



**AGENDA**  
**COMMUNITY DEVELOPMENT BOARD MEETING**  
**May 13, 2026 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 April 8, 2026 CDB Minutes**
4. **DP26-03:** Application for Open-Air Markets as outlined in Chapter 17 Sale Article III. "Temporary Open-Air Sales and Markets" of Neptune Beach for Here Tomorrow's 2nd Annual ECHO Fair at Jarboe Park, Neptune Beach, Florida. The applicant requests a permit to hold an open-air market at Jarboe Park on August 22, 2026.
5. **V26-05:** Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Henry H Graham Jr Revocable Trust Hampton Graham, Trustee for the property currently known 526 Midway Street (RE# 172733-0050). The applicant requests a variance from Sec. 27-237. - Building area requirements (11) R-4/RC Overlay FAR - Total floor area to permit a 80% FAR in lieu of the required 65% FAR. The property is in the R-4/RC zoning district.
6. **Subcommittee Reports**
7. **Open Discussion**
8. **Adjourn**



**COMMUNITY DEVELOPMENT BOARD  
APRIL 8, 2026 6:00 P.M.  
COUNCIL CHAMBERS  
116 First Street  
Neptune Beach, Florida 32266**

Pursuant to proper notice a public hearing of the Community Development Board for the City of Neptune Beach was held in person on Wednesday April 8, 2026 at 6:00 p.m. in the Council Chambers.

**Attendance** Board members were in attendance:  
Greg Swartzenberger, Chair  
Rene Atayan, Vice Chair  
Charley Miller, Member  
Hillary Weatherhead, Member  
Coral Messina, Member  
Tony Mazzola, Member  
Lynda Padrta, Member

The following staff members were present:  
City Attorney, Paul Waters  
Heather Whitmore, Community Development Director  
Dallas Alvarez, Administrative Assistant  
Catherine Ponson, City Clerk

**Call to Order & Roll Call** Chair, Greg Swartzenberger called the meeting to order at 6 p.m.

**Pledge** Pledge of Allegiance

**Minutes** Approval of Minutes for March 11, 2026 meeting.  
Made by Atayan, seconded by Weatherhead.

**MOTION: TO APPROVE MARCH 11, 2026 MINUTES, AS SUBMITTED.**

Roll Call Vote:  
Ayes: Miller, Weatherhead, Atayan, Swartzenberger, Mazzola, Padrta  
Noes: 0  
Abstain: Coral Messina

## **MOTION CARRIED**

**Ex Parte Communication**      None

**Swearing In**      City Clerk Catherine Ponson swore in anyone who would be appearing before the board.

**DP26-03**      Application for Open-Air Markets as outlined in Chapter 17 Sale Article III. “Temporary Open-Air Sales and Markets” of Neptune Beach for Here Tomorrow’s 2nd Annual ECHO Fair at Jarboe Park, Neptune Beach, Florida. The applicant requests a permit to hold an open-air market at Jarboe Park on August 22,

### **BACKGROUND**

Application for Open-Air Markets as outlined in Chapter 17 Sale Article III. “Temporary Open-Air Sales and Markets” of Neptune Beach for Here Tomorrow’s 2<sup>nd</sup> Annual ECHO Fair at Jarboe Park, Neptune Beach, Florida. The applicant requests a permit to hold an open-air market at Jarboe Park on *August 22, 2026*.

### **DISCUSSION**

Article III. Temporary Open-Air Sales And Markets Sec. 17-37. Requirement of plans and specifications states (code attached): *“Prior to the issuance by the city manager of a permit for any open-air market, it shall be necessary for the person or persons, or any other entity seeking to have the open-air market, to submit to the community development board plans and specifications showing layout, site plan, parking plan, traffic control and ingress/egress plans, floor requirements, height of displays, restroom facilities, liability insurance; procedures to protect against insects or rodents; procedures relating to cleanliness; maintenance and disposal of debris or garbage, including dumpster requirements; signage construction or electrical and other utility requirements, including portable water, and any other information required by the community development board. The community development board shall have the authority to place any and all appropriate restrictions on the operation of an open-air market. The community development board shall conduct a hearing on the application for the open-air market and shall forward its recommendations on the application to the city manager.”*

### **FINDINGS:**

**1. Specifications showing layout, site plan, parking plan, traffic control and ingress/egress plans:**

Site plan attached, as provided by applicant showing layout, site plan, parking plan, traffic control and ingress/egress plans.

**2. Floor requirements:**

Placement of tents & tables (staked or weighted to ground) at Resource Fair  
Placement of tents & tables (staked or weighted to ground) at Mindful Market

Placement of activities (may include tables placed onto ground)

**3. Height of displays and Signage:**

Yard sign standard 1.5 x 2ft & banner dimensions (8ft W x 3ft H) - use cord to hang from the two trees directly behind the Jarboe Park sign. Pipe & Drape to hang banner (~10ft W x 8ft H)

Resource Fair & Mindful Market: Vendors to be instructed that signs must not be taller than 10' in height

**4. Restroom facilities:**

Restrooms located at Neptune House

**5. Procedures to protect against insects or rodents; procedures relating to cleanliness; maintenance and disposal of debris or garbage, including dumpster requirements;**

All staff & volunteers will be directed to dispose of all waste (their own & others') into garbage cans throughout the event. Vendors will agree to follow all procedures, including those listed herein related to cleanliness & protection against insects/rodents. Volunteer Team to walk park at close of event to collect any & all remaining trash/waste throughout park.

Rented garbage units (7) will be placed throughout the park the morning of the event (7/8am)

Rented garbage units (7) will be removed from the park at the end of the event (2/3pm)

All garbage to be disposed of into the dumpster unit at 910 3 St. (Here Tomorrow's facility across from Jarboe Park)

Placement/specifications of garbage units (& dumpster): See page 6

**6. Construction or electrical and other utility requirements, including portable water:**

Electricity from Neptune House for speakers/music. Water fountain at Neptune House to be available in addition to provided water bottles.

**CONCLUSION:** Staff recommends approval of Here Tomorrow's 2nd Annual ECHO Fair at Jarboe Park on August 22, 2026. Colin Moore, Park's Director, and Blake West, City Arborist, have reviewed and approved plan as attached.

Charley Miller asked about the food trucks parking on the grass and sidewalk.

Heather Whitmore answered that Blake West and Colin Moore chose the location for the food trucks and it is unknown if it would be possible to change the location because it may be a challenge to keep the food trucks from blocking the road.

Coral Messina asked about bathroom facilities and how many there would be. She believes there needs to be more restroom facilities.

Heather Whitmore answered that someone would be manning the bathrooms.

Heather Whitmore reminded the board that approval wasn't needed that night and the board can also conditionally approve the market.

Greg Swartzenberger asked if this was their second event.

Heather Whitmore responded that this is their first full-scale market.

Greg Swartzenberger asked if there is a fee that the market pays to host their event at Jarboe Park.

Heather responded that she has no knowledge of a fee.

Rene Atayan asked if there was a vender list.

Heather Whitmore answered no.

Greg Swartzenberger pointed out that on the overview page of their packets there is a general vender list but nothing specific.

Rene Atayan asked about things not wanted at the market and gave examples. She explained that she didn't want to approve of something that was outside of the normal code.

Greg Swartzzenberger asked if this is the first private market in the park.

Heather Whitmore answered yes. She went on to point out the code section 17.48 in the packet that has the vender standards.

Rene Atayan told the board that she wanted to be sure that all vendors are selling legal products.

Attorney Paul Waters responded that it is implied that if anything illegal is sold there are recourses such as the police.

Rene Atayan said that she has 3 issues. How we are treating landscaping that the city is spending a lot of money on. She agrees that more bathroom facilities need to be available and that the vender list complies with the law. Coral Messina spoke about vendors and insurance.

Heather Whitmore answered that all vendors must be insured and provide their own documentation showing their licenses and insurances.

Paul Waters explained that the vendors must be content neutral but make sure that all properly licensed and insured.

Rene Atayan asked about the vendors handling all their own garbage.

Heather Whitmore answered yes, that is the commitment they've made. They will haul all the garbage in totes and have their own dumpster available.

Lynda Padra referenced page 1 in the packet showing a map and overflow parking at the church. She asked if there is a formal agreement from the church

since it is private property. Lynda stated that sufficient parking is one of the criteria for approval.

Heather Whitmore said that she doesn't have a copy of a parking agreement but that doesn't mean there isn't one. She clarified with Lynda Padra that she can ask the market to demonstrate a shared parking agreement for the event that day. Ms. Whitmore acknowledged the four main points that the board had concerns with and reminded them that she can take these matters to the applicant and they can continue this conversation later when the applicants are there to respond.

Greg Swartzenberger pointed out that the applicants are using every part of the park for this event. He said that it would be a good idea if the applicants were available to walk the board through their plans and answer questions since this is the first event.

Rene Atayan asked about public awareness and said she supports this event and wants to make it seamless.

Greg Swatzenber agreed and responded that there is appetite from the community to see the park activated in different ways and would like to make the process clear and easy.

Coral Messina referenced code 17-48. 3A6. She thinks that a tiered fee structure should be implemented to cover any additional expenses with set up, clean up, water, electricity and damages incurred.

Greg Swartzenberger disagreed. He felt that residents that are venders will feel as if they are already helping to pay for the park.

Heather Whitmore clarified this particular application doesn't have a fee but there is a special event permit fee. The city does have general liability insurance that covers property damage.

Coral Messina asked to discuss security requirements if not for now but in the future. She referenced the recent Teen Takeovers and the strain these events have had on taxpayers and law enforcement.

Rene Atayan said that maybe the police chief can give a recommendation on how to use our current staff for security since they are thinking about using the park in a more robust manner moving forward.

Lynda Padrta asked if the applicant had an estimate on the amount of people they a hoping to attend.

Ms. Whitmore answered no but offered to add another target item to her list for the applicants.

Charley Miller suggested that the food trucks be relocated to the north side of the park off Bay St.

Coral Messina followed with the suggestion of having the food trucks in a blocked off section of 5<sup>th</sup> St.

Heather Whitmore added the suggestion to her list and recommended to the board that they invite the Parks Director along with the applicant to the next meeting.

Rene Atayan said she gets nervous with too much activity being close to a street. It ups the level of security needed. Including adding bollards and barriers. Greg Swatzenberger said that the biggest suggestion is that the applicants need to come to a meeting if they want to have the market. It would be easier to ask direct questions instead of hypothesizing about issues that may come up.

Heather Whitmore responded that she has detailed comments from the board to give the applicant feedback. She will request a representative from the applicants to be present at the next meeting as well as the Parks Director to help respond to questions.

**MOTION:      TO CONTINUE APPLICATION DP26-03 TO BE HEARD ON MAY 13, 2026**

Made by Atayan, seconded Padrta.

Roll Call Vote:

Ayes: Miller, Messina, Weatherhead, Atayan, Swatzenberger, Mazzola, Padrta  
Noes:

**MOTION CARRIED**

**Ex Parte      None**  
**Communication**

**V26-03/SE26-01/DP26-04– 626 Atlantic Blvd (RE# 172398-0100) Fifth Third Bank**

**V26-03:** Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Fifth Third Bank/BDG Architects for the property currently known 626 Atlantic Blvd (RE# 172398-0100). The applicant requests a variance from table 27-239 C-3 frontage buildout to permit a 30% building frontage in lieu of the required 70% building frontage. The property is in the C-3 zoning district.

**SE26-01:** Application for art project as outlined in Chapter 27 Article XV Section 27-596 of the Unified Land Development Code of Neptune Beach for Fifth Third Bank/BDG Architects for the property currently known 626 Atlantic Blvd (RE# 172398-0100). The applicant requests approval for mural. The property is in the C-3 zoning district.

**DP26-04:** Application for Preliminary Development Plan as outlined in Chapter 27 Article III Division 2 of the Unified Land Development Code of Neptune Beach for Fifth Third Bank/BDG Architects for the property currently known 626 Atlantic Blvd (RE# 172398-0100). The applicant requests to establish a 1,978 square foot bank The property is in the C-3 zoning district.

## **BACKGROUND**

The applicant requests a development plan approval to permit a 1,978 square foot bank building with associated parking, drive thru, and landscaping. The property is in the Commercial-3 (C-3) zoning district and has a Commercial-II comprehensive plan future land use designation. DP26-04 requires a concurrent review of associated variance V26-03 from Table 27-239 C-3 Primary Street Frontage Buildout to permit the construction of a +/- 30 foot wide office building in lieu of the required 70 foot building width, as well as a concurrent review of associated special exception SE26-01 for a mural in accordance with Section 27-596 Art Project. The proposed bank will be located at the former Kentucky Fried Chicken site. The property is shown in attached vicinity maps and is located adjacent to Seminole Shoppes Public Plaza, lying south of Atlantic Blvd. The 16,552 SF lot is 100' wide and 165' deep. The site's current impervious lot coverage is 70%, composed largely of concrete parking. The current 3,114 SF, 39' wide fast food restaurant will be demolished.

## **DISCUSSION**

The applicants representing Fifth Third bank requests to build a one-story, 20 foot high, 1,978 SF bank building with associated nine (9) onsite parking spaces and landscaping. The 1,978 SF bank building requires five (5) parking spaces based on one per 400/SF code minimum. The site will have nine (9) parking spaces total, as well as a drive-thru with a stacking and bypass lane. The parking lot will be densely landscaped with a grass and evergreen hedge, and a variety of elm, live oak, cypress, and red maple trees (as indicated in attached landscape plans). The proposed parking area will replace the site's existing concrete with pervious pavers to improve stormwater management conditions. The site's post-development impervious lot coverage will be reduced 68%. The project has been issued a Certificate of Concurrency (attached) for traffic. The project traffic volume will not decrease the current level of service on the immediate traffic network. The project will generate approximately 198 trips per day, which is a 1,300 net reduction in daily trip volume down from the 1,468 trips generated by a 3,000 SF fast food drive thru restaurant.

### **Variance V26-03**

As stated, the applicant requests a variance from Table 27-239 C-3 Primary Street Frontage Buildout to permit the construction of a +/- 30 foot wide office building in lieu of the required 70 foot building width. The proposed building is approximately 30 feet wide and 60 feet deep.

The purpose of the variance is to rebuild on similar footprint as the existing building to allow adequate parking and drive through lane area. The site's 100' narrow width, combined with parking and driveway requirements leave only a narrow building pad area.

## Special Exception SE26-01

The applicant requests to approval of associated special exception SE26-01 for a mural in accordance with Section 27-596 Art Project, to allow an original Ernesto Maranje mural on the southern and west exterior walls (as shown below).

Sec. 27-596 (a) - Art project states:

“Proposed art projects must apply for a public art permit with the building department on the forms provided by the city and pay any associated permit fees before being placed on the community development board agenda. Any proposed art project in the commercial districts that in the opinion of a majority of the community development board is found to be public art that enhances the commercial district may be recommended to the city council for its approval. If approved by the city council, such an art project will be permitted as long as it is maintained in good condition. The city council may place conditions for approval on the proposed project. Any such art project which deteriorates over time shall be removed by the applicant at the sole discretion of the city council. The city manager or designee will determine if the application is complete before setting a date for the community development board to consider the application.”

### III. V25-05 FINDINGS:

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

a. Applicant Response: The unique hardship is a result of the rectangular shape of the property. While the square footage of the property is 16,406 square feet which confirms the minimum lot size of 15,000 SF the width of the street frontage is narrow at 100 foot wide.

b. Staff Response: The site is deep and narrow. The existing driveway and parking access easement cannot be adjusted, therefore the building layout options limit site orientation to require the shown north/south configuration.

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

a. Applicant Response: The proposed variance is necessary minimum based on the required parking sidewalk and drive lanes used to maneuver around the building.

b. Staff Response: The parcel can reasonably be used today under the current use without a variance. The requested building lot frontage variance is not the minimum necessary to permit use of the parcel or building. The building orientation is to allow driveway and parking accessibly on a lot with an existing access easement configuration.

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

a. Applicant Response: The proposed variance will not adversely affect adjacent properties or the public in general because the previous use of a fast food restaurant has a very similar configuration of parking sidewalk and Dr. lanes around the building.

b. Staff Response: The variance will not adversely impact adjacent and nearby properties.

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

a. Applicant Response: The proposed variance will enhance the character of property values because of the existing condition as an abandoning fast food restaurant. The proposed branch bank will be comprised of new construction new exterior lighting and security cameras which contribute to a safer environment as compared to the existing conditions.

b. Staff Response: The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site. The variance will allow a similar redevelopment of the site.

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

a. Applicant Response: The harmonious building features include scale proportion colors materials and lighting.

b. Staff Response: The variance request from the required building frontage is not in conflict 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 it the result of mere disregard for the provisions from which relief is sought.

a. Applicant Response: The need for the variance as a result of the existing conditions. It is simply not feasible to construct a 70 foot wide building on a 100 foot wide property.

b. Staff Response: The site's existing configuration and driveway and access easement limit the orientation options for the building.

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 existing conditions of the vacant fast food restaurant is not conforming to the 70% rule therefore granting at the proposed variance would simply maintain existing property configuration.

b. Staff Response: Granting the variance would not confer upon the applicant a special privilege that is denied by the ULDC to other lands, buildings, or structures in the same zoning district. The site's existing configuration and driveway and access easement limit the orientation options for the building.

IV. SE26-01 FINDINGS:

Sec. 27-596 (b) - Art project states: In making their decisions, both the community development board and city council shall determine:

1. That the proposed art project will enhance the aesthetic beauty of the area of its proposed location;

The proposed mural is proposed specifically to enhance the aesthetic beauty of the area.

2. That the artist is capable of completing the work in accordance with the plan submitted as part of the application;

The artist has presented a clear installation outline and has experience preparing similar murals.

3. That the information in the application regarding the durability and expected maintenance of the proposed art project is correct;

The artist has prepared a materials list with exterior paint and varnish in order to provide long term durability and maintenance.

4. That the materials to be used and the manner of application will not require excessive maintenance by its owner.

The artist has prepared a materials list with exterior paint and varnish in order to provide long term durability and maintenance.

V. DP26-04 FINDINGS:

Sec. 27-82. - Procedures for applying for and issuing preliminary and final development orders state the community development board shall conduct a quasijudicial public hearing and shall consider the following factors when issuing a development order:

1. Characteristics of the site and surrounding area, including important natural and manmade features, the size and accessibility of the site, and surrounding land uses.

The proposed development plan is consistent with the surrounding zoning and uses. The site is surrounded by commercial uses on all sides.

The proposed building will be in a modern architectural style. The bank site will be densely landscaped with a grass and evergreen hedge, and a variety of elm, live oak, cypress, and red maple trees. The proposed mural is provided to enhance the beauty of the building to contribute to the site's aesthetic impact.

2. Whether the concurrency requirements of article VI of this Code could be met if the development were built.

Traffic: The project has been issued with a Certificate of Concurrency (attached) for traffic. The project traffic volume will not decrease the current level of service on the immediate traffic network. The project will generate approximately 198

trips per day, which is a 1,300 net reduction in daily trip volume down from the 1,468 trips generated by a 3,000 SF fast food drive thru restaurant.

Water/Sewer: This project has been issued with a water and sewer letter of available from City of Neptune Public Works.

School: Not applicable

Drainage: A new on-site parking area will be constructed using concrete and “permeable” pavers to reduce the stormwater runoff leaving the site. St. Johns River Water Management District has issued an Environmental Resource Permit.

3. The nature of the proposed development, including land use types and densities; the placement of proposed buildings and other improvements on the site; the location, type and method of maintenance of open space and public use areas; the preservation of natural features; proposed parking areas; internal traffic circulation system, including trails; the approximate total ground coverage of paved areas and structures; and types of water and sewage treatment systems.

The proposed development plan is designed to be compatible with the surrounding area. The proposed bank building site plan complies with density, height, setback, open space, landscaping, lighting, public utility, parking and traffic circulation standards.

4. Conformity of the proposed development with the comprehensive plan, this Code, and other applicable regulations.

The office site plan and building are consistent with comprehensive plan Commercial-II land use which states:

These areas shall include offices, professional services, and retail sales that serve the City and surrounding communities.

As stated, the applicant requests a variance from Table 27-239 C-3 Primary Street Frontage Buildout to permit the construction of a +/- 30 foot wide office building in lieu of the required 70 foot building width.

The purpose of the variance is to rebuild on similar footprint as the existing building to allow adequate parking and drive through lane area. The site's 100' narrow width, combined with parking and driveway requirements leave only a narrow building pad area.

5. Applicable regulations, review procedures, and submission requirements.

The proposed development plan is designed to be compatible with the surrounding area. The proposed bank building site plan complies with density, height, setback, open space, landscaping, lighting, public utility, parking and traffic circulation standards.

6. Concerns and desires of surrounding landowners and other persons.

The development order request was noticed as required to property owners within 300 feet. A sign was posted on the property according to requirements. Staff has not received any comments from the public.

7. Other applicable factors and criteria prescribed by the comprehensive plan, this Code, or other law.

The proposed development plan is designed to be compatible with the surrounding area. The proposed bank building site plan complies with density, height, setback, open space, landscaping, lighting, public utility, parking and traffic circulation standards.

## VI. STAFF RECOMMENDATION

Staff recommends approval of variance V26-03 from Table 27-239 C-3 Primary Street Frontage Buildout to permit the construction of a +/- 30 foot wide office building in lieu of the required 70 foot building width.

Staff recommends approval associated special exception SE26-01 for a mural in accordance with Section 27-596 Art Project.

Staff recommends approval of the application for development plan DP26-04 to establish a 1,978 square foot bank.

The developer shall submit a final development plan for review by the City Council. The final development plan shall be consistent with the preliminary development Plan shall contain no land uses different than those approved in the preliminary development plan.

Lynda Padrta asked if the ingress and egress is on the adjacent property and if there is an easement.

Heather Whitmore answered that the plaza has an easement agreement.

Richard Hernandez and Greg Wallen who were representing 5<sup>th</sup> 3<sup>rd</sup> Bank thanked Heather Whitmore for the fantastic presentation. They spoke about their in-house development team. They went over the mural that will be painted on the building and stayed with the coastal theme for the design. They explained that this location is a modified version of the normal 5<sup>th</sup> 3<sup>rd</sup> Bank and went on to speak about extra aesthetics with this location and the murals.

Rene Atayan said she thinks that recently there has been more understanding and flexibility for residents. Both parties have different realities. She said that the Board problem solves helping residents and there have been a lot of steps in the right direction. She followed with saying she is excited about this application and appreciates the mural as well as the landscaping in that area. She's glad that it's all being done properly and with high-end materials.

Lynda Padrta agreed with the board about the appearance with the new landscaping and murals. She also acknowledged the reduction of traffic in that area.

Charley Miller asked about an estimated completion date.

Applicant responded that it would be approximately 6 months.

Rene Atayan inquired about the services that will be provided at this 5<sup>th</sup> 3<sup>rd</sup> branch.

The applicant responded that the branch would be offering full-service banking, commercial loans, atm, drive thru banking, and is a retail forward facility.

**MOTION:**      **TO APPROVE APPLICATION V26-03**

Made by Atayan, seconded Padrta.

Roll Call Vote:  
Ayes: Miller, Messina, Weatherhead, Atayan, Swartzenberger, Mazzola, Padrta  
Noes:

**MOTION CARRIED**

**MOTION:**      **TO APPROVE APPLICATION SE26-01**

Made by Atayan, seconded Weatherhead.

Roll Call Vote:  
Ayes: Miller, Messina, Weatherhead, Atayan, Swartzenberger, Mazzola, Padrta  
Noes:

**MOTION CARRIED**

**MOTION:**      **TO APPROVE APPLICATION DP26-04**

Made by Atayan, seconded Weatherhead.

Roll Call Vote:  
Ayes: Miller, Messina, Weatherhead, Atayan, Swartzenberger, Mazzola, Padrta  
Noes:

**MOTION CARRIED**

**Code**  
**Discussion**      Sec.27-330. – Fences, walls and hedges ordinances update.

Heather Whitmore explained that this topic is N/A due to non-approval by council.

### **Subcommittee**

#### **Reports**

Rene Atayan commended the Historical Review Board by saying that they are knocking it out of the park and learning a lot. She said that there have been two applicants in the last 2 months that have worked their way through the application process. She thanked staff and asked about upcoming cases.

Heather Whitmore said that there has been a tremendous amount of interest and believes that the key is to listen, ask lots of questions and have open conversations with the applicants.

#### **Open**

#### **Discussion**

Charley Miller asked about a variance that had been denied by their board and had gone before council.

Heather Whitmore clarified that this was about an interior setback variance.

Attorney Paul Waters followed with saying that the applicant had requested a vacation of the easement and relocation of a water line at the applicant's expense. All was approved by council. Mr. Waters stated that he was willing to speak with board members individually and provide the minutes for the council meeting pertaining to this property.

Greg Swatzenberger said that it seems like residential developers can now offer to move public utilities to make their development happen.

Paul Waters responded by telling the board that recently an ordinance had been started to be compensated for vacating easements so in the future the city will be paid for this.

Greg Swatzenberger answered that the word on the street is that a precedent has now been set that public utility lines can now be modified to accommodate private development if the expense is picked up.

Attorney Paul Waters explained that there is no precedence in land use and zoning. Every application is fact based, applicant based and specific to that application. Unlike a court case or statute that doesn't set precedence for later cases.

Hillary Weatherhead said there is an appearance of a precedence.

Lynda Padrta asked if there is a process to get permitting for this and getting the city's approval.

Paul Waters answered that everything required has been done to vacate the easement, get a new easement and use existing area. The property owner has done everything required by law to do what he's doing. The process had nothing to do with a variance.

Coral Messina asked how one legally vacates.

Paul Waters answered the city does a vacation of easement and the council votes on it. If approved a quit claim deed is filed.

Rene Atayan asked if that would change one's taxable property and cause a reassessment.

Heather Whitmore answered that it is possible. She explained that the property appraiser reaches out to our office monthly to get records of any land transactions and building permits.

Coral Messina asked if the city received any financial benefit for authorizing the vacation of easement.

Coral Messina asked if it was a discretionary decision by the city council that they could have declined.

Paul Waters answered yes, they could.

Greg Swartzenberger asked if it was a unanimous vote.

Paul Waters answered yes that it was a unanimous vote and a legislative decision.

Coral Messina asked if there were any parties that believe there is an abusive discretion, is there any remedy there.

Paul Waters answered yes and said there are appellant rights for both the applicant and any affected parties.

Heather Whitmore said the approval was conditioned that if damages are incurred that the homeowner would be responsible for the fees.

Rene Atayan asked about HB 399 and how it is going to affect what the board has authority to do. She is unsure of how and when to discuss it. She asked if there should be a workshop on the topic.

Paul Waters answered that there is a whole list of new bills that have passed through the legislature. He explained that there has always been a tug of war between the cities and Tallahassee. He agreed that they are eroding home rule authority.

Rene Atayan said that an undue influence on our legislators by developers' decisions is going to have a long-term negative effect on the quality of life in communities such as Neptune Beach. She then said she doesn't know what mechanisms are in place to steel ourselves from that.

Paul Waters answered that there are The League of Cities and A Thousand Friends of Florida that lobby on behalf of cities and home rule authority. He said that The League of cities is a strong lobby but regardless there are things like

senate bill 180 and Live Local Act and a handful of hard legislation that has passed in the last few years that really erodes our home rule authority.

Heather Whitmore asked the board if they would like a workshop on the new state legislation.

Rene Atayan asked if it should be as a board or a subcommittee workshop.

Heather Whitmore said that we could have a separate meeting or add the workshop item to the agenda.

The board will get back to Heather Whitmore about when to add it.

**Adjourn** 7:38pm



# STAFF REPORT

**MEETING DATE:** May 13, 2026 – Continued from April 8, 2026 Meeting  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** DP26-03

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**TO:** Community Development Board

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

**DATE:** May 7, 2026

**SUBJECT:** DP26-03: Here Tomorrow’s 2nd Annual ECHO Fair at Jarboe Park Open-Air Market

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**I. BACKGROUND:**

Application for Open-Air Markets as outlined in Chapter 17 Sale Article III. “Temporary Open-Air Sales and Markets” of Neptune Beach for Here Tomorrow’s 2nd Annual ECHO Fair at Jarboe Park, Neptune Beach, Florida. The applicant requests a permit to hold an open-air market at Jarboe Park on August 22, 2026.

**II. DISCUSSION:**

Article III. Temporary Open-Air Sales And Markets Sec. 17-37. Requirement of plans and specifications states (code attached):

*“Prior to the issuance by the city manager of a permit for any open-air market, it shall be necessary for the person or persons, or any other entity seeking to have the open-air market, to submit to the **community development board** plans and specifications showing layout, site plan, parking plan, traffic control and ingress/egress plans, floor requirements, height of displays, restroom facilities, liability insurance; procedures to protect against insects or rodents; procedures relating to cleanliness; maintenance and disposal of debris or garbage, including dumpster requirements; signage; construction or electrical and other utility requirements, including portable water, and any other information required by the **community development board**.”*

*The community development board shall have the authority to place any and all appropriate restrictions on the operation of an open-air market.*

*The community development board shall conduct a hearing on the application for the open-air market and shall forward its recommendations on the application to the city manager.”*



Figure 1: 405 Jarboe Park

### **III. FINDINGS:**

#### **1. Specifications showing layout, site plan, parking plan, traffic control and ingress/egress plans:**

Site plan attached, as provided by applicant showing layout, site plan, parking plan, traffic control and ingress/egress plans.

#### **2. Floor requirements:**

Placement of tents & tables (staked or weighted to ground) at Resource Fair  
Placement of tents & tables (staked or weighted to ground) at Mindful Market  
Placement of activities (may include tables placed onto ground)

#### **3. Height of displays and Signage:**

Yard sign standard 1.5 x 2ft & banner dimensions (8ft W x 3ft H) - use cord to hang from the two trees directly behind the Jarboe Park sign. Pipe & Drape to hang banner (~10ft W x 8ft H)  
Resource Fair & Mindful Market: Vendors to be instructed that signs must not be taller than 10' in height

#### **4. Restroom facilities:**

Restrooms located at Neptune House and portable toilets

#### **5. Procedures to protect against insects or rodents; procedures relating to cleanliness; maintenance and disposal of debris or garbage, including dumpster requirements;**

All staff & volunteers will be directed to dispose of all waste (their own & others') into garbage cans throughout the event. Vendors will agree to follow all procedures, including those listed herein related to cleanliness & protection against insects/rodents. Volunteer Team to walk park at close of event to collect any & all remaining trash/waste throughout park.

Rented garbage units (7) will be placed throughout the park the morning of the event (7/8am)

Rented garbage units (7) will be removed from the park at the end of the event (2/3pm)

All garbage to be disposed of into the dumpster unit at 910 3 St. (Here Tomorrow's facility across from Jarboe Park)

Placement/specifications of garbage units (& dumpster): See page 6

#### **6. Construction or electrical and other utility requirements, including portable water:**

Electricity from Neptune House for speakers/music. Water fountain at Neptune House to be available in addition to provided water bottles.

**IV. CONCLUSION:** Staff recommends approval of Here Tomorrow’s 2nd Annual ECHO Fair at Jarboe Park on August 22, 2026. Colin Moore, Park’s Director, and Blake West, City Arborist, have reviewed and approved plan as attached.

This item was continued from the April 8, 2026 with the following additional information requests:

- 1- City staff will address any additional measures necessary to protect grass
- 2- Here Tomorrow agrees to bring two-four additional portable toilets
- 3- All vendors will have Duval tax receipt and required WC/insurance
- 4- The shared parking agreement with Beaches Chapel has been provided
- 5- Here Tomorrow staff, Park’s Director, and City Arborist will attend 5/13 CDB meeting
- 6- CONB Police Department has confirmed no additional security is required
- 7- The applicant anticipates 200-250 attendees

**V. RECOMMENDED MOTION:**

- a. I recommend approval of DP26-03

OR

- b. I recommend denial of DP26-03

# Overview Site Map

ECHO Fair - Jarboe Park - 8/22/26

Set-Up 7am - 10am  
Event 10am - 2pm  
Clean-Up 2pm - 4pm

Dumpster to be used for trash/waste



[Full Signage Map on pg2](#)

[Additional information on pg7](#)



## Resource Fair & Mindful Market

Local non-profits, mental health resources, & community organizations to host tables for service awareness & information AND Open-Air Market for local artists, makers, & businesses to host booths for sales of goods/services

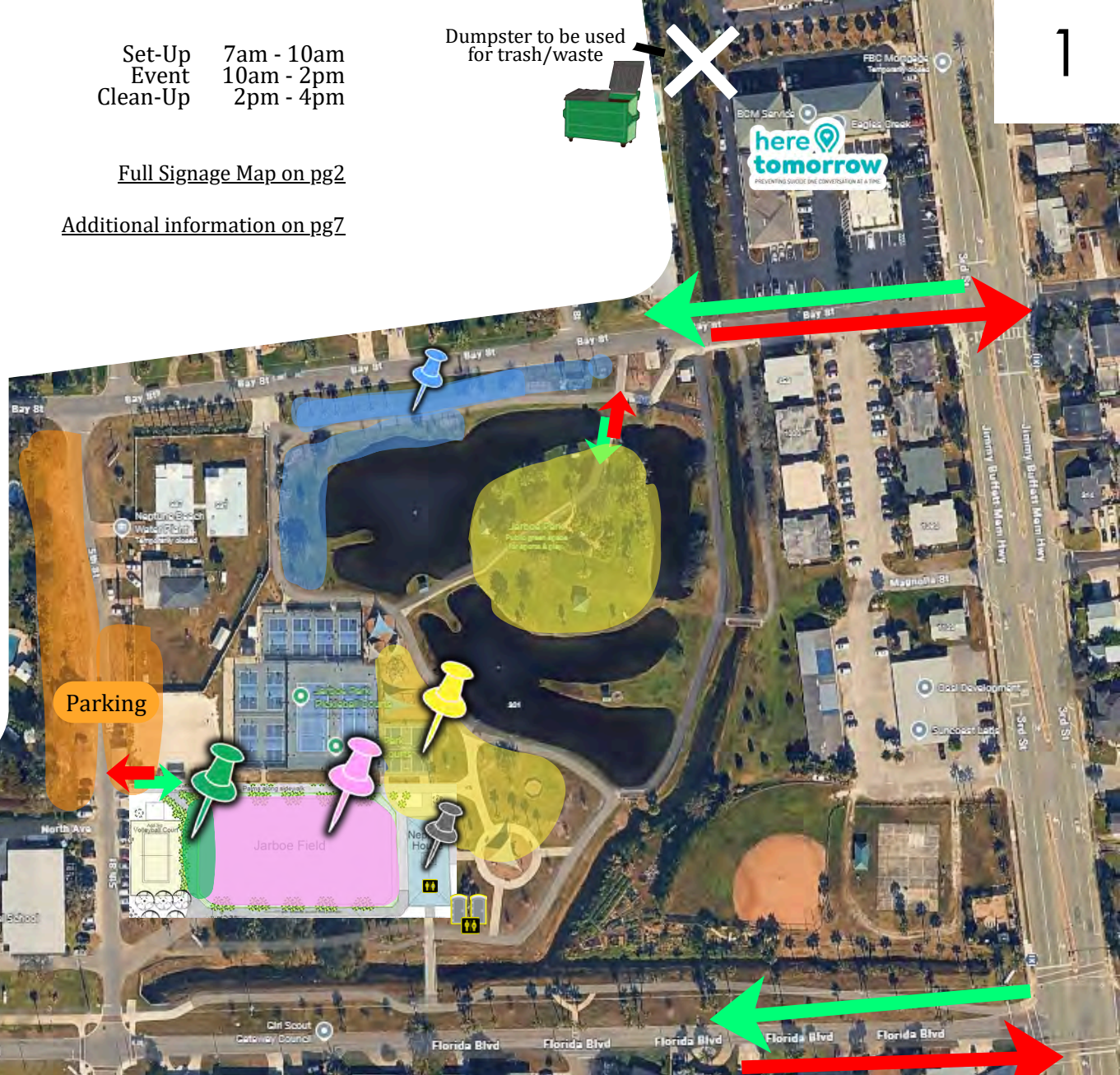
(Full Fair & Market Map on pg.3)



## Games & Activities

Area for outdoor games & wellness activities (Ex: cornhole, 4-square, scavenger hunt, use of playground & basketball court, etc.)

(Full Activity Map on pg.5)

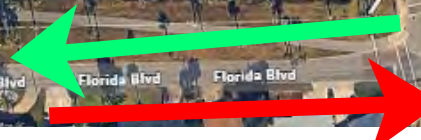


Parking

Jarboe Field

Neptune House

(overflow parking)



## Overflow/Backup Space

Overflow space for market vendors or activities, if needed



## Food Trucks

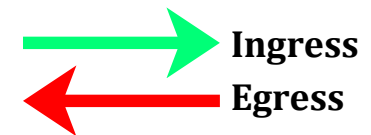
Aprx. 4 food trucks set up in this area offering food/drink options



## Neptune House

Restrooms, coolers with water, indoor games, space to rest from the heat, etc.

(Full Utilities Map on pg.6)



# Parking, Yard Sign, Banner, Ground Site Map

## ECHO Fair - Jarboe Park - 8/22/26

Orange Border = Standard Yard Sign (~3ft height) staked into the ground

CHALK on sidewalk (encouraging messages, arrows to different areas of the event)

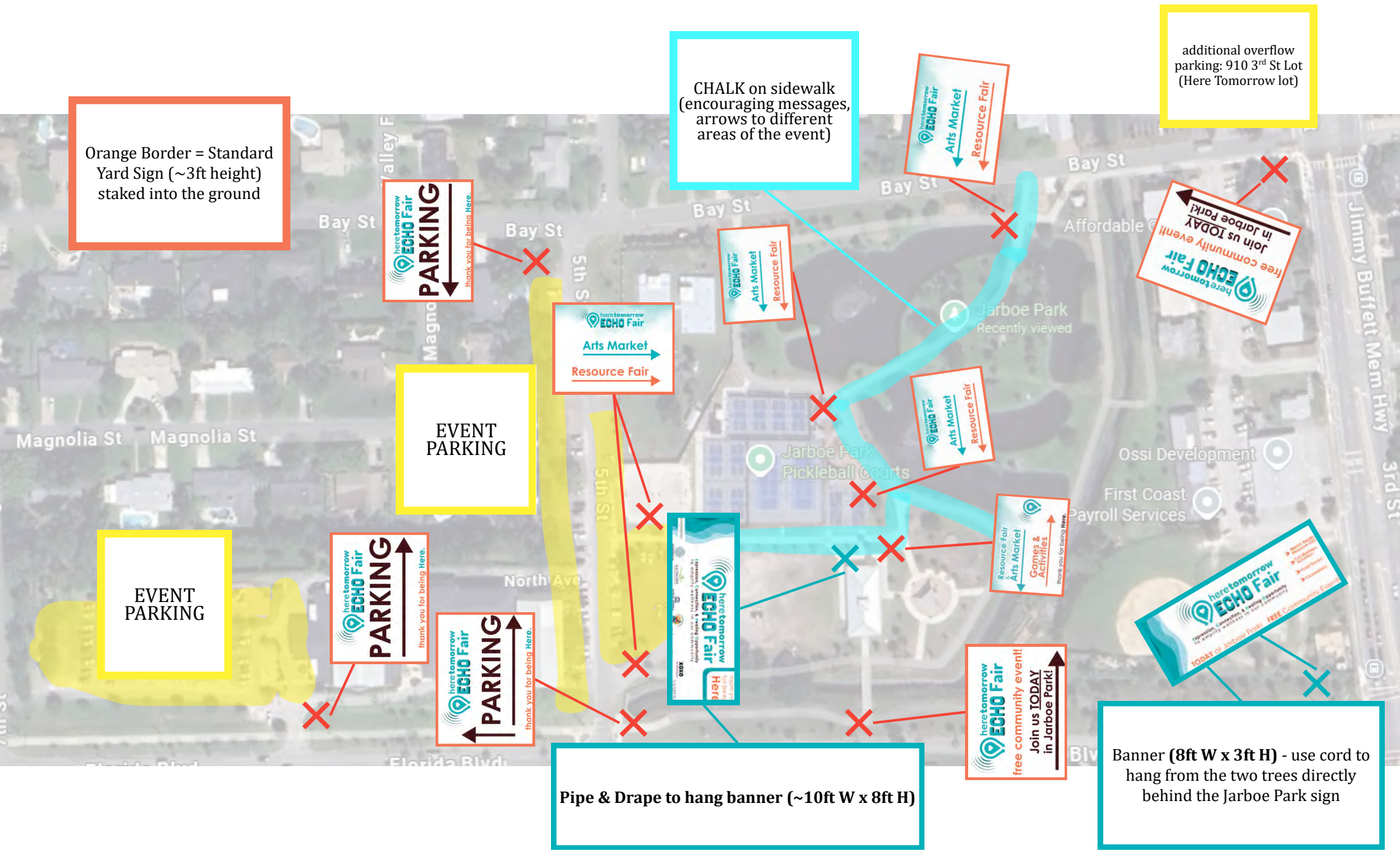
additional overflow parking: 910 3rd St Lot (Here Tomorrow lot)

EVENT PARKING

EVENT PARKING

Pipe & Drape to hang banner (~10ft W x 8ft H)

Banner (8ft W x 3ft H) - use cord to hang from the two trees directly behind the Jarboe Park sign



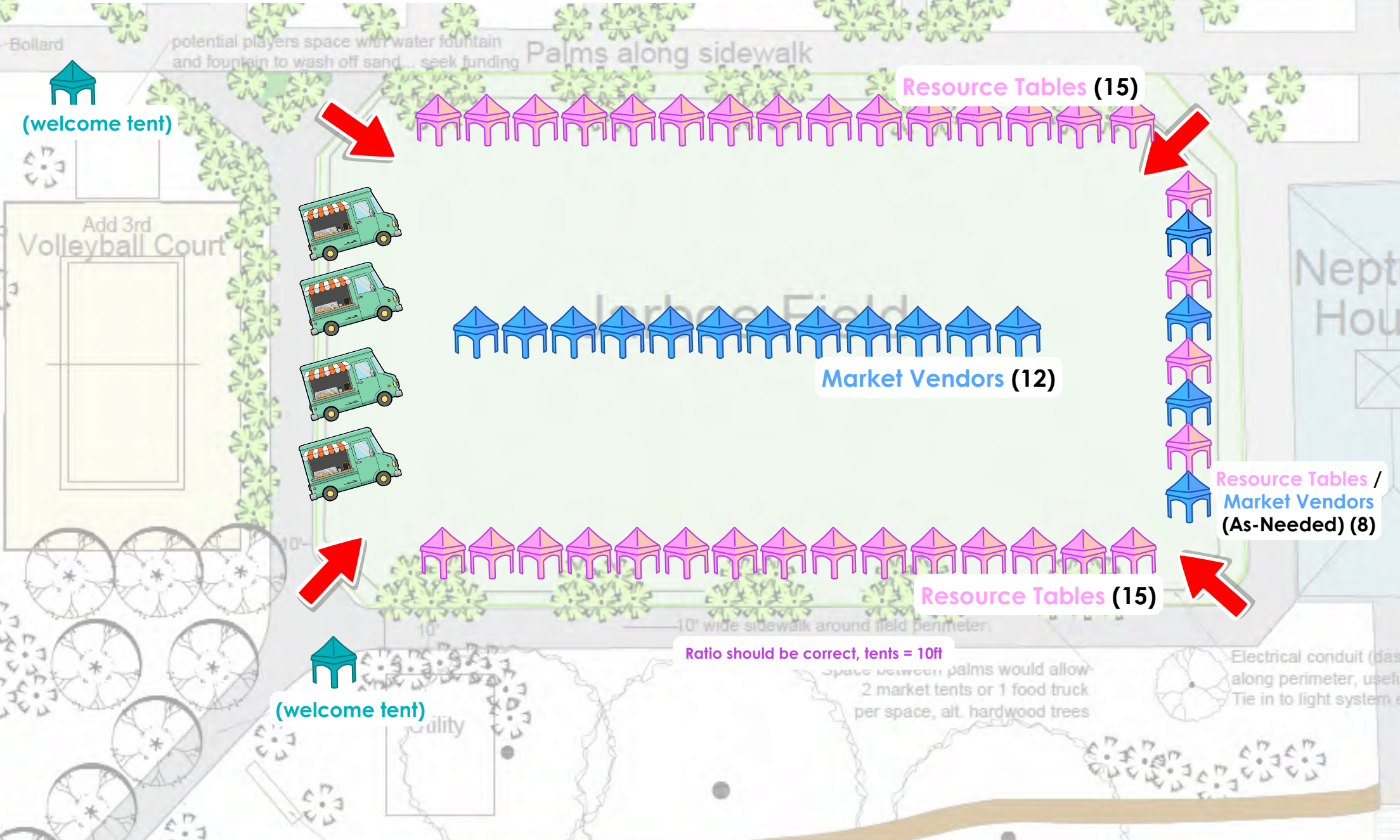
# Resource Fair & Mindful Market Site Map


ECHO Fair - Jarboe Park - 8/22/26

100 /  
ate s  
uty

 x50

ement makes space for  
ig market or other events  
ndors between



  
(welcome tent)

Resource Tables (15)

Market Vendors (12)

Resource Tables /  
Market Vendors  
(As-Needed) (8)

Resource Tables (15)

  
(welcome tent)

Ratio should be correct, tents = 10ft

Bollard

potential players space with water fountain  
and fountain to wash off sand... seek funding

Palms along sidewalk

Add 3rd  
Volleyball Court

Jarboe Field

Nept  
Hou

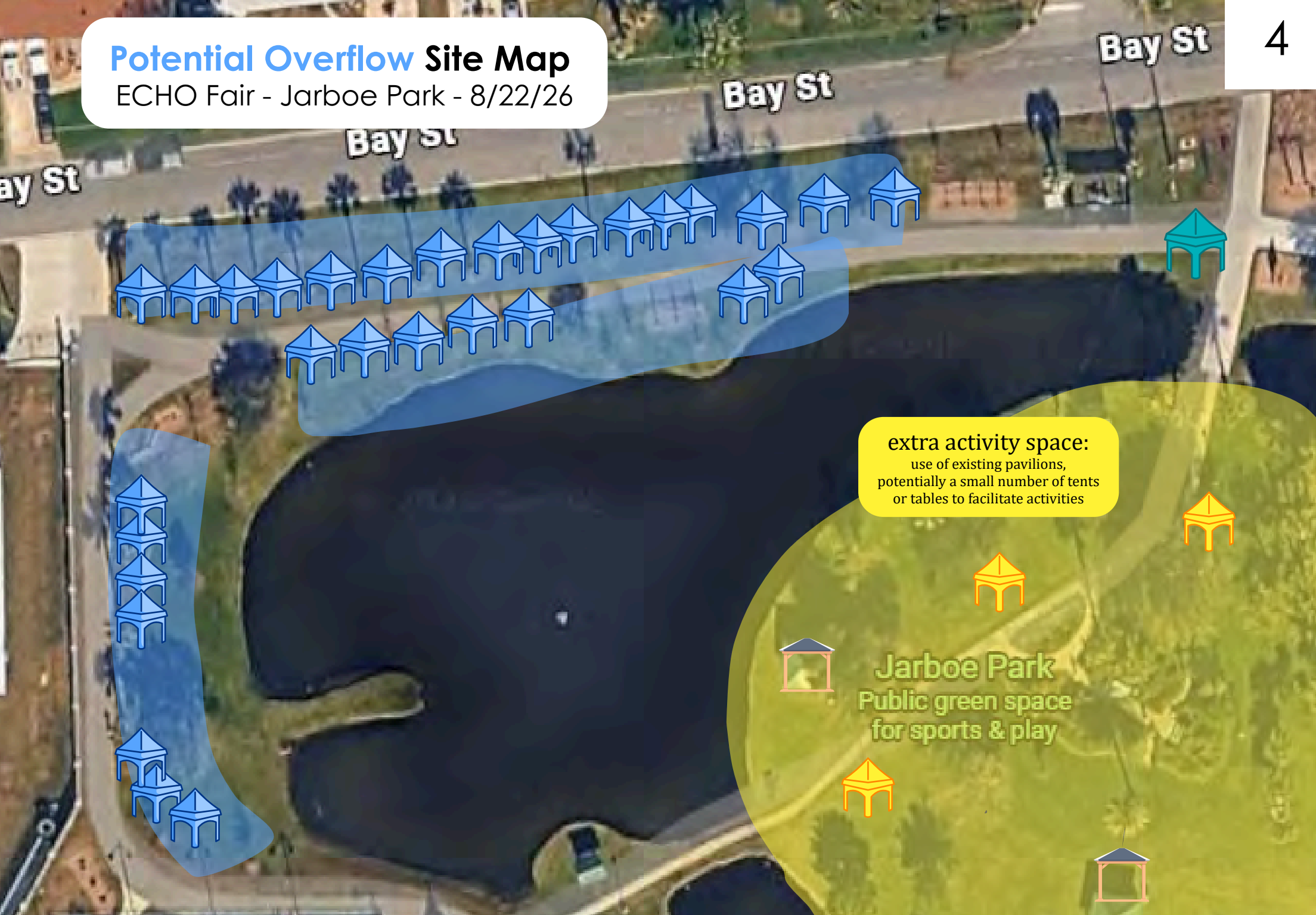
10' wide sidewalk around field perimeter

space between palms would allow  
2 market tents or 1 food truck  
per space, alt. hardwood trees

Electrical conduit (bas  
along perimeter, usefu  
Tie in to light system

# Potential Overflow Site Map

ECHO Fair - Jarboe Park - 8/22/26



Bay St

Bay St

Bay St

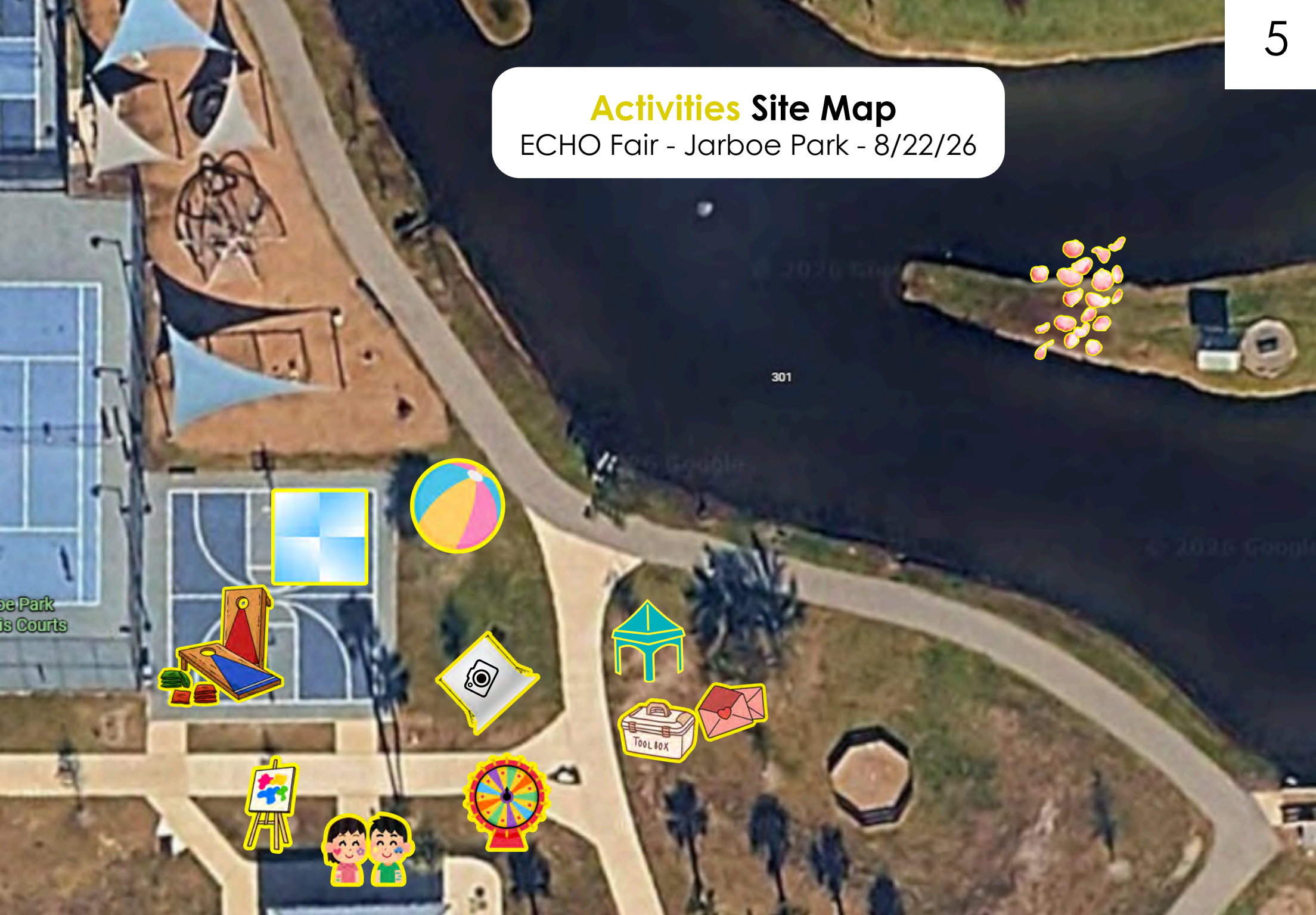
Bay St

extra activity space:  
use of existing pavilions,  
potentially a small number of tents  
or tables to facilitate activities

Jarboe Park  
Public green space  
for sports & play

# Activities Site Map

ECHO Fair - Jarboe Park - 8/22/26



Jarboe Park  
Tennis Courts

301

TOOL BOX

Bay St

# Utilities Map

## ECHO Fair - Jarboe Park - 8/22/26

All rented trash cans (total = 7) will be 32G plastic cans (see picture below)



All trash cans will be placed in the park around 7-8AM and removed from the park no later than 3PM by our volunteer team

Neptune Beach Water Plant temporarily closed

Jarboe Park Public green space for sports & play

Jarboe Park Pickleball Courts

Jarboe Park Tennis Courts

### Neptune House:



501

537

531

Bay St

North Ave

5th St

1101

s Chapel School

301

## Additional Required Information:

### Floor specifications

- Placement of tents & tables (staked or weighted to ground) at Resource Fair: See page 4
- Placement of tents & tables (staked or weighted to ground) at Mindful Market: See page 3
- Placement of activities (may include tables placed onto ground): See page 5
- Placement of yard signs (staked into ground): See page 2
- Chalking of sidewalks (see placement on page 2)

### Height of displays

- Yard sign & banner dimensions: See page 2
- Resource Fair & Mindful Market: Vendors to be instructed that signs must not be taller than 10' in height

### Procedures to protect against rodents or insects

- All staff & volunteers will be directed to dispose of all waste (their own & others') into garbage cans throughout the event.
- Vendors will agree to follow all procedures, including those listed herein related to cleanliness & protection against insects/rodents.

### Procedures relating to cleanliness

- All staff & volunteers will be directed to dispose of all waste (their own & others') into garbage cans throughout the event.
- Volunteer Team to walk park at close of event to collect any & all remaining trash/waste throughout park.
- Vendors will agree to follow all procedures, including those listed herein related to cleanliness & protection against insects/rodents.

### Maintenance & disposal of garbage, including dumpster requirements

- Rented garbage units (7) will be placed throughout the park the morning of the event (7/8am)
- Rented garbage units (7) will be removed from the park at the end of the event (2/3pm)
- All garbage to be disposed of into the dumpster unit at 910 3<sup>rd</sup> St. (Here Tomorrow's facility across from Jarboe Park)
- Placement/specifications of garbage units (& dumpster): See page 6

### Construction or electrical and other utility requirements, including portable water

- Electricity from Neptune House for speakers/music
- Water fountain at Neptune House to be available in addition to provided water bottles

### Terms to be provided to all volunteers, staff, & vendors to ensure compliance with procedures:

- Tents may be staked or weighted to the ground. Any displays should not exceed 10' in height.
- Please dispose of all food/drinks; do not leave anything out & open that may attract insects/pests.
- All trash/waste must be removed or disposed of before leaving the park.
- **Vendors making sales must provide Duval tax receipt and required WC/insurance**

## Maia Savage

---

**From:** Emily Pope  
**Sent:** Wednesday, May 6, 2026 12:04 PM  
**To:** Maia Savage  
**Subject:** Fw: BC Parking

Just received this :) let me know if this is okay or if we need more information!

---

**From:** Jesse McDonald <Jessemcdonald@beacheschapel.com>  
**Sent:** Wednesday, May 6, 2026 11:54 AM  
**To:** Emily Pope <emily.pope@heretomorrow.org>  
**Cc:** Victoria Schultz <victoriaschultz@beacheschapel.com>; James McDonald <Jamesmcdonald@beacheschapel.com>  
**Subject:** BC Parking

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

This is the first time you received an email from this sender (Jessemcdonald@beacheschapel.com).

You don't often get email from jessemcdonald@beacheschapel.com. [Learn why this is important](#)  
Hey Emily!

You are good to use our field parking on August 22<sup>nd</sup> for the Echo Fair at Jarboe.

Thank you for checking and let us know if there's anything else we can help with!



**Jesse McDonald**

Connections Minister  
Phone: (904) 241 - 4211  
jessemcdonald@beacheschapel.com

Connect With Us!  
beacheschapel.com



## Heather Whitmore

---

**From:** Michael Key  
**Sent:** Monday, May 11, 2026 9:18 AM  
**To:** Heather Whitmore  
**Subject:** RE: Application for Open-Air Market: Here Tomorrow 2nd Annual ECHO Fair - Jarboe Park

Heather,

I have no issues or further comments on this. I have forwarded it Cmdr. Toal who may have input – however if you do not hear back from him – it is safe to assume we have no additional input.

Sincerely,

MICHAEL J. KEY JR.  
CHIEF OF POLICE  
NEPTUNE BEACH POLICE DEPARTMENT  
200 LEMON ST.  
NEPTUNE BEACH, FL 32266  
WORK (904) 270-2413  
CELL (904) 222-1372  
FBI NA #268  
CHAIRMAN SE LInX



*"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena"*  
-T.R.

---

**From:** Heather Whitmore <cdd@nbfl.us>  
**Sent:** Wednesday, May 6, 2026 12:30 PM  
**To:** Colin Moore <cmoore@nbfl.us>; Blake West <bwest@nbfl.us>; Richard Pike <cop@nbfl.us>; Michael Key <michaelkey@nbfl.us>; Liam Toal <liamtoal@nbfl.us>  
**Subject:** FW: Application for Open-Air Market: Here Tomorrow 2nd Annual ECHO Fair - Jarboe Park  
**Importance:** High

Team,

Please see attached request to hold an open-air market in Jarbo on 8/22/26. This is their revised material based on CDB feedback.

Thank you,  
Heather



**Heather Whitmore, AICP, PTP**  
*Community Development Director*  
*Floodplain Administrator*

City of Neptune Beach  
Community Development Department  
116 1<sup>st</sup> Street  
Neptune Beach, FL 32266

**Direct/Cell:** 904-749-0074  
**Email:** [cdd@nbfl.us](mailto:cdd@nbfl.us)

---

**From:** Maia Savage <[Maia.Savage@heretomorrow.org](mailto:Maia.Savage@heretomorrow.org)>  
**Sent:** Wednesday, May 6, 2026 12:24 PM  
**To:** Heather Whitmore <[cdd@nbfl.us](mailto:cdd@nbfl.us)>  
**Subject:** RE: Application for Open-Air Market: Here Tomorrow 2nd Annual ECHO Fair - Jarboe Park

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Hi Heather! 😊

Thank you for our wonderful conversation last week – I really appreciated the opportunity to clarify items about the Fair and talk more with you!

See attached for the revised plans. The only real change that I believe was needed on my end is the addition of portable toilets (and I added a line about vendor documentation at the end as well). I just received email confirmation from Beaches Chapel (attached here as well) - let me know if a more formal agreement is needed with them.

Am I missing anything needed prior to the meeting next week?



**Maia Savage, CRPS**  
**Outreach & Collaboration Coordinator**

Office: 904.372.9087  
Cell: 904.307.6357

910 3rd St., Neptune Beach, FL 32266  
[www.heretomorrow.org](http://www.heretomorrow.org)

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**From:** Heather Whitmore <[cdd@nbfl.us](mailto:cdd@nbfl.us)>  
**Sent:** Tuesday, April 28, 2026 3:03 PM  
**To:** Blake West <[bwest@nbfl.us](mailto:bwest@nbfl.us)>; Maia Savage <[Maia.Savage@heretomorrow.org](mailto:Maia.Savage@heretomorrow.org)>  
**Cc:** Colin Moore <[cmoore@nbfl.us](mailto:cmoore@nbfl.us)>; Richard Pike <[cop@nbfl.us](mailto:cop@nbfl.us)>; Cheryl Bäck <[cback@nbfl.us](mailto:cback@nbfl.us)>; Building Clerk <[bldgclerk@nbfl.us](mailto:bldgclerk@nbfl.us)>  
**Subject:** Application for Open-Air Market: Here Tomorrow 2nd Annual ECHO Fair - Jarboe Park  
**Importance:** High

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EXTERNAL EMAIL - This email was sent by a person from outside your organization.

Maia,

It was real treat talking today. As discussed, I am writing to confirm the following items we covered today. If you agree please prepare a revised plan and send next week.

- 1- At 5/13 CDB meeting, City staff will address any additional measures necessary to protect grass
- 2- Here Tomorrow agrees to bring two-four additional portable toilets
- 3- All vendors will have Duval tax receipt and required WC/insurance
- 4- The shared parking agreement with Beaches Chapel will be provided
- 5- You, Colin, and Blake will attend 5/13 CDB meeting
- 6- CONB will confirm is additional security is required
- 7- You anticipate 200-250 attendees

Thank you again for your time,  
Heather



**Heather Whitmore, AICP, PTP**

*Community Development Director  
Floodplain Administrator*

City of Neptune Beach  
Community Development Department  
116 1<sup>st</sup> Street  
Neptune Beach, FL 32266

**Direct/Cell:** 904-749-0074

**Email:** [cdd@nbfl.us](mailto:cdd@nbfl.us)

---

**From:** Heather Whitmore

**Sent:** Tuesday, April 28, 2026 2:45 PM

**To:** Blake West <[bwest@nbfl.us](mailto:bwest@nbfl.us)>; 'Maia Savage' <[Maia.Savage@heretomorrow.org](mailto:Maia.Savage@heretomorrow.org)>

**Cc:** Colin Moore <[cmoore@nbfl.us](mailto:cmoore@nbfl.us)>; Richard Pike <[cop@nbfl.us](mailto:cop@nbfl.us)>; Michael Key <[michaelkey@nbfl.us](mailto:michaelkey@nbfl.us)>; Cheryl Bäck <[cback@nbfl.us](mailto:cback@nbfl.us)>

**Subject:** Application for Open-Air Market: Here Tomorrow 2nd Annual ECHO Fair - Jarboe Park

Chief Key,

Here Tomorrow proposes a small market event in Jarbo 8/22 (10-2) as attached, similar to last year.

There will be no alcohol. They expect 200-250 guests.

Do you believe they need additional security? You didn't suggest it upon first review, but the Community Development Board asked I confirm.

Thank you for your time,  
Heather



**Heather Whitmore, AICP, PTP**  
*Community Development Director*  
*Floodplain Administrator*

City of Neptune Beach  
Community Development Department  
116 1<sup>st</sup> Street  
Neptune Beach, FL 32266

**Direct/Cell:** 904-749-0074  
**Email:** [cdd@nbfl.us](mailto:cdd@nbfl.us)

---

**From:** Heather Whitmore  
**Sent:** Thursday, March 5, 2026 4:23 PM  
**To:** Blake West <[bwest@nbfl.us](mailto:bwest@nbfl.us)>; Maia Savage <[Maia.Savage@heretomorrow.org](mailto:Maia.Savage@heretomorrow.org)>  
**Cc:** Colin Moore <[cmoore@nbfl.us](mailto:cmoore@nbfl.us)>; Richard Pike <[cop@nbfl.us](mailto:cop@nbfl.us)>  
**Subject:** RE: DP26-03 Application for Open-Air Market: Here Tomorrow 2nd Annual ECHO Fair - Jarboe Park  
**Importance:** High

Hi Maia,

Looks like we need more time to finalize an open air-market plan for the ECHO Fair. Jarboe Park is currently undergoing a redesign, that is not 100% finalized. The Fair plan as proposed needs to be re-imagined because Jarboe will have a different layout in August.

In order to get a solid and successful final plan as soon as possible, you'll need to sit down with Colin the Park's Director and Blake the Arborist to discuss the details. We will not be able to get this done by Wednesday of next week.

Let's plan to get this on the April 8<sup>th</sup> Community Development Board meeting. This allows a few more weeks to iron out the details.

Please reach out to Blake and Colin directly (copied on this email). Feel free to contact me as well.

We will keep in close communication for the next few weeks to get this on the April 8<sup>th</sup> agenda.

Heather



**Heather Whitmore, AICP, PTP**  
*Community Development Director*  
*Floodplain Administrator*

City of Neptune Beach  
Community Development Department  
116 1<sup>st</sup> Street  
Neptune Beach, FL 32266

**Direct/Cell:** 904-749-0074  
**Email:** [cdd@nbfl.us](mailto:cdd@nbfl.us)

---

**From:** Blake West <[bwest@nbfl.us](mailto:bwest@nbfl.us)>  
**Sent:** Thursday, March 5, 2026 3:34 PM

**To:** Heather Whitmore <[cdd@nbfl.us](mailto:cdd@nbfl.us)>; Maia Savage <[Maia.Savage@heretomorrow.org](mailto:Maia.Savage@heretomorrow.org)>

**Cc:** Colin Moore <[cmoore@nbfl.us](mailto:cmoore@nbfl.us)>

**Subject:** RE: DP26-03 Application for Open-Air Market: Here Tomorrow 2nd Annual ECHO Fair - Jarboe Park

I'd still rather not, just gets complicated all things considered, the space is not made for markets where other spaces are made with markets in mind. There will be more space around the field at the time of the event, and there are locations closer to the Neptune house where tents can set up along sidewalks and create a more consolidated market event. If there are small activity style things with the market, like a yoga class or the like, that could potentially work out in the island and the existing roof structures can be utilized. Attached here is a concept design for the field we are using for Jarboe Jubilee.

Thank you,  
Blake West

---

**From:** Heather Whitmore <[cdd@nbfl.us](mailto:cdd@nbfl.us)>

**Sent:** Thursday, March 5, 2026 11:03 AM

**To:** Maia Savage <[Maia.Savage@heretomorrow.org](mailto:Maia.Savage@heretomorrow.org)>

**Cc:** Colin Moore <[cmoore@nbfl.us](mailto:cmoore@nbfl.us)>; Blake West <[bwest@nbfl.us](mailto:bwest@nbfl.us)>

**Subject:** RE: DP26-03 Application for Open-Air Market: Here Tomorrow 2nd Annual ECHO Fair - Jarboe Park

Maia,

Thank you for the reply. I am forwarding your response to Colin the Park's Director and Blake the Arborist for a response. We will get back with you today 😊

Thank you,  
Heather



**Heather Whitmore, AICP, PTP**

*Community Development Director  
Floodplain Administrator*

City of Neptune Beach  
Community Development Department  
116 1<sup>st</sup> Street  
Neptune Beach, FL 32266

**Direct/Cell:** 904-749-0074

**Email:** [cdd@nbfl.us](mailto:cdd@nbfl.us)

---

**From:** Maia Savage <[Maia.Savage@heretomorrow.org](mailto:Maia.Savage@heretomorrow.org)>

**Sent:** Thursday, March 5, 2026 10:21 AM

**To:** Heather Whitmore <[cdd@nbfl.us](mailto:cdd@nbfl.us)>

**Subject:** RE: DP26-03 Application for Open-Air Market: Here Tomorrow 2nd Annual ECHO Fair - Jarboe Park

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Hi Heather!

Thank you for getting back to me with that update! Last year, we hosted a couple of activities over on the Northwest sidewalk area, and we had difficulty getting people over there since it was so far from the entrance/Neptune House area and hard to see over the pickleball courts & playground.

Would it be possible to keep the market on the 'island' area if we (1) block off the small entrances so vehicles cannot enter, (2) post volunteers to ensure that no vehicles enter, and (3) include a line in the vendor rules that no vehicles are allowed on the property?

We can certainly make the market work over on the designated "overflow" area, if needed, and I can get you updated plans as soon as possible. I'll start working on those just in case but please let me know your thoughts on what I've suggested above. 😊



**Maia Savage, CRPS**  
**Outreach & Collaboration Coordinator**

Office: 904.372.9087  
Cell: 904.307.6357

910 3rd St., Neptune Beach, FL 32266  
[www.heretomorrow.org](http://www.heretomorrow.org)

---

**From:** Heather Whitmore <[cdd@nbfl.us](mailto:cdd@nbfl.us)>

**To:** Maia Savage <[Maia.Savage@heretomorrow.org](mailto:Maia.Savage@heretomorrow.org)>

**Subject:** Fw: DP26-03 Application for Open-Air Market: Here Tomorrow 2nd Annual ECHO Fair - Jarboe Park

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Maia,

The arborist has requested moving the mindful market as noted below, are you ok with that? If so, can we update the plans today?

Thank you,  
Heather

Heather Whitmore, AICP, PTP  
Community Development Director  
Floodplain Manager

City of Neptune Beach, Florida  
116 1st Street, Neptune Beach  
904-749-0074

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

For inspection requests call 904-270-2430

## ***ARTICLE III. TEMPORARY OPEN-AIR SALES AND MARKETS<sup>1</sup>***

### **Sec. 17-33. Generally.**

The provisions of subsection 27-227(b)(21) relating to retail sales shall be inapplicable to open air sales and markets.

(Ord. No. 2000-04, § 1, 8-7-00)

### **Sec. 17-34. Open-air markets.**

Open-air markets are defined as areas in which vendors sell flowers, plants, plant materials, fruits, produce, vegetables and other non-commercially processed food items and hand-crafted items which are made by the vendor or the vendors' immediate family, only under the permits issued under this chapter and who do not sell those items exclusively in compliance with the licensing and building regulations relating to permanent business establishments.

(Ord. No. 2000-04, § 1, 8-7-00; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

### **Sec. 17-35. Location of open-air sales and markets.**

Open-air sales and markets shall be operated exclusively on private property within the central business district and the C-1, C-2, and C-3 commercial districts and special events at Jarboe Park, all by permit only.

(Ord. No. 2000-04, § 1, 8-7-00; Ord. No. 2003-17, § 1, 12-1-03; Ord. No. 2008-06, § 1, 6-16-08; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

### **Sec. 17-36. Open-air market area.**

This chapter and its sections are intended to be utilized for the purpose of establishing an open-air market area, in which there may be numerous stalls, display or sales locations for the items listed above on private property within the central business district, and the C-1, C-2, and the C-3 commercial districts and Jarboe Park.

(Ord. No. 2000-04, § 1, 8-7-00; Ord. No. 2003-17, § 2, 12-1-03; Ord. No. 2008-06, § 2, 6-16-08; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

### **Sec. 17-37. Requirement of plans and specifications.**

Prior to the issuance by the city manager of a permit for any open-air market, it shall be necessary for the person or persons, or any other entity seeking to have the open-air market, to submit to the community development board plans and specifications showing layout, site plan, parking plan, traffic control and

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<sup>1</sup>Editor's note(s)—Ord. No. 2022-03, § 1(Exh. A), adopted Aug. 1, 2022, amended the title of Art. III to read as herein set out. The former Art. III was entitled "Open Air Sales and Markets."

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ingress/egress plans, floor requirements, height of displays, restroom facilities, liability insurance; procedures to protect against insects or rodents; procedures relating to cleanliness; maintenance and disposal of debris or garbage, including dumpster requirements; signage; construction or electrical and other utility requirements, including portable water, and any other information required by the community development board. The community development board shall have the authority to place any and all appropriate restrictions on the operation of an open-air market. The community development board shall conduct a hearing on the application for the open-air market and shall forward its recommendations on the application to the city manager.

(Ord. No. 2000-04, § 1, 8-7-00; Ord. No. 2010-14, § 1, 9-7-10; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

### **Sec. 17-38. Permit.**

No person, either alone or jointly with another, or any entity of any nature, shall conduct any open-air sales without having first obtained a permit to do so from the city manager. Subsequent to the review by the community development board set forth above, this permit may be issued to the owner of the private property within the central business district, the C-1, C-2, and C-3 commercial districts and Jarboe Park on which the open-air market is to be located under such terms and conditions as the city manager deems appropriate.

(Ord. No. 2000-04, § 1, 8-7-00; Ord. No. 2003-17, § 3, 12-1-03; Ord. No. 2008-06, § 3, 6-16-08; Ord. No. 2010-14, § 2, 9-7-10; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

### **Sec. 17-39. Compliance with permit requirements.**

All private property owners and vendors within the market area shall comply with all requirements of the permit. Failure to comply with any other such requirements may result in the closing of that vendor's stand or location or, if necessary, the market area.

(Ord. No. 2000-04, § 1, 8-7-00)

### **Sec. 17-40. Protection against insects or rodents.**

Effective measures by the person, persons or entity that receives a permit for the market area shall be taken to protect against the entrance into the market area and the breeding or presence in the area of insects or rodents.

(Ord. No. 2000-04, § 1, 8-7-00)

### **Sec. 17-41. No live birds or animals.**

No live birds or animals shall be allowed in any of the market area used for the sales by the vendors; provided guide dogs accompanying blind persons may be permitted in these areas.

(Ord. No. 2000-04, § 1, 8-7-00)

### **Sec. 17-42. Disposal of garbage and debris.**

The private property owner issued the permit and all vendors shall dispose of their garbage and debris on a daily basis by a means acceptable to the city manager.

(Ord. No. 2000-04, § 1, 8-7-00)

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**Sec. 17-43. Construction and electrical elements.**

Any construction or electrical elements shall be in accordance with the permit requirements or, if applicable, the Code requirements of Neptune Beach.

(Ord. No. 2000-04, § 1, 8-7-00)

**Sec. 17-44. Maintain cleanliness.**

All parts of the market area and its premises shall be kept neat, clean and free of litter and debris.

(Ord. No. 2000-04, § 1, 8-7-00)

**Sec. 17-45. Hours of operation.**

The market area shall be limited to Saturday mornings and the hours of operation being from 8:00 a.m. to 5:00 p.m.

(Ord. No. 2000-04, § 1, 8-7-00; Ord. No. 2003-17, § 4, 12-1-03; Ord. No. 2008-06, § 4, 6-16-08)

**Sec. 17-46. Waiver of licenses and fees.**

Any licenses and fees which might otherwise be required by the city for the operation of the market area are hereby waived for vendors and the person, persons or any other entity issued a permit to operate the market area.

(Ord. No. 2000-04, § 1, 8-7-00)

**Sec. 17-47. Seasonal sales.**

- (a) For-profit and nonprofit entities may have Christmas tree sales in the commercial C-3 district with the written permission of the owner of the property. A for-profit entity must have a local business tax receipt issued by the city beginning operation. The sale of Christmas trees may take place from the Tuesday before Thanksgiving to November to December 24th.
- (b) Nonprofits may have three (3) seasonal fundraising sales per calendar year, on their property that is in a residential district.

(Ord. No. 2008-13, § 1, 10-20-08)

**Sec. 17-48. Food trucks/mobile vendors.**

Food trucks and/or mobile vendors serving items consumable or useable by animals may be permitted by the city manager as set forth herein.

(1) *Jarboe Park and/or city property.*

- a. Food trucks may be allowed in Jarboe Park and/or city property as permitted by the city manager or designee, subject to the requirements below.
- b. The operation of food trucks shall not be permitted on city streets.

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- c. The daily operation of food trucks shall not be permitted in city rights-of-way, or private property.
  - d. Food trucks shall not be permitted on the beach or on city beach access points.
- (2) *Residential districts and commercial districts.*
- a. Food trucks shall only be permitted in residential zoning districts and commercial districts at special or catered events with appropriate permits.
    - 1. A catered event is defined as where a property owner hosting a private special event pays the food truck operator or owner for the service and no individual "walk-up" sales occur.
    - 2. A special event shall be defined as an occasional or periodic gathering hosted, sponsored, or authorized by a property owner. The frequency and uniqueness of the proposed event shall be considered by the city manager in reviewing an application.
    - 3. The food truck may only operate at the private special event during the approved hours of the event, including set-up and take-down times.
    - 4. Food trucks in commercial areas should be parked in such a way as to not cause traffic problems, and when possible, positioned on property hosting the special event.
- (3) *Standard permit requirements.*
- a. The following requirements must be met for the operation of food trucks:
    - 1. Submittal of a completed and approved application form by the property owner.
    - 2. Proof of liability insurance held by the food truck owner for at least one million dollars (\$1,000,000.00).
    - 3. Proof of inspection by the Duval County Health Department of the food truck within the last six (6) months.
    - 4. Proof of a valid Neptune Beach business tax receipt.
    - 5. Food trucks at special events are required to submit a fire safety plan with their application and must pass a fire inspection once the event is set up. Furthermore, they may be closed by the police department, fire marshal, or the building official for safety issues, violation of the permit, or violation of other city ordinances.
    - 6. The applicant shall pay the required fees set forth by city council resolution.
- (4) A food truck shall be defined as a vehicle, trailer or other similar mobile food unit equipped with facilities for cooking and/or preparing and selling food and/or other items for human or animal consumption or use.

(Ord. No. 2014-18, § 1, 10-6-14; Ord. No. 2015-01, § 1, 3-2-15; Ord. No. 2018-05, § 1, 10-1-18; Ord. No. 2022-03, § 1(Exh. A), 8-1-22)

**Secs. 17-49—17-70. Reserved.**



# STAFF REPORT

**MEETING DATE:** May 13, 2026  
**BOARD/COMMITTEE:** Community Development Board  
**APPLICATION NUMBER:** V26-05

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**TO:** Community Development Board

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

**DATE:** May 7, 2026

**SUBJECT:** 526 Midway Street (RE# 172733-0050) variance from Sec. 27-237 - Building area requirements (11) R-4/RC Overlay FAR- Total floor area to permit a +/-80% FAR in lieu of the required 65% FAR

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## **I. BACKGROUND:**

Application for variance as outlined in Chapter 27 Article III Division 8 of the Unified Land Development Code of Neptune Beach for Henry H Graham Jr Revocable Trust Hampton Graham, Trustee for the property currently known 526 Midway Street (RE# 172733-0050). The applicant requests a variance from Sec. 27-237 - Building area requirements (11) R-4/RC Overlay FAR - Total floor area to permit a +/- 80% FAR in lieu of the required 65% FAR. The property is in the R-4/RC zoning district.

## **II. DISCUSSION:**

The applicant requests a variance from Sec. 27-237 (11) - Building area requirements R-4/RC Overlay FAR - Total floor area to permit a +/- 80% FAR in lieu of the required 65% FAR. The home is located on the northeastern corner of the intersection of Myrtle Street and Midway St/Oceanfront.

The purpose of this request is to renovate an existing single-family home. The current 3,083 square foot existing 28 foot high, three story home, sits on a 76' x 55' 4,180 square foot lot, with a 74% FAR. The 1975 home was legally established with a third floor. The home has a "reverse wedding cake" architecture, where the building's

**V26-05: 526 Midway St**

May 13, 2026 Community Development Board Staff Report

structure widens as it rises, featuring overhanging cantilever upper floors that are larger than the street-level footprint.

The applicant is requesting to renovate the house to make it more storm resilient, and would like to expand the bottom floors to match the top by eliminating the cantilevers. The renovation will raise the nonconforming 74% FAR to 77%.

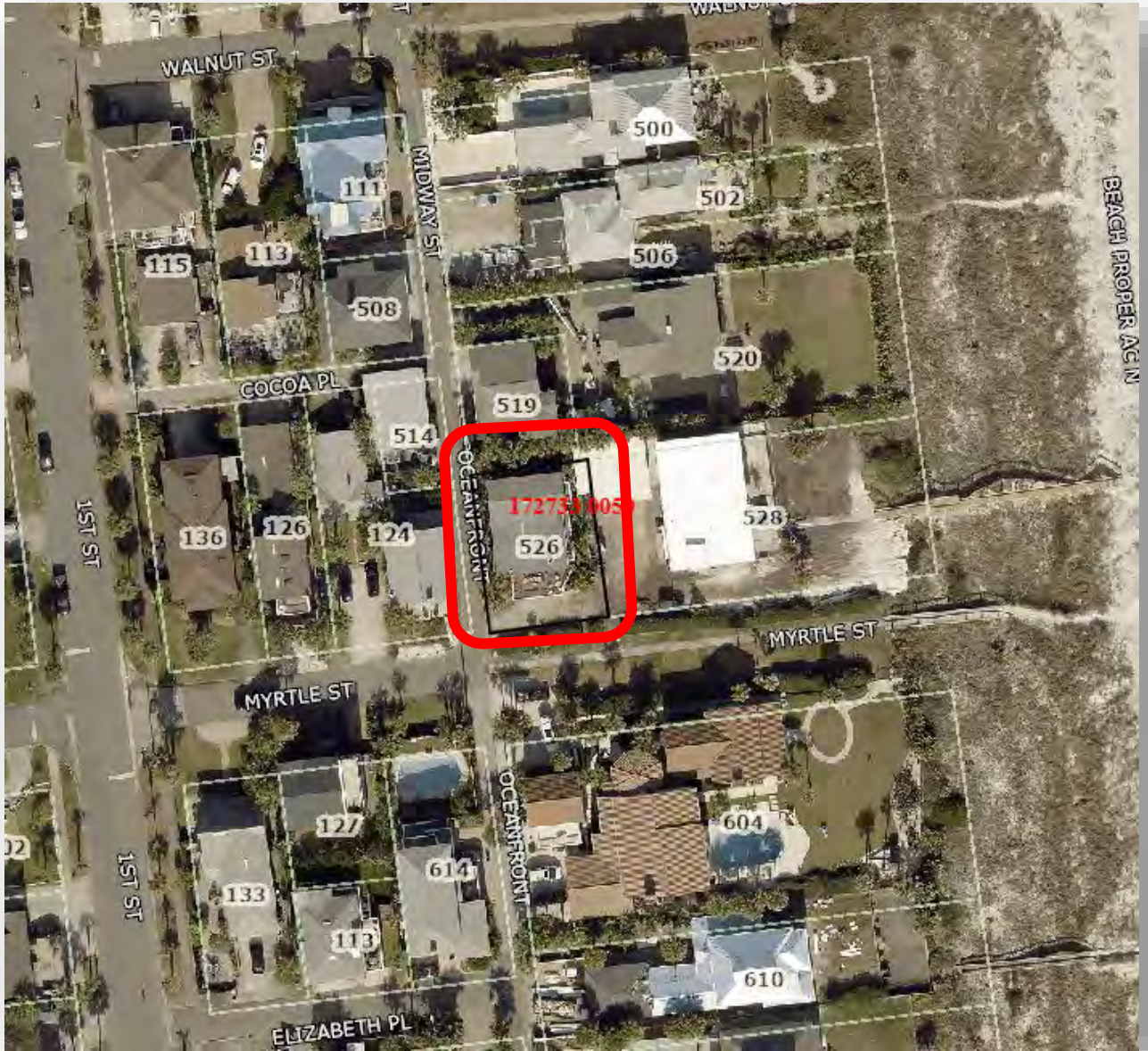


Figure 1: 526 Midway St

### 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:** These cantilevered conditions create a unique structural hardship specific to this parcel, as they complicate structural reinforcement and reduce storm resiliency. The condition is inherent to the original construction and was not created by the current owner. Additionally, the property's existing nonconforming FAR limits the ability to make necessary structural improvements without seeking minor relief.
- b. **Staff Response:** The property is unique in size or peculiar in circumstances. The non-conforming FAR is existing. The current structure needs minor renovations for structural reinforcement.

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

- a. **Applicant Response:** The requested variance represents the minimum necessary relief to allow the alignment of the upper floors with the foundation. The proposed increase is limited to only what is required to eliminate the cantilevered portions and create continuous vertical walls, resulting in an incremental FAR increase of approximately 3%.
- b. **Staff Response:** The requested variance is the minimum necessary to allow for minimal renovation of the existing home to ensure structural reinforcement and storm resiliency.

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

- a. **Applicant Response:** The proposed variance does not increase the height or massing of the upper portions of the structure. The visual profile and scale of the building remain consistent with the existing condition. The modification is limited to the ground level and does not introduce additional impacts related to light, air, or privacy. Therefore, the variance will not adversely affect adjacent properties or the public.
- b. **Staff Response:** The proposed variance would not negatively impact adjacent and nearby properties or the public in general, as it would bring the home more in compliance. The variance is minimal to accommodate the hardship.

4. **The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.**
  - a. **Applicant Response:** The proposed improvements will enhance the architectural quality and structural integrity of the building, replacing an outdated cantilevered design with a more cohesive and resilient form. This upgrade is expected to positively contribute to the character of the neighborhood and support surrounding property values by improving both aesthetics and long-term durability.
  - b. **Staff Response:** The proposed variance would not substantially diminish property values in or alter the essential character of the area surrounding the site. The variance is minimal to accommodate the hardship.
  
5. **The effect of the proposed variance is in harmony with the general intent of the ULDC and the specific intent of the relevant subject area(s) of the ULDC.**
  - a. **Applicant Response:** The intent of the ULDC includes promoting safe, resilient, and compatible development. The proposed variance aligns with this intent by improving the building's structural performance and storm resilience without increasing overall building height or significantly altering the established development pattern. The request represents a practical adjustment to address an existing nonconforming condition while maintaining consistency with the broader goals of the Code.
  - 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 need for the variance arises from the original design and construction of the home in 1975, prior to current regulations. The current owner acquired the property in February 2025 and did not create the nonconforming conditions. The proposed improvements are intended to correct and modernize these existing conditions, not to create new ones.
  - b. **Staff Response:** The variance request is created through the actions of the property owner, but is appropriate to ensure structural reinforcement and resiliency.
  
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:** Granting this variance does not confer a special privilege but rather allows a reasonable improvement to an existing nonconforming structure. The request is limited in scope and is consistent with similar relief that may be considered for other properties with pre-existing nonconforming conditions seeking to improve structural safety and resiliency.
- b. **Staff Response:** Granting the variance would not confer upon the applicant a special privilege not granted in the zoning district.

**IV. CONCLUSION:** Staff recommends approval of the variance request from Sec. 27-237 - Building area requirements (11) R-4/RC Overlay FAR - Total floor area to permit a +/- 80% FAR in lieu of the required 65% FAR as requested.

**V. RECOMMENDED MOTION:**

- a. I recommend approval of V26-05

OR

- b. I recommend denial of V26-05

# 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: [Bldgclerk@NBFL.US](mailto:Bldgclerk@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: 4/17/26	Zoning District: R-4 With RC Overlay	Real Estate Parcel Number: 172733-0050
Name & Address of Owner of Record:  _ Henry H Graham Jr Revocable Trust _ Hampton Graham, Trustee  ___ 1725 Memorial Park Drive, Jax , FL 32204  Contact phone number# ___ 904-403-4600 ___  e-mail address ___ Hampton.Graham@gmail.com ___		Property Address: ___ 526 Midway Street Neptune Beach, FL 32266 _____  Number of units on property ___ 1 _____  Have any previous applications for variance been filed concerning this property? ___ No _____  If Yes, Give Date: _____
Section 27-15 of the Unified Land Development Code (ULDC) defines a variance as follows: <i>Grant of relief authorized by the board of appeals, or the city council upon recommendation by the planning and development review board, that relaxes specified provisions of the Code which will not be contrary to the public interest and that meets the requirements set forth in article III, division 8 of this Code.</i>		
1. Explain the proposed relief being sought from the code(s): <b>The existing structure is nonconforming with respect to Floor Area Ratio (FAR), currently exceeding the allowable FAR by approximately 8–9% due to its original construction in 1975. The proposed variance seeks relief to allow a modest additional FAR increase (3.6%) associated with reconstructing the building envelope to eliminate existing cantilevered conditions. Specifically, the request allows the foundation footprint to align with the upper levels, eliminating the existing cantilevered “inverse wedding cake” configuration and resulting in a minor expansion at the ground level, including an approximate 8-inch encroachment into the rear setback.</b>		
2. Explain the purpose of the variance (if granted)? <b>By eliminating the cantilevered conditions and extending walls directly to the foundation, the design simplifies the structural system, reduces vulnerability to storm forces, and creates a more durable and resilient building form. At the same time, this approach results in a cleaner, more cohesive, visually appealing architectural expression that is more consistent with the character of the surrounding area.</b>		
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.

**These cantilevered conditions create a unique structural hardship specific to this parcel, as they complicate structural reinforcement and reduce storm resiliency. The condition is inherent to the original construction and was not created by the current owner.**

**Additionally, the property's existing nonconforming FAR limits the ability to make necessary structural improvements without seeking minor relief.**

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

**The requested variance represents the minimum necessary relief to allow the alignment of the upper floors with the foundation. The proposed increase is limited to only what is required to eliminate the cantilevered portions and create continuous vertical walls, resulting in an incremental FAR increase of approximately 3%.**

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

**The proposed variance does not increase the height or massing of the upper portions of the structure. The visual profile and scale of the building remain consistent with the existing condition. The modification is limited to the ground level and does not introduce additional impacts related to light, air, or privacy. Therefore, the variance will not adversely affect adjacent properties or the public.**

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

**The proposed improvements will enhance the architectural quality and structural integrity of the building, replacing an outdated cantilevered design with a more cohesive and resilient form. This upgrade is expected to positively contribute to the character of the neighborhood and support surrounding property values by improving both aesthetics and long-term durability.**

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

**The intent of the ULDC includes promoting safe, resilient, and compatible development. The proposed variance aligns with this intent by improving the building's structural performance and storm resilience without increasing overall building height or significantly altering the established development pattern. The request represents a practical adjustment to address an existing nonconforming condition while maintaining consistency with the broader goals of the Code.**

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

The need for the variance arises from the original design and construction of the home in 1975, prior to current regulations. The current owner acquired the property in February 2025 and did not create the nonconforming conditions. The proposed improvements are intended to correct and modernize these existing conditions, not to create new ones.

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.

Granting this variance does not confer a special privilege but rather allows a reasonable improvement to an existing nonconforming structure. The request is limited in scope and is consistent with similar relief that may be considered for other properties with pre-existing nonconforming conditions seeking to improve structural safety and resiliency.

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:**

**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)

Henry H Graham Jr Revocable Trust

\_ Hampton Graham, Trustee

NAME OF AUTHORIZED AGENT

ADDRESS OF PROPERTY OWNER

1725 Memorial Park Drive  
Jacksonville, FL 32204.

ADDRESS OF AUTHORIZED AGENT

SIGNATURE OF OWNER OR AUTHORIZED AGENT:

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**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: \_\_\_\_\_



- EDGE OF EXISTING OVERHANG
- PROPOSED OVERHANGS
- NONCOMPLIANT OVERHANGS
- EDGE OF PROPOSED FOOT PRINT

TOTAL LOT AREA : 4,180 SF

FAR ALLOWED- 65 % : 2,717 SF

EXISTING FAR SF:

GROUND FLOOR : 1,170 SF

MAIN FLOOR : 1,313 SF

THIRD FLOOR : 600 SF

TOTAL EXISTING GROSS AREA : 3,083 SF

EXISTING FAR IS 366 SF OVER

PROPOSED PERCENTAGE  
OVER EXISTING FAR

3.6%

SET BACKS  
DETERMINED BY RC  
OVERLAY

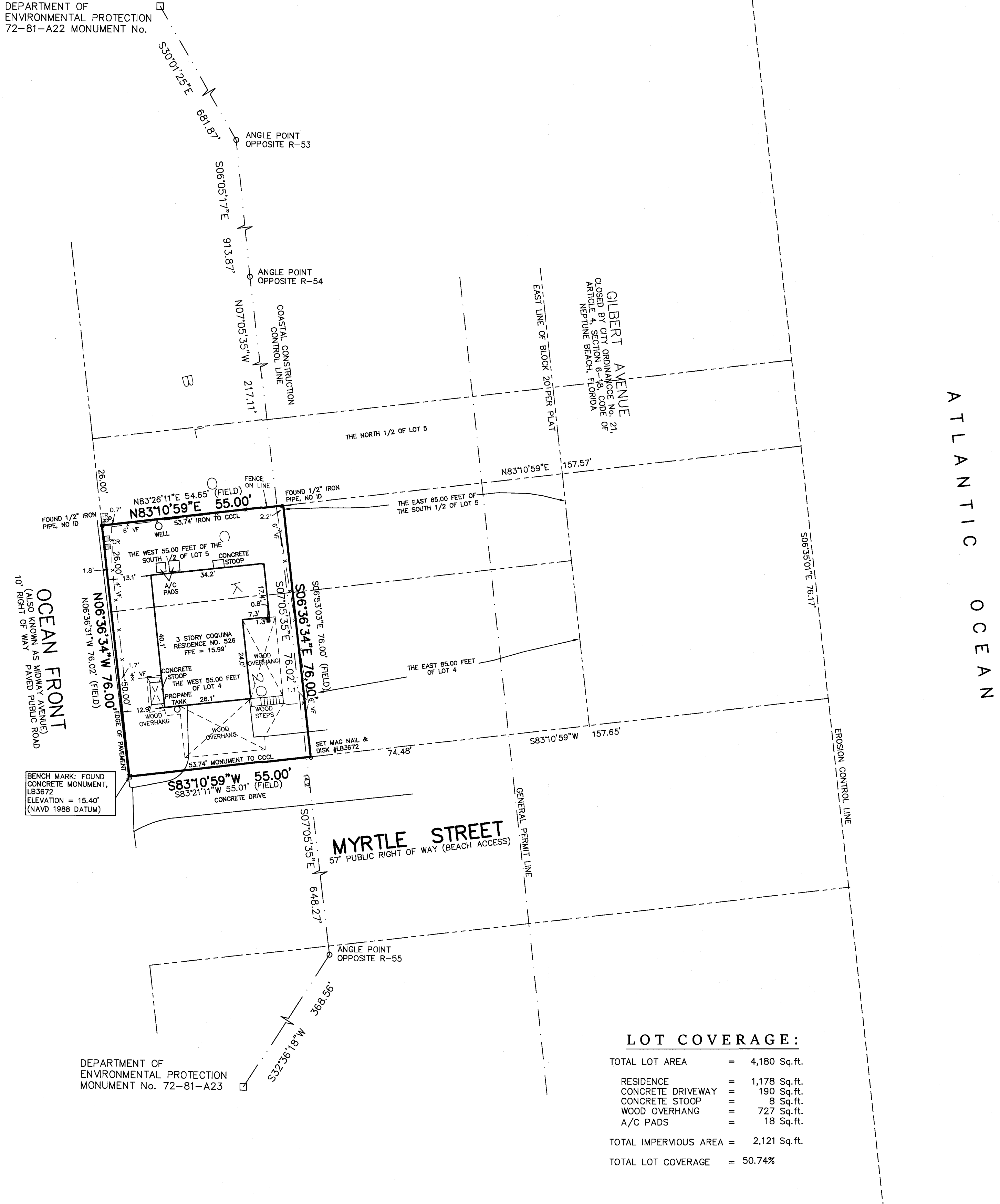


# MAP SHOWING SURVEY OF

THE WEST 55 FEET OF LOT 4 AND THE WEST 55 FEET OF THE SOUTH 1/2 OF LOT 5, REPLAT OF BLOCK 18, THROUGH 36, INCLUSIVE, AND BLOCKS 38 AND 39, NEPTUNE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 4, PAGE 46, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



DEPARTMENT OF ENVIRONMENTAL PROTECTION  
72-81-A22 MONUMENT No.



ATLANTIC OCEAN

**LOT COVERAGE:**

TOTAL LOT AREA	=	4,180 Sq.ft.
RESIDENCE	=	1,178 Sq.ft.
CONCRETE DRIVEWAY	=	190 Sq.ft.
CONCRETE STOOP	=	8 Sq.ft.
WOOD OVERHANG	=	727 Sq.ft.
A/C PADS	=	18 Sq.ft.
TOTAL IMPERVIOUS AREA	=	2,121 Sq.ft.
TOTAL LOT COVERAGE	=	50.74%

DEPARTMENT OF ENVIRONMENTAL PROTECTION  
MONUMENT No. 72-81-A23

<p><b>SYMBOL LEGEND</b></p> <ul style="list-style-type: none"> <li>Fire Hydrant</li> <li>Light Pole</li> <li>Gas Valve</li> <li>Water Valve</li> <li>Clean Out</li> <li>Utility Pole</li> <li>Guy Anchor</li> <li>Bollard</li> <li>Water Meter</li> <li>Gas Riser</li> <li>Cable Riser</li> <li>Electric Box</li> <li>Sign</li> <li>Transformer</li> <li>Manhole</li> </ul>	<p><b>ABBREVIATION LEGEND</b></p> <ul style="list-style-type: none"> <li>BFP Back-Flow Preventer</li> <li>CLF Calculated (Field) Measurement</li> <li>WF Wood Fence</li> <li>CLF Chain Link Fence</li> <li>VF Vinyl Fence</li> <li>CONC. Concrete</li> <li>R/W Right-of-Way</li> <li>PB Plat Book</li> <li>ORB Official Records Book</li> <li>PAGE Page</li> <li>MES Mitered End Section</li> <li>CMP Corrugated Metal Pipe</li> <li>PVC Polyvinyl Chloride Pipe</li> <li>RCP Reinforced Concrete Pipe</li> <li>EL Elevation</li> <li>FINISHED FLOOR ELEVATION</li> <li>INV Invert Elevation</li> <li>PC Point of Curvature</li> <li>PT Point of Tangency of Curve</li> <li>PCC Point of Compound Curve</li> <li>PRC Point of Reverse Curve</li> </ul>	<p><b>GENERAL SURVEY NOTES</b></p> <ol style="list-style-type: none"> <li>THIS IS A BOUNDARY SURVEY.</li> <li>BEARINGS BASED ON STATE PLANE COORDINATE SYSTEM, NAD 83 DATUM, FLORIDA EAST ZONE.</li> <li>BENCHMARK AS SHOWN HEREON WAS ESTABLISHED BY GPS OBSERVATION USING SPECTRA PRECISION SP85 L1/L2 EQUIPMENT AND RUNNING TRIMBLE VRS SOFTWARE IN N.A.V.D. 1988 DATUM.</li> <li>THE CURRENT COASTAL CONSTRUCTION CONTROL LINE IS RECORDED IN MAP BOOK C, PAGES 72 THROUGH 72H, DUVAL COUNTY, RECORDED JULY 21, 1992.</li> <li>THE EROSION CONTROL LINE AS RECORDED IN PLAT BOOK 35, PAGES 59, 59A, &amp; 59B OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA IS THE EASTERLY MOST PROPERTY LINE FOR PRIVATE LANDS IN SAID COUNTY.</li> <li>THE GENERAL PERMIT LINE SHOWN AS PER OFFICIAL RECORDS BOOK 12975, PAGE 1781 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.</li> <li>THIS SURVEY WAS PREPARED WITHOUT AN ABSTRACT OF TITLE; THEREFORE THE UNDERSIGNED MAKES NO GUARANTEES OR REPRESENTATIONS REGARDING INFORMATION SHOWN HEREON PERTAINING TO EASEMENTS, RIGHT OF WAYS, SETBACK LINES, AGREEMENTS, RESERVATIONS, OR OTHER SIMILAR MATTERS.</li> <li>NO UNDERGROUND INSTALLATIONS, IMPROVEMENTS OR ENCROACHMENTS HAVE BEEN LOCATED EXCEPT THOSE SHOWN HEREON.</li> <li>NO BUILDING RESTRICTION LINES, AS PER PLAT.</li> <li>THE PROPERTY DESCRIBED HEREON LIES IN FLOOD ZONE "X" (AREA OF MINIMAL FLOOD HAZARD) AS WELL AS CAN BE DETERMINED FROM THE FLOOD INSURANCE RATE MAP No. 12031C0409J, REVISED NOVEMBER 2, 2018 FOR DUVAL COUNTY, FLORIDA.</li> </ol> <p>FILE: 2024-1518 DRAWN BY: WWZ SCALE: 1" = 20'</p>	<p><b>BOATWRIGHT LAND SURVEYORS, INC.</b> 1500 ROBERTS DRIVE, JACKSONVILLE BEACH, FLORIDA 32250 (PH) 904-241-8550</p>	<p>CERTIFIED TO: DUVAL MOTOR COMPANY</p> <p><b>JASON D. BOATWRIGHT, P.S.M.</b> FLORIDA LICENSED SURVEYOR and MAPPER No. LS 7292 FLORIDA LICENSED SURVEYING &amp; MAPPING BUSINESS No. LB 3672 *NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.*</p> <p>DATE: DECEMBER 26, 2024 SHEET 1 OF 1</p>
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Prepared by:  
Beth Murphy  
Richard T. Morehead Title & Escrow, Inc.  
444 Third Street  
Neptune Beach, Florida 32266

File Number: 25B6050

25000228  
\$1300000<sup>00</sup>

## General Warranty Deed

Made this February 28, 2025 A.D. By **Albert G. Hakaim, a married person conveying non-homestead property**, whose post office address is: 116 Azalea Point Dr. S., Ponte Vedra Beach, Florida 32082, hereinafter called the grantor, to **Hampton Harris Graham, as Trustee of the Henry H. Graham, Jr. Revocable Trust, dated March 4, 2010**, whose post office address is: 1725 Memorial Park Dr., Jacksonville, Florida 32204, hereinafter called the grantee:

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

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

The West 55 feet of Lot 4 and the West 55 feet of the South 1/2 of Lot 5, Block 20, Neptune, a subdivision according to the plat thereof recorded in Plat Book 4, Page 46, of the Public Records of Duval County, Florida.

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

Parcel ID Number: 172733-0050

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

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


**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2023.

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


File Number: 25B6050

**In Witness Whereof**, the said grantor has signed and sealed these presents the day and year first above written.

*Signed, sealed and delivered in our presence:*

  
\_\_\_\_\_  
Signature: \_\_\_\_\_ - Witness  
ELIZABETH A MURPHY


Print name:  
444 3rd St.  
\_\_\_\_\_  
Address Line 1:  
NEPTUNE BEACH, FL 32266

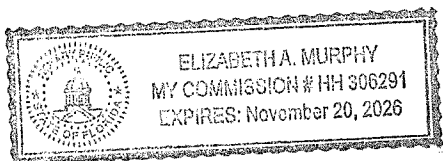
Address Line 2:  
  
\_\_\_\_\_  
Signature: \_\_\_\_\_ - Witness  
Janet Walts

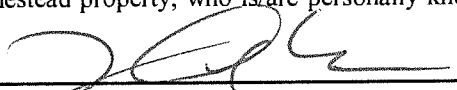
Print name:  
228 Otterwood Ct  
\_\_\_\_\_  
Address Line 1:  
JACKSONVILLE, FL 32225

State of Florida  
County of Duval

The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization this 28th day of February, 2025, by Albert G. Hakaim, a married person conveying non-homestead property, who is/are personally known to me or who has produced DRIVERS LICENSE as identification.

  
\_\_\_\_\_  
Albert G. Hakaim - Seller



  
\_\_\_\_\_  
Notary Public  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

# EXISTING PHOTOS



# EXISTING PHOTOS





WEST ELEVATION- EXISTING



SOUTH ELEVATION- EXISTING



EAST ELEVATION- EXISTING



NORTH ELEVATION- EXISTING



PERSPECTIVE- EXISTING



PERSPECTIVE- EXISTING



PERSPECTIVE- EXISTING



PERSPECTIVE- EXISTING



WEST ELEVATION- PROPOSED



SOUTH ELEVATION- PROPOSED



EAST ELEVATION- PROPOSED



NORTHELEVATION-PROPOSED



PERSPECTIVE- PROPOSED



PERSPECTIVE- PROPOSED



PERSPECTIVE- PROPOSED



PERSPECTIVE- PROPOSED



PERSPECTIVE- PROPOSED



PERSPECTIVE- PROPOSED



PERSPECTIVE- PROPOSED



PERSPECTIVE- PROPOSED