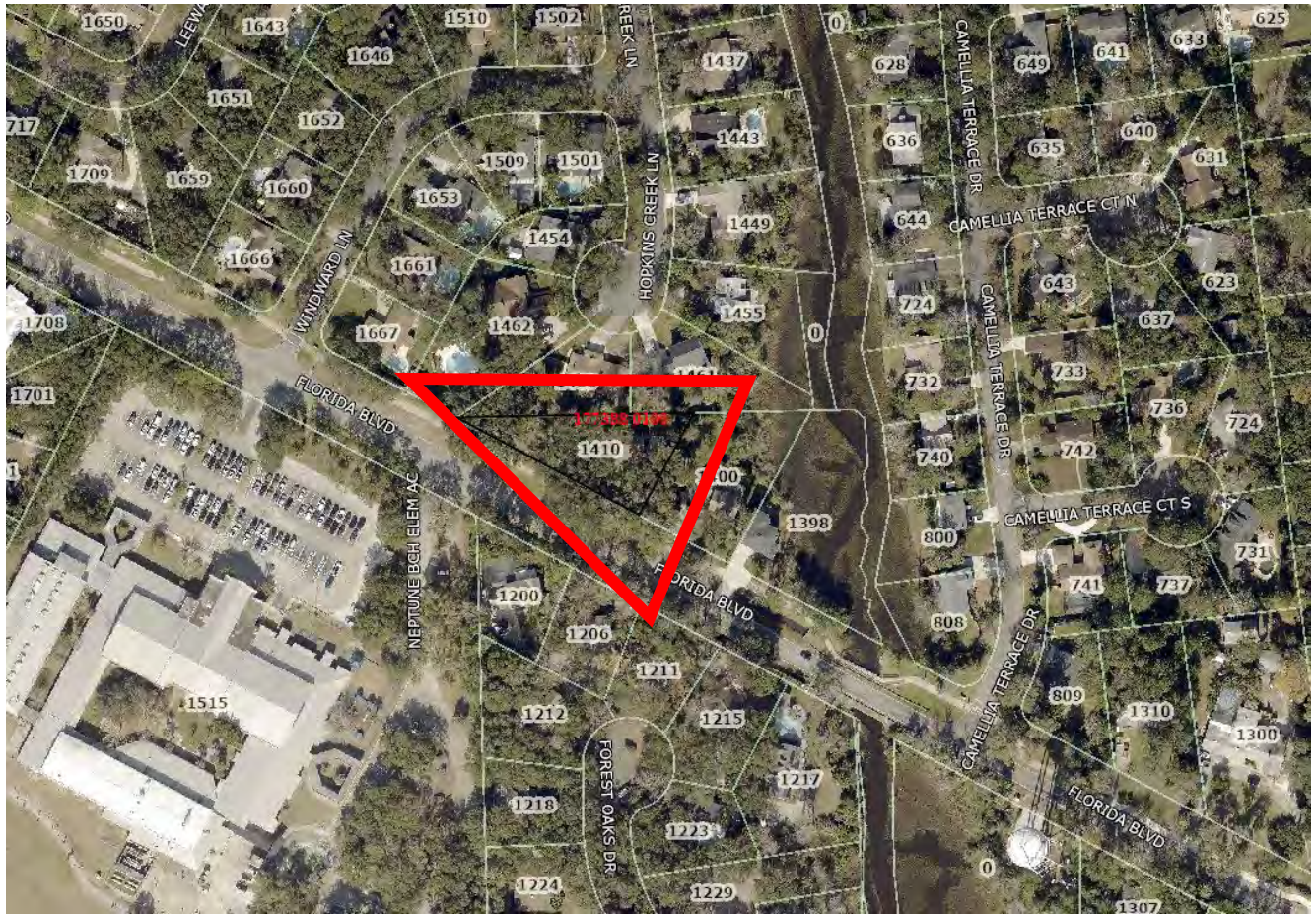


Figure 1: 1410 Florida

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:** My lot is not typical.
 - b. **Staff Response:** The property is unique in size or peculiar in circumstances. The irregular, triangular lot shape and large 35 foot setback requirements restrict buildable areas.
2. **The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.**
 - a. **Applicant Response:** Due to the non-typical lot shape and size.
 - b. **Staff Response:** The requested variance is the minimum necessary to allow reasonable use of the property. The irregular, triangular lot shape and large 35 foot setback requirements restrict buildable areas.
3. **The proposed variance would not adversely affect adjacent and nearby properties or the public in general.**
 - a. **Applicant Response:** One story structure and will be set back on the lot line.
 - b. **Staff Response:** It's unknown if the proposed variance would negatively impact on 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:** By adding square feet of living space well add value to adjacent properties.
 - b. **Staff Response:** It is unknown if the proposed variance would diminish property value.
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:** NA
 - b. **Staff Response:** The variance request is in harmony with the general intent of the LDC. The irregular, triangular lot shape and large 35 foot setback requirements restrict buildable areas.
6. **The need for 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:** Non typical lot has created the issue.
 - b. **Staff Response:** The variance request is not created through the actions of the property owner. The R-1 zoning has a standard 25 feet. The shape of the lot limits buildable area. The 35 foot front yard setback restricts the buildable area, making an accessory structure virtually impossible.
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 code allows for this. Twenty five foot front yard setbacks.
 - b. **Staff Response:** Granting the variance request would not confer upon the applicant a special privilege not granted in the zoning district. The R-1 zoning has a standard 25 feet. The shape of the lot limits buildable area.

IV. **CONCLUSION:** Staff recommends approval of the requested variance.

V. **RECOMMENDED MOTION:**

- a. I recommend approval of V25-03

OR

- b. I recommend denial of V25-03

V 25-02

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 3 Email: 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: <u>1/7/2025</u>	Zoning District: <u>R-1</u>	Real Estate Parcel Number: <u>177,388-0100</u>
Name & Address of Owner of Record: <u>Mitchell McCue</u> <u>Same</u> →	Property Address: <u>1410 Florida Blvd</u> <u>Neptune Beach FL 32266</u> Number of units on property <u>1</u>	
Contact phone number# <u>904-208-0042</u>	Have any previous applications for variance been filed concerning this property? <u>1</u>	
e-mail address <u>Mitch@HomeServicesbyMcCue.com</u>	If Yes, Give Date: <u>2/10/21</u> <u>V2402 Included</u>	
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>Set Backs Due to non typical Lot.</u>		
2. Explain the purpose of the variance (if granted)? <u>To allow accessory structure</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>non typical Lot</u>		

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

Due to Non typical lot shape & size

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

1 story structure and will be set back on lot line

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

By adding 50 ft of living space will add value to adjacent properties

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

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

Non typical lot has create the issue

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 code allows for this

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 and dated within one year of application date. SURVEY MUST BE ORIGINAL SIZE AND CAN 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) / \$1,000.00 (Commercially Zoned Property)

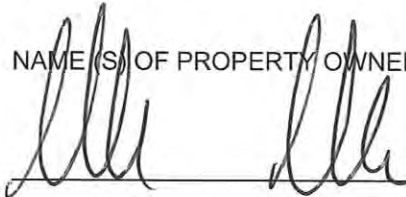
NO APPLICATION WILL BE ACCEPTED UNTIL ALL THE REQUESTED INFORMATION HAS BEEN SUPPLIED AND THE REQUIRED FEE HAS BEEN PAID. THE ACCEPTANCE OF AN APPLICATION DOES NOT GUARANTEE ITS APPROVAL BY THE COMMUNITY DEVELOPMENT BOARD. THE APPLICANT AND SURROUNDING PROPERTIES WILL BE NOTIFIED OF THE PUBLIC HEARING 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)



NAME OF AUTHORIZED AGENT

ADDRESS OF PROPERTY OWNER

1410 Florida Blvd
Naples 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.

_____ 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]
Signature of Owner

Mitchell
Print Name

[Signature]
Signature of Owner

904-208-0042

Print Name _____
Daytime Telephone Number _____ State of Florida _____
County of _____

Signed and sworn before me on this 31st day December of 2024.

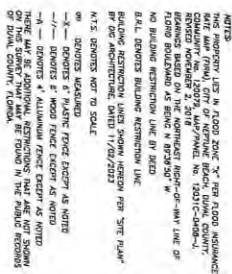
By Mitch McCue

Identification verified: FL DL Oath sworn: ☒ Yes — No

[Signature]
Notary Signature

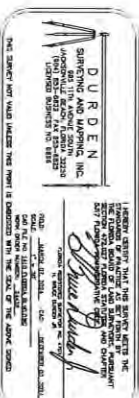
My Commission expires: March 07, 2028



[illegible]

INTERLOCKS CALCULATIONS		
LOT AREA = 14,819.10 SQUARE FEET		
DECKING	SQUARE FEET	
BUILDING AREA	2444	
COVERED AREA	2024	
CONCRETE	13472	
PAVING	9175	
POOL	4025	
UTILITY (PAVING)	388	
TOTAL INTERLOCKS AND = 13,886		
TOTAL DECKING = 32,000		

03/07/2024	BOUNDARY SURVEY CONDUCTED	(W/O	#24086;	D-2565
08/19/2020	BOUNDARY SURVEY CONDUCTED	(W/O	#20363;	D-2144)
06/28/2016	BOUNDARY SURVEY CONDUCTED	(W/O	#16310;	D-1543)



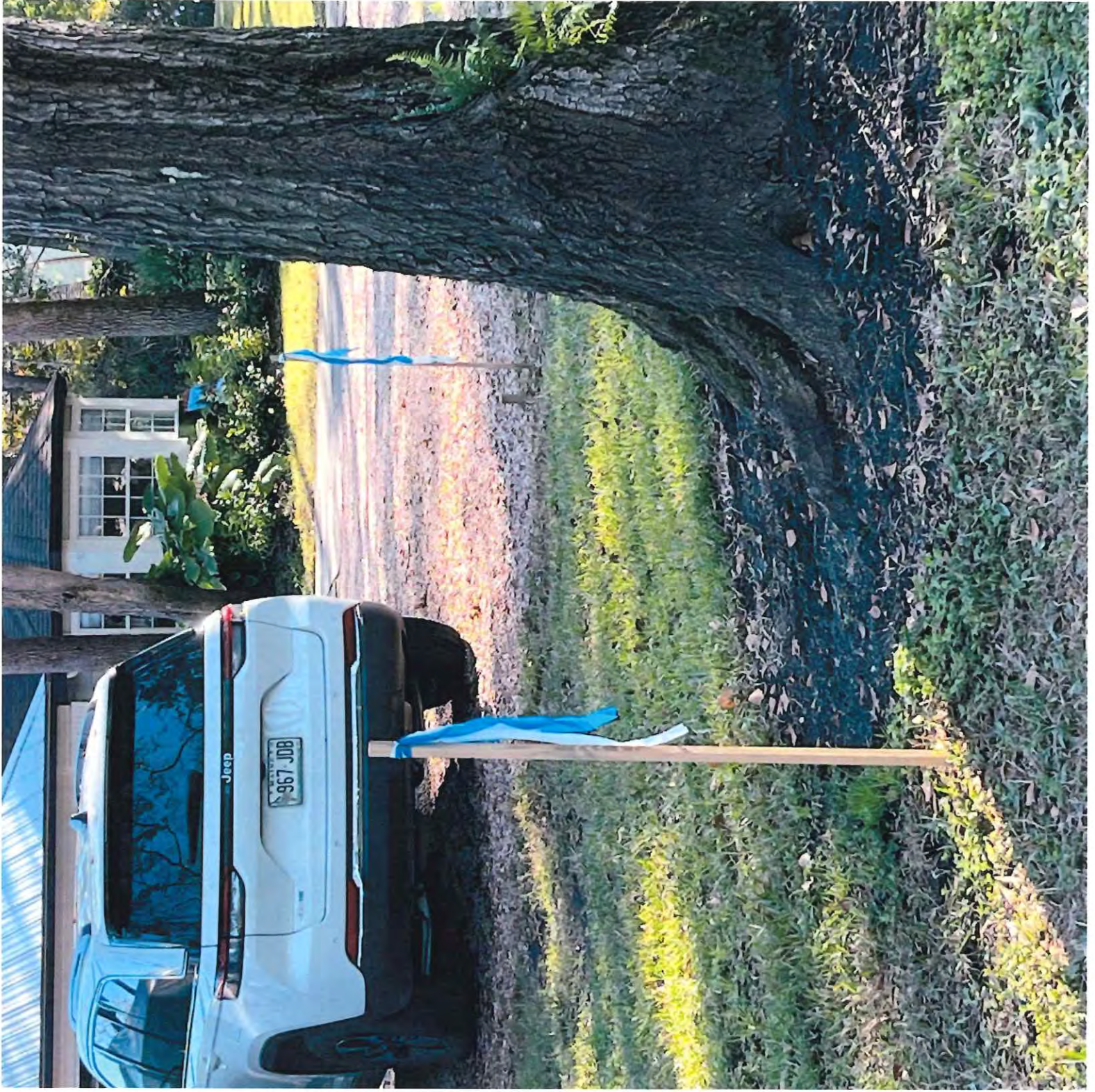
North
West



Southern Forest



Looking
East



February 10, 2021

COMMUNITY DEVELOPMENT BOARD

PAGE 3

The granting of the proposed variance will not confer upon the applicant any special privilege that is denied to others since it is a request to reuse an existing concrete pad, and the basis for the request is for lot coverage and as a result of this proposal the amount of lot coverage will not change.

Staff recommends approval of application V21-01.

No one representing the property was in attendance.

Chairperson Goodin opened the floor for public comments. There being no comments, the public hearing was closed.

Board Discussion and questions for Staff:
What is the required setback for the rear yard?

Ms. Wright explained the property is in the R-4 zoning district and that the front and back are flexible with either one being less than 15 feet.

Made by Randolph, seconded by Evens.

MOTION: MOVE TO APPROVE VARIANCE V21-01 FOR 234 WINDSWEPT CIRCLE AS SUBMITTED.

Roll Call Vote:

Ayes: 7-Randolph, Evens, Livingston, Frosio, Miller, Raitti, Goodin
Noes: 0

MOTION APPROVED.

V21-02
Variance
Application
for Mitchell
McCue 1410
Florida Blvd

V21-02 Application for variance as outlined in Chapter 27 Article III Division of the Unified Land Development Code of Neptune Beach for Mitchell McCue for the property known as 1410 Florida Blvd (RE#17738-0100). The request is to vary Table-27-229-1 for the rear yard setback to build an attached garage on the north side of the existing house.

Ms. Wright explained that the applicant is requesting to vary the rear yard setback to construct an attached garage on an irregular, triangular lot that has a 35 ft. front yard setback off Florida Boulevard. The proposed project is a 22 ft. by 53 ft. garage attached to the existing home to minimize visual impacts while and provide adequate access from the existing driveway. Due to the irregular, triangular lot shape and the setback requirements produce a triangular buildable area that restricts the buildable area onsite. The City has received several emails from neighbors supporting Mr. McCue's variance request.

Section 27-147 Required Findings Needed to Issue a Variance:

A. How does the 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.

The shape of the parcel gives large side yard since the property is facing Florida Boulevard. The applicant has +/- 35 ft front yard setback when others only have 25 ft.

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

The proposed variance stays in line with the footprint of the home and preserves the view for the surrounding property owners.

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

The proposed variance will give a finished look to the home and make it look complete. Neighbors are in support of the proposed project that will preserve their views.

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

The applicant states that the proposed project will add value and will not diminish property values nor alter the character of the area since the proposed addition will be integrated within the look and function of the existing home.

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

The proposed variance is in harmony with the general intent of the Unified Land Development Code since it maintains the setbacks on three sides and would provide relief from the irregular configuration of the lot and the 35 ft. front yard setback on a triangular lot.

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

The need for the proposed variance has not been created by the applicant since due to the irregular size of the triangular lot with the existing 35 ft. front yard setback requirements.

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 granting of the proposed variance will not confer upon the applicant any special privileges denied to other lands, buildings, or structures in the same zoning district since the relief sought is due to the irregular shape of the lot and other areas for a detached garage would not be as feasible, would violate setbacks, and would obstruct views from the surrounding property owners. Further, the applicant states that Code allows for garage/additions and that he is trying to advance community aesthetics by storing and therefore visually screening his boat for maximum curb appeal.

Mr. Mitchell McCue, property owner, stated the existing carport was 11 feet by 22 feet. Asking to build a 22 foot by 35-foot garage on the north side of the house for storage of the boat. Garage will be flush with the house so no one see the boat. The garage would have a 9 ft garage door. Would be agreeable to reducing the width to 18 feet leaving a setback of 11.94 feet on the north side.

Chairperson Goodin opened the floor for public comments. There being no further comments the public hearing was closed

Board discussion:

Chairperson Goodin stated that the lot had odd setbacks and that it been a triangle space was unique.

MOTION: TO APPROVED VARIANCE REQUEST V21-02 FOR

1410 FLORIDA BLVD REDUCING THE REQUEST FROM 22 FEET TO 18 FEET LEAVING A 11.94 FOOT REAR SETBACK.

Made by Livingston, seconded by Evens.

Roll Call:

Ayes: 7-Evens, Miller, Randolph, Livingston, Frosio, Raitti, Goodin

Noes: 0

MOTION APPROVED.

V21-03
Variance
Application
for Wesley
& Melissa
Kirkland
809 Davis
St

V21-03 Application for variance as outlined in Chapter 27 Article III Division of the Unified Land Development Code of Neptune Beach for Wesley & Melissa Kirkland for the property known as 809 Davis Street (RE#17403-0040). The request is to vary Table-27-229-1 for the rear and north side yard to construct an addition attached by a breezeway.

Ms. Wright explained that the applicant is seeking a variance for as outlined in Chapter 27, Article 3, Division 8 of the Unified Land Development Code of Neptune Beach for Wesley and Melissa Kirkland for the property known as 809 Davis Street (PIN: 17403-0040). The request is to vary Table 27-229-1 for the rear and north side yard to construct an addition attached by a breezeway.

The applicant is seeking to construct a garage separated by a 12 ft. breezeway yet attached at the roofline to appear as a contiguous home from an aerial view. The current desired location requires the applicant to seek a variance from the rear and north side yard setbacks. The property is zoned R-1, which requires the following setbacks:

R-1 Zoning	Required	Current	Proposed
Front	25	65.1	65.1
N. Side	10	8.9	8.9
S. Side	10	22.2	22.2
Rear	30	>50	10

Current and proposed setbacks have also been indicated in the table above. As indicated, the proposal will not exacerbate the north side setback; however, the rear setback is being encroached upon. The yard measures 14,395 sf. or approximately 0.33 acres and presents other alternatives for constructing an addition.



City of Neptune Beach

Kristina L. Wright, FRA-RA, Community Development Director
116 First Street • Neptune Beach, Florida 32266-6140



MEMORANDUM

TO: Community Development Board

FROM: Kristina L. Wright, FRA-RA, Community Development Director

DATE: February 3, 2021

SUBJECT: V21-02 1410 Florida BLVD (PIN: 177388-0100)

Background

Application V21-02 1410 Florida Boulevard (PIN: 177388-0100) is a request for a variance as outlined in Chapter 27, Article 3, Division 8 of the Unified Land Development Code of Neptune Beach for Mitchell L. McCue for the property known as 1410 Florida Boulevard. The request is to vary Table 27-229-1 for the rear yard setback to build an attached garage on the north side of the existing house.

Summary

The applicant is requesting to vary the rear yard setback to construct an attached garage on an irregular, triangular lot that has a 35 ft. front yard setback off Florida Boulevard. The proposed project is a 22 ft. by 53 ft. garage attached to the existing home to minimize visual impacts while and provide adequate access from the existing driveway. Due to the irregular, triangular lot shape and the setback requirements produce a triangular buildable area that restricts the buildable area onsite.

Section 27-147: Required Findings Needed to Issue a Variance

- A. How does the 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.**

The shape of the parcel gives large side yard since the property is facing Florida Boulevard. The applicant has +/- 35 ft front yard setback when others only have 25 ft.

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

The proposed variance stays in line with the footprint of the home and preserves the view for the surrounding property owners.

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

The proposed variance will give a finished look to the home and make it look complete. Neighbors are in support of the proposed project that will preserve their views.

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

The applicant states that the proposed project will add value and will not diminish property values nor alter the character of the area since the proposed addition will be integrated within the look and function of the existing home.

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

The proposed variance is in harmony with the general intent of the Unified Land Development Code since it maintains the setbacks on three sides and would provide relief from the irregular configuration of the lot and the 35 ft. front yard setback on a triangular lot.

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

The need for the proposed variance has not been created by the applicant since due to the irregular size of the triangular lot with the existing 35 ft. front yard setback requirements.

- 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 granting of the proposed variance will not confer upon the applicant any special privileges denied to other lands, buildings, or structures in the same zoning district since the relief sought is due to the irregular shape of the lot and other areas for a detached garage would not be as feasible, would violate setbacks, and would obstruct views from the surrounding property owners. Further, the applicant states that Code allows for garage/additions and that he is trying to advance community aesthetics by storing and therefore visually screening his boat for maximum curb appeal.

Staff Recommendation

Staff recommends approval of application V21-02 1410 Florida Boulevard with the following condition: reduce garage width to 18 ft. from 22 ft.

Recommended Motion

I move to approve application V21-02 1410 Florida Boulevard subject to the following condition: reduce garage width to 18 ft. from 22 ft.

V21-02

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



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: RECEIVED DEC 30 2020		Zoning District: R-2	Real Estate Parcel Number: 177388-0100
Name & Address of Owner of Record: Mitchell L. McCue 1410 Florida Blvd. Neptune Beach, FL 32233		Property Address: 1410 Florida Blvd. Neptune Beach, FL 32233	
Contact phone number# 904-208-0042		Number of units on property 1	
e-mail address Mitch@HandyMAN204.com		Have any previous applications for variance been filed concerning this property? NO	
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): Rear Set back.			
2. Explain the purpose of the variance (if granted)? Construction of Attached garage			
3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary): See attached.			

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.

Shape of parcel gives large side yard because property facing Florida Blvd. I have 35 + or - front yard set back when others only have 25'.

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

It stays in line with footprint of home and provides for a view to neighbors.

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

This will give a finished look to the home and make it look complete.

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

ADD value.

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

By maintaining the proper set backs  three sides and being at least 8' from property line. IN ADDITION being over 20' from each neighbor.

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

Set back requirements have changed.

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.

Code allows for garage/Additions and
Keeping my boat away & not looking unsightly.

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 and **dated within one year of application date.**
SURVEY MUST BE ORIGINAL SIZE AND CAN 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)

Mitchell L. McLean

NAME OF AUTHORIZED AGENT

ADDRESS OF PROPERTY OWNER

1410 Florida Blvd.
Neptune Beach, FL 32246

ADDRESS OF AUTHORIZED AGENT

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

BELOW THIS LINE FOR CITY USE ONLY.

BOARD PUBLIC HEARING DATE:

BOARD DECISION:

APPROVAL _____ DENIAL _____

Prepared by:
Beth Murphy
Richard T. Morehead Title & Escrow, Inc.
444 Third Street
Neptune Beach, Florida 32266

File Number: 20B3081

20080049
\$425000.00

General Warranty Deed

Made this September 9, 2020 A.D. By **Robert F. Smith, a married person conveying non-homestead property**, whose post office address is: 1415 Split Tree Lane, Neptune Beach, Florida 32266, hereinafter called the grantor, to **Mitchell L. McCue**, whose post office address is: 1410 Florida Boulevard, Neptune Beach, Florida 32266, hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

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 SOUTHEAST CORNER OF LEEWARD LANDING, AS RECORDED IN PLAT BOOK 36, PAGES 25 AND 25A, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 89°58'20" WEST, ALONG THE SOUTH LINE OF SAID LEEWARD LANDING, A DISTANCE OF 452.81 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF FLORIDA BOULEVARD (A 100 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH 61°38'50" EAST, ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 666 FEET MORE OR LESS TO THE CENTERLINE OF A CREEK AS SAME AS SHOWN ON THE PLAT OF PENMAN TERRACE, AS RECORDED IN PLAT BOOK 36, PAGES 41 AND 41A, OF SAID PUBLIC RECORDS; THENCE NORTHERLY ALONG SAID CENTERLINE OF A CREEK, A DISTANCE OF 356 FEET MORE OR LESS TO THE SOUTH LINE OF TRACT 3, AS DESCRIBED IN DEED BOOK 825, PAGE 300, OF SAID PUBLIC RECORDS; THENCE SOUTH 89°58'20" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 53 FEET MORE OR LESS TO THE POINT OF BEGINNING.

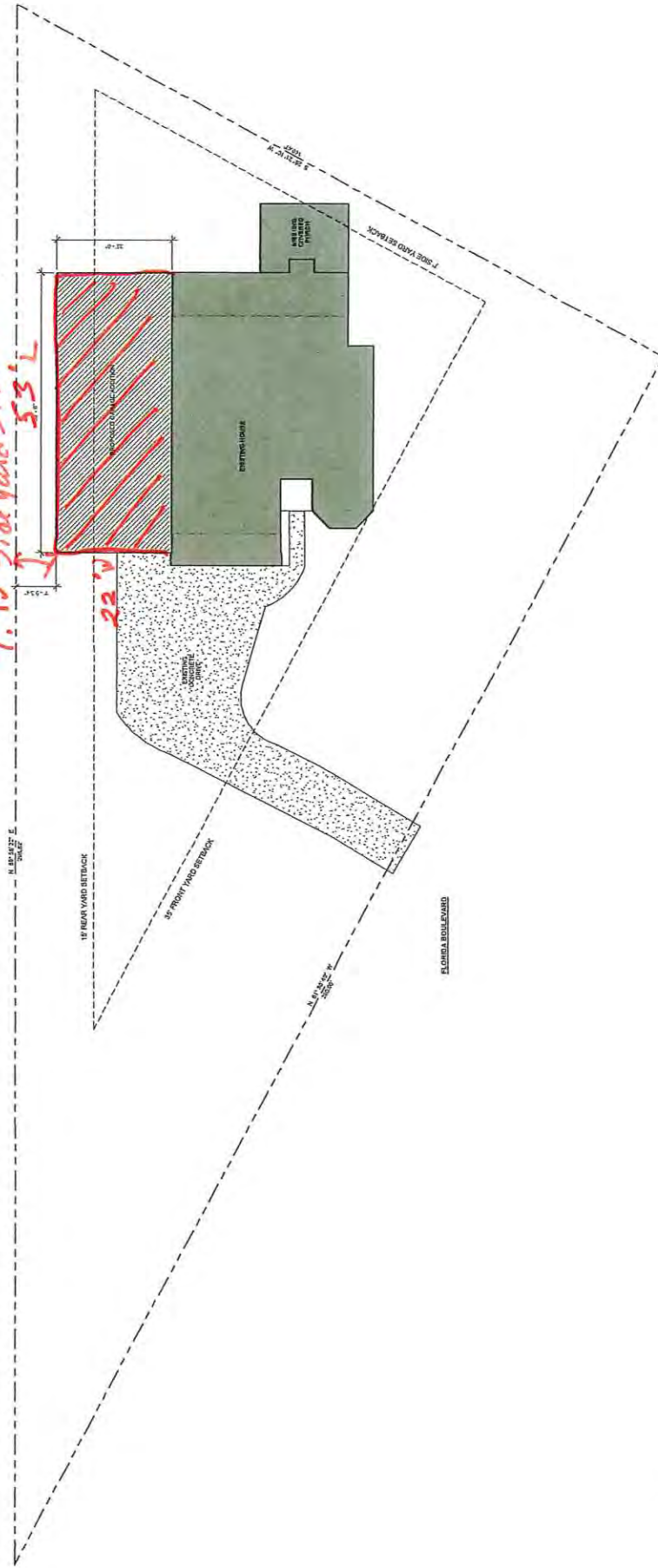
LESS AND EXCEPT THE BELOW DESCRIBED PROPERTY

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 POINT OF BEGINNING COMMENCE AT THE SOUTHEAST CORNER OF LOT 16, BLOCK 5, AS SHOWN ON PLAT OF LEEWARD LANDING AS RECORDED IN PLAT BOOK 36, PAGES 25 AND 25A, CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA AND RUN SOUTH 89°58'20" WEST ALONG THE SOUTHERLY LINE OF SAID LOT 16, A DISTANCE OF 157.05 FEET TO A POINT; RUN THENCE SOUTH 28°21'10" WEST, A DISTANCE OF 140.47 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF FLORIDA BOULEVARD (A 100 FOOT RIGHT OF WAY); RUN THENCE SOUTH 61°38'50" EAST ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE, A DISTANCE OF 323 FEET, MORE OR LESS, TO THE CENTERLINE OF AN UNNAMED CREEK; RUN THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CENTERLINE OF AN UNNAMED CREEK, A DISTANCE OF 315 FEET, MORE OR LESS, TO THE INTERSECTION OF THE CENTERLINE OF SAID CREEK WITH THE SOUTHERLY LINE OF A 50 FOOT DRAINAGE RIGHT OF WAY AS SHOWN ON PLAT OF PENMAN TERRACE AS RECORDED IN PLAT BOOK 36, PAGES 41 AND 41A, CURRENT PUBLIC RECORDS OF SAID COUNTY; RUN THENCE SOUTH 89°58'20" WEST, ALONG THE SOUTH LINE OF SAID 50 FOOT DRAINAGE RIGHT OF WAY AND ALONG THE SOUTH LINE OF TRACT "B", PENMAN TERRACE, A DISTANCE OF 53 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

7.95' side yard setback
5.3' L



1 SITE PLAN
ANSI 11x17

NOT FOR
PERMITTING
AND/OR
CONSTRUCTION

REVISION	DATE	BY	CHKD



MCCUE RESIDENCE
1410 FLORIDA BOULEVARD
NEPTUNE BEACH, FLORIDA

00.0000

A101

SHEET

1410 FLORIDA BLVD REDUCING THE REQUEST FROM 22 FEET TO 18 FEET LEAVING A 11.94 FOOT REAR SETBACK.

Made by Livingston, seconded by Evens.

Roll Call:

Ayes: 7-Evens, Miller, Randolph, Livingston, Frosio, Raitti, Goodin
Noes: 0

MOTION APPROVED.

V21-03
Variance
Application
for Wesley
& Melissa
Kirkland
809 Davis
St

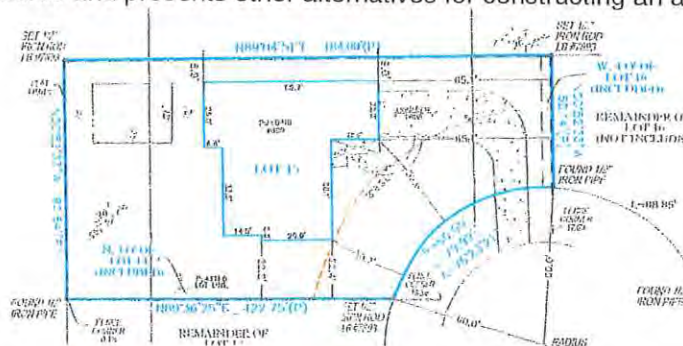
V21-03 Application for variance as outlined in Chapter 27 Article III Division of the Unified Land Development Code of Neptune Beach for Wesley & Melissa Kirkland for the property known as 809 Davis Street (RE#17403-0040). The request is to vary Table-27-229-1 for the rear and north side yard to construct an addition attached by a breezeway.

Ms. Wright explained that the applicant is seeking a variance for as outlined in Chapter 27, Article 3, Division 8 of the Unified Land Development Code of Neptune Beach for Wesley and Melissa Kirkland for the property known as 809 Davis Street (PIN: 17403-0040). The request is to vary Table 27-229-1 for the rear and north side yard to construct an addition attached by a breezeway.

The applicant is seeking to construct a garage separated by a 12 ft. breezeway yet attached at the roofline to appear as a contiguous home from an aerial view. The current desired location requires the applicant to seek a variance from the rear and north side yard setbacks. The property is zoned R-1, which requires the following setbacks:

R-1 Zoning	Required	Current	Proposed
Front	25	65.1	65.1
N. Side	10	8.9	8.9
S. Side	10	22.2	22.2
Rear	30	>50	10

Current and proposed setbacks have also been indicated in the table above. As indicated, the proposal will not exacerbate the north side setback; however, the rear setback is being encroached upon. The yard measures 14,395 sf. or approximately 0.33 acres and presents other alternatives for constructing an addition.





**CITY OF NEPTUNE BEACH
STAFF REPORT**

AGENDA ITEM:	The Land Development Code regarding (Boats/RVs in Yards): <u>Sec. 27-335- "Parking, Storage or Use Of Major Recreational Equipment"</u>
SUBMITTED BY:	Heather Whitmore, AICP, Community Development Director
DATE:	February 12, 2025
BACKGROUND:	The Land Development Code regarding (Boats/RVs in Yards): <u>Sec. 27-335- "Parking, Storage or Use Of Major Recreational Equipment"</u> standards have recently been a code of concern to property owners in the Neptune Beach community. <u>Sec. 27-335- "Parking, Storage or Use Of Major Recreational Equipment"</u> prohibits the parking of Boats/RVs in all front yards. The purpose of this discussion is to review the code and take direction from CDB to proceed with any needed revisions. Staff discussed the code with property owners and the Community Development Board at the November 13, 2024 and January 15, 2025 CDB meeting. The item was brought to City Council on January 12, 2025. City Council directed staff to bring the topic back to Community Development Board for direction. The attached report compares CONB's code to six neighboring communities, all of which prohibit the parking of Boats/RVs in all front yards. Based on staff analysis, CONB's code is consistent with most cities in Florida. Below is a matrix comparing CONB's land development code to six cities, as well as a copy of those codes. Also, you will find an attached list of recent code violations for Sec. 27-335 with case details and photos.
BUDGET:	NA
RECOMMENDATION:	Make recommendation to staff to continue to enforce Sec. 27-335- "Parking, Storage or Use Of Major Recreational Equipment" as written, <u>or recommend specific code changes.</u>

ATTACHMENT:	1. Matrix comparing six community codes “Parking, storage or use of major recreational equipment” 2. References codes: Neptune Beach, Jax Beach, Atlantic Beach, Jacksonville, St Johns County/Ponta Vedra Beach, St Augustine 3. Recent code enforcement violations for Sec. 27-335 with case details and photos.
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CODE COMPARISON

Parking, storage or use of major recreational equipment

CITY	Permitted in Residential	Permitted in Front Yard Setback	Permitted in Front Corner Yard Setback	Exclusively Permitted in Side/Rear Yard	Size limitation
NEPTUNE BEACH	Yes	No	No	Yes (3' setback)	Boats/RV may not exceed 28'
JAX BEACH	Yes	No	No	Yes	Boats less than 20' not regulated/All RVs regulated
ATLANTIC BEACH	Yes	No (15' front setback)	No	Yes	NA
JACKSONVILLE	Yes	No	No	Yes	NA
FERNANDINA BEACH	Yes	No	No	Yes	NA
ST JOHNS COUNTY/PONTA VEDRA BEACH	Yes (Not in Ponte Vedra)	No	No	Yes	NA
ST AUGUSTINE	Yes	No	No	Yes (5' setback)	NA

NEPTUNE BEACH

Definition: Major recreational equipment means any large motorized or non-motorized vehicle used for recreational purposes, such as motorhomes, trailers, campers and camper shells, boats, and trailers, converted buses and trucks, dune buggies and sand rails, and trailers, cases or boxes on wheels used to transport and/or store equipment, as well as any vehicle required to carry an "RV" tag or not licensed for legal street use.

Sec. 27-335. - Parking, storage or use of major recreational equipment.

(a) No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. **Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yard and not within three (3) feet of any property line;** provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment and other similar trucks or equipment.

(b) Major recreational equipment shall also **be limited to two (2) total on a property.** Each piece of equipment shall **not exceed twenty-eight (28) feet** in length.

JAX BEACH

Sec. 34-402. - Parking of heavy vehicles in RS-1, RS-2, RS-3, RM-1, and RM-2 zoning districts, or residential uses in RD or PUD zoning districts.

For the dual purpose of preserving attractive residential areas within the city and promoting safe, unimpeded traffic circulation throughout such areas, the following supplemental parking restrictions shall apply:

(1) *Within a street right-of-way.* The following vehicles shall not be parked or stored on any public street right-of-way or approved private street easement contiguous to a residentially zoned property or residentially used property in an RD or PUD district:

- a. Any boat or boat trailer.
- b. Any hauling trailer.
- c. Any of the following recreational vehicles: Travel trailers, motor homes and camping trailer.
- d. Any semi-trailer truck or cab.
- e. Any commercial vehicle which measures in excess of twenty (20) feet in total body length, seven (7) feet in total width or seven (7) feet in total height, including appurtenances, equipment or cargo.

(2) *Within the setback area from a street right-of-way.* **The following vehicles shall not be parked or stored, in whole or part, within the required setback area from a street right-of-way or approved private street easement on residentially zoned property or residentially used property in an RD or PUD district:**

- a. **Any boat which measures in excess of twenty (20) feet in length.**
- b. Any hauling trailer (except trailers mounted with boats twenty (20) feet or less in length.
- c. **Any of the following recreational vehicles: Travel trailers, motor homes and camping trailers.**
- d. Any semi-trailer truck or cab.
- e. Any commercial vehicle which measures in excess of twenty (20) feet in total body length, seven (7) feet in total width or seven (7) feet in total height, including appurtenances, equipment or cargo.

(3) *On any residentially zoned property or residentially used property in an RD or PUD district.* No garbage truck, pump-out truck, chemical truck, gasoline truck, fuel oil truck or similar vehicle designed to transport wastes or hazardous or noxious materials shall be parked or stored in any residentially zoned property or residentially used property in an RD or PUD district.

(4) *Occupation.* The trailer or camper shall not be occupied, except for the purpose of repair or maintenance, at any time during the parking or storage, except by permit which has been issued in accordance with [section 34-402\(6\)](#). The term "occupied" for the purpose of this division shall include but not be limited to electrical connections (permanent or drop cord), water and sewer connections (flexible or permanent hose), telephone connections (permanent or extension) or personal occupancy of any kind (day or night).

(5) *Removal of wheels.* The wheels of the trailer shall not be removed, except for repair or maintenance, at any time during such storage or parking, but the body of a truck type camper may be removed from the truck or other vehicle.

(6) *Permit required for temporary occupancy of travel trailer, motor home or camping trailer.* Any owner desiring to temporarily occupy any travel trailer, motor home or camping trailer which has been or is to be stored or parked as permitted in [section 34-402\(2\)](#) must apply to the code enforcement inspector for a city permit for temporary occupancy. No such permit for temporary occupancy shall be issued for a period in excess of thirty (30) consecutive calendar days and in no event shall such permit be issued for a total in excess of thirty (30) calendar days during any calendar year for the same property. Permits for temporary occupancy shall be issued only for trailers or campers stored or parked on unoccupied property which is owned by the owner of the trailer or camper being stored or parked. Such permit shall be valid only for the term stated on the permit.

(7) *Enforcement.* The preceding parking restrictions shall be enforced in accordance with the terms of Article XIII and the following:

- a. The parking restrictions shall not apply to commercial vehicles during the actual performance of a service at the premises where it is parked.
- b. The parking restrictions shall not apply to the loading, unloading or cleaning of vehicles provided such act is fully completed in twenty-four (24) hours.
- c. The parking of vehicles, boats and trailers in residentially zoned property or residentially used property in an RD or PUD district shall be subject to these parking restrictions regardless of the date such parking commenced, and shall not be deemed an allowable nonconforming use within the meaning of [section 34-522](#) of this LDC.

ATLANTIC BEACH

Sec. 24-163. - Storage and parking of commercial vehicles and recreational vehicles and equipment and repair of vehicles in residential zoning districts.

(a)The storage and parking of commercial vehicles greater than twelve thousand five hundred (12,500) pounds gross vehicle weight and dual rear wheel vehicles shall be prohibited in all residential zoning districts.

(b)Commercial vehicles of less than twelve thousand five hundred (12,500) pounds gross vehicle weight, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential zoning district, except in accordance with the following requirements:

(1)No more than one (1) commercial vehicle of less than twelve thousand five hundred (12,500) pounds shall be permitted on any residential lot, and such commercial vehicle shall be parked a minimum of twenty (20) feet from the front lot line. Such commercial vehicle shall be used in association with the occupation of the resident.

(2)In no case shall a commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products or other hazardous materials be permitted to be parked or stored either temporarily or permanently in any residential zoning district.

(3)Commercial construction equipment or trailers containing construction equipment shall not be parked or stored on any residential lot except in conjunction with properly permitted, ongoing construction occurring on that lot.

(c)**Recreational vehicles, boats, and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or on any lot in any residential zoning district**, except in accordance with the following requirements:

(1)Not more than one (1) recreational vehicle, boat or boat trailer, or other type of trailer shall be stored or parked on any residential lot which is five thousand (5,000) square feet in lot area or less. Minimum lot area of ten thousand (10,000) square feet is required for storage or parking of any second recreational vehicle, boat or boat trailer, or other type of trailer. **In no case may more than a total of two (2) such vehicles** and trailers be parked on any residential lot.

(2)**Recreational vehicles, boats or boat trailers, or other type of trailer shall not be parked or stored closer than fifteen (15) feet from the front lot line** and shall be parked in a manner that is generally perpendicular to the front property line such that length is not aligned in a manner that extends across the front of the lot, it being the intent that recreational vehicles, boats and trailers that are parked forward of the residence should not excessively dominate the front of the lot.

(3)Recreational vehicles shall not be inhabited or occupied, either temporarily or permanently, while parked or stored in any area except in a trailer park designated for such use as authorized within this chapter.

(4)Recreational vehicles parked or stored on any residential lot for a period exceeding twenty-four (24) hours shall be owned by the occupant of said lot.

(d) Mechanical or other automotive repair work on any motor vehicle shall not be performed out-of-doors within any residential zoning district, except for minor maintenance or emergency repair lasting less than eight (8) hours and performed on a vehicle owned by the occupant of the residential property.

(e) No materials, supplies, appliances or equipment used or designed for use in commercial or industrial operations shall be stored in residential zoning districts, nor shall any home appliances or interior home furnishings be stored outdoors in any residential zoning district.

(f) The provisions of this section shall not apply to the storage or parking, on a temporary basis, of vehicles, materials, equipment or appliances to be used for or in connection with the construction of a building on the property, which has been approved in accordance with the terms of this chapter or to commercial or recreational vehicles, boats or trailers parked within completely enclosed buildings.

JACKSONVILLE

Sec. 656.409. - Parking, storage or use of recreational vehicles and boats.

No recreational vehicles shall be used for living, sleeping or housekeeping purposes when parked or stored on a residentially-zoned lot or in another location not approved for this use. **Boats, boat trailers, horse trailers or any other trailer and recreational vehicles may be parked or stored in a required rear or side yard but not in required front yards**, provided however, that these vehicles may be parked anywhere on residential premises not to exceed 24 hours during loading and unloading.

FERNANDINA BEACH

7.01.05 Specific Parking Restrictions for Commercial Vehicles, Recreational Vehicles, Boats, and Trailers

A. Prohibitions

Any commercial motor vehicle which has a gross vehicle weight of 8,000 pounds or more shall not be parked in any residential, commercial, wetland protection, or recreational district or area, except as otherwise provided in Section 7.01.05(B).

B. Exceptions

The prohibition in Section 7.01.05(A) shall not apply to parking of such vehicles in the specified districts or areas:

1. For the time required for normal loading and unloading of such vehicles; or
2. For the time required to perform the legally permitted service provided by such vehicles.

C. **Mobile homes, travel trailers, travel campers, recreational vehicles, and similar vehicles** regularly or periodically utilized for dwelling purposes shall not be parked overnight in any zoning district except in an area specifically designated by this LDC for that purpose. Mobile homes, travel trailers, travel campers, recreational vehicles, and similar vehicles, when unoccupied, **may be parked or stored in a completely enclosed building, a carport attached to a principal building, or in a side or rear yard.**

D. **Boats, boat trailers, utility trailers, and similar vehicles** shall not be parked overnight in any zoning district except in an area specifically designated by this LDC for that purpose. **Such vehicles, when unoccupied, may be parked or stored in a completely enclosed building, a carport attached to a principal building, or in a side or rear yard.**

ST JOHNS COUNTY/PONTA VEDRA BEACH

Sec. 2.03.42 Recreational Vehicle/Boat Storage

All recreational vehicles, boats and utility trailers must be parked or stored in a required rear or side yard. (Exception: some Planned Unit Developments may have more or less restrictive requirements and within the Ponte Vedra Zoning District, recreational vehicles cannot be seen on property). No recreational equipment shall be used for living, sleeping or housekeeping purposes when parked or stored in a residential zoned lot or any other area not approved for such use.

ST AUGUSTINE

Major recreational equipment means any large motorized or nonmotorized vehicle used for recreational purposes, such as motor homes, trailers, campers and camper shells, boats and trailers, converted buses and trucks, dune buggies and sand rails, and trailers, cases or boxes on wheels used to transport and/or store equipment, as well as any vehicle required to carry an "RV" tag or not licensed for legal street use.

Sec. 28-337. - Parking, storage or use of major recreational equipment.

No major recreational equipment shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. **Major recreational equipment may be parked or stored in a required rear or side yard, but not in required front yards and not within five (5) feet of any property line;** provided, however, that such equipment may be parked anywhere on residential premises for not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section the term "major recreational equipment" shall be as listed in [section 28-2](#), to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar type trucks or equipment.

Recreational vehicles and travel trailers may be used as temporary emergency residential units on private property or designated areas within the city based on a declared emergency and recovery order issued by the appropriate governmental agency; such as, the City of St. Augustine, St. Johns County, the State of Florida and the federal government in the event of a catastrophic event. This is for temporary emergency purposes only, during recovery and reconstruction phases per an emergency order for a declared emergency. Recreational vehicles and travel trailers on private property can only be used by the property owner as housing after a city building permit has been issued for the repair or (re)construction of the homeowner's storm damaged residence, subsequently the recreational vehicle or travel trailer must be removed upon the issuance of a certificate of completion to repair storm damage or the expiration of the building permit to repair the storm damage to the private property which contains the recreational vehicle or travel trailer or similar vehicle. Tent camping is not permitted as an emergency residential unit.

09/02/2024 - 01/17/2025

Case #	Parcel Address	Main Status	Description of Violation
2024164	1411 NEPTUNE GROVE DRIVE E	Open	Boat parked in driveway. Flat tires on boat.
2024152	703 LINCOLN ROAD	Closed	Boat parked in front of house.
2024151	717 VALLEY FORGE ROAD N	Open	RV parked in driveway.
2024150	301 SECOND ST	Closed	Trailer parked front of house.
2024144	573 VALLEY FORGE ROAD N	Closed	Parking, storage or use of major recreational equipment.
2024141	1101 NEPTUNE LANE	Open	Parking, storage or use of major recreational equipment.
2024138	528 BAY STREET	Open	Parking, storage or use of major recreational equipment. (Box Trailer)
2024137	915 FIFTH STREET	Open	Parking, storage or use of major recreational equipment. (Boat)
2024126	1103 HAMLET COURT	Open	Boat and trailer parked in front of house.
2024125	1615 FOREST AVE	Closed	Boat front of house.
2024124	1151 HAMLET COURT	Open	Boat parked in front of house.
2024123	1504 BIG TREE ROAD	Closed	Parking, storage or use of major recreational equipment. (Box Trailer) Motor vehicles are inoperative or unlicensed. (Flat tires)
2024122	1440 BUCKNOLL COVE	Open	Parking, storage or use of major recreational equipment.
2024120	573 OLEANDER STREET	Pending	Parking, storage or use of major recreational equipment. (Camper)
2024113	2000 SANDPIPER POINT	Closed	Parking, storage or use of major recreational equipment.
2024112	2025 SANDPIPER PT	Closed	Parking, storage or use of major recreational equipment.
2024111	1923 STRICKLAND ROAD	Open	Parking, storage or use of major recreational equipment. (Boats)
2024110	1401 BIG TREE ROAD	Closed	Parking, storage or use of major recreational equipment. (Boat)
2024109	1315 KINGS ROAD	Closed	Box trailer parked in front of house.
2024108	717 BAY STREET	Closed	Parking, storage or use of major recreational equipment. (Boat)
2024107	511 SOUTH STEET	Closed	Parking, storage or use of major recreational equipment. (Boat)
2024106	573 BAY STREET	Closed	Boat and trailer parked in front of house.
2024105	545 SOUTH STREET	Open	Boat parked in front yard.
2024100	565 MYRA STREET	Closed	Parking, storage or use of major recreational equipment.
2024099	552 MYRA STREET	Closed	Parking, storage or use of major recreational equipment.
2024098	446 SOUTH STREET	Closed	Parking, storage or use of major recreational equipment. (Boat)
2024097	419 SOUTH STREET	Closed	Recreational Vehicle parked in front of house.



Case #: 2024105

Case Date: 10/02/24

Case Type:

Complainant Name: City

Complainant Address:

Complainant Phone:

Description of Violation: Boat parked in front yard.

Business Name:

Date Completed:

Status: Open

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
173196 0000	545 SOUTH STREET	LOT 9 BLOCK 2 MERIMAR TERRACE BY THE SEA	MICHAEL GUY & WHITNEY ROHRER ATLEE	904-294-6964	R-2

Activities

Date	Activity Type	Description	Employee	Status
10/02/2024	Follow up	Parking, storage or use of major recreational equipment. (Boat)	Rico Armstrong	Assigned
10/14/2024	Follow up		Rico Armstrong	Assigned

Violations

Date	Violation	Description	Notes	Status
10/02/2024	Sec. 27-335. Parking, storage or use of major recreational equipment.	No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yards and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in Article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar trucks or equipment. Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length including the trailer.		Open

Notes

Date Note Created By:

2024-10-14

10/14/24 inspected property boat still present in front of house.
No new pictures taken boat still parked in same spot as of 9/30/24.

Rico Armstrong

Uploaded Files

Date	File Name
10/15/2024	
10/15/2024	
10/14/2024	
10/02/2024	
10/02/2024	

10/02/2024





Case #: 2024111

Case Date: 10/03/24

Case Type:

Complainant Name: City

Complainant Address:

Complainant Phone:

Description of Violation: Parking, storage or use of major recreational equipment. (Boats)

Business Name:

Date Completed:

Status: Open

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
177653 0910	1923 STRICKLAND ROAD	LOT 5 INVO	JOSHUA D & KIMBERLY MYERS	904-753-9003	R-2

Activities

Date	Activity Type	Description	Employee	Status
10/03/2024	Follow up	Parking, storage or use of major recreational equipment. (Boats)	Rico Armstrong	Assigned
10/15/2024	Follow up	NOV	Rico Armstrong	Assigned

Violations

Date	Violation	Description	Notes	Status
10/15/2024	Sec. 22-28. Parking of boats and trailers (Right of way)	It shall be unlawful for any person to park or store any boat, boat trailer or any other trailers or combination of boat and boat trailer or other watercraft on any public street, public thoroughfare, public alley, public right-of-way or public sidewalk.		Open
10/03/2024	Sec. 27-335. Parking, storage or use of major recreational equipment.	No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yards and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in Article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar trucks or equipment. Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length including the trailer.		Open

10/03/2024	Sec. 28-5. - Illustrative enumeration. (2) Trash	Accumulation of trash, litter, debris, garbage, bottles, paper, cans, rags, dead or decayed fish, fowl, meat or other animal matter; fruit, vegetables, bricks, concrete, scrap lumber or other building debris or other refuse of any nature (but not including such materials properly packaged or contained for regular refuse removal, recycling recovery or trimmed vegetation for pickup);	Tire removed from property.	Closed
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Notes

Date	Note	Created By:
2024-10-15	Hand delivered NOV paperwork to home owner. She had question about the violations.	Rico Armstrong

Uploaded Files

Date	File Name
10/15/2024	
10/15/2024	
10/15/2024	
10/03/2024	
10/03/2024	

10/03/2024



10/03/2024



10/03/2024





Case #: 2024120

Case Date: 10/16/24

Case Type:

Complainant Name: City

Complainant Address:

Complainant Phone:

Description of Violation: Parking, storage or use of major recreational equipment. (Camper)

Business Name:

Date Completed:

Status: Pending

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
173669 0000	573 OLEANDER STREET	LOT 20 BLOCK 14 JACKSONVILLE BEACH PARK	KATHRYN G DEVANE & REBECCA E SPEAR	904-962-3110	R-3

Activities

Date	Activity Type	Description	Employee	Status
10/16/2024	Follow up	Parking, storage or use of major recreational equipment. (Camper)	Rico Armstrong	Assigned
10/28/2024	information	SPOKE TO PROPERTY OWNER AND EXPLAINED THAT CDB WOULD BE DISCUSSING THE RV ORDINANCE ON NOV. 13 AND THAT NO ACTION WOULD OCCUR UNTIL AFTER THE BOARD MEETS. CASE PLACED ON HOLD	Piper Turner	Completed

Violations

Date	Violation	Description	Notes	Status
10/16/2024	Sec. 27-335. Parking, storage or use of major recreational equipment.	No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yards and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in Article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar trucks or equipment. Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length including the trailer.		Open

Uploaded Files

Date
10/17/2024

File Name



10/17/2024
10/17/2024





Case #: 2024122

Case Date: 10/16/24

Case Type:

Complainant Name: City

Complainant Address:

Complainant Phone:

Description of Violation: Parking, storage or use of major recreational equipment.

Business Name:

Date Completed:

Status: Open

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
178692 0224	1440 BUCKNOLL COVE	LOT 12 INDIAN WOODS UNIT 4	STEPHEN & DEBORAH P BLEDSON	904-234-6076	R-1

Activities

Date	Activity Type	Description	Employee	Status
10/16/2024	Follow up	Parking, storage or use of major recreational equipment.	Rico Armstrong	Assigned

Violations

Date	Violation	Description	Notes	Status
10/16/2024	Sec. 27-335. Parking, storage or use of major recreational equipment.	No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yards and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in Article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar trucks or equipment. Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length including the trailer.		Open

Uploaded Files

Date	File Name
10/16/2024	

10/16/2024



10/16/2024



10/16/2024



10/16/2024





Case #: 2024124

Case Date: 10/16/24

Case Type:

Complainant Name: City

Complainant Address:

Complainant Phone:

Description of Violation: Boat parked in front of house.

Business Name:

Date Completed:

Status: Open

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
178958 0174	1151 HAMLET COURT	LOT 36 THE HAMLET	GRIFFITH CATERINA GRIFFITH CHRISTOPHER		R-1

Activities

Date	Activity Type	Description	Employee	Status
10/16/2024	Follow up	Boat parked in front of house.	Rico Armstrong	Assigned

Violations

Date	Violation	Description	Notes	Status
10/16/2024	Sec. 27-335. Parking, storage or use of major recreational equipment.	No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yards and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in Article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar trucks or equipment. Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length including the trailer.		Open

Uploaded Files

Date	File Name
10/16/2024	

10/16/2024



10/16/2024



10/16/2024



Case #: 2024126

Case Date: 10/17/24

Case Type:

Complainant Name: City

Complainant Address:

Complainant Phone:

Description of Violation: Boat and trailer parked in front of house.

Business Name:

Date Completed:

Status: Open

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
178958 0158	1103 HAMLET COURT	LOT 28 THE HAMLET	COLIN & MELISSA AGUILAR	904-813-6545	R-1

Activities

Date	Activity Type	Description	Employee	Status
10/17/2024	Follow up		Rico Armstrong	Assigned
10/30/2024	Follow up	Extension given per Heather (15 days) 11/15/24	Rico Armstrong	Assigned

Violations

Date	Violation	Description	Notes	Status
10/17/2024	Sec. 27-335. Parking, storage or use of major recreational equipment.	No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yards and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in Article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar trucks or equipment. Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length including the trailer.		Open

Uploaded Files

Date

File Name

10/17/2024



10/17/2024



10/17/2024

10/17/2024



10/17/2024



10/17/2024





Case #: 2024137

Case Date: 10/22/24

Case Type:

Complainant Name:

Complainant Address:

Complainant Phone:

Description of Violation: Parking, storage or use of major recreational equipment. (Boat)

Business Name:

Date Completed:

Status: Open

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
172488 0000	915 FIFTH STREET	LOT 6 BLOCK 1 NEPTUNE PARK	TREVOR ALAN & KELLY JEAN		R-2

Activities

Date	Activity Type	Description	Employee	Status
10/22/2024	Follow up	Parking, storage or use of major recreational equipment. (Boat)	Rico Armstrong	Assigned

Violations

Date	Violation	Description	Notes	Status
10/22/2024	Sec. 27-335. Parking, storage or use of major recreational equipment.	No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yards and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in Article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar trucks or equipment. Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length including the trailer.		Open

Uploaded Files

Date	File Name
10/22/2024	

10/22/2024



10/22/2024





Case #: 2024138

Case Date: 10/23/24

Case Type:

Complainant Name: City

Complainant Address:

Complainant Phone:

Description of Violation: Parking, storage or use of major recreational equipment. (Box Trailer)

Business Name:

Date Completed:

Status: Open

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
172487 0000	528 BAY STREET	LOT 5 BLOCK 1 NEPTUNE PARK	VANYA L THOMPSON	904-343-7488	R-2

Activities

Date	Activity Type	Description	Employee	Status
10/23/2024	Follow up		Rico Armstrong	Assigned

Violations

Date	Violation	Description	Notes	Status
10/23/2024	Sec. 27-335. Parking, storage or use of major recreational equipment.	No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yards and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in Article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar trucks or equipment. Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length including the trailer.		Open

Uploaded Files

Date	File Name
10/23/2024	

10/23/2024





Case #: 2024141

Case Date: 10/23/24

Case Type:

Complainant Name: City

Complainant Address:

Complainant Phone:

Description of Violation: Parking, storage or use of major recreational equipment.

Business Name:

Date Completed:

Status: Open

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
177619 0000	1101 NEPTUNE LANE	PT RECD O/R 16893-2409	ROBIN L DUDASIK	847-346-9365	R-1

Activities

Date	Activity Type	Description	Employee	Status
10/23/2024	Follow up	Parking, storage or use of major recreational equipment.	Rico Armstrong	Assigned

Violations

Date	Violation	Description	Notes	Status
10/23/2024	Sec. 27-335. Parking, storage or use of major recreational equipment.	No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yards and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in Article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar trucks or equipment. Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length including the trailer.		Open

Uploaded Files

Date

File Name

10/23/2024



10/23/2024



10/23/2024

10/23/2024



10/23/2024





Case #: 2024151

Case Date: 10/30/24

Case Type:

Complainant Name: City

Complainant Address:

Complainant Phone:

Description of Violation: RV parked in driveway.

Business Name:

Date Completed:

Status: Open

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
172481 0084	717 VALLEY FORGE ROAD N	LOT 8 BLOCK 6 BAL HARBOUR UNIT 3	BRENDA & KARL HANKIN	904-891-1556	R-2

Activities

Date	Activity Type	Description	Employee	Status
10/30/2024	Follow up	RV parked in driveway. 11/13/24	Rico Armstrong	Assigned

Violations

Date	Violation	Description	Notes	Status
10/30/2024	Sec. 27-335. Parking, storage or use of major recreational equipment.	No major recreational equipment, as defined herein, shall be used for living, sleeping or housekeeping purposes when parked or stored in a residentially zoned lot or in any other location not approved for such use. Major recreational equipment may be parked or stored in a required rear or side yard but not in the front or corner side yards and not within three (3) feet of any property line; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. For purposes of this section, the term major recreational equipment shall be as listed in Article I, to include sand dune buggies, cases or boxes on wheels for transporting recreational equipment, and other similar trucks or equipment. Major recreational equipment shall also be limited to two (2) total on a property. Each piece of equipment shall not exceed twenty-eight (28) feet in length including the trailer.		Open

Uploaded Files

Date	File Name
10/30/2024	

10/30/2024





Case #: 2024164

Case Date: 12/10/24

Case Type:

Complainant Name: Patrick Kennedy

Complainant Address: 1412 Neptune Beach

Complainant Phone: 904 582 2836

Description of Violation: Boat parked in driveway. Flat tires on boat.

Business Name:

Date Completed:

Status: Open

Assigned To: Rico Armstrong

Property

Parcel #	Address	Legal Description	Owner Name	Owner Phone	Zoning
172422 0000	1411 NEPTUNE GROVE DRIVE E	LOT 16 NEPTUNE GROVE SOUTH	LISA K KEISLING- JONES & CHRISTA C KEISLING- JONES	904-371-0672	R-2

Activities

Date	Activity Type	Description	Employee	Status
12/10/2024	Follow up	Flat tires on boat trailer.	Rico Armstrong	Assigned

Violations

Date	Violation	Description	Notes	Status
12/10/2024	IPM 302.8 -Motor vehicles are inoperative or unlicensed.	Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept, or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.	Flat tires on boat trailer in driveway front side of house.	Open

Uploaded Files

Date
12/10/2024

File Name



12/10/2024

12/10/2024



ARTICLE XVIII. NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS¹

Sec. 27-701. Reserved.

Editor's note(s)—Ord. No. 2022-03, § 1(Exh. A), adopted Aug. 1, 2022, deleted § 27-701 entitled "Intent," which derived from: Ord. No. 2004-10, § 1, adopted Oct. 4, 2004; and Ord. No. 2017-24, § 1, adopted Nov. 6, 2017. See. § 27-703 for similar provisions.

Sec. 27-702. Generally.

Within the districts established by this Code, there exist lots, structures, uses, and signs which existed before the adoption of this Code or previous amendments, but which would be prohibited or restricted under the provisions of this Code or future amendments. This article prescribes how these nonconformities may be continued, terminated, or made to comply with this Code.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2010-14, § 55, 9-7-10; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-703. Purpose and intent.

The provisions of this article have been written to achieve the following purposes and intentions of the city council:

- (1) 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).
- (2) An existing structure that is nonconforming due to the size of the structure or its placement on the lot, or due to noncompliance with other regulations in this chapter such as lot coverage or allowable signage, may be expanded only in compliance with this Code (see section 27-706).
- (3) An existing use that is not permitted in its zoning district may not be expanded (see section 27-708).
- (4) Abandoned signs must be removed (see section 27-709).

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2017-24, § 1, 11-6-17; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-704. Definitions.

Refer to article I for definitions.

(Ord. No. 2004-10, § 1, 10-4-04)

¹Editor's note(s)—Ord. No. 2004-10, § 1, adopted Oct. 4, 2004, amended Art. XVIII in its entirety to read as herein set out. Former Art. XVIII, §§ 27-701—27-707, pertained to similar provisions, and derived from Ord. No. 91-1-5, § 2, 5-6-91; Ord. No. 1994-15, §§ 3—6, 8-1-94; Ord. No. 2002-13, § 1, 11-4-02.

Sec. 27-705. Nonconforming lots of record.

- (a) Lot of record means a parcel of land, the deed or plat of subdivision (which has been approved by the City of Neptune Beach) of which has been recorded in the Office of the Clerk of the Circuit Court of Duval County, Florida.
- (b) Nonconforming lot of record means any lot of record recorded prior to January 1, 1991 that does not conform to the lot area or width requirements established for the zoning district in which said lot is located. A lot of record recorded after January 1, 1991, will also be a nonconforming lot of record if the lot area or width requirements are later changed such that the lot no longer complies with the zoning district in which said lot is located.
- (c) Special requirements for lots in the R-3 zoning district are provided in section 27-242.
- (d) Special requirements for lots in the R-4 zoning district are provided in section 27-243.
- (e) Except in the R-3 and R-4 zoning districts, nonconforming lots of record may be developed and used for any use permitted in the district, provided:
 - (1) That residential uses must comply with density restrictions imposed by the adopted future land use map (see section 27-242).
 - (2) That such lots shall have a minimum width throughout their length of at least forty (40) feet; and
 - (3) That any new development shall conform to the required setbacks, lot coverage limitations, and building height limitations for the district in which it is located.
- (f) Wherever there exists a structure which by itself or with accessory structures exists on a parcel containing more than one (1) nonconforming lot of record, said building site shall not henceforth be reduced or diminished in dimension or area below the minimum requirements set forth in this chapter for the district in which it is located (regardless of whether the structure or accessory structures have been demolished, or removed therefrom, in whole or in part).

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2017-24, § 1, 11-6-17; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-706. Nonconforming structures.

- (a) Nonconforming structure means any structure that does not conform with the provisions of the zoning district where the structure is located due to noncompliance with the dimensional standards in chapters 27 or 30.
- (b) A nonconforming structure may remain indefinitely, subject to the following limitations:
 - (1) The nonconforming structure may not be physically expanded in any manner that would increase the nonconformity.
 - (2) The nonconforming structure may not be physically expanded in any manner that would violate any additional physical standards in this Code.
 - (3) To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction or designated use of any building, if a building permit was issued prior to the adoption or amendment of this Code causing the nonconformity; provided, that construction commences within six (6) months of issuance and continues in good faith.
 - (4) If characteristics of use are made nonconforming by this chapter as adopted or amended, no change shall thereafter be made in such characteristics of use which increases nonconformity with the

regulations set out in this chapter; however, changes may be made that do not increase or that decrease such nonconformities.

- (c) A nonconforming structure will have its nonconforming status terminated, and shall not thereafter be used, repaired, or rebuilt except in conformity with the regulations of the district in which it is located, under the following conditions:
- (1) If the principal structure has been destroyed or is substantially damaged, as that term is defined in section 27-15.
 - (2) Whenever the use of a nonconforming structure has been discontinued, as evidenced by the lack of use or a vacancy for a period of at least twelve (12) months, or whenever a conforming use is substituted, such nonconforming use shall not thereafter be re-established; and the future use shall be in conformity with the provisions of the district in which it is located.
 - (3) If a nonconforming structure or portion thereof becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of the city to be an unsafe building, it shall not thereafter be repaired or rebuilt except in conformity with the regulations of the district in which it is located.
 - (4) All repairs and rebuilding must also comply with:
 - a. The Florida Building Code (see chapter 8, article II); and
 - b. The International Property Maintenance Code (see chapter 8, article III), which includes provisions for unsafe conditions and unsafe structures.

(Ord. No. 2004-10, § 1, 10-4-04; Ord. No. 2009-04, § 1, 6-1-09; Ord. No. 2017-24, § 1, 11-6-17; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-707. Reconstruction of residential buildings when destroyed or substantially damaged.

- (a) Notwithstanding any other provisions of this Code, a residential building that is nonconforming as to its structure or use may be reconstructed if it is destroyed or substantially damaged, as defined in section 27-15, provided that:
- (1) The reconstruction does not result in an increase in nonconformity of a lot area, yards, or setbacks;
 - (2) The number of dwelling units in such reconstructed structure does not exceed the number of units in existence prior to the destruction or substantial damage; and
 - (3) The repair or reconstruction is substantially completed within twenty-four (24) months of the date of such destruction or substantial damage. A twelve-month extension may be granted by the city manager or designee due to extenuating circumstances.

(Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-708. Nonconforming uses.

- (a) Nonconforming use means any use of a structure, or use outside a structure, that does not conform with the uses allowed for the parcel's zoning district or with density restrictions imposed by the adopted future land use map.
- (b) A nonconforming use may not be extended or enlarged:

-
- (1) By having any buildings or structures replaced or expanded in physical size; or
 - (2) By having an additional structure erected for the nonconforming use; or
 - (3) By increasing the residential density; or
 - (4) By increasing the land or water area for the nonconforming use.
- (c) Where open land, i.e., improved, or unimproved vacant land, is being used for a nonconforming use, such use shall not be extended or enlarged either on the same or adjoining property.

(Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Sec. 27-709. Abandoned signs and removal.

- (a) Abandoned signs shall be removed by the owner or property lessee within thirty (30) days of the cessation of business or activity conducted on the property where the sign is located.
- (b) A business shall be considered to have ceased or be inactive where the property: (1) is vacated; (2) no longer has a valid certificate of occupation or business tax receipt; (3) no longer provides the service or product advertised on the sign; (4) has no active utility service account(s); or (5) displays a blank sign.
- (c) Any sign which pertains to a business or occupation which is no longer using the property on which the sign is situated, or which relates to a time or event that no longer applies, constitutes abandonment, as well as false advertising or false identification.
- (d) A sign or sign structure shall also be considered abandoned or discontinued when its owner fails to operate or maintain a sign for a period of sixty (60) days or longer after receipt of notice from the city manager or designee of apparent abandoned status.
- (e) Failure to remove an abandoned sign shall result in a civil fine of one hundred (\$100.00) dollars per day of non-removal after notice from the city manager or designee and shall constitute a lien upon the property upon which the sign is affixed, subject to enforcement and collection, as provided in this Code and the Florida Statutes.

(Ord. No. 2007-15, § 1, 10-1-07; Ord. No. 2015-02, § 2, 3-2-15; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

Editor's note(s)—Formerly codified as § 27-707, which was renumbered by Ord. No. 2022-03, as herein set out.

Secs. 27-710—27-735. Reserved.