



Jacksonville Environmental  
Protection Board

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**Water Committee**

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Josh Gellers, Ph.D.  
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Beth Leaptrott  
Guillermo Simon

## APPLICATION FOR VARIANCE FROM JEPB RULES

Please type or print this application in blue or black ink and submit the original **in person** or by agent with 2 additional copies to:

**Jacksonville Environmental Protection Board**

Attn: James Richardson  
Edward Ball Building  
214 N. Hogan Street, 5<sup>th</sup> Floor  
Jacksonville, Florida 32202

FOR INFORMATION REGARDING THIS FORM. CALL: (904) 255-7100

### THIS SECTION FOR OFFICE USE ONLY

<b>1. Date Submitted:</b>	<b>2. Date Returned:</b>	<b>3. Date Approved:</b>	<b>4. Permit Required:</b>	<b>5. Applicable Section of JEPB Rule:</b>

### TO BE COMPLETED BY APPLICANT

**Application Fee:** Nonrefundable \$2,788.00 application fee. Checks should be made payable to the Tax Collector.

6. Name of Property Owner for which the variance is being sought:

Bartram Market Self Storage LLC

7. Address of parcel(s) for which Variance is being sought:

515 Bartram Market Dr.

Jacksonville, FL 32258

Real Estate ID#: 168135-1164

8. Proximity of site to nearest residential neighborhoods:

Name of subdivision, apt., etc.      Distance (miles)

Bartram Park Preserve South Side      0.1 miles

9. Proximity of site to nearest schools:

Name of School      Distance (miles)

Durbin Creek Elementary School      2.6 miles

10. Has enforcement action commenced?

Yes ☐ No ☒



**MAR 27 2024**

Environmental  
Quality Division

(i.e. Notice to Correct, Warning Letter, Cease and Desist Citation or any other enforcement action)	
11. Action or operation for which variance is being sought (check all that apply and indicate rule number):	
<input type="checkbox"/> Air/Odor Pollution Rules	Rule 2. _____
<input type="checkbox"/> Water Pollution Rules	Rule 3. _____
<input checked="" type="checkbox"/> Noise Pollution Rules	Rule 4. 209 _____

**RULES OF THE ENVIRONMENTAL PROTECTION BOARD CAN BE FOUND AT:**  
[http://www.coj.net/departments/regulatory-compliance/environmental-quality/environmental-protection-board-\(1\)/epb-rules.aspx](http://www.coj.net/departments/regulatory-compliance/environmental-quality/environmental-protection-board-(1)/epb-rules.aspx)

**\* \* \* NOTICE TO OPERATOR/AGENT \* \* \***

Please provide detailed responses to each of the following pertaining to the standards and criteria contained in Sec. 360.111. You may attach separate sheets if necessary.

*(Please note that failure by the applicant to adequately substantiate the need for the variance and to respond to and meet the criteria set forth below may result in a denial of the application or a return of the application for additional information. Any activity that violates EPB Rules occurring during the time between submission of this application and the determination of completeness may be cited as a violation of EPB Rules.)*

- (1) The law or rule, and sections thereof, from which a variance is sought.

In order to mitigate the impact of daytime heat and prevent water evaporation from the concrete, it will be necessary to conduct concrete pours during nighttime hours, specifically from 2:00 am until 7:00 am. This precautionary measure is essential to ensure the integrity of the structure and prevent potential cracks or structural issues in the future. Anticipated within a maximum four-months period, with a maximum frequency of five pours per month, this schedule is designed to optimize conditions for successful concrete placement while minimizing disruption to surrounding activities.

- (2) The facts which show that a variance should be granted because of one of the following reasons:

- (i) There is no practicable means known or available for the adequate control of the pollution involved. A variance granted under the authority of this subparagraph shall be limited to a period of sixty months.
- (ii) Compliance with the particular requirement or requirements from which a variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time. (A variance granted for this reason shall prescribe a timetable for the taking of the measures required. A variance granted under the authority of this subparagraph shall be limited to a period of sixty months).
- (iii) It is necessary to relieve or prevent hardship of a kind other than those provided in subparagraphs (i) and (ii). A variance granted under the authority of this subparagraph shall be limited to a period of twenty-four months.

Throughout various phases of the project, intermittent exposure to environmental noise will occur due to the operations of concrete trucks. Over the three-month duration, concrete activities, including nighttime and weekend operations, will be necessary to ensure project completion. It's important to note that these operations will strictly adhere to the 60 dBA nighttime limits, prioritizing environmental considerations while meeting project objectives.

- (3) The period of time for which the variance is sought, including the reasons and facts in support thereof.

The requested variance spans a duration of four months, from May 15, 2024, to August 15, 2024, aligning precisely with the scheduled concrete pour for the footings and slab of the building. This timeframe is critical for ensuring optimal conditions conducive to the success of this pivotal phase of construction.

- (4) The damage or harm resulting, or which may result, to the person requesting the variance from a compliance with the law or rule.

In light of the project's critical timeline and the specific requirements for the construction process, it is evident that there exists no feasible alternative to the requested variance. Timely completion is imperative, and the necessity for cooler conditions during the concrete pour of the footings and slab underscores the indispensability of the variance. Ensuring adherence to scheduled deadlines while maintaining the integrity and quality of the construction process remains paramount.

- (5) The requirements which the person requesting the variance can meet and the date when the person can comply with these requirements.

We are fully prepared to adhere to industry-standard construction noise levels promptly. Additionally, we are committed to minimizing nighttime operations to the greatest extent feasible. Our aim is to ensure that any disruption caused by nighttime activities is mitigated, prioritizing the comfort and well-being of the surrounding community.

- (6) The steps the person requesting the variance is taking to meet the requirements from which the variance is sought and when compliance will be achieved.

N/A

- (7) Any beneficial or adverse impact to residents and the environment in the affected area resulting from the Board's requiring compliance or granting a variance.

While there may be temporary inconveniences for nearby residents, the completion of the self-storage construction project will have a profound impact on the community. These facilities play a pivotal role in driving local economies, providing crucial support for small businesses, and offering convenient storage solutions during transitional periods. In essence, they are dynamic hubs fostering economic growth and enhancing community resilience.

- (8) The economic or social impacts of granting or denying the variance.

The introduction of a new self-storage facility in Bartram Park community can yield significant economic and social benefits. It stimulates job creation during both the construction phase and ongoing operation, bolstering local employment opportunities. Additionally, it generates property taxes, enhancing municipal revenue streams for community services and infrastructure. Socially, the facility offers convenience and security for residents by providing storage solutions for belongings during transitional periods, fostering smoother transitions and reducing clutter. Moreover, it supports local businesses by offering affordable storage space for inventory and equipment, contributing to entrepreneurial endeavors and economic resilience within the community.

The denial of this variance would result in project delays and impose financial strain on the self-storage development, exacerbating structural complexities. Implementing the requested variance is imperative to ensure timely completion and mitigate potential adverse effects on both the project's financial viability and structural integrity.

**IMPORTANT NOTICE: THE GRANTING OF A VARIANCE HEREUNDER IS NOT A WAIVER OF ANY APPLICABLE STATE OR FEDERAL RULES AND DOES NOT PROVIDE PROTECTION FROM ENFORCEMENT OF ANY SUCH RULES.**

**Please note that the variance, if approved, is provided to the owner. The owner must sign this application or provide an authorized agent form which provides for the application to be submitted by someone else.**

**I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND** the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including any attachments, is true and correct to the best of my knowledge.

**NAME AND ADDRESS OF OWNER/APPLICANT:**

NAME: TAYLOR SMITH

ADDRESS: 4455 KELNEPA DR.

CITY: JACKSONVILLE STATE: FL ZIP: 32207

DAYTIME TELEPHONE: (904) 226-1689

FAX NUMBER: (904) 779-3377

  
SIGNATURE OF OWNER/APPLICANT

**NAME AND ADDRESS OF AUTHORIZED AGENT:**

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

DAYTIME TELEPHONE: \_\_\_\_\_

FAX NUMBER: \_\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED AGENT



Blue Ocean Construction, Inc.

building blocks of life...  
PO Box 551456  
Jacksonville, FL 32255  
(904) 469-6037



5263

03/15/2024

PAY TO THE ORDER OF Tax Collector

\$ \*\*2,788.00

Two thousand seven hundred eighty-eight and 00/100 \*\*\*\*\* DOLLARS

Jacksonville Envi. Protection B.  
Attn: James Richardson  
Edward Ball Building  
214 N. Hogan Street, 5th Floor  
Jacksonville, Florida 32202

AUTHORIZED SIGNATURE

MEMO APPLICATION FOR VARIANCE FROM JEPB RULE

⑈00005263⑈ ⑆061201754⑆ 2048650945⑈

Blue Ocean Construction, Inc.

03/15/2024 Tax Collector

5263

2,788.00

Ameris Business Checking

APPLICATION FOR VARIANCE FROM JEPB RULES for 515 Bayview

Blue Ocean Construction, Inc.

03/15/2024 Tax Collector

5263

2,788.00

Ameris Business Checking

APPLICATION FOR VARIANCE FROM JEPB RULES for 515 Bayview

**REPORT OF THE ENVIRONMENTAL QUALITY DIVISION**  
**FOR APPLICATION FOR**  
**VARIANCE TO JEPB NOISE RULES 4.208, 4.209A, & 4.209C AT 515 BARTRAM**  
**MARKET DRIVE**  
**MAY 20, 2024**

The Environmental Quality Division forwards to the Air Quality Committee and the Environmental Protection Board its comments and recommendation regarding Application for Variance to JEPB Noise Rules 4.208, 4.209A and 4.209C.

<b><i>Location:</i></b>	515 Bartram Market Drive
<b><i>Real Estate Number:</i></b>	168135-1164
<b><i>Applicant/Owner:</i></b>	Taylor Smith
<b><i>Agent:</i></b>	N/A
<b><i>Staff Recommendation:</i></b>	APPROVE WITH CONDITIONS

**GENERAL INFORMATION**

***Rules from Which Variance is Sought***

Application for a variance to JEPB noise rules 4.208 (added by EQD), 4.209A, and 4.209C to 1) allow operations with impulsive sounds that may exceed the sound levels stipulated in Rule 4.208 (55 dBA for Class A and B land use); 2) allow operations of construction equipment during nighttime hours, and 3) allow the operation of construction equipment during daytime hours that may exceed the sound level limits stipulated in Rule 4.209C (75 dBA for Class C, 65 dBA for Class A and B land use).

A variance is being requested for the period ending November 30, 2024. During this period the applicant expects to perform approximately twenty nighttime concrete pours, to begin as early as 2 a.m.

***Status of Applicant's Compliance with Above Rules***

Construction has not started at this site.

***Other Relevant Information***

The activity for which a variance is being sought is the construction of a multi-story storage building. The project area occupies about 1.8 acres. The site has residential properties to the north and to the northeast, commercial property to the south, and woodlands to the west. The closest residential property is about 40 meters to the north of the site boundary. However, the proposed location of the concrete pump is about 125 meters to the nearest residential building.

Noise modeling was performed with iNoise 2024.1. Modeling results indicate that the maximum sound level from nighttime concrete pours is expected to be below 60 dBA for all residential buildings.

### **CRITERIA FOR REVIEW**

Pursuant to Ordinance Code 360.111, the Environmental Protection Board shall evaluate and consider the following criteria of an application for variance.

- 1. Are there facts which show that a variance should be granted because of one of the following reasons?***
  - a. There is no practicable means known or available for the adequate control of the pollution involved.***
  - b. Compliance with the particular requirement or requirements from which a variance is sought will necessitate the taking of measures which, because of their extent or cost, must be spread over a considerable period of time.***
  - c. It is necessary to relieve or prevent hardship of a kind other than those provided above.***

Construction projects with large concrete pours typically desire to start the pour at night or very early in the morning. The reasons generally provided by the contractors include:

- Some pours have been known to require over 100 loads of concrete. It has been stated that with daytime traffic and limited supply of trucks during the day, large pours are difficult to coordinate during the day in Jacksonville.
- Daytime heat and afternoon showers can negatively affect the curing of concrete on large pours.
- Early morning concrete pours are safer for the workers as opposed to working during the heat of the day during the summer.

There is currently no practicable alternative to early morning concrete pours that address contractors' concerns. Also, due to the proximity of the construction site to a few residential properties, there will be noise impact from normal daytime construction activities.

For the reasons stated above, it appears that there is no practicable means for adequate control of the potential noise from the activity described in the variance application. However, there are a number of noise mitigation measures that can be implemented to minimize impact to sensitive receptors (see Recommendations).

- 2. The period of time for which the variance is sought, including the reasons and facts in support thereof.***

The applicant is requesting a variance for through November 30, 2024, which is reasonable for a project of this size and less than the time allowed under ordinance code 360.111(b)(2).

**3.      *The damage or harm resulting or which may result to the person requesting the variance from compliance with the rule.***

See the application.

**4.      *The requirements which the person requesting the variance can meet and the date when the person can comply with these requirements.***

See the application.

**5.      *The steps the person seeking the variance is taking to meet the requirements from which the variance is sought and when compliance will be achieved.***

The contractor will be required to meet the conditions of the variance which include required noise mitigation measures. See the Recommendation section of this report for EQD recommended variance conditions.

**6.      *Any beneficial or adverse impact to residents and the environment in the affected area resulting from the Board's requiring compliance or granting a variance.***

Due to the proximity of the construction site to residential properties, it is unlikely that the project can be constructed in compliance with Rule 4 noise limits. Therefore, a noise variance would be required to continue the project. There is no impact to the environment by granting the variance but there will be some temporary impact to residents.

**7.      *Economic or social impacts of granting or denying the variance.***

See the application.

**8.      *Will granting the variance likely cause the health of the citizens to be in imminent danger?***

No.

### **SUPPLEMENTAL INFORMATION**

The following documents are attached to this report:

- Contractor's site plan.
- Contractor's site plan overlaid on aerial.
- Noise modeling results.



### **RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Environmental Quality Division that Application for Variance to JEPB Rules 4.208, 4.209A, and 4.209C be APPROVED with the following CONDITIONS.

1. The variance application and presentation, and the commitments therein, shall be adopted and incorporated as part of the conditions of this variance.
2. The variance establishes a maximum noise level of 65 dBA for nighttime construction operations and 65 dBA for daytime construction operations, as measured from any residential receptor, and 65 dBA for impulsive sound (daytime), as measured from any residential receptor.
3. All equipment will be fitted with proper exhaust systems and silencers as required by Rule 4.209D.
4. Nighttime construction activities will consist of only those related to concrete pours and will not commence before 2 a.m.
5. Construction equipment operated before 7 a.m., including concrete pump trucks, concrete mixer trucks, forklifts, and loaders, etc., must have the traditional single frequency backup alarm either disabled (and use of a flagman, as allowed by OSHA), or replaced with a broadband (white noise) backup alarm.
6. Concrete mixer trucks must not air off on or near the construction site before 7 a.m.
7. Concrete mixer trucks used for concrete pours before 7 a.m. must be staged as far from residential properties as practical.
8. The contractor will attempt to route concrete trucks used for concrete pours before 7 a.m. to minimize disturbance of residences to the extent practical and shall instruct the drivers (by voice or sign) to minimize acceleration while near the site.
9. The Environmental Quality Division is granted the ability to require additional noise mitigation if conditions warrant.
10. Communications to residents of sensitive receptors to include:
  - a. Provide notification, by written or electronic means, to each residential property within 200 meters of the closest anticipated location to residences that a concrete pump truck will be situated. The notification will be provided at least 48 hours in advance of each anticipated nighttime concrete pour.
  - b. Signage announcing upcoming nighttime construction activity will be displayed on site in locations visible to area residents and businesses, advising the dates and times of potential nighttime pours.
  - c. Contact information for 24-hour hotline.
11. Petitioner shall provide a monthly status report of the construction project to the Air & Odor Committee via email to [epb@coj.net](mailto:epb@coj.net). The report shall include:

- a. Report should be for the previous month and received on or before the 10<sup>th</sup> day (e.g., June 10<sup>th</sup> for the month of May, July 10<sup>th</sup> for the month of June, etc.).
- b. Number of complaints and any plan for remediation or corrective action in response to complaints.
- c. Project progress, including substantial changes.

12. This variance shall expire on November 30, 2024.





