



VARIANCE APPLICATION

City of Atlantic Beach

Community Development Division

800 Seminole Road Atlantic Beach, FL 32233

(P) 904-247-5800

FOR INTERNAL OFFICE USE ONLY

PERMIT# **ZVAR25-0035**

☐ \$500.00 Application Fee

****Please submit form in person
or to building-dept@coab.us**

APPLICANT INFORMATION

NAME Michael Mullahey, Mary Mullahey EMAIL michaelmullahey@me.com
ADDRESS 340 Sailfish Dr E CITY Atlantic Beach STATE FL ZIP CODE 32233
PHONE # 808-960-2287
PROPERTY LOCATION 171362-0000 BLOCK # 15 LOT # 22
RE# 0.19 Acres ZONING CODE RS 1 UTILITY PROVIDER JE A
COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION Single family residence
PROVISION FROM WHICH VARIANCE IS REQUESTED Set back requirement

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. Accurate, to-scale boundary survey prepared by a registered land surveyor within one year of the date of submission that shows the location of all existing improvements.
2. Survey, plat or new site plan showing all proposed additions and/or improvements added to the drawing, to scale (on 11"x17" paper or smaller).
3. Proof of ownership (copy of deed or current property tax notification).
4. Copy of any previous variance and/or conditional use approval letters.
5. If applicant is not the owner, notarized written authorization from owner is required.

"In lieu of signed, sworn and notarized signatures of the property owner, agent and/or contractor, and under penalties of perjury, I declare that I have read and examined the foregoing application and that the facts stated in it are true and correct."

Michael Mullahey

SIGNATURE OF APPLICANT

Michael Mullahey

PRINT OR TYPE NAME OF APPLICANT

12/10/25

DATE

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 them 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.

The set back is stated to be 24.7 feet for our home. The current foot print of the car port for the home is within the setback. We want to convert the carport area to living space. We feel like the set back is excessive, especially considering the carport is already existing

☐ 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 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 in accordance 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:

Prepared by:
Alexandra B. Griffin, Esq.,
Head, Moss, Fulton & Griffin, P.A.
1530 Business Center Drive, Suite 4
Fleming Island, Florida 32003
File Number: MULLAHEY/FOSS

WARRANTY DEED

THIS INDENTURE, made this 30th day of April, 2025, by Patricia A. Foss, a married woman conveying non-homestead property, whose address is 1818 County Road 209B, Green Cove Springs, Florida 32043, hereinafter called the Grantor, to Michael Mullahey and Mary Mullahey, husband and wife, whose address is 340 Sailfish Drive East, Atlantic Beach, Florida 32233, hereinafter called the Grantees,

WITNESSETH:

That said Grantor, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00), and other good and valuable considerations to said Grantor in hand paid by said Grantees, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantees, Grantee's heirs and assigns forever, the following described land, situate lying and being in Duval County, Florida, to wit:

Lot Twenty-Two (22), Block Fifteen (15), Royal Palms Unit Two-A (2A), according to the plat thereof recorded in Plat Book 31, Page 1, of the Public Records of Duval County, Florida.

The above described real estate is not the homestead real estate of Grantor.

Parcel ID Number: 171362-0000

Subject to Covenants, Restrictions and Easements of Record. Subject also to taxes for 2025 and subsequent years.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

Signature of Grantor on Following Page

Prepared by:
Alexandra B. Griffin, Esq.
Head, Moss, Fulton & Griffin, P.A.
1530 Business Center Drive, Suite 4
Fleming Island, Florida 32003
File Number: MULLAHEY/FOSS

IN WITNESS WHEREOF, Grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of two witnesses:

Witness No. 1

Witness Sign Name [Signature]

Witness Print Name Patricia A. Foss

Address: 1530 Business Center Dr. St 4
Fleming Island, FL 32003

Patricia Foss (Seal)
Patricia A. Foss

Witness No. 2

Witness Sign Name [Signature]

Witness Print Name Faith Dawn Welch

Address: 4371 Highway 17 Suite 101
Fleming Island FL 32003

State of Florida
County of Clay

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of ☒ physical presence or ☐ online notarization on this 30th day of April, 2025, by Patricia A. Foss, () who is personally known to me or (☒) who has produced REAL as identification.

(Affix Notary Stamp)



Notary Sign Name: [Signature]
Notary Print Name: Erin Sullivan
Notary Public, State of Florida
Notary Commission Expires: _____
Notary Commission Number: _____