



**AGENDA**  
**COMMUNITY DEVELOPMENT BOARD**  
**MEETING MAY 14, 2025 AT 6:00 PM**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FL 32266**

1. Call to Order and Roll Call.
2. Pledge of Allegiance.
3. Approval of Minutes for the February 12, 2025 and March 12, 2025 meetings.
4. **V25-02:1409 Neptune Grove Drive W** 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 known 1409 Neptune Grove Drive W (RE# 172437-0000). The applicant requests a variance from Section 27-328(5) to permit more than three (3) accessory structures per lot and Section 27-328(a)(2) to vary the side yard setback of an accessory structure. The property is in the R-1 zoning district.

This item was tabled at the February 12, 2025 meeting and continued to the May 14, 2025 meeting.

5. **V25-04:2020 Seagate Avenue** Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for J Richard and Elizabeth R Baker for the property is known 2020 Seagate Avenue (RE# 177473-1020). The applicant requests a variance from Section 27-237(1) to permit the construction of an addition connected by a breezeway that exceed fifteen (15) feet in length. The request is to allow the length of the breezeway to be +/- 35 feet in order to save a tree and avoid a existing lift station. The property is in the R-1 zoning district.
6. Historical Significance Subcommittee Report
7. Code Subcommittee Report
8. Open Discussion
9. Adjournment.

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

**DD14**

After 5:30 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  
FEBRUARY 12, 2025, 6:00 P.M.  
COUNCIL CHAMBERS  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266**

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Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held in person on Wednesday February 12, 2025, at 6:00 p.m. in the Council Chambers.

**Attendance**

Board members were in attendance:

Greg Schwartzenberger, Chair  
Rene Atayan, Vice-Chair  
Tony Mazzola, Member  
Charley Miller, Member  
Lynda Padra, Member  
Hillary Weatherhead, Alternate Member  
Coral Messina, Alternate Member

Kathy Lahr-David, Alternate Member, was also present.

The following staff members were present:

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

**Call to Order &  
Roll Call**

Chair Schwartzenberger called the meeting to order at 6:00 p.m. He also announce that the board would be proposing the discussion on Article XVIII Nonconforming lots, Structures, Uses and Signs until member Mr. Raiti could attend.

**Pledge**

Pledge of Allegiance.

Mayor Bylund welcomed the new members to the board and thanked everyone who attended the meeting. Stated that the board will workshoping the boat and RV code and will be making a recommendation to the City Council.

**Swearing of new board  
members**

Catherine Ponson, City Clerk, administered the oath to the new alternate board members.

Hillary Weatherhead, Kathy Lahr-David and Coral Weatherhead was sworn in as new alternate members of the Community Development Board.

**Minutes**

Made by Padra, seconded by Mazzola.

**MOTION:      TO APPROVE NOVEMBER 13, 2024 MINUTES, AS SUBMITTED.**

Roll Call Vote:

Ayes: 7-Atayan, Weatherhead, Mazzola, Miller, Messina, Padra and Schwartzenberger

Noes: 0

**MOTION CARRIED**

Made by Miller, seconded by Padra.

**MOTION: TO APPROVE JANUARY 8, 2025 MINUTES, AS SUBMITTED.**

Roll Call Vote:

Ayes: 7- Atayan, Weatherhead, Mazzola, Miller, Messina, Padra and Schwartzberger

Noes: 0

**MOTION CARRIED****Swearing In**

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

**Ex Parte**

Chair Schwartzberger, stated he did a site visit and spoken with Ms. Olsen at her property. No other members had any contact with either applicant.

**V25-02 Application  
for Variance  
1409 Neptune Grove  
Drive West**

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 as 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.

**Background**

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.

**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 Olsen, 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 Olsen at 1409 Neptune Grove W. This resulted in Code Enforcement case 2024154, as attached. Mr. Patrick Kennedy has submitted a written complaint, as attached.

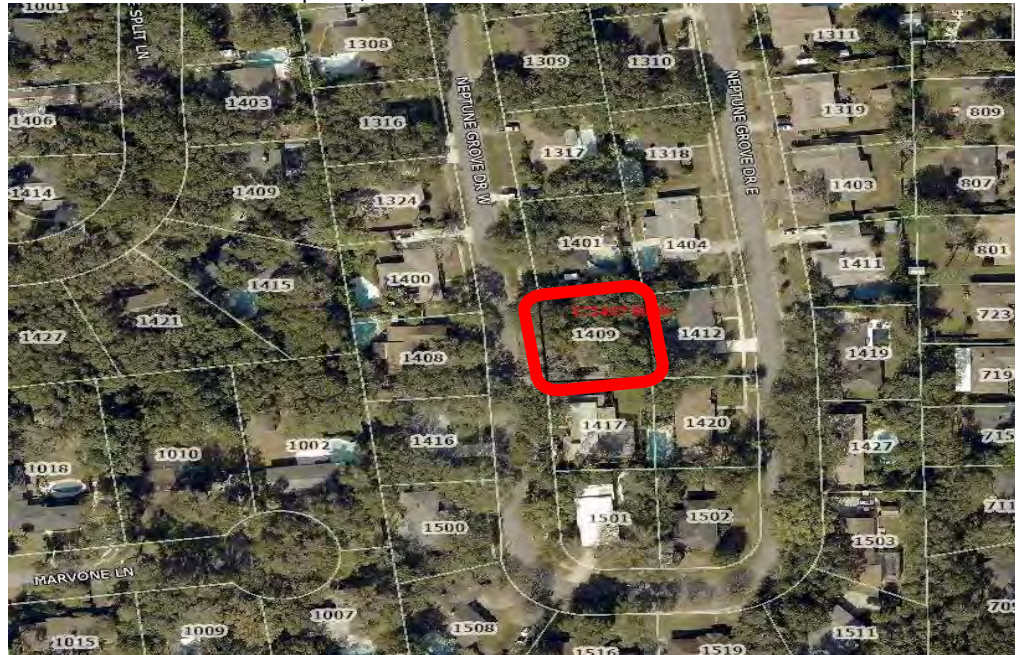


Figure 1: 1409 Neptune Grove W

In an effort to resolve the case, the applicant applied for a building permit on November 21, 2024, as attached. In reviewing the permit, staff discovered that the lot already has three accessory structures, including a spa gazebo, a tool shed, and an art studio, as pictured.

Additionally, the newly built gazebo is less than three feet from the property line. Section 27-328 (a) (2) requires a three-foot side yard setback for accessory structures, and Section 27-328 (a) (5) permits no more than three (3) accessory structures per lot.

The applicant states that the new gazebo is a replacement for an old gazebo, therefore it should be permitted. Staff has no building permit records for either the spa gazebo on the property or the newly replaced gazebo. Staff does have permit records for the tool shed and art studio.

On December 19, 2024 the applicant applied for a variance to permit the gazebo. The applicant hoped to go to the January CDB meeting, but due to the Beaches Leader changes in schedule and discontinuing publication, the item was placed on the February agenda.

#### Findings

In an effort to resolve the case, the applicant applied for a building permit on November 21, 2024, as attached. In reviewing the permit, staff discovered that the lot already has three accessory structures, including a spa gazebo, a tool shed, and an art studio, as pictured.

Additionally, the newly built gazebo is less than three feet from the property line. Section 27-328 (a) (2) requires a three-foot side yard setback for accessory structures, and Section 27-328 (a) (5) permits no more than three (3) accessory structures per lot.

The applicant states that the new gazebo is a replacement of an old gazebo, therefore it should be permitted. Staff has no building permit records for either the spa gazebo on the property or the newly replaced gazebo. Staff does have permit records for the tool shed and art studio.

On December 19, 2024 the applicant applied for a variance to permit the gazebo. The applicant hoped to go to the January CDB meeting, but due to the Beaches Leader changes in schedule and discontinuing publication, the item was placed on the February agenda.

### 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 exposed 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 the previous property inspector said 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

**Complainant Name:** Patrick Kennedy

**Complainant Address:** 1412 Neptune Grove Dr. E.

**Complainant Phone:** (904) 582- 2836

**Description of Violation:** Building Structure No Permit

**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 File Name

11/20/2024

**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 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Jo</i> | 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 <a href="http://www.myflorida.com/dbpr/pro/cilb/">www.myflorida.com/dbpr/pro/cilb/</a> for more information about licensed contractors.                                                                                                                                                                                                                                                                                                                                              |
| <i>Jo</i> | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <i>Jo</i> | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <i>Jo</i> | Licensed contractors are regulated by laws designed to protect the public. 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 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 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 permit application filed and agree to the conditions specified above.

*Linda Olsen*  
Signature of Owner-Builder \_\_\_\_\_ Date \_\_\_\_\_

# STATE OF FLORIDA

The foregoing instrument was acknowledged before me by Linda Olsen COUNTY OF DUVAL  
(Name of person acknowledged)

who is personally known to me or who has produced Driver License

as identification and whom did/did not take oath.

*C. B. B.*  
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 465.228 in addition to any civil penalties. The local permitting jurisdiction shall withhold final approval, revoke the permit, or pursue any action or remedy against 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 • [PIP@TURNER@NBFL.US](mailto:PIP@TURNER@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 structure

Owner's Information: Email lindaolsen2@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

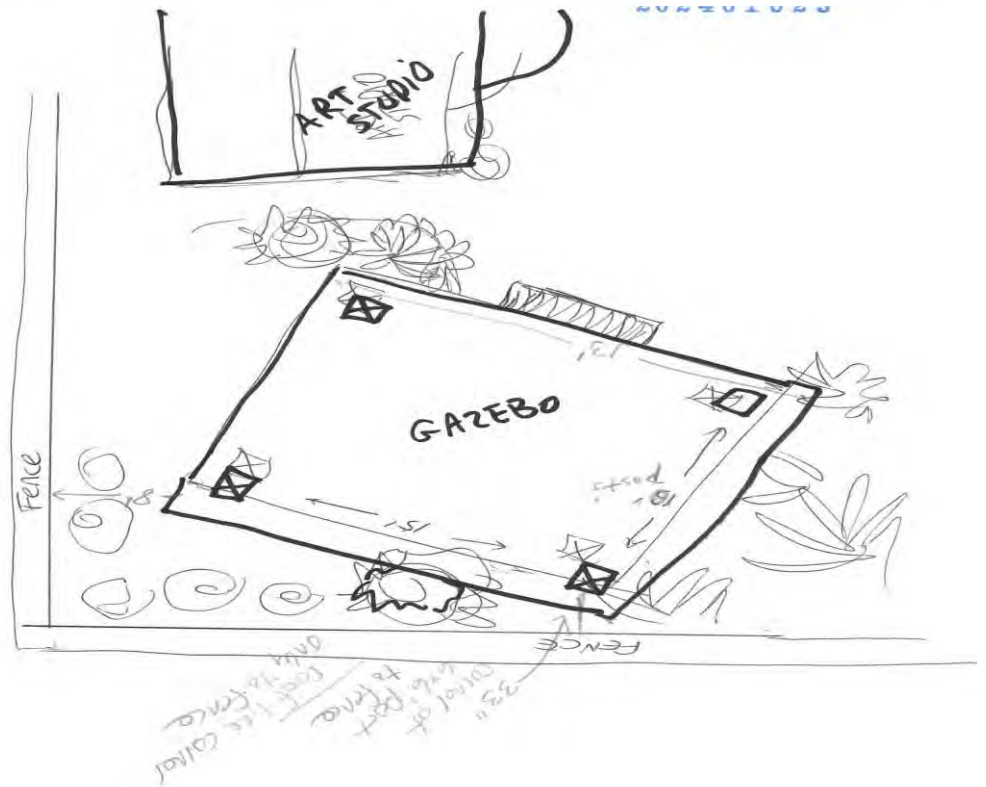
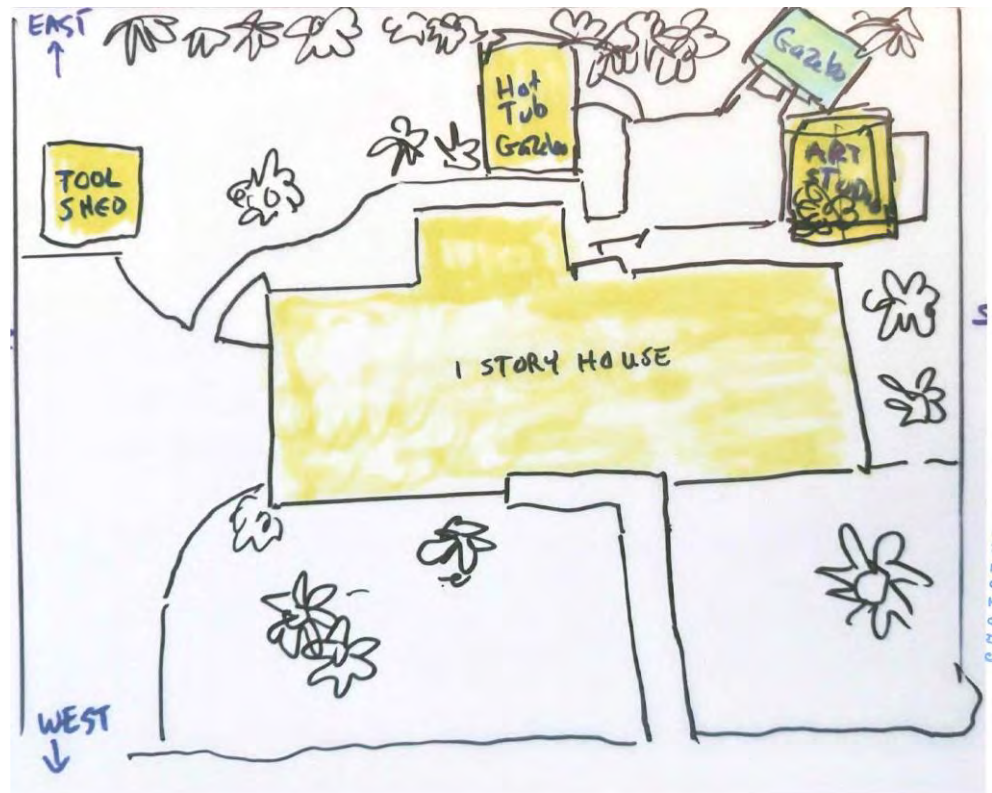
Application is hereby made to obtain a permit to do the work and installations as indicated. I certify that no work or installation has commenced prior to the issuance of a permit and that all work will be performed to meet the standards of all laws regulating construction in this jurisdiction. This 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.

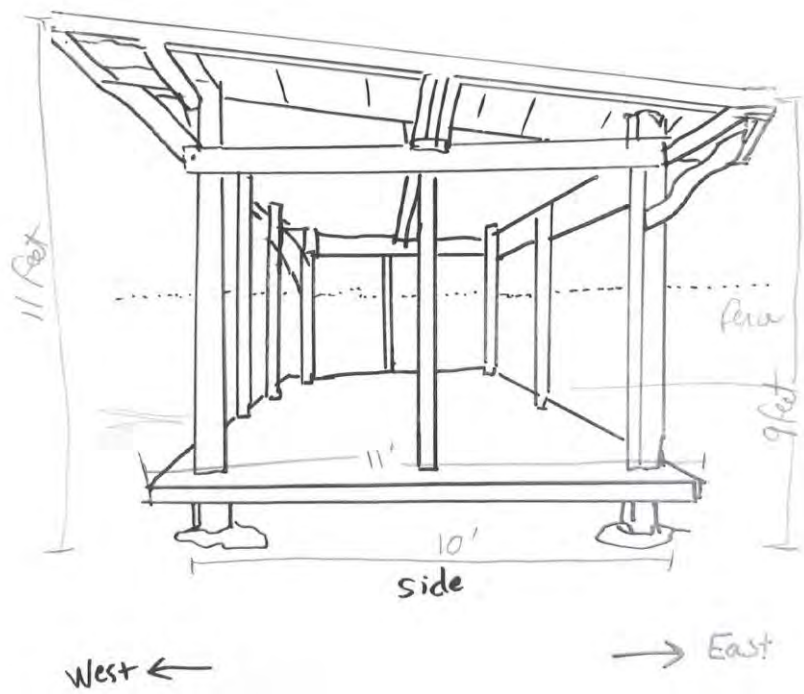
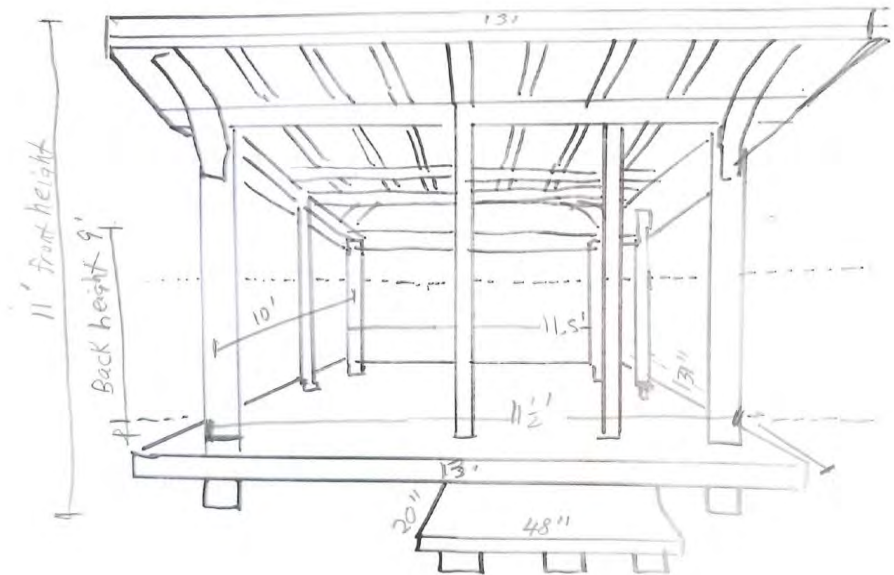
I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or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

*Linda Olsen*  
Signature of Owner-Builder \_\_\_\_\_ Date 11/2/2024

**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.





## APPLICATION FOR ZONING VARIANCE

TO THE CITY OF NEPTUNE BEACH COMMUNITY DEVELOPMENT DEPARTMENT  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266-8140  
PH: 270-2400 Ext 3, then 4 Email: [CDD@NBFL.US](mailto:CDD@NBFL.US)



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

|                                                                                                                                  |                                                                                            |                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| Date Filed: <u>12-20-2024</u>                                                                                                    | Zoning District: <u>R1</u>                                                                 | Real Estate Parcel Number: <u>Lot 30</u>                                                                                                 |
| Name & Address of Owner of Record:<br><u>LINDA OLSEN</u><br><u>1409 Neptune Grove Dr. West</u><br><u>Neptune Beach, FL 32266</u> |                                                                                            | Property Address:<br><u>1409 Neptune Grove Dr. West</u><br><u>Neptune Beach, FL 32266</u><br>Number of units on property <u>45 years</u> |
| Contact phone number: <u>904-699-9995</u>                                                                                        | Have any previous applications for variance been filed concerning this property? <u>No</u> |                                                                                                                                          |
| e-mail address: <u>lindaolsenart@gmail.com</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, a 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 not encroach on property area.  
④ Personal property rights is my general intent.  
⑤ Variance is in keeping with my personal property rights and the enjoyment of my father's 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. Improved 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 craftsmanship 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 backyard 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 inspection that the gazebo was not within new code. My hope is 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. <b>Required Attachments</b> -Applicant must include the following: <b>(INCOMPLETE PACKAGES WILL BE RETURNED)</b>                                                                                                                             |
| A. 8 1/2" by 11" overhead site plan drawn to an appropriate scale showing the location of all existing and proposed improvements to the property and including all setback measurements from property lines, <b>WHICH HAS NOT BEEN REDUCED.</b> |
| B. Survey of the property certified by licensed surveyor and <b>dated within one year of application date.</b><br><b>SURVEY MUST BE ORIGINAL SIZE AND CAN NOT BEEN REDUCED.</b>                                                                 |
| C. Copy of Deed                                                                                                                                                                                                                                 |
| D. Pictures of the property as it currently exists                                                                                                                                                                                              |
| 5. Letter of authorization for agent to make application (Required only if not made by owner)                                                                                                                                                   |
| 6. <b>NON-REFUNDABLE FEE:</b><br><b>\$300.00 (Residentially zoning property) / \$1,000.00 (Commercially Zoned Property)</b>                                                                                                                     |

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

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

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

NAME (S) OF PROPERTY OWNER (S)

NAME OF AUTHORIZED AGENT

LINDA A OLSEN

ADDRESS OF PROPERTY OWNER

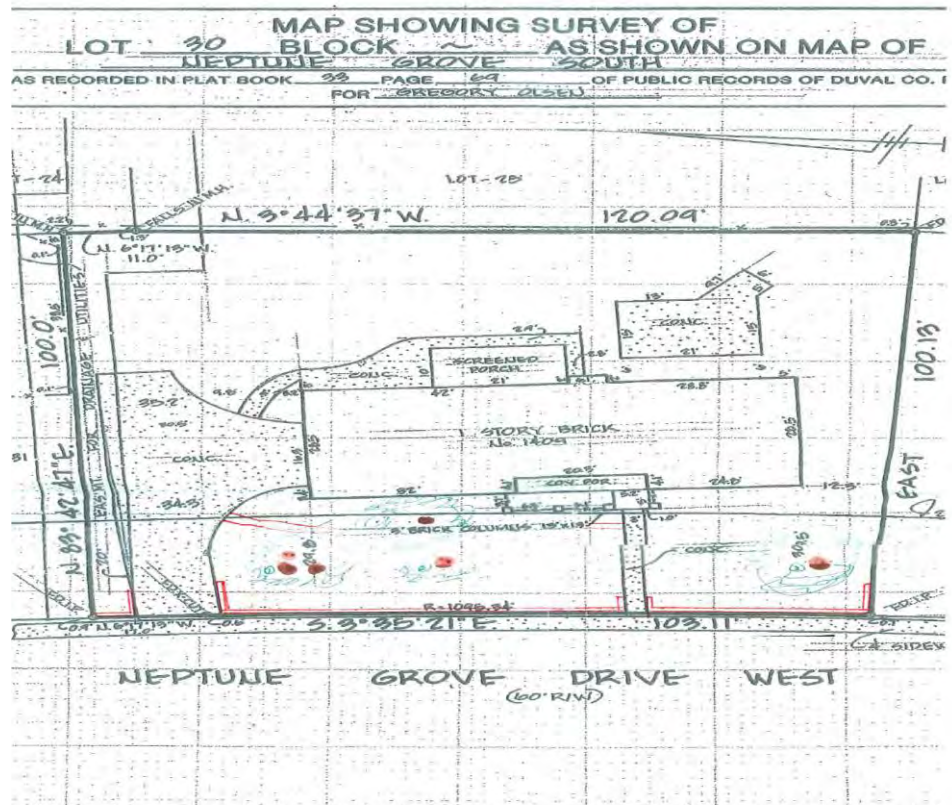
ADDRESS OF AUTHORIZED AGENT

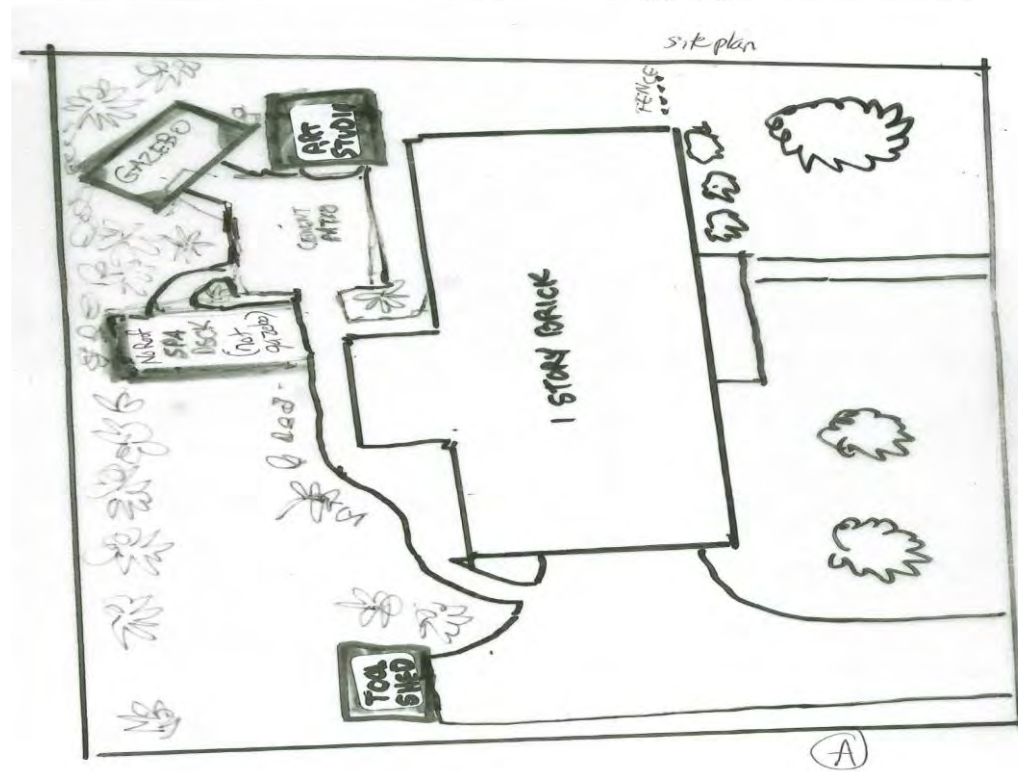
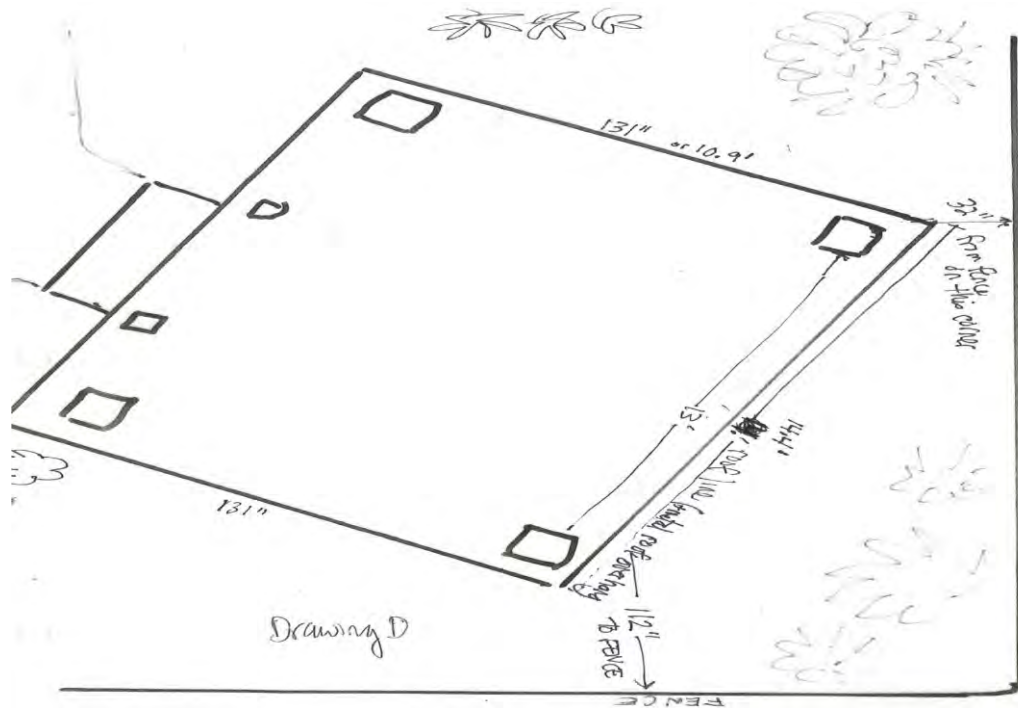
1409 Neptune Grove Dr West  
Neptune Beach, FL 32266

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

Linda A. Olsen

3









spa  
deck ↑

old  
gazebo ↑

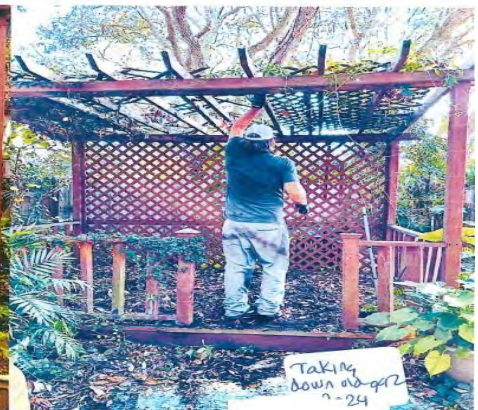
painting  
studio



OLD GAZEBO  
1995



old gazebo  
2022



Taking  
down old gazebo  
7-24





Ms. Olsen, property owner, addressed the board. She stated she had lived in Neptune Beach for 47 years and that she had replaced an old gazebo in the same location. The post were placed 3-foot deep with concrete. The gazebo sets at angle on the property. Once corner is close to the fence. There is an older spa gazebo on a wood deck with concrete footers and slanted roof for the hot tub. The neighbor is not hurt. Takes pride in her yard. I did not think a permit for replacement. It would be a hardship to remove the structure.

Board's questions and comments for Staff:

Mr. Mazzola: What is the height? The owner stated 11 feet.

Ms. Padra: The old gazebo had an open rafter roof. This one has a solid roof. Rain runoff could run onto the neighbor's property. New one do not have concrete so it will no count against love coverage.

Mrs. Atayan: Took one gazebo down and still has four structures.

Mr. Schwarzenberger: Was at the property today. The majority of the new metal roof is within the property line, only one corner hangs over the lot line.

Mrs. Messina: Asked about the email from Mr. Kennedy. Ms. Witmore stated, "The structure overhangs the property line." Without a survey there is no way to know by how much. Believes the structure is less than 3 feet from the fence. Can not verify if it is built to hurricane standards. There is a conflict in Sections 27-328 & 27-327. Once section states the setback is 3 feet and another section states 5 feet. Due to the conflict, we default to the lesser setback of 3 feet.

Public  
Comments

Chair Schwarzenberger opened the floor for public comments:  
Mr. Kennedy of 1412 Neptune Grove Dr E submitted written comments prior to the meeting and have been included in the minutes.

**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-landdevelopment-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.

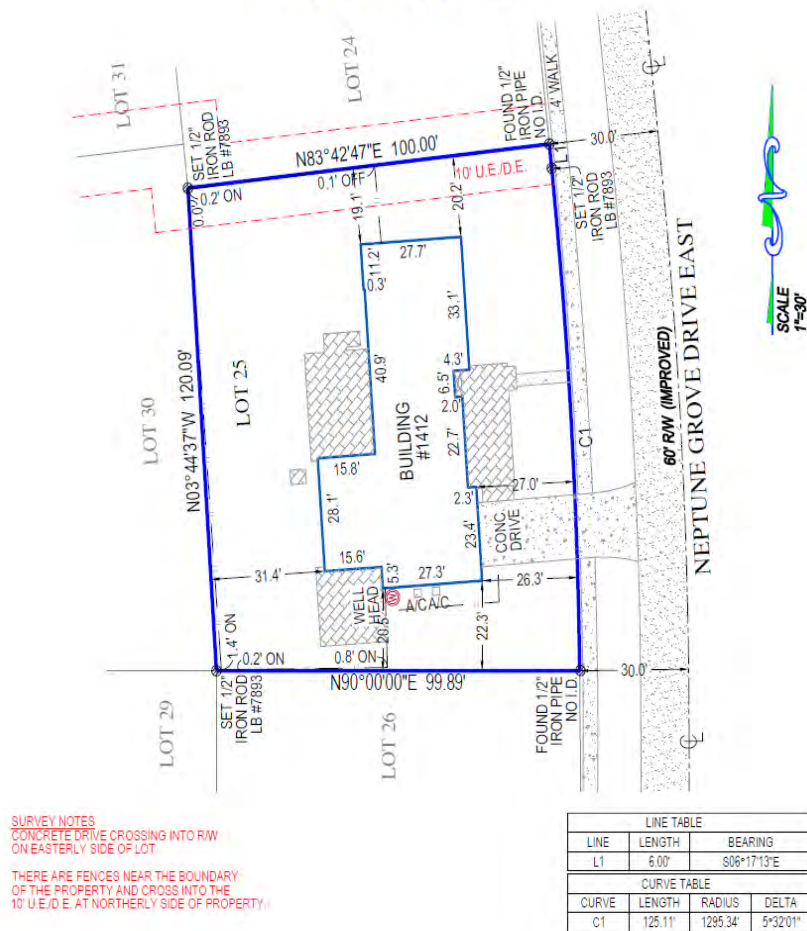
Sec. 27-328. (5) No more than three (3) accessory structures per lot, excluding subsection 27-328(2) c.

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

### BOUNDARY SURVEY



Mr. Mitch McCue, 1410 Florida Blvd., stated he is a general contractor and will offer to look at the structure and pay for a new survey to be done.

There being no comments. The public hearing was closed.

#### Board Discussion:

Mr. Mazzola: When will the survey be done? Would prefer to table the application to till a new survey has been done.

Mrs. Atayan: It would be easier to get a new survey done than to go through the appeals process. Explained that the spa itself is considered impervious because it holds water.

Mr. Schwartzenberger: Without an updated survey we cannot give you an answer. We need to know how the gazebo sets on the property. The structure needs to be inspected by the building official.

Mrs. Messina: Could you modify the roof to remove the encroachment? Mrs. Olsen answered: The corner could be cut back and that would probably reduce the setback.

Mr. Miller: We'll need the survey to see how much needs to be removed.

Made by Mazzola, seconded by Atayan.

**MOTION:**        **TO TABLE VARIANCE V25-02 FOR A PERIOD NOT TO EXCEED 90 DAYS.**

Roll Call Vote:

Ayes: 7-Atayan, Messina, Weatherhead, Mazzola, Miller, Padtra and Schwartzenberger  
Noes: 0

**MOTION CARRIED. VARIANCE TABLED.**

The applicant was informed that she would need to have a new survey done and appear before the board again within no more than 90 days for today.

V25-02 Application for  
Variance  
1410 Florida Blvd

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.

**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.

**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 25 feet from the front property line and requires a variance to reduce the front yard setback by ten feet from 35 to 25 feet.

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.



## 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 we'll 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 areas. 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

### 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](mailto:CDD@NBFL.US)



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

|                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                            |                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------|
| Date Filed: <u>1/7/2025</u>                                                                                                                                                                                                                                                                                                                                                                                              | Zoning District: <u>R-1</u>                                                                | Real Estate Parcel Number: <u>174388-0100</u> |
| Name & Address of Owner of Record:<br><u>Mitchell McCue</u><br><u>Same</u>                                                                                                                                                                                                                                                                                                                                               | Property Address:<br><u>1410 Florida Blvd</u><br><u>Neptune Beach FL 32266</u>             | Number of units on property: <u>1</u>         |
| Contact phone number: <u>904-205-0042</u>                                                                                                                                                                                                                                                                                                                                                                                | Have any previous applications for variance been filed concerning this property? <u>No</u> |                                               |
| e-mail address: <u>Mitch@HomeServicesbyMc.com</u>                                                                                                                                                                                                                                                                                                                                                                        | If Yes, Give Date: <u>2/10/21</u><br><u>V21-02 Included</u>                                |                                               |
| Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows:<br>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): <u>Set Backs Due to</u><br><u>non typical lot</u>                                                                                                                                                                                                                                                                                                          |                                                                                            |                                               |
| 2. Explain the purpose of the variance (if granted)?<br><u>To allow accessory structures</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.<br><u>non typical lot</u>                                                                                               |                                                                                            |                                               |

|                                                                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B. How is the proposed variance the minimum necessary to allow reasonable use of the property?                                                                                                               |
| <i>Due to non typical lot shape &amp; size</i>                                                                                                                                                               |
| C. Indicate how the proposed variance will not adversely affect adjacent or nearby properties or the public in general.                                                                                      |
| <i>1 story structure and will be set back on lot line</i>                                                                                                                                                    |
| D. Indicate how the proposed variance will not diminish property values nor alter the character of the area.                                                                                                 |
| <i>By adding 50 ft of living space will add value to adjacent properties</i>                                                                                                                                 |
| 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?                                                                                                              |
| <i>non typical lot has create the issue</i>                                                                                                                                                                  |
| G. Indicate how granting of the proposed variance will not confer upon you any special privileges that is denied by the code to other lands, buildings or structures in the same zoning district.            |
| <i>The code allows for this</i>                                                                                                                                                                              |
| 4. Required Attachments-Applicant must include the following: (INCOMPLETE PACKAGES WILL BE RETURNED)                                                                                                         |
| A. 9 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.                                                                                                                                                                                  |

2

|                                                                                                         |
|---------------------------------------------------------------------------------------------------------|
| 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                                                      |
| 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)

*lll lll*

NAME OF AUTHORIZED AGENT

ADDRESS OF PROPERTY OWNER

*1410 Florida Blvd  
Naples Beach FL 34266*

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."**

3







February 10, 2021

V21-02  
COMMUNITY DEVELOPMENT BOARD

PAGE :

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 WINDSWEEP**  
**CIRCLE AS SUBMITTED.**

Roll Call Vote:

Ayes: 7

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.

February 10, 2021

COMMUNITY DEVELOPMENT BOARD

PAGE 4

**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: C

**MOTION APPROVED.**

## 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?**

1

*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.

**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@NBFLUS](mailto:CDD@NBFLUS)



**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.**

V21-02

|                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                            |                                                                            |                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-----------------------------------------------|
| Date Received: <b>RECEIVED DEC 30 2020</b>                                                                                                                                                                                                                                                                                                                                                                               |                                                                                            | Zoning/District: <b>R-2</b>                                                | Real Estate Parcel Number: <b>177388-0100</b> |
| Name & Address of Owner of Record:<br><b>Mitchell L. McCue<br/>1410 Florida Blvd.<br/>Neptune Beach, FL 32233</b>                                                                                                                                                                                                                                                                                                        |                                                                                            | Property Address:<br><b>1410 Florida Blvd.<br/>Neptune Beach, FL 32233</b> |                                               |
| Contact phone number: <b>904-208-0042</b>                                                                                                                                                                                                                                                                                                                                                                                | Number of units on property: <b>1</b>                                                      |                                                                            |                                               |
| e-mail address: <b>Mitch@familyman204.com</b>                                                                                                                                                                                                                                                                                                                                                                            | Have any previous applications for variance been filed concerning this property? <b>NO</b> |                                                                            |                                               |
| If Yes, Give Date: _____                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                            |                                                                            |                                               |
| Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows:<br>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):<br><b>Rear Set back.</b>                                                                                                                                                                                                                                                                                                                                   |                                                                                            |                                                                            |                                               |
| 2. Explain the purpose of the variance (if granted)?<br><b>Construction of Attached garage</b>                                                                                                                                                                                                                                                                                                                           |                                                                                            |                                                                            |                                               |
| 3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):<br><b>See attached.</b>                                                                                                                                                                                                                                                    |                                                                                            |                                                                            |                                               |

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 +/- 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 ~~and~~ three sides and being at least 8' from property line. IN ADDITION being over 20' from each neighbor.**

|                                                                                                                                                                                                                                                                                                                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>F. Explain how the need for the proposed variance has not been created by you or the developer?</p> <p><i>Set back requirements have changed.</i></p>                                                                                                                                                          |
| <p>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.</p> <p><i>Code allows for garage/Additions and<br/>Keeping my boat away &amp; not looking unsightly.</i></p> |
| <p>4. <b>Required Attachments</b>-Applicant must include the following: <b>(INCOMPLETE PACKAGES WILL BE RETURNED)</b></p>                                                                                                                                                                                         |
| <p>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.<br/><b>WHICH HAS NOT BEEN REDUCED.</b></p>                                                        |
| <p>B. Survey of the property certified by licensed surveyor and <b>dated within one year of application date.</b><br/><b>SURVEY MUST BE ORIGINAL SIZE AND CAN NOT BEEN REDUCED.</b></p>                                                                                                                           |
| <p>C. Copy of Deed</p>                                                                                                                                                                                                                                                                                            |
| <p>D. Pictures of the property as it currently exists</p>                                                                                                                                                                                                                                                         |
| <p>5. Letter of authorization for agent to make application (Required only if not made by owner)</p>                                                                                                                                                                                                              |
| <p>6. <b>NON-REFUNDABLE FEE:</b><br/><b>\$300.00 (Residentially zoning property) / \$500.00 (Commercially Zoned Property)</b></p>                                                                                                                                                                                 |

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.

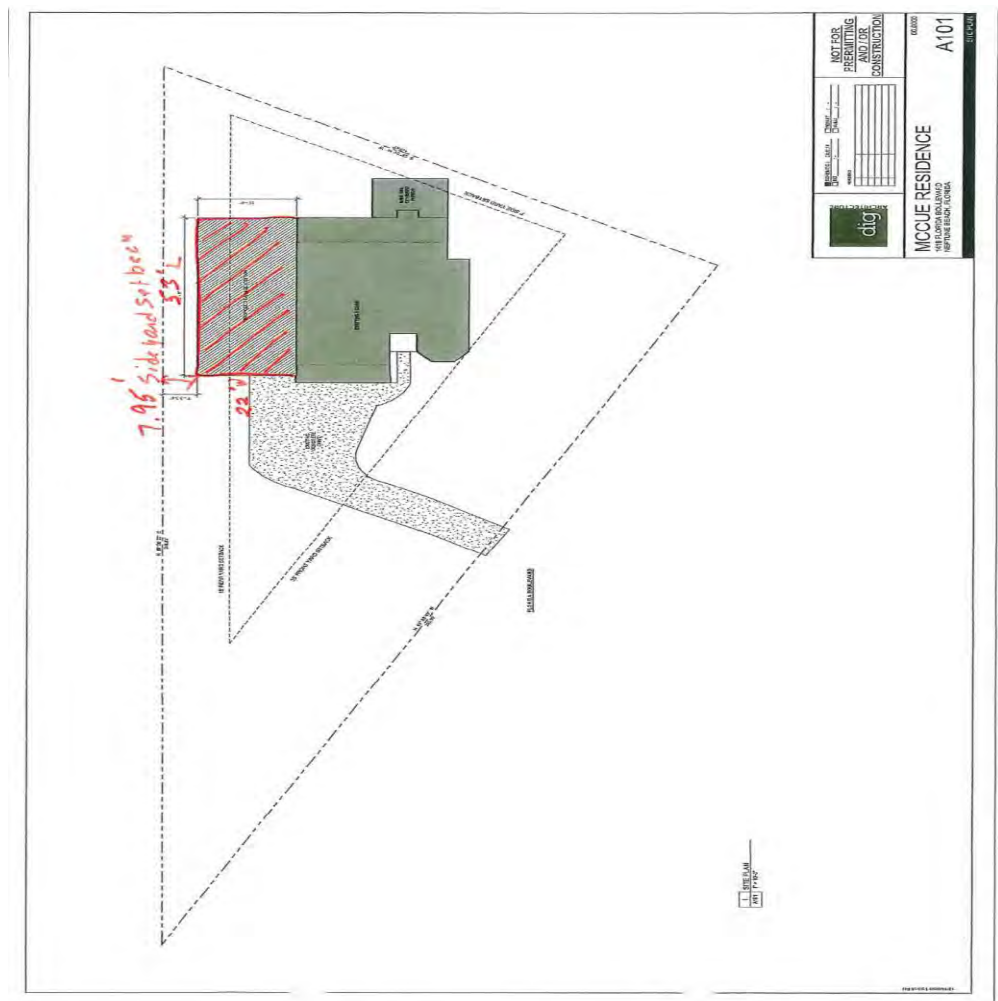
I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND THE INFORMATION CONTAINED IN THIS APPLICATION. THAT I AM THE PROPERTY OWNER OR AUTHORIZED AGENT FOR THE OWNER WITH AUTHORITY TO MAKE THIS APPLICATION, AND THAT ALL OF THE INFORMATION CONTAINED IN THIS APPLICATION, INCLUDING THE ATTACHMENTS ARE TRUE AND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

NAME (S) OF PROPERTY OWNER (S)

*Michael L. Nelson*  
ADDRESS OF PROPERTY OWNER  
*1410 Florida Blvd.  
Naples Beach, FL 34240*

NAME OF AUTHORIZED AGENT

ADDRESS OF AUTHORIZED AGENT



Mitch McCue, 1410 Florida Blvd, addressed the board and stated he likes to collect old cars and would like to have a place that matches the house. Spoke with his neighbors and no one has any objections. The lot is a triangle which makes any addition hard.

Board Questions for the applicant:

Mrs. Messina: Will this affect the greenway along Florida Blvd? Mr. McCue: here is 45 feet from the edge of the road to the property line.

Mrs. Messina: The new building will be detached from the house. Mr. McCue: Correct. One small tree will need to be removed in order to build it.

Mr. Mazzola stated that the shape of the lot is the hardship.

Made by Atayan, seconded by Mazzola.

**MOTION: TO APPROVED VARIANCE V25-03, AS SUBMITTED.**

Roll Call Vote:

Ayes: 7-Messina, Atayan, Weatherhead, Mazzola, Miller, Padra and Schwartzenger  
Noes: 0

**MOTION CARRIED AND VARIANCE GRANTED.**

The applicant was informed that there is a 30-day waiting period before they could apply for a permit.

Code Discussion  
The Land Development  
Code regarding  
(Boats/RVs in Yards):  
Sec. 27-335-“Parking,  
Storage or Use Of Major  
Recreational Equipment”

|                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>SUBMITTED BY:</b>   | Heather Whitmore, AICP, Community Development Director                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>DATE:</b>           | February 12, 2025                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>BACKGROUND</b>      | <p>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.</p> <p>The purpose of this discussion is to review the code and take direction from CDB to proceed with any needed revisions.</p> <p>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.</p> <p>City Council directed staff to bring the topic back to Community Development Board for direction.</p> <p>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.</p> <p>Also, you will find an attached list of recent code violations for Sec. 27- 335 with case details and photos.</p> |
| <b>BUDGET</b>          | NA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>RECOMMENDATION:</b> | <p><u>Make recommendation to staff to continue to enforce Sec. 27-335- “Parking, Storage or Use Of Major Recreational Equipment” as written, or recommend specific code changes.</u></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

**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/Ponte Vedra Beach, St Augustine
3. Recent code enforcement violations for Sec. 27-335 with case details and photos.

**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 |
|------|--------------------------|---------------------------------|----------------------------------------|-----------------------------------------|-----------------|
|      |                          |                                 |                                        |                                         |                 |

|                                               |                          |                        |    |                  |                                                     |
|-----------------------------------------------|--------------------------|------------------------|----|------------------|-----------------------------------------------------|
| <b>NEPTUNE BEACH</b>                          | Yes                      | No                     | No | Yes (3' setback) | Boats/RV may not exceed 28'                         |
| <b>JAX BEACH</b>                              | Yes                      | No                     | No | Yes              | Boats less than 20' not regulated/All RVs regulated |
| <b>ATLANTIC BEACH</b>                         | Yes                      | No (15' front setback) | No | Yes              | NA                                                  |
| <b>JACKSONVILLE</b>                           | Yes                      | No                     | No | Yes              | NA                                                  |
| <b>FERNANDINA BEACH</b>                       | Yes                      | No                     | No | Yes              | NA                                                  |
| <b>ST JOHNS COUNTY/<br/>PONTE VEDRA BEACH</b> | Yes (Not in Ponte Vedra) | No                     | No | Yes              | NA                                                  |
| <b>ST AUGUSTINE</b>                           | 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 waste 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 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.

(d) 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.

(e) 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/PONTE 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.

2024164 1411 NEPTUNE GROVE DRIVE E Open Boat parked in driveway. Flat tires on boat.

2024152 703 LINCOLN ROAD Boat parked in front of house. **Closed**

2024151 717 VALLEY FORGE ROAD N Open RV parked in driveway.

2024150 301 SECOND ST Trailer parked front of house. **Closed**

2024144 573 VALLEY FORGE ROAD N Parking, storage or use of major recreational equipment. **Closed**

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 Boat front of house. **Closed**

2024124 1151 HAMLET COURT Open Boat parked in front of house.

2024123 1504 BIG TREE ROAD Parking, storage or use of major recreational equipment. (Box Trailer) **Closed**

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 Parking, storage or use of major recreational equipment. **Closed**

2024112 2025 SANDPIPER PT Parking, storage or use of major recreational equipment. **Closed**

2024111 1923 STRICKLAND ROAD Open Parking, storage or use of major recreational equipment. (Boats)

2024110 1401 BIG TREE ROAD Parking, storage or use of major recreational equipment. (Boat) **Closed**

2024109 1315 KINGS ROAD Box trailer parked in front of house. **Closed**

2024108 717 BAY STREET Parking, storage or use of major recreational equipment. (Boat) **Closed**

2024107 511 SOUTH STREET Parking, storage or use of major recreational equipment. (Boat) **Closed**

2024106 573 BAY STREET Boat and trailer parked in front of house. **Closed**

2024105 545 SOUTH STREET Open Boat parked in front yard.

2024100 565 MYRA STREET Parking, storage or use of major recreational equipment. **Closed**

2024099 552 MYRA STREET Parking, storage or use of major recreational equipment. **Closed**

2024098 446 SOUTH STREET Parking, storage or use of major recreational equipment. (Boat) **Closed**

2024097 419 SOUTH STREET Recreational Vehicle parked in front of house. **Closed**

Chair Schwarzenberger opened the floor for public comments.

Mr. Bob Dubiel, 1805 Fourth Street, lives on the corner of Fourth and Oleander and has an Airstream that has been parked on their semi-circular driveway. They have a double lot and will be moving the RV behind their fence on the back side of the house to comply. There needs to be a minimum of 24 hours for loading and unloading time just to get the refrigerator up to temp for use.

Gina Kline, 226 Myra Street, had a trailer and had to put it into the garage after getting a citation. You need to talk about possible variance for special parking of RV and Boats. The issue is property values vs. safety and health. Reached out to Councilor Rogers to ask if it is an aesthetic issue or a property values issue but has not hear back from him.

Mr. Mike Atlee. 545 South St and Pat Hazouri, 207 Florida Blvd emailed Staff and the Board prior to the meeting.

Subject: Date: Attachments:

[Heather Whitmore](#); [Richard Pike](#); [Piper Turner](#); [Dallas Alvarez](#)

[Nia Livingston](#); [Cori Bylund](#); [Jim Horvath](#); [Brent Rogers](#); [JoshMessinger](#); [Cc Jonathan Raiti](#); [Rene Atayan](#);

[will\\_hilton@hotmail.com](#); [charles.miller19@comcast.net](#); [anthonyzarriello2@gmail.com](#); [Richard Pike](#);

[Schwartzberger](#); [kimservers1221@gmail.com](#); [ionboston@icloud.com](#); [hillaryweatherhead@gmail.com](#);

[coraimessina@gmail.com](#); [Mkld65@gmail.com](#);

RE: Wednesday 12, 2024 meeting

Wednesday, February 12, 2025 2:38:09 PM

[Greg](#)

---

**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.

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Thanks for the response, Heather.

I have only been able to attend one meeting and am unable to attend tonight, which is why I sent the email prior to the hearing.

As I have stated numerous times, it appears the code was written as if everyone lives on a corner lot. Majority of interior lots in NB do not allow the needed access to the rear yard due to roof eaves, AC units, water softeners etc. or just no space in general. If I lived on a corner lot, I could access the rear yard from the front, or the side, which would allow me and others to comply with the outdated ordinance. I could have several recreational vehicles in my back yard if I lived on a corner lot, but guess I made the mistake of buying an interior lot in NB.

Before City Council and the COB move forward with enforcing this code that doesn't align with our culture, the city should offer parking solutions to its residents. We are told get involved are bring ideas, but at the end of the day the city again and again states they are going to enforce the code and show little support for alternatives, at least this is the optics that many of us see

The below bullets are several of the items I have circulated as alternatives before the code is simply enforced and Rico starts hammering stakes in residence front yards again.

- City opens a designated storage lot on city owned property for residents only on application basis with proof of insurance.

- City amends the ordinance to allow exceptions due to the reasons mentioned above about interior and corner lots.

- City allows residence to acquire signatures from neighbors that would allow said resident to submit showing neighborhood support of said recreational vehicle.

If we want the "community" to have input, let the community have input. The ordinance should have an amendment that allows residence to do the above, seek neighbor approval. If neighbors don't sign off, then it's the owner responsibility to seek another option.

I really wish my schedule would allow me to make these meetings and speak up because I know being present has much more weight than emails, but can only do so much.

Thank you

**Mike Atlee Atlee Property Group, Inc.**

**From:** Heather Whitmore <cdd@nbfl.us>

**Sent:** Wednesday, February 12, 2025 1:21PM

**To:** Richard Pike <cop@nbfl.us>; Piper Turner <piperturner@nbfl.us>; Dallas Alvarez <daltvarez@nbfl.us>

**Cc:** Nia Livingston <nialivingston@nbfl.us>; Cori Bylund <cbylund@nbfl.us>; Tim Horvath <thorvath@nbfl.us>; Brent Rogers <brogers@nbfl.us>; Josh Messinger <JoshMessinger@nbfl.us>; Cc: Jonathan Raiti <jraiti.rzi@gmail.com>; Rene Atayan <rene@atayan.net>; will\_hilton@hotmail.com; charles.miller19@comcast.net; anthonyzarriello2@gmail.com; Richard Pike <cop@nbfl.us>; pat owen <pathazouri@yahoo.com>; Greg Schwarzenberger <gregschwartzberger@gmail.com>; kimsmyers1221@gmail.com; jonboston@icloud.com; Mike Atlee <mike@atleegroup.net>; hillaryweatherhead@gmail.com; coralmessina@gmail.com; Mkld65@gmail.com; pat owen <pathazouri@yahoo.com>

**Subject:** RE: Wednesday 12, 2024 meeting

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Mr. Atlee:

You raise many excellent points. The Boats and RV Code needs to be reviewed

by City Council, the Community Development Board, and citizens like you!

That is why the Boats and RV Code has been the subject of *three public meetings and will be discussed for the fourth time* at the Community Development Board meeting tonight at 6pm at City Hall.

Please come and join us in the democratic process as we work together to review and improve our Land Development Code.

The Community Development Board discussed Boats and RV Code at the November 13, 2024

<https://neptunebeachfl.portal.civicclerk.com/event/1806/files/agenda/2005>) and January 8, 2025

<https://neptunebeachfl.portal.civicclerk.com/event/1873/files/agenda/2031>) meeting.

The City Council saw the item at their January 21, 2025

<https://neptunebeachfl.portal.civicclerk.com/>) meeting. I encourage you to follow the links

provided of these meetings to listen in on their discussions.

At the January 21, 2025 City Council meeting, the Council reviewed the merits of the code and evaluated example codes from neighboring cities. At that meeting, no changes were recommended to the Code, however the Council directed staff to receive more feedback from the Community Development Board and public to be ready to enforce or revise the code in 90 days (April 21, 2025).

Today the Community Development Board will make recommendations to staff to continue to enforce Sec. 27-335- "Parking, Storage or Use Of Major Recreational Equipment" as written, or recommend specific code changes.

Your comments are a necessary part of this process.

Currently, Sec. 27-335- "Parking, Storage or Use Of Major Recreational Equipment" allows Boats and RV's in the side or rear yard, but not the front yard. Perhaps you have specific actionable code update examples the Board and Council should consider as alternatives to our present code.

This public input process has been ongoing since November, and we need your feedback to get it right. On April 21, 2025 we expect to have a recommended modified code with specific direction from Council, Community Development Board, and public, or enforce the code as written.

Please feel free to contact me anytime. My role is to serve the needs of Neptune Beach. Heather

**From:** Mike Atlee <mike@atleegroup.net>

**Sent:** Wednesday, February 12, 2025 7:02 AM

**To:** Nia Livingston <nialivingston@nbfl.us>; Cori Bylund <cbylund@nbfl.us>; Tim Horvath <thorvath@nbfl.us>; Brent Rogers <brogers@nbfl.us>; Josh Messinger <JoshMessinger@nbfl.us>

**Cc:** Jonathan Raiti <jraiti.rzi@gmail.com>; Rene Atayan <rene@atayan.net>;

will\_hilton@hotmail.com; charles.mil1er19@comcast.net; anthonyzarriello2@gmail.com;

Richard Pike <cop@nbfl.us>; pat owen <pathazouri@yahoo.com>; Greg

Schwartzenberger

<gregschwartzberger@gmail.com>; kimsmyers1221@gmail.com; jonbostoo@idoud.com

**Subject:** Wednesday 12, 2024 meeting

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Good morning, all,

I was in attendance at the meeting last month but was unable to voice my concern on some issues due to time constraints. You have received several emails from me already regarding the outdated ordinance for rec vehicles. I think we all can agree that the city has changed drastically over the last decade, and even the last several years in a way that is more aligned with coastal and recreational activities (beach, boating and outdoors).

It's easy for the council to discuss and approve other motions in a matter of moments, but the biggest item on the docket right now seems to have no interest from council (from some) on going back to the drawing board and revising an outdated ordinance, why? There is more concern from NBCC on boats and RV's in driveways, but nothing about homes that are barely livable. Would I rather have a nice boat or RV next to me, or a house that is rotting away and a yard that is infested with insects? Well, I would much rather have every house on my block have boats than live next to homes rotting away. What causes more harm to a neighbor a boat, or having your property terrorized by termites, mosquitos, rats, smells and weeds?

It's easy for a few complaints to take precedent over those who are in support of property rights and to have the ability to use your property in a safe manner by parking something on your property, that you pay taxes on. I encourage you all to look at this community, not from a dated ordinance's view, not from a few complaints, but from a bird's eye view of who we have become as community. I will repeat it again; we are an outdoor community, and it shows.

Mayor Bylund made a comment at the previous meeting that there are a lot more boats in Neptune now, YES, she is right and that reflects the type of community we are.

**I AM NOT ASKING YOU TO THROW OUT THE ORDINANCE, RATHER MODIFY AN OUTDATED ORDINANCE THAT WOULD COINCIDE WITH TODAY'S NEPTUNE BEACH AND THE DIRECTION THIS COMMUNITY IS GOING. IT'S EASY FOR SOME TO SAY GO FIND PARKING SOMEWHERE ELSE, SURE, WHERE? NEPTUNE BEACH OFFERS ZERO STORAGE PARKING FOR RESIDENCE. JAX BEACH, JAX, PV AND ATLANTIC ALL HAVE STORAGE PARKING BUT 98% OF THEM ARE EITHER AT CAPACITY, HAVE A WAITING LIST OR WOULD BE UNSAFE DUE TO SECURITY CONCERNS ON SAID LOTS. SHOULDN'T NEPTUNE LOOK AT CONVERTING SPACE TO ALLOW RESIDENCE TO PARK, I BELIEVE SOME HAVE REFERENCED THE YARD?**

In my honest opinion of this code, I think it should be left up to the citizens and not the council or planners. If I talk to every neighbor and had a form signed by everyone on my block that doesn't care about a boat or rv, then why should I or anyone else be penalized? If someone from 3 blocks away complains, how is that relevant to my street? If I were to talk to every neighbor and the majority had an issue, fine, I would be ok moving a boat or rv knowing most of my block doesn't want it.

Recreational should be just that, if someone has a boat or RV in the front and it doesn't move for 30 days, then that resident could be "Called in" for a code infraction. We can come up with ways to revise the current cod and I hope everyone in NBCC, including planners, will step back and look at this as an opportunity to modify something that doesn't reflect the status of our outdoor community.

My last remarks are about parking on the side and rear yards. Being an interior lot owner, I cannot access my rear yard from the side like corner lot owners which limits the ability to park anything in my rear yard. My side yards are already limited due to the large roof eaves and utilities that are on the side. This is why we need to revise the ordinance as some interior property owners are getting singled out just because the lot they purchased has natural constraints.

I do appreciate the effort the city has taken to address the storm drainages on our blocks and the flooding we get during every rainstorm, thank you for those efforts. Also, extremely proud of the work from Chief Key on hearing the concerns about speeders on South Street and other blocks and adding stop signs and center road visuals, again thank you to those who are working with all of us to make the streets safer for the kids.

Thank you for your time and look forward to seeing this community evolve!

**Mike Atlee**  
**Atlee Property Group, Inc.**

**From:** pat owen <pathazouri@yahoo.com>

**Sent:** Tuesday, February 11, 2025 9:15 PM

**To:** Greg Schwarzenberger <gregschwartzberger@gmail.com>

**Cc:** Jonathan Raiti <jraiti.rzi@gmail.com>; Rene Atayan <rene@atayan.net>;

**WILL BILTON@HOTMAIL.COM; CHARLES MILLER19@COMCAST NET; ANTHONYZARRIELLO2@GMAIL.COM; CORI BYLUND <CBYLUND@NBFL.US>; RICHARD PIKE <COP@NBFL.US>**

**Subject:** Weds 12, 2024 meeting

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Greg,

I am unable to attend tomorrow's CDB meeting Weds. Feb 12, 2025.

As you may know, I have been very concerned for many years, and particularly concerned over the last 8 years (2016) with the lack of, and sometimes shoddy enforcement, of our city ordinances. From what I have observed, many of these ordinances were poorly written and inconsistently enforced.

Over the years, I have sent a number of photos to the city to address illegal trash piles (chemicals, paints), mixed waste (lumber with yard waste) and poorly managed construction sites (dumpsters blocking sidewalks, construction debris littering the property and most recently (spring 2024) a buried tank of diesel the contractor had hope to cover with pavers). Most of my concerns were never addressed but the diesel tank was removed! Where was the building code inspector to have seen this was not done before the building was well under construction!?

Until our new administration, most ordinances were enforced "by compliant only". Also, they were managed as "anonymous". Both of which are highly questionable ways to run a city government.

For reason unclear to me, the city decided to finally halt enforcing codes after years of little or no enforcement. Recently, the code that has caused the most concern is parking boats on driveways or in side yards. As stated in a public meeting by a homeowner "We are not a HOA. We are a boating community. A beach community."

Should we allow our streets and sidewalks to be blocked with boats or campers? Of course not. Should we allow people to park a boat or camper in their side yard? I think the vast majority of homeowners would be okay with that.

Something is wrong with the present ordinance and consideration should be given to exam and rework it.

I have sat in meetings where new ordinances were drafted and approved. My guess is, many would be found to be impossible to enforce. I understand alcoholic beverage are not permitted on the beach. At one meeting, council member suggested an ordinance to fine people for leaving their trash cans out after they were emptied. That idea didn't get much discussion.

I have encouraged the boat owners to organize and ask the city design a reasonable ordinance for storage of recreational vehicles.

We are a small beach community. We deserve to be

heard. Thank you very much for your time. I do

appreciate you all. Pat Hazouri

There being no additional comments, the public hearing was closed.

Mr. Waters, City Attorney, there are several reasons for these types of codes. Aesthetics and safety. Kids go around boats and RV and end up in the street. Cars also park on the street because RVs take up the driveway.

#### Board Discussion

Ms. Padra: Keep the ordinance as is. Boats and RV with flat tires need to be taken care of right away.

Mr. Miller: Keep it as is. 24 hours for cleaning is not reasonable. How do we regulate that?

Mrs. Messina: Concerned with property that cannot accommodate cars. They are parking in the street. Boats and RVs can cause visual obstructions. Keep it as is.

Mrs. Weatherhead: Keep the code as is. Boats and RVs can be put in the back yard.

Ms. Atayan: How do you define the larger SUV such as a Sprinter van? Mr. Waters explained that state statute FS 320.01 defines them and that we would use the DMV's tag requirements.

A variety of properties can accommodate a boat or RV and not. The code is written to protect property values.

Mr. Schwartzenberger: A change would be more rules, not less.

The Board's consensus is to recommend that City Council keep the existing code as it is.

## **PART II - CODE OF ORDINANCES**

### **Chapter 27 - UNIFIED LAND DEVELOPMENT REGULATIONS**

#### **ARTICLE XVIII. NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS**

Neptune Beach, Florida, Code of Ordinances Created: 2024-05-08 16:27:57 [EST]

(Supp. No. 17)

#### **ARTICLE XVIII. NONCONFORMING LOTS, STRUCTURES, USES AND SIGNS<sup>1</sup>**

##### **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)

<sup>1</sup>Editor'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. Created: 2024-05-08 16:27:57 [EST] (Supp. No. 17)

##### **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.**

The consensus was to table any discussion until the March meeting when Mr. Raiti would be able to attend.

Historical Subcommittee

The subcommittee has been working for over a year. Mr. Waters has helped create a new proposed ordinance that will be presented to the City Council at a later date. Below is the proposed ordinance for the board's review and discussion.

**SPONSORED BY: MAYOR CORI BYLUND CHAIRPERSON**

**ORDINANCE NO.**

**2025-04**

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE VII. BOARDS AND COMMISSIONS BY CREATING DIVISION 5. HISTORICAL REVIEW BOARD; AND AMENDING CHAPTER 27., ARTICLE III, DIVISION 8., SECTION 27-150, BY PROVIDING WAIVERS TO CERTAIN VARIANCES FOR PROPERTIES WITH THE DESIGNATION OF HISTORIC SIGNIFICANCE BY THE HISTORICAL REVIEW BOARD; PROVIDING CODIFICATION, CONFLICTS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 2, Article VII of the City of Neptune Beach's Code of Ordinances establishes Boards and Commissions; and

**WHEREAS**, it is the Intent of this Ordinance to create a Historical Review Board to make determinations of a property's historical designation; and

**WHEREAS**, Chapter 27., Article III, Division 8, of the City of Neptune Beach's Code of Ordinances outlines the procedures and requirements for the granting of variances; and

**WHEREAS**, it is the intent of this Ordinance for applicants for building permits may submit a Certificate of Determination Appropriateness based on a finding of Historical Significance to request an exception to certain variance requirements.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:**

**SECTION 1.** Chapter 2., Article VII of the Code of Ordinances, City of Neptune Beach, Florida is hereby amended to read as follows: (~~striktthrough~~ text shall mean deletions and **underlined/ highlighted** text shall mean additions):

#### **DIVISION 5. HISTORICAL REVIEW BOARD**

##### **Sec. 2-492. - Established.**

A Historical Review Board for the City of Neptune Beach, Florida, is hereby established. The Historical Review Board may be dissolved by a majority vote of City Council at any time, for any reason and members of the Board serve at the will of the City Council and may be removed with or without cause by a majority vote.

##### **Sec. 2-493. Generally**

(a) A Certificate of Appropriates shall be submitted for review and approval for any Development Permit request for exterior modifications or site work performed on a Historically Significant Property.

(b) A Certificate of Appropriateness and a Determination of Historical Significance is nontransferable. Both are unique to the applicant and shall be automatically void upon the sale or change of ownership of the subject property. The Determination of Historical Significance shall not inure to the benefit of the subsequent property owners unless said future property owners apply for such designation as prescribed herein. The City may revoke a Certificate of Appropriateness or a Determination of Historical Significance upon the change in characteristics of the subject property. For example, and not to be meant as an all-inclusive list of examples: changing the exterior historical character or aesthetics of the property, changing the footprint of the structures on the property, changing the use of the property, or violating any provision of the Code of Ordinances or of the elements that lead to the Historical Review Board's final determination.

##### **Sec. 2-494. Definitions**

*Certificate of Appropriateness* is a designation required to apply for a Development Permit

for any new construction, alteration, relocation, or demolition on a property with a Determination of Historic Significance

*Crime of Moral Turpitude* is any offense that violates the community standards of honesty and good morals including but not limited to fraud, theft, misrepresentation, and violence.

*Determination of Historic Significance* is a finding that a structure is at least fifty (50) years old and retains the physical characteristics for the time the structure was built and otherwise meets the requirements found in Section 2-499.

*Development Permit* has the same meaning as the definition found in Chapter 27, Section 27-15 of the Unified Land Development Code of the City of Neptune Beach.

*Quasi-Judicial hearing* involves a process where the Board acts in a capacity similar to that of a court. This type of hearing is characterized by the following elements: basic due process requirements such as notice and hearing and right to present testimony, evidence and cross examine witnesses; application of existing policies to specific facts, rather than creating new policies. This means the decision impacts a limited number of persons or property owners and is based on distinct alternatives presented at the hearing; public participation and reviewability of final decisions by petition for writ of certiorari to the circuit court. The circuit court's review of quasi-judicial decisions is confined to: (1) whether procedural due process is accorded, (2) whether the essential requirements of law have been observed, and (3) whether the administrative findings and judgment are supported by competent substantial evidence.

#### **Sec. 2-495. Composition, qualifications and terms of office.**

(a) The Historical Review Board shall consist of five (5) members, at least three (3) of whom shall be residents of the City of Neptune Beach. A Quorum shall consist of three members. All motions shall be approved by majority vote. The qualifications for membership on the Board shall be a person who possesses one of the following skill set, professional degrees and experience:

- 1) An Architect or Engineer licensed under Chapters 471 or 481, Florida Statutes with verifiable experience in rehabilitating historic residential or commercial structures;
- 2) A teacher or professor with verifiable experience in the fields of history, architectural history, historic landscapes or art history;
- 3) A planner or urban designer with a bachelor's degree in planning or closely related field, with course work or verifiable experience in historic preservation;
- 4) A real estate sales professional licensed under Chapter 475, Florida Statutes with verifiable experience in transactions involving historic properties;
- 5) A licensed attorney in the State of Florida;
- 6) A licensed contractor under Chapter 489, Florida Statutes, with verifiable experience rehabilitating historic residential or commercial structures; or
- 7) Consideration will be given to any of the above professionals who holds an equivalent license in another state, or that has retired.
- 8) Any licensed or retired professional selected for membership on the Historical Review Board shall not have a history of discipline from the licensing agency.

(b) Any current or prior violation of the Code of Ethics for Public Officers and Employees found in Chapter 112, Florida Statutes, prior felony criminal conviction or prior conviction, or plea of no lo contendere, regardless of adjudication, of any crime involving Moral Turpitude shall disqualify any person from being appointed or serving as a member of the Historical Review Board.

(c) All members of the Historical Review Board shall be appointed by the Mayor and confirmed by the City Council.

(d) Members of the Historical Review Board shall elect a chair and a vice-chair for a one-year term each. The chair shall preside at all meetings and shall have the right to vote. The vice-chair shall preside in the absence of the chair.

(e) Initial Members of the Historical Review Board shall serve staggered terms. Three of the initial Board Members shall be appointed for terms of three (3) years. Two of the initial Board members shall be appointed for terms of two (2) years. Members may be reappointed for one additional consecutive two-year term. If reappointed, Members may be eligible to reapply for the Board after one year and may serve an additional term of three (3) years. Subsequent Members shall be appointed for terms of three (3) years. In the event the City is unable to appoint five (5) members, the Board may conduct business with three (3) duly appointed members until such time as a full Board is appointed.

(f) Members previously appointed shall continue to serve until such time as they are replaced or reappointed.

g) All members of the Historical Review Board shall serve without compensation.

(h) Whenever vacancies shall occur, a person qualified shall be appointed by the Mayor and approved by the City Council to fill such vacancies for the unexpired term.

(i) An employee of the City may not serve as a member of the Historical Review Board.

(j) Members of the Historical Review Board are expected to attend each committee

meeting in person. More than three unexcused absences in a rolling twelve-month period shall be grounds for removal for cause.

**Sec. 2-496. Meetings and Board procedures.**

(a) The Historical Review Board shall adopt rules of procedure to carry out its purposes. All rules must conform to this Code, other city ordinances, and state law and shall be filed in the office of the city clerk.

(b) All meetings shall be conducted in a public building and shall be open to the public.

(c) The Historical review Board shall meet each calendar month, unless cancelled by the board or its chair; and more often at the call of the chair, the board, or the city council.

(d) Notice of meetings of the Historical Review Board shall be given as provided for in this Code and by state statute.

(e) The Historical Review Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision of each member on every question. The minutes shall be signed by the chair, or in his absence the vice-chair and approved by the board at a future meeting.

(f) Statement of the facts for Determination of Historical Significance and issuance of Certificate of Appropriateness by the Historical review Board shall be included in the minutes of each case heard or considered by it.

(g) The Historical Review Board shall set a reasonable time for the hearing of administrative appeals and shall give notice thereof to the person making the appeal and to the officer from whom the appeal is taken.

**Sec. 2-497. Application Requirements for Determination of Historical Significance**  
Ord. No. 2025-04 Page 5

(a) The owner or developer of a property shall submit a completed application, as described below, to the office of the city manager or designee.

(b) The city manager or designee shall review the application within five (5) working days of its submission to determine if it is complete. When the application is determined to be complete within the requirements set forth herein, the city manager or designee shall forward the application to the Historical Review Board for consideration.

(c) All applications for Determination of Historical Significance shall be filed with the City using the forms approved and provided by the city staff.

(d) The application shall be accompanied by payment of the official filing fee as set by resolution of the City Council.

(e) The application shall include the following:

(1) Name and address of the owner and agent, along with notarized signatures of the same;

(2) Address and legal description of the property, a copy of the deed and an accurate survey;

(3) A description of the proposed historical significance of the property as more

fully described in 2-495 (b):

(4) An eight and one-half (8½) inches by eleven (11) inches 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. The plot plan, as submitted or modified by the applicable board, shall be binding upon the applicant if the determination of historical significance is granted;

(5) An eight and one-half (8½) inches by eleven (11) inch copy of the relevant area of the Duval County Property Ownership Map, to be provided by the building official's office as part of the application packet. Said copy shall show the exact location of the land proposed for the Determination of Historical Significance, along with all of the properties requiring notice as described in subsection 27-500(c)(2);

(6) A list of the addresses of all properties, as described in section 2-500(c)(2);

(7) Photographs of property as it exists

**Sec. 2-498. Application Requirements for Issuance of Certificate of Appropriateness**

(a) Upon the Determination of Historical Significance, the owner of such property may apply for a Certificate of Appropriateness from the Historical Review Board subject to the requirements contained in this Section.

Ord. No. 2025-04 Page 6

(b) The owner or developer of a property shall submit a completed application for Certificate of Appropriateness as described below, to the office of the city manager or designee.

(c) The city manager or designee shall review the application within five (5) working days of its submission to determine if it is complete. When the application is determined to be complete within the requirements set forth herein, the city manager or designee shall forward the application to the Historical Review Board for consideration.

(d) All applications for a Certificate of Appropriateness shall be filed with the City using the forms approved and provided by the city staff.

(e) The application shall be accompanied by payment of the official filing fee as set by resolution of the City Council.

(f) The application shall include the following:

(1) Name and address of the owner and agent, along with notarized signatures of the same;

(2) Address and legal description of the property.

(3) A description of the proposed work to be performed on the historically significant property.

(4) An estimate of the timeline of the proposed work.

(g) The applicant shall complete an application form provided by the City. The City shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

(h) In considering an application for a Certificate of Appropriateness for alterations, new construction, demolition, or relocation, the Historic Preservation Board shall be guided by the following general criteria:

(1) The effect of the proposed work on the historically significant property upon which such work is to be done;

(2) The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture and materials of the landmark or the property will be affected.

(3) Whether the plans may be carried out by the applicant within a reasonable period of time.

(i) Applications for Certificates of Appropriateness for alterations shall be considered by the Historic Review Board in accordance with the following additional criteria, which are based on the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings:

Ord. No. 2025-04 Page 7

(1) Every reasonable effort shall be made to use a property for its originally intended purpose, or to provide a compatible use for a property that requires minimal alteration of the building structure, or site.

(2) The distinguishing original qualities or character of a building, structure, or site shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided when possible.

(3) Each building, structure, and site shall be recognized as a product of its own

time. An alteration which has no historical basis and which seeks to create an earlier appearance shall be discouraged.

(4) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site, shall be treated with sensitivity.

(6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. However, technologically advanced materials shall be considered and used as replacement alternatives. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be not undertaken.

(8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.

j. All work performed pursuant to the issuance of a Certificate of Appropriateness shall conform to the requirements of such certificate. It shall be the duty of the City to inspect from time to time any work being performed pursuant to such certificate to assure such compliance.

k. Any Certificate of Appropriateness which has been approved pursuant to the provisions of this Section shall expire 12 months from the date of issuance if the work authorized is not commenced within this period. Further, such certificate shall

Ord. No. 2025-04 Page 8

expire if the work authorized is not completed within five years of the date of issuance, unless otherwise extended by the Historical Review Board.

#### **Sec. 2-499. Hearing Procedures; Powers and Duties; Determination of Historical Significance and Issuance of Certificate of Appropriateness**

(a) The Historical Review Board shall consider applications for residential or commercial properties. Upon application and Determination of Historical Significance, the Historical Review Board may consider applications for the issuance of a Certificate of Appropriateness.

(b) The Historical Review Board may make a Determination of Historical Significance for properties that are at least fifty (50) years old and retain the physical characteristics for the time the structure was built. The fifty (50) year old requirement may be waived if the property is determined to be a Florida Heritage Site as determined by the Florida Department of State's Historical Division of Historical Resources. In addition, the Historical Review Board shall find at least one of the following criteria for the historical designation:

1. Have the Florida Heritage Landmark status as determined by the Florida Department of State's Historical Division of Historical Resources by being on the Division's Florida Register of Heritage Landmarks;

2. Be listed on the National Register of Historic Places by the United States Department of the Interior's National Parks Service, Office of Cultural Resources;

3. Have an association with a significant historical event that made a significant contribution to the broad patterns of our history;

4. Have regional significance in areas like architecture, having retained those physical characteristics that were present during the period which the structure was built and that are unique to the City of Neptune Beach.

Examples include but are not limited to the two-story homes located along First Street with sleeping porches or the mid-century modern homes west of Third Street that were constructed in a manner to capture ocean breezes;

5. Have an association with the lives of people significant in our past. A nonexhaustive list of examples of significant people in our past includes those that contributed to an important historical event, or who were noted artists, actors, authors, performers, musicians, soldiers, professional athletes, politicians, scholars, religious figures, social activists or newsworthy persons;

6. Embody distinctive characteristics of a type, period, or method of construction or design and represent the work of a master or notable or renowned architect or builder, or possessing high artistic values; or

7. Have the potential to yield information important in prehistory or history.

(c) Upon a Determination of Historical Significance, the Historical Review Board may consider an application for the issue a Certificate of Appropriateness which the applicant may use to obtain a Development Permit which may allow exceptions to any requirement found in Chapter 27, Article IV, related to setbacks, lot coverage, floor area ratio and standards particular to the RC Overlay of the Unified Land Development Regulations.

(d) No use shall be made of the property which is inconsistent with the historic qualities of the property. Any restoration or repair of the property deemed historically significant to the architectural features of the exterior shall be retained consistent with the historic qualities of the property. The property deemed historically significant shall not be permitted to deteriorate and shall be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property.

(e) The Determination of Historic Significance shall only be for the purpose of applying for a Certificate of Appropriateness and shall convey no other rights, interests or title to the owner of the subject property from the City.

(f) Issuance of a Certificate of Appropriateness shall only be used to apply for exception to any requirement found in Chapter 27, Article IV, related to setbacks, lot coverage, floor area ratio and standards particular to the RC Overlay of the Unified Land Development Regulations and shall be used for no other purpose nor shall it be binding upon the City for any other purpose or convey any rights or remedies not expressly enumerated herein.

(g) Neither Determination of Historical Significance nor an issuance of a Certificate of Appropriateness shall guarantee that an exception to any requirement found in Chapter 27, Article IV, related to setbacks, lot coverage, floor area ratio and standards particular to the RC Overlay of the Unified Land Development Regulations will be granted. Hearings for request for Determination of Historical Significance and an issuance of a Certificate of Appropriateness shall be quasi-judicial in nature and the Historical Review Board may make determinations based on other considerations such as compatibility with the City of Neptune Beach's Charter, Code of Ordinances, Unified Land Development Code and Comprehensive Plan. Any Determination of Historical Significance and issuance of Certificate of Appropriateness must be to protect the unique historical qualities of the City of Neptune Beach.

(h) Any final decision of the Historical Review Board of historical significance and issuance of Certificate of Appropriateness may be appealed by an applicant, owner or substantially impacted person residing within 300-foot of the subject property to City Council within 30-days of its rendering or it shall be deemed final. Any decision of the City Council may be appealed to by an applicant, owner or substantially impacted person residing within 300-foot of the subject property to a court with competent jurisdiction within 30-days of its rendering or it shall be deemed final. After receiving notice of hearing, a substantially impacted person residing within 300-feet of the subject property lacks standing to appeal if such person was not present at the hearing.

(i) The City may enforce any provision related to Determinations of Historical Significance or issuance of a Certificate of Appropriateness through any means

Ord. No. 2025-04 Page 10

allowed by law including but not limited to those remedies found in Chapter 162, Florida Statutes and any other available civil or injunctive relief.

**Sec. 2-500. - Notice requirements for Hearings on Applications to Determine Historical Significance and Issuance of Certificates Of Appropriateness.**

(a) Notice indicating the time and place of the quasi-judicial public hearing shall be posted in two (2) places in the city, one of which shall be in the front yard of the subject property, facing the street on which the property is addressed, and one (1) of which shall be at city hall on the public notice board, for at least ten (10) days immediately prior to the quasi-judicial public hearing. Such notice shall contain the address or location of the property and the nature of the application.

(b) The City shall ensure advertised notice is printed in a newspaper of general circulation within the City of Neptune Beach at least ten (10) days prior to the quasi-judicial public hearing before the Historical Review Board. The advertised notice shall state the date, time, place of the quasi-judicial public hearing, case number,

and shall contain the address of the property and the nature of the application.

(c) At least ten (10) days prior to the quasi-judicial public hearing, the City shall give notice of the quasi-judicial public hearing before the Historical Review Board by U.S. Mail to the following:

(1) The property owner and the applicant if different from the owner; and

(2) The owner(s), as listed in the current Duval County Tax Assessor's records, of each property within a three-hundred-foot radius of the boundary of the subject property.

(d) If any person described in this Section does not contest the issue of proper notice within thirty (30) days from the date the Historical Review Board renders final action on a Determination of Historical Significance or issuance of Certificate of Appropriateness, then notice shall be deemed to be in compliance with this section.

**SECTION 2: Codification.** The provisions of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Neptune Beach, Florida* and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections Three, Four, Five, and Six shall not be codified.

**SECTION 3. Conflict.** All ordinances, resolutions, official determinations, or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

**SECTION 4. Severability.** If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

**SECTION 5. Effective Date.** This ordinance shall immediately take effect upon second reading and approval.

The board asked questions and discussed what was proposed.

What are the qualifications to set on the board? Can the City find 5 people who are qualified? Will we have 3 of the 5 members from Neptune Beach? Should the number of members be reduced?

How will the fee be set?

What are the notice requirements?

Each member was asked to go through the proposed ordinance and email the City Attorney separately with any comments, questions or suggestions. This will be on the Board's March agenda.

Adjournment

The meeting adjourned at 8:58 p.m.

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Greg Schwartzenberger, Chairperson

ATTEST:

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Piper Turner, Board Secretary

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**MINUTES  
COMMUNITY DEVELOPMENT BOARD  
MARCH 12, 2025, 6:00 P.M.  
COUNCIL CHAMBERS  
116 FIRST STREET  
NEPTUNE BEACH, FLORIDA 32266**

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Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held in person on Wednesday March 12, 2025, at 6:00 p.m. in the Council Chambers.

**Attendance**

Board members were in attendance:

Greg Schwartzenberger, Chair  
Rene Atayan, Vice-Chair  
Tony Mazzola, Member  
Charley Miller, Member  
Lynda Padrta, Member  
Will Hilton, Member  
Kathy Lahr-David, Alternate Member

Hillary Weatherhead and Coral Messina arrived at 6:15 pm, Alternate Members, were also present.

The following staff members were present:

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

**Call to Order &  
Roll Call**

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

**Pledge**

Pledge of Allegiance.

**Board Training**

City Attorney Paul Waters present the board's annual training as required by Section 27-38(n). Topics covered: Sunshine Law, Public Records, Voting Conflicts and Quasi-Judicial Hearings. The presentation was included at the end of these minutes.

**Historical Review  
Subcommittee**

The subcommittee has been working for over a year. Mr. Waters has helped create a new proposed ordinance that will be presented to the City Council at a later date. Below is the proposed ordinance for the board's review and discussion.

**SPONSORED BY: MAYOR CORI BYLUND CHAIRPERSON**

**ORDINANCE NO. 2025-04**

**A BILL TO BE ENTITLED**

**AN ORDINANCE OF THE CITY OF NEPTUNE BEACH, FLORIDA, AMENDING CHAPTER 2. ADMINISTRATION, ARTICLE VII. BOARDS AND COMMISSIONS BY CREATING DIVISION 5. HISTORICAL REVIEW BOARD; AND AMENDING CHAPTER 27., ARTICLE III, DIVISION 8., SECTION 27-150, BY PROVIDING WAIVERS TO CERTAIN VARIANCES FOR PROPERTIES WITH THE DESIGNATION OF HISTORIC**

**SIGNIFICANCE BY THE HISTORICAL REVIEW BOARD; PROVIDING CODIFICATION, CONFLICTS, SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 2, Article VII of the City of Neptune Beach's Code of Ordinances establishes Boards and Commissions; and

**WHEREAS**, it is the Intent of this Ordinance to create a Historical Review Board to make determinations of a property's historical designation; and

**WHEREAS**, Chapter 27., Article III, Division 8, of the City of Neptune Beach's Code of Ordinances outlines the procedures and requirements for the granting of variances; and

**WHEREAS**, it is the intent of this Ordinance for applicants for building permits may submit a Certificate of Determination Appropriateness based on a finding of Historical Significance to request an exception to certain variance requirements.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL ON BEHALF OF THE PEOPLE OF THE CITY OF NEPTUNE BEACH, FLORIDA that:**

**SECTION 1.** Chapter 2., Article VII of the Code of Ordinances, City of Neptune Beach, Florida is hereby amended to read as follows: (~~striketrough~~ text shall mean deletions and underlined/ highlighted text shall mean additions):

**DIVISION 5. HISTORICAL REVIEW BOARD**

**Sec. 2-492. - Established.**

A Historical Review Board for the City of Neptune Beach, Florida, is hereby established. The Historical Review Board may be dissolved by a majority vote of City Council at any time, for any reason and members of the Board serve at the will of the City Council and may be removed with or without cause by a majority vote.

**Sec. 2-493. Generally**

- (a) A Certificate of Appropriates shall be submitted for review and approval for any Development Permit request for exterior modifications or site work performed on a Historically Significant Property.
- (b) A Certificate of Appropriateness and a Determination of Historical Significance is nontransferable. Both are unique to the applicant and shall be automatically void upon the sale or change of ownership of the subject property. The Determination of Historical Significance shall not inure to the benefit of the subsequent property owners unless said future property owners apply for such designation as prescribed herein. The City may revoke a Certificate of Appropriateness or a Determination of Historical Significance upon the change in characteristics of the subject property. For example, and not to be meant as an all-inclusive list of examples: changing the exterior historical character or aesthetics of the property, changing the footprint of the structures on the property, changing the use of the property, or violating any provision of the Code of Ordinances or of the elements that lead to the Historical Review Board's final determination.

**Sec. 2-494. Definitions**

Certificate of Appropriateness is a designation required to apply for a Development Permit for any new construction, alteration, relocation, or demolition on a property with a Determination of Historic Significance

Crime of Moral Turpitude is any offense that violates the community standards of honesty and good morals including but not limited to fraud, theft, misrepresentation, and violence.

Determination of Historic Significance is a finding that a structure is at least fifty (50) years old and retains the physical characteristics for the time the structure was built and otherwise meets the requirements found in Section 2-499.

Development Permit has the same meaning as the definition found in Chapter 27, Section 27-15 of the Unified Land Development Code of the City of Neptune Beach.

Quasi-Judicial hearing involves a process where the Board acts in a capacity similar to that of a court. This type of hearing is characterized by the following elements: basic due process requirements such as notice and hearing and right to present testimony, evidence and cross examine witnesses; application of existing policies to specific facts, rather than creating new policies. This means the decision impacts a limited number of persons or property owners and is based on distinct alternatives presented at the hearing; public participation and reviewability of final decisions by petition for writ of certiorari to the circuit court. The circuit court's review of quasi-judicial decisions is confined to: (1) whether procedural due process is accorded, (2) whether the essential requirements of law have been observed, and (3) whether the administrative findings and judgment are supported by competent substantial evidence.

**Sec. 2-495. Composition, qualifications and terms of office.**

- (a) The Historical Review Board shall consist of five (5) members, at least three (3) of whom shall be residents of the City of Neptune Beach. A Quorum shall consist of three members. All motions shall be approved by majority vote. The qualifications for membership on the Board shall be a person who possesses one of the following skill set, professional degrees and experience:
1. An Architect or Engineer licensed under Chapters 471 or 481, Florida Statutes with verifiable experience in rehabilitating historic residential or commercial structures;
  2. A teacher or professor with verifiable experience in the fields of history, architectural history, historic landscapes or art history;
  3. A planner or urban designer with a bachelor's degree in planning or closely related field, with course work or verifiable experience in historic preservation;
  4. A real estate sales professional licensed under Chapter 475, Florida Statutes with verifiable experience in transactions involving historic properties;
  5. A licensed attorney in the State of Florida;
  6. A licensed contractor under Chapter 489, Florida Statutes, with verifiable experience rehabilitating historic residential or commercial structures; or
  7. Consideration will be given to any of the above professionals who holds an equivalent license in another state, or that has retired.
  8. Any licensed or retired professional selected for membership on the Historical Review Board shall not have a history of discipline from the licensing agency.
- (b) Any current or prior violation of the Code of Ethics for Public Officers and Employees found in Chapter 112, Florida Statutes, prior felony criminal conviction or prior conviction, or plea of no lo contendere, regardless of adjudication, of any crime involving Moral Turpitude shall disqualify any person from being appointed or serving as a member of the Historical Review Board.
- (c) All members of the Historical Review Board shall be appointed by the Mayor and confirmed by the City Council.
- (d) Members of the Historical Review Board shall elect a chair and a vice-chair for a one-year term each. The chair shall preside at all meetings and shall have the right to vote. The vice-chair shall preside in the absence of the chair.
- (E) Initial members of the historical review board shall serve staggered terms. Three of the initial board members shall be appointed for terms of three (3) years. Two of the initial board members shall be appointed for terms of two (2) years. Members may be reappointed for one additional consecutive two-year term. If reappointed, members may be eligible to reapply for the board after one year and may serve an additional term of three (3) years. Subsequent members shall be appointed for terms of three (3) years. In the event the city is unable to appoint five (5) members, the board may conduct business with three (3) duly appointed members until such time as a full board is appointed.

- (f) Members previously appointed shall continue to serve until such time as they are replaced or reappointed
- g) All members of the Historical Review Board shall serve without compensation.
- h) Whenever vacancies shall occur, a person qualified shall be appointed by the Mayor and approved by the City Council to fill such vacancies for the unexpired term.
- i) An employee of the City may not serve as a member of the Historical Review Board.

#### **Sec. 2-496. Meetings and Board procedures.**

- (a) The Historical Review Board shall adopt rules of procedure to carry out its purposes. All rules must conform to this Code, other city ordinances, and state law and shall be filed in the office of the city clerk.
- ( b ) All meetings shall be conducted in a public building and shall be open to the public.
- (c ) The Historical review Board shall meet each calendar month, unless cancelled by the Board or its Chair; and more often at the call of the Chair, the board, or the city council . Notice of meetings of the Historical Review Board shall be given as provided for in this Code and by state statute.
- (d) The Historical Review Board shall keep minutes of its proceedings, indicating the attendance of each member, and the decision of each member on every question. The minutes shall be signed by the chair, or in his absence the vice-chair and approved by the board at a future meeting.
- (e) Statement of the facts for Determination of Historical Significance and issuance of

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#### **CERTIFICATE OF APPROPRIATENESS BY THE HISTORICAL REVIEW B** minutes of each case heard or considered by it.

- (f) The Historical Review Board shall set a reasonable time for the hearing of  
**ADMINISTRATIVE APPEALS AND SHALL GIVE NOTICE THEREOF TO THE**  
and to the officer from whom the appeal is taken.

#### **Sec. 2-497. Application Requirements for Determination of Historical Significance**

- a) THE OWNER OR DEVELOPER OF A PROPERTY SHALL SUBMIT A COMPLETED  
**A. THE OWNER OR DEVELOPER OF A PROPERTY SHALL SUBMIT A COMP**  
described below, to the office of the city manager or designee.
- (b) The city manager or designee shall review the application within five (5) working days of its submission to determine if it is complete. When the application is determined to be complete within the requirements set forth herein, the city manager or designee shall forward the application to the Historical Review Board for consideration.
- (c) All applications for Determination of Historical Significance shall be filed with the City using the forms approved and provided by the city staff.
- i) The application shall be accompanied by payment of the official filing fee as set by resolution of the City Council.
- k) The application shall include the following:
  - 8. Name and address of the owner and agent, along with notarized signatures of the same;

9. Address and legal description of the property, a copy of the deed and an accurate survey;
10. A description of the proposed historical significance of the property as more fully described in 2-495 (b);
11. An eight and one-half (8½) inches by eleven (11) inches 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. The plot plan, as submitted or modified by the applicable board, shall be binding upon the applicant if the determination of historical significance is granted;
12. An eight and one-half (8½) inches by eleven (11) inch copy of the relevant area of the Duval County Property Ownership Map, to be provided by the building official's office as part of the application packet. Said copy shall show the exact location of the land proposed for the Determination of Historical Significance, along with all of the properties requiring notice as described in subsection 27-500(c)(2);
- 1 3 . A list of the addresses of all properties, as described in section 2-500(c)(2);
- 1 4 . Photographs of property as it exists

**Sec. 2-498. Application Requirements for Issuance of Certificate of Appropriateness**

- (a) Upon the Determination of Historical Significance, the owner of such property may apply for a Certificate of Appropriateness from the Historical Review Board subject to the requirements contained in this Section.

**(B) THE OWNER OR DEVELOPER OF A PROPERTY SHALL SUBMIT A COMPLETE CERTIFICATE OF APPROPRIATENESS AS DESCRIBED BELOW, TO THE OFFICIAL MANAGER**

or designee.

- (c) The city manager or designee shall review the application within five (5) working days of its submission to determine if it is complete. When the application is determined to be complete within the requirements set forth herein, the city manager or designee shall forward the application to the Historical Review Board for consideration.

- (d) All applications for a Certificate of Appropriateness shall be filed with the City using the forms approved and provided by the city staff.

- l) The application shall be accompanied by payment of the official filing fee as set by resolution of the City Council.

- m) The application shall include the following:

**(1) NAME AND ADDRESS OF THE OWNER AND AGENT, ALONG WITH NOTARIZED of the same;**

**(2) Address and legal description of the property.**

**(3) A DESCRIPTION OF THE PROPOSED WORK TO BE PERFORMED**

significant property.

(4) An estimate of the timeline of the proposed work.

(g) The applicant shall complete an application form provided by the City. The City

**SHALL DETERMINE WHEN AN APPLICATION IS COMPLETE AND**  
information when such application is determined to be incomplete.

(h) In considering an application for a Certificate of Appropriateness for alterations, new

**CONSTRUCTION, DEMOLITION, OR RELOCATION, THE HISTORIC**  
guided by the following general criteria:

**(1) THE EFFECT OF THE PROPOSED WORK ON THE HISTORICAL**  
which such work is to be done;

**(2) THE EXTENT TO WHICH THE HISTORIC, ARCHITECTURAL, OR AR**  
architectural style, design, arrangement, texture and materials of the  
landmark or the property will be affected.

**(3) WHETHER THE PLANS MAY BE CARRIED OUT BY THE APPL**  
period of time.

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(i) Applications for Certificates of Appropriateness for alterations shall be considered by the  
Historic Review Board in accordance with the following additional criteria, which are  
based on the United States Secretary of the Interior's Standards for  
Rehabilitation and Guidelines for Rehabilitating Historic Buildings:

**(1) EVERY REASONABLE EFFORT SHALL BE MADE TO USE A PROP**  
intended purpose, or to provide a compatible use for a property that requires  
minimal alteration of the building structure, or site.

(2) The distinguishing original qualities or character of a building, structure, or site  
shall not be destroyed. The removal or alteration of any historic material or  
distinctive architectural features shall be avoided when possible.

(3) Each building, structure, and site shall be recognized as a product of its own time.  
An alteration which has no historical basis and which seeks to create an earlier  
appearance shall be discouraged.

(4) Changes which may have taken place in the course of time are evidence of the  
history and development of a building, structure, or site. These changes may  
have acquired significance in their own right, and this significance shall be  
recognized and respected.

(5) Distinctive stylistic features or examples of skilled craftsmanship which  
characterize a building, structure, or site, shall be treated with sensitivity.

(6) Deteriorated architectural features shall be repaired rather than replaced,  
wherever possible. In the event replacement is necessary, the new material shall  
match the material being replaced in composition, design, color, texture, and  
other visual qualities. However, technologically advanced materials shall be  
considered and used as replacement alternatives. Repair or replacement of  
missing architectural features shall be based on accurate duplications of  
features, substantiated by historical, physical, or pictorial evidence rather

than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall be not undertaken.

(8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.

n) All work performed pursuant to the issuance of a Certificate of Appropriateness shall conform to the requirements of such certificate. It shall be the duty of the City to inspect from time to time any work being performed pursuant to such certificate to assure such compliance.

o) Any Certificate of Appropriateness which has been approved pursuant to the provisions of this Section shall expire 12 months from the date of issuance if the work authorized is not commenced within this period. Further, such certificate shall

**EXPIRE IF THE WORK AUTHORIZED IS NOT COMPLETED WITHIN FIVE YEARS OF THE DATE OF ISSUANCE, UNLESS OTHERWISE EXTENDED BY THE HISTORICAL REVIEW BOARD.**

Sec. 2-499. Hearing Procedures; Powers and Duties; Determination of Historical Significance and Issuance of Certificate of Appropriateness

p) The Historical Review Board shall consider applications for residential or commercial properties. Upon application and Determination of Historical Significance, the Historical Review Board may consider applications for the issuance of a Certificate of Appropriateness.

q) The Historical Review Board may make a Determination of Historical Significance for properties that are at least fifty (50) years old and retain the physical characteristics for the time the structure was built. The fifty (50) year old requirement may be waived if the property is determined to be a Florida Heritage Site as determined by the Florida Department of State's Historical Division of Historical Resources. In addition, the Historical Review Board shall find at least one of the following criteria for the historical designation:

8. Have the Florida Heritage Landmark status as determined by the Florida Department of State's Historical Division of Historical Resources by being on the Division's Florida Register of Heritage Landmarks;
9. Be listed on the National Register of Historic Places by the United States Department of the Interior's National Parks Service, Office of Cultural Resources;
10. Have an association with a significant historical event that made a significant contribution to the broad patterns of our history;
11. Have regional significance in areas like architecture, having retained those physical characteristics that were present during the period which the structure was built and that are unique to the City of Neptune Beach. Examples include but are not limited to the two-story homes located along First Street with sleeping porches or the mid-century modern homes west of Third Street that were constructed in a manner to capture ocean breezes;
12. Have an association with the lives of people significant in our past. A non-exhaustive list of examples of significant people in our past includes those that contributed to an important historical event, or who were noted artists, actors, authors, performers, musicians, soldiers, professional athletes, politicians, scholars, religious figures, social activists or newsworthy persons;
13. Embody distinctive characteristics of a type, period, or method of construction or design and represent the work of a master or notable or renowned architect or builder, or possessing high artistic values; or
14. Have the potential to yield information important in prehistory or history.

(C) UPON A DETERMINATION OF HISTORICAL SIGNIFICANCE, THE HISTORICAL REVIEW BOARD MAY CONSIDER AN APPLICATION FOR THE ISSUE A CERTIFICATE OF APPROPRIATENESS WHICH THE APPLICANT MAY USE TO OBTAIN A DEVELOPMENT PERMIT WHICH MAY ALLOW EXCEPTIONS TO ANY REQUIREMENT FOUND IN CHAPTER 27, ARTICLE IV, RELATED TO SETBACKS, LOT COVERAGE.

**MA**

**FLOOR AREA RATIO AND STANDARDS PARTICULAR TO THE RC OVERLAY  
Development Regulations.**

r) No use shall be made of the property which is inconsistent with the historic qualities of the property. Any restoration or repair of the property deemed historically significant to the architectural features of the exterior shall be retained consistent with the historic qualities of the property. The property deemed historically significant shall not be permitted to deteriorate and shall be maintained in good repair and condition to the extent necessary to preserve the historic value and significance of the property.

s) The Determination of Historic Significance shall only be for the purpose of applying

**FOR A CERTIFICATE OF APPROPRIATENESS AND SHALL CONVEY NO  
to the owner of the subject property from the City.**

(f) Issuance of a Certificate of Appropriateness shall only be used to apply for exception to any requirement found in Chapter 27, Article IV, related to setbacks, lot coverage, floor area ratio and standards particular to the RC Overlay of the Unified Land Development Regulations and shall be used for no other purpose nor shall it be binding upon the City for any other purpose or convey any rights or remedies not expressly enumerated herein.

(g) Neither Determination of Historical Significance nor an issuance of a Certificate of Appropriateness shall guarantee that an exception to any requirement found in Chapter 27, Article IV, related to setbacks, lot coverage, floor area ratio and standards particular to the RC Overlay of the Unified Land Development Regulations will be granted. Hearings for request for Determination of Historical Significance and an issuance of a Certificate of Appropriateness shall be quasi-judicial in nature and the Historical Review Board may make determinations based on other considerations such as compatibility with the City of Neptune Beach's Charter, Code of Ordinances, Unified Land Development Code and Comprehensive Plan. Any Determination of Historical Significance and issuance of Certificate of Appropriateness must be to protect the unique historical qualities of the City of Neptune Beach.

b) Any final decision of the Historical Review Board of historical significance and issuance of Certificate of Appropriateness may be appealed by an applicant, owner or substantially impacted person residing within 300-foot of the subject property to City Council within 30-days of its rendering or it shall be deemed final. Any decision of the City Council may be appealed to by an applicant, owner or substantially impacted person residing within 300-foot of the subject property to a court with competent jurisdiction within 30-days of its rendering or it shall be deemed final. After receiving notice of hearing, a substantially impacted person residing within 300-feet of the

subject property lacks standing to appeal if such person was not present at the hearing.

- c) The City may enforce any provision related to Determinations of Historical Significance or issuance of a Certificate of Appropriateness through any means

allowed by law including but not limited to those remedies found in Chapter 162, Florida Statutes and any other available civil or injunctive relief.

**Sec. 2-500. - Notice requirements for Hearings on Applications to Determine Historical Significance and Issuance of Certificates Of Appropriateness.**

- t) Notice indicating the time and place of the quasi-judicial public hearing shall be posted in two (2) places in the city, one of which shall be in the front yard of the subject property, facing the street on which the property is addressed, and one (1) of which shall be at city hall on the public notice board, for at least ten (10) days immediately prior to the quasi-judicial public hearing. Such notice shall contain the address or location of the property and the nature of the application.
- u) The City shall ensure advertised notice is printed in a newspaper of general circulation within the City of Neptune Beach at least ten (10) days prior to the quasi-judicial public hearing before the Historical Review Board. The advertised notice shall state the date, time, place of the quasi-judicial public hearing, case number, and shall contain the address of the property and the nature of the application.
- v) At least ten (10) days prior to the quasi-judicial public hearing, the City shall give notice of the quasi-judicial public hearing before the Historical Review Board by U.S. Mail to the following:
8. The property owner and the applicant if different from the owner; and
  9. The owner(s), as listed in the current Duval County Tax Assessor's records, of each property within a three-hundred-foot radius of the boundary of the subject property.
- (d) If any person described in this Section does not contest the issue of proper notice within thirty (30) days from the date the Historical Review Board renders final action on a Determination of Historical Significance or issuance of Certificate of Appropriateness, then notice shall be deemed to be in compliance with this section.

**SECTION 2: Codification.** The provisions of this Ordinance shall become and be made a part of the *Code of Ordinances of the City of Neptune Beach, Florida* and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that Sections Three, Four, Five, and Six shall not be codified.

**SECTION 3. Conflict.** All ordinances, resolutions, official determinations, or parts thereof previously adopted or entered by the City or any of its officials and in conflict with this ordinance are repealed to the extent inconsistent herewith.

**SECTION 4. Severability.** If a Court of competent jurisdiction at any time finds any provision of this Ordinance to be unlawful, illegal, or unenforceable, the offending provision shall be deemed severable and removed from the remaining provisions of this Ordinance which shall remain in full force and intact.

**SECTION 5. Effective Date.** This ordinance shall immediately take effect upon second reading and approval.

**VOTE RESULTS OF FIRST READING: (Date \_\_\_\_\_)**

Mayor Cori Bylund  
Vice Mayor Nia Livingston  
Councilor Josh Messinger  
Councilor Brent Rogers  
Councilor Tim Horvath

**VOTE RESULTS OF SECOND READING: (Date \_\_\_\_\_)**

Mayor Cori Bylund  
Vice Mayor Nia Livingston  
Councilor Josh Messinger  
Councilor Brent Rogers  
Councilor Tim Horvath

\_\_\_\_\_  
Cori Bylund, Mayor

ATTEST:

\_\_\_\_\_  
Catherine Ponson, City Clerk

Approved as to form and content:

\_\_\_\_\_  
Paul Waters, City Attorney

Open Discussion

Adjournment

The meeting adjourned at : p.m.

\_\_\_\_\_  
Greg Schwarzenberger, Chairperson

ATTEST:

\_\_\_\_\_  
Piper Turner, Board Secretary

\_\_\_\_\_

CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



# STAFF REPORT

**MEETING DATE:** May 14, 2025  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** V25-02- continued from February 12, 2025

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**TO:** Community Development Board

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

**DATE:** May 8, 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.

Continued from February 12, 2025 for 90 days

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- 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.

This item was continued for more information from the February 12, 2025 meeting for 90 days. The Board requested a survey from the property owner to verify the exact location of the unpermitted gazebo. The applicant provided a survey (here attached) dated March 31, 2025.

Based on this survey, the newly constructed gazebo structure is .2 feet from the side property line, and the roof overhangs the property line into the neighbor's yard by approximately two feet.

Staff has attempted to obtain a building permit from the property owner to evaluate compliance with the Florida Building Code, however the applicant has not submitted the information. The Building Official Eric Pardee has determined that the structure

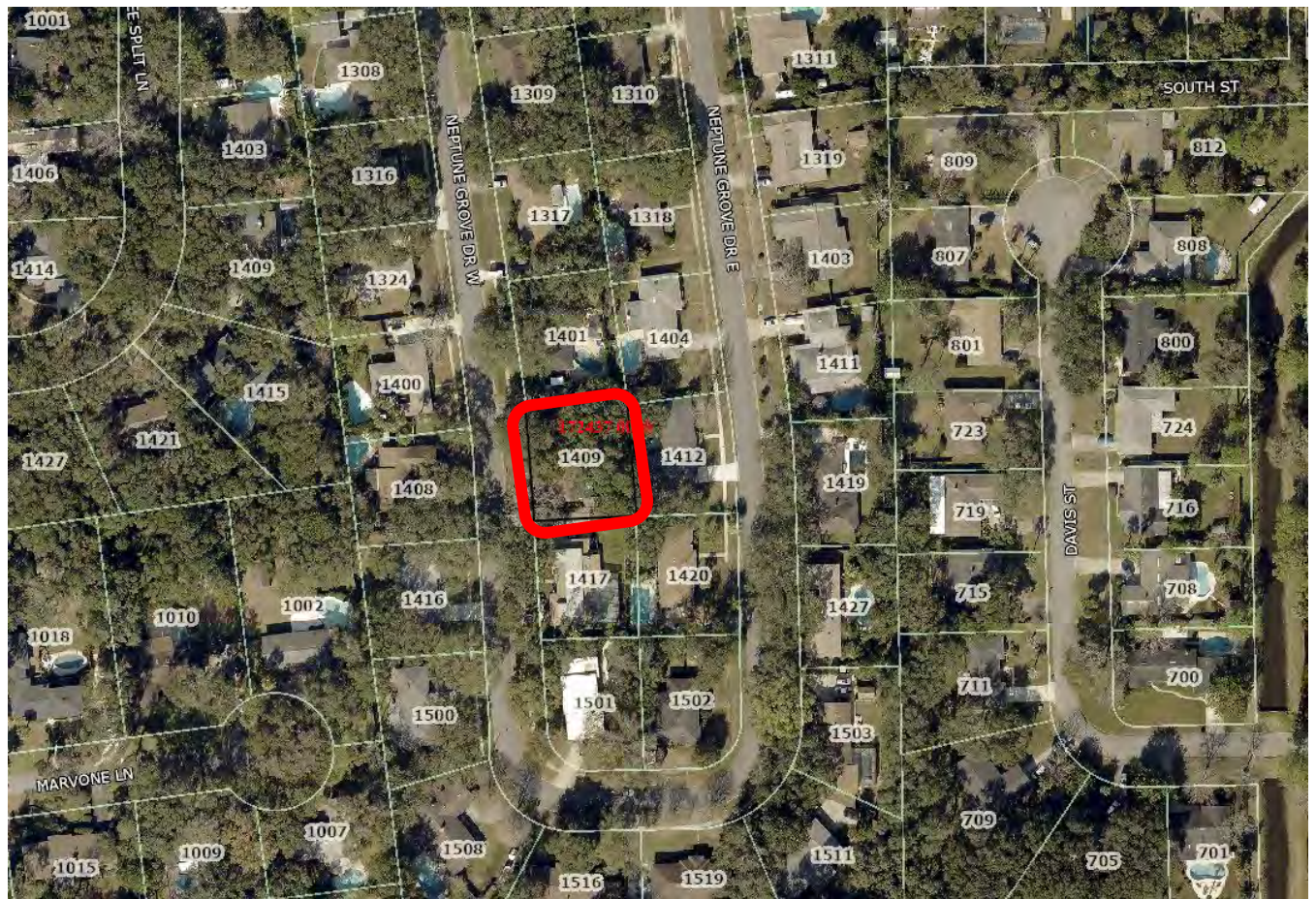
does not meet the Florida Building Code and does not appear to be anchored down to the ground (see attached email dated May 5, 2025). The Florida Building Code requires all structures in Neptune Beach to be designed for a minimum 140 mph wind load, for public safety and prevention of wind-borne debris.

If the structure is not legally permitted, staff must, and will, pursue code enforcement action to ensure public safety.

## **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 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 of 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.



*Figure 1: 1409 Neptune Grove W*

In an effort to resolve the case, the applicant applied for a building permit on November 21, 2024, as attached. In reviewing the permit, staff discovered that the lot already has three accessory structures, including a spa gazebo, a tool shed, and an art studio, as pictured. Additionally, the newly built gazebo is less than three feet from the property line. Section 27-328 (a) (2) requires a three foot side yard setback for accessory structures, and Section 27-328 (a) (5) permits no more than three (3) accessory structures per lot.

The applicant states that the new gazebo is a replacement of an old gazebo, therefore it should be permitted. Staff has no building permit records for either the spa gazebo on the property or the newly replaced gazebo. Staff does has permit records for the tool shed and art studio.

On December 19, 2024 the applicant applied for a variance to permit the gazebo. The applicant hoped to go to the January CDB meeting, but due to the Beaches Leader changes in schedule and discontinuing publication, the item was placed on the February agenda.

### **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, legal survey, and lack of building permit, staff recommends denial of the variances as requested.

V. **RECOMMENDED MOTION:**

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

LOT 30, NEPTUNE GROVE SOUTH, AS RECORDED IN PLAT BOOK 33, PAGE 69  
OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



THE SURVEY HEREON WAS MADE WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE AND THEREFORE THE UNDERSIGNED AND DURDEN SURVEYING AND MAPPING, INC., MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, CLAIMS OF EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT OR SEARCH OF TITLE. THIS SURVEY NOT VALID UNLESS THIS PRINT IS EMBOSSED WITH THE SEAL OF THE ABOVE SIGNED.

*H. Bruce Durden, Jr.*  
FLORIDA REGISTERED SURVEYOR No. 4707  
H. BRUCE DURDEN, Jr.

FIELD: MARCH 31, 2025  
CAD FILE NO. L-30(1409 NEPTUNE GROVE).DWG  
SCALE: 1" = 20'  
WORK ORDER NUMBER: 25138

B-10597

**From:** [Christian Eric Pardee](#)  
**To:** [Heather Whitmore](#)  
**Cc:** [Piper Turner](#)  
**Subject:** RE: 1409 Neptune Oaks  
**Date:** Monday, May 5, 2025 9:08:05 PM  
**Attachments:** [image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)

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**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.

Heather,

As it is an accessory building and is existing, I cannot tell how it is anchored down and all connections are made. It is possible that it would meet the current building code as it stands but I cannot tell without a plan showing all of these connections. If the owner has an engineer review the structure and write a report then it would be accepted. However, that would be extreme since the plan that would be required to be submitted with the permit application would not have to be engineered but could be drawn by a contractor.

Then I can verify how it is built with an inspection.

**C. Eric Pardee**

Jacksonville Building Inspections Manager

5561 Florida Mining Blvd South

Jacksonville, FL 32257

p [904-296-0757](tel:904-296-0757)



CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



# STAFF REPORT

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

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**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<br>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 |

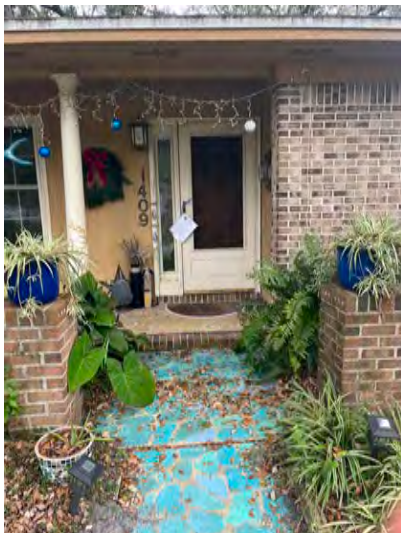
## Violations

| 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. 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. 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

|           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>JS</i> | 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 <a href="http://www.myflorida.com/dbpr/pro/cilb/">www.myflorida.com/dbpr/pro/cilb/</a> for more information about licensed contractors.                                                                                                                                                                                                                                                                                                                                                           |
| <i>JS</i> | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <i>JS</i> | 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.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <i>JS</i> | 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 Circle 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.

*Linda Olsen*

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.

*Ced B...*

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](mailto:PIPERTURNER@NBFL.US)



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

Legal Description: private residence RE Parcel Number: \_\_\_\_\_

Valuation of Work \$2000

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 13' x 10'

Owner's Information: Email lindaolsenr@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 \_\_\_\_\_

202401023

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 <input checked="" type="checkbox"/> ) |
| 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 7 <sup>th</sup> Edition) and Occupancy Class (per FBC 7 <sup>th</sup> 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 6 <sup>th</sup> 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 8<sup>th</sup> 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

202401023

ADDRESS OF PROPERTY: 1709 Neptune Cove 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](http://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          |              |                               |              |                       |            |
| 3. 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 | PI           | pressure treated premium WOOD |              |                       |            |

202401023

Permit Number \_\_\_\_\_ Tax Folio Number \_\_\_\_\_

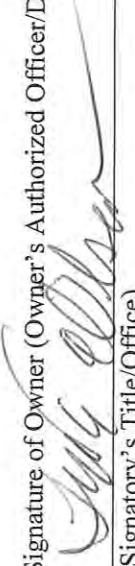
**NOTICE OF COMMENCEMENT****STATE OF FLORIDA  
COUNTY OF DUVAL**

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 backyard
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 \_\_\_\_\_ 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)

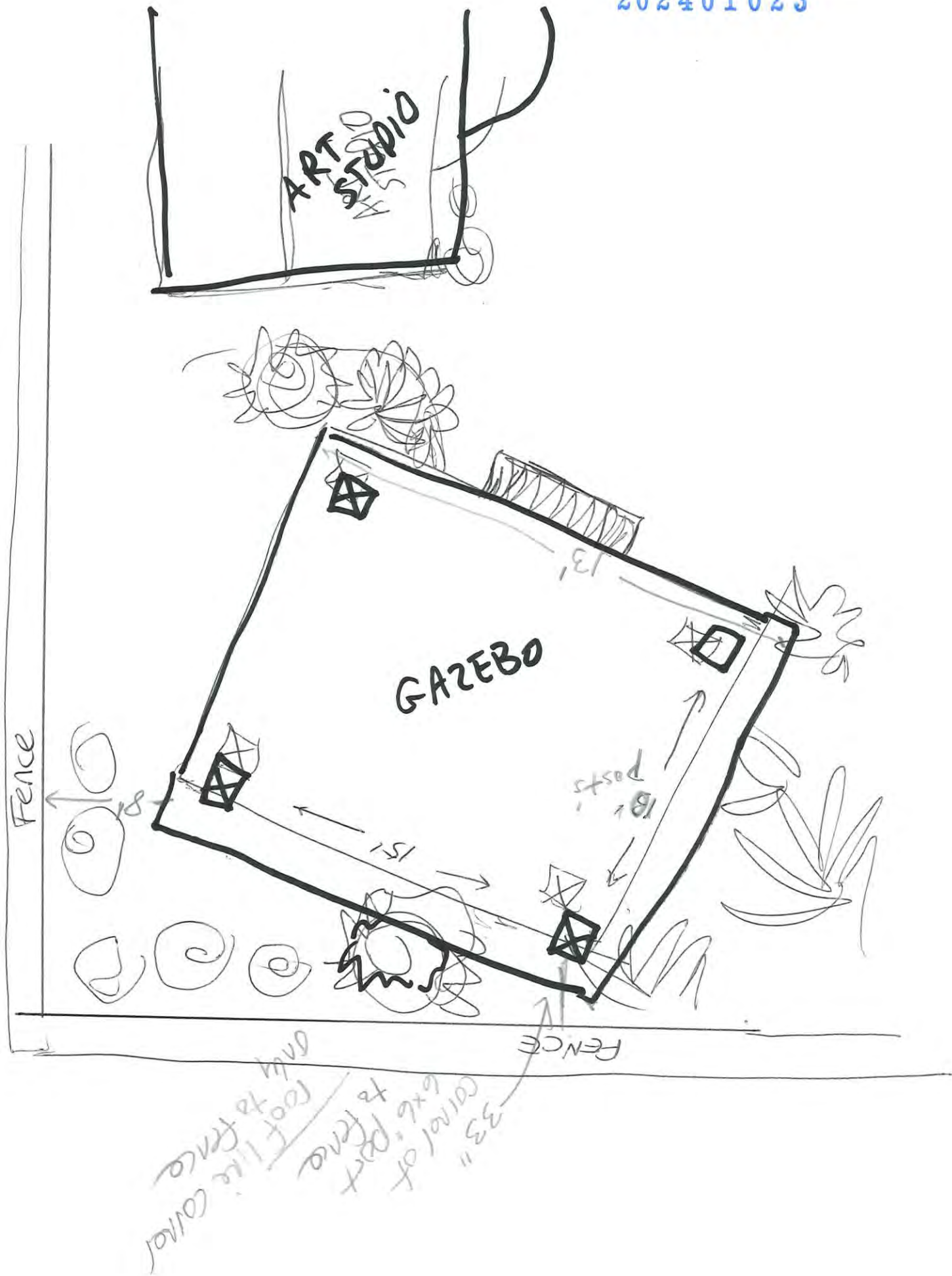
The foregoing instrument was acknowledged before me this 22nd day of November, 20 24  
by Linda Olsen as identification for 1409 Neptune Grove Dr. W

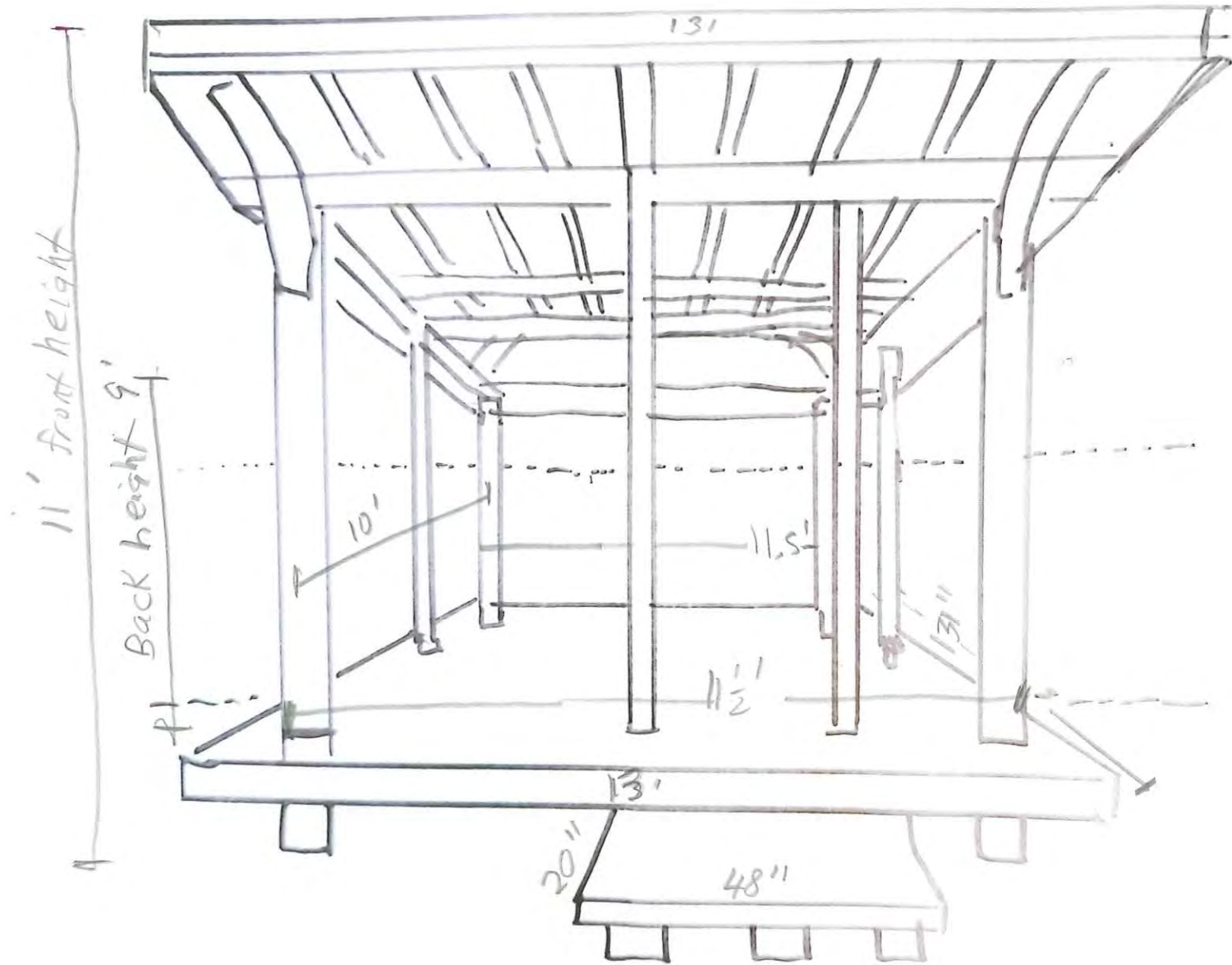
Notary:   
Personally Known \_\_\_\_\_ or Produced Identification ☒ Type of identification Produced: Driver's License

My commission expires: 08/09/2028

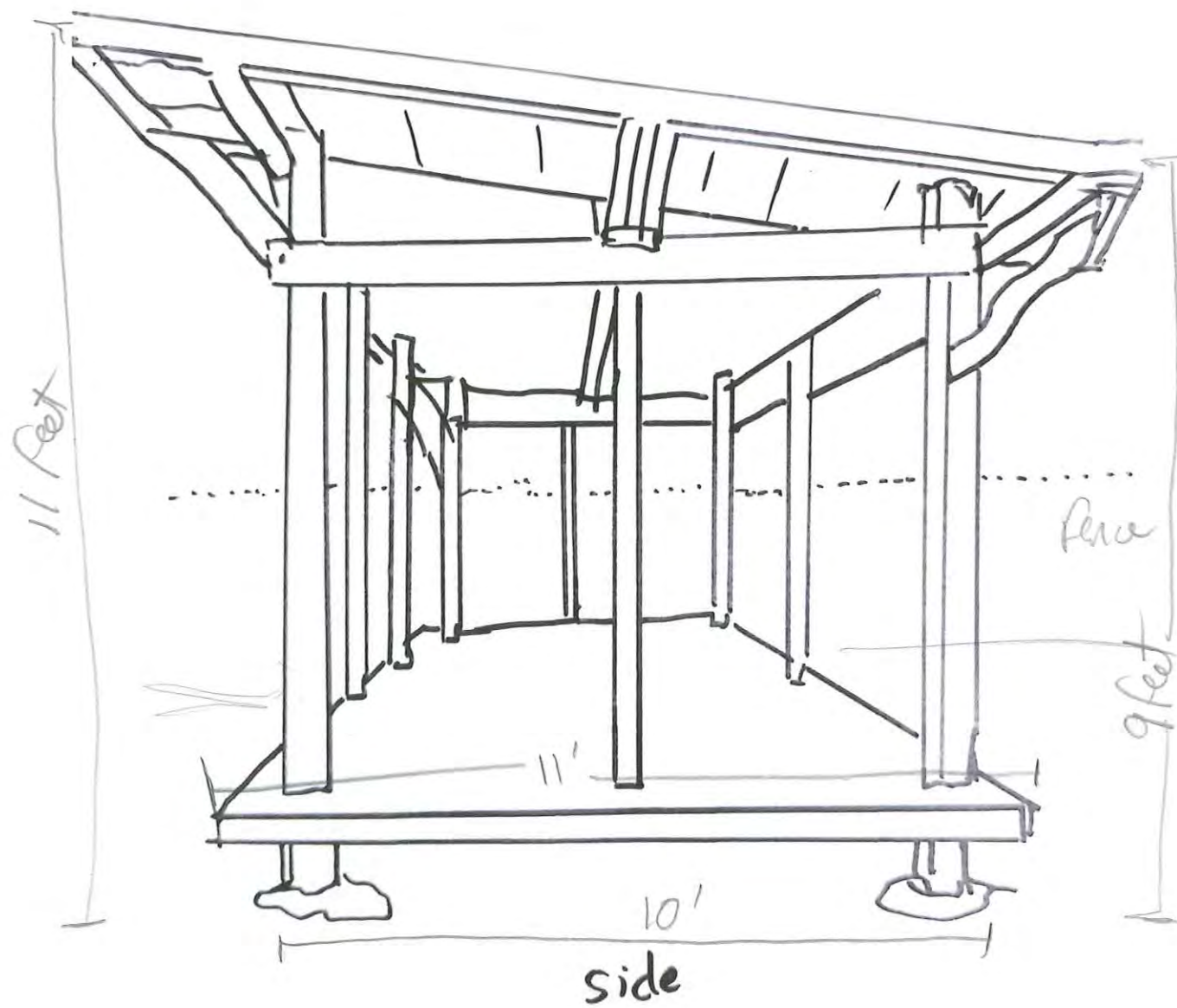
**Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true to the best of my knowledge and belief.**







202401023



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

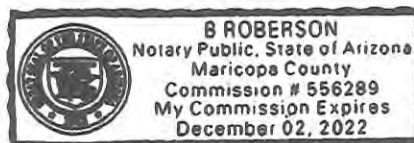
IN WITNESS WHEREOF, the undersigned has caused this Instrument to be executed on NOVEMBER 12, 2020. BANK OF AMERICA, N.A., BY FIRST AMERICAN MORTGAGE SOLUTIONS, LLC, AS ATTORNEY-IN-FACT

  
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



# 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](mailto:CDD@NBFL.US)



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

|                                                                                                                                  |                                                                                            |                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Date Filed:<br><u>12-20-2024</u>                                                                                                 | Zoning District:<br><u>R1</u>                                                              | Real Estate Parcel Number:<br><u>Lot 30</u>                                                                                             |
| Name & Address of Owner of Record:<br><u>LINDA OLSEN</u><br><u>1409 Neptune Grove Dr. West</u><br><u>Neptune Beach, FL 32266</u> |                                                                                            | Property Address:<br><u>1409 Neptune Grove Dr. West</u><br><u>Neptune Beach FL 32266</u><br>Number of units on property <u>45 years</u> |
| Contact phone number# <u>904-699-9995</u>                                                                                        | Have any previous applications for variance been filed concerning this property? <u>No</u> |                                                                                                                                         |
| e-mail address <u>lindaolsenart@gmail.com</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:

Linda A. Olsen

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.

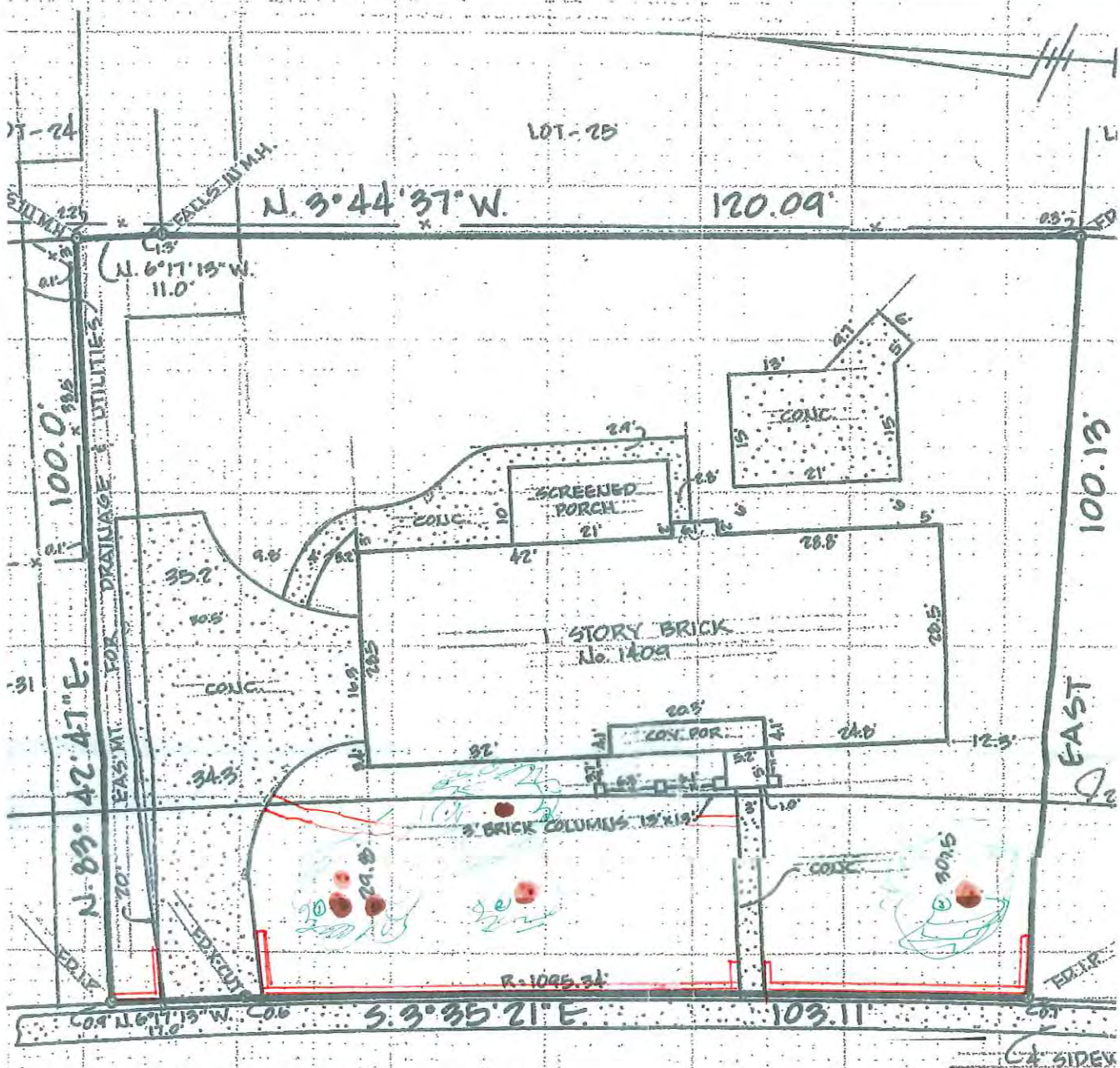
By \_\_\_\_\_

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



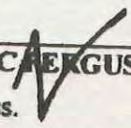
## MORTGAGE RELEASE, SATISFACTION, AND DISCHARGE

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

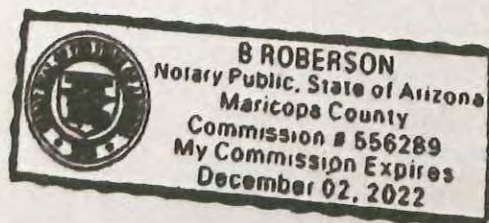
  
ERIC FERGUSON, VICE PRESIDENT

) ss.

STATE OF ARIZONA COUNTY OF MARICOPA

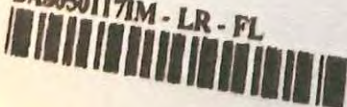
On NOVEMBER 12, 2020, before me, B ROBERSON, Notary Public, personally appeared ERIC FERGUSON, VICE PRESIDENT of FIRST AMERICAN MORTGAGE SOLUTIONS, LLC, AS ATTORNEY-IN-FACT FOR BANK OF AMERICA, N.A., whose identity was proven to me on the basis of satisfactory evidence to be the person who he or she 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 10.91

1414'

13'

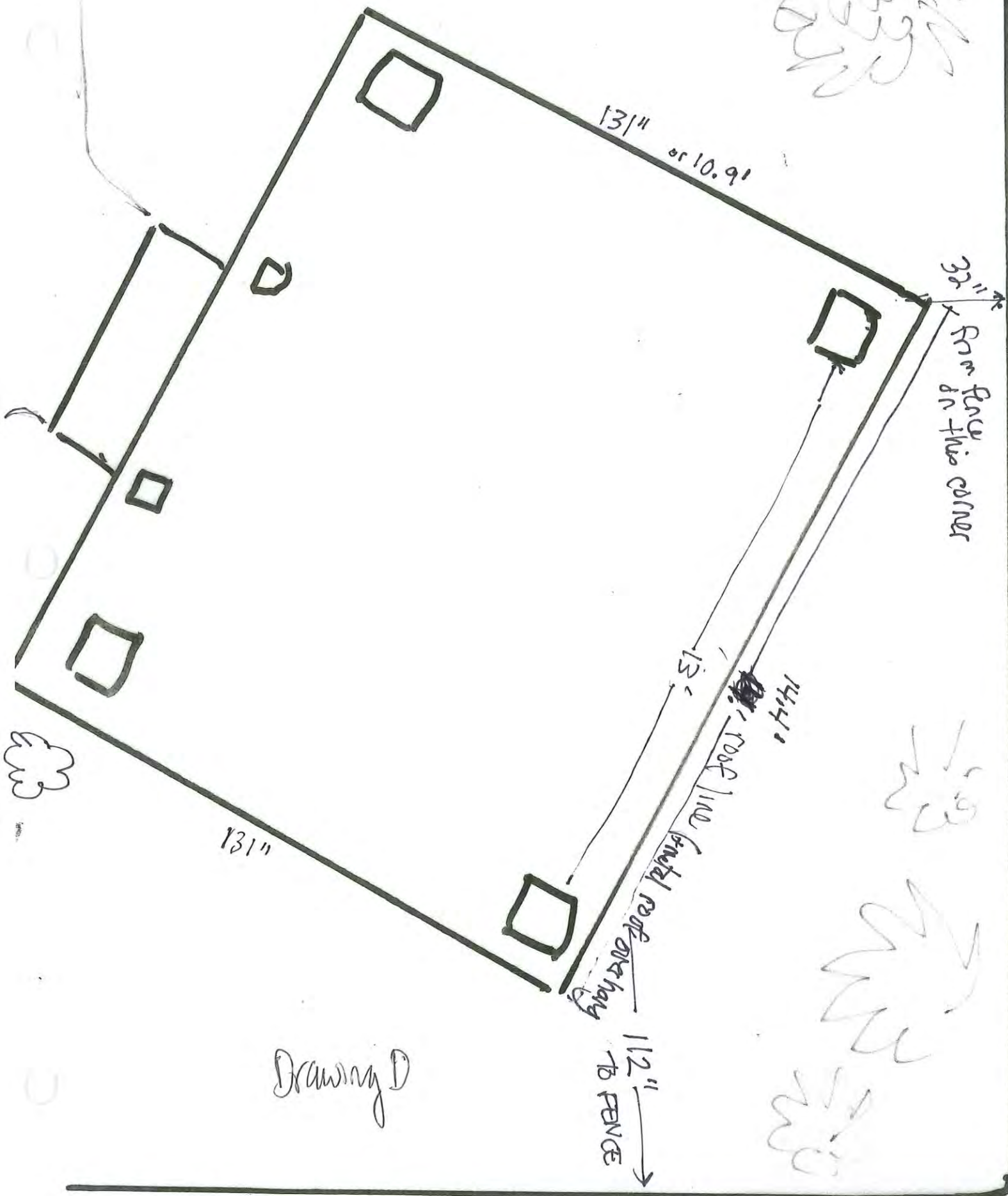
roof line (metal roof overhang)

112" to FENCE

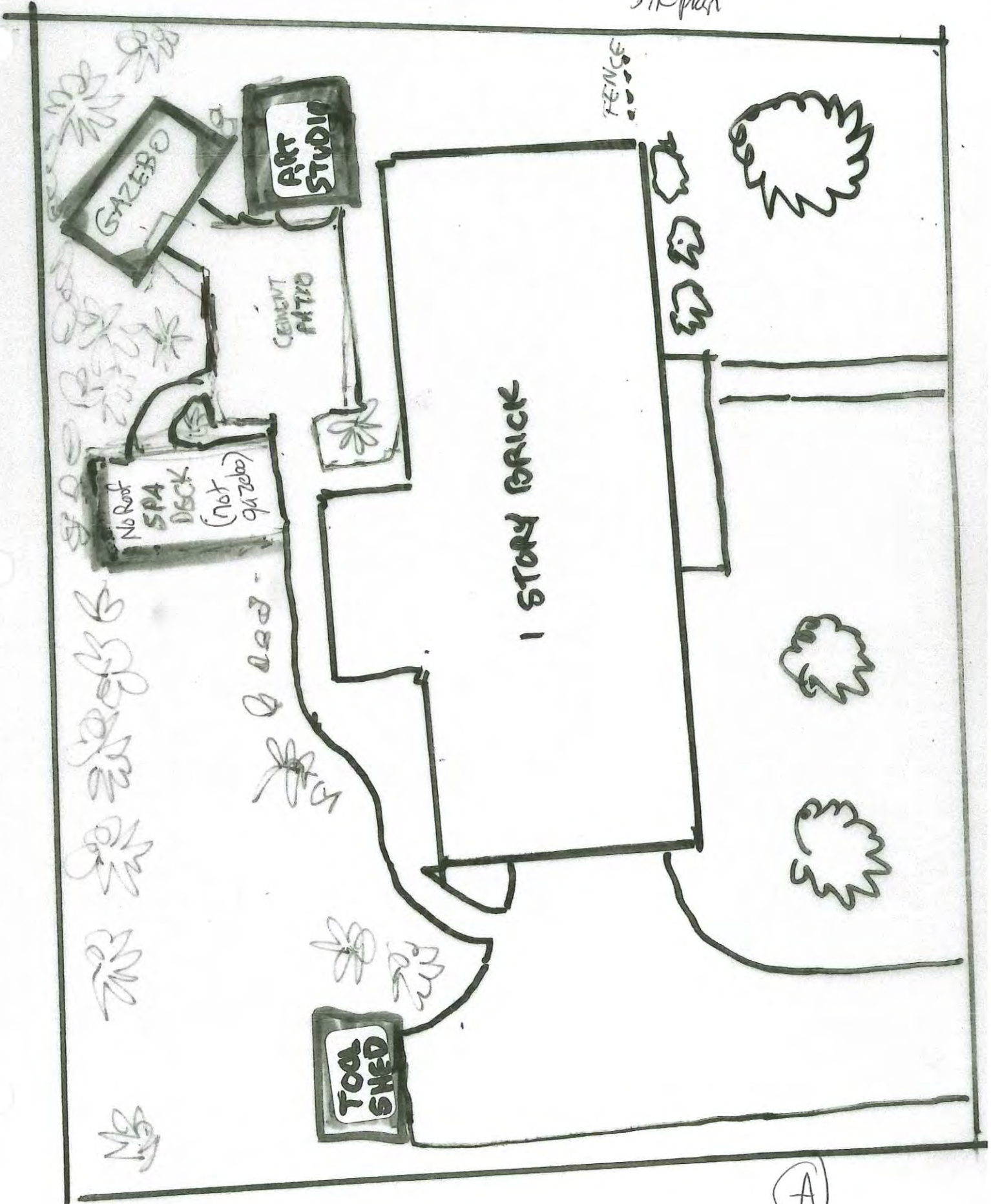
131"

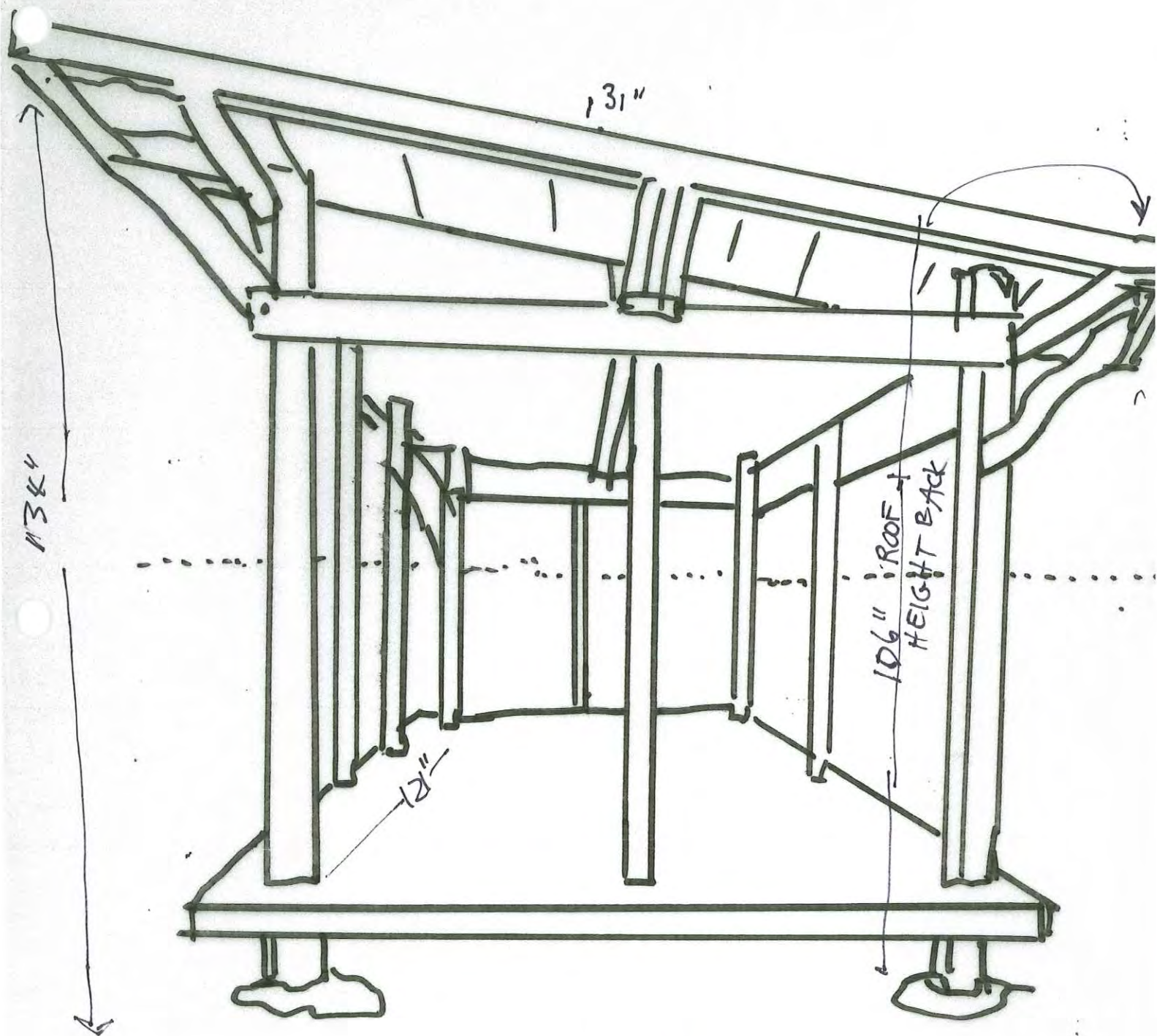
Drawing D

FENCE



sik plan

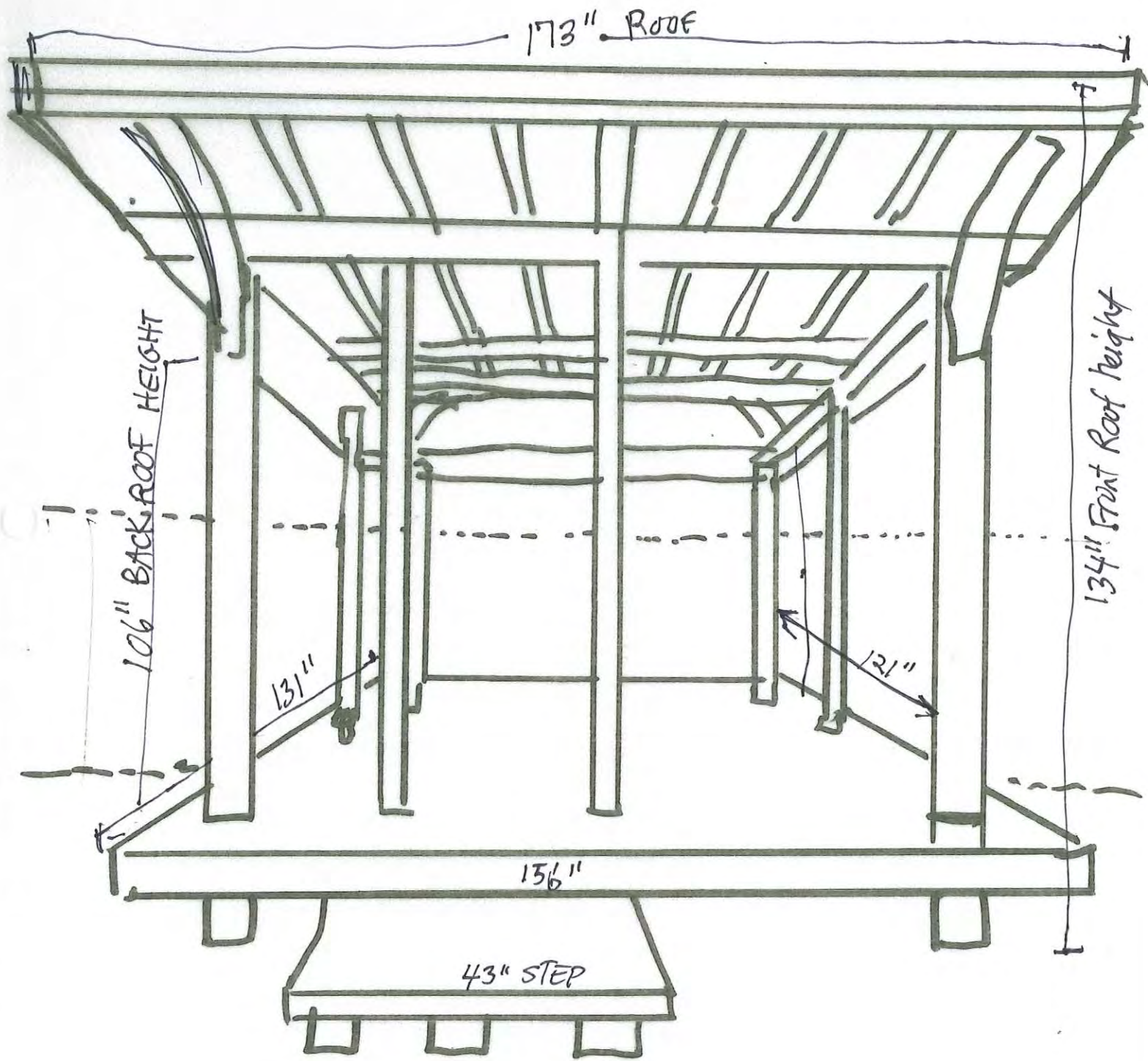




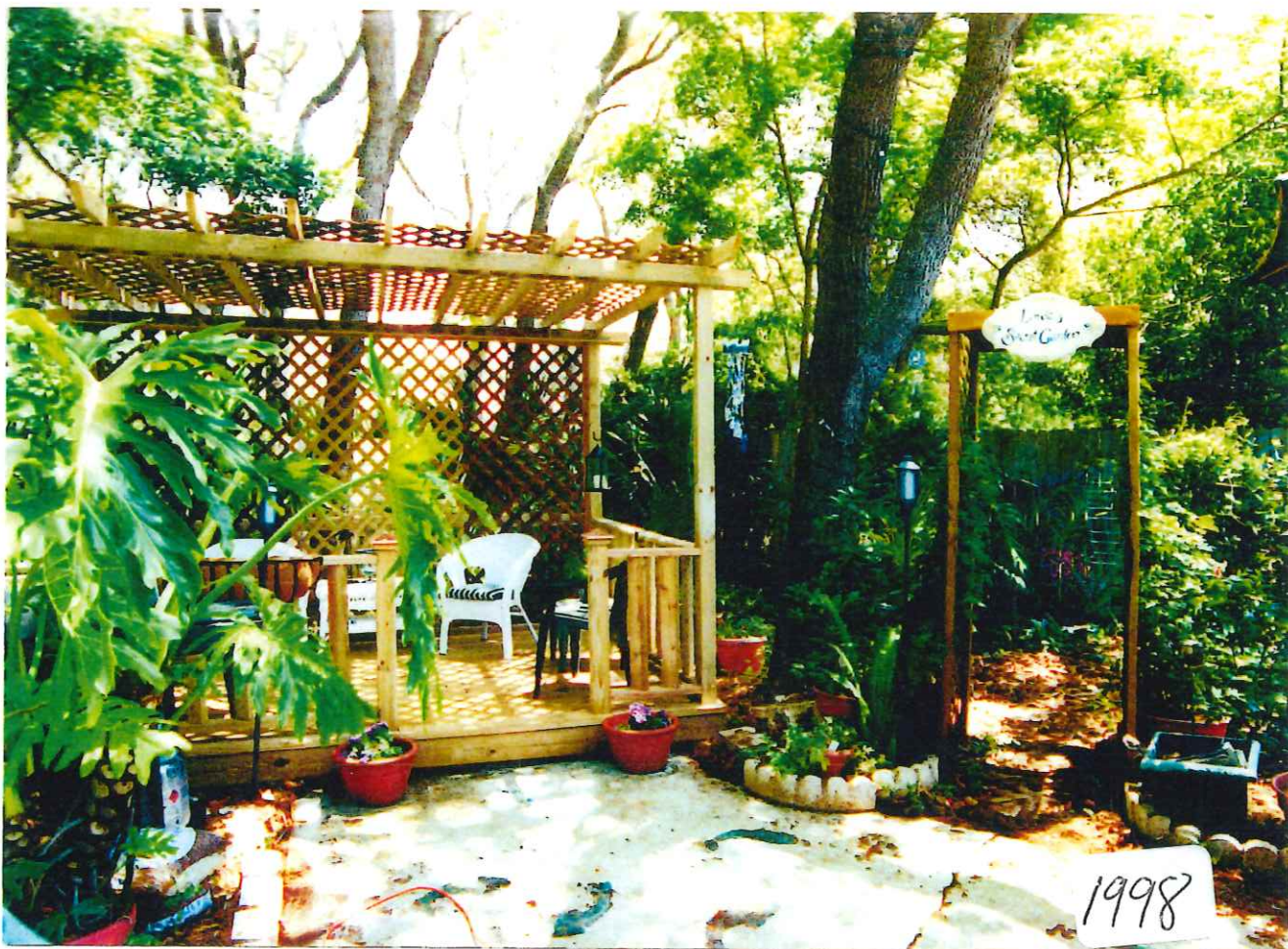
side

West ←

→ East  
③



(C)

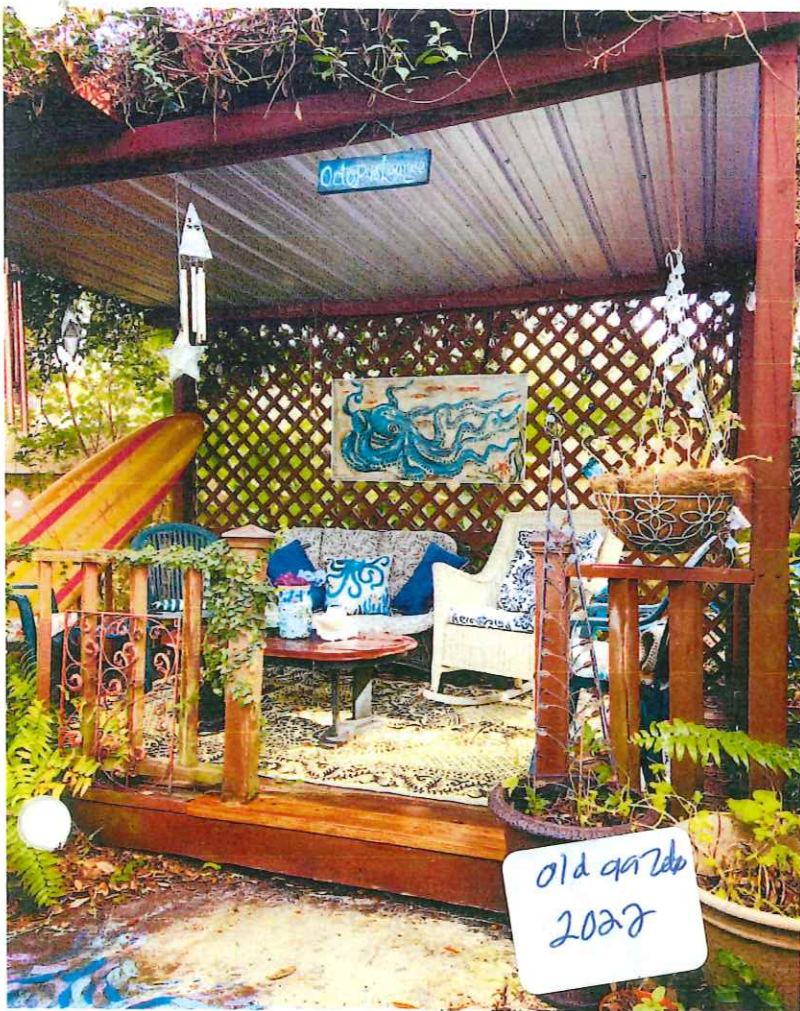




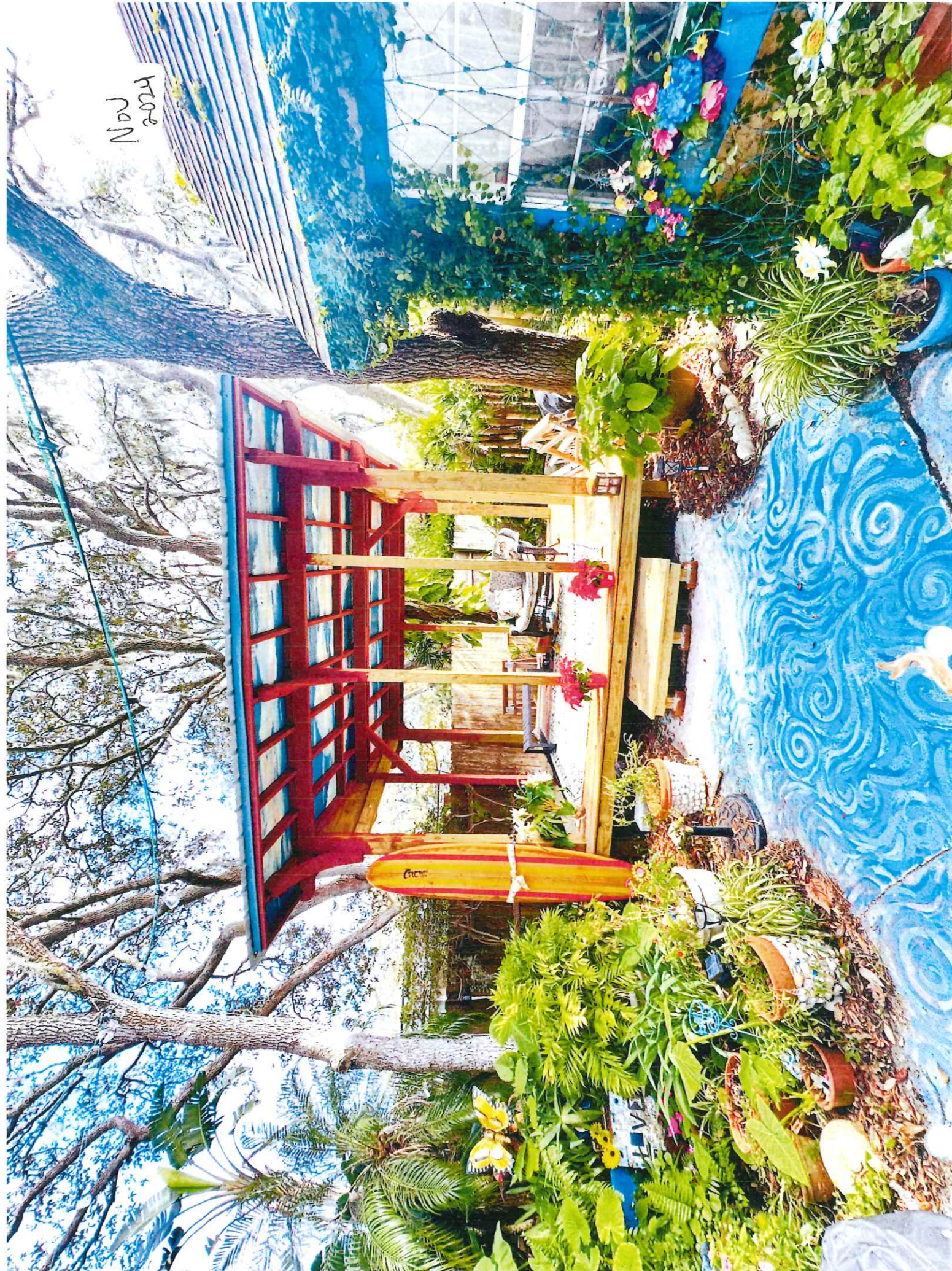
spa  
deck ↑

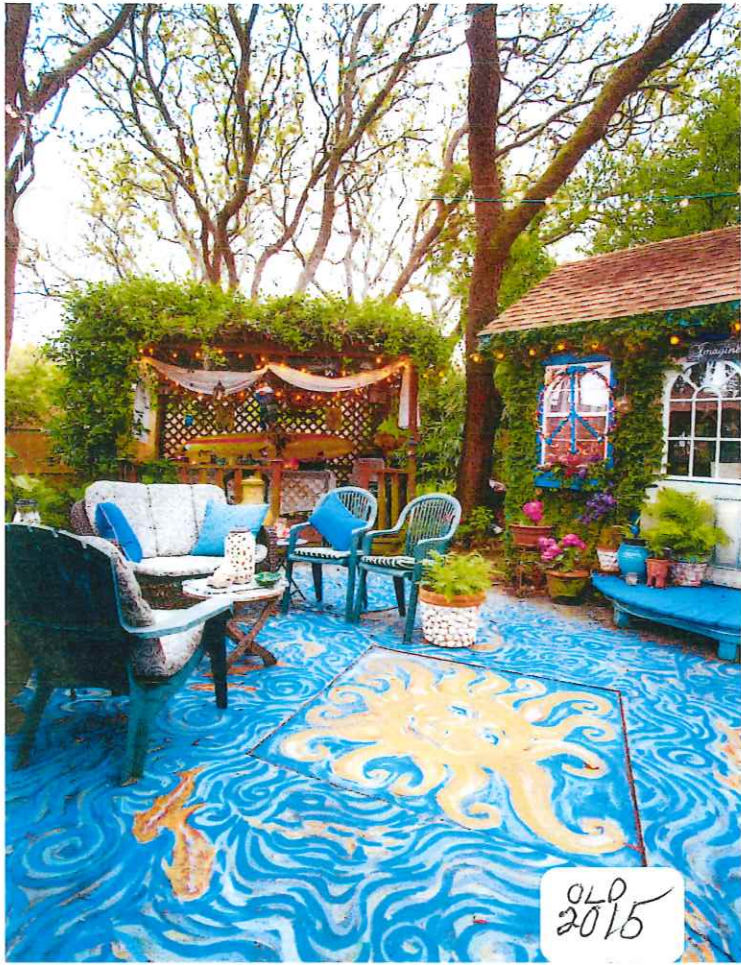
old  
gazebo ↑

painting  
studio



Room







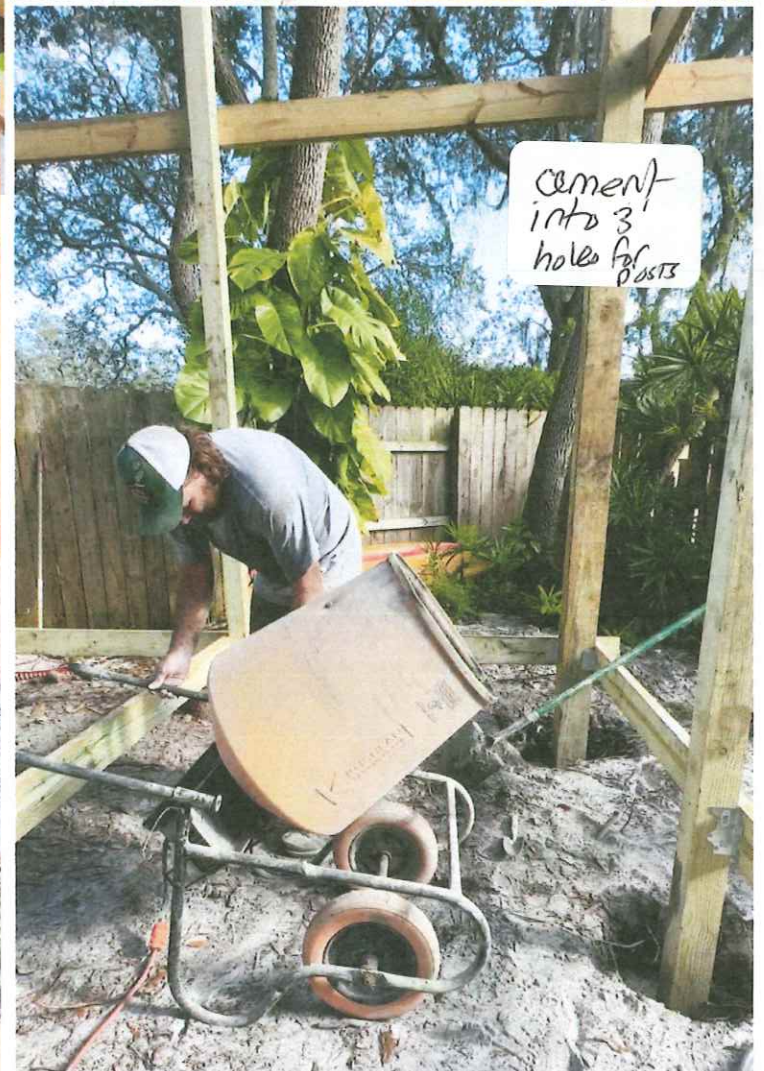
all boards  
with  
hurricane  
strap & tap



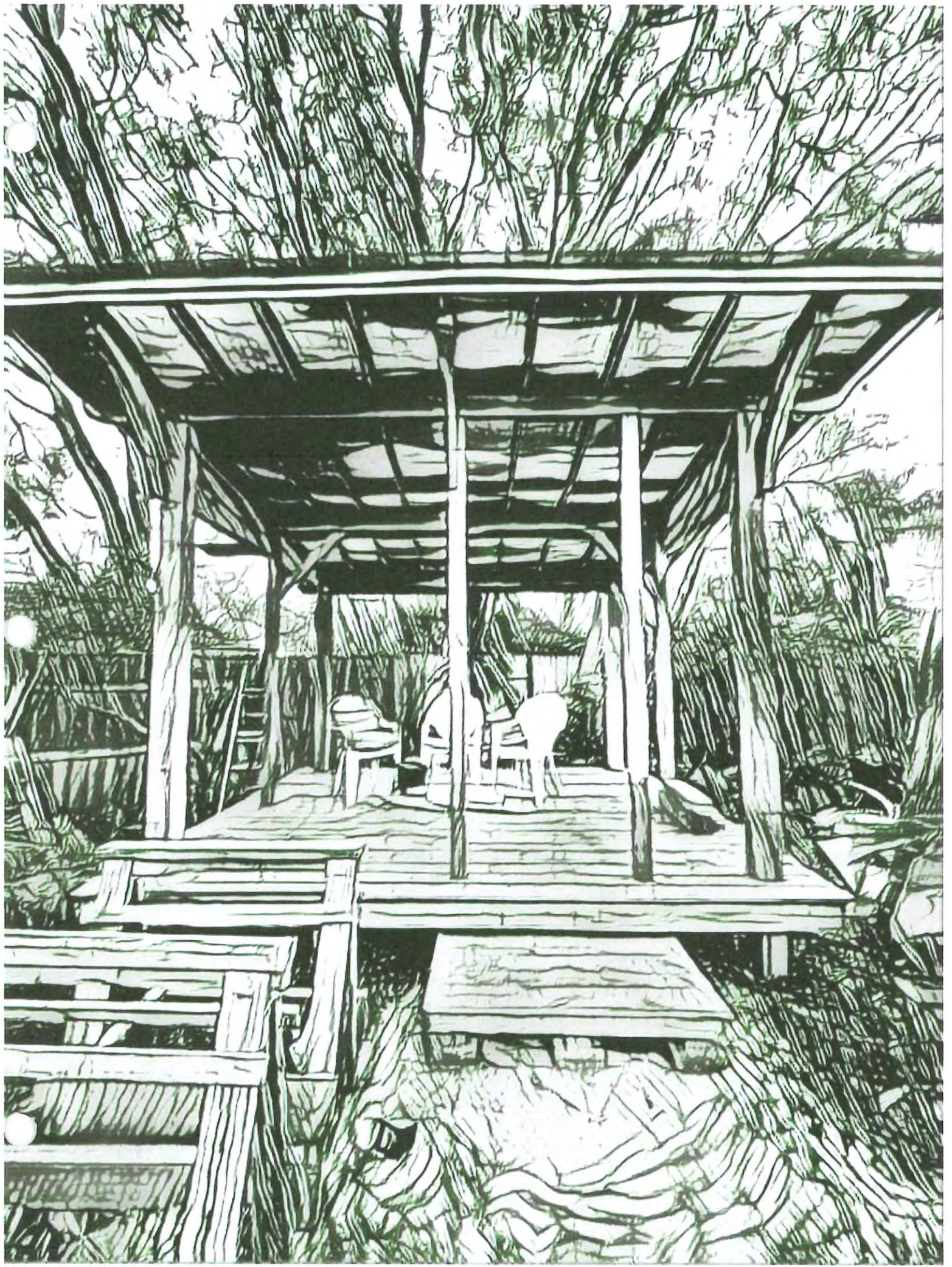
architect  
detail



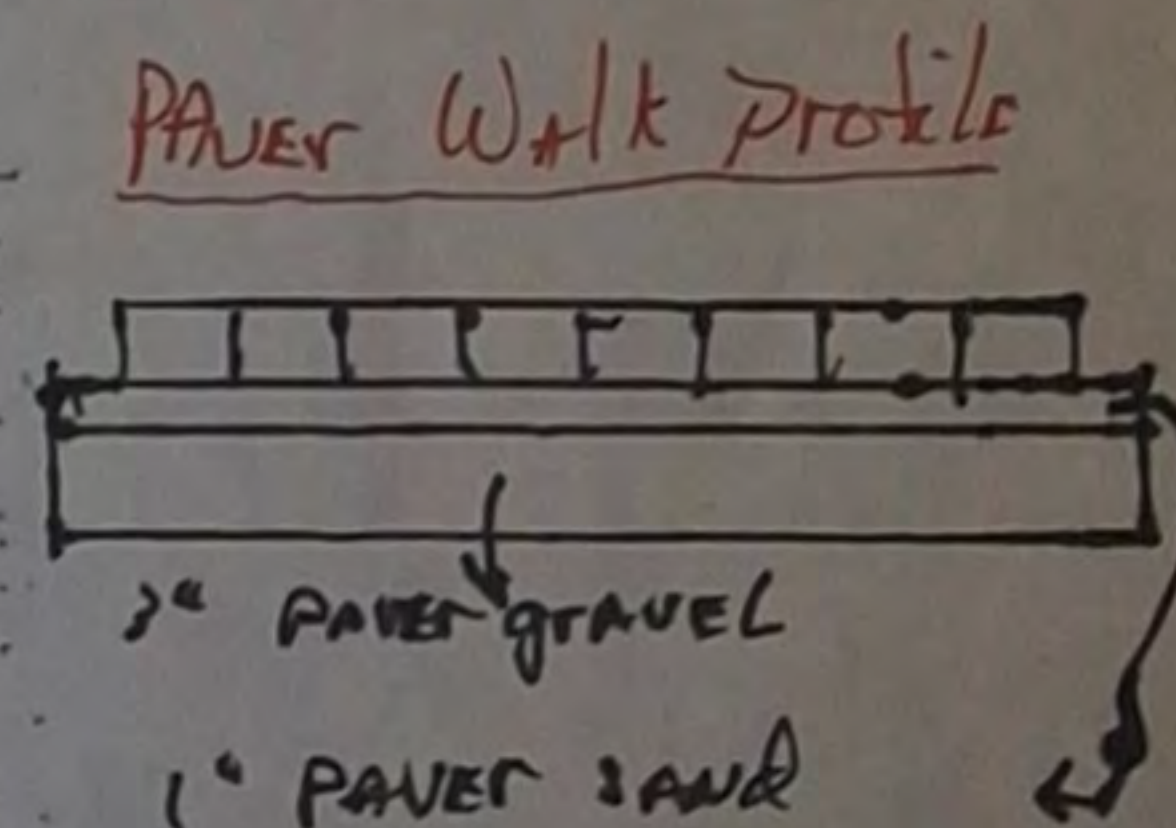
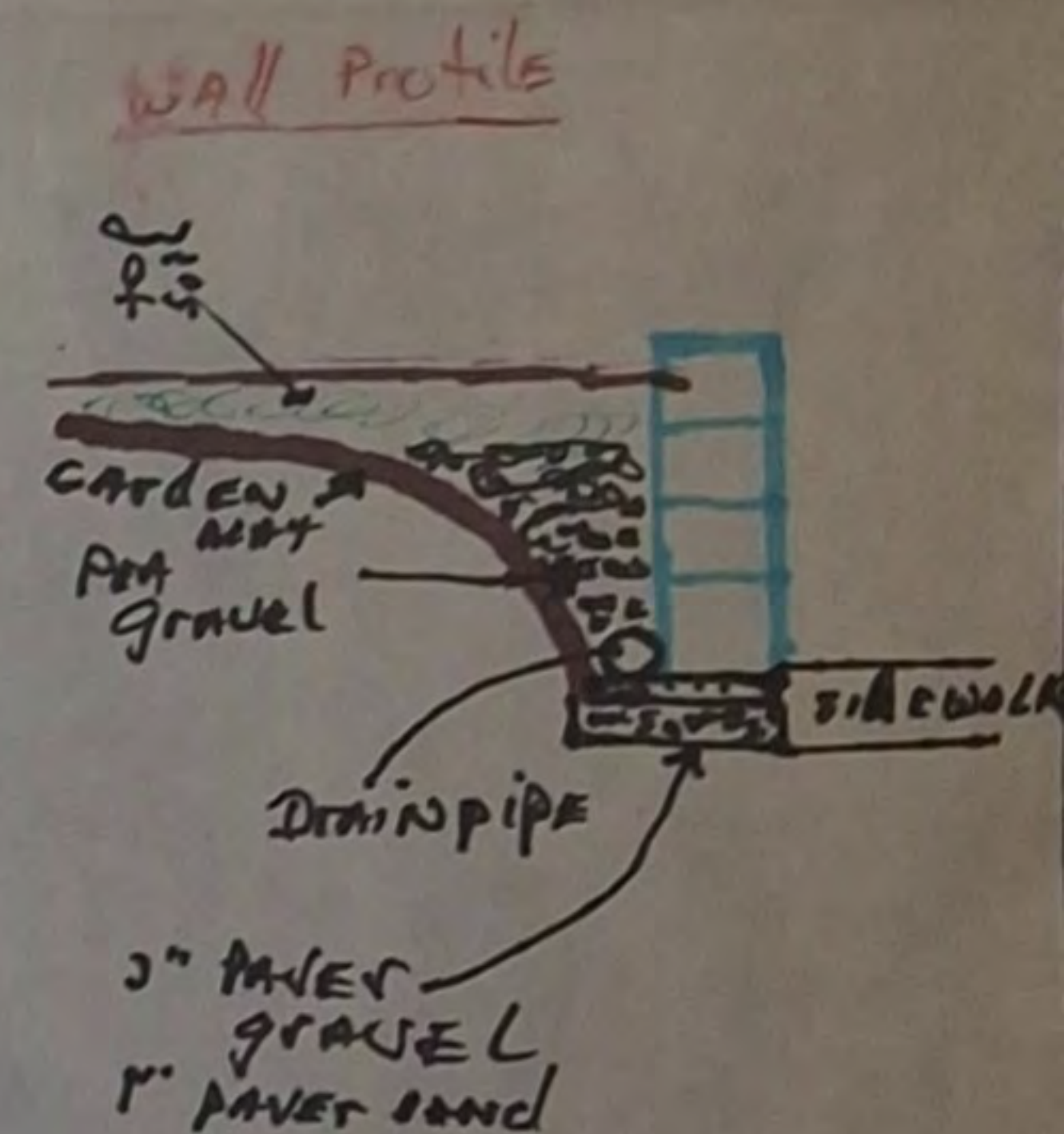
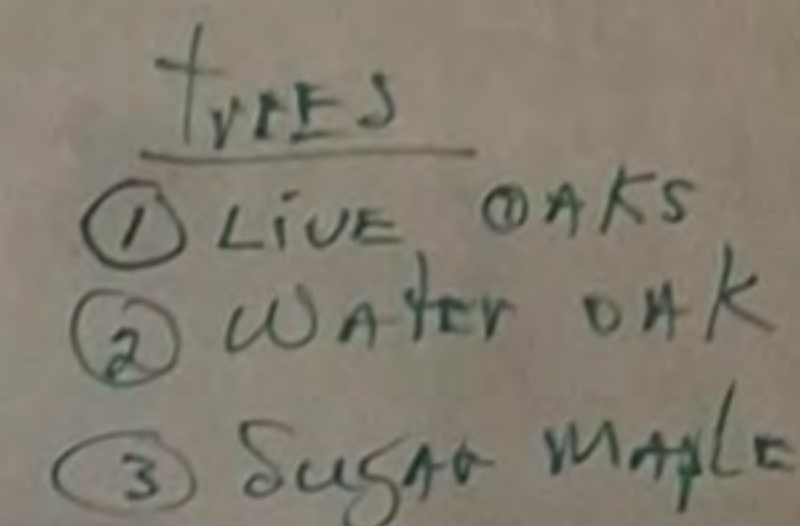
Feb 2024  
Dig holes



cement  
into 3  
holes for  
posts



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



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

F.B. 210:1

JAMES D. HARRISON, JR. PLS

DATE JUNE 13, 1980

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

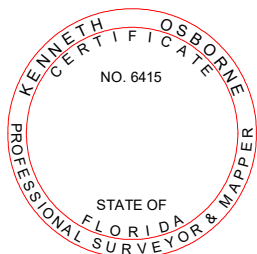
Client File Number: 24-0712-17

**ABBREVIATION DESCRIPTION:**

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

**SYMBOL DESCRIPTIONS:**

|                                                                                       |                      |                                                                                       |                   |
|---------------------------------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------|-------------------|
|  | = CATCH BASIN        |  | = MISC. FENCE     |
|  | = CENTERLINE ROAD    |  | = PROPERTY CORNER |
|  | = COVERED AREA       |  | = UTILITY BOX     |
|  | = 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)

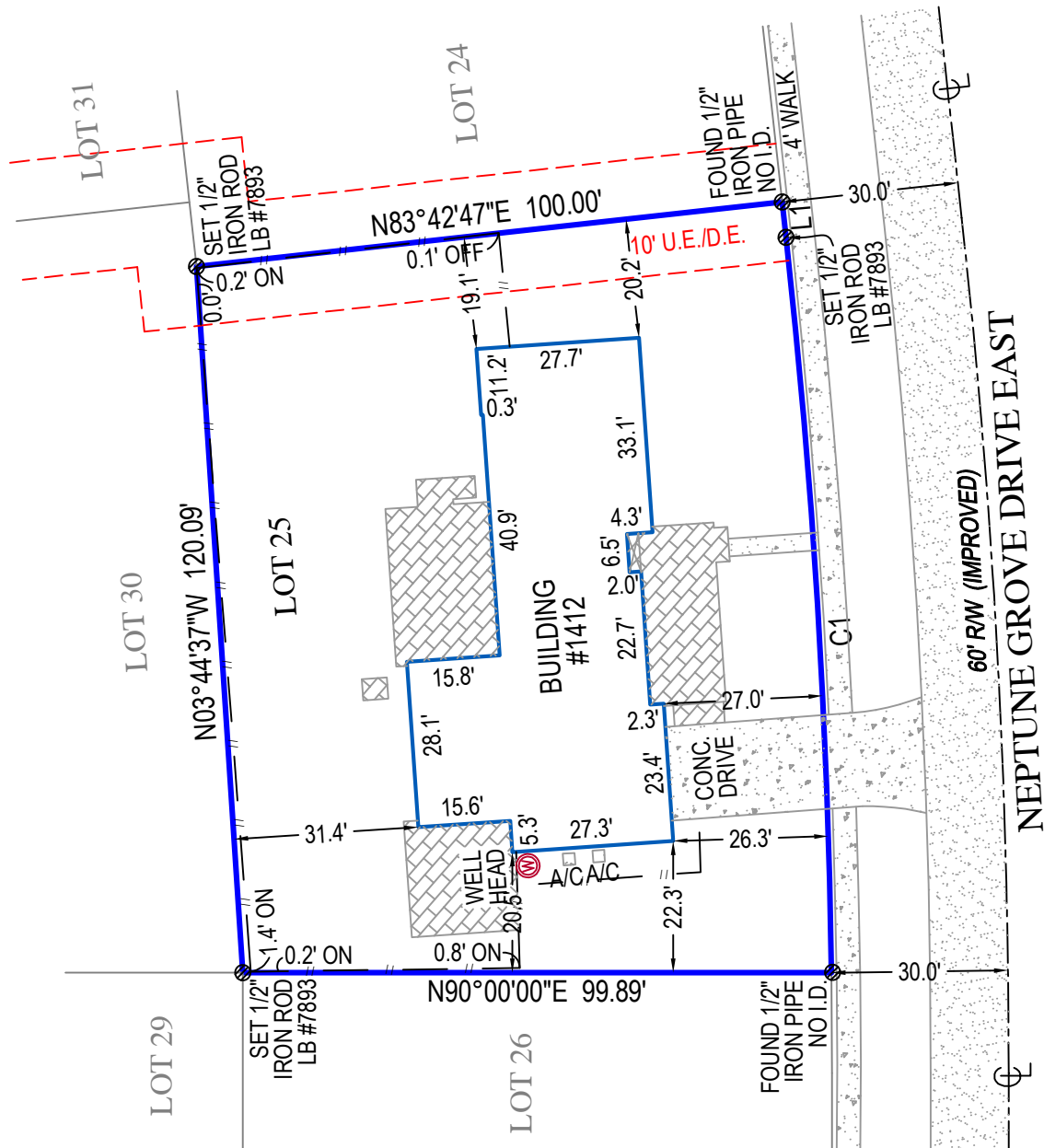


LB #7893

**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](http://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.

**TARGET**  
**SURVEYING, LLC**  
LB #7893  
SERVING FLORIDA

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

CITY OF NEPTUNE BEACH – COMMUNITY DEVELOPMENT DEPARTMENT



# STAFF REPORT

**MEETING DATE:** May 14, 2025  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** V25-04

---

**TO:** Community Development Board

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

**DATE:** May 9, 2025

**SUBJECT: V25-04:** Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for J Richard and Elizabeth R Baker for the property known 2020 Seagate Avenue (RE# 177473-1020). The applicant requests a variance from Section 27-237(1) to permit the construction of a two-story garage addition connected by a breezeway that exceeds fifteen (15) feet in length. The request is to allow the length of the breezeway to be +/- 35 feet in order to save a large live oak tree and avoid an existing lift station. The property is in the R-1 zoning district.

---

- I. **BACKGROUND:** An application for variance requesting relief for:
- Section 27-237(1) to permit the construction of an addition connected by a breezeway that exceeds fifteen (15) feet in length.

II. **DISCUSSION:**

The property owner requests a variance from Section 27-237(1) to permit the construction of an addition connected by a breezeway that exceeds fifteen (15) feet in length in order to permit an attached two story garage. The property is in the R-1 zoning district.

2020 Seagate Avenue is a one acre flag lot located at the westernmost marsh front terminus of Seagate. The lot is irregularly shaped resembling a flag on a flagpole, with a narrow access strip leading to a larger, more secluded area. The lot currently has a 4,000+ SF home, surrounded by large growth live oaks and serve by private on-site a lift station.

The applicant requests to build an attached two-story garage. The proposed two story garage addition is connected to the exiting house by a 35 foot breezeway. Section 27-237(1) limits connecting breezeways to 15 feet in length. The purpose of the requested variance is to permit a +/-35 foot breezeway in order to avoid an existing lift station and old growth 24 inch caliper live oak tree. Given the layout of the house and lot, density of live oaks, access to the driveway, and location of the lift station, the proposed location of the garage is the only location to accommodate the addition within the required setbacks.



Figure 1: 2020 Seagate Ave

### 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:** Existing large tree and existing lift station.
  - b. **Staff Response:** The property is unique and peculiar in circumstances. The flag lot shape, private lift station location, and tree density restricts the location of the addition.
2. **The proposed variance is the minimum necessary to allow the reasonable use of the parcel of land.**
  - a. **Applicant Response:** Moved the building minimum 5 feet from existing lift station and lined up the garage door with the existing driveway a safe distance away from the tree.
  - b. **Staff Response:** The requested variance is the minimum necessary to allow the attached garage expansion.
3. **The proposed variance would not adversely affect adjacent and nearby properties or the public in general.**
  - a. **Applicant Response:** Additional garage meets all setbacks, elevations, and all materials will match existing home.
  - b. **Staff Response:** It's unknown if the proposed variance would negatively impact adjacent and nearby properties or the public in general. The one acre lot is larger than most, with a secluded home site.
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:** New additional garage materials will match existing home.
  - 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.

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

a. **Applicant Response:** The request is not to have to remove a large tree and disturb an existing lift station.

b. **Staff Response:** The variance request is somewhat created through the actions of the property owner. The property owner seeks to build an attached two story garage. Given the layout of the house and lot, density of live oaks, access to the driveway, and location of the lift station, the proposed location of the garage is the only location to accommodate the addition within the required setbacks.

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:** NA.

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

IV. **CONCLUSION:** Approval of variance request from Section 27-237(1) to permit the construction of an addition connected by a breezeway that exceeds fifteen (15) feet in length.

V. **RECOMMENDED MOTION:**

a. I recommend approval of V25-04

OR

b. I recommend denial of V25-04

V25-04

# APPLICATION FOR ZONING VARIANCE

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



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

|                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                |                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------------------------------------------------|
| Date Filed:<br><b>4-17-25</b>                                                                                                                                                                                                                                                                                                                                                                                                            | Zoning District:<br><b>R-1</b> | Real Estate Parcel Number:<br><b>177473-1020</b>                                           |
| Name & Address of Owner of Record:<br><b>RICHARD BAKER</b><br><b>2020 SEAGATE AVE</b>                                                                                                                                                                                                                                                                                                                                                    |                                | Property Address:<br><b>2020 SEAGATE AVE, NEPTUNE BEACH</b>                                |
| Contact phone number# <b>904-219-5990</b>                                                                                                                                                                                                                                                                                                                                                                                                |                                | Number of units on property <b>1</b>                                                       |
| e-mail address <b>RICKYBAKER@YAHOO.COM</b>                                                                                                                                                                                                                                                                                                                                                                                               |                                | Have any previous applications for variance been filed concerning this property? <b>NO</b> |
| If Yes, Give Date: _____                                                                                                                                                                                                                                                                                                                                                                                                                 |                                |                                                                                            |
| <p>Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows:<br/> <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></p> |                                |                                                                                            |
| <p>1. Explain the proposed relief being sought from the code(s):<br/> <b>THERE IS A LARGE EXISTING TREE THAT WOULD NEED TO BE REMOVED &amp; AN EXISTING LIFT STATION</b></p>                                                                                                                                                                                                                                                             |                                |                                                                                            |
| <p>2. Explain the purpose of the variance (if granted)?<br/> <b>TO GET AN EXTENSION TO THE LENGTH OF THE BREEZEWAY FROM EXISTING RESIDENCE TO NEW GARAGE</b></p>                                                                                                                                                                                                                                                                         |                                |                                                                                            |
| <p>3. Based on the required findings needed to issue a variance in Section 27-147 explain the following (attach additional sheets as necessary):</p>                                                                                                                                                                                                                                                                                     |                                |                                                                                            |

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.

EXISTING LARGE TREE & EXISTING LIFT STATION

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

MOVED THE BUILDING MINIMUM 5' FROM EXISTING LIFT STATION & LINED UP THE GARAGE DOOR WITH EXIST DRIVE WAY A SAFE DISTANCE FROM TREE

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

ADDITIONAL GARAGE MEETS ALL SET BACK, ELEVATIONS AND ALL MATERIALS WILL MATCH EXISTING HOME

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

NEW ADDITIONAL GARAGE MATERIALS WILL MATCH EXISTING HOME

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?

THE REQUEST IS NOT TO HAVE TO REMOVE A LARGE TREE AND DISTURB AN EXISTING LIFT STATION

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.

Prepared by and return to:

Julie Johnson  
Ponte Vedra Title, LLC  
50 A1A North, Suite 108  
Ponte Vedra Beach, FL 32082

File Number: 23-1826

---

(Space Above This Line For Recording Data)

## Warranty Deed

This Warranty Deed made this 2nd day of January, 2024, between Christopher M. Luzar and Erica Luzar, husband and wife, whose post office address is 9180 Sugarland Drive, Jacksonville, FL 32256, grantor, and J. Richard Baker and Elizabeth R. Baker, husband and wife, whose post office address is 2020 Seagate Avenue, Neptune Beach, FL 32266, grantee:

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

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

**Lot 4, JARRETT POINT UNIT ONE REPLAT, according to the Map or Plat thereof, as recorded in Plat Book 65, Pages 95 and 96, of the Public Records of Duval County, Florida.**

**Parcel Identification Number: 177473-1020**

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

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

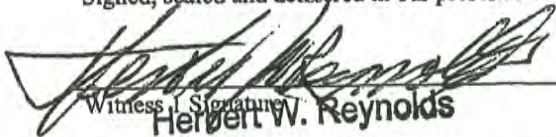
**SUBJECT TO** covenants, conditions, restrictions, easements of record and taxes for the current year.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except as specified herein.

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

Two Different Witnesses have signed and provided their Post Office Address below (the Notary may be one of the Witnesses) and neither the Notary, nor any Witness, is related to the grantor or has a beneficial interest in the sale of the property described in this Warranty Deed.

Signed, sealed and delivered in our presence:

  
Witness 1 Signature  
**Herbert W. Reynolds**

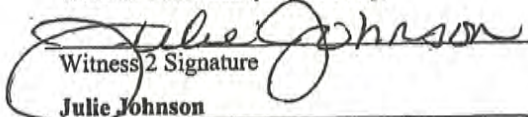
Witness 1 Printed Name

**50 A1A North, Suite 108**

Witness 1 Address (Street)

**Ponte Vedra Beach, FL 32082**

Witness 1 Address (City, ST Zip)

  
Witness 2 Signature  
**Julie Johnson**

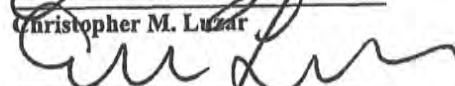
Witness 2 Printed Name

**50 A1A North, Suite 108**

Witness 2 Address (Street)

**Ponte Vedra Beach, FL 32082**

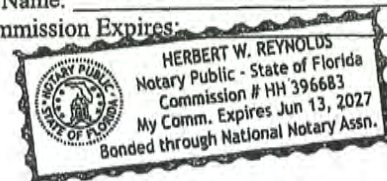
Witness 2 Address (City, ST Zip)

  
Christopher M. Luzar  
  
Erica Luzar

State of **Florida**  
County of **St. Johns**

The foregoing instrument was acknowledged before me by means of ☒ Physical Presence or ☐ Online Notarization, this 29th day of December, 2023, by **Christopher M. Luzar and Erica Luzar, husband and wife**, who ☐ is personally known to me or ☒ has produced FL DL as identification.

  
NOTARY PUBLIC  
Printed Name: **Herbert W. Reynolds**  
My Commission Expires:



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>4. <b>Required Attachments</b>-Applicant must include the following: <b>(INCOMPLETE PACKAGES WILL BE RETURNED)</b></p> <p>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.<br/><b>WHICH HAS NOT BEEN REDUCED.</b></p> <p>B. Survey of the property certified by licensed surveyor and <b>dated within one year of application date.</b><br/><b>SURVEY MUST BE ORIGINAL SIZE AND CAN NOT BEEN REDUCED.</b></p> <p>C. Copy of Deed</p> <p>D. Pictures of the property as it currently exists</p> <p>5. Letter of authorization for agent to make application (Required only if not made by owner)</p> <p>6. <b>NON-REFUNDABLE FEE:</b><br/><b>\$300.00 (Residentially zoning property) / \$1,000.00 (Commercially Zoned Property)</b></p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**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)

RICHARD BAKER

ADDRESS OF PROPERTY OWNER

2020 SEAGATE AVE  
NEPTUNE BEACH, FL 32266

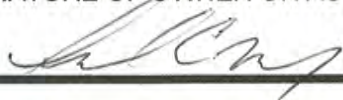
NAME OF AUTHORIZED AGENT

LEONARD MCANENY

ADDRESS OF AUTHORIZED AGENT

650 PARK ST, JAX FLA 32204

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.\***

LEONARD MCANENY is hereby authorized TO ACT ON BEHALF OF  
RICHARD BAKER, 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 8th day April of 2024

By

Identification verified:

Driver's License

Oath sworn:

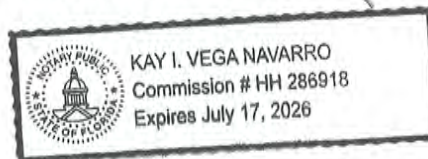
Yes

X No

Notary Signature

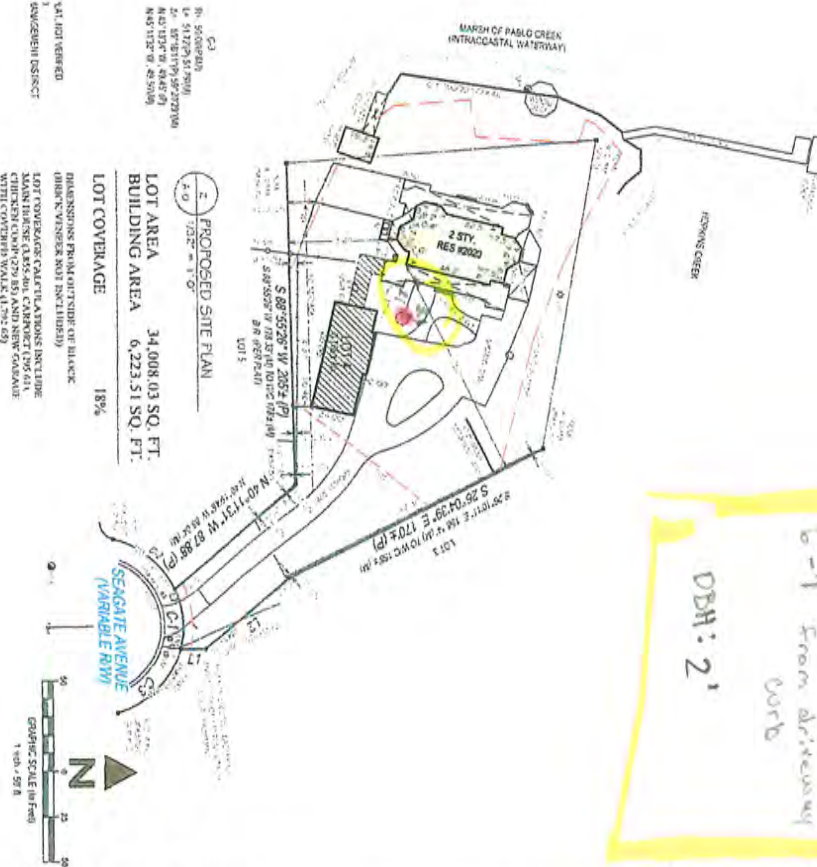
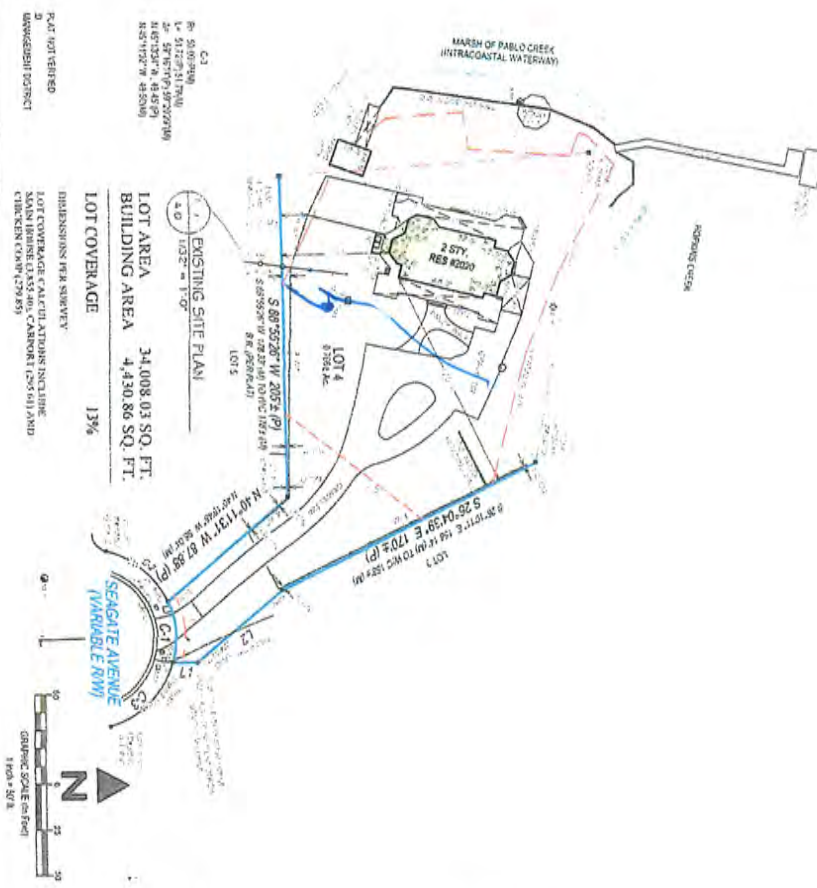
My Commission expires:

7/17/26



# NEW GARAGE

|       |                                |      |                          |
|-------|--------------------------------|------|--------------------------|
| A-0   | TITLE SHEET & SITE PLAN        | S0.0 | STRUCTURAL GENERAL NOTES |
| A-1.1 | FOUNDATION & 1ST FLOOR PLAN    | S0.1 | FOUNDATION PLAN          |
| A-1.2 | 2ND FLOOR & ROOF PLAN          | S1.0 | 1ST LEVEL FRAMING        |
| A-2   | EXTERIOR ELEVATIONS            | S1.1 | 1ST LEVEL ROOF/FLOOR     |
| A-3   | BUILDING SECTIONS              | S2.0 | 2ND LEVEL FRAMING        |
| A-3.1 | SECTIONS AND DETAILS           | S2.1 | 2ND LEVEL ROOF           |
| A-3.2 | WALL SECTIONS                  | SD.0 | FOUNDATION DETAILS       |
| A-4   | WINDOW & DOOR SCHEDULE & DTLS. | SD.1 | DETAILS                  |
| E-1   | ELECTRICAL PLANS               | SD.2 | DETAILS                  |
|       |                                | SD.3 | DETAILS                  |



LINE OFFICE  
4'-5" from end of lot of easement  
18' from front porch  
6'-9" from driveway curb  
DBH: 2'

Bredin & Gray  
Design, P.A.  
1000 N. W. 10th Ave.  
Fort Lauderdale, FL 33305  
(954) 708-7028 • (954) 708-7029  
bredin@bgy.com • bgy.com

Russell Rowland  
1000 N. W. 10th Ave.  
Fort Lauderdale, FL 33305  
(954) 708-7028 • (954) 708-7029  
russell@rowland.com • rowland.com

GARAGE  
ADDITION  
2020 Sengate Ave.  
Naples Beach, FL  
34109

Scale: 1/4" = 1'-0"  
Sheet name:  
TITLE SHEET/  
SITE PLAN  
Sheet Number:  
A-0  
Draw Date:  
11/17/2023  
Project Name:  
Garage  
Revision:  
-REVISIONS-

NOTES:  
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
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9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.



www.exactafl.com office: 905.735.1815 fax: 905.744.2802



PROPERTY ADDRESS: NEPTUNE BEACH, FLORIDA 32246

2020 SEAGATE AVENUE, NEPTUNE BEACH, FLORIDA 32246

SURVEY NUMBER: FL2311.4448

DATE SIGNED: 12/11/23

FIELD WORK DATE: 12/05/2023

REVISION DATES:

REVISION 12/11/2023

POINTS OF INTEREST

1. POWER DOWNGRADE OVER 5' N.E.S. ELECTRIC EASEMENT AND 5' CITY OF NEPTUNE BRANCH UTILITY EASEMENT - 2. 4' WOOD DECK COVER SHOWN ON PLAT FL2311.4448 - 3. 4' WOOD DECK COVER SHOWN ON PLAT FL2311.4448 - 4. 4' WOOD DECK COVER SHOWN ON PLAT FL2311.4448 - 5. 4' WOOD DECK COVER SHOWN ON PLAT FL2311.4448

#### SURVEYORS CERTIFICATE

I hereby certify that the Survey of the lands described hereon was made under my direct supervision, and to the best of my knowledge and belief is a true and accurate representation of said lands, and meets the Standards of Practice set forth in Chapter 15, 15.050 through 15.053, Florida Administrative Code, pursuant to section 472.027, Florida Statutes. This survey is not valid without the signature and seal of a duly licensed surveyor and mapmaker is affixed hereto.



RAYMOND J. SCHAEFER

Surveyor and Mapper, License No. 15,6132  
Florida Land Surveyors, LLC, License No. 15,6132



Exacta Land Surveyors, LLC  
905.735.1815  
115 Land Surveyors, LLC, License No. 15,6132



#### FL2311.4448 BOUNDARY SURVEY DUNAL COUNTY

