2	**AGENDA ITEM** **Planning & Zoning**
	Meeting

12/3/2026

MEETING DATE

TO: **Planning and Zoning Board Members** **DATE:** **November 19, 2026**

FROM: **Marie Colee, Assistant Program Manager** **PHONE:** **904 209-0662**

SUBJECT OR TITLE: **ZVAR 2026-33 5299 Atlantic View Second Front Yard Variance**

AGENDA TYPE: **Business Item, Ex Parte Communication, Order, Report**

PRESENTER: **Robert Heilman, Owner**

BACKGROUND INFORMATION:

Request for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a second Front Yard setback of five (5) feet in lieu of the fifteen (15) foot requirement for a Corner Lot located next to an unopened right-of-way in Residential, Single Family (RS-3) zoning.

SUGGESTED MOTION/RECOMMENDATION/ACTION:

APPROVE: Motion to approve ZVAR 2026-33 5299 Atlantic View based upon six (6) findings of fact and six (6) conditions as provided in the Staff Report.
DENY: Motion to deny ZVAR 2026-33 5299 Atlantic View based upon four (4) findings of fact as provided in the Staff Report.

Growth Management Department
Planning Division Report
Application for Zoning Variance
ZVAR 2026-33 5299 Atlantic View

To:	Planning and Zoning Agency
From:	Marie Colee, Assistant Program Manager
Date:	November 12, 2026
Subject:	**ZVAR 2026-3 5299 Atlantic View,** request for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a second Front Yard setback of five (5) feet in lieu of the fifteen (15) foot requirement for a Corner Lot located next to an unopened right-of-way in Residential, Single Family (RS-3) zoning to allow for the construction of a covered porch, specifically located at 5299 Atlantic View.
Applicant:	Robert Heilman
Owner:	Robert Heilman
Hearing Date:	Planning and Zoning Agency | December 3, 2026
Commissioner District:	District 3

SUGGESTED MOTION/ACTION

APPROVE: Motion to approve **ZVAR 2026-33 5299 Atlantic View** based upon six (6) findings of fact and six (6) conditions as provided in the Staff Report.

DENY: Motion to deny **ZVAR 2026-33 5299 Atlantic View** based upon four (4) findings of fact as provided in the Staff Report.

MAP SERIES

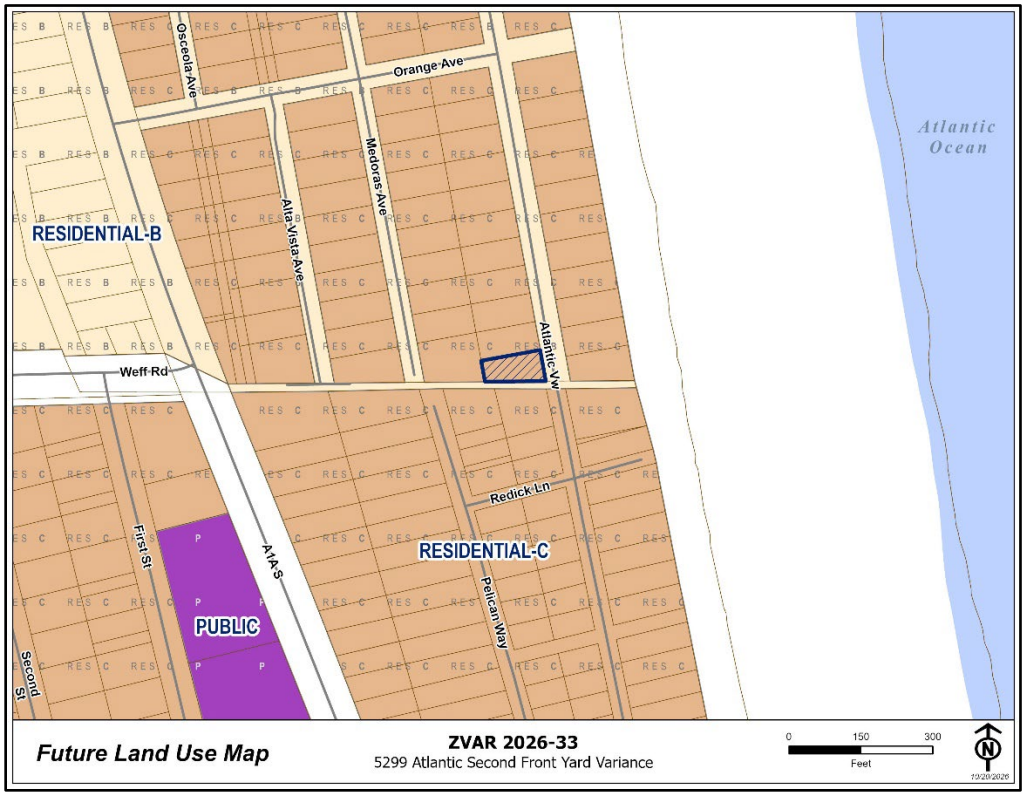
Location: The subject property is located on the northwest corner of Atlantic View and an unopened right-of-way, east of A1A South.



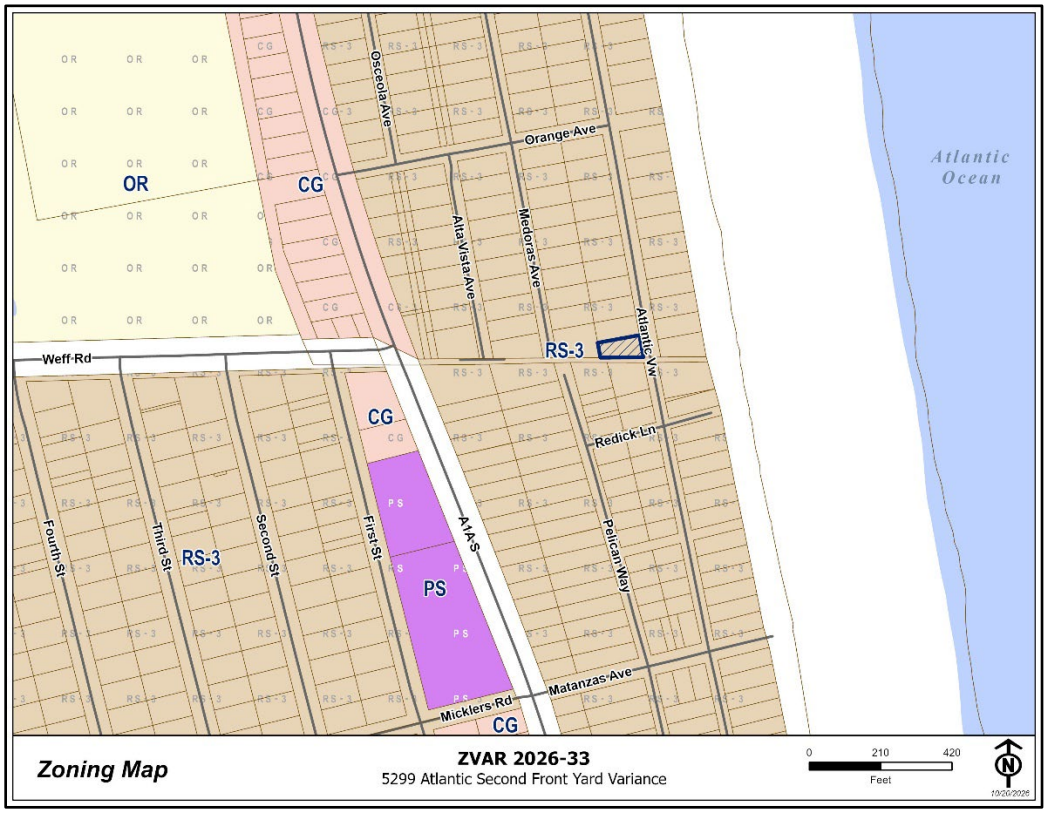
Aerial Imagery: The subject property consists of approximately 0.16 acres or 6,963 sq. ft. and is currently developed with a single-family residence that was built in 1980.



Future Land Use: The subject property and surrounding lands are designated Residential-C (Coastal) on the Future Land Use Map (FLUM).



Zoning District: The subject property and adjoining properties are zoned Residential, Single Family (RS-3).

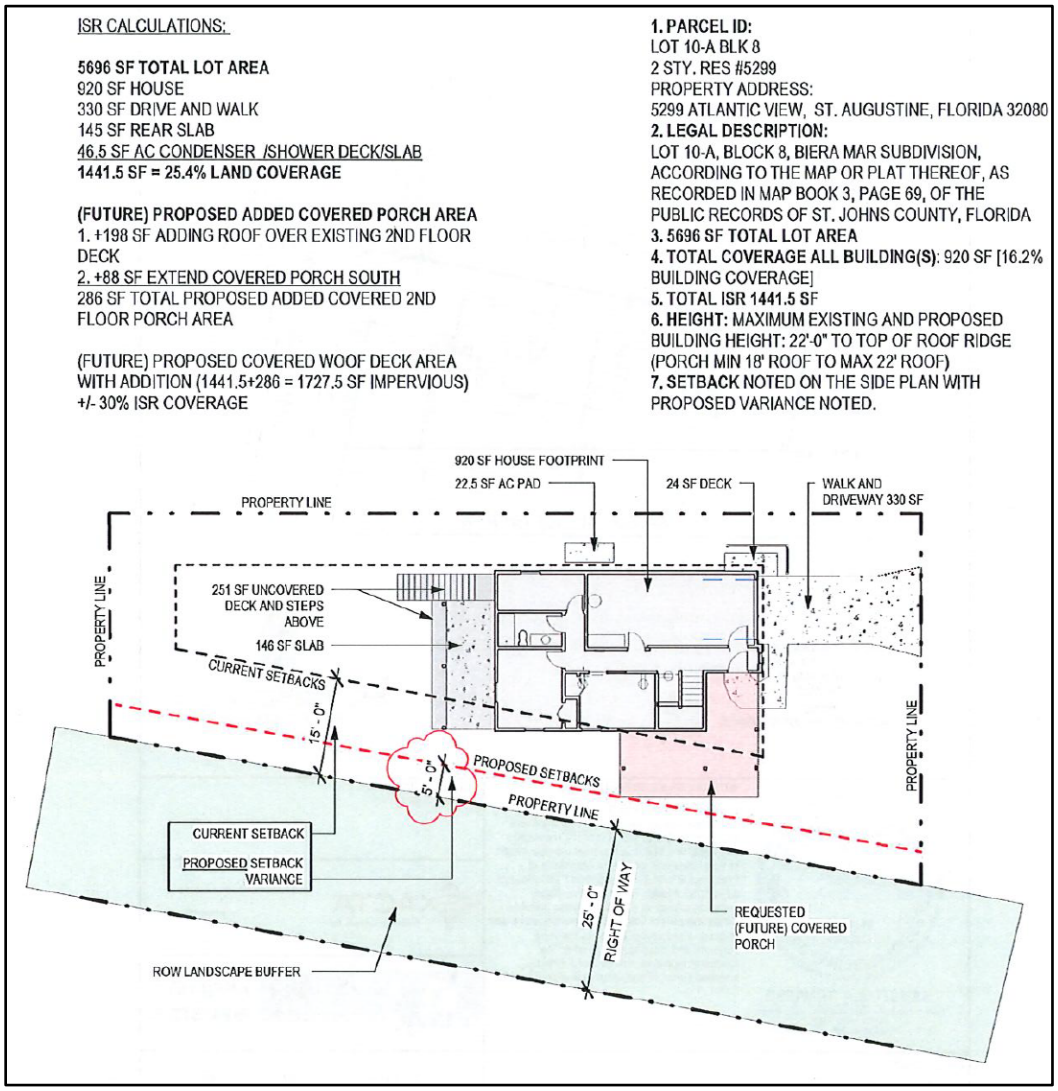


APPLICATION SUMMARY

The applicant requests a Zoning Variance to Section 6.01.03.E.3of the Land Development Code to allow for a second Front Yard setback of five (5) feet in lieu of the fifteen (15) foot requirement for a Corner Lot located next to an unopened right-of-way in Residential, Single Family (RS-3). Per the provided application materials, the applicant asserts the following:

"We are requesting a variance for a 5'-0" setback on the south angled property line off the abandoned ROW. This will allow enlarging a small, uncovered porch to 10'-0" and adding a roof over the porch on the south side of the house. This will make the porch more useful in the rain and cover it from the sun."

Proposed Site Plan:



APPLICABLE REGULATIONS

LDC, Section 6.01.03.E.3 Front Yards on Corner Lots

Front Yards on Corner Lots shall be construed as extending across the Lot from each interior side Lot line to the opposite Street Line. Corner Lots are considered to have two (2) Front Yards. The required Front Yard of the second frontage may be reduced by twenty percent (20%). In Subdivisions where non-conforming Lots exist, the second frontage may be reduced by forty percent (40%), provided the residence is constructed on one (1) Lot only.

LDC, Section 6.01.03C.2 Lot Frontage

On Corner Lots, the frontage of a Lot shall be construed as the shortest boundary to a Street. If the Lot has equal frontage on two (2) or more Streets, frontage shall be determined by the County Administrator in accordance with the prevailing Building pattern, or the prevailing lot pattern, if a Building pattern has not been established.

LDC Table 6.01 Schedule of Area, Height, Bulk and Placement Standards

TABLE 6.01

SCHEDULE OF AREA, HEIGHT, BULK AND PLACEMENT STANDARDS

Zoning Districts	Minimum Lot Widths	Minimum Lot Area	Maximum Lot Coverage by All Buildings	Floor Area Ratio	Impervious Surface Ratio	Min. Yard Req. ⊗ Front/ Side/Rear	Maximum Height of Structures ⊕
RS-E	150 feet ☼	1 acre ☼	20%	N/A	70%	30/20/20 feet ✦	35 feet
RS-1	120 feet ☼	13,200 square feet ☼	25%	N/A	70%	30/10/15 feet ✦	35 feet
RS-2	90 feet ☼	10,000 square feet ☼	30%	N/A	70%	25/8/10 feet ✦	35 feet
RS-3	75 feet ☼	7,500 square feet ☼	35%	N/A	70%	25/8/10 feet ✦	35 feet

LDC, Section 10.04.02 Zoning Variances

The St. Johns County Planning and Zoning Agency (PZA) may grant Zoning Variances, which are found not to be contrary to the public interest and owing to special conditions, a literal enforcement of this Code will result in unnecessary and undue Hardship. The Planning and Zoning Agency may provide such conditions and safeguards as may be appropriate and in harmony with the purpose and intent of this Code as part of the Variance.

Article XII, Definitions:

Lot Frontage: The front of an interior Lot shall be construed to be the portion nearest the street. Where a thirty (30) feet Easement is used to access no more than two (2) Dwelling Units, the front shall be construed to be the portion nearest the street from which the Easement extends. For the purpose of determining Yard requirements on corner Lots and through Lots, all sides of a Lot adjacent to street shall be considered frontage, and Yards shall be provided as set out in this Code.

Lot of Record:

A. A Lot which is part of a subdivision which has been recorded in the Office of the Clerk of the Circuit Court of the County, or

B. A Lot, Parcel or tract described by metes and bounds, the description of which has been so recorded in the Office of the Clerk of the Circuit Court of St. Johns County consistent with the Land Development Regulations in effect at that time, or

C. A Lot, Parcel or tract described by metes and bounds, the division of which complies with the Land Development Regulations in effect on the date of conveyance creating the division as evidenced by reasonably reliable documentation substantiating such conveyance

Yard: A required open space other than a court unoccupied and unobstructed by a Structure or portion of a Structure from thirty (30) inches above the general ground level of the graded Lot upward; provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any Yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front: A required Yard extending between Side Lot lines across the front of a Lot adjoining a public or private street

Variance, Zoning: Variance is a relaxation of the terms of this Code where;

i) such Variance will not be contrary to the public interest, and where;

ii) by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or by reason of the Use or Development of property immediately adjoining the piece of property in question

iii) the literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code, and

iv) the Variance would not be contrary to the spirit and purpose of this Code. In this context, personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner are not considered hardships justifying a Variance.

Applicant's Response to Criteria: *"The odd shape of the property severely restricts any changes on the site due to the existing setbacks on the south second front yard adjacent to the abandoned ROW. The ROW was partially abandoned (25 feet of the 50 feet) somewhere in history, and only the South properties benefited from the abandonment. The Northern properties were left with the remaining 25-foot ROW. The goal is not to expand the house, just to expand the deck to a usable depth and provide a roof over the deck. The resulting buffer to the adjacent property will remain. All of the existing landscape that has grown as a buffer in the ROW will remain."*

DEPARTMENT REVIEW

The Planning and Zoning Division routed this request to all appropriate reviewing departments. There are no open comments.

Office of the County Attorney Review: Pursuant to Section 10.04.02 of the Land Development Code, the St. Johns County Planning and Zoning Agency (PZA) may grant Zoning Variances, which are found not to be contrary to the public interest and owing to special conditions, a literal enforcement of this Code will result in unnecessary and undue Hardship. The Planning and Zoning Agency may provide such conditions and

safeguards as may be appropriate and in harmony with the purpose and intent of this Code as part of the Variance.

As defined in Article 12 of the LDC, a Variance is a relaxation of the terms of this Code where; i) such Variance will not be contrary to the public interest, and where; ii) by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property, or by reason of exceptional topographic conditions, or other extraordinary situation or condition of such piece of property, or by reason of the Use or Development of property immediately adjoining the piece of property in question, iii) the literal enforcement of the requirements of this Code would cause undue hardship to carry out the spirit and purpose of this Code, and iv) the Variance would not be contrary to the spirit and purpose of this Code. In this context, personal, family or financial difficulties, loss of prospective profits, neighboring violations, or hardships created by any act of the owner are not considered hardships justifying a Variance.

The Applicant bears the burden of demonstrating by competent substantial evidence that there exists a special condition or unique circumstance of the property such that the literal application of the Land Development Code constitutes a hardship. The Agency may consider the quality (character convincing power, probative value or weight) of the evidence and testimony in the Staff report as well as by Staff, evidence and testimony produced by the applicant, and of the evidence and testimony produced by public comment, as well as any other evidence presented or disclosed during the hearing.

The Agency may grant such relief to the extent only necessary to alleviate the hardship. If the evidence presented does not warrant the full relief requested, the Agency may grant only a portion of the relief. The Agency may attach additional reasonable conditions to further mitigate the effect of the requested relief along with corresponding findings.

The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.

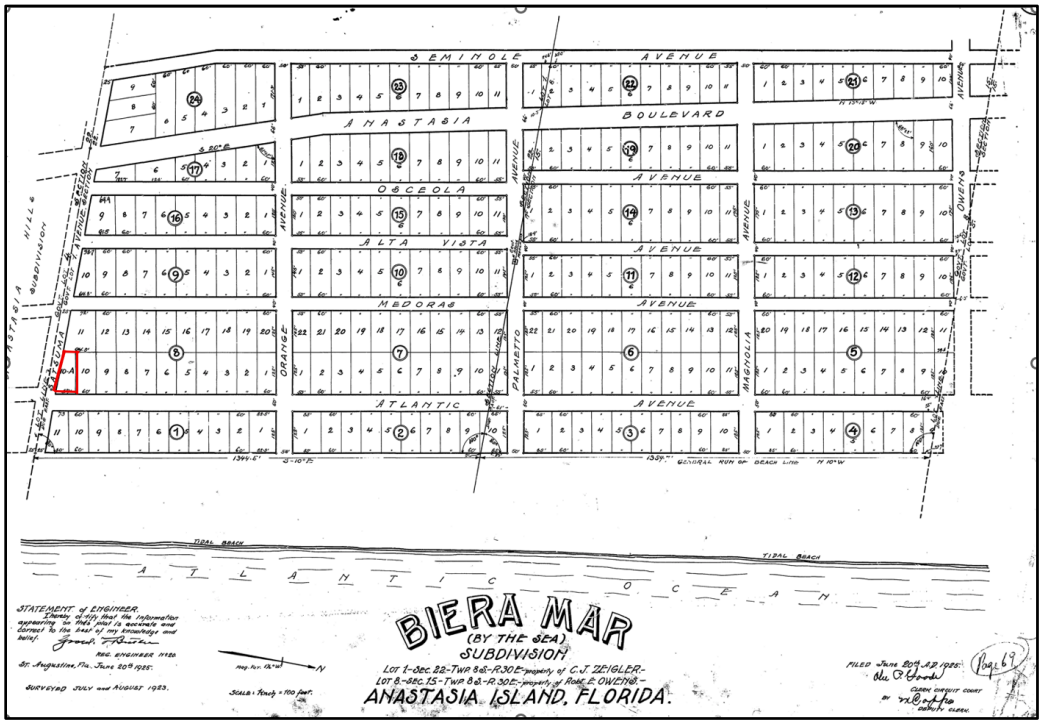
Please be advised that, pursuant to Section 10.04.02.A of the LDC, the Planning and Zoning Agency may grant a variance that is less than the full requested variance to the extent that a hardship no longer exists. Additionally, the Planning and Zoning Agency may impose reasonable additional conditions in order to mitigate for the harm caused by the granting of the variance.

Planning and Zoning Review: Review by Planning staff found that the subject property is approximately 0.16 acres in size and was platted as Lot 10-A, Block 8 of the Biera Mar Subdivision, recorded in 1925 (Map Book 3, Page 69 St. Johns County Plat Maps). The applicant's provided site plan depicts the enlargement of a small, uncovered porch with a roof structure on the south side of the residence, which would encroach into the required setbacks and is the reason for this requested variance.

Per LDC Section 6.01.03.C.2, the shortest boundary on the street shall be considered the main front yard, which for this property would mean the property line along Atlantic View. LDC 6.01.03.E.3 goes on to state the required Front Yard of the second frontage can be reduced by 40% where non-conforming lots exist, provided the residence is constructed on one (1) Lot only. This results in a required second front yard of 15

feet, which the applicant is looking to reduce by an additional ten 10 feet down to 5 feet for placement of the proposed covered porch. A review of the surrounding area identified several Zoning Variances previously approved within the Biera Mar subdivision to reduce required yard setbacks. Of these approvals, three (3) involved properties adjacent to an unopened right-of-way and presented requests similar to the current application. All three requests were approved by the Agency; however, Planning staff notes that each variance application is evaluated independently and based on its individual merits.

Biera Mar Plat Map:



CORRESPONDENCE/PHONE CALLS

County staff received one (1) email in support of the requested variance, which is provided in *Attachment 2 Supporting Documents*. There have been no further phone calls or correspondence received as of the writing of this Staff Report.

FINDINGS/ACTION

Staff offers six (6) findings of fact and six (6) conditions to support a motion to approve or four (4) findings of fact to deny. These findings may be subject to other competent substantial evidence received at the quasi-judicial public hearing.

ATTACHMENTS

1. Recorded Documents
2. Supporting Documents

SUGGESTED MOTION / FINDINGS / CONDITIONS TO APPROVE REQUEST

Motion to approve **ZVAR 2026-33 5299 Atlantic View**, a request for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a second Front Yard setback of five (5) feet in lieu of the fifteen (15) foot requirement for a Corner Lot located next to an unopened right-of-way in Residential, Single Family (RS-3) zoning to allow for the construction of a covered porch, specifically located at 5299 Atlantic View, and subject to the following findings and conditions:

SUGGESTED FINDINGS

1. The request for this Zoning Variance has been fully considered after public hearing with legal notice duly published as required by law.
2. The Variance request is in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has been submitted to support a special condition of the property, such that the literal enforcement of the code would produce a hardship as defined by the Code, or why denying the application would be contrary to the spirit and purpose of the Land Development Code.
3. The request is not contrary to the public interest and is not in conflict with surrounding development.
4. The request meets the criteria established by Section 10.04.02 of the Land Development Code.
5. The request is not in conflict with the Future Land Use Map designation of Residential-C (Coastal).
6. The applicant, at the public hearing, has stated no objections to the proposed conditions.

SUGGESTED CONDITIONS

1. The Variance will be transferable and apply only to the proposed covered porch area as submitted for this approval. Should the property be conveyed, the requested relief will run with the property.
2. Approval of the Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Plan, or any other Agency having jurisdiction.
3. Development of the site shall be consistent with improvements depicted on the site plan labeled as **Exhibit B,** submitted by the applicant, and made part of this application.
4. The Variance shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void.
5. The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the recommendation and interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.
6. The application, supporting documents, conditions, and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.

(Additional conditions may be added as a result of the public hearing)

SUGGESTED MOTION / FINDINGS TO DENY REQUEST

Motion to deny **ZVAR 2026-33 5299 Atlantic View**, request for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a second Front Yard setback of five (5) feet in lieu of the fifteen (15) foot requirement for a Corner Lot located next to an unopened right-of-way in Residential, Single Family (RS-3) zoning to allow for the construction of a covered porch, specifically located at 5299 Atlantic View.

SUGGESTED FINDINGS

1. The Variance request is not in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has not been submitted to support a hardship as defined by the Code.
2. The request is in contrary to the public interest and is in conflict with surrounding development.
3. The request does not meet the criteria established by Section 10.04.02 of the Land Development Code.
4. The request is in conflict with the Future Land Use Map designation of Residential-C (Coastal).

(The Agency may choose any or all of the above Findings or may provide additional Findings to support the motion.)

Attachment 1

Draft Final Orders

ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE:	Robert Heilman 5299 Atlantic View St. Augustine, FL 32080
FILE NUMBER:	ZVAR 2026-33
LEGAL:	Exhibit A
SITE PLAN:	Exhibit B
PARCEL ID:	176860-0110
DATE OF HEARING:	December 3, 2026

ORDER GRANTING ZONING VARIANCE REQUEST

The above-referenced application for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a second Front Yard setback of five (5) feet in lieu of the fifteen (15) foot requirement for a Corner Lot located next to an unopened right-of-way in Residential, Single Family (RS-3) zoning to allow for the construction of a covered porch, specifically located at 5299 Atlantic View, came before the Planning & Zoning Agency for public hearing on December 3, 2026.

FINDINGS OF FACT

Having considered the application, along with supporting documents; the Staff report prepared by staff; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

1. The request for this Zoning Variance has been fully considered after public hearing with legal notice duly published as required by law.

2. The Variance request is in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has been submitted to support a special condition of the property, such that the literal enforcement of the Code would produce a hardship as defined by the Code, or why denying the application would be contrary to the spirit and purpose of the Land Development Code.

3. The request is not contrary to the public interest and is not in conflict with surrounding development.

4. The request meets the criteria established by Section 10.04.02 of the Land Development Code.

5. The request is not in conflict with the Future Land Use Map designation of Residential-C (Coastal).

6. The applicant, at the public hearing, has stated no objections to the proposed conditions.

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby grants the request for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a second Front Yard setback of five (5) feet in lieu of the fifteen (15) foot requirement for a Corner Lot located next to an unopened right-of-way in Residential, Single Family (RS-3) zoning to allow for the placement of an uncovered side yard porch, specifically located at 5299 Atlantic View, subject to the following conditions:

1. The Variance will be transferable and apply only to the proposed uncovered side yard porch as submitted for this approval. Should the property be conveyed, the requested relief will run with the property.

2. Approval of the Variance does not release the project from compliance with all relevant requirements of the St. Johns County Land Development Code, Comprehensive Plan, or any other Agency having jurisdiction.

3. Development of the site shall be consistent with improvements depicted on the site plan labeled **Exhibit B**, submitted by the applicant, and made part of this application.

4. The Variance shall commence within one (1) year of the signing of the Final Order. Failure to commence within the prescribed time shall render the Order invalid and all rights granted herein shall become null and void.

5. The approval requested within this application is limited to the requested relief from the specific provisions of the Land Development Code. Approval of this request shall not operate as approval or waiver of any other provision of the Land Development Code or Comprehensive Plan. Representations and depictions within application materials shall assist Staff in the recommendation and interpretation of the requested relief but shall not operate as approval of, or as a determination of compliance with, any other provision of the Land Development Code or Comprehensive Plan.

6. The application, supporting documents, conditions, and limitations offered within the application and at the public hearing by the applicant (or representative) will be incorporated herein and shall become part of the Final Order, except as may be modified by preceding conditions and limitations.

This decision may be appealed to the St. Johns County Board of County Commissioners within thirty (30) days of the signing of this Order, pursuant to Section 9.07.03 of the Land Development Code.

Deed Restrictions, if any, are not affected by the actions of the Agency or this Order.

All applicable state or federal permits must be obtained before commencement of the development. Issuance of a development permit or development order by a county does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

DATED THIS _____DAY OF _____, 2026.

PLANNING AND ZONING AGENCY OF ST. JOHNS COUNTY FLORIDA

_____

Chair/Vice-Chair

The undersigned Clerk to the Planning and Zoning Agency of St. Johns County, Florida certifies that the above Order of the Planning and Zoning Agency is a true and correct rendition of the Order adopted by said Agency as the same appears in the record of the Planning and Zoning Agency minutes.

_____

Clerk
Growth Management Department

_____

Date Filed

EXHIBIT 'A'

Lot 10-A, Block 8, Biera Mar, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 69, of the Public Records of St. Johns County, Florida.

Unique Code : BAA-BAA-BCBAJ-CACFAHGAFA-HDDIDH-A Page 3 of 3

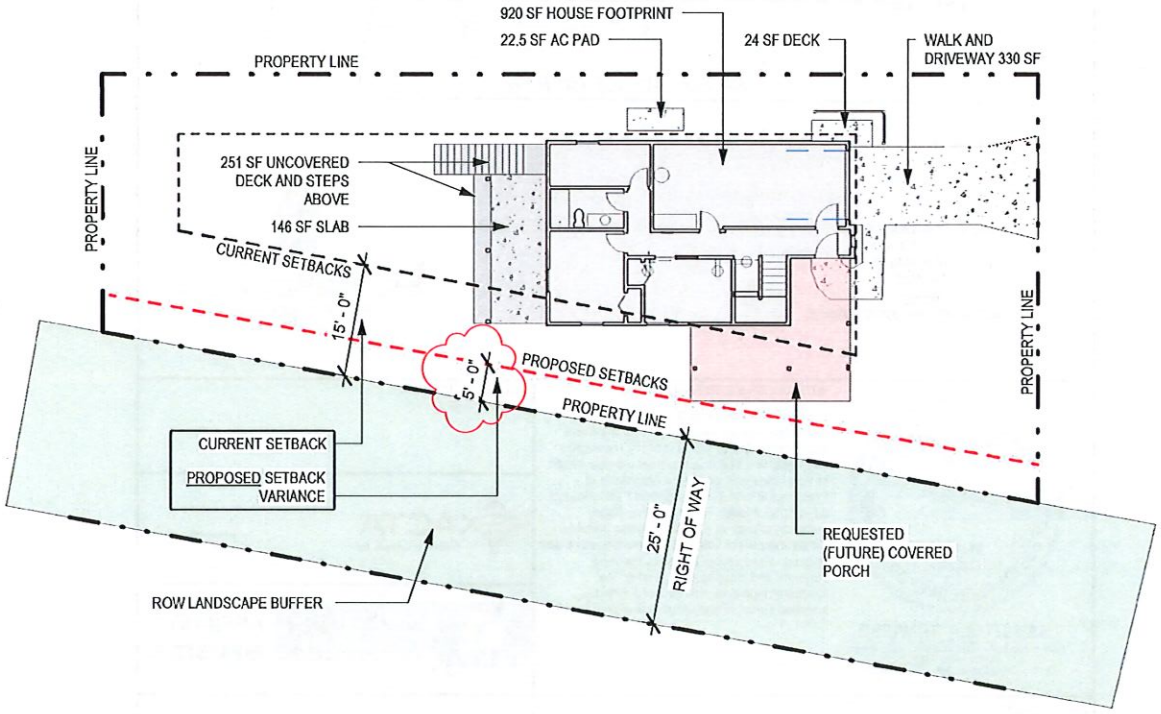
ISR CALCULATIONS:

5696 SF TOTAL LOT AREA
920 SF HOUSE
330 SF DRIVE AND WALK
145 SF REAR SLAB
46.5 SF AC CONDENSER /SHOWER DECK/SLAB
1441.5 SF = 25.4% LAND COVERAGE

(FUTURE) PROPOSED ADDED COVERED PORCH AREA
1. +198 SF ADDING ROOF OVER EXISTING 2ND FLOOR DECK
2. +88 SF EXTEND COVERED PORCH SOUTH
286 SF TOTAL PROPOSED ADDED COVERED 2ND FLOOR PORCH AREA

(FUTURE) PROPOSED COVERED WOOF DECK AREA WITH ADDITION (1441.5+286 = 1727.5 SF IMPERVIOUS)
+/- 30% ISR COVERAGE

1. PARCEL ID:
LOT 10-A BLK 8
2 STY. RES #5299
PROPERTY ADDRESS:
5299 ATLANTIC VIEW, ST. AUGUSTINE, FLORIDA 32080
2. LEGAL DESCRIPTION:
LOT 10-A, BLOCK 8, BIERA MAR SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 3, PAGE 69, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA
3. 5696 SF TOTAL LOT AREA
4. TOTAL COVERAGE ALL BUILDING(S): 920 SF [16.2% BUILDING COVERAGE]
5. TOTAL ISR 1441.5 SF
6. HEIGHT: MAXIMUM EXISTING AND PROPOSED BUILDING HEIGHT: 22'-0" TO TOP OF ROOF RIDGE (PORCH MIN 18' ROOF TO MAX 22' ROOF)
7. SETBACK NOTED ON THE SIDE PLAN WITH PROPOSED VARIANCE NOTED.



5299 VARIANCE APPLICATION

PROPOSED VARIANCE

A3

ORDER
ST. JOHNS COUNTY, FLORIDA
PLANNING AND ZONING AGENCY

RE:	Robert Heilman 5299 Atlantic View St. Augustine, FL 32080
FILE NUMBER:	ZVAR 2026-33
LEGAL:	Exhibit A
PARCEL ID:	176860-0110
DATE OF HEARING:	December 3, 2026

ORDER DENYING ZONING VARIANCE REQUEST

The above-referenced application for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a second Front Yard setback of five (5) feet in lieu of the fifteen (15) foot requirement for a Corner Lot located next to an unopened right-of-way in Residential, Single Family (RS-3) zoning to allow for the construction of a covered porch, specifically located at 5299 Atlantic View, came before the Planning & Zoning Agency for public hearing on December 3, 2026.

FINDINGS OF FACT

Having considered the application, along with supporting documents; the Staff report prepared by staff; statements by the applicant; and all evidence presented during public hearing, the Agency finds as follows:

1. The Variance is not in compliance with Article XII of the Land Development Code, defining a Zoning Variance. Substantial evidence has not been submitted to support a hardship as defined by the Code.

2. The request is contrary to the public interest and is in conflict with surrounding development.

3. The request does not meet the criteria established by Section 10.04.02 of the Land Development Code.

4. The request is in conflict with the Future Land Use Map designation of Residential-C (Coastal).

NOW THEREFORE, based on the said Findings of Fact, the Agency hereby denies the request for a Zoning Variance to Section 6.01.03.E.3 of the Land Development Code to allow for a second Front Yard setback of five (5) feet in lieu of the fifteen (15) foot requirement for a Corner Lot located next to an unopened right-of-way in Residential, Single Family (RS-3) zoning to allow for the placement of an uncovered side yard porch, specifically located at 5299 Atlantic View.

This decision may be appealed to the St. Johns County Board of County Commissioners within thirty (30) days of the signing of this Order, pursuant to Section 9.07.03 of the Land Development Code.

Deed Restrictions, if any, are not affected by the actions of the Agency or this Order.

DATED THIS _____DAY OF _____, 2026.

PLANNING AND ZONING AGENCY OF ST. JOHNS COUNTY FLORIDA

_____

Chair/Vice-Chair

The undersigned Clerk to the Planning and Zoning Agency of St. Johns County, Florida certifies that the above Order of the Planning and Zoning Agency is a true and correct rendition of the Order adopted by said Agency as the same appears in the record of the Planning and Zoning Agency minutes.

_____

Clerk
Growth Management Department

_____

Date Filed

EXHIBIT 'A'

Lot 10-A, Block 8, Biera Mar, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 69, of the Public Records of St. Johns County, Florida.

Unique Code : BAA-BAA-BCBAJ-CACFAHGAFA-HDDIDH-A Page 3 of 3

Attachment 2

Supporting Documents

SECTION 20.0 ZONING VARIANCES -Section 20.03 Review Process: NARRATIVE

1. General summary of request, with specific reasons how the literal enforcement of the Code will result in unnecessary and undue hardship as defined in Part 12.01, Land Development Code:

Hardship:

a. **The odd shape of the property severely restricts any changes on the site due to the existing setbacks on the south second front yard on the abandoned ROW.**
b. **The ROW was partially abandoned (25 feet of the 50 feet) somewhere in history and only the South properties benefited from the abandonment.**
c. **The Northern properties were left with the remaining 25 foot ROW.**
d. **The goal is not to expand the house proper, just expand to a deck to a usable depth and provide a roof over the deck.**

Variance Request:

2. This is request for a variance for a reduced second front yard setback at the abandoned Right-of-Way on the south side of the house.
3. The existing second front setback is 15'-0" and currently encroaches into the existing house and rear deck. This setback is based on an abandoned right of way and limits any modifications to the existing house.
4. We are the owners of the house and occupy the house as a second home. It is not rented or lease to anyone since we stay near our kids whom live in in St. Augustine. We have met the neighbors and look forward to more visits with them as they pass by on their bikes and walking their dogs.
5. We totally renovated the existing house in 2025 and are not proposing changing anything on the house envelope AC area. Our goal is only to extend the porch and the roof.

6. We are requesting a variance for a 5'-0" setback on the south angled property line off the abandoned ROW. This will allow enlarging a small uncovered porch to 10'-0" and adding roof over the porch on the South side of the house (see sit plan noted with color in the attachment). This with make the porch useful in the rain and cover if from the sun.

7. The resulting buffer to the adjacent property will remain. All of the existing landscape that has grown as a buffer in the ROW will remain.

SHEET INDEX

Sheet Number	Sheet Name
A0	APPLICATION NARRATIVE
A1	AERIAL
A2	EXISTING
A3	PROPOSED VARIANCE
A4	300 FT ADDRESSES
A5	AERIAL MAP
A6	ZONING & FUTURE MAP

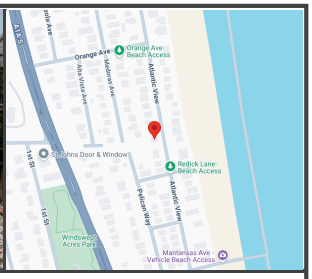
5299 VARIANCE APPLICATION

APPLICATION NARRATIVE

A0

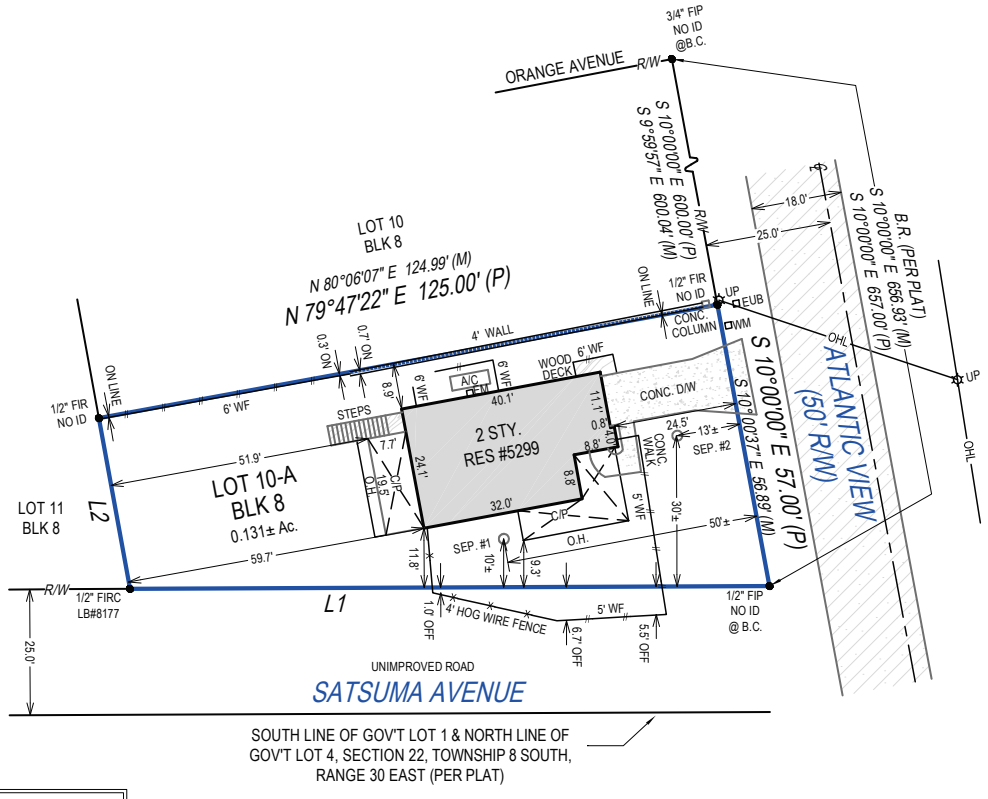
SUNSET
CAPITAL TITLE SERVICES





PROPERTY ADDRESS: 5299 ATLANTIC VIEW, ST. AUGUSTINE, FLORIDA 32080 **SURVEY NUMBER:** 2507.1380

2507.1380
BOUNDARY SURVEY
ST. JOHNS COUNTY

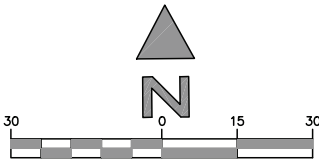


SEP. #1 TO RES. = 5'±

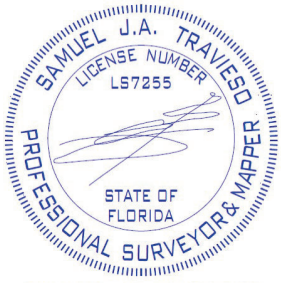
SEP. #2 TO RES. = 12'±

LINE TABLE:
L1 N 90°00'00" W 126.93' (P)
N 89°45'11" W 127.14' (M)
L2 N 10°00'00" W 34.50' (P)
N 9°49'33" W 34.50' (M)

SURVEYOR'S NOTES:
FENCE OWNERSHIP NOT DETERMINED.



GRAPHIC SCALE (In Feet)
1 inch = 30' ft.



SAMUEL J.A. TRAVIESO
STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
LICENSE NUMBER 7255
EXACTA LAND SURVEYORS, LLC | LB#8291

SURVEYORS CERTIFICATION:

I hereby certify that this Survey of the lands described hereon was made under my direct supervision, and to the best of my knowledge and belief is a true and accurate representation of said lands and meets the Standards of Practice set forth in Chapter 5J-17.050 through 5J -17.053, Florida Administrative Code, pursuant to section 472.027, Florida Statutes. This survey is not valid without the signature and original raised seal of a Florida licensed surveyor and mapper, except when the electronic signature and seal of a Florida licensed surveyor and mapper is affixed hereto.

POINTS OF INTEREST:
NONE VISIBLE

EXACTA
Exacta Land Surveyors, LLC

Exacta Land Surveyors, LLC
LB# 8291
o: 866.735.1916 | f: 866.744.2882
131 West Broadway Street, Suite 1001, Oviedo, FL 32765

Florida Land Title Association
FLTA
AFFILIATE MEMBERS

DATE SIGNED: 07/17/25
FIELD WORK DATE: 7/15/2025
REVISION DATE(S): (REV.4 9/23/2025) (REV.3 9/8/2025) (REV.2 9/8/2025) (REV.1 7/17/2025)

SEE PAGE 2 OF 2 FOR LEGAL DESCRIPTION

PROPERTY ADDRESS: 5299 ATLANTIC VIEW, ST. AUGUSTINE, FLORIDA 32080 **SURVEY NUMBER:** 2507.1380

JOB SPECIFIC SURVEYOR NOTES:

THE BEARING REFERENCE OF SOUTH 10 DEGREES 00 MINUTES 00 SECONDS EAST IS BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF ATLANTIC VIEW, LOCATED WITHIN BIERA MAR SUBDIVISION ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE 69 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

LEGAL DESCRIPTION:

LOT 10-A, BLOCK 8, BIERA MAR SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 3, PAGE 69, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA

GENERAL SURVEYOR NOTES:

1. The Legal Description used to perform this survey was supplied by others. This survey does not determine nor imply ownership of the lands or any fences shown hereon. Unless the Title Commitment Number and Date is referenced on this survey, an examination of the abstract of title was NOT performed by the signing surveyor to determine which instruments, if any, are affecting this property.
2. The purpose of this survey is to establish the boundary of the lands described by the legal description provided and to depict the visible improvements thereon for a pending financial transaction. Underground footings, utilities, or other service lines, including roof eave overhangs were not located as part of this survey. Unless specifically stated otherwise the purpose and intent of this survey is not for any construction activities or future planning.
3. If there is a septic tank or drain field shown on this survey, the location depicted hereon was either shown to the surveyor by a third party or it was estimated by visual above ground inspection. No excavation was performed to determine its location.
4. This survey is exclusively for a pending financial transaction and only to be used by the parties to whom it is certified.
5. Alterations to this survey map and report by other than the signing surveyor are prohibited.
6. Dimensions are in feet and decimals thereof.
7. Any FEMA flood zone data contained on this survey is for informational purposes only. Research to obtain said data was performed at www.fema.gov and may not reflect the most recent information.
8. Unless otherwise noted "SIRC" indicates a Set Iron Rebar with a Cap stamped LB#8291, a minimum half inch in diameter and eighteen inches long.
9. If you are reading this survey in an electronic format, the information contained on this document is only valid if this document is electronically signed as specified in Chapter 5J17.062 (3) of the Florida Administrative Code and Florida Statute 472.025. The Electronic Signature File related to this document is prominently displayed on the invoice for this survey which is sent under separate cover. Manually signed and sealed logs of all survey signature files are kept in the office of the performing surveyor.
10. The symbols reflected in the legend and on this survey may have been enlarged or reduced for clarity. The symbols have been plotted at the approximate center of the field location and may not represent the actual shape or size of the feature.
11. Points of Interest (POI's) are select above-ground improvements, which may appear in conflict with boundary, building setback or easement lines, as defined by the parameters of this survey. These POI's may not represent all items of interest to the viewer. There may be additional POI's which are not shown or called-out as POI's, or which are otherwise unknown to the surveyor.
12. Utilities shown on the subject property may or may not indicate the existence of recorded or unrecorded utility easements.
13. The information contained on this survey has been performed exclusively by and is the sole responsibility of Exacta Land Surveyors, LLC. Additional logos or references to third party firms are for informational purposes only.
14. Pursuant to F.S. 558.0035, an individual employee or agent may not be held individually liable for negligence.
15. Due to varying construction standards, building dimensions are approximate and are not intended to be used for new construction or planning.

SURVEYOR'S LEGEND

LINETYPES
- Boundary Line
- Center Line
- Chain Link or Wire Fence
- Easement
- Edge of Water
- Iron Fence
- OHL — Overhead Lines
- Structure
- Survey Tie Line
- Vinyl Fence
- Wall or Party Wall
- Wood Fence

SURFACE TYPES
- Asphalt
- Brick or Tile
- Concrete
- Covered Area
- Water
- Wood

SYMBOLS
- Benchmark
- Center Line
- Central Angle or Delta
- Common Ownership
- Control Point
- Catch Basin
- Elevation
- Fire Hydrant
- Find or Set Monument
- Guywire or Anchor
- Manhole
- Tree
- Utility or Light Pole
- Well

ABBREVIATIONS

(C) - Calculated
(D) - Deed
(F) - Field
(M) - Measured
(P) - Plat
(R) - Record
(S) - Survey
A/C - Air Conditioning
AE - Access Easement
ANE - Anchor Easement
ASBL - Accessory Setback Line
B/W - Bay/Box Window
BC - Block Corner
BFP - Backflow Preventer
BLDG - Building
BLK - Block
BM - Benchmark
BR - Bearing Reference
BRL - Building Restriction Line
BSMT - Basement
C - Curve
C/L - Center Line
C/P - Covered Porch
C/S - Concrete Slab
CATV - Cable TV Riser
CB - Concrete Block
CH - Chord Bearing
CHIM - Chimney
CLF - Chain Link Fence
CME - Canal Maintenance Easement
CO - Clean Out
CONC - Concrete
COR - Corner
CS/W - Concrete Sidewalk
CUE - Control Utility Easement
CVG - Concrete Valley Gutter
D/W - Driveway
DE - Drainage Easement
DF - Drain Field
DH - Drill Hole
DUE - Drainage & Utility Easement
ELEV - Elevation
EM - Electric Meter
ENCL - Enclosure
ENT - Entrance
EOP - Edge of Pavement
EOW - Edge of Water
ESMT - Easement
EUB - Electric Utility Box
F/DH - Found Drill Hole
FCM - Found Concrete Monument
FF - Finished Floor
FIP - Found Iron Pipe
FIPC - Found Iron Pipe & Cap
FIR - Found Iron Rod
FIRC - Found Iron Rod & Cap
FN - Found Nail
FN&D - Found Nail & Disc
FRRSPK - Found Rail Road Spike
GAR - Garage
GM - Gas Meter
ID - Identification
IE/EE - Ingress/Egress Easement
ILL - Illegible
INST - Instrument
INT - Intersection
IRRE - Irrigation Easement
L - Length
LAE - Limited Access Easement
LB# - License No. (Business)
LBE - Limited Buffer Easement
LE - Landscape Easement
LME - Lake/Landscape Maintenance Easement
LS# - License No. (Surveyor)
MB - Map Book
ME - Maintenance Easement
MES - Mitered End Section
MF - Metal Fence
MH - Manhole
MHWL - Mean High Water Line
NR - Non-Radial
NTS - Not to Scale
NAVD88 - North American Vertical Datum 1988
NGVD29 - National Geodetic Vertical Datum 1929
OG - On Ground
ORB - Official Records Book
ORV - Official Record Volume
O/A - Overall
O/S - Offset
OFF - Outside Subject Property
OH - Overhang
OHL - Overhead Utility Lines
OHWL - Ordinary High Water Line
ON - Inside Subject Property
P/E - Pool Equipment
PB - Plat Book
PC - Point of Curvature
PCC - Point of Compound Curvature
PCP - Permanent Control Point
PI - Point of Intersection
PLS - Professional Land Surveyor
PLT - Planter
POB - Point of Beginning
POC - Point of Commencement
PRC - Point of Reverse Curvature
PRM - Permanent Reference Monument
PSM - Professional Surveyor & Mapper
PT - Point of Tangency
PUE - Public Utility Easement
R - Radius or Radial
R/W - Right of Way
RES - Residential
RGE - Range
ROE - Roof Overhang Easement
RP - Radius Point
S/W - Sidewalk
SBL - Setback Line
SCL - Survey Closure Line
SCR - Screen
SEC - Section
SEP - Septic Tank
SEW - Sewer
SIRC - Set Iron Rod & Cap
SMWE - Storm Water Management Easement
SN&D - Set Nail and Disc
SQFT - Square Feet
STL - Survey Tie Line
STY - Story
SV - Sewer Valve
SWE - Sidewalk Easement
TBM - Temporary Bench Mark
TEL - Telephone Facilities
TOB - Top of Bank
TUE - Technological Utility Easement
TWP - Township
TX - Transformer
TYP - Typical
UE - Utility Easement
UG - Underground
UP - Utility Pole
UR - Utility Riser
VF - Vinyl Fence
W/C - Witness Corner
W/F - Water Filter
WF - Wood Fence
WM - Water Meter/Valve Box
WV - Water valve

CERTIFIED TO:

ROBERT S. HEILMAN, LORETTA HEILMAN; SUNSET CAPITAL TITLE SERVICES LLC; CHICAGO TITLE INSURANCE COMPANY

FLOOD ZONE INFORMATION:

BY PERFORMING A SEARCH WITH THE LOCAL GOVERNING MUNICIPALITY OR WWW.FEMA.GOV, THE PROPERTY APPEARS TO BE LOCATED IN ZONE X. THIS PROPERTY WAS FOUND IN ST. JOHNS COUNTY UNINCORPORATED AREAS, COMMUNITY NUMBER 125147, PANEL NUMBER 0392 DATED 12/7/2018.

DATE SIGNED: 07/17/25

BUYER: ROBERT S. HEILMAN, LORETTA HEILMAN

LENDER:

TITLE COMPANY: SUNSET CAPITAL TITLE SERVICES LLC

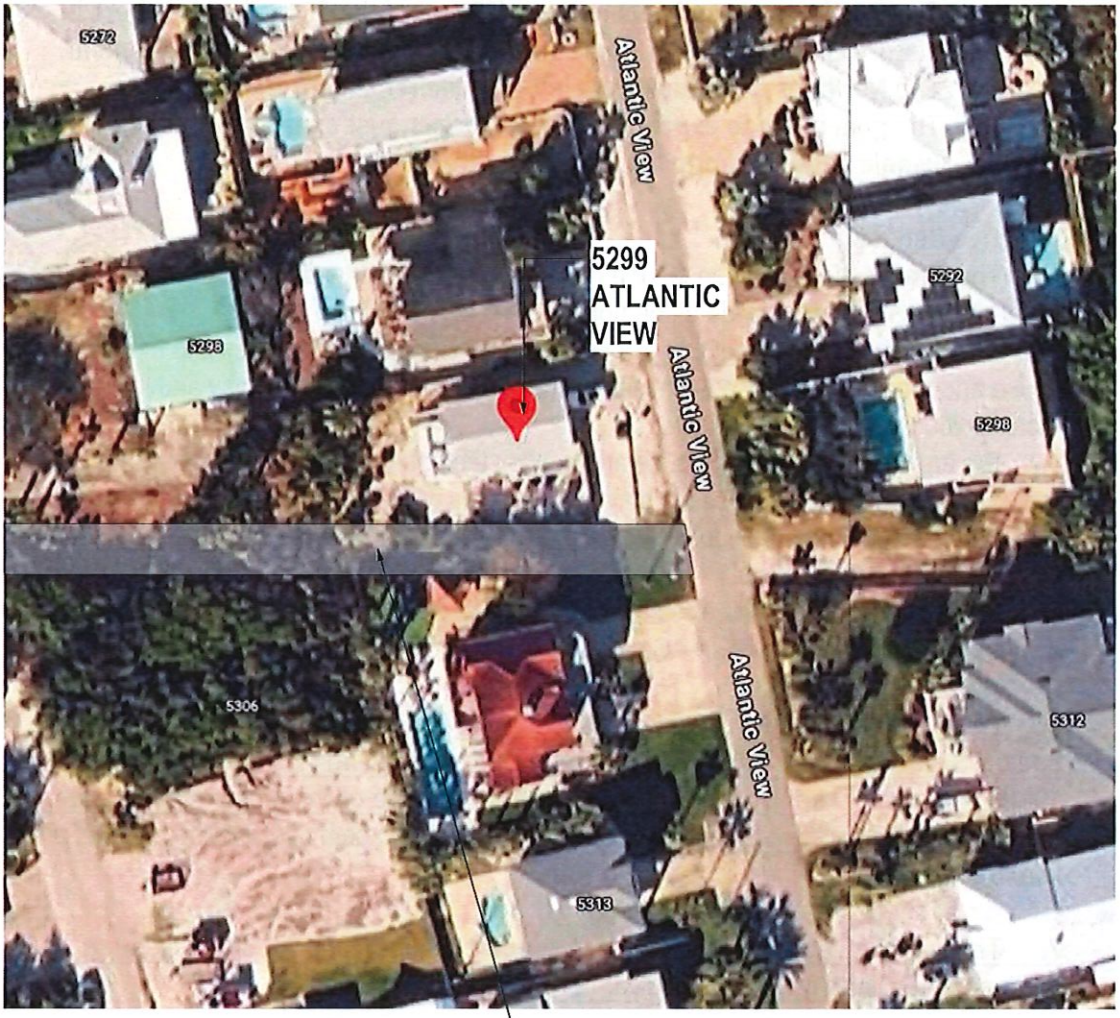
COMMITMENT DATE: NOT REVIEWED **CLIENT FILE NO:**

SEE PAGE 1 OF 2 FOR MAP OF PROPERTY

PAGE 2 OF 2 - NOT VALID WITHOUT ALL PAGES

EXACTA
Exacta Land Surveyors, LLC

Exacta Land Surveyors, LLC
LB# 8291
o: 866.735.1916 | f: 866.744.2882
131 West Broadway Street, Suite 1001, Oviedo, FL 32765



5299 VARIANCE APPLICATION

AERIAL

A1

EXHIBIT 'A'

Lot 10-A, Block 8, Biera Mar, according to the map or plat thereof, as recorded in Plat Book 3, Page(s) 69, of the Public Records of St. Johns County, Florida.

Unique Code : BAA-BAA-BCBAJ-CACFAHGAFA-HDDIDH-A Page 3 of 3

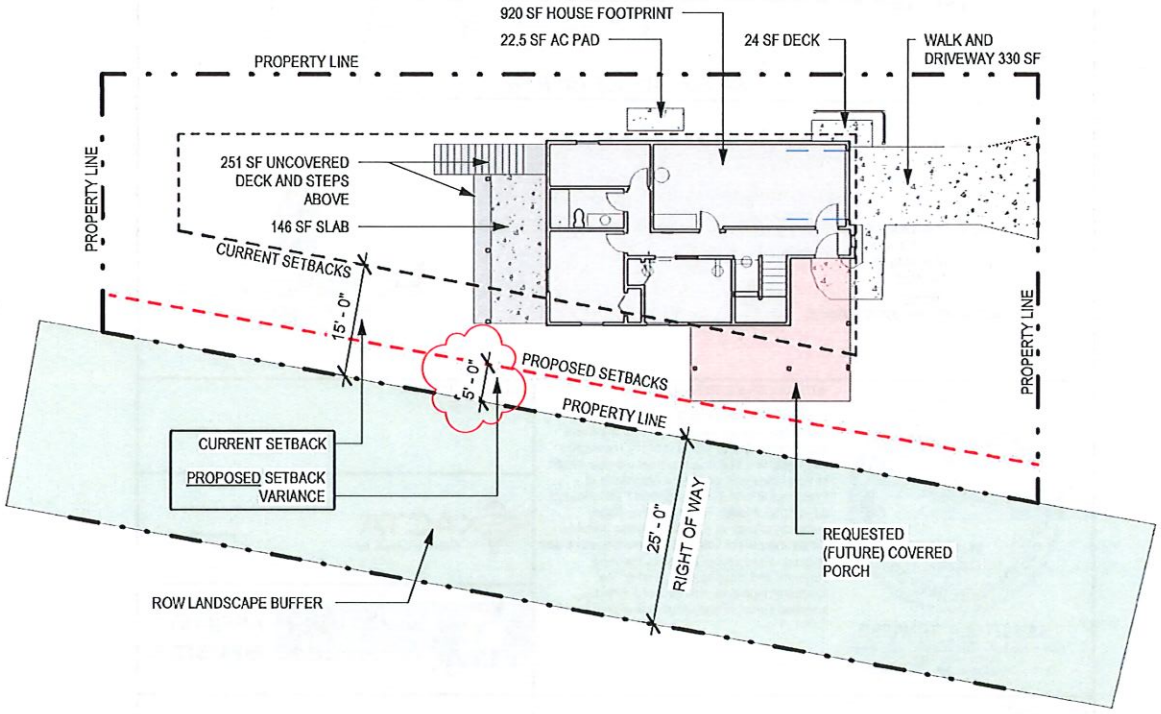
ISR CALCULATIONS:

5696 SF TOTAL LOT AREA
920 SF HOUSE
330 SF DRIVE AND WALK
145 SF REAR SLAB
46.5 SF AC CONDENSER /SHOWER DECK/SLAB
1441.5 SF = 25.4% LAND COVERAGE

(FUTURE) PROPOSED ADDED COVERED PORCH AREA
1. +198 SF ADDING ROOF OVER EXISTING 2ND FLOOR DECK
2. +88 SF EXTEND COVERED PORCH SOUTH
286 SF TOTAL PROPOSED ADDED COVERED 2ND FLOOR PORCH AREA

(FUTURE) PROPOSED COVERED WOOF DECK AREA WITH ADDITION (1441.5+286 = 1727.5 SF IMPERVIOUS)
+/- 30% ISR COVERAGE

1. PARCEL ID:
LOT 10-A BLK 8
2 STY. RES #5299
PROPERTY ADDRESS:
5299 ATLANTIC VIEW, ST. AUGUSTINE, FLORIDA 32080
2. LEGAL DESCRIPTION:
LOT 10-A, BLOCK 8, BIERA MAR SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN MAP BOOK 3, PAGE 69, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA
3. 5696 SF TOTAL LOT AREA
4. TOTAL COVERAGE ALL BUILDING(S): 920 SF [16.2% BUILDING COVERAGE]
5. TOTAL ISR 1441.5 SF
6. HEIGHT: MAXIMUM EXISTING AND PROPOSED BUILDING HEIGHT: 22'-0" TO TOP OF ROOF RIDGE (PORCH MIN 18' ROOF TO MAX 22' ROOF)
7. SETBACK NOTED ON THE SIDE PLAN WITH PROPOSED VARIANCE NOTED.



5299 VARIANCE APPLICATION

PROPOSED VARIANCE

A3

From: Tami Rich
To: Marie Colee; Jennifer Gutt
Subject: Fw: File #: ZVAR-2026000033
Date: Wednesday, November 4, 2026 7:32:06 AM

From: Patti Barry <picassojax@gmail.com>
Sent: Tuesday, November 3, 2026 6:14 PM
To: FAXPLANDEPT <plandept@sjcfl.us>
Cc: David Manaute Husband <manaute@gmail.com>
Subject: File #: ZVAR-2026000033

Dear Planning and Zoning Team,

We are neighbors of 5299 Atlantic View. We own the house south of it at 5301 Atlantic View.

The lot at 5299 Atlantic View is an odd shaped lot and we completely understand and approve of their request. Hopefully other neighbors will also agree that this would not be a negative impact to anything or anyone.

We hope the Zoning Board approves their request.

Kind regards,
David Manaute and Patricia Barry (neighbors)