



CHAPTER 23 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
FILE # ZVAR 26-0003

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

APPLICANT INFORMATION

NAME Genevieve S Hickey (Covington) EMAIL gcovington@jaxbloom.com

ADDRESS 1890 Live Oak Ln CITY Atlantic Beach STATE FL ZIP CODE 32233

PROPERTY LOCATION 1890 Live Oak Ln, Atlantic Beach, FL 32233 PHONE # 904-716-4209

PROVISION FROM WHICH VARIANCE IS REQUESTED Recommendation from City of Atlantic Beach

PROVIDE ALL OF THE FOLLOWING INFORMATION

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

ADDRESS 1890 Live Oak Ln

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 site plan indicating existing, removed, and/or proposed trees; existing and proposed construction, as well as other significant features existing on the lot.

4. A reasonable statement describing the reasons and justification for a variance.

5. Application fee of \$300.00.

ADDRESS 1890 Live Oak Ln
1. Proof of ownership

SIGNED

"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."

Genevieve S Hickey
SIGNATURE OF APPLICANT

Genevieve S Hickey
PRINT OR TYPE NAME OF APPLICANT

01/16/2026
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 in the space provided.

Grounds for approval of a Variance: Per Section 23-25(b)(3) A Variance may be granted at the discretion of the Community Development Board, for the following reasons.

1. Exceptional topographic elevation changes that would result in the likelihood that preserved or planted materials would not survive.

2. Existing electrical lines or utility easements that prevent or restrict the preservation or planting of landscape materials.

3. Barrier island or dune ecosystem planting conditions that cannot support certain hardwood species.

4. Designs and plans that, to the greatest extent feasible, avoid encroachment upon preservation areas and/or trees.

See attached documentation

- 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 Section 23-25(b)(3) 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 twelve (12) 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.

Prepared by & Return to:
Stewart Lender Services
Elizabeth Kenig
2002 N. Lois Ave., Suite 700
Tampa, FL 33607
as a necessary incident to the fulfillment of conditions contained in
a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
172020-1418

SPECIAL WARRANTY DEED
(CORPORATE)

This Special Warranty Deed Made the 10 day of June, 2015, by Fannie Mae a/k/a Federal National Mortgage Association, and having its place of business at P.O. Box 650043 Dallas, TX 75265-0043, hereinafter called the grantor, to GENEVIEVE S HICKEY, A MARRIED WOMAN, whose post office address is: 1890 LIVE OAK LN, ATLANTIC BEACH, FL 32233-4549 hereinafter called the grantee,

WITNESSETH: That grantor, for and in consideration of the sum of \$350,500.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, by these presents does grant, bargain, sell, alien, remise, release, convey and confirm unto the grantee, all that certain land situate in DUVAL County, Florida, viz:

ALL THAT CERTAIN LAND SITUATE IN DUVAL COUNTY, FLORIDA, VIZ: LOT 8, SELVA MARINA UNIT NO. 12-C REPLAT, ACCORDING TO THE PLAT AS RECORDED IN PLAT BOOK 37, PAGE 29 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

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

SUBJECT ALSO to taxes and assessments for the year 2015 and subsequent years.

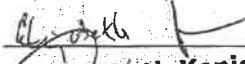
To Have and to Hold, the same in fee simple forever.

GRANTOR'S WILL WARRANT and forever defend the right and title to the above-described real property unto the Grantees against the claims of all person, claiming by, through or under Grantor's, but not otherwise.

(Wherever used herein the terms "grantor" and "grantee" included all the parties to this instrument, and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation.)

IN WITNESS WHEREOF, Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

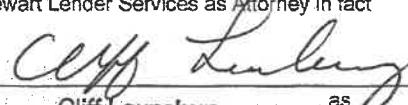
**SIGNED IN THE PRESENCE OF THE FOLLOWING WITNESSES
(TWO SEPARATE DISINTERESTED WITNESSES
REQUIRED)**

Witness Signature: 
Printed Name: **Elizabeth Kenig**

Witness Signature: 
Printed Name: **Christina Ratliff**

Fannie Mae a/k/a Federal National Mortgage Association

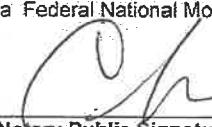
By Stewart Lender Services as Attorney in fact

BY: 
Cliff Lounsbury, as
Attorney in fact for Fannie Mae as Authorized
Signatory of Stewart Lender Services pursuant
to the Corporate Resolution recorded in the
County Records

**State of Florida
County of Hillsborough**

The foregoing instrument was acknowledged before me this 10 day of June,
2015 by **Cliff Lounsbury**, Assistant Vice President of Stewart Lender
Services, Inc., as Attorney in Fact for Fannie Mae a/k/a Federal National Mortgage Association. He /
She is personally known to me.

My Commission expires: _____


Notary Public Signature
Printed Name: **Christina Ratliff**
Serial Number: _____

(SEAL)



MAP SHOWING SURVEY OF
LOT 8

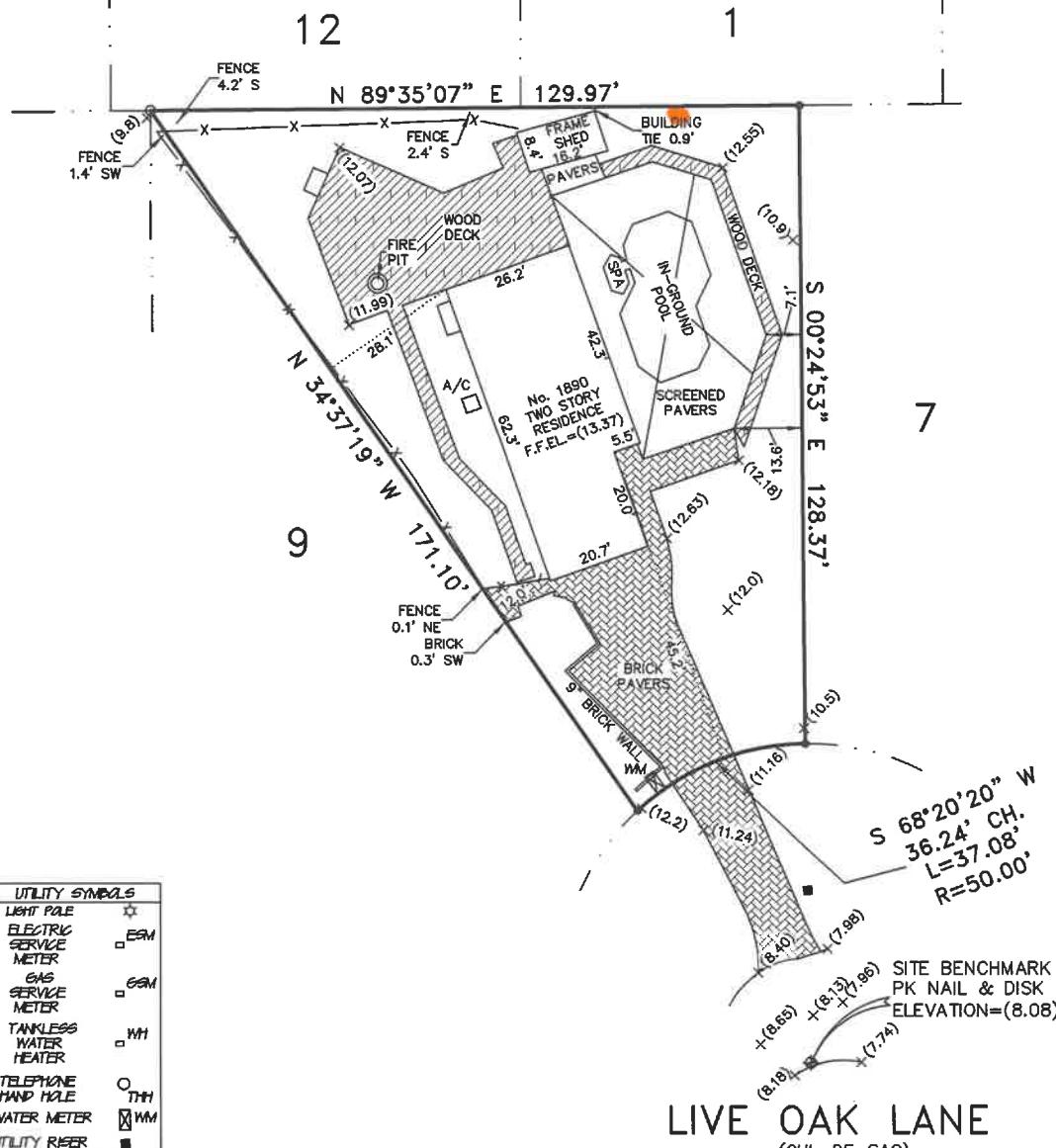
SELVA MARINA UNIT No. 12-C REPLAT

AS RECORDED IN PLAT BOOK 37, PAGES 29 OF THE CURRENT PUBLIC RECORDS OF
DUVAL COUNTY, FLORIDA.



SELVA MARINA UNIT No. 12-B
PLAT BOOK 36, PAGE 76

SELVA MARINA UNIT No. 12-A
PLAT BOOK 36, PAGE 64



NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

NOTES:

1. BEARINGS ARE BASED ON THE EAST LINE OF LOT 8 AS BEING S 00°24'53" E, AS PER PLAT.
2. THIS IS A BOUNDARY SURVEY OF THE LANDS DESCRIBED HEREON.
3. ELEVATIONS SHOWN THUS (15.0') REFER TO THE U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA), NATIONAL GEODETIC SURVEY (NGS) DATUM, NORTH AMERICAN VERTICAL DATUM OF 1988 (NAD 88), 1988.
4. BY GRAPHIC PLOTTING ONLY. THE PROPERTY SHOWN HEREON APPEARS TO LIE WITHIN ZONES: "X" AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.), NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP (F.I.R.M.) COMMUNITY PANEL NUMBER: 120075 0407 H : MAP REVISED DATE: JUNE 3, 2013, MAP NUMBER 12031C0407H.
5. UNLESS OTHERWISE NOTED, ANY PORTION OF THE PARCEL THAT MAY BE DEEMED AS WETLANDS BY STATE OR GOVERNMENTAL AGENCIES, HAS BEEN DETERMINED AND ANY LIABILITY RESULTING THEREFROM IS NOT THE RESPONSIBILITY OF THE UNDERSIGNED.
6. THERE MAY BE RESTRICTIONS OR EASEMENTS OF RECORD EVIDENCED BY TITLE EXAMINATION THAT HAVE NOT BEEN SHOWN HEREON.

ABBREVIATIONS THAT MAY BE USED IN THIS SURVEY

P.C.P.	PERMANENT CONTROL POINT	E.S.M.T.	EASEMENT BUSINESS
P.R.M.	PERMANENT REFERENCE MONUMENT	L.B.	LICENSED BUSINESS
P.O.C.	POINT ON CURVE	C/L	CENTERLINE
P.O.B.	POINT OF BEGINNING	J.E.A.	JEA EASEMENT
P.O.R.	POINT OF REFERENCE	W.P.	WOOD PRIVACY FENCE
P.C.	POINT OF CURVATURE	A/C	AIR CONDITIONER
P.T.	POINT OF TANGENCY	W/H	WITH
P.C.C.	POINT OF COMPOUND CURVE	O.H.L.	OVERHEAD LINES
P.R.C.	POINT OF REVERSE CURVATURE	F.M.	FIELD MEASURED
P.I.	POINT OF INTERSECTION	R.	RADIUS EQUALS
R/W	RIGHT OF WAY	L.	ARC LENGTH EQUALS
O.R. V.	OFFICIAL RECORDS VOLUME	CH.	CHORD BEARING & DISTANCE EQUALS
F.B.	FIELD BOOK	Δ	DELTA OR CENTRAL ANGLE EQUALS
R.C.	RED COLORED WITNESS IRON	I.P.	IRON PIPE
B.R.L.	BUILDING RESTRICTION LINE	I.R.	IRON ROD

LEGEND	
□	DENOTES CONCRETE MONUMENT
×—x	DENOTES 4' METAL FENCE
○	DENOTES 1/2" IRON PIPE SET (AS NOTED)
●	DENOTES 5/8" IRON ROD FOUND (LB 3624X) (UNLESS NOTED)
x	DENOTES CROSS CUT

DATE MARCH 13, 2018
SCALE 1" = 30'
JOB NO. 45097
F. BOOK(S) _____
PAGE(S) _____
COMPUTER LOT B.DWG
FILE NAME _____

A & J LAND SURVEYORS, INC.

CERTIFICATE OF AUTHORIZATION NO. LB 6651

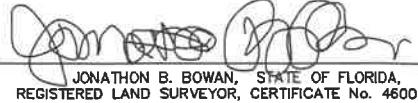
PROFESSIONAL LAND SURVEYORS

5847 LUELLA STREET

JACKSONVILLE, FLORIDA 32207

OFFICE: (904) 346-1733

FAX: (904) 346-1736


JONATHON B. BOWAN, STATE OF FLORIDA,
REGISTERED LAND SURVEYOR, CERTIFICATE No. 4600

Rationale for Appeal – Request for Fine/Mitigation Reduction for Removal of Diseased Magnolia Tree

I am writing to respectfully request a variance for the mitigation requirements associated with the unpermitted removal of a magnolia tree at my property located at 1890 Live Oak Lane.

I fully support the City of Atlantic Beach's commitment to preserving our community's trees and natural beauty and acknowledge that I should have confirmed the necessary permitting requirements prior to removal.

However, the tree was removed due to a serious safety concern. A tree maintenance company servicing the adjacent property pointed out that the tree was severely diseased, evidenced by a massive hole extending through the entirety of the trunk and into the root system. The action was taken out of immediate concern for the safety of my small children and to prevent potential property damage, not to bypass municipal regulations or for convenience.

1. The Tree Was Diseased and Presented a Safety Concern

The removal of the magnolia tree was necessary due to the imminent hazard it posed. Having been diseased for several years, the tree was a growing risk for structural failure and falling limbs, particularly during high winds or storms. This created a reasonable concern for potential damage to the pool enclosure and danger to my children who use the pool.

This action was taken promptly and responsibly to mitigate a hazardous condition. It was not a decision made lightly, for convenience, for aesthetic reasons, to make room for new construction, or to remove a healthy tree.

2. Good Faith, Unintentional Non-Compliance

This incident was not an intentional violation of City regulations. I acted in good faith based on the tree's condition and the belief that removal of a dead tree would fall under safety-driven maintenance. I recognize now that a permit was still required, and I am committed to full compliance going forward.

3. Strict Application of the Fine Creates an Unnecessary Hardship

The fine assessed feels excessive given the circumstances and creates a financial burden that is disproportionate to the nature of the violation—particularly because the tree was severely ill and removal was not intended to reduce canopy or alter the property for development purposes.

The city's variance and appeal framework acknowledges that relief can be granted when strict application of the regulations results in "exceptional practical difficulties or undue hardship" and when such relief does not conflict with the general purpose of the code.

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4. Reducing the Fine Would Not Undermine the City's Intent

I fully respect the purpose of the City's tree protections, and I am not requesting that the permit requirement be eliminated. I am only requesting reasonable relief in the penalty amount based on the facts of this unique situation.

Reducing the mitigation requirements would still reinforce the importance of obtaining permits while recognizing that this was a safety-driven removal of a dead tree rather than an act of neglect or disregard for environmental preservation.

5. Willingness to Cooperate and Remedy

I am prepared to cooperate with the City and undertake any reasonable corrective measures, including the planting of an appropriate number of permissible tree species that my property can safely support.

Request for Reconsideration

Based on the foregoing, I respectfully ask the City of Atlantic Beach to reduce the current mitigation requirements and fines associated with this violation. I request consideration for a lesser penalty that is consistent with the specific circumstances of my case, the safety concern that was addressed, and my clear demonstration of a willingness to comply with regulations moving forward.

This request is made particularly in light of a recent, contrasting decision where the City permitted the removal of at least sixteen healthy, protected trees on the adjoining Hickory Lane property to facilitate the demolition of the existing structure and the construction of two new homes. This permission for the removal of healthy trees—solely for an estimated monetary gain of approximately \$140,000—appears to be in egregious contradiction to the City's stated commitment to protecting the historical canopy. This equates to an average value of \$8,750 per healthy tree, which is \$11,250 less than the fine I am facing for the removal of what the provided arborist report and photographs clearly show was a tree in substantially failing health.

Thank you for your time and careful consideration of this matter.