



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
SEPTEMBER 19, 2018
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- 2. APPROVAL OF MEETING MINUTES**
 - 2.1 REVIEW AND APPROVAL OF JULY 18, 2018 MEETING MINUTES.**
- 3. OLD BUSINESS**
 - 3.1 BOA 2018-11: ROBERT L. WIGGINS, SR. C/O ROGERS TOWERS, P.A. C/O JON C. LASSERRE, ESQ., S. FLETCHER AVENUE, LOT 5 BLOCK 10**
VARIANCE from LDC Section 4.02.03 E to reduce the front yard setback to 15 feet. *(Quasi-Judicial)*
 - 3.2 BOA 2018-12: DOUGLAS KOHLMAN, 324 ELM STREET**
VARIANCE from LDC Section 1.03.05 A to restore three 25' x 100' underlying lots of record. *(Quasi-Judicial)*
 - 3.3 BOA 2018-14: JAMES & KIM MADDOX, 1409 HIGHLAND DR**
VARIANCE from LDC section 7.01.05(D) to allow for a travel trailer to be parked in the front yard. *(Quasi-Judicial)*
- 4. NEW BUSINESS**
 - 4.1 BOA 2018-16: JOHN & CARLA HARTRICH C/O COTNER ASSOCIATES, INC. ARCHITECTS, LOT 188 SUNRISE DRIVE**
VARIANCE from LDC Section 3.03.03(B)(1) to reduce the 25' wetland buffer requirement for the construction of a single family home. *(Quasi-Judicial)*
 - 4.2 BOA 2018-17: JEFFERY & JULIE FOWLER, 935 N. FLETCHER AVENUE**
VARIANCE from LDC Section 4.02.03(E) to reduce the front yard setback for the construction of a roof over an existing front deck *(Quasi-Judicial)*
- 5. BOARD BUSINESS**
 - 5.1 APPOINTMENT UPDATE - Barry Hertslet, Mike Lednovich, Lynn Williams, Steven Papke**
 - 5.2 REAPPOINTMENT - Marcy Mock, Matt Miller**
- 6. STAFF REPORT**

7. PUBLIC COMMENT

8. ADJOURNMENT

NEXT BOA REGULAR MEETING IS SCHEDULED FOR OCTOBER 17, 2018.

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
JULY 18, 2018**

1. CALL TO ORDER – 5:00 PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

*Barry Hertslet
Tisha Dadd*

*Marcy Mock
Chair Miller*

MEMBERS ABSENT:

*Jim Burns
Mike Lednovich*

OTHERS PRESENT

*Tammi Bach, City Attorney
Jacob Platt, City Planner
Samantha Rogic, Recording Secretary*

2. APPROVAL OF MINUTES – March 21, 2018 Regular Meeting, April 18, 2018 Regular Meeting, May 16, 2018 Regular Meeting

ACTION TAKEN: A motion was made by Member Dadd, seconded by Member Mock, to approve all minutes as presented.

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

3. OLD BUSINESS

4. NEW BUSINESS

4.1 ROBERT L. WIGGINS, SR. C/O ROGERS TOWERS, P.A. C/O JON C. LASSERRE, ESQ., S. FLETCHER AVENUE, LOT 5 BLOCK 10 (BOA 2018-11) – Variance from LDC Section 4.02.03(E) to reduce the front yard setback to 15 feet. (Quasi-Judicial)

Jon Lasserre, representative for the applicant, requested a continuance to the August 15, 2018 meeting.

ACTION TAKEN: A motion was made by Member Dadd, seconded by Member Hertslet, to continue BOA 2018-11 to the August 15, 2018 regular meeting.

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

4.2 DOUGLAS KOHLMAN, 324 ELM STREET (BOA 2018-12) – Variance from LDC Section 1.03.05(A) to restore three 25' x 100' underlying lots of record. (Quasi-Judicial)

Mr. Douglas Kohlman, the applicant, requested a continuance to the August 15, 2018 meeting.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Mock, to continue BOA 2018-12 to the August 15, 2018 regular meeting.

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

5. BOARD BUSINESS

DRAFT

5.1 APPOINTMENT OF BARRY HERTSLET TO VOTING MEMBER.

ACTION TAKEN: A motion was made by Member Dadd, seconded by Member Hertslet, to recommend the appointment Barry Hertslet as a voting member.

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

5.2 APPOINTMENT OF MIKE LEDNOVICH TO ALTERNATE 1.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Mock, to recommend the appointment of Mike Lednovich to Alternate 1.

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

6. STAFF REPORT

7. PUBLIC COMMENT

8. ADJOURNMENT – 5:44 PM

Samantha Rogic, Secretary

Matt Miller, Chair



BOA 2018-11
South Fletcher Avenue
July 11, 2018

BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2018-11

Meeting Date September 19, 2018

Owner/Applicant Robert L. Wiggins Sr. / Rogers Towers, P.A. C/O Jon Lasserre, Esq.

Property Location: South Fletcher Avenue, Lot 5 or Block 10 Ocean City Plat

Parcel Number: 00-00-31-1520-0010-0050

Requested action: VARIANCE from LDC Section 4.02.03(E) Standards for Building Heights and Setbacks

Current zoning: R-3

FLUM land use category: High Density Residential

Existing uses on the site: Vacant

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

I. SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is seeking a variance to reduce the twenty-five foot front yard setback to fifteen feet from the property line. The site plan submitted with the application shows a 23'11" x 50' structure complying with the Land Development Code minimum setbacks.

The entire property is located seaward of the Coastal Construction Control Line (CCCL). Along this section of beach, the minimum requirement for the lowest horizontal structural member is 18.75' NAVD, eliminating the possibility for habitable space on the first floor. The rock revetment in this stretch of South Fletcher is closer to the road and encroaches farther west on these particular properties than it does to the north and the south, limiting the seaward construction.

The City's Context Sensitive Review (CSR) application was not a feasible option for this particular property because of the location on the block face. Two CSRs have been administratively processed just to the south of this property.

II. CONSISTENCY WITH THE 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.



III. CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Variance procedures and criteria are set forth in sections 10.02.01 through 10.02.04.

- Section 10.02.01(B) states that the BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlay, the CRA Overlay, or as limited by 10.02.01(D), where the requirements of Section 10.02.00 are met.
- Section 10.02.01(C) states that the City Commission may take action to authorize a variance request from LDC section 4.02.02 for properties which are contained within the Comprehensive Plan defined "Job Opportunity Areas," but only for properties located on the west side of North or South Fletcher Avenues. The City Commission shall hear such variance requests in accordance with the provisions for variances as set forth in Chapter 10.
- Section 10.02.02(B) states that the applicant for a variance has the burden of proof of demonstrating that the variance application complies with each of the requirements of Section 10.02.02(A).
- Section 10.02.04 sets forth the application requirements. This application includes information necessary for the BOA to make the required findings.
- Section 10.02.01(C) sets forth the 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 grounds for the authorization of a variance.
 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 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 Avenue, North Fletcher Avenue, or South Fletcher Avenue.
 9. A variance shall not be granted which authorizes the filling of wetlands prohibited by LDC Section 3.03.03(A) and Comprehensive Plan Policy 5.08.04.
 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 high water line of the Atlantic Ocean under LDC section 4.02.03(D), table 4.02.03(E), specifically note 1



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

In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to 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.

☒ Yes ☐ No	1. <u>Special Conditions</u>: 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. Yes. Special conditions <u>do</u> 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. Given the location of the rock revetment and the LDC setback requirements, this lot is left with a building envelope of 24' x 50'. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development cost.
☐ Yes ☒ No	2. <u>Special Privilege</u>: 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. No. Granting the variance <u>does confer</u> 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. The administrative tool for reducing the front yard setback is not feasible because of the unusually long block face. The request is not out of "context" with the block face to the south.
☐ Yes ☒ No	3. <u>Literal Interpretation</u>: 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. No. Literal interpretation of the Land Development Code <u>would not</u> deprive the applicant of rights enjoyed by others properties in the same zoning district. A structure can be built on this lot with the literal interpretation of the LDC. However, there are limiting factors, such as the location of the rock revetment and minimum elevations for habitable space.



☐ Yes ☒ No	4. <u>Minimum Variance</u>: The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building. No. The variance requested <u>is not</u> the minimum variance needed to make possible the reasonable use of the land, structure, or building. It would allow for 500 square feet of additional space per floor to be constructed on this site.
☒ Yes ☐ No	5. <u>General Harmony</u>: Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan. Yes. Granting the variance <u>will</u> be in harmony with the general intent and purpose of Land Development Code and Comprehensive Plan. The LDC has an administrative tool for reducing front setback on blocks with nonconforming structures. Granting the variance will not be out of context with the surrounding properties on the east side of South Fletcher Avenue
☒ Yes ☐ No	6. <u>Public Interest</u>: 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. Yes. Granting of a variance <u>is</u> compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.

V. ANALYSIS:

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	

The applicant appears to meet criteria 1, 5 and 6 but does not meet criteria 2, 3 and 4 for granting a variance, therefore staff has to recommend denial.



BOA 2018-11
South Fletcher Avenue
July 11, 2018

VI. MOTION TO CONSIDER:

I move to approve or deny BOA

case number 2018-11; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2018-11, item, as presented, is or is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

A handwritten signature in blue ink, appearing to read "J. Platt", is written over a horizontal line.

Jacob M. Platt, Planner II
Community Development Department

OFFICE USE ONLY

REC'D: 6/18/18 BY: RR
PAYMENT: \$ 650 TYPE: CH#23247
APPLICATION #: 2018-000960
CASE #: BOA 2018-11
BOARD MEETING DATE: 7/18/18

**APPLICATION FOR VARIANCE FROM THE LDC****APPLICANT INFORMATION**

Owner Name: Robert L. Wiggins, Sr.
Mailing Address: P.O. Box 798, Baxley, Georgia 31515
Telephone: (904) 962-4227 **Fax:** N/A
Email: toddbates1@yahoo.com

Agent Name: Rogers Towers, P.A. C/O Jon C. Lasserre, Esq.
Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034
Telephone: (904) 261-5618 **Fax:** (904) 396-0663
Email: JLasserre@RTLAW.com

PROPERTY INFORMATION

Street Address: U/A S. Fletcher Avenue, Fernandina Beach, Florida 32034
Parcel Identification Number(s): 00-00-31-1520-0010-0050
Lot Number: 5 **Block Number:** 10

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 4.02.03.D & 4.02.03.E

Brief description of work proposed (use additional sheets if necessary):

Owner is requesting a 15' reduction in the front yard setback, as has
been granted with other properties in the vicinity of this property,
due to the limited depth allowed as a result of the location of a dune
and rock revetment.

In order for an application for a variance to be approved or approved with conditions, the BOA or the HDC 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 location of a dune, as shown on the drawings by Gillette and Associates, along with a rock revetment, seriously limit the depth of allowable area in which to construct on this property. Further, respecting the depth of neighboring properties limits how far east that this property can be developed.

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.

Granting this variance would not confer upon the applicant a special privilege because similar properties within the vicinity of the subject property, having a similar limitation as to depth, have been granted variances allowing the same reduction in setback.

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.

The literal interpretation of the provisions of the LDC would deprive the applicant of rights enjoyed by other properties in the vicinity and would also encroach into a dune and possibly limit the visibility of adjoining structures.

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

The variance requested is the minimum variance that will make possible the reasonable use of the land and is inline with other uses in the vicinity of the subject property. The subject property's limitations may be even greater than the others as it is located along a curve.

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

The variance will be inline with other uses in the vicinity and will is in harmony with the general intent and purpose of the LDC and Comprehensive Plan.

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. Granting the variance is compatible with surrounding properties, the property to the north is a duplex and the property to the west is a triplex, and is in line with the building lines of other properties in the vicinity.

☐ If your property is located within the Historic Districts or the Community Redevelopment Area, please fill out responses to the supplemental variance criteria, attached as Appendix A, on a separate sheet of paper.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

June 18, 2018

Date

[Signature]

Signature of Applicant

STATE OF FLORIDA

COUNTY OF NASSAU

ss }



Subscribed and sworn to before me this 18th day of June, 2018.

Jennifer T. Athavale

Notary Public: Signature

Jennifer T. Athavale

Printed Name

9-30-18

My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Robert L. Wiggins
(print name of property owner(s))

hereby authorize: Rogers Towers, P.A., Jon C. Lasserre, Esq.
(print name of agent)

to represent me/us in processing an application for: Variance Application
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

Robert L. Wiggins
(Signature of owner)

(Signature of owner)

Robert L. Wiggins
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 18th day of June, 2018.

Kristina M. Alderson
Notary Public: Signature

Kristina M. Alderson
Printed Name



KRISTINA M. ALDERSON
NOTARY PUBLIC
STATE OF FLORIDA
Comm# FF180963
Expires 12/3/2018

12/3/18
My Commission Expires

Personally Known X OR Produced Identification _____ ID Produced: _____

PREPARED BY & RETURN TO:

Name: Wood & Smith, P.A.
Address: 303 Centre Street
Suite 100
Fernandina Beach, FL 32034
File No. 17-200002
Sales Price: \$590,000.00

Parcel No.: 00-00-31-1520-0010-0050

This **WARRANTY DEED**, made the **17th day of January, 2018**, by **James A. Hill, a married person, individually and as Trustee of the James Hill Amended and Restated Revocable Trust Agreement dated 9/10/97** (whether one or more, the "Grantor"), to **Robert L. Wiggins, a married man**, whose post office address is Post Office Box 798, Baxley, GA 31515 (whether one or more, the "Grantee"):

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantee all that certain land situate in County of Nassau, State of Florida, viz:

Lot Five (5), Block Ten (10) OCEAN CITY, according to plat thereof recorded in Deed Book "U", Page 384; public records of Nassau County, Florida. The above described lands are intended to be the same lands described in Official Records Book 181, Page 458 and Deed Book 80, Page 101, Public Records of Nassau County, Florida.

The land described herein is not the homestead of the Trustee, and neither the Trustee nor any spouse of the Trustee, nor anyone for whose support the Trustee is responsible, resides on or adjacent to said land.

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

SUBJECT TO TAXES FOR THE YEAR 2018 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

TO HAVE AND TO HOLD the same in fee simple forever.

And the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple, that the Grantor has good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever. Grantor further warrants that said land is free of all encumbrances, except as noted herein and except taxes accruing subsequent to December 31, 2017.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be executed in its name, as of the day and year first above written.

Signed, sealed and delivered in the presence of:

Paul Farnsworth Jr.
Witness Signature
Printed Name: Paul Farnsworth Jr.

James A. Hill
James A. Hill, individually and as Trustee
of the James Hill Amended and Restated
Revocable Trust Agreement dated
9/10/97

Ressie Gross
Witness Signature
Printed Name: Ressie Gross

Address:
2852 BELLWIND Circle
Rockledge, FL 32955

STATE OF Florida
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 16 day of January, 2018, by James A. Hill, individually and as Trustee of the James Hill Amended and Restated Revocable Trust Agreement dated September 10, 1997, who is personally known to me or who produced a FID as identification.

Rachael R. Hull
Signature of Notary Public
Print, Type/Stamp Name of Notary

Personally known: _____
OR Produced Identification: ✓

Type of Identification Produced: FID





Jon C. Lasserre

JLasserre@rtlaw.com

960185 Gateway Boulevard • Suite 203
Amelia Island, Florida 32034

904 . 261 . 5618 Main
904 . 261 . 9159 Fax
www.rtlaw.com

June 18, 2018

Mr. Jacob Platt
Planner II
City of Fernandina Beach
Community Development Dept.
204 Ash Street
Fernandina Beach, Florida 32034

**RE: BOARD OF ADJUSTMENT APPLICATION FOR VARIANCE
U/A SOUTH FLETCHER AVENUE, FERNANDINA BEACH, FLORIDA
(THE "PROPERTY")**

REVISED 07/09/2018

Dear Mr. Platt:

Our firm represents Robert L. Wiggins (the "Applicant") in the matter involving the enclosed application for variances from the front yard setback for the vacant lot located at the Northeast Corner of Alabama Avenue and South Fletcher Avenue, Fernandina Beach, Florida (the "Application"). Included with the Application is a check for the \$650.00 application fee.

As you are also aware, the adjacent oceanfront properties are narrow in comparison to many of the properties along S. Fletcher and are subject to a rock revetment that was installed by the Army Corps of Engineers. The location of the revetment creates a burdensome hardship to constructing a home on these particular properties in that it limits the depth in which the structure can be located. This is evident by viewing the aerial photograph shown within the application; many of the other oceanfront structures within the vicinity already cross the front yard setback as is proposed by the Applicant and some go even further into the setback area.

The Applicant also seeks to minimize impacts to nearby properties by lining up the easterly edge of their structure so that it does not extend beyond their projections and remains in line with their leading edges. Further, the Applicant desires to minimize impact on the existing sand dune that has developed as a result of the installation of the revetment mentioned above. Further impact into the dune would require additional permitting by the DEP which may not be allowed. By allowing the variance, they are able to reasonably utilize their property without these further impacts.

Mr. Jacob Platt
March 18, 2018
Page 2

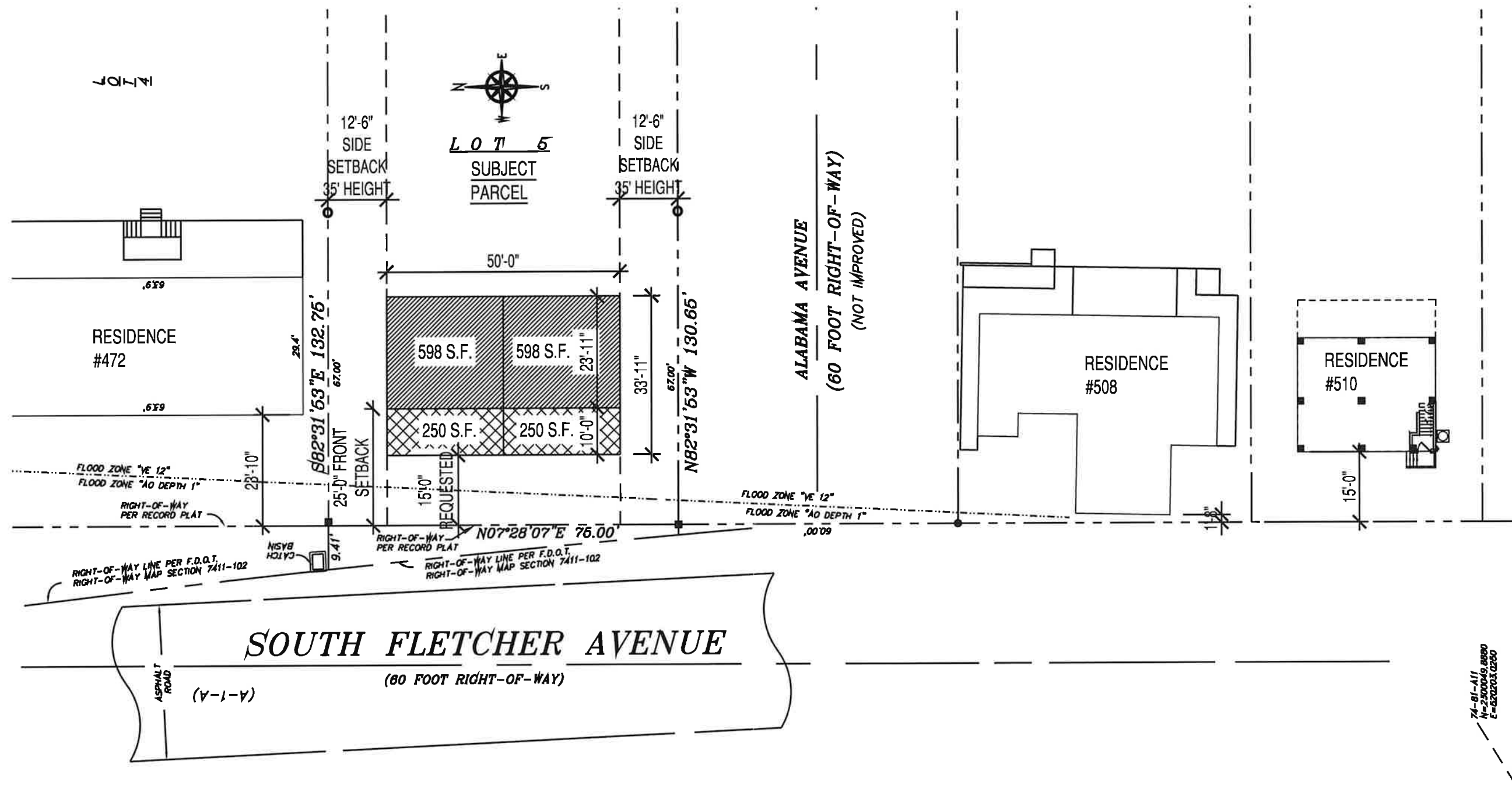
On behalf of the Applicant, I hope that your review of the Application will be viewed favorably, and look forward to presenting the Application to the Board of Adjustment on July 18, 2018.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon C. Lasserre", with a long horizontal flourish extending to the right.

Jon C. Lasserre, Esq.

Cc: Client



DEPARTMENT OF NATURAL RESOURCES
COASTAL CONSTRUCTION CONTROL LINE
FILED APRIL 6, 1983 IN SET BACK
LINES BOOK PAGES 10-16.

OWNER: WIGGINS, ROBERT 5-5-18

SITE PLAN
1" = 30'

74-91-A11
N=2500049 28890
E=620203 02960

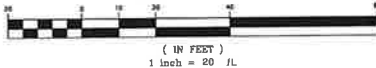
MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
LOT 5, BLOCK 10, OCEAN CITY

AS RECORDED IN DEED BOOK "U", PAGE 384 OF THE
PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

THE ABOVE DESCRIBED LANDS ARE INTENDED
TO BE THE SAME LANDS DESCRIBED IN
OFFICIAL RECORDS BOOK 181, PAGE 458 AND
DEED BOOK 80, PAGE 101, OF THE PUBLIC
RECORDS OF NASSAU COUNTY, FLORIDA.

CERTIFIED TO:
JAMES HILL

GRAPHIC SCALE



ATLANTIC OCEAN

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1	75.34'	3859.83'	1'07'06"	N1°59'54"E	75.34'

LEGEND

○ = CENTERLINE
□ = ROAD PLATFORM
F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION

SURVEY NOTES:

- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for assessments, rights-of-way, sewerage or other instruments of record.
- 4) Bearings and coordinates shown hereon are based on the State Plane Coordinate System, East Zone, State of Florida, North American Datum of 1983 (NAD '83).
- 5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- 6) The property shown hereon lies within Flood Zone "A0" (Flood Zone "A0" as per F.E.M.A. Flood Insurance Rate Map, Panel 120295-0241G, Dated 08/02/2012. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 51-17, Florida Administrative Code, pursuant to Section 472.037, Florida Statutes.
- 7) Site Benchmark is as shown hereon.
- 8) Elevations shown hereon refer to North American Vertical Datum of 1988. (N.A.V.D. '88) and were GPS derived.
- 9) The Reference Benchmark is a Brass Disk Stamped R24 Found in Driveway of Residence #425 South Fletcher Avenue. (Elevation = 81.27 MSLD. 383).
- 10) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.
- 11) Ownership of the strip of land lying between the easterly right-of-way line of South Fletcher Avenue (60' in width per F.D.O.T. Map Section 7411-102) and the westerly line of Lot 5 has not been determined.

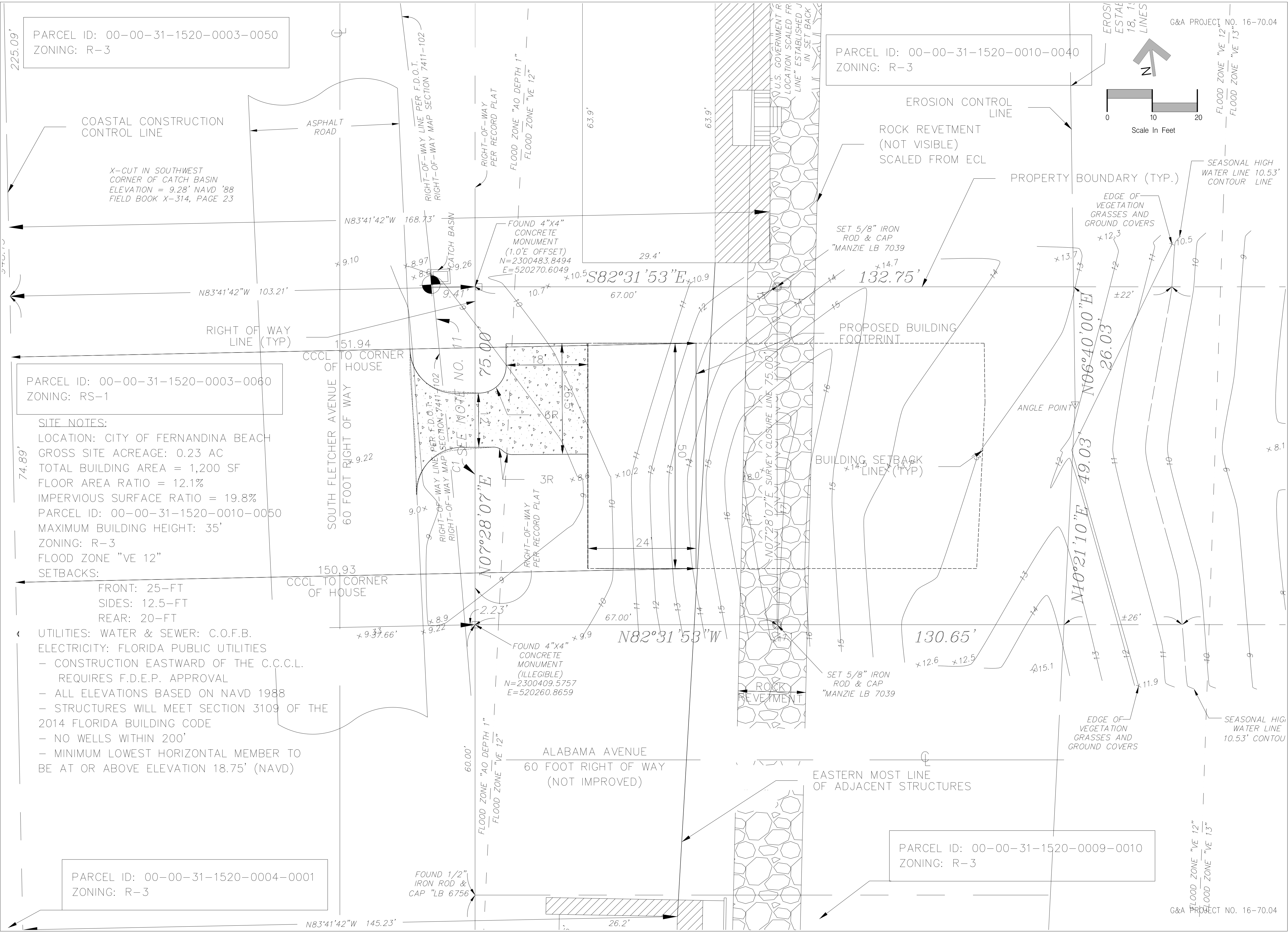
THE INFORMATION SHOWN HEREON MEETS THE
STANDARDS OF PRACTICE SET FORTH BY THE
FLORIDA BOARD OF PROFESSIONAL SURVEYORS
AND MAPPERS IN CHAPTER 51-17, FLORIDA
ADMINISTRATIVE CODE, PURSUANT TO SECTION
472.027, FLORIDA STATUTES.

MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5777
Certificate of Authorization Number "LB 7039"
"OUR SIGHTS ARE ON THE FUTURE,
SET YOUR SITES ON US."

□ MICHAEL A. MANZIE, P.L.S. 4069
□ GUY L. MELVIN, P.L.S. 4329

SCALE: 1"=20' JOB NO: 20094 DATE: 09/19/17 CADD: BH
F.B. NO: X-314 PAGE NO: 23 FIELD CREW: CB FILE NO: C-827



PARCEL ID: 00-00-31-1520-0003-0050
ZONING: R-3

PARCEL ID: 00-00-31-1520-0010-0040
ZONING: R-3

PARCEL ID: 00-00-31-1520-0003-0060
ZONING: RS-1

SITE NOTES:
LOCATION: CITY OF FERNANDINA BEACH
GROSS SITE ACREAGE: 0.23 AC
TOTAL BUILDING AREA = 1,200 SF
FLOOR AREA RATIO = 12.1%
IMPERVIOUS SURFACE RATIO = 19.8%
PARCEL ID: 00-00-31-1520-0010-0050
MAXIMUM BUILDING HEIGHT: 35'
ZONING: R-3
FLOOD ZONE "VE 12"
SETBACKS:
FRONT: 25-FT
SIDES: 12.5-FT
REAR: 20-FT

UTILITIES: WATER & SEWER: C.O.F.B.
ELECTRICITY: FLORIDA PUBLIC UTILITIES
- CONSTRUCTION EASTWARD OF THE C.C.C.L.
REQUIRES F.D.E.P. APPROVAL
- ALL ELEVATIONS BASED ON NAVD 1988
- STRUCTURES WILL MEET SECTION 3109 OF THE
2014 FLORIDA BUILDING CODE
- NO WELLS WITHIN 200'
- MINIMUM LOWEST HORIZONTAL MEMBER TO
BE AT OR ABOVE ELEVATION 18.75' (NAVD)

PARCEL ID: 00-00-31-1520-0004-0001
ZONING: R-3

NOTE: SOME DETAILS IN THESE DRAWINGS
ARE TO BE CONSIDERED TYPICAL AND
MAY NOT BE CALLED OUT ON PLANS.
CONTRACTOR SHALL BECOME FAMILIAR
WITH AND FOLLOW ALL DETAILS DURING
CONSTRUCTION IN ALL TYPICAL AREAS.

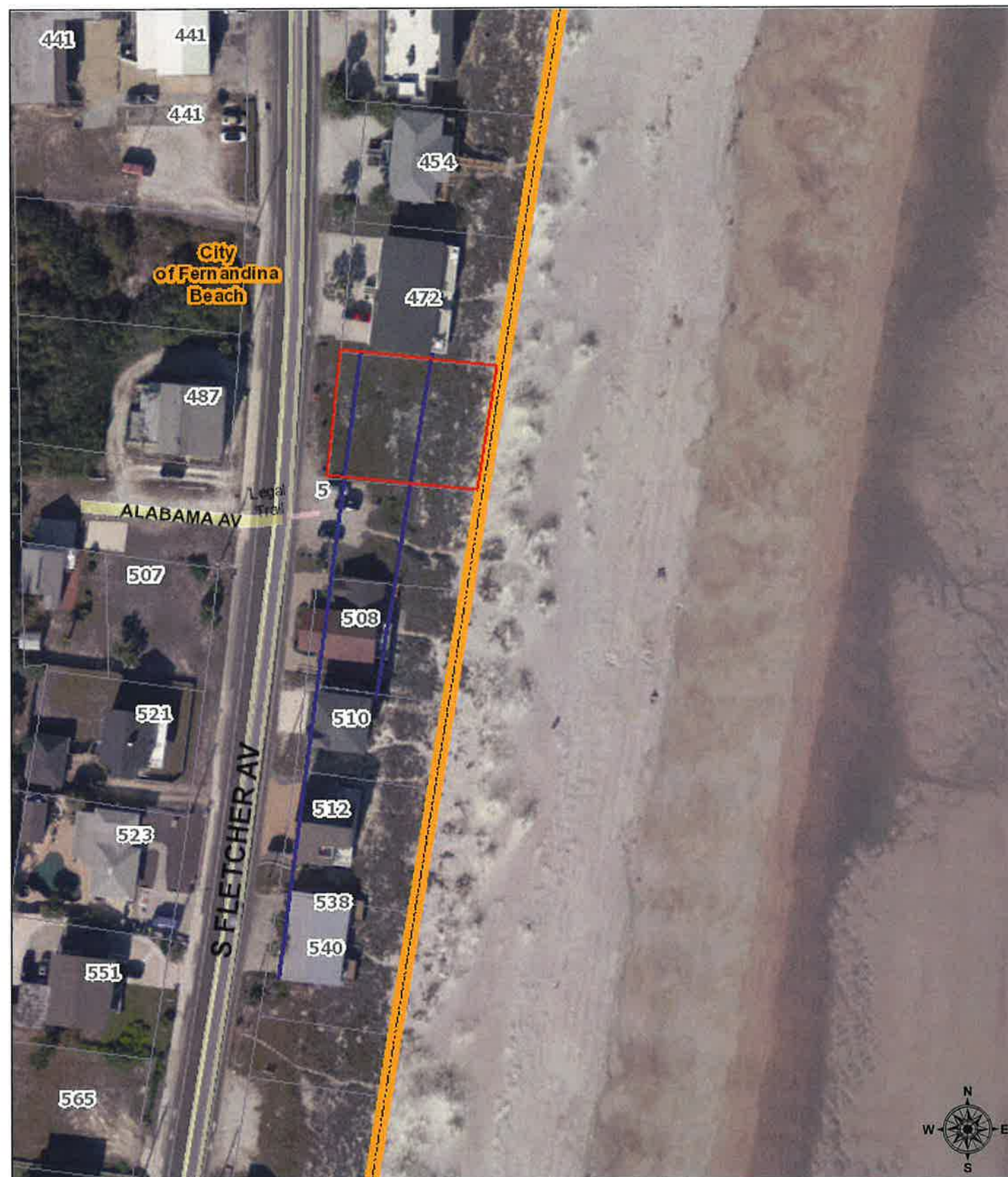
REGISTERED DESIGN PROFESSIONAL
ASA R. GILLETTE, P.E.
FLORIDA P.E. NO. 56177

REV	DATE	ITEM
A	10/26/17	DEVELOPMENT / CLIENT REVIEW

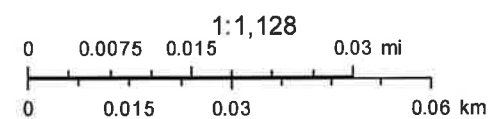
GILLETTE & ASSOCIATES, INC.
CIVIL, ENVIRONMENTAL, MECHANICAL, & STRUCTURAL ENGINEERING
CERTIFICATE OF AUTHORIZATION NO. 9332
ASA R. GILLETTE, P.E. * FL. PE. NO. 56177
20 S. 4th STREET * FERNANDINA BEACH, FL 32034
PHONE: 904-261-8819

BATES FEASIBILITY
LOT 5 SOUTH FLETCHER AVENUE
FERNANDINA BEACH, FLORIDA

DATE: 10-25-17
FEASIBILITY
SITE PLAN
North / Elev Key Sheet
Page 1 of 1



June 18, 2018





BOA 2018-12
324 Elm Street
September 19, 2018

BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2018-12
Meeting Date September 19, 2018
Owner/Applicant Douglas S. Kohlman
Property Location: 324 Elm Street
Parcel Number: 00-00-31-1800-0279-0110 & 00-00-31-1800-0279-0101

Requested action: VARIANCE from LDC Sections 1.03.05(A) A. In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, wherever there may exist a single-family residence, a two-family building or any auxiliary building or structure, including but not limited to, swimming pools, or any other improvement which was heretofore constructed on property containing one or more platted lots or portions thereof (excluding walls or fences), such lots shall thereafter constitute one building site and shall be considered the "lot of record", and no permit shall be issued for the construction of more than one residence or two-family building on the site. All construction on the building site must comply with all existing zoning and density requirements

Current zoning: MU-1

FLUM land use category: Mixed Use(lots 10-14)/Medium Density Residential(15-18)
Existing uses on the site: Single family House and 6 undeveloped 25' x 100' lots

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

I. SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant owns nine 25 x 100 foot lots of record that front Elm Street between South 3rd and South 4th Street; as lithographed and issued by the Florida Railroad Company in 1857 and enlarged revised and reissued by the Florida Town Improvement Company in 1887 and 1901¹.

Three of those lots of record were combined when the existing single family home was constructed, which according to the Property Appraiser's website was in 1940.

The applicant is seeking a variance to restore those three lots of record which could allow for a more flexible redevelopment of the entire property.

The eastern 4 lots of record carry a Land Use designation of Medium Density Residential which does not align with the MU-1 zoning. Without a FLUM amendment, these lots can only be developed residentially.

¹ The 1901 Florida Town Improvement Company Plat



BOA 2018-12
324 Elm Street
September 19, 2018

II.

CONSISTENCY WITH THE 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.
- Objective 1.04 - The City shall reduce blight and encourage redevelopment of underutilized areas and inefficient land use patterns through redevelopment, reuse, and/or removal and replacement of blighted structures and uses. The City will focus its redevelopment and infill efforts to encourage development in its already urbanized areas that provide housing near job centers, preserve open space, capitalize on existing community assets such as parks, create new community assets such as child-care centers, arts districts and shopping centers and removes the crime associated with vacant, underutilized or abandoned properties.
- Policy 1.05.04 - Existing platted lots of record located in Central Business District, Mixed Use, and Low, Medium, or High Density Residential land use districts shall not be prohibited from the construction of one (1) residential unit due to a nonconforming lot size.
- Objective 1.06 Community Character - Community character is reflected in lot sizes, house sizes, site placement, height, architectural features and existing vegetation. The City shall strive to stabilize and preserve neighborhoods and establish urban design standards which protect and promote quality of life, in order to prevent teardowns, encourage re-use, infill and new development.
- Policy 1.06.04 - The City shall, through appropriate land development regulations, allow and encourage a range of housing patterns.

III. **CONSISTENCY WITH THE LAND DEVELOPMENT CODE:**

Variance procedures and criteria are set forth in sections 10.02.01 through 10.02.04.

- Section 10.02.01(B) states that the BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlay, the CRA Overlay, or as limited by 10.02.01(D), where the requirements of Section 10.02.00 are met.
- Section 10.02.01(C) states that the City Commission may take action to authorize a variance request from LDC section 4.02.02 for properties which are contained within the Comprehensive Plan defined "Job Opportunity Areas," but only for properties located on the west side of North or South Fletcher Avenues. The City Commission shall hear such variance requests in accordance with the provisions for variances as set forth in Chapter 10.
- Section 10.02.02(B) states that the applicant for a variance has the burden of proof of demonstrating that the variance application complies with each of the requirements of Section 10.02.02(A).
- Section 10.02.04 sets forth the application requirements. This application includes information necessary for the BOA to make the required findings.
- Section 10.02.01(D) sets forth the 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.



BOA 2018-12
324 Elm Street
September 19, 2018

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 grounds for the authorization of a variance.
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 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 Avenue, North Fletcher Avenue, or South Fletcher Avenue.
9. A variance shall not be granted which authorizes the filling of wetlands prohibited by LDC Section 3.03.03(A) and Comprehensive Plan Policy 5.08.04.
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 high water line of the Atlantic Ocean under LDC section 4.02.03(D), table 4.02.03(E), specifically note 1

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

I. SECTION 10.02.02(A) – REQUIRED FINDINGS FOR GRANTING OF A VARIANCE

In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to 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.

☐ Yes ☒ No	1. <u>Special Conditions</u>: 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. No. Special conditions <u>do not</u> 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. The three lots are the “lot of record” as established by the existing structure. Although granting the variance could allow for a housing type in keeping with the platted lots.
☐ Yes ☒ No	2. <u>Special Privilege</u>: 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. No. Granting the variance <u>does confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning



BOA 2018-12
324 Elm Street
September 19, 2018

	district. This section of code applies to all residentially zoned lots of record to preserve neighborhood character. However, Lot sizes vary in the area and the block to the south is undeveloped with the exception of one house which appears to be on two lots of record.
☐ Yes ☒ No	3. <u>Literal Interpretation</u>: <i>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.</i> No. Literal interpretation of the Land Development Code <u>would not</u> deprive the applicant of rights enjoyed by others properties. The property owner could still redevelop the parcels including the undeveloped 25' x 100' lots of record.
☒ Yes ☐ No	4. <u>Minimum Variance</u>: <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i> Yes. The variance requested <u>is</u> the minimum variance needed to make possible the reasonable use of the land and allow for flexible redevelopment of the parcels as encouraged by Comp. Plan Objective 1.04.
☒ Yes ☐ No	5. <u>General Harmony</u>: <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i> Yes. Granting the variance <u>will</u> be in harmony with the general intent and purpose of Land Development Code and Comprehensive Plan. The LDC and Comp. Plan speak to honoring underlying lots of record as well as encouraging redevelopment with varying housing types in already urbanized areas.
☒ Yes ☐ No	6. <u>Public Interest</u>: <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> Yes. Granting of a variance <u>is</u> compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.



BOA 2018-12
324 Elm Street
September 19, 2018

V. ANALYSIS:

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	

The applicant appears to meet criteria 4, 5 and 6, but does not meet 1, 2 and 3, for granting a variance, therefore, staff has to recommend denial.

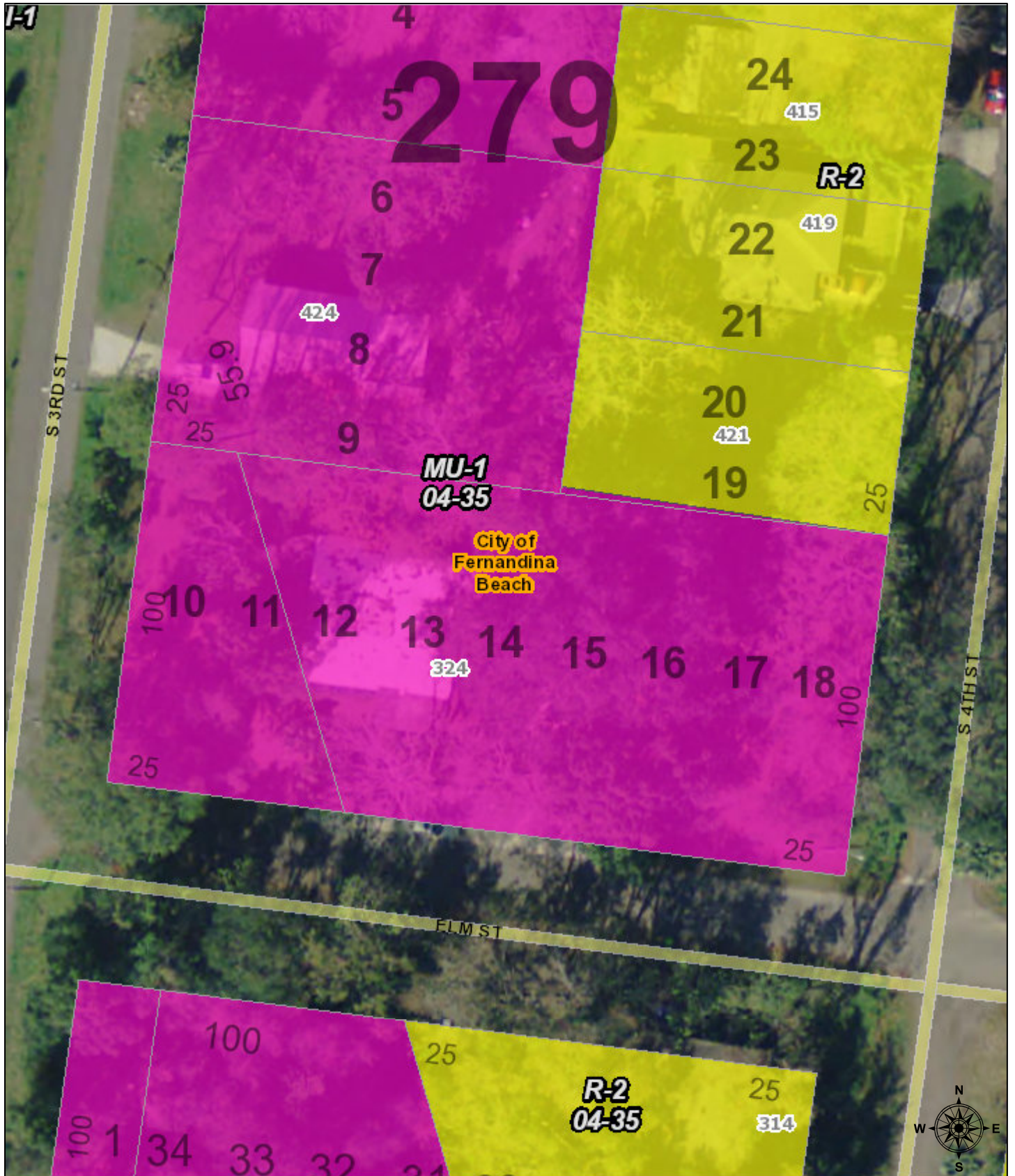
VI. MOTION TO CONSIDER:

I move to **approve or deny** BOA case number 2018-12; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2018-12, item, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

A handwritten signature in blue ink, appearing to read "J. Platt", is written over a horizontal line.

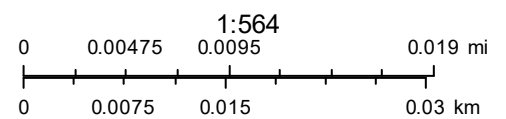
Jacob M. Platt, Planner II
Community Development Department

Zoning Map



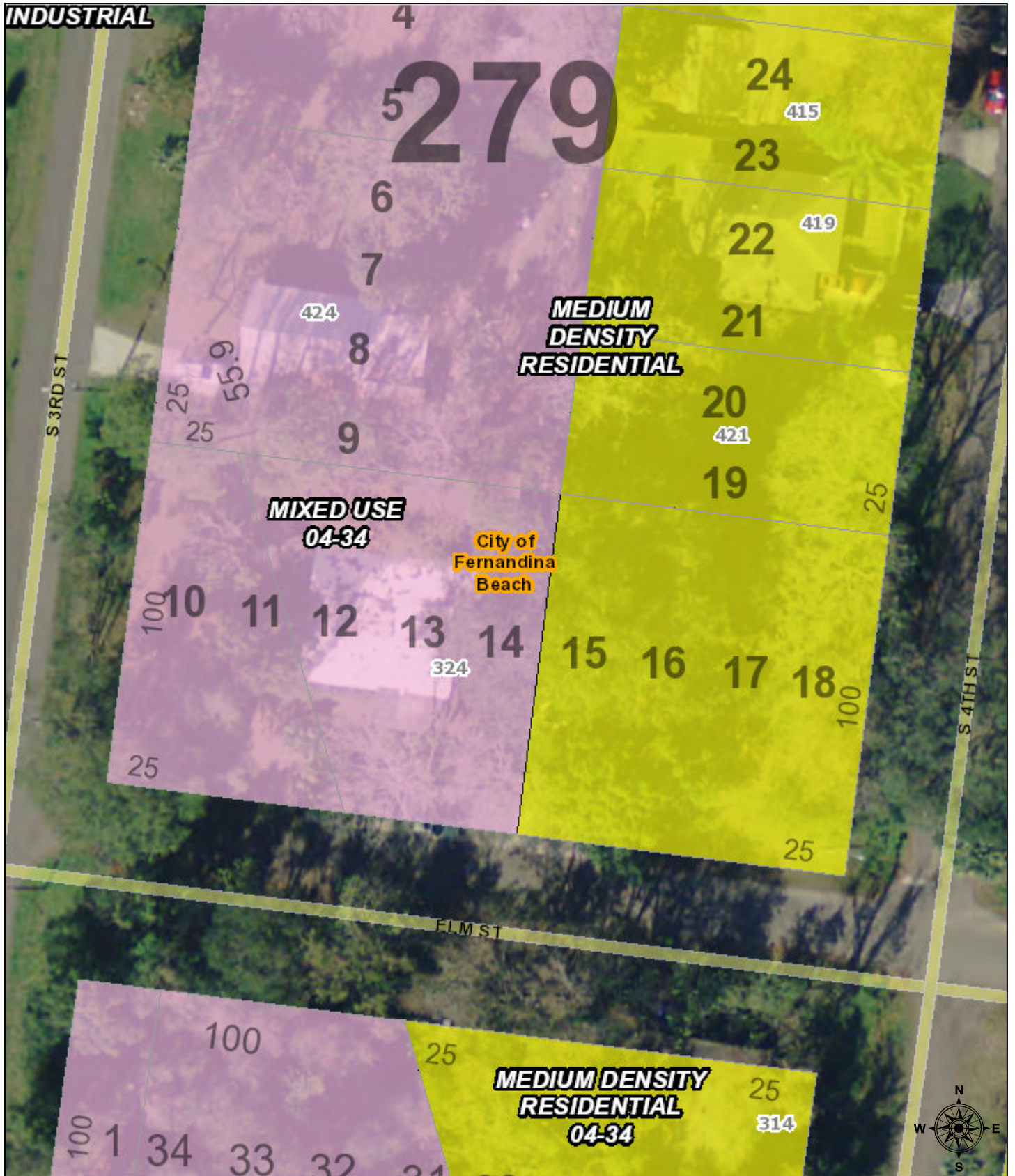
September 14, 2018

Land Parcels	C-1	R-3	I-1
City of F.B. Zoning	C-2	RE	IA
MU-8	C-3	R-1G	PI-1
I-2	MU-1	OT-1	CON
GC/C-2 with PUD	R-1	OT-2	REC
R-3 with PUD	RLM	W-1	
R-2 with PUD	R-2	IW	



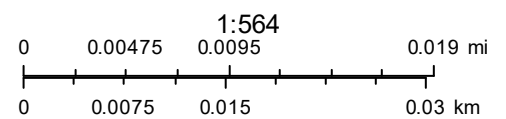
Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Land Use Map



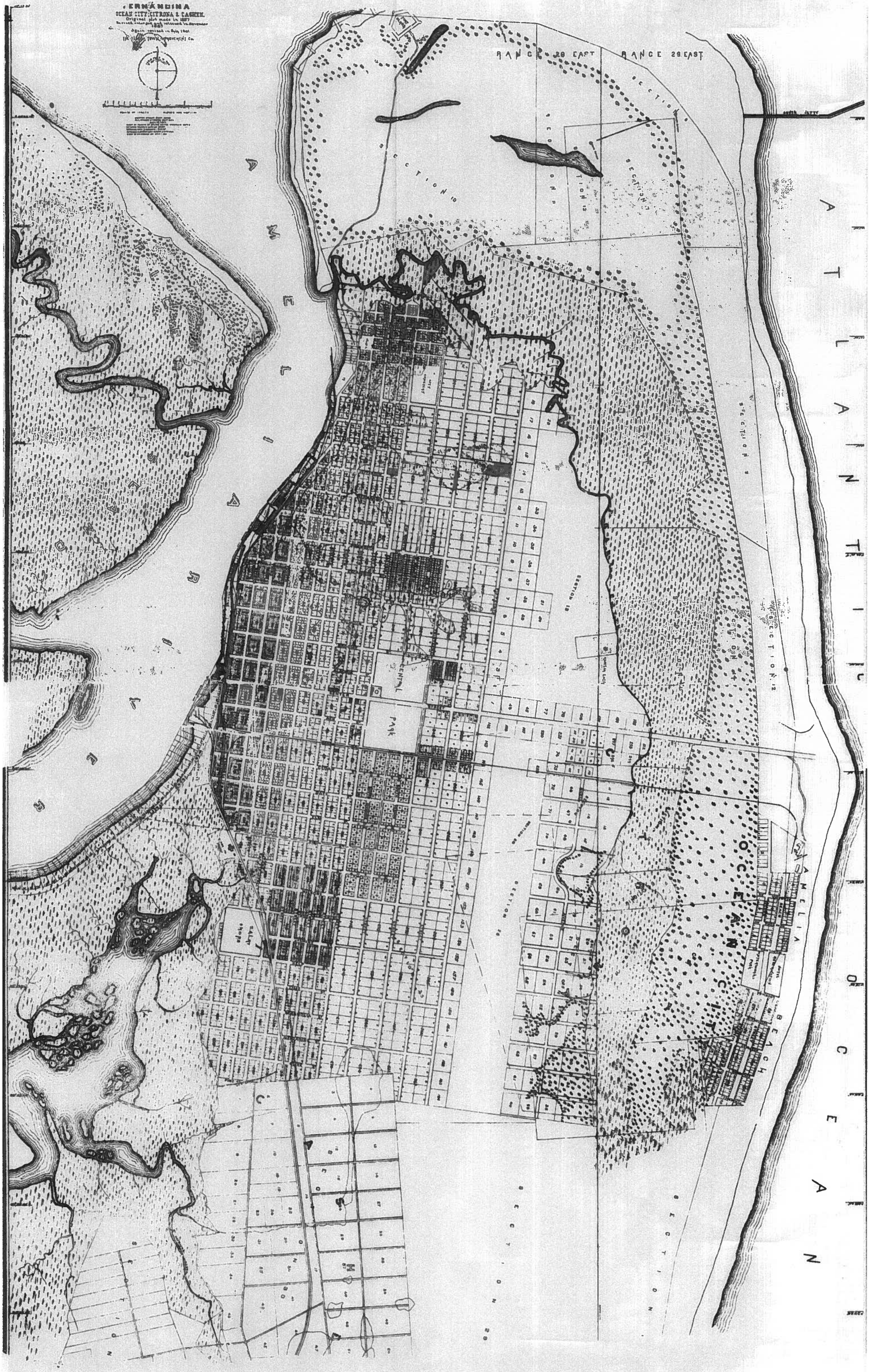
September 14, 2018

- ☐ 911 Address Labels
- ☐ Land Parcels



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

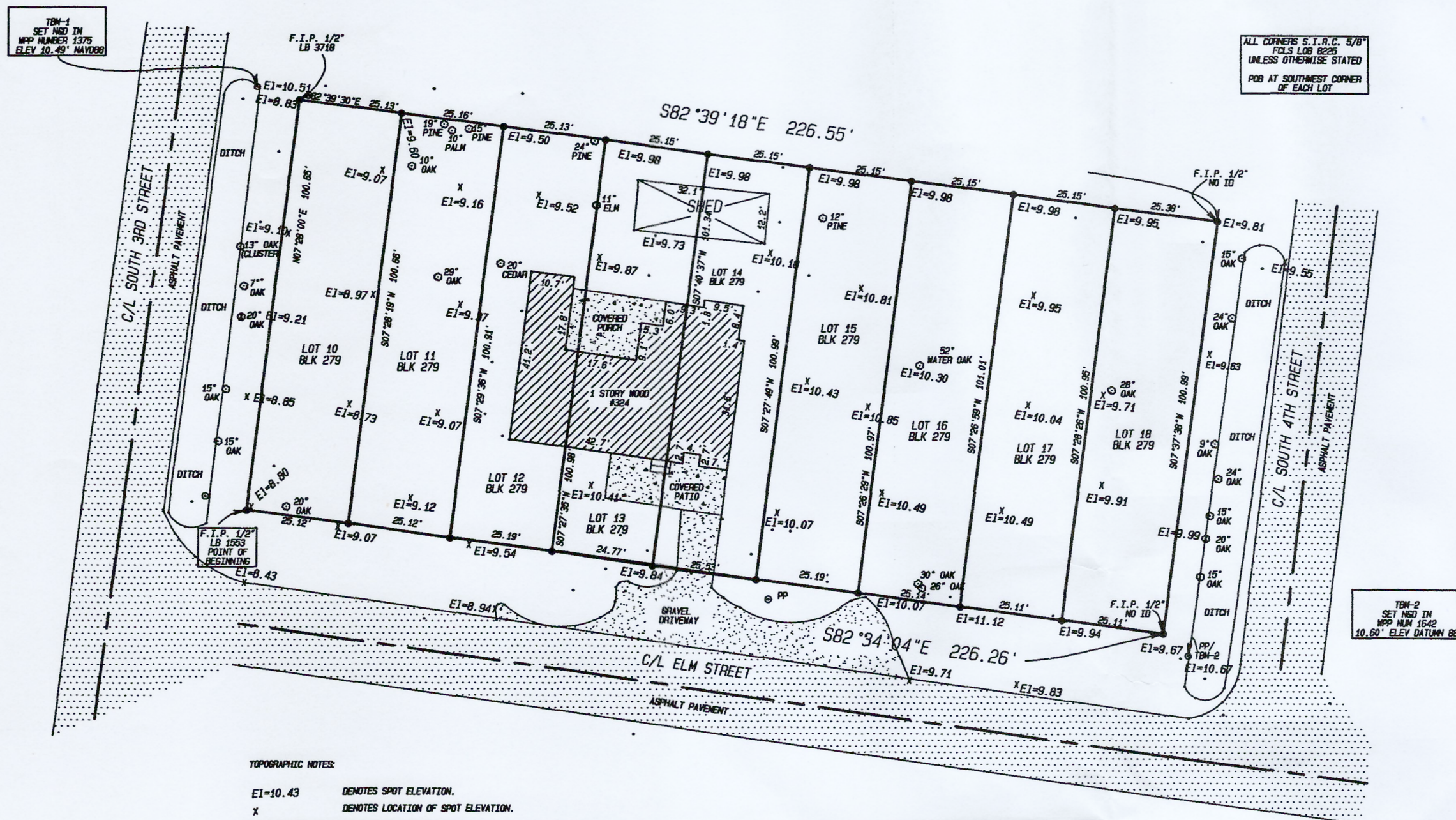
HERNANDEZ
OCEAN CITY, TEXAS & CARRIERS
Original plat made in 1897
Revised and enlarged in 1907
Section 12, Township 10 N., Range 28 E.
Plat made in July 1907
The Standard Map Company, Inc.



MAP OF BOUNDARY/TOPOGRAPHIC/ TREE SURVEY

DESCRIPTION:

PROPOSED LEGAL DESCRIPTION
ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA, AND FURTHER KNOWN AND DESCRIBED ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1887 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS: ALL OF LOTS 10 THROUGH 18, BLOCK 279, CITY FERNANDINA BEACH, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 279 AND RUN NORTH 07° 28' 00" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF SOUTH THIRD STREET (A 60 FOOT R/W), A DISTANCE OF 100.64 FEET; THENCE RUN SOUTH 82° 39' 18" EAST, A DISTANCE OF 226.55'; THENCE RUN SOUTH 07° 37' 38" WEST, A DISTANCE OF 100.96 FEET; THENCE RUN SOUTH 82° 34' 04" EAST, FOR A DISTANCE OF 226.26 FEET TO THE POINT OF BEGINNING.



TOPOGRAPHIC NOTES:

E1-10.43 DENOTES SPOT ELEVATION.
X DENOTES LOCATION OF SPOT ELEVATION.

ELEVATIONS WERE SURVEYED FROM MGS BENCHMARK SHOWN AS 820150 ON H&S DATA SHEET ALSO KNOWN AS TIDAL BENCHMARK W/ 649 HAVING A PUBLISHED ELEVATION OF 12.36 FEET, NAVD 83

CERTIFIED TO AND FOR THE EXCLUSIVE BENEFIT OF:

STREET ADDRESS:
ELM STREET

REF 00-00-31-1800-0279-0110
REF 00-00-31-1800-0279-0101

SURVEY NOTES:

- #1 BEARINGS ARE BASED ON PLAT WITH THE SOUTH LINE OF LOT 25, BEING S89°38'00"W.
- #2 UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED BY THIS SURVEY.
- #3 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP PANEL NO. 12031C 0506 H, EFFECTIVE 06/03/2013, THE PROPERTY DESCRIBED HEREON APPEARS TO LIE IN ZONE "X".
- #4 THIS SURVEY PERFORMED WITHOUT BENEFIT OF AN ABSTRACT, TITLE SEARCH, TITLE OPINION OR TITLE INSURANCE.
- #5 DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF AND ARE PLAT AND MEASURED UNLESS SHOWN OTHERWISE.
- #6 ALL EASEMENTS ARE PER PLAT UNLESS SHOWN OTHERWISE.
- #7 THERE MAY BE ADDITIONAL RESTRICTIONS THAT APPLY WHICH ARE NOT SHOWN ON THIS SURVEY WHICH CAN BE FOUND IN PUBLIC RECORDS OF SAID COUNTY.
- #8 THIS SURVEY DOES NOT GUARANTEE OWNERSHIP.
- #9 TEMPORARY, NON-PERMANENT IMPROVEMENTS AND/OR MAN-MADE ITEMS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING: BUILDING MATERIAL, STORAGE PODS, PAVEMENT BLOCKS, RUBBERMAID OR PLASTIC UTILITY BUILDINGS NOT ON FOUNDATIONS, VEHICLES ON BLOCKS MAY BE ON THIS PROPERTY BUT NOT LOCATED OR SHOWN.
- #10 LEGAL DESCRIPTION PROVIDED BY CLIENT.

NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT EXPRESS WRITTEN CONSENT OF THE SURVEYOR.

THESE DOCUMENTS AND THEIR CONTENTS ARE THE PROPERTY OF FIRST COAST LAND SURVEYING, INC. AND ARE ISSUED ONLY FOR THE SPECIFIC PROJECT NOTED ON THESE DRAWINGS.

DRAWING

FIRST COAST LAND SURVEYORS, INC.

LAND SURVEYORS AND MAPPERS
LICENSED BUSINESS NO. 8225

3161-4 ST. JOHNS BLUFF ROAD S, JACKSONVILLE, FL., 32246
TELEPHONE (904) 779-2062 FAX (904) 779-7784
WWW.FIRSTCOASTLANDSURVEYING.COM

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

[Signature]
CLYDE D. VAN KLEECK
FL. REGISTERED SURVEYOR & MAPPER NO. 2546

BOUNDARY SURVEY
ELM STREET

SHEET 1
OF 1

ABBREVIATIONS

FCM - FOUND CONCRETE MONUMENT	P.B. - PLAT BOOK	EB - ELECTRIC BOX
SCM - SET CONCRETE MONUMENT	D.B. - DEED BOOK	CB - CABLE BOX
F.I.R.C. - FOUND IRON ROD AND CAP	O.R. - OFFICIAL RECORDS	PB - PHONE BOX
BK - BOOK	PG - PAGE	F/H - FIRE HYDRANT
SET IRON ROD	SECTION	LB - LICENSED BUSINESS
POINT OF COMMENCEMENT	TWP - TOWNSHIP	EL - ELEVATION
P.O.B. - POINT OF BEGINNING	RNG - RANGE	MH - MANHOLE
F.P. - FOUND PIPE	COR - CORNER	CMP - CORRUGATED METAL PIPE
F.NSD - FOUND NAIL AND DISK	N - NORTH	RCP - REINFORCED CONCRETE PIPE
FND - FOUND	S - SOUTH	MES - MITERED END SECTION
(M) - FIELD MEASUREMENT	E - EAST	WV - WATER VALVE
(C) - CALCULATED MEASUREMENT	W - WEST	PP - POWER POLE
(P) - CURVE	R/W - RIGHT OF WAY	PRM - PERMANENT REFERENCE MONUMENT
C - CURVE	C/L - CENTERLINE	LP - LIGHT POLE
D - DEED	R - RADIUS	

6" W.F. ---X---X---
4" C.L.F. ---X---X---

Order No.	28625	FIELD DATE:	03/01/2018	REVISION	DATE
Scale	1" = 30'			1	
Section				2	
Township	South	REVIEWED BY:	VAN	3	
Range	East	DRAWN BY:	HF	4	
		CHECKED BY:	HF	5	

OFFICE USE ONLY

REC'D: 5/21/18 BY: HD
 PAYMENT: \$ 650- TYPE: CK 1020
 APPLICATION #: 2018-001048
 CASE #: BOA 2018-12
 BOARD MEETING DATE: July 18, 2018



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: DOUGLAS KOHLMAN
 Mailing Address: 324 ELM ST. Fernandina Beach FL 32034
 Telephone: 904 556 2988 Fax: _____
 Email: KOHLMAN@ME.COM

Agent Name: SAME AS ABOVE
 Mailing Address: _____
 Telephone: _____ Fax: _____
 Email: _____

PROPERTY INFORMATION

Street Address: 324 ELM ST. FERNANDINA BEACH FL. 32034
 Parcel Identification Number(s): ~~10000000~~ 00-00-31-1800-0219-0110
 Lot Number: ~~12, 13, 14~~ Block Number: 279

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): Lot restoration 1.03.05 A

Brief description of work proposed (use additional sheets if necessary):

A house currently sits across Lots 12, 13, 14 at this address. The applicant would like to restore these three lots as planned for the future potential development of the home so that each lot can enjoy the use intended under the current
Zone MU-1

In order for an application for a variance to be approved or approved with conditions, the BOA or the HDC 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 existing home at 324 Elm St. was built in a way that sits across
3- 25'x100' lots resulting in a lot that is 75'x100'. This is a peculiar circumstance
that is not shared with other lands, structures or buildings in the same zoning district.

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.

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

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.

Yes, literal interpretation of the provisions of the Land Development Code
would deprive this applicant of rights commonly enjoyed by other properties
in the same zoning district.

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

Yes, the variance requested is the minimum variance needed that will make
possible the reasonable use of the land.

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

Yes, granting this variance will be in harmony with the general intent and
purpose of the Land Development Code and Comprehensive Plan.

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.
Yes, granting this variance is compatible with surrounding properties and will not
cause injury to the area involved, or be otherwise detrimental to the public health,
safety, welfare and environment

☐ If your property is located within the Historic Districts or the Community Redevelopment Area, please fill out responses to the supplemental variance criteria, attached as Appendix A, on a separate sheet of paper.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

Date

Signature of Applicant

STATE OF FLORIDA

COUNTY OF NASSAU

}
ss

Subscribed and sworn to before me this ____ day of _____, 20____.

Notary Public: Signature

Printed Name

My Commission Expires

Personally Known _____ OR Produced Identification _____ ID Produced: _____

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.

Granting the variance is compatible with the adjacent properties going south on 3rd St. Development will fall within the parameters of the MUV-1 designation and will in no way be detrimental

☐ If your property is located within the Historic Districts or the Community Redevelopment Area, please fill out responses to the supplemental variance criteria, attached as Appendix A, on a separate sheet of paper.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

5/21/18
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss



Subscribed and sworn to before me this 21 day of May, 2018

Harriet Davis
Notary Public: Signature

Harriet Davis
Printed Name

3/22/21
My Commission Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____

Rec. 1,736.00
Stamps 1,736.00

OTTC-04-1013

Return to: (enclose self-addressed stamped envelope)
Name: **Olde Towne Title Company**

Address: **21 North 3rd Street
Fernandina Beach, Florida 32034**

This Instrument Prepared by:

Address: **Olde Towne Title Company
21 North 3rd Street
Fernandina Beach, Florida 32034**

Property Appraisers Parcel Identification (Folio) Number(s):
00-00-31-1800-0279-0110

Grantee(s) S.S. #(s):

INSTR # 200506991
OR BK 01297 PGS 0439-0441
RECORDED 02/23/2005 12:42:05 PM
JOHN A. CRAWFORD
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
DOC TAX PD (F.S. 201.02) 1,736.00
RECORDING FEES 27.00

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

Warranty Deed

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

Made this **31st** day of **January 2005**, BETWEEN
Daphne Lovell Cryder a single person

whose post office address is: **4127 River Marsh Drive, Fernandina Beach**

of the County of **Nassau**, State of **Florida**, grantor, and
Douglas Scott Kohlman an unmarried

whose post office address is: **324 Elm Street, Fernandina Beach**

of the County of **Nassau**, State of **Florida**, grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of **Ten and no/100** Dollars,
and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is
hereby acknowledged, has granted, bargained and sold to the said grantee, and grantee's heirs, successors and
assigns forever, the following described land, situate, lying and being in **Nassau** County, Florida, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE.

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.

EXHIBIT "A"

ALL OF LOTS 13, 14, 15, 16, 17, 18 AND A PORTION OF LOTS 11 AND 12, ALL IN BLOCK 279, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA, AND FURTHER KNOWN AND DESCRIBED ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 18, BLOCK 279, SAID POINT BEING AT A POINT WHERE THE NORTHERLY RIGHT OF WAY OF ELM STREET INTERSECTS THE WESTERLY RIGHT OF WAY OF SOUTH 4TH STREET (BOTH STREETS HAVING A 60 FOOT RIGHT OF WAY); THENCE NORTH 82 DEGREES 45 MINUTES 50 SECONDS WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF ELM STREET, A DISTANCE OF 154.13 FEET TO A POINT; THENCE NORTH 17 DEGREES 38 MINUTES 10 SECONDS WEST, A DISTANCE OF 110.69 FEET TO THE NORTHWEST CORNER OF LOT 11, BLOCK 279, AFOREMENTIONED; THENCE SOUTH 82 DEGREES 38 MINUTES 32 SECONDS EAST ALONG THE NORTHERLY LINE OF SAID LOTS 11, 12, 13, 14, 15, 16, 17 AND 18, BLOCK 279, A DISTANCE OF 201.21 FEET TO THE NORTHEAST CORNER OF LOT 18, BLOCK 279, AFOREMENTIONED (SAID POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF SOUTH 4TH STREET, AFOREMENTIONED; THENCE SOUTH 07 DEGREES 32 MINUTES 00 SECONDS WEST ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING.

Legal - SP-04-1013 Kohman

JOHN M. DREW, CFC
NASSAU COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER	TAX YEAR	TYPE	ALT KEY	MILLAGE CODE	ESCROW
00-00-31-1800-0279-0110	2017	REAL ESTATE	13337	002	CL-0010578

KOHLMAN DOUGLAS SCOTT
324 ELM ST
FERNANDINA BEACH, FL 32034

324 ELM

BLOCK 279 LOTS 11 12 13 14
E OF SAL RR &
ALL OF LOTS 15 THRU 18
IN Q

2017 Paid Real Estate

AD VALOREM TAXES					
TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE VALUE	TAXES LEVIED
BOARD OF COUNTY COMMISSIONERS					
GENERAL FUND	5.9768	111,040	50,000	61,040	364.82
TRANSPORTATION	0.5902	111,040	50,000	61,040	36.03
AI BEACH RENOURISHMENT MSTU	0.1021	111,040	50,000	61,040	6.23
SCHOOL BOARD					
BASIC DISCRETIONARY	0.7480	111,040	25,000	86,040	64.36
CAPITAL OUTLAY	1.5000	111,040	25,000	86,040	129.06
SCHOOL BOARD LOCAL EFFORT	4.3500	111,040	25,000	86,040	374.27
ST JOHNS RIVER MGMT DIST	0.2724	111,040	50,000	61,040	16.63
FL INLAND NAVIGATION DIST	0.0320	111,040	50,000	61,040	1.95
MOSQUITO CONTROL DISTRICT	0.1495	111,040	50,000	61,040	9.13
CITY OF FERNANDINA BEACH					
FERNANDINA BEACH	6.0000	111,040	50,000	61,040	366.24
VOTER APPROVED DEBT	0.2097	111,040	50,000	61,040	12.80
TOTAL MILLAGE		19.9307	AD VALOREM TAXES		\$1,381.52

NON-AD VALOREM ASSESSMENTS					
LEVYING AUTHORITY		RATE			AMOUNT
NON-AD VALOREM ASSESSMENTS					\$0.00
COMBINED TAXES AND ASSESSMENTS		\$1,381.52			
If Paid By Please Pay	Nov 30, 2017 \$0.00				

JOHN M. DREW, CFC
NASSAU COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER	TAX YEAR	TYPE	ALT KEY	MILLAGE CODE	ESCROW
00-00-31-1800-0279-0110	2017	REAL ESTATE	13337	002	CL-0010578

RETURN WITH
PAYMENT

KOHLMAN DOUGLAS SCOTT
324 ELM ST
FERNANDINA BEACH, FL 32034

324 ELM

BLOCK 279 LOTS 11 12 13 14
E OF SAL RR &
ALL OF LOTS 15 THRU 18
IN Q

2017 Paid Real Estate

PLEASE PAY IN U.S. FUNDS TO JOHN M. DREW, CFC TAX COLLECTOR -86130 LICENSE ROAD, FERNANDINA BEACH FL 32034 , OR ONLINE AT WWW.NASSAUTAXES.COM

If Paid By	Nov 30, 2017				
Please Pay	\$0.00				

Paid 11/29/2017

Receipt # EEX-17-00029002

\$1,326.26

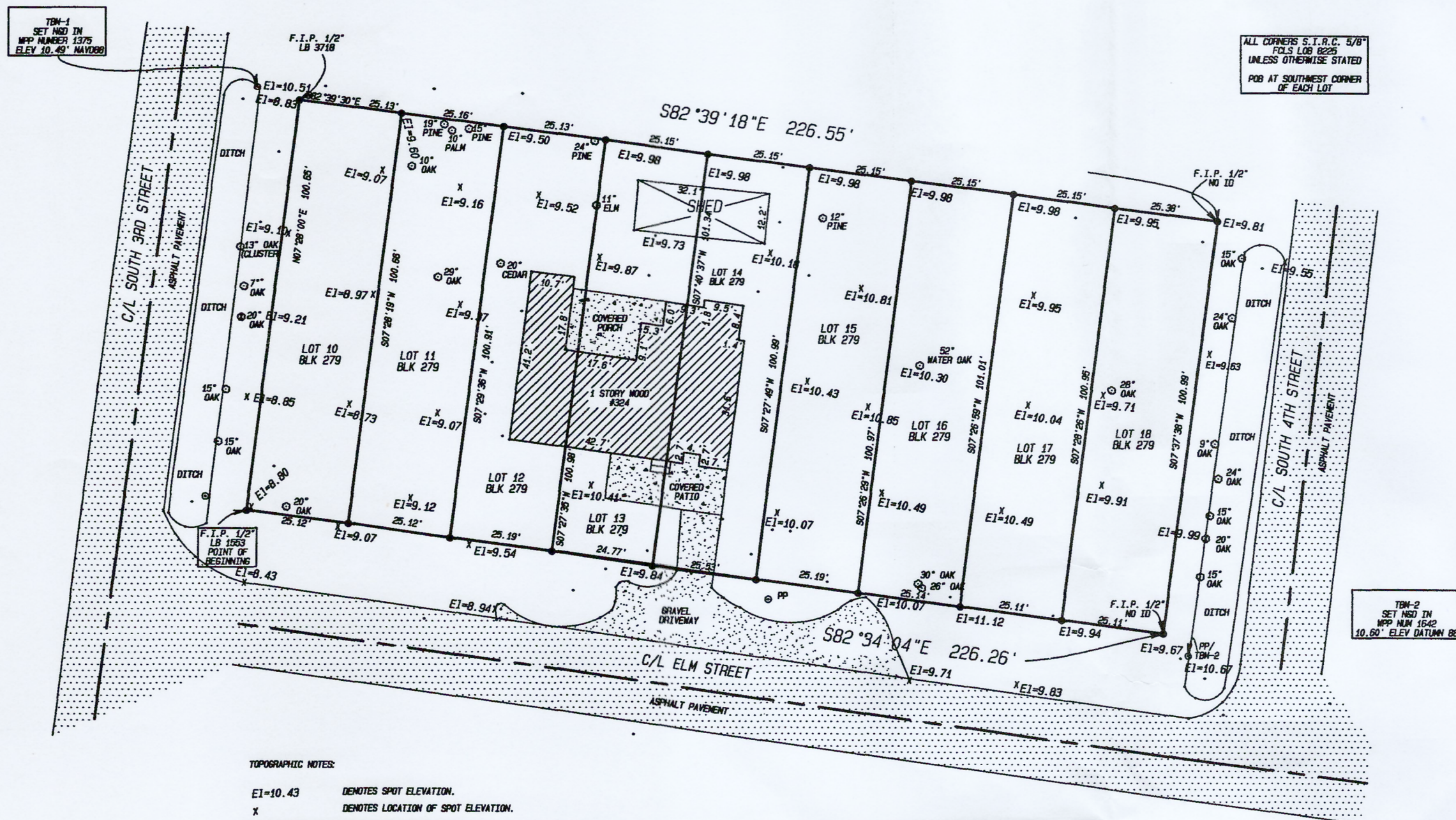
Paid By CORELOGIC



MAP OF BOUNDARY/TOPOGRAPHIC/ TREE SURVEY

DESCRIPTION:

PROPOSED LEGAL DESCRIPTION
ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND STATE OF FLORIDA, AND FURTHER KNOWN AND DESCRIBED ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1887 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS: ALL OF LOTS 10 THROUGH 18, BLOCK 279, CITY FERNANDINA BEACH, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF LOT 10, BLOCK 279 AND RUN NORTH 07° 28' 00" EAST ALONG THE EASTERLY RIGHT OF WAY LINE OF SOUTH THIRD STREET (A 60 FOOT R/W), A DISTANCE OF 100.64 FEET; THENCE RUN SOUTH 82° 39' 18" EAST, A DISTANCE OF 226.55'; THENCE RUN SOUTH 07° 37' 38" WEST, A DISTANCE OF 100.96 FEET; THENCE RUN SOUTH 82° 34' 04" EAST, FOR A DISTANCE OF 226.26 FEET TO THE POINT OF BEGINNING.



TOPOGRAPHIC NOTES:

E1-10.43 DENOTES SPOT ELEVATION.
X DENOTES LOCATION OF SPOT ELEVATION.

ELEVATIONS WERE SURVEYED FROM MGS BENCHMARK SHOWN AS 820150 ON H&S DATA SHEET ALSO KNOWN AS TIDAL BENCHMARK WM 648 HAVING A PUBLISHED ELEVATION OF 12.36 FEET, NAVD 83

CERTIFIED TO AND FOR THE EXCLUSIVE BENEFIT OF:

STREET ADDRESS:
ELM STREET

REF 00-00-31-1800-0279-0110
REF 00-00-31-1800-0279-0101

SURVEY NOTES:

- #1 BEARINGS ARE BASED ON PLAT WITH THE SOUTH LINE OF LOT 25, BEING S89°38'00"W.
- #2 UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED BY THIS SURVEY.
- #3 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP PANEL NO. 12031C 0506 H, EFFECTIVE 06/03/2013, THE PROPERTY DESCRIBED HEREON APPEARS TO LIE IN ZONE "X".
- #4 THIS SURVEY PERFORMED WITHOUT BENEFIT OF AN ABSTRACT, TITLE SEARCH, TITLE OPINION OR TITLE INSURANCE.
- #5 DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF AND ARE PLAT AND MEASURED UNLESS SHOWN OTHERWISE.
- #6 ALL EASEMENTS ARE PER PLAT UNLESS SHOWN OTHERWISE.
- #7 THERE MAY BE ADDITIONAL RESTRICTIONS THAT APPLY WHICH ARE NOT SHOWN ON THIS SURVEY WHICH CAN BE FOUND IN PUBLIC RECORDS OF SAID COUNTY.
- #8 THIS SURVEY DOES NOT GUARANTEE OWNERSHIP.
- #9 TEMPORARY, NON-PERMANENT IMPROVEMENTS AND/OR MAN-MADE ITEMS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING: BUILDING MATERIAL, STORAGE PODS, PAVEMENT BLOCKS, RUBBERMAID OR PLASTIC UTILITY BUILDINGS NOT ON FOUNDATIONS, VEHICLES ON BLOCKS MAY BE ON THIS PROPERTY BUT NOT LOCATED OR SHOWN.
- #10 LEGAL DESCRIPTION PROVIDED BY CLIENT.

NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT EXPRESS WRITTEN CONSENT OF THE SURVEYOR.

THESE DOCUMENTS AND THEIR CONTENTS ARE THE PROPERTY OF FIRST COAST LAND SURVEYING, INC. AND ARE ISSUED ONLY FOR THE SPECIFIC PROJECT NOTED ON THESE DRAWINGS.

DRAWING

FIRST COAST LAND SURVEYORS, INC.

LAND SURVEYORS AND MAPPERS
LICENSED BUSINESS NO. 8225

3161-4 ST. JOHNS BLUFF ROAD S, JACKSONVILLE, FL., 32246
TELEPHONE (904) 779-2062 FAX (904) 779-7784
WWW.FIRSTCOASTLANDSURVEYING.COM

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

[Signature]
CLYDE O. VAN KLEECK
FL. REGISTERED SURVEYOR & MAPPER NO. 2546

BOUNDARY SURVEY ELM STREET

SHEET 1
OF 1

ABBREVIATIONS

FCM - FOUND CONCRETE MONUMENT	P.B. - PLAT BOOK	EB - ELECTRIC BOX
SCM - SET CONCRETE MONUMENT	D.B. - DEED BOOK	CB - CABLE BOX
F.I.R.C. - FOUND IRON ROD AND CAP	O.R. - OFFICIAL RECORDS	PB - PHONE BOX
BK - BOOK	PG - PAGE	F/H - FIRE HYDRANT
S.I.R.C. - SET IRON ROD AND CAP	SEC - SECTION	LB - LICENSED BUSINESS
P.O.C. - POINT OF COMMENCEMENT	TWP - TOWNSHIP	EL - ELEVATION
P.O.B. - POINT OF BEGINNING	RNG - RANGE	MH - MANHOLE
F.P. - FOUND PIPE	COR - CORNER	CMP - CORRUGATED METAL PIPE
F.NSD - FOUND NAIL AND DISK	N - NORTH	RCP - REINFORCED CONCRETE PIPE
FND - FOUND	S - SOUTH	MES - MITERED END SECTION
(M) - FIELD MEASUREMENT	E - EAST	WV - WATER VALVE
(C) - CALCULATED MEASUREMENT	W - WEST	PP - POWER POLE
(P) - CURVE	R/W - RIGHT OF WAY	PRM - PERMANENT REFERENCE MONUMENT
C - CURVE	C/L - CENTERLINE	LP - LIGHT POLE
D - DEED	R - RADIUS	

6" W.F. ---X---X---
4" C.L.F. ---X---X---

Order No.	Field Date	Revision	Date
28625	03/01/2018		
Scale 1" = 30'		1	
Section		2	
Township South	REVIEWED BY: VAN	3	
Range East	DRAWN BY: HF	4	
	CHECKED BY: HF	5	



BOA 2018-14
1409 Highland Drive
September 12, 2018

BOARD OF ADJUSTMENT STAFF REPORT

Case Number	2018-14
Meeting Date	September 19, 2018
Owner/Applicant	James & Kim Maddox
Property Location:	1409 Highland Drive
Parcel Number:	00-00-31-1800-0253-0064
Requested action:	VARIANCE from LDC Section 7.01.05(C) Mobile homes, travel trailers, travel campers, recreational vehicles, and similar vehicles regularly or periodically utilized for dwelling purposes shall not be parked overnight in any zoning district except in an area specifically designated by this LDC for that purpose. Mobile homes, travel trailers, travel campers, recreational vehicles, and similar vehicles, when unoccupied, may be parked or stored in a completely enclosed building, a carport attached to a principal building, or in a side or rear yard.
Current zoning:	R-1
FLUM land use category:	Low Density Residential
Existing uses on the site:	Single Family Home

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

I. SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is requesting a variance to allow for their personal travel trailer to be stored in the "front yard." In residential zoning district, travel trailers can only be stored in a completely enclosed building, a carport attached to a principal building, or in a side or rear yard.

- **Front Yard** means a yard across the full width of the lot, extending from the front line of the building to the front line of the lot.
- **Side yard** means an open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.
- **Rear Yard** means a yard extending across the full width of the lot and measured between the rear line of the lot and rear line of the main building.

Given the lot and house width, it is not possible to get the travel trailer in the side or rear yard without access from the adjoining property owner to the north.



II. CONSISTENCY WITH THE 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 1.06.02 – The City Shall support neighborhood stabilization through effective code enforcement.

III. CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Variance procedures and criteria are set forth in sections 10.02.01 through 10.02.04.

- Section 10.02.01(B) states that the BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlay, the CRA Overlay, or as limited by 10.02.01(D), where the requirements of Section 10.02.00 are met.
- Section 10.02.01(C) states that the City Commission may take action to authorize a variance request from LDC section 4.02.02 for properties which are contained within the Comprehensive Plan defined “Job Opportunity Areas,” but only for properties located on the west side of North or South Fletcher Avenues. The City Commission shall hear such variance requests in accordance with the provisions for variances as set forth in Chapter 10.
- Section 10.02.02(B) states that the applicant for a variance has the burden of proof of demonstrating that the variance application complies with each of the requirements of Section 10.02.02(A).
- Section 10.02.04 sets forth the application requirements. This application includes information necessary for the BOA to make the required findings.
- Section 10.02.01(C) sets forth the 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 grounds for the authorization of a variance.
 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 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 Avenue, North Fletcher Avenue, or South Fletcher Avenue.
9. A variance shall not be granted which authorizes the filling of wetlands prohibited by LDC Section 3.03.03(A) and Comprehensive Plan Policy 5.08.04.
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 high water line of the Atlantic Ocean under LDC section 4.02.03(D), table 4.02.03(E), specifically note 1

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

In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to 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.

☐ Yes ☒ No	1. <u>Special Conditions</u>: 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. No. Special conditions <u>do</u> 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. The house which was constructed in 2014 was built to the minimum side yard setbacks on each side.
☐ Yes ☒ No	2. <u>Special Privilege</u>: 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. No. Granting the variance <u>does confer</u> 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. Trailer storage on a residentially zoned property is required to be in a completely enclosed building, a carport attached to a principal building, or in a side or rear yard.



☐ Yes ☒ No	3. <u>Literal Interpretation</u>: <i>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.</i> No. Literal interpretation of the Land Development Code <u>would not</u> deprive the applicant of rights enjoyed by others properties. Property owners that do not have room to store their travel trailers in the side or rear yard have to make arrangements elsewhere. This section of the LDC applies to all residentially zoned properties
☐ Yes ☒ No	4. <u>Minimum Variance</u>: <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i> No. The variance requested is <u>not</u> the minimum variance needed to make possible the reasonable use of the land, structure, or building. It would allow the applicant to continue to store the travel trailer in the front yard as they have before Code Enforcement sited the property for noncompliance with the LDC section.
☐ Yes ☒ No	5. <u>General Harmony</u>: <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i> No. Granting the variance <u>will not</u> be in harmony with the general intent and purpose of Land Development Code and Comprehensive Plan. This provision of the LDC is being enforced by the Code Enforcement Department with the intent to preserve neighborhood character.
☒ Yes ☐ No	6. <u>Public Interest</u>: <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> Yes. Granting of a variance will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.



BOA 2018-14
1409 Highland Drive
September 12, 2018

V. ANALYSIS:

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	

The applicant appears to meet criteria 6 but does not meet criteria 1 2, 3, 4 and 5 for granting a variance, therefore staff has to recommend denial.

VI. MOTION TO CONSIDER:

I move to approve or deny BOA case number 2018-14; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2018-14, item, as presented, is or is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

A handwritten signature in blue ink, appearing to read "J. Platt", is written over a horizontal line.

Jacob M. Platt, Planner II
Community Development Department

OFFICE USE ONLY

REC'D: 7/2/18 BY: HD
 PAYMENT: \$ 650.- TYPE: CK #1164
 APPLICATION #: 2018-001129
 CASE #: BOA 2018-14
 BOARD MEETING DATE: _____



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: James and Kim Maddox
 Mailing Address: 1409 Highland Dr, Fernandina Beach, FL 32034
 Telephone: 904-557-6147 Fax: _____
 Email: kimlannon@msn.com

Agent Name: _____
 Mailing Address: _____
 Telephone: _____ Fax: _____
 Email: _____

PROPERTY INFORMATION

Street Address: 1409 Highland Dr, Fernandina Beach, FL, 32034
 Parcel Identification Number(s): 18-00016
 Lot Number: 6 & 7 Block Number: 253

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 7.01.05

Brief description of work proposed (use additional sheets if necessary):

Request for Variance from LDC Section 7.01.05 to allow for a Travel Trailer to be parked in front of the garage,
in parking area beside house. There is not enough room on the sides, nor enough space to get to the back yard
without encroaching upon our neighbors space. Due to the configuration of the lot and existing structures the
Travel Trailer is parked in the best possible space.

In order for an application for a variance to be approved or approved with conditions, the BOA or the HDC 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.

IAW 7.01.05 the side and back yard is blocked by tree's, Fence and A/C unit . Left Side of Garage Fence 97 in from Garage to outer pole. The Palm tree is 84in circumference and only half of it is on my property.

I would have to drive through the Neighbors property on either side of house. R/S of house is also fence Shrubs from 5 to 6ft tall, Tree 66in at base and 16ft high and a Telephone Pole (see photo's 2,3,4,5,8,9).

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.

See photo's of 1143 N 15TH STREET #13 - 15

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.

See photo's of 1143 N 15TH STREET #13 - 15

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

Requesting a 20 Ft variance in front of Garage in parking area. The parking area is 63ft from Garage to road at it's shortest length. The Travel Trailer is 19ft Long from rear to Tongue and 98 in wide. The Tongue sits 26ft from road. It is visibly pleasing and does not detract from the neighborhood.

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

Any attempt to place the Trailer in the side or backyard will cause tree removal, Fence Removal, Lawn Damage, and alter the visibly pleasing look to the neighborhood, not to mention permission from the neighbors to pass through their property.

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.
Yes, the area is for parking and Trailer is not being used as a dwelling.

☐ If your property is located within the Historic Districts or the Community Redevelopment Area, please fill out responses to the supplemental variance criteria, attached as Appendix A, on a separate sheet of paper.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

06/30/2018

Date

John T. Muelch

Signature of Applicant

STATE OF FLORIDA

COUNTY OF NASSAU

ss }

Subscribed and sworn to before me this 30 day of June, 2018.

Deborah Ann St. Hart
Notary Public: Signature

Deborah Ann St. Hart
Printed Name

07-07-2018
My Commission Expires

Personally Known _____ OR Produced Identification X ID Produced: Florida drivers license



NASSAU COUNTY TAX COLLECTOR

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER	TAX YEAR	TYPE	ALT KEY	MILLAGE CODE	ESCROW
00-00-31-1800-0253-0064	2017	REAL ESTATE	13052	002	CL-0040189

MADDOX KIM L & JAMES T
1409 HIGHLAND DR
FERNANDINA BEACH, FL 32034

1409 HIGHLAND

BLK 253 PT OF LOTS 6 & 7
& PT OF UNDEVELOPED 15TH ST
IN OR 182
See Additional Legal on Tax Roll

AD VALOREM TAXES

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE VALUE	TAXES LEVIED
BOARD OF COUNTY COMMISSIONERS					
GENERAL FUND	5.9768	411,240	60,000	351,240	2,099.29
TRANSPORTATION	0.5902	411,240	60,000	351,240	207.30
AI BEACH RENOURISHMENT MSTU	0.1021	411,240	60,000	351,240	35.86
SCHOOL BOARD					
BASIC DISCRETIONARY	0.7480	411,240	35,000	376,240	281.43
CAPITAL OUTLAY	1.5000	411,240	35,000	376,240	564.36
SCHOOL BOARD LOCAL EFFORT	4.3500	411,240	35,000	376,240	1,636.64
ST JOHNS RIVER MGMT DIST	0.2724	411,240	60,000	351,240	95.68
FL INLAND NAVIGATION DIST	0.0320	411,240	60,000	351,240	11.24
MOSQUITO CONTROL DISTRICT	0.1495	411,240	60,000	351,240	52.51
CITY OF FERNANDINA BEACH					
FERNANDINA BEACH	6.0000	411,240	60,000	351,240	2,107.44
VOTER APPROVED DEBT	0.2097	411,240	60,000	351,240	73.66
TOTAL MILLAGE		19.9307	AD VALOREM TAXES		\$7,165.41

NON-AD VALOREM ASSESSMENTS

LEVYING AUTHORITY		RATE		AMOUNT	
NON-AD VALOREM ASSESSMENTS					\$0.00
COMBINED TAXES AND ASSESSMENTS		\$7,165.41			
If Paid By Please Pay	Nov 30, 2017 \$0.00				

JOHN M. DREW, CFC

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

NASSAU COUNTY TAX COLLECTOR

ACCOUNT NUMBER	TAX YEAR	TYPE	ALT KEY	MILLAGE CODE	ESCROW
00-00-31-1800-0253-0064	2017	REAL ESTATE	13052	002	CL-0040189

RETURN WITH
PAYMENT

MADDOX KIM L & JAMES T
1409 HIGHLAND DR
FERNANDINA BEACH, FL 32034

1409 HIGHLAND

BLK 253 PT OF LOTS 6 & 7
& PT OF UNDEVELOPED 15TH ST
IN OR 182
See Additional Legal on Tax Roll

PLEASE PAY IN U.S. FUNDS TO JOHN M. DREW, CFC TAX COLLECTOR -86130 LICENSE ROAD, FERNANDINA BEACH FL 32034, OR ONLINE AT WWW.NASSAUTAXES.COM

If Paid By	Nov 30, 2017				
Please Pay	\$0.00				

Paid 11/29/2017

Receipt # EEX-17-00028916

\$6,878.79

Paid By CORELOGIC



From:

James & Kim Maddox
1409 Highland Dr
Fernandina Beach, FL 32034

To:

Code Enforcement and Appeals Board
City of Fernandina Beach Community Development Department
204 Ash Street Fernandina Beach, FL 32034

This letter is a request for Variance from LDC Section 7.01.05 to allow for a Travel Trailer to be parked in front of garage at 1409 Highland Drive. The code states the trailer should only be parked in rear or side yard, in relation to where the house sits it is in the side yard but not to the rear of the house. Due to the configuration of the lot and existing structures the Travel Trailer is parked in the best possible space.

The Travel Trailer is 19ft long, 98 inches wide and 9 ½ft tall, in order to place it in a position to the rear left side of the garage, two palms both exceeding 60 inch circumference (property line splits the trees in half, I own half and my neighbor owns half) and a fence would have to be removed. With the fence removed there would not be enough space on the side of the garage (A/C sticks out 37 inches), the path after cleared of obstructions would be through my neighbor's yard to my backyard which is an undesirable option for both me and neighbor.

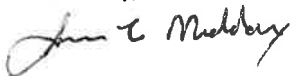
The right side front of the house has a cedar also over 60 inch circumference, a telephone pole, 10 shrubs all 5 to 6ft tall. Right side of house has an enclosed fence, with A/C that sticks out 48 inches. 90 inches on the side is not enough room to park the trailer and the path to the back yard would be blocked by the neighbor's fence.

Where the Trailer is currently sitting, in front of the garage left most parking space to the left side of the house. The tongue of the trailer is 26ft from the road. There is 63ft of space between the garage and the road.

We have explored other options, called Cube smart, U-Haul and Storage.com, the closest storage available is Kings Bay which is not a desirable option due to travel and security of our asset. Being in the Marine Corps for 22 years I've had to deploy to different countries quite often and many times I returned to find scratches, dings, flat tires, busted windshield on my vehicles while sitting in what the Storage Facility called a secured storage lot.

Where the Travel Trailer is currently parked at was made for parking, it does not detract from the neighborhood in any visible or physical way, to park it anywhere else on this property would damage tree's, grass and appearance.

Sincerely,

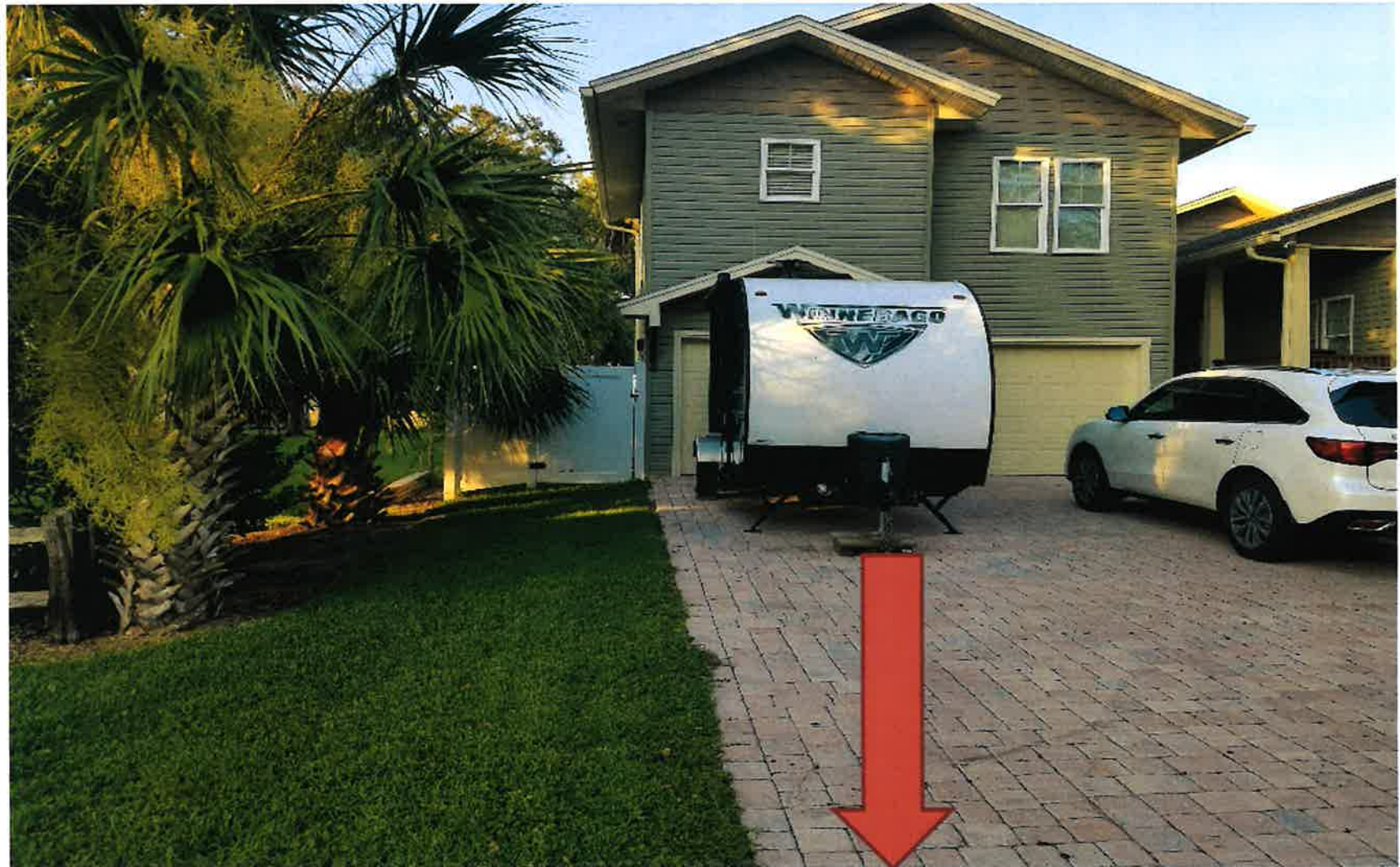
A handwritten signature in black ink, appearing to read "James Maddox", written in a cursive style.

James Maddox

#1. 1409 Highland Drive



#2. 1409 Garage side, 26ft from tongue to Road



#3. Fence 97inches



#4. Left Side Garage, A/C 37inches



#5. Outside Fence Left Side Garage



#6. Center Walkway, 84 in



#7. House porch extends 10ft forward of Garage



#8. Right side of house



#9. Right side of house, 90in Fence, 48in A/C



#10. Inside Fence behind Garage



#11. Inside fence beside house



#12. Backyard



#13. Other House In Neighborhood



#14. Street side in front of Garage



#15. Corner View



FOR:
KIM L. MADDOX,
JAMES T. MADDOX,



COASTAL LAND SURVEYORS

& MAPPERS, INC.
34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL 904-261-8950 FAX 904-277-6650

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR CHAPTER 180-7, GEORGIA STATUTES.

LICENSED BUSINESS NO. 6412

JAMES C. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3718
GEORGIA CERTIFICATE NO. 2365
NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

THE SURVEY DEPICTED HERE IS NOT COVERED BY PROFESSIONAL LIABILITY INSURANCE.

11.4 //88

BEARINGS BASED ON S39°-13'-00"E FOR THE N/E R/W
LINE OF HIGHLAND DRIVE PER O/R BOOK 1827, P. 1139
PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE AE B & 9 AS SHOWN ON
FEMA FLOOD INSURANCE RATE MAP.
COMMUNITY NO. 120172 PANEL NO. 0237G
DATED 8-2-17

DATED 8-2-17

DATE OF SURVEY: MAY 29, 2018

SCALE	1"=20'
108 NO	1311-05 E 9
	EFB. 328. 329

CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

LEGEND:

IRON PIPE FOUND	- IPF	POWER LINE	- P
IRON PIPE SET	- IPS	PLAT	- P
RE/BAR FOUND	- RBF	FIELD MEASURED	- FM.
NOT TO SCALE	- NTS	RECORD - R.	DEED - D.
BUILDING RESTRICTION LINE	- BRL	POWER POLE	- O
CONCRETE MONUMENT FOUND	- CMF	CONCRETE	- CONC.
STAINLESS STEEL PIPE FOUND	- SSPF	FENCE	- X
RIGHT-OF-WAY	- R/W	RIGHT-OF-WAY	- R/W
POINT OF CURVE	- PC	POINT OF REVERSE CURVE	- PRC
CENTERLINE	- C	OFFICIAL RECORDS BOOK	- O.R.B.



BOA 2018-17
935 N. Fletcher Avenue
September 12, 2018

BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2018-17

Meeting Date September 19, 2018

Owner/Applicant Jeffery & Julie Fowler
Property Location: 935 N. Fletcher Avenue
Parcel Number: 00-00-31-126B-0004-0000

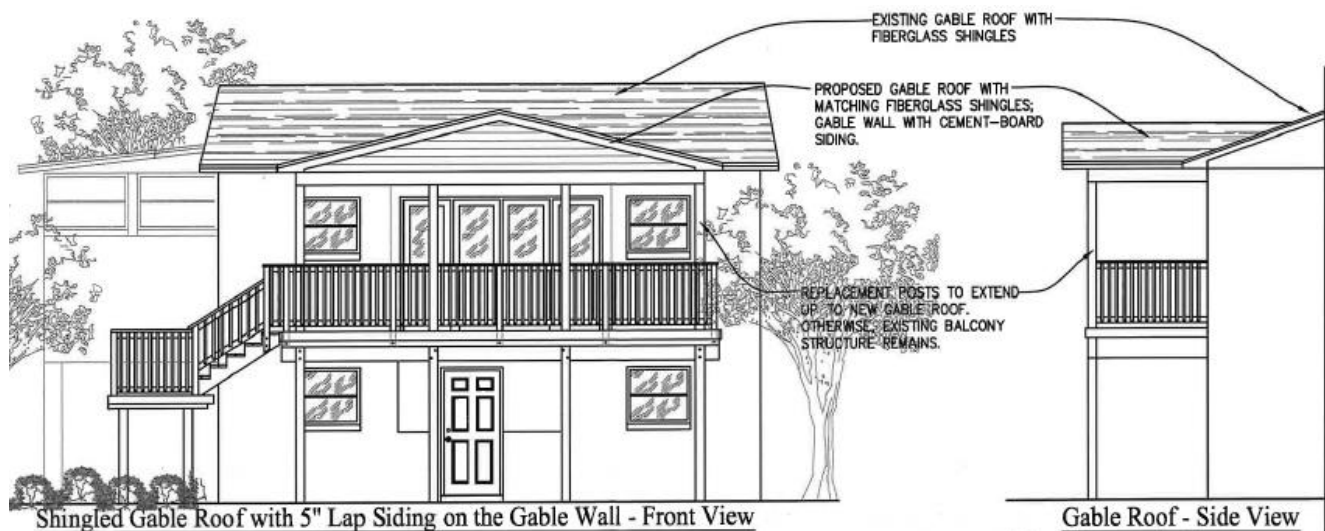
Requested action: VARIANCE from LDC Section 4.02.03(E) Standards for Building Heights and Setbacks

Current zoning: R-2
FLUM land use category: Medium Density Residential
Existing uses on the site: Single Family Home

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

I. SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is requesting a variance to construct a gabled roof over the existing nonconforming front deck. The Land Development Code does not allow for a nonconforming structure to be expanded, except where it is in compliance with the current code requirements. The second story deck is only two feet from the eastern (front) property line.





The right of way in this block widens from 50 to 65 feet. However, the pavement is not centered, which gives the newly constructed homes on the east side of the street the appearance of a reduced front yard setback. See FDOT section map.¹

II. CONSISTENCY WITH THE 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 1.06.08 – The City shall encourage context sensitive and reasonable home additions that allow for normal upgrades to retain vitality and discourage demolition of the existing structure. The intent of this policy is to develop regulations that discourage teardowns and provide for expansions of existing structures that are appropriate for the neighborhood

III. CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Variance procedures and criteria are set forth in sections 10.02.01 through 10.02.04.

- Section 10.02.01(B) states that the BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlay, the CRA Overlay, or as limited by 10.02.01(D), where the requirements of Section 10.02.00 are met.
- Section 10.02.01(C) states that the City Commission may take action to authorize a variance request from LDC section 4.02.02 for properties which are contained within the Comprehensive Plan defined "Job Opportunity Areas," but only for properties located on the west side of North or South Fletcher Avenues. The City Commission shall hear such variance requests in accordance with the provisions for variances as set forth in Chapter 10.
- Section 10.02.02(B) states that the applicant for a variance has the burden of proof of demonstrating that the variance application complies with each of the requirements of Section 10.02.02(A).
- Section 10.02.04 sets forth the application requirements. This application includes information necessary for the BOA to make the required findings.
- Section 10.02.01(C) sets forth the 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 grounds for the authorization of a variance.
 4. A variance shall not change the requirements for concurrency.

¹ FDOT Section Map



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 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 Avenue, North Fletcher Avenue, or South Fletcher Avenue.
9. A variance shall not be granted which authorizes the filling of wetlands prohibited by LDC Section 3.03.03(A) and Comprehensive Plan Policy 5.08.04.
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 high water line of the Atlantic Ocean under LDC section 4.02.03(D), table 4.02.03(E), specifically note 1

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

In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to 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.

☒ Yes ☐ No	1. <u>Special Conditions</u>: 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. Yes. Special conditions <u>do</u> 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. The unique situation with the right of way gives the homes on the east side of the street the appearance of being closer to the street (reduced front yard setback).
☐ Yes ☒ No	2. <u>Special Privilege</u>: 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. No. Granting the variance <u>does confer</u> 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. Although the applicant is not proposing to expand the footprint of the front deck, the LDC does not allow for nonconforming situations to be expanded in any way. Roofing the front deck is an expansion of the nonconformity.



☐ Yes ☒ No	3. <u>Literal Interpretation</u>: <i>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.</i> No. Literal interpretation of the Land Development Code <u>would not</u> deprive the applicant of rights enjoyed by others properties. The existing nonconforming structure can be maintained in perpetuity.
☐ Yes ☒ No	4. <u>Minimum Variance</u>: <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i> No. The variance requested <u>is not</u> the minimum variance needed to make possible the reasonable use of the land, structure, or building. A reasonable use already exists on the property.
☒ Yes ☐ No	5. <u>General Harmony</u>: <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i> Yes. Granting the variance <u>will</u> be in harmony with the general intent and purpose of Land Development Code and Comprehensive Plan. The right of way alignment did not allow for the property owner to utilize the Context Sensitive Review process. Without that situation, this request may have been processed administratively as encourage by Comprehensive Plan Policy 1.06.08.
☒ Yes ☐ No	6. <u>Public Interest</u>: <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> Yes. Granting of a variance <u>is</u> compatible with the surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.



BOA 2018-17
935 N. Fletcher Avenue
September 12, 2018

V. ANALYSIS:

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	

The applicant appears to meet criteria 1, 5 and 6 but does not meet criteria 2, 3 and 4 for granting a variance, therefore staff has to recommend denial.

VI. MOTION TO CONSIDER:

I move to approve or deny BOA case number 2018-17; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2018-17, item, as presented, is or is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

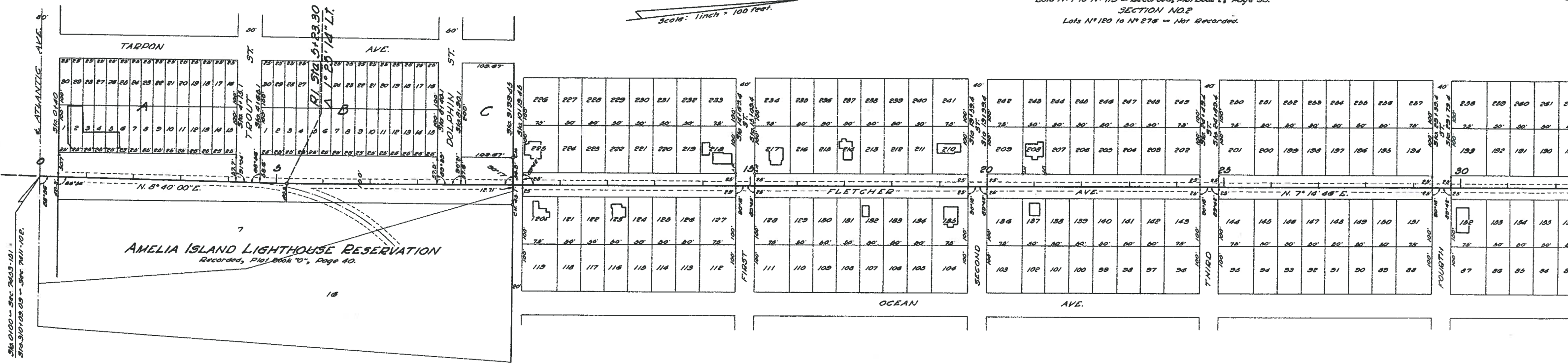
A handwritten signature in blue ink, appearing to read "J. Platt", is written over a horizontal line.

Jacob M. Platt, Planner II
Community Development Department

WEST PORTION BEACH CASINO
Recorded, Plat Book 2, Page 74.

GEORGIA'S FERNANDINA BEACH
SECTION NO. 1
Lots N° 1 to N° 119 - Recorded, Plat Book 2, Page 33.
SECTION NO. 2
Lots N° 120 to N° 276 - Not Recorded.

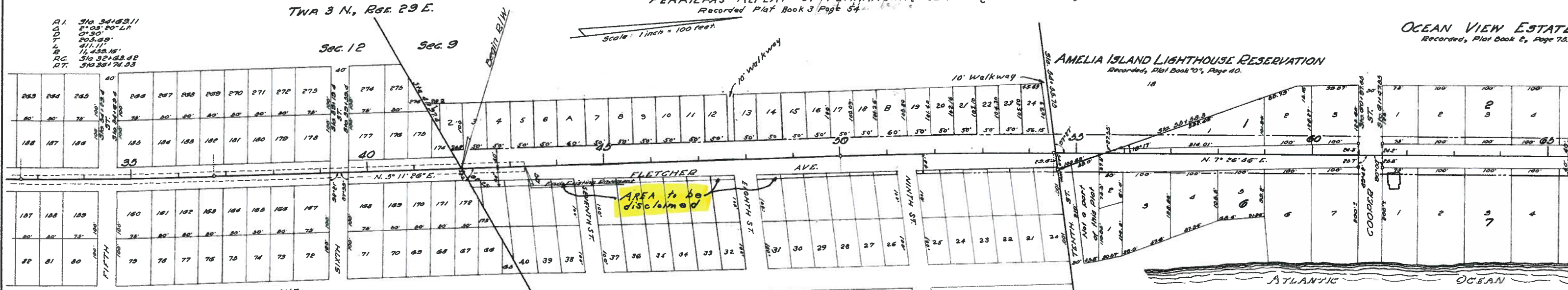
FED. ROAD DIV. No.	STATE	SEC. AND JOB No.	FISCAL YEAR
3	FLA.		



Note: Bearings shown are True Bearings projected from Sec. 7411-102.

FERNANDINA BEACH

FERRIERA'S REPLAT OF FERNANDINA BEACH (SECTION TWO)
Recorded Plat Book 3 Page 54



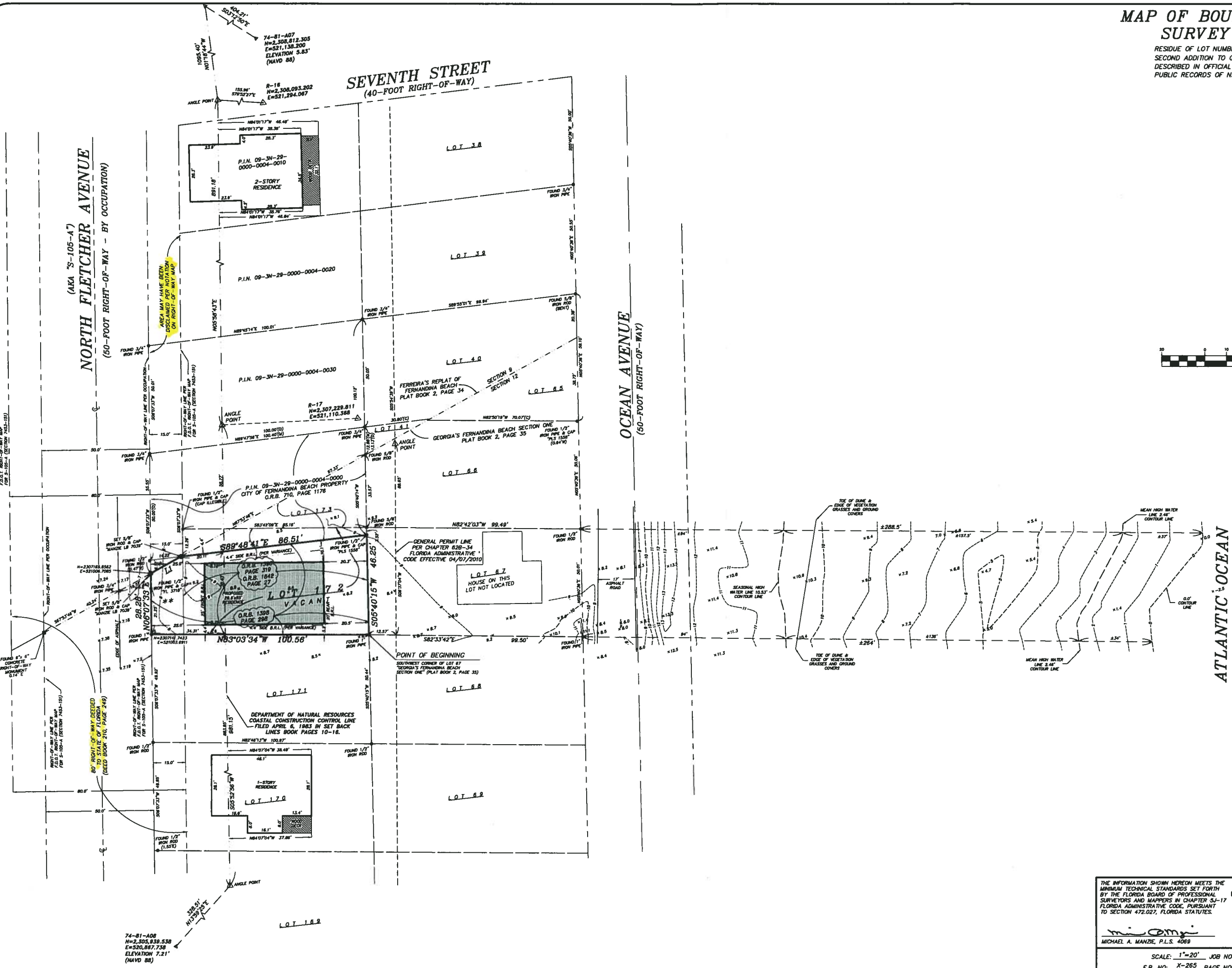
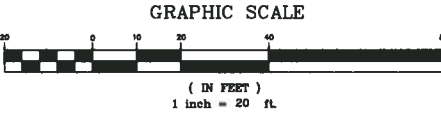
GEORGIA'S FERNANDINA BEACH
SECTION NO. 1
Lots N° 1 to N° 119 - Recorded, Plat Book 2, Page 33.
SECTION NO. 2
Lots N° 120 to N° 276 - Not Recorded

FERRIERA'S REPLAT OF FERNANDINA BEACH
Recorded, Plat Book 2, Page 54.

STATE OF FLORIDA STATE ROAD DEPARTMENT			
RIGHT OF WAY M			
SECTION NO. 7453-151			
ROAD NO. S-105-A NASSAU			
SCALE 1"=	NAMES	DATES	APPROVED BY
DRAWN	F.L.M.	7-13-33	J.P. [Signature]
TRACED			
INDEXED			
REVISED	F.K.	7-15-37	H.D. [Signature]
REVISED			

MAP OF BOUNDARY, TOPOGRAPHIC SURVEY AND SITE PLAN

RESIDUE OF LOT NUMBERED 172, OF AN UNRECORDED PLAT OF THE SECOND ADDITION TO GEORGIA'S FERNANDINA BEACH SUBDIVISION AS DESCRIBED IN OFFICIAL RECORDS BOOK 1398, PAGE 298 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.



LEGEND
E - CENTERLINE
(D) - DEED
(M) - MEASURED
(C) - CALCULATED
B.M. - BENCHMARK
P.L.N. - PARCEL IDENTIFICATION NUMBER
S.O.D. - SURVEY OF DEED
O - 1/2" IRON ROD & CAP
B.R.L. - BUILDING RESTRICTION LINE

NOTE:
* - NEVER ACTUALLY CONVEYED, PORTION OF ORIGINAL RIGHT-OF-WAY
+ - NEVER A PORTION OF ACTUAL RIGHT-OF-WAY

LINE TABLE		
LINE	BEARING	LENGTH
1	N87°53'48"E	16.09'

- SURVEY NOTES:**
- The "Legal Description" herein was prepared by the surveyor.
 - Underground improvements were not located or shown.
 - Lands shown herein were not abstracted by this office for assessment, right-of-way, ownership or other instruments of record.
 - Bearings shown herein are based on the Florida State Plane Coordinate System, East Zone.
 - "Unless it bears the signature and the original raised seal of a Florida Licensed Surveyor and Mapper, this map/report is for informational purposes only and is not valid."
 - The property shown herein has been found to be 1/2" or less per 12.5' from the Florida Insurance Rate Map, Panel 125000, 08/11/12, dated 11/11/2010. Flood Zone Information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by the owner's County Building Department for accuracy. The owner assumes no liability for its accuracy. Flood Zone Information is not covered by the certification herein and is not required to be shown per Chapter 34-12, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
 - Prices shown, if applicable, have not been determined by this office.
 - Dimensions shown herein refer to North American Vertical Datum of 1988. (N.A.V.D. '88) (Elevation = 7.21'). (N.A.V.D. 1988)
 - The Reference Benchmark is Coastal Construction Control Line monument 74-81-A08 (Elevation = 7.21'). (N.A.V.D. 1988)
 - This survey is protected by copyright and is certified only to the written title and only for the particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.

THE INFORMATION SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 34-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

MANZIE & DRAKE LAND SURVEYING
117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5777
Certificate of Authorization Number "LB 7039"
"OUR SIGHTS ARE ON THE FUTURE, SET YOUR SITES ON US."

MICHAEL A. MANZIE, P.L.S. 4069

SCALE: 1"=20' JOB NO: 18590 DATE: 4/28/14 CADD: MKD
F.B. NO: X-265 PAGE NO: 32 FIELD CREW: JJ FILE NO: C-582

OFFICE USE ONLY

REC'D: 8/17/18 BY: SP
PAYMENT: \$ 650- TYPE: CR666
APPLICATION #: 2018-001349
CASE #: Box 2018-17
BOARD MEETING DATE: _____



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: JEFFREY SCOTT & JULIE A FOWLER
Mailing Address: 11 CLAXTON RD HAZLEHURST, GA 31539
Telephone: 912-253-4134 Fax: —
Email: jscottfowler@bellsouth.net

Agent Name: N/A
Mailing Address: _____
Telephone: _____ Fax: _____
Email: _____

PROPERTY INFORMATION

Street Address: 935 N FLETCHER
Parcel Identification Number(s): 00-00-31-126B-0004-000
Lot Number: 4 Block Number: _____

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 4.02.03(E)

Brief description of work proposed (use additional sheets if necessary):
BUILD GABLED ROOF OVER 2ND FLOOR FRONT DECK

In order for an application for a variance to be approved or approved with conditions, the BOA or the HDC 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.

RIGHT-OF-WAY ALONG THIS SECTION OF N. FLETCHER
CHANGES FROM 50' TO 80'.
THE CENTER OF THE STREET IS NOT THE CENTER OF THE
RIGHT-OF-WAY.

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.

OTHER STRUCTURES IN THE AREA ARE AS CLOSE OR CLOSER
TO THE STREET, BUT DUE TO THE FACTORS LISTED ABOVE
THEIR SETBACK DISTANCE IS GREATER FOR MY LOT.

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.

BECAUSE THE RIGHT-OF-WAY CHANGES AT MY BLOCK AND
THE CENTER IS OFFSET, I AM REQUIRED TO BE FURTHER BACK
THAN OTHER STRUCTURES IN N. FLETCHER.

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

WE ARE REQUESTING ONLY A 1 FT. ENCROACHMENT. THIS IS
FOR OVERHANG OF ROOF ONLY. THE DECK POSTS + STRUCTURE WILL
BE IN THE SAME PLACE AS NOW.
NO ADDITIONAL HEIGHT REQUESTED.

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

THIS IMPROVEMENT WOULD UPDATE THE APPEARANCE OF THE
PROPERTY.

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.

The Gable on the front of the roof would provide protection against storm winds and reduce shingle damage + debris. No impact to traffic or pedestrians because the structure would remain where it is now.

☐ If your property is located within the Historic Districts or the Community Redevelopment Area, please fill out responses to the supplemental variance criteria, attached as Appendix A, on a separate sheet of paper.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

8-17-18
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss



Subscribed and sworn to before me this 17 day of Aug, 2018.

Harriet Davis
Notary Public: Signature

Harriet Davis
Printed Name

3/22/21
My Commission Expires

Personally Known _____ OR Produced Identification ✓ ID Produced: GA DL

Scott Fowler

935 N Fletcher | 912-253-4134 | jscottfowler@bellsouth.net

08/16/18

Jacob Platt

Planner

City of Fernandina Beach

Dear Jacob Platt:

I am sending this letter and attached drawing in reference to our application for a variance that will allow us to build a gabled roof over the upstairs front deck of our property located at 935 N Fletcher. I am hoping to have my request considered at the Sept. 19th meeting.

Due to the road right-of-way conditions listed in the variance application and the age of our house, we do not sit back from the right-of-way as far as the regulations require. Adding this roof would not encroach any further at ground level but the roof overhang would be 12" closer. I was told that this would require a variance.

If any additional materials are needed please contact me at the number or email address above.

Sincerely,

Scott Fowler

NASSAU

A. Michael Hickox, CFA, Cert.Res.RD1941
Nassau County Property Appraiser

Property Search

Sales Search

Nassau Home

OWNER NAME FOWLER JEFFREY SCOTT & JULIE A
MAILING ADDRESS 11 CLAXTON RD

 HAZELHURST, GA 31539
LOCATION ADDRESS 935 FLETCHER AVE N (UNIT) U&D
 FERNANDINA BEACH 32034
SHORT LEGAL LOT 4 SECT 2 IN OR 1939/1463 FERREIRA
 REPLAT OF FDNA BEACH

PARCEL NUMBER 00-00-31-126B-0004-0000
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 19.9307
PROPERTY USAGE MULTI-FAMILY
DEED ACRES 0
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2018 Preliminary Values

JUST VALUE OF LAND	\$120,000
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$180,602
TOTAL MISC VALUE	\$250
JUST OR CLASSIFIED TOTAL VALUE	\$300,852
ASSESSED VALUE	\$261,128
EXEMPT VALUE	\$0
TAXABLE VALUE	\$261,128

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
MF-RESORT 000840	50	FF	9-3N-29

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
DUPLEX RES	2,991	2,222	6	3	AVERAGE	CONC BLOCK	AIR DUCTED	FORCED AIR	1951	SHOW SKETCH

Miscellaneous Information

DESCRIPTION	DIMENSIONS L x W	UNITS	YEAR BUILT
CONCRETE A	7 X 13	91	1980
CONCRETE A	4 X 3	12	2009

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
09/19/2014	1939/1463	1939/1463	188000	SW	U	Y	FEDERAL HOME LOAN MORTGAGE CORPORATION	FOWLER JEFFREY SCOTT & JULIE A
07/31/2014	1933/411	1933/411	100	SW	U	Y	BANK OF AMERICA N A	FEDERAL HOME LOAN MORTGAGE CORPORATION
07/17/2014	1933/410	1933/410	355500	WD	U	Y	HUSKEY RAYMOND M & BARBARA H	BANK OF AMERICA N A
09/02/1992	666/75	666/75	72500	WD	U	Y	MORRISSEY BRIAN & A	HUSKEY RAYMOND M
02/01/1986	481/173	481/173	100	QC	U	Y		
05/01/1985	456/118	456/118	55900	WD	Q	Y		

MAP OF BOUNDARY SURVEY
LOT 4, FERREIRA'S REPLAT OF
FERNANDINA BEACH, SECTION TWO

AS RECORDED IN PLAT BOOK 3, PAGE 54 OF THE
PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

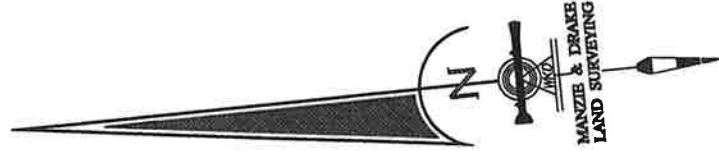
PARCEL "A"

CERTIFIED TO:

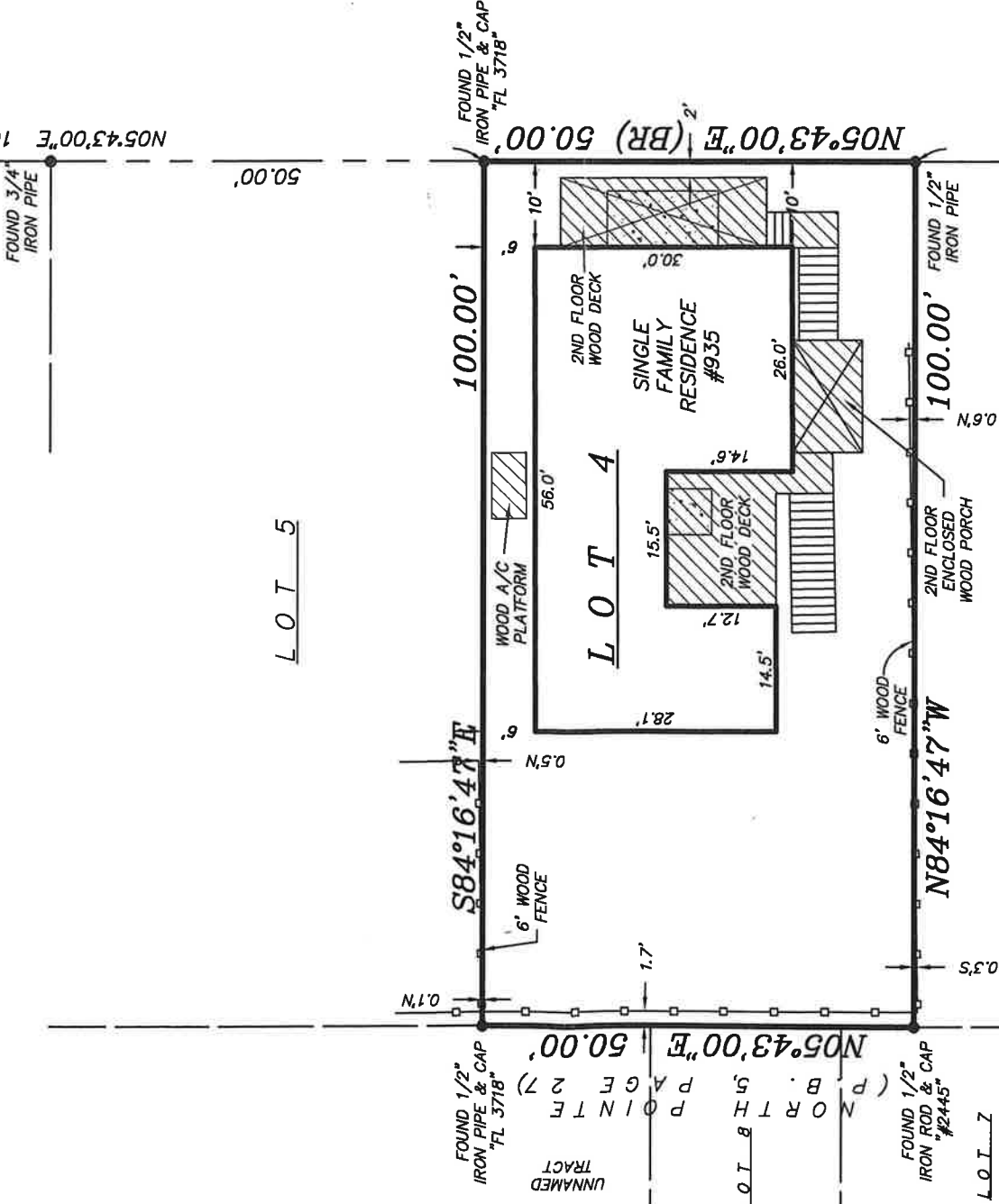
JEFFREY SCOTT FOWLER AND JULIE K. FOWLER
GILBERT GARCIA GROUP, P.A.
STEWART TITLE GUARANTY COMPANY

PROPERTY ADDRESS:

935 NORTH FLETCHER AVENUE
FERNANDINA BEACH, FL 32034



MANZIE & DRAKE
LAND SURVEYING

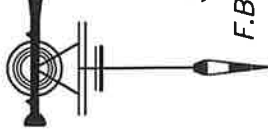


SURVEY NOTES:

- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Bearings shown hereon are based on N05°43'00"E for the westerly right-of-way line of North Fletcher Avenue. The bearing reference line is indicated as thus (BR).
- 5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- 6) The property shown hereon lies within flood zone "AE 9" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C-0241-E, Dated 12/17/2010. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- 7) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.

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THE INFORMATION SHOWN HEREON MEETS THE
STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA
BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS
IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE,
PURSUANT TO SECTION 472.027, FLORIDA STATUTES.



MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5777
Certificate of Authorization Number "LB 7039"

"OUR SIGHTS ARE ON THE FUTURE,
SET YOUR SITES ON US."

SCALE: 1"=20' JOB NO: 14431 DATE: 9/12/14 CADD: WKD
F.B. NO: X-277 PAGE NO: 24 FIELD CREW: CB FILE NO: A-393

NORTH FLETCHER AVENUE
(80-FOOT RIGHT-OF-WAY)
ASPHALT ROAD

LEGEND

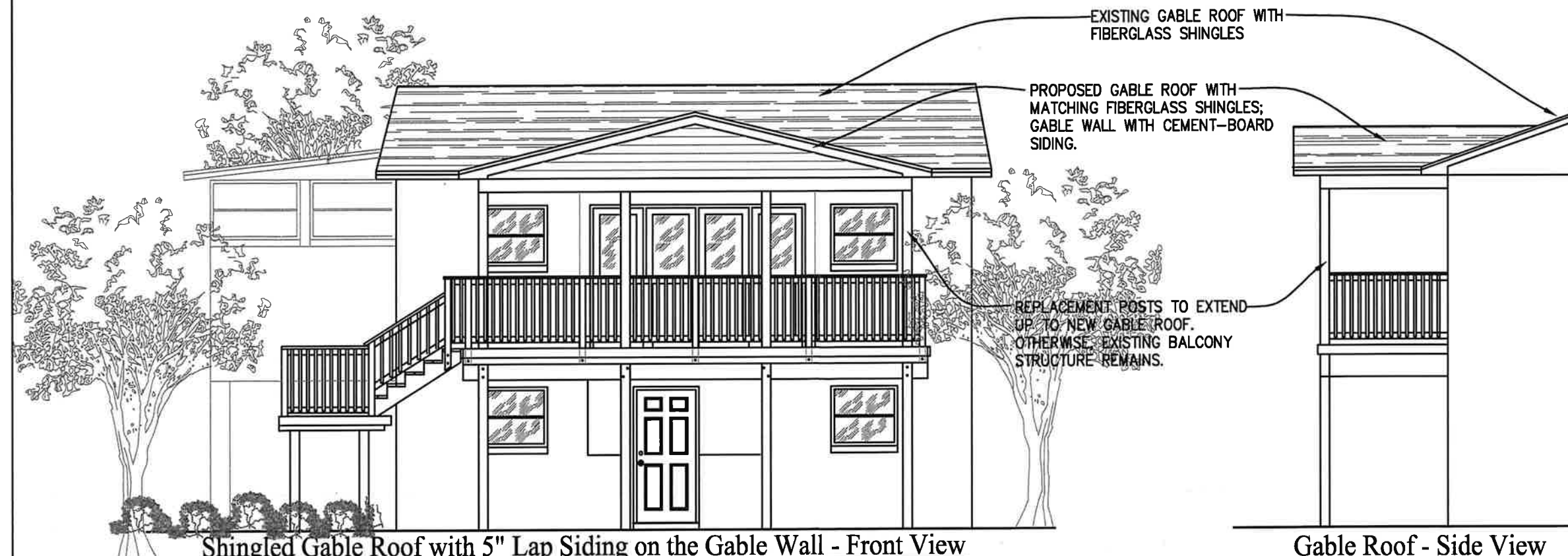
A/C = AIR CONDITIONER
C = CENTERLINE
CONC = CONCRETE FLATWORK
BR = BEARING REFERENCE
P.R.M. = PERMANENT REFERENCE MONUMENT
W-F = WOOD FENCE
W-FW = WOOD FLATWORK

REVISIONS:

1. REVISED ON 08/01/2018 TO SHOW UPDATED AS-BUILT CONDITIONS OF PROPERTY. (BH)



Existing Front View



Shingled Gable Roof with 5" Lap Siding on the Gable Wall - Front View

Gable Roof - Side View

Proposed Balcony Gable Roof - Fowler Residence - 935 N. Fletcher

Richard Sasser, Architect
FL LIC. AR0013972 CBC1261146

6-27-16