



AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
MARCH 18, 2026
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. **CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MEETING MINUTES**
 - 3.1 Approval of Minutes for the Regular Meeting of February 18, 2026.
4. **OLD BUSINESS**
5. **NEW BUSINESS**
 - 5.1 **BOA 2026-0001 - HENRY HEYWARD BURNET IV & VIRGINIA Y. BURNET, 104 N. WOLFF STREET**

Variance request from LDC Section 5.01.10 Fences and Walls, Table 5.01.10(A) Maximum Height of Fences and Walls, to replace the existing 6-foot chainlink fence with a 4-foot black chainlink fence in the front yard (approximately 150 feet) and 8-foot black chainlink fence along the remaining southern side rear yard of the property (approximately 200 feet) which is adjacent to Egans Creek Park. (*Quasi-Judicial*)
6. **BOARD BUSINESS**
7. **STAFF REPORT**
8. **PUBLIC COMMENT**
9. **ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR APRIL 15, 2026.

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 310-3115 or through the Florida Relay Services at 711 at least 24 hours in advance to request such accommodations.

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.



**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING
FEBRUARY 18, 2026
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER: 5:00PM

ROLL CALL / DETERMINATION OF QUORUM

Chair Steven Papke (Chair) Member Barry Hertslet
Member Johnny Miller Vice Chair Len Kreger (Vice-Chair)
Member Fred Johnson Member Frank Miller (Alt 1)

OTHERS PRESENT

Margaret Pearson, Planning Manager,
Glenn Akramoff, Deputy City Manager
Teresa Prince, City Attorney
Mackennah Tarmey, Recording Secretary

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes from the Regular Meeting of October 15, 2025.

ACTION TAKEN: A motion was made by Member Kreger, seconded by Member Johnny Miller, to approve the Minutes for the Regular Meeting of October 15, 2025, as presented.

Vote upon passage of the motion was taken by voice vote, and being all ayes, carried.

4. OLD BUSINESS

5. NEW BUSINESS

6. STAFF REPORT

7. BOARD BUSINESS

7.1 Elections of Chair and Vice Chair

Members discussed re-election of existing Chair, Steven Papke, and existing Vice-Chair Len Kreger.

ACTION TAKEN: A motion was made by Member Kreger, seconded by Member Johnny Miller, to approve the re-election of existing Chair, Steven Papke, and existing Vice-Chair Len Kreger.

Vote upon passage of the motion was taken by ayes and nays, and being all ayes, carried.

7.2 Meeting Conflict for the August 19, 2026 Regular Meeting (August 18, 2026 Election)

Board Members discussed the upcoming conflict with the Regular Meeting scheduled Wednesday August 19, 2026. Chair Papke requested to revisit this rescheduling at a meeting closer to that date, such as June or July.

Ms. Prince commented that other meetings are also slated around that date, such as Historic District Council, and asked that any rescheduling should accommodate applicants with ample time for revisions and suggested moving the meeting for August 26, 2026. The change will be made.

7.3 City Updates

Ms. Pearson presented the Board with updates regarding the Comprehensive Plan and the EAR assessment occurring this year. She provided the timeline of events and insight with any Board involvement with the process. She explained that changes will mostly be made for clarity and will offer more community participation. Furthermore, she confirmed these changes to the Comprehensive Plan requirements must be presented next year to be reviewed by the City Commission for approval.

Chair Papke asked if this will affect the Land Development Code (LDC). Ms. Pearson answered in the affirmative.

Vice-Chair Kreger commented on the Special Privileges criteria and asked if Staff intends to address any changes to the process. Ms. Pearson confirmed that there will be changes made and that any changes to the BOA criteria process must be presented to the Planning Advisory Board (PAB). She assured the Board that members will be included for input.

Vice-Chair Kreger added some comments about Special Privilege and also inquired about the lack of communication regarding the merging of this board with the Planning Advisory Board (PAB), reiterating that his position is still that this board stand independently from the PAB. Ms. Pearson confirmed that the City Commission has no intention of merging these boards at this time.

Member Johnny Miller inquired about Senate Bill 180.

Ms. Prince gave a brief overview, saying that SB180 prevents local government from holding up the rebuilding process from owners in a time of emergency by reducing some burden to the owners and developers such as substantial improvement and impact fee assessment. She added that a “Glitch Bill” was presented proposing various amendments on reducing some provision related to SB180. She summarized that according to our Grant administrator the FL House had not move on the “Glitch Bill” and that as it stand now the “Glitch Bill” is at risk. But in returning to Vice-Chair Kreger’s comment regarding updated to Special Privilege, she noted that this amendment would possibly survive SB180 since it would be less restrictive to an owner. She also confirmed that a review of this request is in the queue of both the City Manager and the Planning Manager.

Glenn Akramoff, Deputy City Manager, gave updates on the City affairs regarding structure in the Community Development area and capital. He updated staffing in the Planning & Conservation Department with one position still open. As for the team, we are working on implementing a new permitting system to improve customer service and efficiency. The new system “City View” will tentatively go live on May 11th, 2026. He indicated that users/customers will be invited to attend testing and training sessions. The Building Department will set up a developer’s workshop as an introductory process and receive feedback on how we can better meet their needs. Mr. Akramoff then updated the Board on the recent and future retirements of City employees, mainly in the Building Department, in Code Enforcement, and Planning and Conservation. He then directed his updates to Capital Improvements and gave updates about the groundbreaking of the

Downtown stormwater improvements, the Waterfront Park, the installation of the southern section of the seawall (south of the Waterfront Park), Brett's demolition, the reconfiguration of the new pier, and the replacement of the fueling stations at the marina. He stated that these projects will be ongoing from late April to late June. He indicated that we are at 60% completion of the downtown revitalization project and all of the elements are in the process of approval. The phasing process will begin slowly so as not to hinder any Downtown businesses. He then updated the Board regarding the Ybor Park replacement, stating that he intends to present this project to the City Commission to request input, and also bring up a discussion regarding the MLK ball field project. These projects entail parking requirement issues and providing these updates to this Board provide insight into the fact that there may be potential Variance request cases presented to accommodate these needs.

Ms. Prince noted that if any variance request is presented regarding these projects, these comments from Mr. Akramoff will have to be disclosed as ex parte communication.

Vice-Chair Kreger asked for an update on the "Tringali" triplex project. Ms. Prince prefaced that since there is pending litigation, she cannot provide many comments. She stated that the owner elected to file for a 7051 hearing to go to mitigation and that outside counsel has been assigned and it looks like the mediation hearing may fall in April 2026. She added that the reason the attorney selected this route is to allow the property owner to find relief and operate and for both parties to have ample time to prepare for any appeal and decisions they see fit.

Member Johnny Miller asked about the Developer's Workshop and what type of outreach was performed. Mr. Akramoff confirmed that the Building Department engaged its most common users and the public with this upcoming event.

Member Johnny Miller also asked about the order of street closure regarding the water project. Mr. Akramoff said they're starting with the most disruptive area first, from S. 3rd moving east, and as part of the contract, the Waterfront Park will be opened during the Shrimp Festival.

Member Kreger asked about the upcoming changes in Code Enforcement. Mr. Akramoff said changes will focus on areas that are the most troublesome and with the highest violators, increasing public outreach and education on how we want to operate to bring voluntary compliance and not only focusing on the enforcement aspect. He ended by thanking Ms. Michelle Forstrom, Code Enforcement Director, for her exceptional service over the years as she will be retiring March 27, 2026.

7.4 Sunshine Law Update and Quasi-Judicial Training

Ms. Prince gave a presentation on how this board operates with quasi-judicial proceedings. She indicated that quasi-judicial hearings are court-like hearings, making decisions based on competent substantial evidence and expertise. She explained criteria, staff role in these hearings, and appeal processes. She went into describing what Board and Committee appeals could be heard by this Board, such as Technical Review Committee (TRC), Planning Advisory Board (PAB), and which should not be heard, Building Department and Fire Department, and lastly how special magistrates are going to be implemented for Code Enforcement, consideration of time limits, staff to make final comments, and allowed time for the board to make comments without a time limit.

Board members and Ms. Prince spoke and discussed the fact that Board cases do not set legal precedents, and that it is the perception that may show favoritism.

Chair Papke and Member Frank Miller stated that they are looking forward to the idea of default procedures provided to Board Members. Member Frank Miller asked further questions about ethics.

Ms. Pearson provided information on pre-application and formal application processes.

Board Members inquired about the role of the Technical Review Committee and Ms. Prince explained that as an administrative decision they are part of this appeal process and the City Commission would have to approve to have these appeals fall under the BOA review. Ms. Pearson gave the example of a Local Development Order (LDO) being denied.

There was introduction to a new voting process that has already been implemented for the City Commission and will be presented to all Boards.

Ms. Prince then gave a presentation on Sunshine Law and the right of public access to governmental proceedings. She explained the three requirements being that meetings must be opened to the public, that notices must be provided, and that minutes must be taken. She then noted that councils, boards, and commissions of state agencies (elected or appointed), counties, municipal corporations, political subdivisions, private companies doing business on behalf of a government agency, and one person acting on behalf of a board or commission are all covered under the Sunshine Law. Ms. Prince noted that the City often publishes a “Notice of Gathering” if/when multiple board members are attending a public function. Ms. Prince also covered Public Attendees/Comments, City Public Meeting Notices, and Penalties for Open Meetings Violations. Lastly, she spoke of Public Records Law, noting that the City uses Just FOIA platform for requests and that any communication on board matters is public record, and includes text messages, emails, photos, social media posts, or conduits of communication

Member Johnson noted that in the past, he has posted about communication with a board member and has made the record public and available and inquired with Ms. Prince if this is allowed. Ms. Prince answered in the affirmative but also does not recommend and emphasized that they should meet with staff instead.

Chair Papke asked the board to be thorough with motions, and please be prepared for future meetings with materials as they see fit.

Member Johnny Miller asked Ms. Prince if she could at times rephrase motions so that the board be aware of what vote they are implementing.

Ms. Pearson announce that there will be a case presented at the next meeting of March 18, 2026.

8. PUBLIC COMMENT

There was no public comment.

9. ADJOURNMENT: 6:15PM

Mackennah Tarmey, Recording Secretary

Steven Papke, Chair



BOARD OF ADJUSTMENT STAFF REPORT

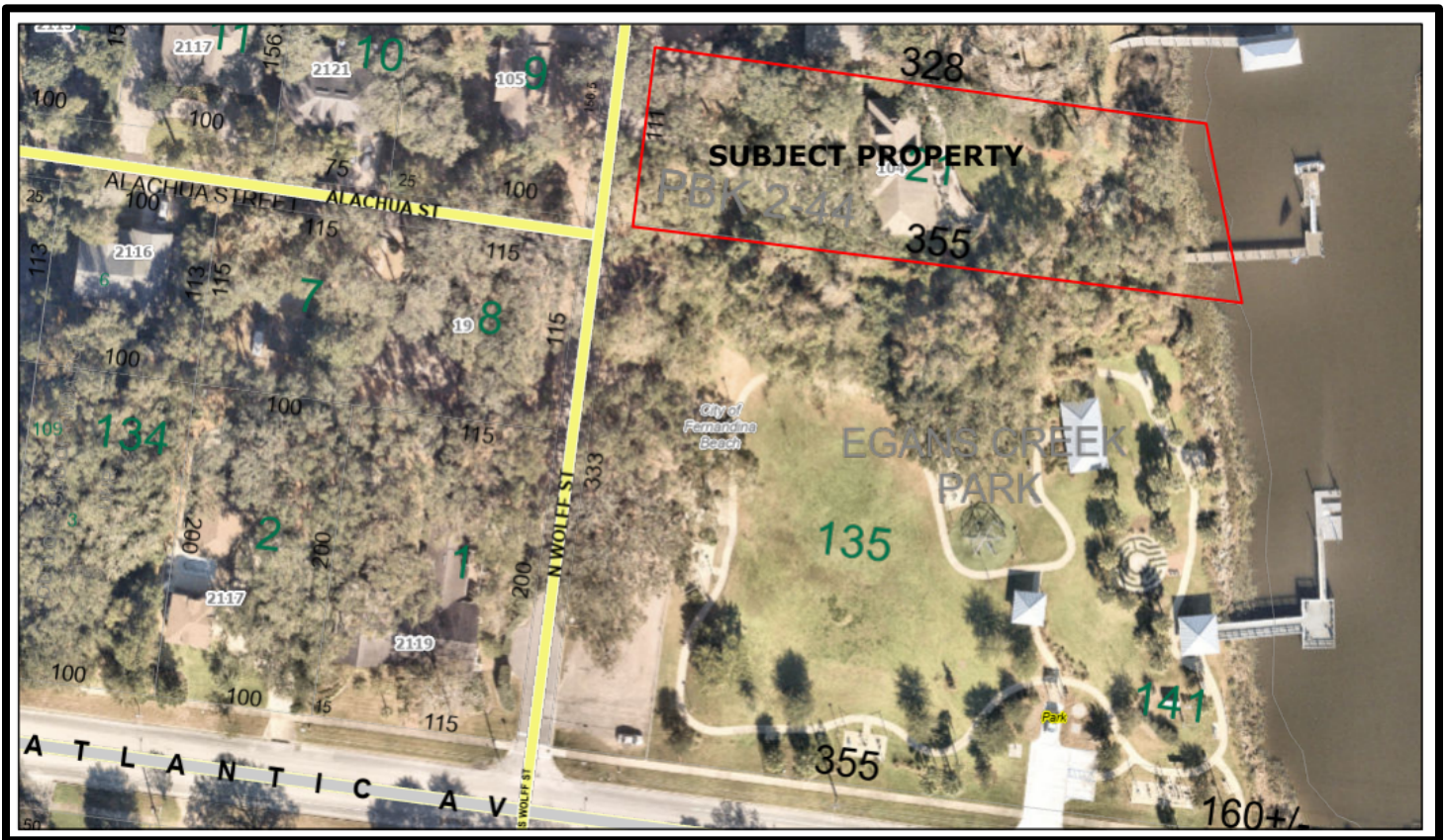
BOA 2026-0001

March 18, 2026

Agent/Owner:	Heyward and Virginia Burnet
Property Address:	104 N. Wolff Street
Parcel Number:	00-00-31-100B-0021-0000
Requested action:	VARIANCE REQUEST from LDC Section: 5.01.10, Table 5.01.10(A) Maximum Height of Fences and Walls
Current zoning:	R-1
FLUM land use category:	Low Density Residential
Existing uses on the site:	Single-Family Residence

All required application materials have been received. All fees have been paid. All required notices have been made.

Aerial View:



SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The property in question, located at 104 N Wolff Street, features a 2824 Sq Ft single-family home constructed in 1995. The owner hired a fencing professional to apply for and pull a permit for an 8-foot-tall chain link fence along the shared boundary with Egans Creek Park to the south of his property. Upon receipt of the application, the Planning and Conservation Department identified that the fence requested could not be installed on an R-1 zoned property.

Site Plan

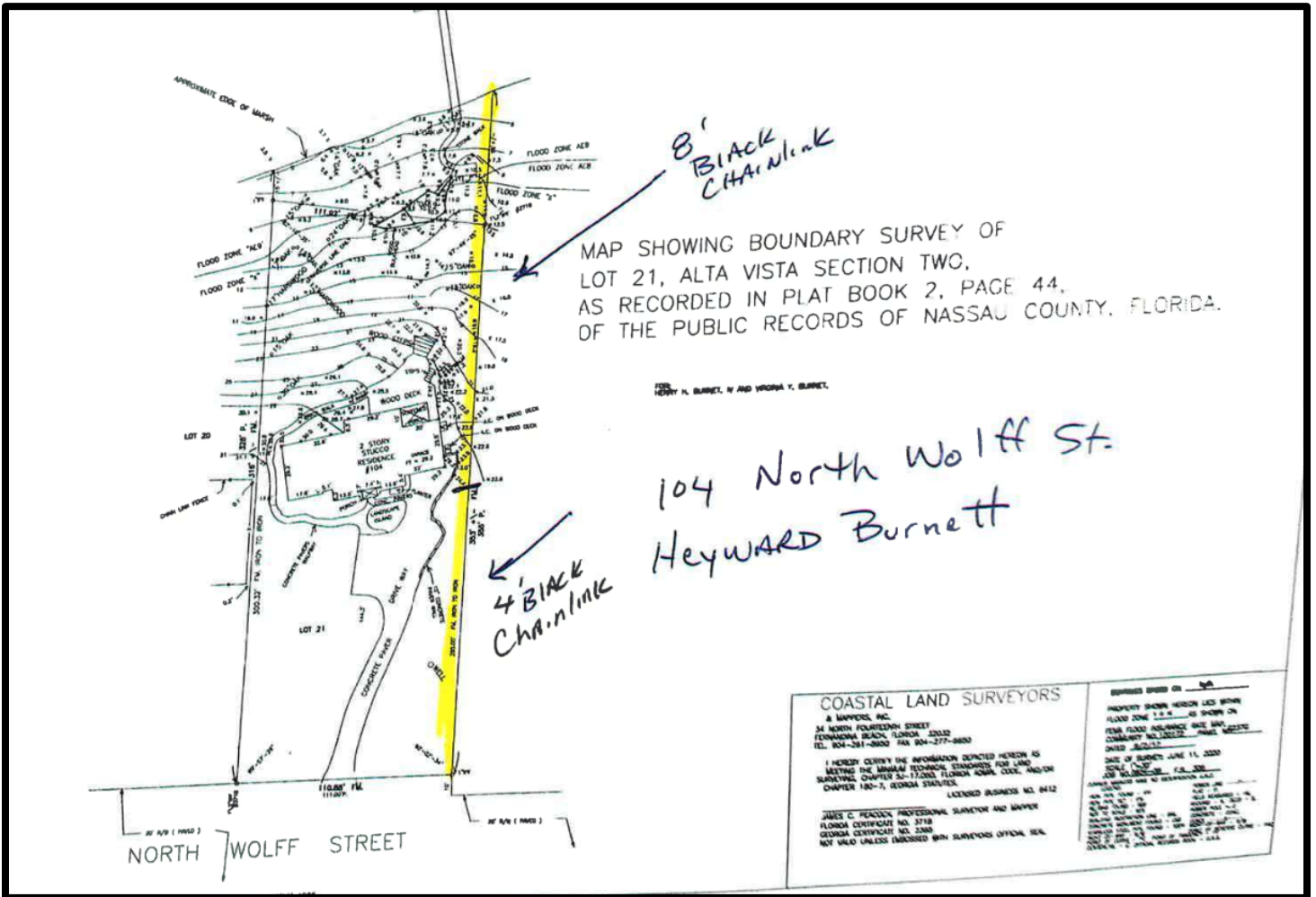


Table 5.01.10(A). Maximum Height of Fences and Walls

Measurement: The height measurement of fences and walls is taken from 2” above the natural topography to the top of the fence panel, picket, or wall. Support posts or columns cannot exceed 6” above the top of the fence panel, picket or wall.

Zoning District	Location	Maximum Height
RE, R1-G R-1, RLM, R-2, R-3, OT-1, OT-2, MU-1	Front yard, measured from the required front yard setback line to the front property line	4 feet
RE, R1-G R-1, RLM, R-2, R-3, OT-1, OT-2, MU-1	Side yard, measured from the required front yard setback line to the required rear yard setback line	6 feet
	Rear yard, measured from the required rear yard setback line to the rear property line	6 feet

The P & C Department then reached out to offer solutions including lowering the fence height to 6 feet, or applying for a variance. The variance requested is specifically to allow for an 8 foot tall fence in the side and rear yard of the property along the southern boundary to prevent members of the public using the park from entering private property. All other proposed improvements will comply with existing regulations.

The property owner describes the extenuating circumstances that have driven him to apply for a taller fence, these reasons are detailed in the “analysis” section of this staff report.

APPLICABLE POLICY GUIDANCE:

CITY OF FERNANDINA BEACH LAND DEVELOPMENT CODE:

Staff’s review of this application finds it is not subject to any of the limitations of Section 10.02.01 and can therefore be considered by the Board.

CITY OF FERNANDINA BEACH COMPREHENSIVE PLAN:

The following Comprehensive Plan statements are applicable in this case:

- Policy 1.02.07 - The City shall implement the Fernandina Beach Comprehensive Plan in a manner that acknowledges private property rights.
- Policy 1.02.10 - The City shall protect privacy and access to light, air, and open space. The City shall consider regulations such as building placement on a site, building design, and building orientation as one means to achieve this policy.
- Policy 1.03.01 - The City shall protect environmental resources. The City’s land development

regulations shall address development in floodplains, shoreline protection, wetlands protection, air quality, water quality, energy conservation, urban forestry and habitats for listed protected or endangered species.

ANALYSIS:

For an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding regarding each of the following provisions:

Consistent with Criteria? All questions must be answered in the affirmative in order for staff to recommend approval of a variance. Negative answers must be addressed in the findings.

Criteria	Applicant Response	Staff Analysis	Meets Criteria
<p>1. Special Conditions <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i></p>	<p>The fence will be on the south side that abuts the woods separating the property from Egans Park on Atlantic Ave.</p>	<p>Yes. The property located at 104 N Wolff Street shares a boundary with Egans Creek Park. Although there is a significant wooded area, users of the park will cross through the woods onto Burnet’s property. To avoid calling Law Enforcement and other confrontational situations</p>	<p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p>
<p>2. Special Privilege <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i></p>	<p>Any property owner may apply for a variance under chapter 10 of the LDC.</p>	<p>Yes. Any property owner in the City of Fernandina Beach may apply to the Board of Adjustment for a variance as long as the request does not contain any of the limitations of Section 10.02.01.</p>	<p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p>
<p>3. Literal Interpretation <i>Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights</i></p>	<p>I am trying to protect my property rights in that patrons from the park walk through the wooded buffer and come on my dock and sometimes just hang out in the back yard. I am just looking to enjoy privacy in my back yard as others do in the zoning district.</p>	<p>Yes. The literal interpretation of the LDC would deprive the applicant of rights commonly enjoyed by other properties in this zoning district. Owners of residentially zoned properties in the R-1 zoning district are entitled to the private use of their</p>	<p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p>

<p><i>commonly enjoyed by other properties in the same zoning district.</i></p>		<p>property. A 6' tall fence does not adequately secure the property from people who are using the park from entering the property at 104 N Wolff St.</p>	
<p>4. Minimum Variance <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i></p>	<p>This height of 8 feet is typical of a privacy/security fence. The fence will only be in the backyard of the house and will drop back to a 6' fence towards the front of the yard. 8 ft is a 2 ft departure from what is allowed by right per the LDC.</p>	<p>Yes. The variance requested in for an 8' tall fence, a 2' departure from what is permitted per Table 5.01.10(A). Maximum Height of Fences and Walls which limits fence heights in the side and rear yard of R-1 properties to 6'. The property to the south is zoned REC which allows for a 12' fence. The applicant has only requested an 8' fence. The applicant is not requesting a variance from any other element of the LDC.</p>	<p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p>
<p>5. General Harmony <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i></p>	<p>The black fence will be placed within the vegetation/wooded area and not visible from the street.</p>	<p>Yes. The intent of the R-1 zoning district per LDC section 2.01.03 is "The R-1 District is intended for the development of low-density single-family detached homes on individual lots. Single-family attached homes may be allowed through the PUD process. The low-density residential designation is established to protect the quality and character of existing low-density single-family neighborhoods." This variance will ensure the private enjoyment of a single-family residential home on the boundary of a public use park. Both uses are vital to the harmony of our city but should be adequately separated. The property owner has described unwelcomed intrusions from the park and this application for a variance to allow a taller fence should exclude members of the public from trespassing on private property. Further, there are other properties with chain link fencing in the neighborhood and seems to be in keeping with the character.</p>	<p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p>

<p>6. Public Interest <i>Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</i></p>	<p>No one will be effected as the fence will be along the woods.</p>	<p>Yes. The proposed fence is 4’ tall within the front yard setback and 8’ tall beyond the front yard setback about 80’. The tall portion of the fence will be hidden by the trees and shrubs that create a boundry between Egans Creek Park and Mr. Burnet’s property. Chain link is an appropriate material in the setting as it will allow light and vegatation to pass through. The height of this fence will not create blight or an eyesore in the exisiting residential area. Further, the public intrest is maintained by not allowing for citizens using the park to inadvertanly trespass onto private property and protect them from potential law enformcent action or unknown hazards.</p>	<p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes</p>
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FINAL ANALYSIS AND RECOMMENDATION:

Although there is limited information included by the applicant for criteria 2, 3, 4, and 5; staff still finds this application consistent with the criteria for granting a variance based on the presence of special conditions and public interest. Staff elaborated on 2, 3, 4, and 5 in the staff analysis column to justify the recommendation of approval.

In conclusion, staff recommends approval of the requested variance to allow for an 8-foot fence to be placed along the boundary with Egans Creek Park.

The variance requested is consistent/inconsistent with the criteria for granting a variance as follows:

	Consistent	Inconsistent
1. Special Conditions	X	
2. Special Privilege	X	
3. Literal Interpretations	X	
4. Minimum Variance	X	
5. General Harmony	X	
6. Public Interest	X	

Staff finds that the requested action, as presented, **DOES meet** the six criteria for granting a variance, therefore staff recommends **APPROVAL**.

STAFF RECOMMENDED MOTION AND FINDINGS FOR BOARD CONSIDERATION:

I move to approve/deny BOA case number 2026-0001;

AND I move that the BOA make the following findings of fact and conclusions of law part of the record:

That BOA case 2026-0001 as presented, does/does not adequately demonstrate that the request is compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time;

AND that BOA case number 2026-0001 does/does not meet the following criteria for granting a variance:

1. Special conditions do/do not exist that are peculiar to the land.
2. The granting the variance would not/would confer a special privilege to the applicant as the LDC allows for any property owner to apply for a variance.
3. A literal interpretation of the code would/would not deprive the applicant of the right to the reasonable use of their property, a right commonly enjoyed by others. Reasonable use of the property is limited in terms of privacy and safety.
4. The variance requested is/is not a minimum variance needed to make possible reasonable use of the land.
5. The granting of the variance would/would not be in harmony with the general intent of the Comprehensive Plan or the Land Development Code.
6. The variance would/would not be compatible with surrounding properties.

LIST OF EXHIBITS:

Exhibit A BOA2026-0001 Combined Application Materials

Form Center

By [signing in or creating an account](#), some fields will auto-populate with your information.

Board of Adjustment (BOA)

[Sign in to Save Progress](#)

BOARD OF ADJUSTMENT (BOA)

USE THIS FORM TO Apply for a variance to obtain relief from the design standards of this Land Development Code (LDC) where otherwise hardship would occur. A person who is adversely affected by any administrative decision may appeal such decision to the BOA.

Fees

Once application is submitted it will be reviewed for completeness. Once verified complete, an invoice will be emailed to the applicant.

- Residential Properties \$1,500
- Non-Residential properties \$3,500
- Administrative Appeals \$500


2026 Submission Deadlines + Board Meetings Calendar

Application Deadline (4:30pm)	Nov 05 2025	Dec 10 2025	Jan 07 2026	Feb 04 2026	Mar 04 2026	Apr 08 2026	May 06 2026	June 05 2026	Jul 08 2026	Aug 05 2026	Sep 09 2026	Oct 07 2026	Nov 04 2026	Dec 09 2026
Meeting Date	Dec 17 2025	Jan 21 2026	Feb 18 2026	Mar 18 2026	Apr 15 2026	May 20 2026	June 17 2026	Jul 15 2026	Aug 15 2026	Sep 16 2026	Oct 21 2026	Nov 18 2026	Dec 16 2026	Jan 20 2027

IMPORTANT NOTES

Application Requirements

- A complete application filed at least forty-five (42) days before the date of the Board of Adjustment's public hearing;
- A current signed, sealed, scaled survey of the property (no older than two years from date of application);
- Proof of ownership (copy of deed or tax statement)
- If applying as an agent, Owner's Authorization for Agent Representation form must be signed/ notarized and submitted as part of the application;
- A detailed letter stating the reasons for the request;
- Materials as needed to illustrate the nature of the request, including but not limited to, site plans, architectural drawings, photographs, etc. (Site plans must be dimensioned and to scale).

Select Language 



Pre-Application Meeting

To guide you through the process and ensure that your application is understood and properly processed, you must meet with the applicable planner prior to submitting your application. Completed Board applications are **due forty-two (42) days prior** to the meeting date. Cases in the historic districts or Community Redevelopment Area are heard by the Historic District Council, please use the HDC Variance Application. Cases in all other areas of the City are heard by the Board of Adjustment.

Please see the Land Development Code (LDC) for detailed information:

The LDC is available for review at

www.fbfl.us/LDC

- Procedures for Variances – LDC Section 10.02.04.
- Expiration of Variance Approval – LDC Section 10.02.04(C).
- Appeals on a Variance – LDC Section 10.02.04(D).
- Appeals of Administrative Action – LDC 11.07.00

Appeals

Any person aggrieved by any decision of the BOA regarding a variance may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision at the office of the Board; otherwise, the decision of the Board shall be final.

Limitations on the Grant of a Variance

- 1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
- 2. A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
- 3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered g
- 4. A variance shall not change the requirements for concurrency.
- 5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
- 6. A variance shall not be granted if the evidence submitted by an applicant is solely a demonstration of financial hardship or economic considerations.
- 7. A variance shall not be granted for procedure or process components of this Land Development Code.
- 8. A variance shall not be granted to deviate from LDC section 4.02.02 to combine two (2) or more lots which would result in a lot width greater than 100 feet for lots or parcels that abut Ocean Ave
- 9. A variance will not be granted which authorizes the filling of wetlands prohibited by Land Development Code Section 3.03.03(A)
- 10. No variance shall be granted to exceed the **maximum** building height of 35 feet for a building on any lot within 800 feet of the mean **highwater** line of the Atlantic Ocean under LDC Section 4.02.03(D)
- 11. A variance shall not be granted for any residential or residential mixed-use structure to **exceed** the maximum building height requirements contained in Table 4.02.03(E).
- 12. A variance shall not be granted to exceed the minimum side yard setbacks listed in Table 4.02.03(E) for any building within 800 feet of the mean high-water mark of the Atlantic Ocean.

REVIEW TYPE*

- Variance
- Appeal of Administrative Decision

Have you met with a planner for a pre-application meeting?*

-- Select One --

Yes - 2/4/2026

PROPERTY INFORMATION

Property information can be found at the Nassau County Property Appraiser's Website

→ Map Search

Site Address*

104 N. WOLFF ST.

City*

FERNANDINA BEACH

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-31-100B-0021-0000

Zoning District*

RI

-- Select One --

Future Land Use Designation*

-- Select One --

Do you authorize the installation of a temporary City notice sign on your property?*

YES

-- Select One --

City posting sign must remain on the property until the meeting is held. The sign will then be picked up by City Staff or can be returned to City Hall by the applicant.

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

HEYWARD

Last Name*

BURNET

Company (if applicable)

Mailing Address*

104 N. WOLFF ST.

City*

Fernandina Beach

State*

FL

Zip*

32034

Telephone Number*

904-753-3155

E-mail Address*

HEYWARD.BURNET@IOALSA.COM

OWNER'S AGENT / APPLICANT

If other than owner. If an agent will be representing the owner, an Owner's Authorization For Agent Representation form must be included

First Name

Last Name

Company (if applicable)

Mailing Address

City

State

Zip

Telephone Number

E-mail Address

HEYWOODS.BURNETT@AUSA.COM

PROJECT INFORMATION

Variance Requested from LDC Section(s)*

~~5.01.10~~ 5.01.10, Maximum Height

Summary of Request (more detailed information to be provided in required letter of intent)*

REQUEST TO INSTALL AN 8 FOOT FENCE VS. A 6 FOOT CHAIN LINK FENCE ON SOUTHSIDE OF PROPERTY LINE.

REQUIRED FINDINGS FOR A GRANT OF A VARIANCE

In order for an application for a variance to be approved or approved with conditions, the BOA must make a positive finding with regard to each of the provisions below. The applicant has the burden of proof of demonstrating that the application for a variance complies with each of the requirements. Please explain in detail how your case meets the following requirements:

1. Special Conditions: Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.*

THE FENCE WILL BE ON THE SOUTHSIDE THAT ADJUTS THE WOODS SEPARATING THE PROPERTY FROM THE ELANDS PARK ON ATLANTIC AVE.

2. Special Privilege: Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.*

N/A

3. Literal Interpretation: Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.*

N/A

4. Minimum Variance: The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.*

N/A

5. General Harmony: Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.*

N/A

6. Public Interest: Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.*

NO ONE WILL BE EFFECTED AS
THE FENCE WILL BE ALONG THE
WOODS.

Upload Supplemental Materials

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Upload 3

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Upload 4

Choose File No file chosen

Upload 5

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Upload 6

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Upload 7

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Certification*

- By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application.
- I acknowledge that I understand and have complied with all of the submittal requirements and procedures.
- I AGREE THAT A POSTING NOTICE WILL BE INSTALLED ON THE PROPERTY(IES) IN QUESTION AND THAT SAID SIGN WILL ONLY BE REMOVED BY STAFF AFTER THE MEETING OR BROUGHT BACK TO CITY HALL BY APPLICANT.

I/We understand that the City Staff will install a Notice of Hearing sign on the property 14 days before the scheduled hearing and that the sign must only be removed after the hearing by City Staff, unless, the applicant or property owner brings the Notice of Hearing back to City Hall.

Applicant's First Name*

HEYWARD

Applicant's Last Name*

BORNS

Today's Date*

mm/dd/yyyy

2/4/2024



DEPARTMENT OF PLANNING & CONSERVATION

204 Ash Street | Fernandina Beach, Florida 32034 | 904 310-3480 | www.fbfl.us/planning

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<---- Docaccess Script ---->

Date: February 4, 2026

To: City of Fernandina Beach Planning Department

From: Heyward Burnet IV

104 N Wolff Street

Fernandina Beach, FL 32034

Re: Request for variance to install an 8' fence vs 6'

To whom it may concern:

My home at 104 N Wolff Street neighbors the Egans Creek Park on Atlantic Ave on the south side of my property. There is a 50' dense wooded area between my property and the park. I have had several instances of people coming from the park, through the woods and trespassing in my back yard and on my dock. Most people move on when we have approached them, but some instances have become somewhat heated where we have threatened to call the police.

Another instance that has caused a concern for our security are the amount of homeless people who spend the night in the woods. I called the police one night when I saw a light and they told me later that the guy they removed was one of the scariest guys they have ever seen in terms facial tattoos and overall personality.

The current zoning allows for a 6 foot fence but am requesting to install an 8 foot fence for more deterrence of being able to climb and come on to our property. I am only installing the fence on the southside that abuts the wooded area where it will not effect neighbors in any way.

I am hoping to get this approved.

Regard,

Heyward Burnet IV





Egan's
Creek Park



MAP SHOWING BOUNDARY SURVEY OF
 LOT 21, ALTA VISTA SECTION TWO,
 AS RECORDED IN PLAT BOOK 2, PAGE 44,
 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

104 North Wolf St.
 Hayward Burnett

4' BIRCH
 CHAR. LINE

BLACKLINE

ROBERT N. BARNETT, R. AND WENDY V. BARNETT

COASTAL LAND SURVEYORS
 A LAWYERS, INC.
 34 NORTH FORTLAUDERDALE STREET
 FORT LAUDERDALE, FLORIDA 33401
 TEL. 904-341-0800 FAX 904-377-8800

ROBERT N. BARNETT, R. AND WENDY V. BARNETT
 LICENSED SURVEYORS AND LAWYERS
 LICENSED RESOURCES NO. 6412

JAMES C. REYNOLDS, ROBERTSON, SANDFORD AND LAWYERS
 10000 UNIVERSITY BLVD. SUITE 200
 FORT LAUDERDALE, FLORIDA 33401
 TEL. 904-341-0800 FAX 904-377-8800

NOT VALID UNLESS ENDORSED WITH SURVEYOR'S OFFICIAL SEAL