



# VARIANCE APPLICATION

## City of Atlantic Beach

Community Development Department  
800 Seminole Road Atlantic Beach, FL 32233  
(P) 904-247-5800

FOR INTERNAL OFFICE USE ONLY

PERMIT# EVAR23-0017

### APPLICANT INFORMATION

NAME Adam King EMAIL ajking47@yahoo.com

ADDRESS 671 Amberjack Lane CITY Atlantic Beach STATE FL ZIP CODE 32233

PROPERTY LOCATION \_\_\_\_\_ PHONE # 904-333-8701 CELL # 904-333-8701

RE# 17190-0000 BLOCK # 5 LOT # 5

LOT/PARCEL SIZE 100'x75' ZONING CODE RS-1 UTILITY PROVIDER JEA

COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION Residential Low Density

PROVISION FROM WHICH VARIANCE IS REQUESTED Plat Building Restriction Line

Homeowner's Association or Architectural Review Committee approval required for the proposed construction

☐ YES ☒ NO (if yes, this must be submitted with any application for a Building Permit)

Statement of facts and site plan related to requested Variance, which demonstrates compliance with Section 24-65 of the Zoning, Subdivision and Land Development Regulations, a copy of which is attached to this application. Statement and site plan must clearly describe and depict the Variance that is requested.

### PROVIDE ALL OF THE FOLLOWING INFORMATION

*(all information must be provided before an application is scheduled for any public hearing):*

1. Proof of ownership: deed or certificate by lawyer or abstract or title company that verifies record owner as above.
2. If the applicant is not the owner: provide a letter of authorization from the owner(s) for applicant to represent the owner(s) for all purposes related to this application.
3. Survey and legal description of property for which Variance is sought.
4. Required number of copies: One (1) digital copy - additional paper copy is optional.
5. Application fee of \$300.00.

I HEREBY CERTIFY THAT ALL INFORMATION PROVIDED IS CORRECT: Signature of Property Owner(s) or Authorized Agent

SIGNATURE OF APPLICANT [Signature] PRINT OR TYPE NAME Adam King DATE 5-25-23

SIGNATURE OF APPLICANT (2) \_\_\_\_\_ PRINT OR TYPE NAME \_\_\_\_\_ DATE \_\_\_\_\_

Signed and sworn before me on this 25 day of May, 2023 by State of Florida

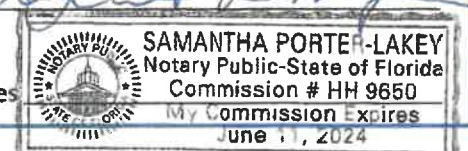
Adam King County of Duval

Identification verified: Personally Known

Oath Sworn: ☒ Yes ☐ No

Notary Signature

My Commission expires



**The following paragraph sets forth reasons for which a Variance may be approved, please check the circumstances that apply to your request and briefly describe in the space provided.**

**Grounds for approval of a Variance:** A Variance may be granted at the discretion of the Community Development Board, for the following reasons.

- ☐ 1. Exceptional topographic conditions of or near the property.

- ☐ 2. Surrounding conditions or circumstances impacting the property disparately from nearby properties.

- ☐ 3. Exceptional circumstances preventing the reasonable use of the property as compared to other properties in the area.

- ☒ 4. Onerous effect of regulations enacted after platting or after development of the property or after construction of improvements upon the property.

Removal of B.R.L. was suggested by City Commission in the early 2000's  
I would like to encroach the 25' BRL by 4', still within the 20'

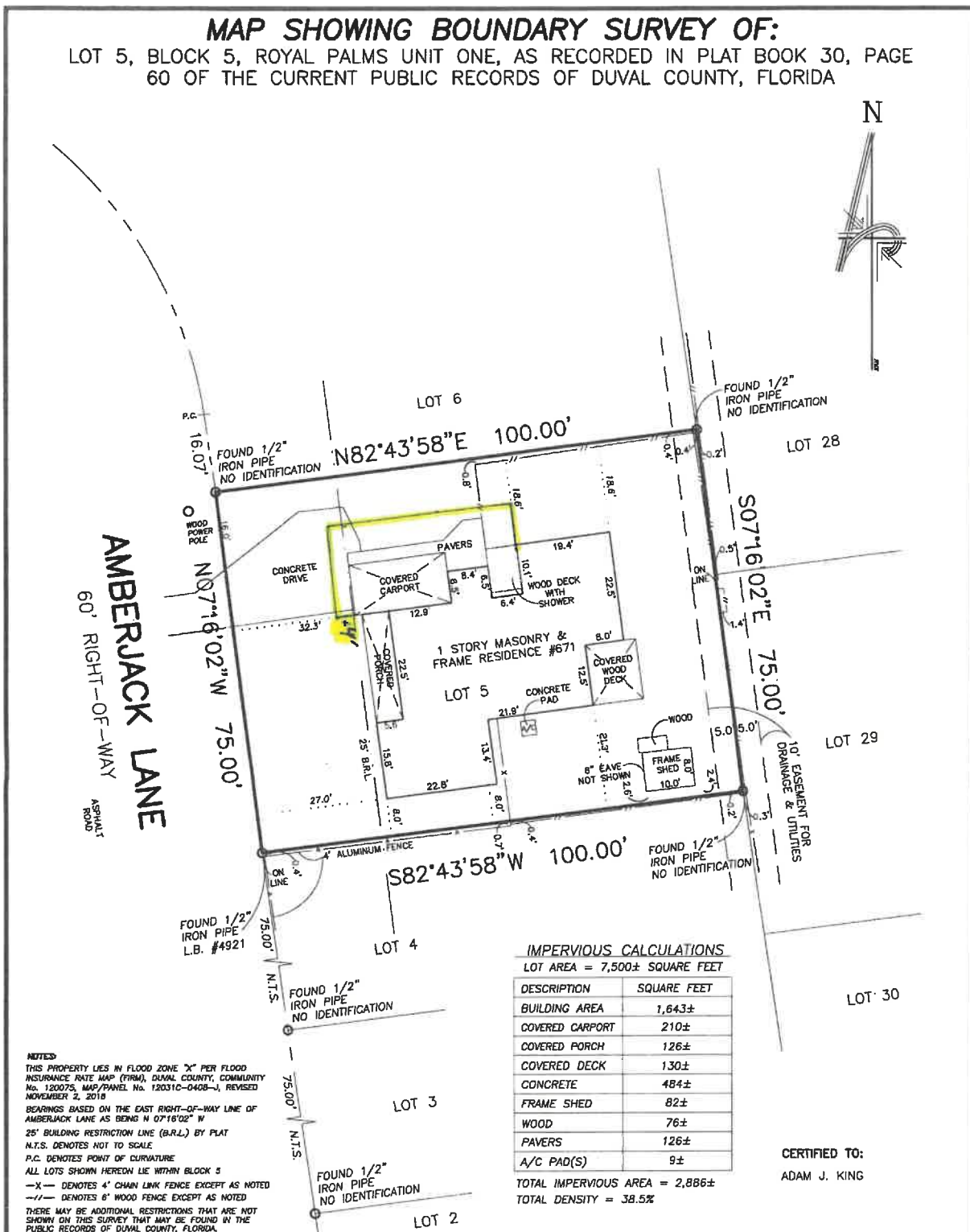
- ☐ 5. Irregular shape of the property warranting special consideration.

- ☐ 6. Substandard size of a Lot or Record warranting a Variance in order to provide for the reasonable use of the property.

- a. Approval of a Variance. To approve an application for a Variance, the Community Development Board shall find that the request is inaccordance with the preceding terms and provisions of this Section and that the granting of the Variance will be in harmony with the Purpose and Intent of this Chapter.
- b. Approval of Lesser Variances. The Community Development Board shall have the authority to approve a lesser Variance than requested if a lesser Variance shall be more appropriately in accord with the terms and provisions of this Section and with the Purpose and Intent of this Chapter.
- c. Nearby Nonconformity. Nonconforming characteristics of nearby Lands, Structures or Buildings shall not be grounds for approval of a Variance.
- d. Waiting period for re-submittal. If an application for a Variance is denied by the Community Development Board, no further action on Another application for substantially the same request on the same property shall be accepted for 365 days from the date of denial.
- e. Time period to implement Variance. Unless otherwise stipulated by the Community Development Board, the work to be performed pursuant to a Variance shall begin within six (6) months from the date of approval of the Variance. The Community Development Director, upon finding of good cause, may authorize a one time extension not to exceed an additional six (6) months, beyond which time the Variance shall become null and void.
- f. A Variance, which involves the Development of Land, shall be transferable and shall run with the title to the Property unless otherwise stipulated by the Community Development Board.

**ADDITIONAL COMMENTS:**

LOT 5, BLOCK 5, ROYAL PALMS UNIT ONE, AS RECORDED IN PLAT BOOK 30, PAGE 60 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



## NOTES

THIS PROPERTY LIES IN FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP (FIRM), DUVAL COUNTY, COMMUNITY No. 120075, MAP/PANEL No. 12031C-0408-J, REVISED NOVEMBER 2, 2018

BEARINGS BASED ON THE EAST RIGHT-OF-WAY LINE OF  
AMBER JACK LANE AS BEING N. 07°18'02" W.

25' BUILDING RESTRICTION LINE (B.R.L.) BY PLAT

N.T.S. DENOTES NOT TO SCALE

P.C. DENOTES POINT OF CURVATURE

ALL LOTS SHOWN HEREDN LIE WITHIN BLOCK 3

—X— DENOTES 4' CHAIN LINK FENCE EXCEPT AS NOTED  
—H— DENOTES 6" WOOD FENCE EXCEPT AS NOTED

--//-- DENOTES 6' WOOD FENCE EXCEPT AS NOTED  
THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

IMPERVIOUS CALCULATIONS

LOT AREA = 7,500± SQUARE FEET

| DESCRIPTION     | SQUARE FEET |
|-----------------|-------------|
| BUILDING AREA   | 1,643±      |
| COVERED CARPORT | 210±        |
| COVERED PORCH   | 126±        |
| COVERED DECK    | 130±        |
| CONCRETE        | 484±        |
| FRAME SHED      | 82±         |
| WOOD            | 76±         |
| PAVERS          | 126±        |
| A/C PAD(S)      | 9±          |

TOTAL IMPERVIOUS AREA = 2.886±

TOTAL DENSITY = 38.5%

**CERTIFIED TO:**

ADAM J. KING

D U R D E N  
SURVEYING AND MAPPING, INC.

985 11TH AVENUE SOUTH  
JACKSONVILLE BEACH, FLORIDA 32250  
(904) 853-6822 FAX(904) 853-6825  
DURDENSURVEYING@GMAIL.COM  
LICENSED BUSINESS NO. 6696

**SURVEYOR'S NOTE:**

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

I hereby certify that this survey meets the standards of practice as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes and Chapter 5J17 Florida Administrative Code

*Bruce Darden*  
FLORIDA REGISTERED SURVEYOR No. 470  
H. BRUCE DARDEN, JR.

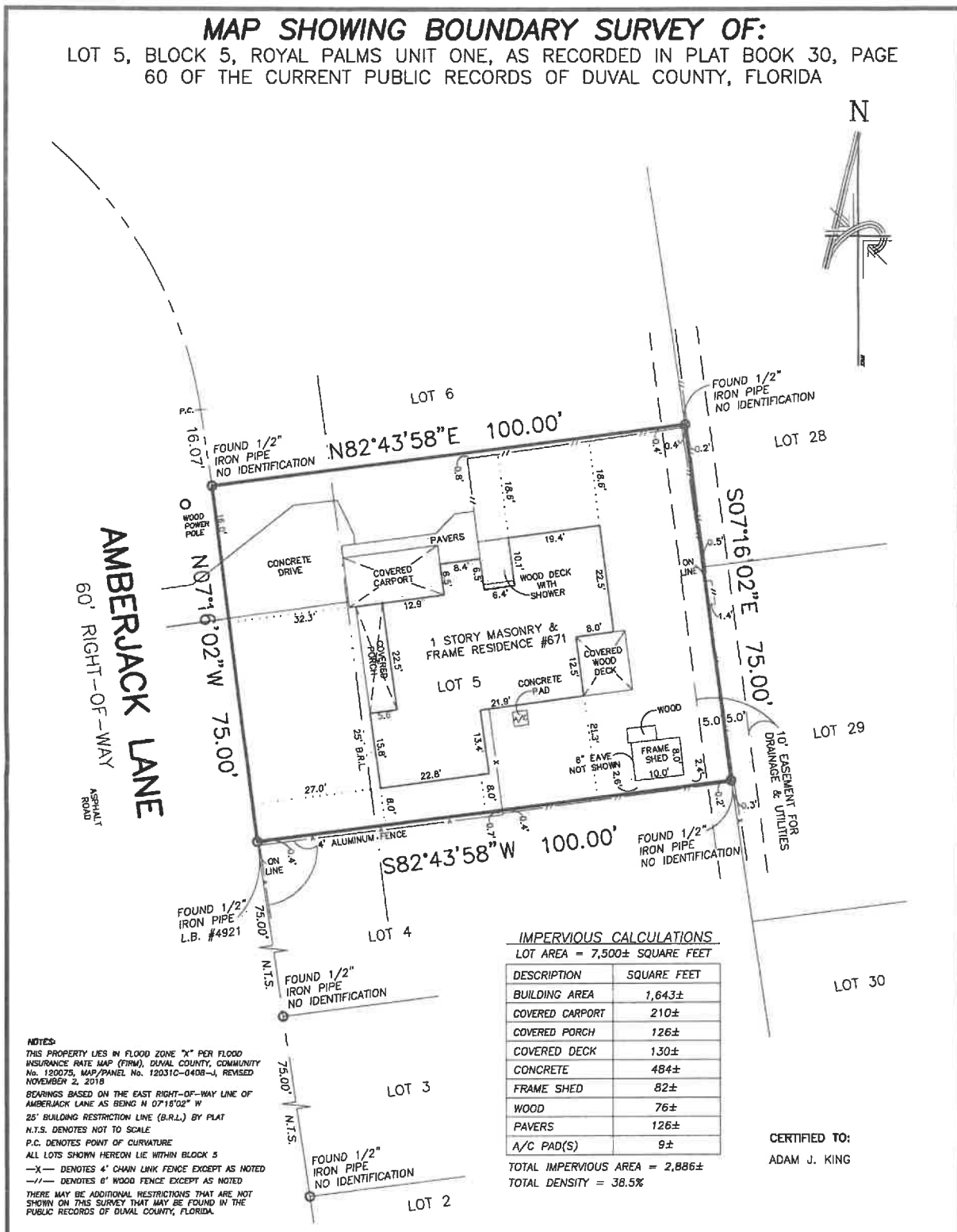
FLORIDA REGISTERED SURVEYOR No. 470  
H. BRUCE GURDEN, Jr.

FIELD: MARCH 13, 2023  
CAD FILE NO. L-5,B-5(671 AMBERJACK LN).DWG  
SCALE: 1" = 20'  
WORK ORDER NUMBER: 23089

B-10280

# MAP SHOWING BOUNDARY SURVEY OF:

LOT 5, BLOCK 5, ROYAL PALMS UNIT ONE, AS RECORDED IN PLAT BOOK 30, PAGE 60 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA



## NOTES:

THIS PROPERTY LIES IN FLOOD ZONE "X" PER FLOOD INSURANCE RATE MAP (FIRM), DUVAL COUNTY, COMMUNITY No. 120075, MAP/PANEL No. 12031C-040B-J, REVISED NOVEMBER 2, 2018

BEARINGS BASED ON THE EAST RIGHT-OF-WAY LINE OF AMBERJACK LANE AS BEING N 07°16'02" W

25' BUILDING RESTRICTION LINE (B.R.L.) BY PLAT

N.T.S. DENOTES NOT TO SCALE

P.C. DENOTES POINT OF CURVATURE

ALL LOTS SHOWN HEREON LIE WITHIN BLOCK 5

-X- DENOTES 4" CHAIN LINK FENCE EXCEPT AS NOTED

-// DENOTES 6" WOOD FENCE EXCEPT AS NOTED

THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT SHOWN ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

## IMPERVIOUS CALCULATIONS

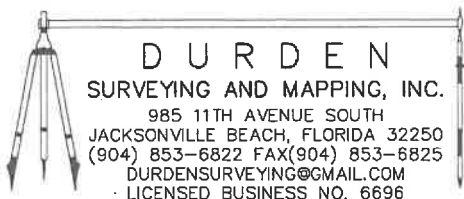
LOT AREA = 7,500± SQUARE FEET

| DESCRIPTION     | SQUARE FEET |
|-----------------|-------------|
| BUILDING AREA   | 1,643±      |
| COVERED CARPORT | 210±        |
| COVERED PORCH   | 126±        |
| COVERED DECK    | 130±        |
| CONCRETE        | 484±        |
| FRAME SHED      | 82±         |
| WOOD            | 76±         |
| PAVERS          | 126±        |
| A/C PAD(S)      | 9±          |

TOTAL IMPERVIOUS AREA = 2,886±

TOTAL DENSITY = 38.5%

CERTIFIED TO:  
ADAM J. KING



**DURDEN**  
SURVEYING AND MAPPING, INC.

985 11TH AVENUE SOUTH  
JACKSONVILLE BEACH, FLORIDA 32250  
(904) 853-6822 FAX(904) 853-6825  
DURDENSURVEYING@GMAIL.COM  
LICENSED BUSINESS NO. 6696

## SURVEYOR'S NOTE:

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

I hereby certify that this survey meets the standards of practice as set forth by the Florida Board of Land Surveyors, pursuant to Section 472.027 Florida Statutes and Chapter 5J17 Florida Administrative Code

*Bruce Durden Jr.*  
FLORIDA REGISTERED SURVEYOR No. 4703  
H. BRUCE DURDEN, JR.

FIELD: MARCH 13, 2023

CAD FILE NO. 1-5-B-5(671 AMBERJACK LN).DWG

SCALE: 1" = 20'

WORK ORDER NUMBER: 23089

B-10280

THIS INSTRUMENT PREPARED BY:

Richard T. Morehead, P. A.  
Laurissa Bartle  
444 Third Street  
Neptune Beach, FL 32266

RECORD AND RETURN TO:

Adam J. King  
671 Amberjack Lane  
Atlantic Beach, FL 32233

RE PARCEL ID #: 171190-0000

121532

## WARRANTY DEED

THIS WARRANTY DEED made this 19th day of May, 2005 by Juanita Currelley, hereinafter referred to as Grantor, whether one or more, and whose address is 117 PEACH ST. BUTLER GA 31006, to Adam J. King, hereinafter referred to as Grantee, whether one or more, and whose address is 671 Amberjack Lane, Atlantic Beach, FL 32233

(Wherever 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:

1141.00  
18.50

THAT Grantor, for and in consideration of the sum of Ten and NO/100 Dollars and other valuable considerations, in hand paid by Grantee, the receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee the following described land situate, lying and being in the County of Duval, State of Florida to wit:

Lot 5, Block 5, ROYAL PALMS, UNIT ONE, according to plat thereof as recorded in Plat Book 30, pages 60 and 60A of the current public records of Duval County, Florida.

SUBJECT TO taxes accruing subsequent to December 31, 2004.

SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference shall not operate to reimpose same.

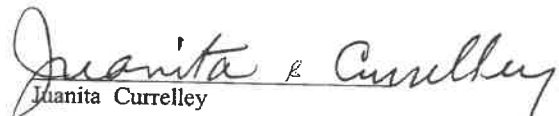
TO HAVE AND TO HOLD the same in fee simple forever.

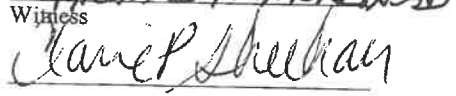
AND Grantor hereby covenants with Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances.

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

Signed, sealed and delivered in our presence:

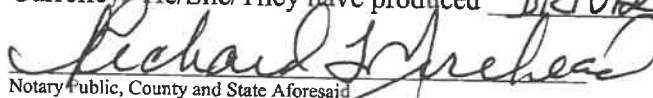
  
RICHARD T. MOREHEAD  
Witness

  
Juanita Currelley

  
Witness CLAIRE P. SHEEHAN

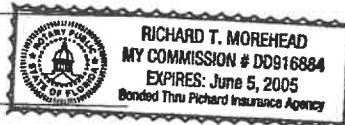
STATE OF Florida  
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 19th day of May, 2005 by Juanita Currelley. He/She/They have produced DRIVERS LICENSE as identification.

  
Notary Public, County and State Aforesaid

Notary Printed Signature

My commission expires: \_\_\_\_\_





# PUBLIC NOTICE



To whom it may concern,

Notice is hereby given to all property owners within 300 feet of the address below, and as shown in the map below, that a Public Hearing regarding the case described in this notice will be held by the Community Development Board (CDB) in a hybrid quasi-judicial format will allow for both virtual participation and in-person participation from the board.

The public is invited to attend in person. The meeting will be held in Commission Chambers located at 800 Seminole Road.

## PROJECT

**Item No:** ZVAR23-0017  
**Address:** 671 Amberjack Lane  
(RE #171190-0000)  
**Applicant:** Adam King

## PUBLIC HEARING(S)

**Body:** Community Development Board  
**Date:** June 20, 2023  
**Time:** 6:00 PM

## Property Location Map



**Request:** Request for a variance to the platted Building Restriction Line (BRL) at 671 Amberjack Lane.

**Summary:** The applicant is requesting a variance to build an addition within the 25-foot Building Restriction Line (BRL) at 671 Amberjack Lane. The proposed addition would meet the zoning district front yard setback in the Residential, Single-Family (RS-1) zoning district.

Pursuant to Section 286.0105, Florida Statutes, a person deciding to appeal any decision made by the Commission with respect to any matter considered at the meeting or at any subsequent meeting to which the Commission has continued its deliberations is advised that such person will need to insure that a verbatim record of all proceedings is made, which must include the testimony and evidence upon which the appeal is to be based.

All information related to the item(s) above is available for review on the city of Atlantic beach webpage under Public Notices <https://www.coab.us/960/Public-Notices>. For additional questions please contact Amanda Askew, Director of Planning and Community Development at [aaskew@coab.us](mailto:aaskew@coab.us) or 904-247-5841.

Please Note: Two or more members of any board or committee of the City of Atlantic Beach may be in attendance. In accordance with the Americans with Disabilities Act and Section 286.26 of the Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's Office at City Hall or by calling (904) 247-5800 not less than three days prior to the public hearing.



# ZVAR23-0017

## 671 Amberjack Lane

*Request for a variance to the platted Building  
Restriction Line(BRL) at 671 Amberjack Lane.*

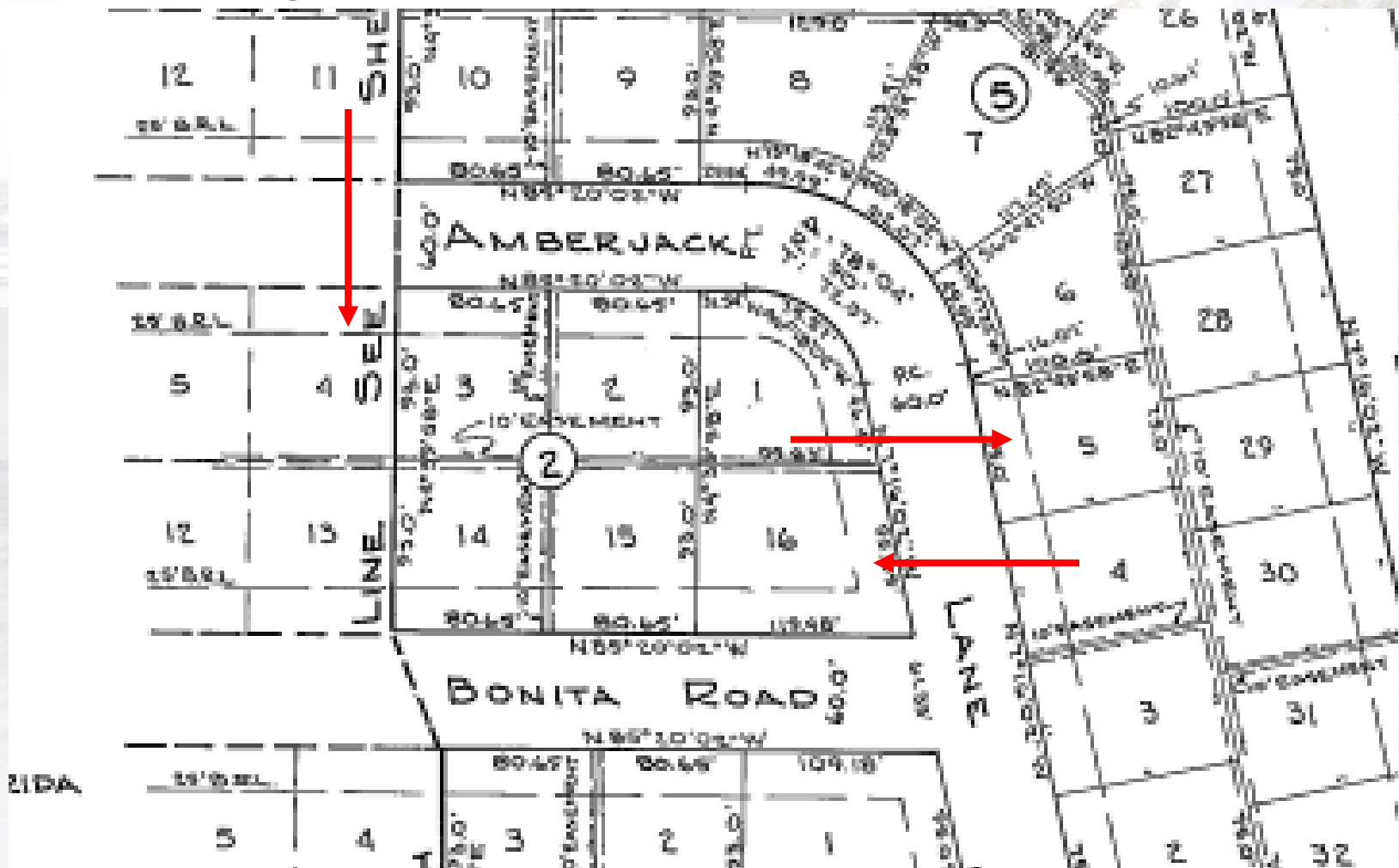
# Site Context and Details

- Located on the east side of Amberjack Lane.
- Zoned Residential, Single Family (RS-1)
- 25-foot Building Restriction Line (BRL) across front of lot



# Background

- The Royal Palms neighborhood was developed in the early 1960's.
- Original subdivision plats included a uniform 25-foot BRL for all street frontages and corner lots.

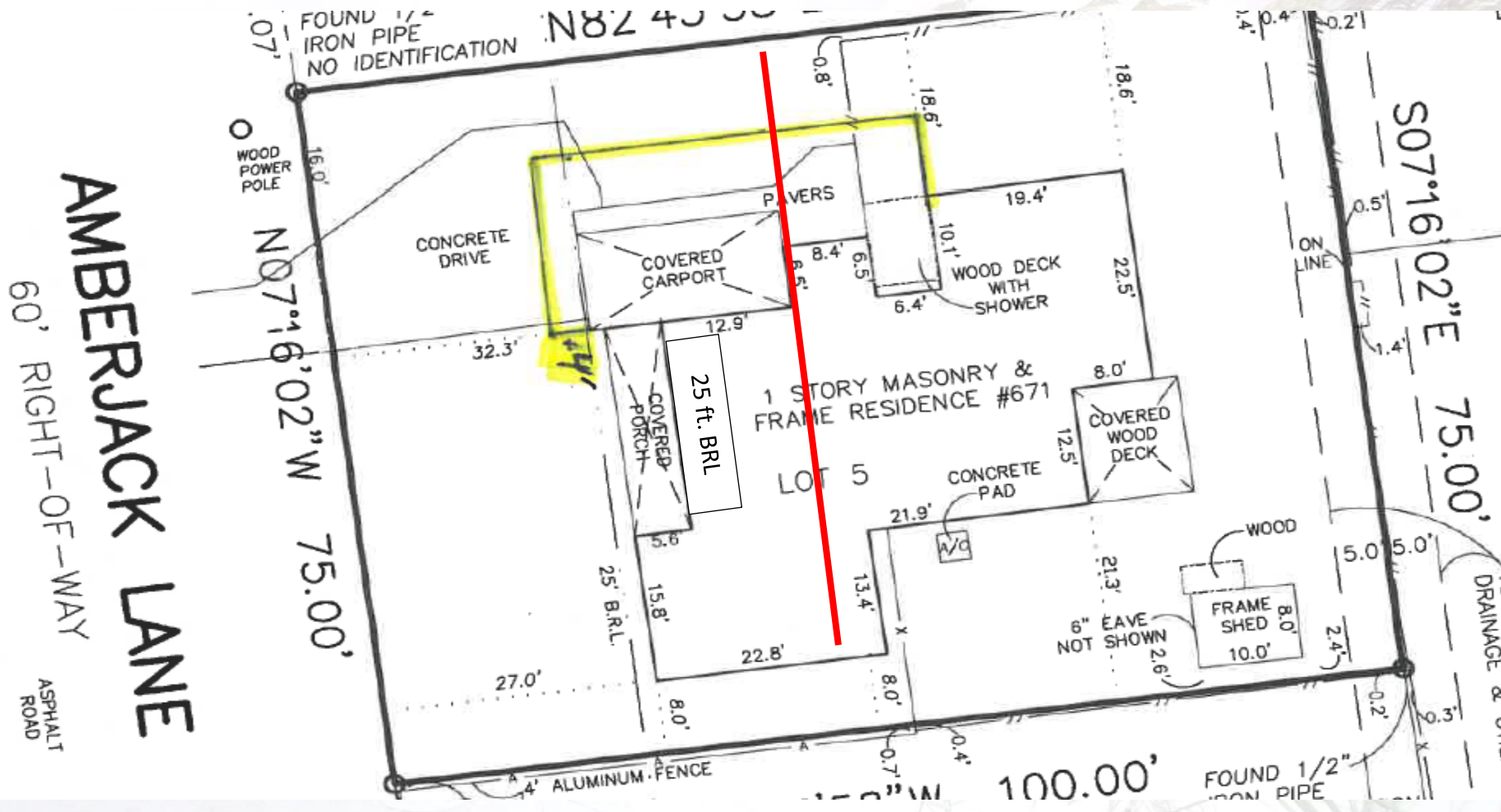


# Background

- May 2009, City Commission held a workshop & directed staff to amend the Royal Palms subdivision plat to remove the 25' BRL. Properties would need to meet the minimum setbacks for the RS-1 zoning district.
- June 2009, brought to CDB along with other LDR changes. CDB recommended CC pass the LDR changes.
- December 14, 2009, CC directed staff to proceed with revision of the plat.
- At the time, Commission was not advised of the correct legal process for changing plat.
  1. Mailers to over 600 property owners and their mortgage holders
  2. All parties to sign off on removing BRL and replat of subdivision

# Proposed Plan

- The applicant is planning to build an addition that is within the 25 ft. platted BRL.
- The proposed addition will encroach 4 feet into the 25 ft. BRL.



# Need for Variance

- The proposed addition would extend beyond the 25 foot Building Restriction Line on Bonita Road.
- The minimum setback in the RS-1 zoning district in the front yard is 20 feet.
- The Royal Palms plat has a 25 ft. BRL that is to be enforced over the required setback for the RS-1 zoning district.

# Considerations

- The proposed addition will not exceed the 20 ft. required front yard set back in the RS-1 zoning district.
- City Commission voted to remove the 25 ft BRL in the Royal Plats subdivision plat, but plats have not been revised.
- Community Development Board voted to approve a similar requests in 2021, 2022, and 2023.

# Grounds for Decision

## **APPROVAL-** existence of one or more of the following Section 24-65 (c)

1. Exceptional topographic conditions of or near the property.
2. Surrounding conditions or circumstances impacting the property disparately from nearby properties.
3. Exceptional circumstances preventing the reasonable use of the property as compared to other properties in the area.
4. Onerous effect of regulations enacted after platting or after development of the property or after construction of improvement upon the property.
5. Irregular shape of the property warranting special consideration.
6. Substandard size of a lot of record warranting a variance in order to provide for the reasonable use of the property.

## **DENIAL-**

The CDB may consider a denial upon finding that none of the requirements in 24-65 (c) exist.



# CITY OF ATLANTIC BEACH

## COMMUNITY DEVELOPMENT BOARD

### STAFF REPORT

|                    |                                                                                                                          |
|--------------------|--------------------------------------------------------------------------------------------------------------------------|
| <b>AGENDA ITEM</b> | <b>4.D</b>                                                                                                               |
| <b>CASE NO.</b>    | <b>ZVAR23-0017</b><br><i>Request for a variance to the platted Building Restriction Line (BRL) at 671 Amberjack Lane</i> |
| <b>LOCATION</b>    | <b>671 Amberjack Lane</b>                                                                                                |
| <b>APPLICANT</b>   | <b>Adam King</b>                                                                                                         |
| <b>DATE</b>        | <b>June 13, 2023</b>                                                                                                     |
| <b>STAFF</b>       | <b>Amanda Askew, Director of Planning and Community Development</b>                                                      |

---

#### STAFF COMMENTS

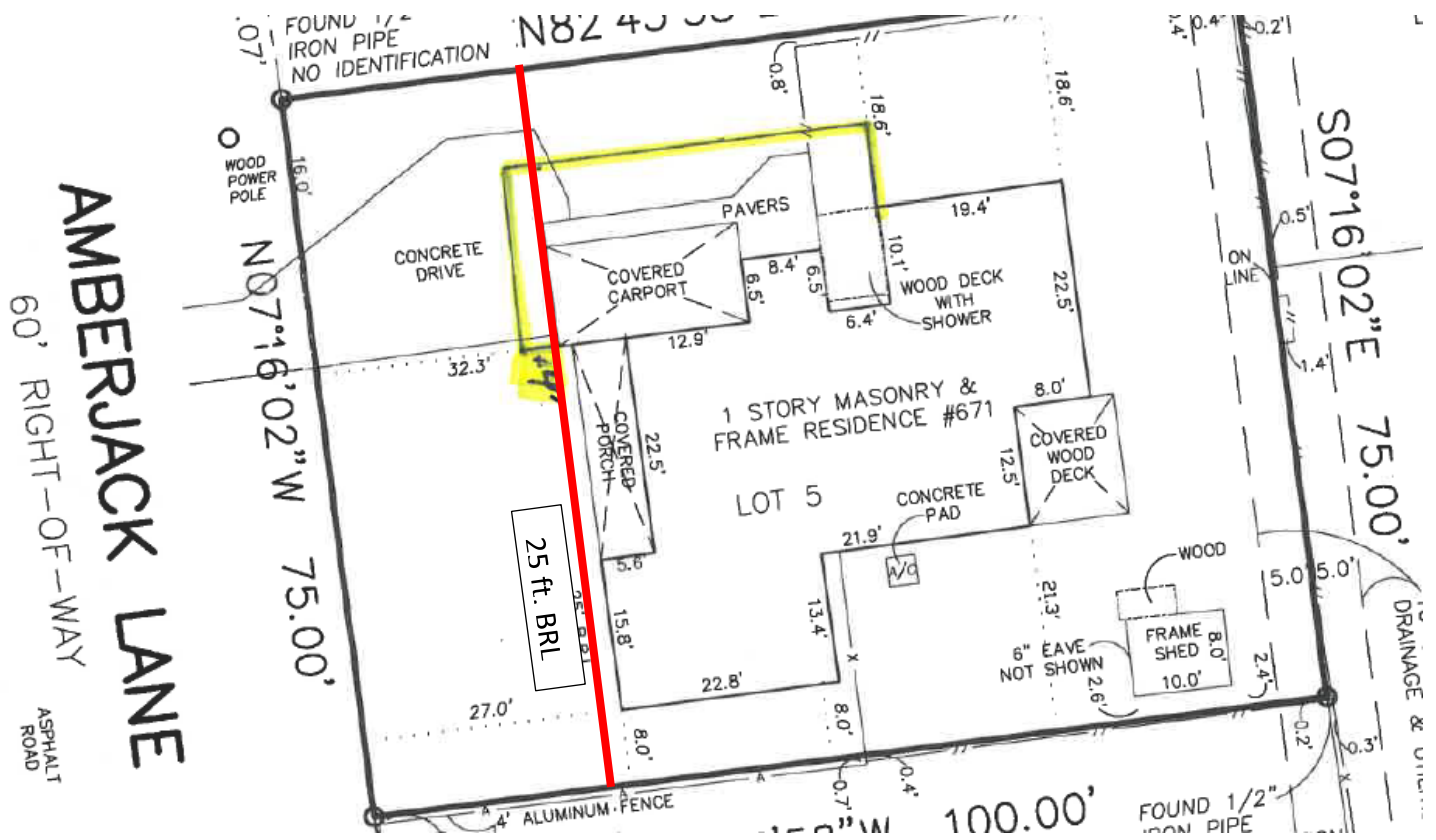
The applicant, Adam King, is the owner of 671 Amberjack Lane. This property is located within the Royal Palms neighborhood and is zoned Residential, Single Family (RS-1). The front setback within the RS-1 zoning district is 20 feet, however this lot has a 25 foot platted Building Restriction Line (BRL) across the front of the property. Section 24-17 states that BRLs, which may be greater than the zoning setbacks, shall be enforced.

Currently, the existing house meets the 25 foot BRL established on Amberjack Lane. The applicant is proposing to construct an addition that will encroach four (4) feet into the 25 foot platted BRL.



The original plats were hand drawn in 1960 and included a uniform 25-foot Building Restriction Line for all of the Royal Palms neighborhood for all street frontages including interior and corner lots. Developers use platted BRLs to create uniformity in subdivisions. It helps keep structures that are out of the norm or character of the surrounding structures.

In 2009, Commission requested an amendment to the Royal Palms subdivision plats to remove the 25-foot BRL, such that the standard zoning district would apply (front yard setback of 20-feet). Staff observed that the most lots in Royal Palms have about 15-feet from the street curb in the right-of-way prior to the property line, so even with a standard 20-foot setback, the house will still be set back 30-35 feet from the street. City Commission hosted a workshop to discuss this and other Land Development Regulations updates. As a result, Commission directed staff to amend the Royal Palms subdivision plat to remove the 25-foot setback. At the December 14, 2009 Commission meeting, Commission approved a motion to direct staff to proceed with revisions to the Royal Palms and Atlantic Beach Villa subdivisions and authorize the Mayor to sign the revised plats. At the time, Commission was not advised of the correct legal process for changing the plats. To revise the plats, staff must send a mailer to over 600 property owners and receive written approval from every property owner on the plats. In addition, if the property has a mortgage on the property the mortgage company must sign off on the plat too. This was not completed.



## ANALYSIS

Section 24-65 states that “applications for a variance shall be considered on a case-by-case basis, and shall be approved only upon findings of fact that the application is consistent with the definition of a variance and consistent with the provisions of this section.” According to Section 24-17, Definitions, “[a] variance shall mean relief granted from certain terms of this chapter. The relief granted shall be only to the extent as expressly allowed by this chapter and may be either an allowable exemption from certain provision(s) or a relaxation of the strict, literal interpretation of certain provision(s). Any relief granted shall be in accordance with the provisions as set forth in Section 24-65 of this chapter, and such relief may be subject to conditions as set forth by the City of Atlantic Beach.”

Section 24-65(c) provides six distinct grounds for the approval of a variance:

- (1) ***Exceptional topographic conditions of or near the property.***
- (2) ***Surrounding conditions or circumstances impacting the property disparately from nearby properties.***
- (3) ***Exceptional circumstances preventing the reasonable use of the property as compared to other properties in the area.***
- (4) ***Onerous effect of regulations enacted after platting or after development of the property or after construction of improvements upon the property.***

The applicant said, “removal of BRL was suggested by City Commission in the early 200s. I would like to encroach the 25’ BRL by 4’, sill within the 20’.”

- (5) ***Irregular shape of the property warranting special consideration.***
- (6) ***Substandard size of a lot of record warranting a variance in order to provide for the reasonable use of the property.***

## REQUIRED ACTION

The Community Development Board may consider a **motion to approve ZVAR23-0017**, request for a variance from the platted Building Restriction Line (BRL) upon finding this request is consistent with the definition of a variance, and in accordance with the provisions of Section 24-65, specifically the grounds for approval delineated in Section 24-65(c) and as described below.

*A variance may be granted, at the discretion of the Community Development Board, for the following reasons:*

- (1) Exceptional topographic conditions of or near the property.*
- (2) Surrounding conditions or circumstances impacting the property disparately from nearby properties.*
- (3) Exceptional circumstances preventing the reasonable use of the property as compared to other properties in the area.*
- (4) Onerous effect of regulations enacted after platting or after development of the property or after construction of improvements upon the property.*
- (5) Irregular shape of the property warranting special consideration.*
- (6) Substandard size of a lot of record warranting a variance in order to provide for the reasonable use of the property.*

Or,

The Community Development Board may consider a **motion to deny ZVAR23-0017**, request for a variance from the platted Building Restriction Line.