

City of  
**Neptune Beach**

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## MEMORANDUM

**TO:** Planning and Development Review Board (PDRB)  
**FROM:** Amanda L. Askew, Community Development Director  
**DATE:** May 12, 2009  
**SUBJECT:** PDRB09-07 / 912 Oceanfront, Haycock (Replat)

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### Background

The applicant is requesting a replat or subdivision of one (1) beach front lot into two (2) beach front lots. The applicant is requesting to divide the lot creating one lot facing Azalea Place (with the house) and a vacant lot facing Bay Street. The property is located in the R-4 zoning district.

Based on the recommendations of the PDRB, City Council approved this project in June 2006. However, the applicant failed to record the plat with the clerk of the court and the approval expired.

This is not considered a minor plat because road and utilities improvements must be built for access to the lot off of Bay Street. The street and utilities will have to be expanded easterly along Bay Street, at the developer's expense. Both sections 27-474 and 27-494 of the Unified Land Development Code (ULDC) require all the necessary road and utilities improvements to be provided at the expense of the developer in accordance with Chapter 27 of the ULDC. The applicant has not submitted a preliminary development order for the road and utilities improvements for Bay Street. Per the ULDC, this can be submitted at later time. However, the plans will be necessary at the time of development of the lot facing Bay Street.

### Analysis:

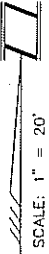
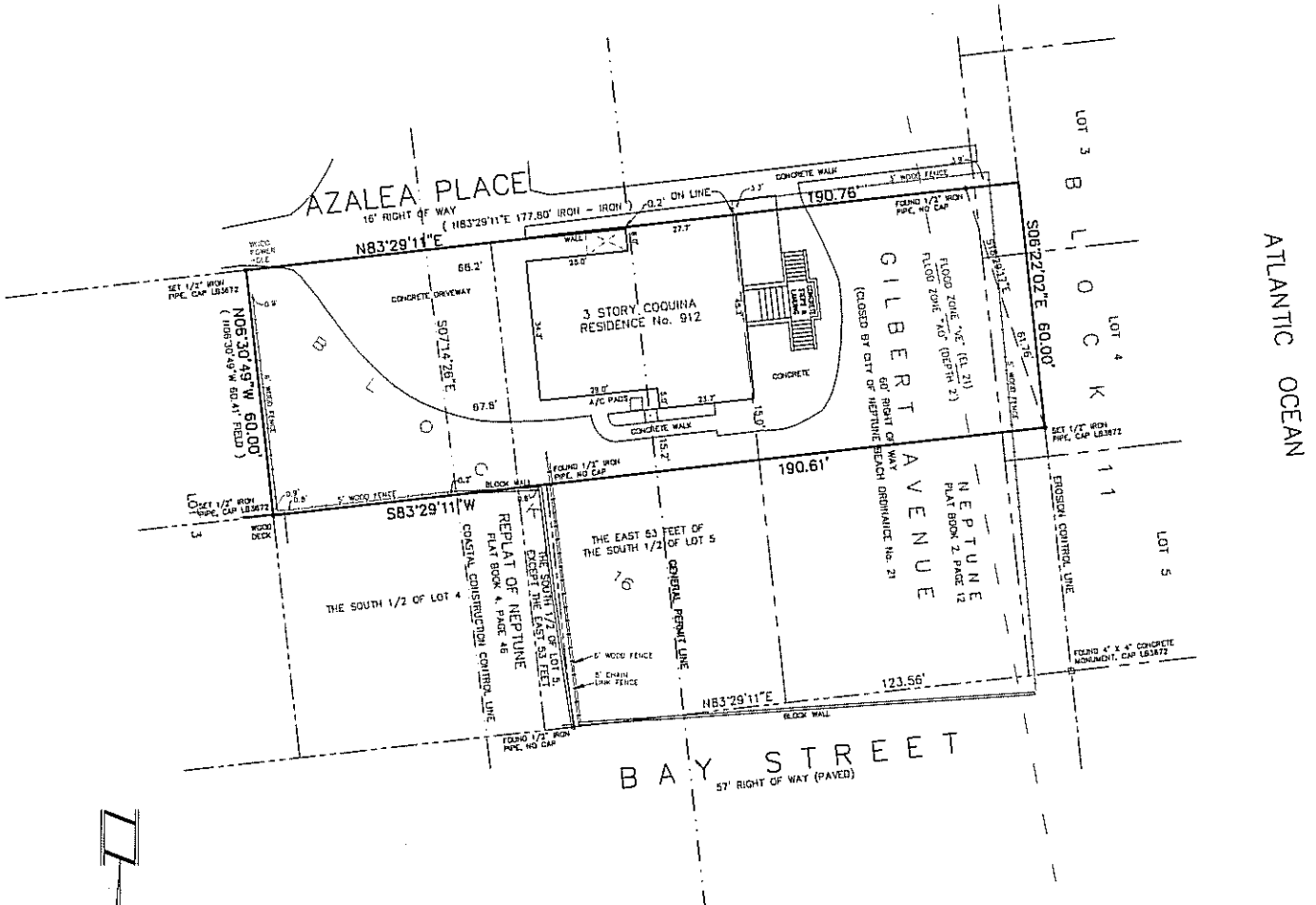
Both of the proposed lots meet the minimum lot size and width requirements of the R-4 zoning district. They also both have access to public rights-of-way. The existing house

is non-conforming due to setbacks and the proposed subdivision does not exasperate the non-conformity. It is possible for a house to be built on the vacant lot without any variances. However, the road and utilities extension must be made by the developer for access to this property. In addition, they will have to apply for a right-of-way permit for a driveway access. The City will only grant a perpendicular driveway to access the lot from Bay Street.

The vacant lot on Bay Street is adjacent to a beach access. Section 27-476 (1) designates this area as a special public right of way which shall be carefully preserved. The City will encourage minimal expansion of Bay Street to allow access to this lot. It is the intent of the Comprehensive Plan and the ULDC to preserve beach accesses.

# MAP SHOWING SURVEY OF

THE NORTH 1/2 OF LOTS 4 AND 5, BLOCK 16, REPLAT OF NEPTUNE AS RECORDED IN PLAT BOOK 4, PAGE 46, TOGETHER WITH A PART OF GILBERT AVENUE (A 60 FOOT RIGHT OF WAY, CLOSED BY CITY OF NEPTUNE BEACH ORDINANCE No. 21), AND PART OF LOTS 3 AND 4, BLOCK 11, NEPTUNE AS RECORDED IN PLAT BOOK 2, PAGE 12, DESCRIBED AS BOUND ON THE NORTH BY THE EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 5, BLOCK 16, BOUND ON THE SOUTH BY AN EASTERLY EXTENSION OF THE SOUTH LINE OF THE NORTH 1/2 OF SAID LOT 5, BLOCK 16, AND BOUND ON THE EAST BY THE EROSION CONTROL LINE AS RECORDED IN PLAT BOOK 35, PAGES 59, 59A AND 59B, ALL OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



- NOTES
1. THIS IS A BOUNDARY SURVEY.
  2. BEARINGS ARE BASED ON THE SOUTH LINE OF LOTS 4 AND 5, BLOCK 16 BEING NORTH 83°29'11" EAST, AS PER BOATWRIGHT LAND SURVEYORS, INC. DRAWINGS No. D2009-161 AND C2009-187.
  3. BUILDING RESTRICTION LINES SHALL BE ACCORDING TO ZONING REGULATIONS.
  4. THE COASTAL CONSTRUCTION CONTROL LINE, GENERAL PERMIT LINE AND EROSION CONTROL LINES FOR DUVAL COUNTY ARE SHOWN AS PER THE ABOVE MENTIONED DRAWINGS BY BOATWRIGHT LAND SURVEYORS, INC., AND WERE NOT FIELD VERIFIED FOR THIS SURVEY.
  5. THE EASTERLY BOUNDARY IS THE EROSION CONTROL LINE.

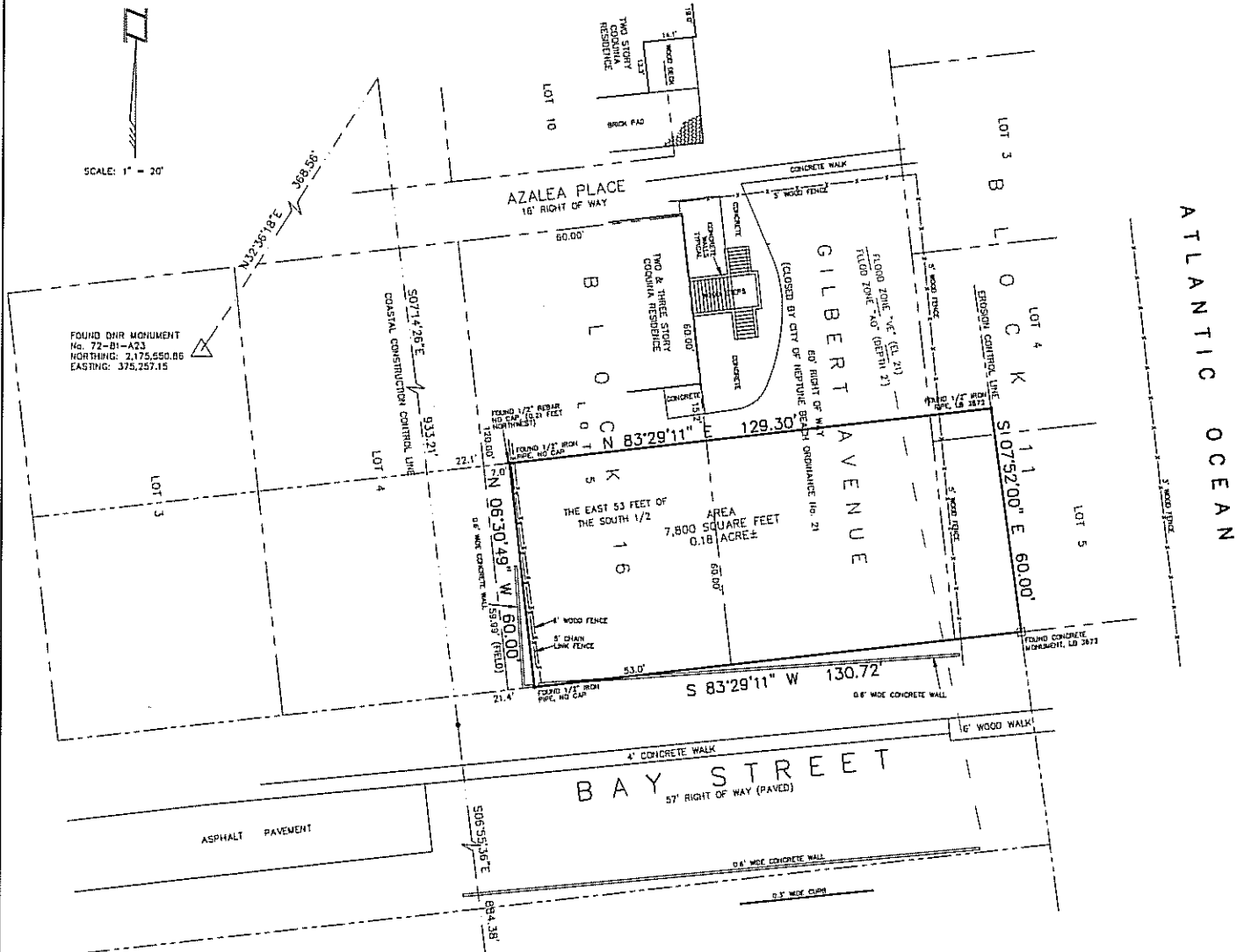
THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "A0" (DEPTH 2') AND FLOOD ZONE "VE" (EL 21) AS WELL AS CAN BE DETERMINED FROM THE "FLOOD INSURANCE RATE MAP" COMMUNITY-PANEL NUMBER 120079 0001 D, REVISED: APRIL 17, 1989 FOR NEPTUNE BEACH, FLORIDA.

THIS SURVEY WAS MADE FOR THE BENEFIT OF MACHAEL HAYCOCK.

DONN W. BOATWRIGHT, P.S.M.  
 FLORIDA LIC. SURVEYOR and MAPPER No. LS 3295  
 FLORIDA LIC. SURVEYING & MAPPING BUSINESS No. LB 3672

# MAP SHOWING SURVEY OF

THE EAST 53 FEET OF THE SOUTH 1/2 OF LOT 5, BLOCK 16, NEPTUNE, AS RECORDED IN PLAT BOOK 2, PAGE 12 (SAID BLOCK BEING THE SAME AS SHOWN ON THE PLAT OF NEPTUNE, AS RECORDED IN PLAT BOOK 4, PAGE 46) OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, TOGETHER WITH THAT PART OF GILBERT AVENUE (AS CLOSED BY CITY OF NEPTUNE BEACH ORDINANCE NO. 21) LYING BETWEEN THE EASTERLY PROJECTION OF THE NORTH LINE OF SAID SOUTH 1/2 OF LOT 5 AND THE NORTH RIGHT OF WAY LINE OF BAY STREET (ALSO THE SOUTH LINE OF SAID LOT 5) OF SAID BLOCK 16, NEPTUNE, AND ALSO TOGETHER WITH THAT PART OF THE SOUTH 7 FEET OF LOT 4 AND ALL OF LOT 5, LYING WEST OF THE EROSION CONTROL LINE OF THE ATLANTIC OCEAN, ALL IN BLOCK 11, NEPTUNE, AS RECORDED IN PLAT BOOK 2, PAGE 12 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



**NOTES:**

THIS IS A BOUNDARY SURVEY.  
 BUILDING RESTRICTION LINES SHALL BE ACCORDING TO ZONING REGULATIONS.

BEARINGS BASED ON A LINE BETWEEN DNR MONUMENTS No. 72-81-A23 AND No. 72-81-A24 AS PER THE COASTAL CONSTRUCTION CONTROL LINE FOR DUVAL COUNTY, FLORIDA AND RECORDED IN PLAT BOOK "C", PAGES 72 THROUGH 72H OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY ON JULY 3, 1992.

EROSION CONTROL LINE IS THE EASTERLY BOUNDARY OF SURVEYED PROPERTY, AND WAS CALCULATED FROM THE STATE PLANE COORDINATES SYSTEM (EAST ZONE) OF SAID DNR MINUMENTS, AS PER THE EROSION CONTROL LINE FOR DUVAL COUNTY, FLORIDA, AS RECORDED IN PLAT BOOK 35, PAGES 59, 59A AND 59B OF SAID PUBLIC RECORDS.

THE PROPERTY SHOWN HEREON APPEARS TO LIE IN FLOOD ZONE "AO" (DEPTH 2') AND FLOOD ZONE "VE" (EL 21) AS WELL AS CAN BE DETERMINED FROM THE "FLOOD INSURANCE RATE MAP" COMMUNITY-PANEL NUMBER 120079 0001 0, REVISED: APRIL 17, 1989 FOR NEPTUNE BEACH, FLORIDA.

THIS SURVEY WAS MADE FOR THE BENEFIT OF BILL HAYCOCK.

\*NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.\*

REVISED NOTES - MAY 13, 2009  
 RECHECKED MARCH 27, 2009

DONN W. BOATWRIGHT, P.S.M.  
 FLORIDA LIC. SURVEYOR AND MAPPER No. LS 3255  
 FLORIDA LIC. SURVEYING & MAPPING BUSINESS No. LB 3872



## PLANNING AND DEVELOPMENT REVIEW BOARD

May 19, 2009

CITY HALL, 116 FIRST STREET  
NEPTUNE BEACH, FLORIDA

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Pursuant to proper notice a meeting of the Planning and Development Review Board for the City of Neptune Beach was held May 19, 2009 at 7:00 p.m. in the Council Chambers, City Hall, and Neptune Beach, Florida.

The following board members were present:

Kerry Chin, Chairperson  
Richard Arthur, Vice-Chairperson  
Amy Cole, Member  
Paulette Adler, Member  
Todd Bosco, Member  
Todd Russell, Alternate Member  
J. B. McLeroy, Alternate Member

Staff in attendance: Amanda Askew, Community Development Director  
Piper Turner, Administrative Assistant

Chairperson Chin opened the meeting to order at 6:00 p.m.

Delay approval of minutes to the June meeting.

**PDRB09-07 Minor Replat for a portion of Lot 5 Block 16 of Neptune together with a closed portion of Gilbert Ave.**

PDRB09-07 Application for Minor Replat for Loretta Haycook, property owner to subdivide a portion of the property listed under real estate parcel number 172679-0000 into 2 separate lots in the R-4 zoning district. The portion requested is described as: The east 53 feet of the south ½ of Lot 5, Block 16, Neptune Replat as recorded in plat book 2, page 12 (said block 16 being the same as shown on the plat of Neptune, as recorded in plat book 4, page 46) of the current public records of Duval County, Florida, together with that part of Gilbert Avenue (as closed by City of Neptune Beach Ordinance No. 21) lying between the easterly projection of the north line of said south ½ of Lot 5, land the north right of way line of street (also the south line of said lot 5) of said block 16, Neptune, and also together with that part of the south 7 feet of lot 4 and all of lot 5, lying west of the erosion control line of the Atlantic Ocean, all in block 11, Neptune, as recorded in plat book 2, page 12 of the current public records of Duval County, Florida.

Mrs. Haycook stated she owned the property at 912 Oceanfront and also the adjoining lot which is currently used as a yard. Her desire was to sell a portion of the property as a separate lot. Two years ago the property to the south of the beach access was developed. A driveway would be added to the asphalt at Bay Street.

Amanda Askew, Community Development Director, stated in order to get access to the lot facing Bay Street the developer would be required to extend Bay Street and utilities to service the lot at the time of the development. Sometimes the City will make these extensions and the developer can reimburse the City or the developer can make the extension provided they meet City specification. The developer would be required to take the driveway from Bay Street to the closest point of access to the property. This should be

approximately 30 feet.

Chairperson Chin opened the floor for public comments.

There being no further comments the public hearing was closed.

Made by Arthur, seconded by McLeroy.

**MOTION: TO RECOMMEND APPROVAL OF PDRB09-07 FOR THE OCEANFRONT REPLAT.**

Roll Call

Ayes: 7-Cole, Russell, McLeroy, Bosco, Adler, Arthur, Chin

Noes: 0

**MOTION CARRIED.**

Applicant informed that their application would be forwarded to the City Council for final decision on June 1, 2009 and that applicant must attend this meeting.

Proposed Ordinance 2009-04

Proposed ordinance amending to Section 27-706(a). This section refers to additions to non-conforming structures.

Made by Arthur, seconded by Adler.

**MOTION: TO RECOMMEND APPROVAL OF THE ORDINANCE 2009-04 TO SECTION 27-706(A).**

Roll Call

Ayes: 7-Cole, Russell, McLeroy, Bosco, Adler, Arthur, Chin

Noes: 0

**MOTION CARRIED.**

Proposed Ordinance 2009-05

Proposed ordinance amending Section 27-147(1). This section refers to hardship and how it applies to variances.

The board discussed the wording and made several changes.

Made by Chin, seconded by Arthur.

**MOTION: TO RECOMMEND APPROVAL OF ORDINANCE 2009-05 TO SECTION 27-147(1) WITH THE FOLLOWING STATEMENTS:** A hardship generally occurs when the physical characteristics of a property are such that it cannot be used for any purposes permitted by Codes. A hardship may be created by the surroundings, shape or topographical conditions particular to that specific property. However, the hardship cannot be created by or be the result of a property owner's own action or granted created solely for the personal comfort or convenience of the property owner, or for relief from financial circumstances.

Roll Call

Ayes: 7-Cole, Russell, McLeroy, Bosco, Adler, Arthur, Chin

Noes: 0

**MOTION CARRIED**

Evaluation and  
Appraisal  
Report

Review of DCA objections, recommendation and comments for the 1997 Evaluation and Appraisal Report (EAR).

Amanda Askew, Community Development Director, explained that the DCA had made some recommendations to the EAR and those recommendations would be included in the final draft.

**OPEN  
DISCUSSION**

The former Taco Bell site will be on the agenda next month. The developer is proposing to cover the patio area.

**NEXT MEETING**

**NEXT MEETING:** June 16, 2009.

**ADJOURNMENT**

**ADJOURNMENT:** There being no further business before the Board, Chairperson Chin opened the floor for a motion to adjourn.

**MOTION:** **TO ADJOURN.**

Moved by Cole, seconded by Arthur.

**MOTION CARRIED BY UNANIMOUS VOTE.**

Meeting adjourned at 6:45 p.m.

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Kerry Chin, Chairperson