



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
FEBRUARY 20, 2019
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 September 19, 2018 Regular Meeting
 - 2.2 January 16, 2019 Regular Meeting
- 3. OLD BUSINESS**
- 4. NEW BUSINESS**
 - 4.1 **BOA 2019-0003: JAMES POZZETTA, AGENT FOR SCHUSTER-EDGAR FAMILY TRUST, 2519 1ST AVENUE**
VARIANCE from LDC Section 4.02.03 (E) to encroach into the rear yard setback 6'4". (*Quasi-Judicial*)
 - 4.2 **BOA 2019-0004: JON C. LASSERRE, AGENT FOR PHILLIP & BONNIE GORDON, 605 BROOME STREET**
VARIANCE from LDC section 4.02.03 (E) to reduce the front yard setback from 25' to 13'6". (*Quasi-Judicial*)
 - 4.3 **BOA 2019-0005: MARK AKINS, AGENT FOR HEATHER GARD & JESSE SOBREPENA (GS PLAN B, LLC), 429 S. 5TH STREET**
VARIANCE from LDC Section 1.03.05 (A) to allow for the "Lot of Record" to be subdivided and reoriented on South Fifth Street. (*Quasi-Judicial*)
- 5. BOARD BUSINESS**
 - 5.1 **BOARD MEMBER APPLICATION FOR CONSIDERATION:** Stephen Cook
 - 5.2 **BOARD MEMBER APPLICATION FOR CONSIDERATION:** Nicole Kresse
 - 5.3 **BOARD MEMBER APPLICATION FOR CONSIDERATION:** Mark Gleason
- 6. STAFF REPORT**
- 7. PUBLIC COMMENT**

8. ADJOURNMENT

NEXT BOA REGULAR MEETING IS SCHEDULED FOR MARCH 20, 2019.

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
SEPTEMBER 19, 2018**

1. CALL TO ORDER – 5:02 PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

*Barry Hertslet
Tisha Dadd
Mike Lednovich
Matt Miller*

*Marcy Mock
Steven Papke
Lynn Williams*

MEMBERS ABSENT:

OTHERS PRESENT

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

Member Lednovich (Alt 1) recused himself from voting in the next two meetings as he is a candidate for City Commission.

2. APPROVAL OF MINUTES – July 18, 2018 Regular Meeting.

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

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

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)

Jon Lasserre, representative for the applicant, provided information and details specific to the history and nature of the request.

ACTION TAKEN: A motion was made by Member Williams, seconded by Member Hertslet, to approve BOA case number 2018-11; AND that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2018-11, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

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

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)

Douglas Kohlman, the applicant, provided information and details specific to the request and was available to answer questions from the Board.

Frank Santry, lives a block from the subject property, strongly opposed granting the variance.

Barbara Shinder, 432 S. 4th Street, seconded Mr. Santrys comments.

Linda Schneider, 409 Elm Street, voiced concerns with the requested variance.

ACTION TAKEN: A motion was made by Member Dadd, seconded by Member Hertslet, to deny BOA case number 2018-12; AND that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2018-12, as presented, is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

Vote upon passage of the motion was taken by ayes and nays and was as follow:

Member Dadd: Aye

Member Williams: Nay

Member Mock: Nay

Member Hertslet: Aye

Chair Miller: Aye

Motion passed.

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)

Mr. James Maddox, the applicant, gave information and details specific to the requested action. He circulated a paper with the definition of “side” for Board review.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Mock, to deny BOA case number 2018-14; AND that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2018-14, as presented, is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

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

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)

City Attorney Bach stated that Member Mock recused herself from voting on this item as she is a neighbor to the subject property and an acquaintance to the property owners.

Member Papke was seated as a voting member.

John Cotner, representative to the applicant, provided information and details specific to the history of the subject property and the requested action.

Chris Bryan, 2006 Sunrise Drive, expressed concerns with how the ditch will be filled in. Mr. Platt indicated that he will consult with the City Stormwater director.

Joe Kucinski, 2007 Sunrise Drive, inquired on how large the structure will be. Expressed concern with the small lot size and inquired on setbacks.

Barb Kent, 2009 Sunrise Drive, shared her concerns with the property flooding.

John Hartrich, owner of the property, provided information and details specific to the subject lot and described the proposed home as a small cottage.

Bill Bryan, 2006 Sunrise Drive, reiterated the concern that the property will flood.

A motion was made by Member Williams, seconded by Member Dadd, to approve BOA case number 2018-16; AND that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2018-16, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

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

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)

Mr. Scott Fowler, the applicant and owner, provided information and details specific to the proposed action.

ACTION TAKEN: A motion was made by Member Dadd, seconded by Member Hertslet, to approve BOA case number 2018-17; AND that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2018-17, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

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

5. BOARD BUSINESS

5.1 APPOINTMENT UPDATE - Barry Hertslet, Mike Lednovich, Lynn Williams, Steven Papke

5.2 REAPPOINTMENT - Marcy Mock, Matt Miller

Member Williams informed the Board of his resignation.

6. STAFF REPORT

7. PUBLIC COMMENT

8. ADJOURNMENT – 8:30 PM



**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING
JANUARY 16, 2019**

1. CALL TO ORDER – 5:01 pm

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

Barry Hertslet

Tisha Dadd

Steven Papke (Alt 1)

Marcy Mock

Matt Miller (Chair)

MEMBERS ABSENT:

OTHERS PRESENT

Tammi Bach, City Attorney

Jacob Platt, City Planner

Samantha Rogic, Recording Secretary

Member Papke (Alt 1) was seated as a voting member.

2. APPROVAL OF MINUTES

2.1 August 15, 2018 Regular Meeting

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

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

2.2 October 17, 2018 Regular Meeting

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Papke, to approve the minutes as presented.

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

2.3 November 5, 2018 Special Meeting

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

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

In order to verify for the record the interpretation of the motion and the intention of the vote of the Administrative Appeal (BOA 2018-13), City Attorney Bach explained Board Attorney Miriam Hills motion clarification included with the November 5, 2018 special meeting minutes.

All Board members confirmed their intent, as stated in the attached email correspondence.

3. OLD BUSINESS

4. NEW BUSINESS

4.1 **BOA 2019-01: JAMES POZZETTA, AGENT FOR BENNETT FAMILY BEACH HOUSE LLC, 2822 S. FLETCHER AVE Variance from LDC Section 10.01.02(B) to allow for an expansion in square**

footage on a non-conforming lot. This lot consists of two primary structures. (*Quasi-Judicial*)

James Pozzetta, Architect and Agent to the owners, 103 S. 18th Street, provided information and details specific to the proposed request.

Maryanna Gerrard, owner of the property, explained that the home was built in 1968, before the current setbacks were in effect.

ACTION TAKEN: A motion was made by member Hertslet, seconded by Member Mock, to approve BOA case number 2019-01; AND that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2019-01, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2019-01 meets the following criteria for granting a variance: special conditions, special privilege, literal interpretations, minimum variance, general harmony, and public interest and the reasons for my findings are: no special conditions exists, and there are no setback issues.

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

- 4.2 **BOA 2019-02:** MARK AKINS, AGENT FOR WILLIAM & ANGELA HANSON, 1427 N FLETCHER AVE Variance from LDC Section 4.02.03(E)(2) for the increased side yard setbacks for structures over 25' in height to allow for the construction of a 3rd floor addition. (*Quasi-Judicial*)

Mark Akins, 1414 Highland Drive, architect and agent to the owners, provided information and details specific to the proposed request. Mr. Akins clarified that the existing porch is not covered. Only the North side of the property will require a variance.

Angela Hanson, 1427 N. Fletcher, owner of the property, explained that this would be their retirement home and they would like to expand to provide room for their large family.

John Evans, 1441 N. Fletcher, spoke in favor of granting the variance.

ACTION TAKEN: A motion was made by Member Mock, seconded by Member Dadd, to approve BOA case number 2019-02; AND that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2019-02, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2019-02 meets the following criteria for granting a variance: special conditions, special privilege, literal interpretations, minimum variance, general harmony, and public interest and the reasons for my findings are: that the request is in keeping with the neighborhood.

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

5. BOARD BUSINESS

- 5.1 **RESIGNATION AND APPOINTMENT UPDATE:** Member Lednovich, Member Papke

Member Papke was seated as a regular voting member, filling the seat vacated by Member Lednovich.

6. PUBLIC COMMENT

Chip Ross, 210 N. 3rd Street, inquired on the 6 criteria for granting a variance.

7. ADJOURNMENT – 6:07 PM



BOA 2019-03
2519 1st Avenue
January 6th, 2019

BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2019-03

Meeting Date February 20, 2019

Owner/Applicant Schuster-Edgar Family Trust / James Pozzetta, Architect

Property Location: 2519 1st Avenue

Parcel Number: 00-00-31-114B-0007-0060

Requested action: VARIANCE from LDC Section 4.02.03(E)(2) Standards for Building Heights and Setbacks – rear yard setback

Current zoning: R-2

FLUM land use category: Medium Density Residential

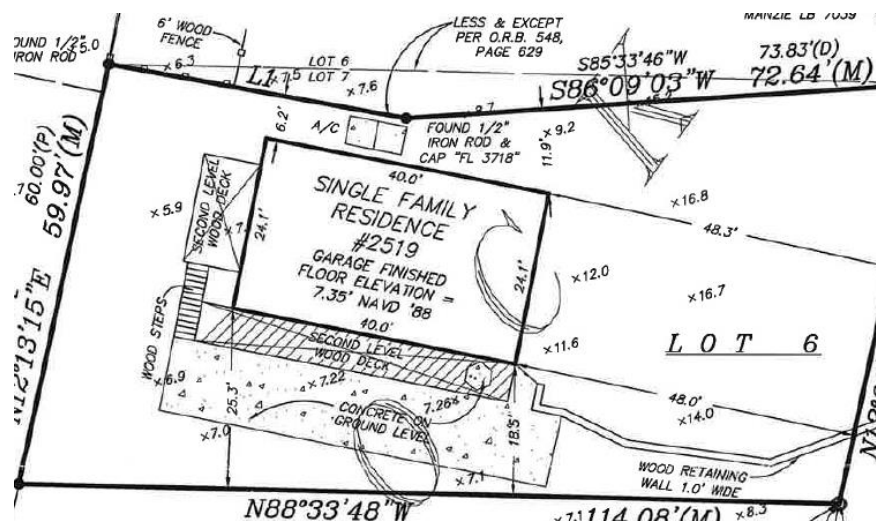
Existing uses on the site: Duplex

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 construct a covered rear porch which would encroach six feet four inches into the required twenty-foot rear yard setback. The structure has an existing rear deck which is not covered. The proposed reconstruction of the deck will extend the covered and uncovered portions of the deck two feet further west.

Non-covered decks and balconies are allowable encroachments per 4.02.03(A)(6)(a) subject to a five-foot minimum setback from all side and rear property lines. The requested variance is required for only the covered portion of the porch.



Existing



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.



BOA 2019-03
2519 1st Avenue
January 6th, 2019

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 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.
☐ 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 LDC does not differentiate between condition and unconditioned spaces. The proposed roof portion of the porch is subject to the twenty-foot rear yard setback.
☐ 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 other properties. The existing deck can be rebuilt and even expanded in the rear yard.



☐ 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 is <u>not</u> the minimum variance needed to make reasonable use of the land, structure, or building. The existing structure can be reasonably used and expanded within the minimum setbacks.
☒ 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. Granting the variance will allow for a symmetrical addition to the existing duplex.
☒ 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 the surrounding properties, it 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 5 and 6, but does not meet criteria 1, 2, 3, and 4 for granting a variance, therefore staff must recommend denial.



BOA 2019-03
2519 1st Avenue
January 6th, 2019

VI. MOTION TO CONSIDER:

I move to **approve or deny** BOA case number 2019-03; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2019-03, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2019-03 **meets or does not meet** the following criteria for granting a variance: special conditions, special privilege, literal interpretations, minimum variance, general harmony, and public interest **and the reasons for my findings are:**

	Meets	Does Not Meet	Reason for Finding
Special Conditions	_____	_____	_____
Special Privilege	_____	_____	_____
Literal Interpretations	_____	_____	_____
Minimum Variance	_____	_____	_____
General Harmony	_____	_____	_____
Public Interest	_____	_____	_____

Jacob M. Platt
City Planner

OFFICE USE ONLY

REC'D: dis/19 BY: 8
 PAYMENT: \$ 850- TYPE: CK 1078
 APPLICATION #: BOA 2019-0003
 CASE #: BOA 2019-0003
 BOARD MEETING DATE: 2/20/19



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: SHARON EDGAN & ROBERT SCHUSTER (SCHUSTER-EDGAN FAMILY TRUST)
 Mailing Address: 2519 FIRST AVENUE FERNANDINA BEACH FL 32034 (A.T. A)
 Telephone: 479-270-4942 Fax: N/A
 Email: edgarschuster@hotmail.com

Agent Name: JAMES POZZETTA, ARCHITECT
 Mailing Address: 103 S 18th ST FERNANDINA BEACH FL 32034
 Telephone: 904-206-3447 Fax: N/A
 Email: jamespozzetta@comcast.net

PROPERTY INFORMATION

Street Address: 2519 FIRST AVENUE FERNANDINA BEACH FL 32034
 Parcel Identification Number(s): 00-00-31-1148-0007-0060
 Lot Number: 6 Block Number: 7

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 4.02.03(E) REAR YARD SETBACK

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

REMOVE EXISTING ROTTEN WOOD DECK & INSTALL NEW P.T. WOOD
DECK. EXISTING DECK ENCLOSED 4'-4" BEYOND SETBACK, NEW
DECK WOULD ENCLOSE AND ADDITIONAL 2' (TOTAL 6'-4")

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.

SEE ATTACHED LETTER

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 ATTACHED LETTER

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 ATTACHED LETTER

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

SEE ATTACHED LETTER

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

SEE ATTACHED LETTER

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.

SEE ATTACHED LETTER

☐ 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.

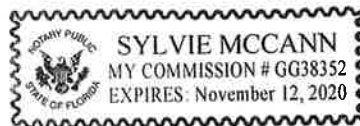
SIGNATURE/NOTARY

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

01/15/19
Date

[Signature]
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss



Subscribed and sworn to before me this 15 day of January, 2019.

[Signature]
Notary Public: Signature

SYLVIE MCCANN
Printed Name

11/12/20
My Commission Expires

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



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE SHARON EDGAR & ROBERT SCHUSTER
(print name of property owner(s))

hereby authorize: JAMES POZZETTA
(print name of agent)

to represent me/us in processing an application for: APPLICATION FOR VARIANCE FROM
(type of application) THE LDC

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.

[Signature]
(Signature of owner)

SHARON EDGAR
(Print name of owner)

[Signature]
(Signature of owner)

ROBERT SCHUSTER
(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 14th day of January, 2019

Christine Ramos CHRISTINE RAMOS 10-15-21
Notary Public: Signature Printed Name My Commission Expires

Personally Known ☒ OR Produced Identification ☐ ID Produced: ☐





Variance Application for the Edgar/Schuster Deck Project

Date: January 14, 2019

To: Fernandina Beach Planning and Zoning Department

Re: Edgar/Schuster Deck Project
2519 First Avenue
Fernandina Beach, Florida 32034

Description of Work:

Removal of existing front and rear yard wood decks and associated wood stairs.
Installation of new front and rear yard wood decks with new p.t. wood stairs.

Reference: Sheet A1.1 Site Plan
Sheet A3.1 First Floor Plan
Sheet A3.2 Second Floor Plan
Sheet A3.3 Third Floor Plan
Sheet A4.1 Elevations
Sheet A4.2 Elevations
Sheet A4.3 Existing Elevations

Synopsis – Reason for Request:

The existing front and rear wood porches are dangerously deteriorated to the extent that repairs are not feasible – a total replacement is required. The existing rear deck encroaches into the rear setback by 4'-4". The Owners would like to rebuild a new rear yard deck to replace the existing that would encroach into the rear yard setback by 6'-4" (an increase of +24" of encroachment). This will allow them to place a small table with chairs on the rear porch and enjoy the view of the thickly wooded rear yard.

Need for a Variance:

The new configuration of the replacement rear yard deck will encroach into the rear yard setback.



Analysis:

The existing residence currently has a rear yard deck that encroaches 4'-4" into the rear yard setback. The owners propose to replace the existing wood deck with a new deck that will encroach a total of 6'-4" into the rear yard setback (this represents an additional 2' of encroachment beyond the existing deck).

1. Special Conditions: The existing rear yard deck currently encroaches into the setback – the Owners propose a small increase.
2. Special Privilege: The primary structure is a virtual twin of the home on the adjacent lot. The owners wish to mimic the rear yard porch configuration on the adjacent house.
3. Literal Interpretation:
4. Minimum Variance: the variance requested is for additional space to be added to an existing wood deck sufficient to allow for a small table and chairs to be placed upon it.
5. General Harmony: the existing architecture of the neighboring residence is a virtual twin of the home on 2519 First Avenue – the owners would like to match the deck configuration so both match.
6. Public Interest: Since the proposed rear yard deck is fully within the rear yard, the granting of this modest variance will not block any views of the neighbors' into the wooded area behind. As viewed from the neighbors behind, it will be seen as a replacement of an existing wood deck with a new wood deck.



Summary:

We kindly ask that a variance be granted to allow construction of the new rear deck to encroach into the rear yard setback per the attached drawings.

Sincerely,

A handwritten signature in black ink, appearing to read "James Pozzetta", with a long, sweeping horizontal line extending to the right.

James Pozzetta, Architect
State of Florida License #AR96064
103 South 18th Street
Fernandina Beach, FL 32034
jamespozzetta@comcast.net
904-206-3447

NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS

ACCOUNT NUMBER	TAX YEAR	TYPE	ALT KEY	MILLAGE CODE	ESCROW
00-00-31-114B-0007-0060	2018	REAL ESTATE	6287	002	

SCHUSTER-EDGAR FAMILY TRUST
2519 1ST AVE
APT A
FERNANDINA BEACH, FL 32034

2519 1ST A&B

**BLOCK 7 LOT 6 EX PT OR 548/629
IN OR 2187/594
BUCKS FDNA BEACH
See Additional Legal on Tax Roll**

2018 Real Estate

AD VALOREM TAXES					
TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE VALUE	TAXES LEVIED
BOARD OF COUNTY COMMISSIONERS					
GENERAL FUND	6.8376	250,179	0	250,179	1,710.62
TRANSPORTATION	0.5902	250,179	0	250,179	147.66
AI BEACH RENOURISHMENT MSTU	0.1021	250,179	0	250,179	25.54
SCHOOL BOARD					
BASIC DISCRETIONARY	0.7480	261,630	0	261,630	195.70
CAPITAL OUTLAY	1.5000	261,630	0	261,630	392.44
SCHOOL BOARD LOCAL EFFORT	4.0690	261,630	0	261,630	1,064.57
ST JOHNS RIVER MGMT DIST	0.2562	250,179	0	250,179	64.10
FL INLAND NAVIGATION DIST	0.0320	250,179	0	250,179	8.01
MOSQUITO CONTROL DISTRICT	0.1412	250,179	0	250,179	35.33
CITY OF FERNANDINA BEACH					
FERNANDINA BEACH	5.8553	250,179	0	250,179	1,464.87
VOTER APPROVED DEBT	0.1929	250,179	0	250,179	48.26
TOTAL MILLAGE	20.3245		AD VALOREM TAXES		\$5,157.10

NON-AD VALOREM ASSESSMENTS					
LEVYING AUTHORITY	RATE				AMOUNT
NON-AD VALOREM ASSESSMENTS					\$0.00
COMBINED TAXES AND ASSESSMENTS					\$5,157.10
If Paid By Please Pay	Nov 30, 2018 4,950.82	Dec 31, 2018 5,002.39	Jan 31, 2019 5,053.96	Feb 28, 2019 5,105.53	Mar 31, 2019 5,157.10

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
00-00-31-114B-0007-0060	2018	REAL ESTATE	6287	002	

RETURN WITH
PAYMENT

SCHUSTER-EDGAR FAMILY TRUST
2519 1ST AVE
APT A
FERNANDINA BEACH, FL 32034

2519 1ST A&B

**BLOCK 7 LOT 6 EX PT OR 548/629
IN OR 2187/594
BUCKS FDNA BEACH
See Additional Legal on Tax Roll**

2018 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

PLEASE PAY IN U.S. FUNDS TO JOHN M. DREW, CFC TAX COLLECTOR -86130 LICENSE ROAD, FERNANDINA BEACH FL 32034, OR ONLINE AT WWW.FERNANDINATAX.COM					
If Paid By Please Pay	Nov 30, 2018 4,950.82	Dec 31, 2018 5,002.39	Jan 31, 2019 5,053.96	Feb 28, 2019 5,105.53	Mar 31, 2019 5,157.10

1 0006287 2018 6



Return to:

Name:

Address:

This Instrument Prepared by:

Amelin Title Agency, Inc.

2227 Sadler Road

Fernandina Beach, Florida 32034

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraiser's Parcel I.D. (Folio) Number(s):

00-00-31-114B-0007-0060

TRUSTEE'S DEED

By this Deed, Made this 2nd day of April, 2018, by Anne Zell Schooley, as Co-Trustee of the Barnes Family Revocable Trust dated August 5, 2005 Whose address is: 4802 Empire Ave, Jacksonville, FL 32207 to The Schuster-Edgar Family Trust dated March 2, 2012 whose address is 6320 West Valley View Road, Rogers, AR 72758 here in after called the grantee.

WITNESSETH: That said grantor, for and in consideration of the sum of \$10.00 Dollars, and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Nassau, county, Florida, viz:

All that certain piece, parcel or tract of land lying and being in the County of NASSAU and the State of FLORIDA, known and described as follows:

LOT SIX (6), BLOCK SEVEN (7) BUCKS FERNANDINA BEACH, SECTION TWO (2) ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 17, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

LESS AND EXCEPT THAT PART CONVEYED IN OFFICIAL RECORDS BOOK 548, PAGE 626.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining,
To Have and to Hold, the same in fee simple forever.

GRANTOR COVENANTS with Grantee that Grantor has good right and lawful authority to sell and convey the property and Grantor warrants the title to the property for any acts of Grantor and will defend the title against the lawful claims of all persons claiming by, through or under Grantor.
(The terms "Grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY

LOT SIX (6), BLOCK SEVEN (7) BUCKS FERNANDINA BEACH, SECTION TWO (2) ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 17, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.
LESS & EXCEPT THAT PART CONVEYED IN OFFICIAL RECORDS BOOK 548, PAGE 629.

CERTIFIED TO:

SHARON EDGAR

PROPERTY ADDRESS:

2519 FIRST AVENUE
FERNANDINA BEACH, FLORIDA 32034

ASKINS STREET



LOT 1
AMELIA HEIGHTS SUBDIVISION
PLAT BOOK 5, PAGE 169

LOT 7

SITE BENCHMARK

NAIL & DISK "MANZIE LB 7039"
SET IN WOOD UTILITY POLE
ELEVATION = 10.58' NAVD '88
FIELD BOOK X-304, PAGE 44

AMELIA WOODS BEACH & RACQUET CLUB

- LEGEND**
- A/C = AIR CONDITIONER
 - ℄ = CENTERLINE
 - [Pattern] = CONCRETE FLATWORK
 - [Pattern] = COVERED AREA
 - O.R.B. = OFFICIAL RECORDS BOOK
 - [Pattern] = WOOD FENCE
 - [Pattern] = WOOD FLATWORK
 - x 14.6 = ELEVATION SHOT

SURVEY NOTES:

- The "Legal Description" hereon is in accord with the description provided by the client.
- Underground improvements were not located or shown.
- Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- Bearings shown hereon are based on N12°00'00"E for the Westerly right-of-way line of First Avenue. The bearing reference line is indicated as thus (BR).
- "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 hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C 0239G, Dated 08/02/2018. 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.
- Site Benchmark is as shown hereon.
- Elevations shown hereon refer to North American Vertical Datum of 1988. (N.A.V.D. '88)
- The Reference Benchmark is Nail & Disk "LB 6756" found in Wood Utility Pole located at Southwest Quadrant of Mizell Street & First Avenue. (Elevation = 8.63' NAVD '88).
- 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.

COPYRIGHT © 2018 BY MANZIE AND DRAKE LAND SURVEYING

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.

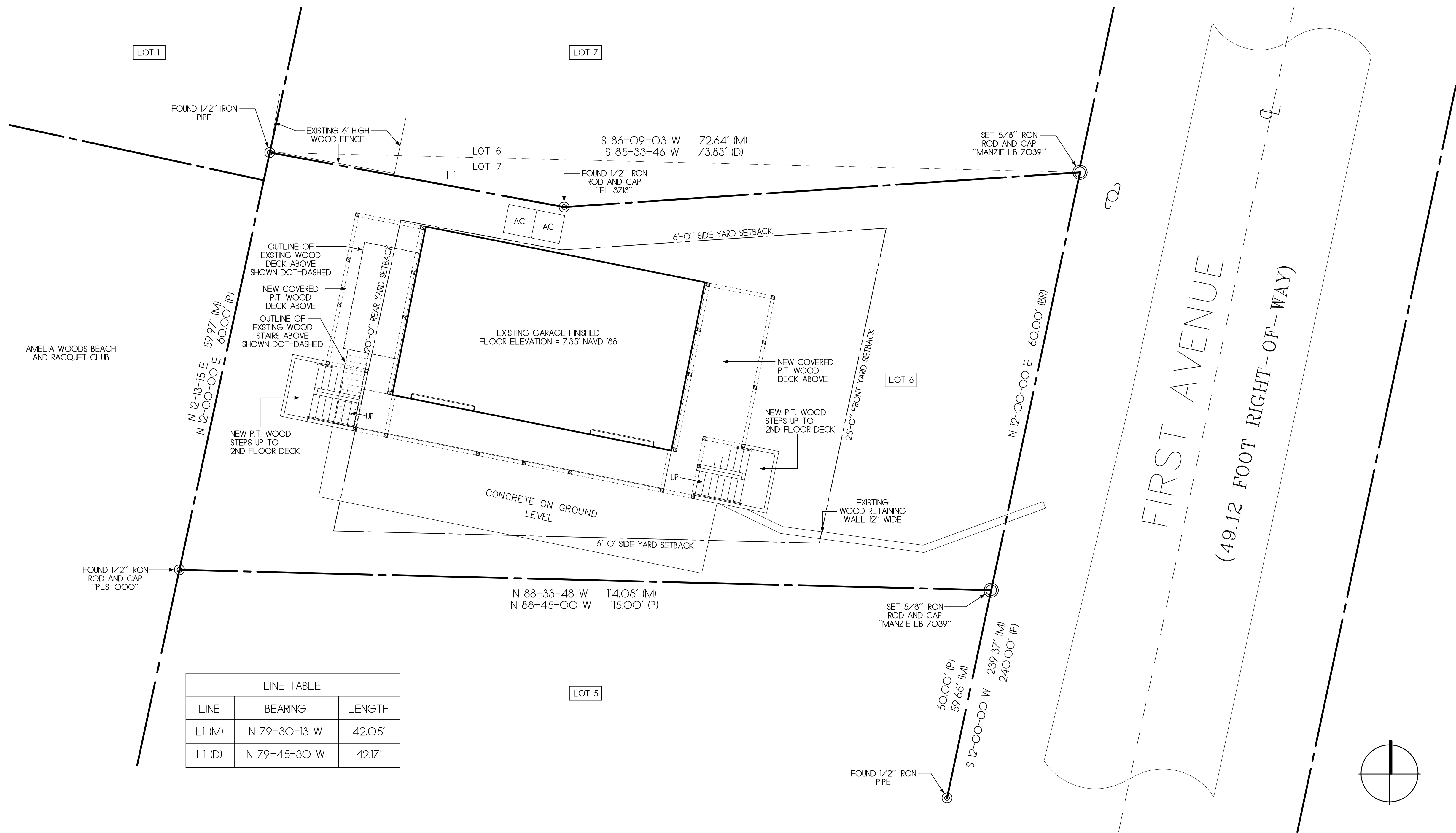
MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 www.ManzieAndDrake.com
Certificate of Authorization Number "LB 7039"

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

SCALE: 1"=20' JOB NO: 20462 DATE: 11/06/2018 CADD: BH
F.B. NO: X-304 PAGE NO: 44 FIELD CREW: CB FILE NO: A-4722

LINE TABLE		
LINE	BEARING	LENGTH
L1(M)	N79°30'13"W	42.05'
L1(D)	N79°45'30"W	42.17'



ADDITION/RENOVATION TO THE:

EDGAR/SCHUSTER RESIDENCE

2519 FIRST AVENUE
AMELIA ISLAND, FLORIDA 32034

PROJECT: EDGAR/SCHUSTER

DRAWN BY: JMF

CHKD BY: JMF

ISSUED: 01/14/2019

JAMES POZZETTA, ARCHITECT

FLORIDA REGISTERED ARCHITECT

103 SOUTH 18TH STREET
FERNANDINA BEACH, FLORIDA 32034

904-206-3447
jamespozzetta@comcast.net

FLORIDA REGISTERED ARCHITECT, LIC#R96064

SITE PLAN

REVISIONS

DATE

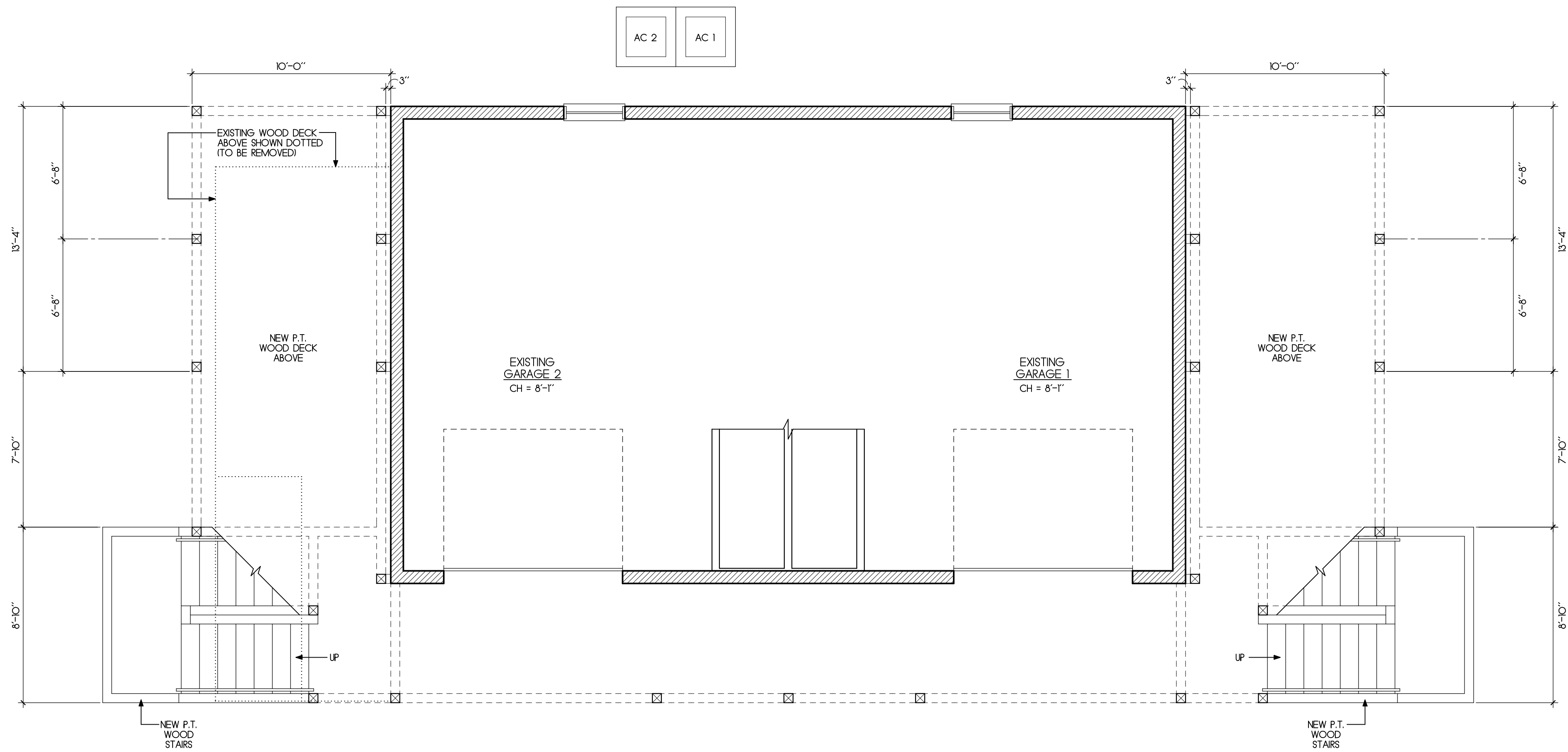
THE DRAWING AND THE DESIGN LEAS AND CONCEPTS IT REPRESENTS
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OTHER PROJECT AND IT IS TO BE RETURNED ON REQUEST.

SCOPE OF PROJECT

REMOVE EXISTING FRONT AND REAR WOOD DECKS AND STAIRS

REPLACE WITH NEW FRONT AND REAR P.T. WOOD DECKS AND STAIRS IN NEW CONFIGURATION

PROVIDE NEW ROOF OVER PORTION OF FRONT AND REAR DECKS (SEE ELEVATIONS)



FIRST FLOOR PLAN

1/4"=1'-0"

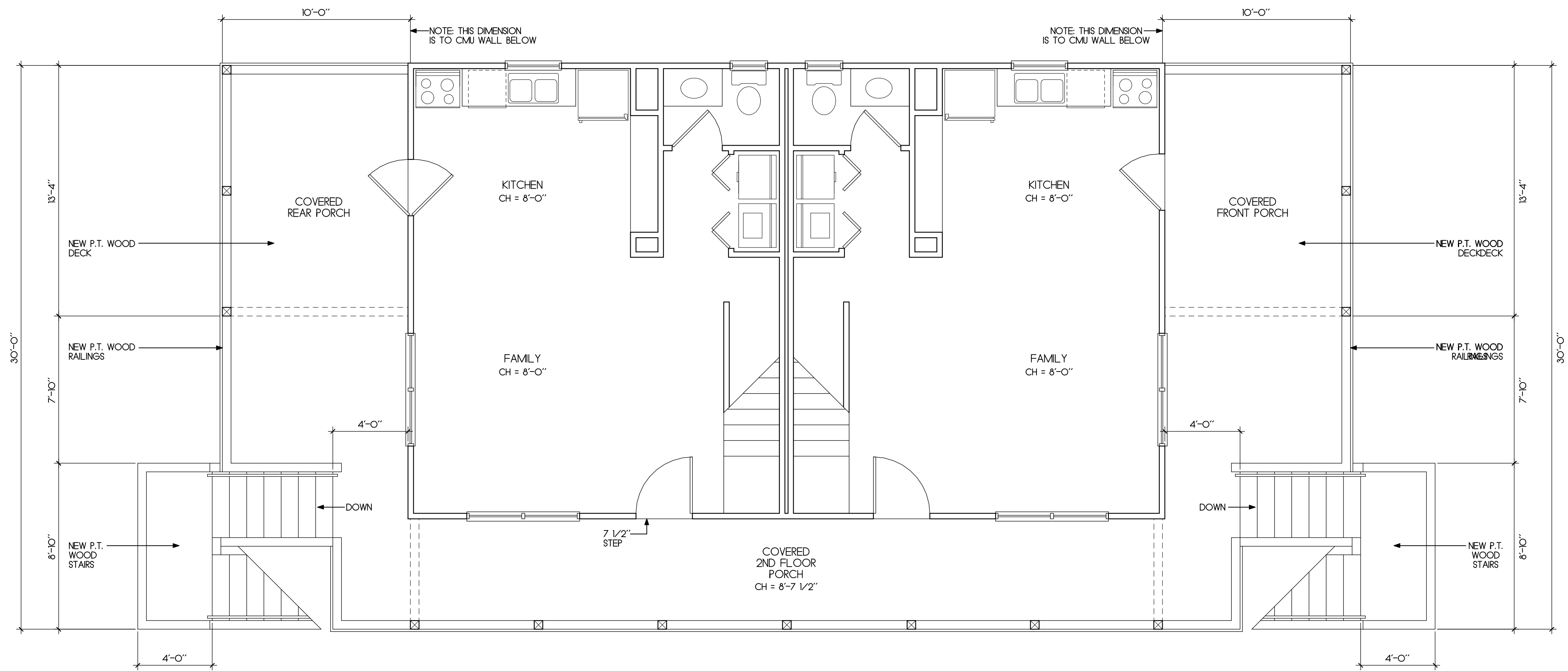
PROJECT: EDGAR/SCHUSTER	FIRST FLOOR PLAN	
	REVISIONS	DATE
	#	
JAMES POZZETTA, ARCHITECT FLORIDA REGISTERED ARCHITECT 103 SOUTH 18TH STREET FERNANDINA BEACH, FLORIDA 32034 904-206-3447 jamespozzetta@comcast.net		
THE DRAWING AND THE DESIGN IDEAS AND CONCEPTS IT REPRESENTS IS THE PROPERTY OF JAMES POZZETTA AND IS NOT TO BE REPRODUCED OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT. ON OTHER PROJECT AND IT IS TO BE RETURNED ON REQUEST.		
ADDITION/RENOVATION TO THE: EDGAR/SCHUSTER RESIDENCE 2519 FIRST AVENUE AMELIA ISLAND, FLORIDA 32034		
A3.1		

SCOPE OF PROJECT

REMOVE EXISTING FRONT AND REAR WOOD DECKS AND STAIRS

REPLACE WITH NEW FRONT AND REAR P.T. WOOD DECKS AND STAIRS IN NEW CONFIGURATION

PROVIDE NEW ROOF OVER PORTION OF FRONT AND REAR DECKS (SEE ELEVATIONS)



SECOND FLOOR PLAN

1/4"=1'-0"

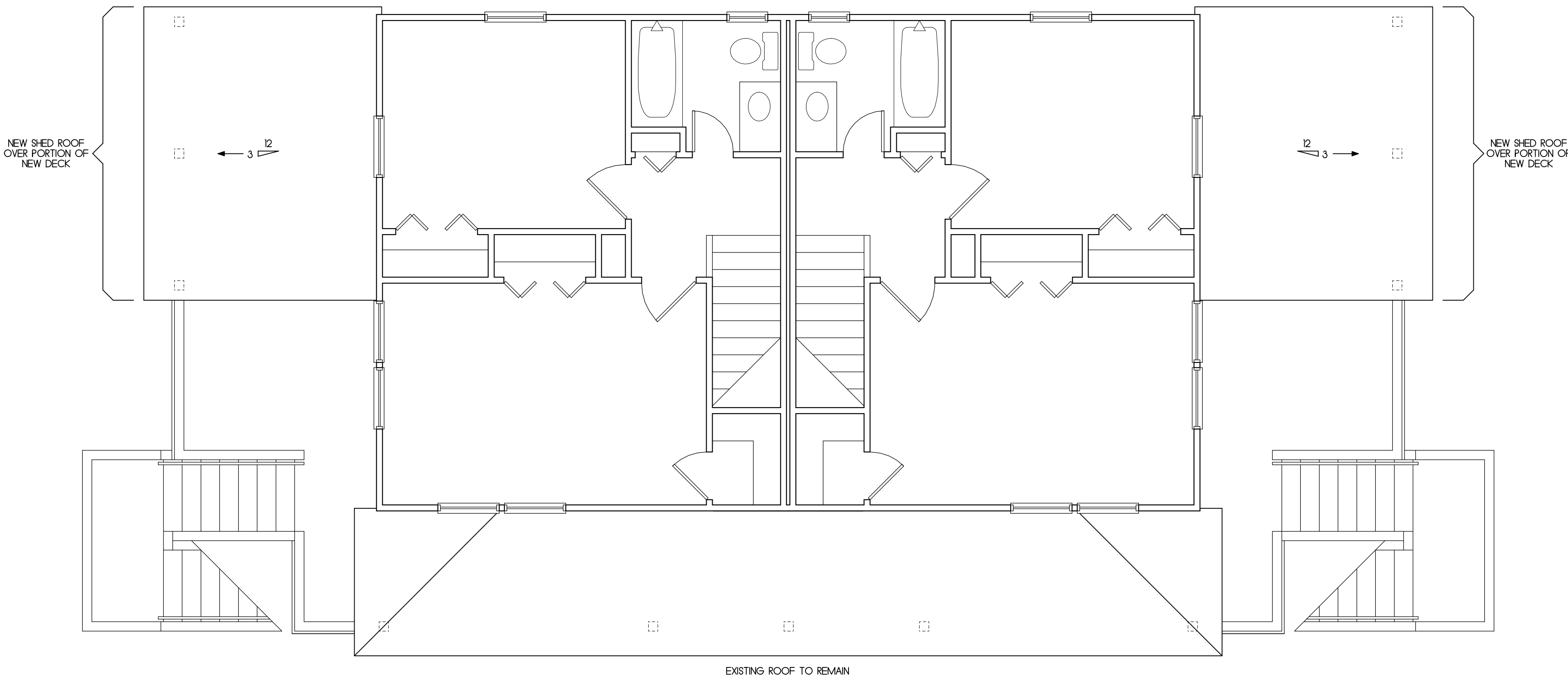
JAMES POZZETTA, ARCHITECT FLORIDA REGISTERED ARCHITECT 103 SOUTH 18TH STREET FERNANDINA BEACH, FLORIDA 32034 904-206-3447 jamespozzeita@comcast.net FLORIDA REGISTERED ARCHITECT, LIC#AR96064		SECOND FLOOR PLAN	
#	REVISIONS	DATE	
PROJECT: EDGAR/SCHUSTER		DRAWN BY: JWP	
		CHKD BY: JWP	
		ISSUED: 01/14/2019	
ADDITION/RENOVATION TO THE: EDGAR/SCHUSTER RESIDENCE 2519 FIRST AVENUE AMELIA ISLAND, FLORIDA 32034			
A3.2			

SCOPE OF PROJECT

REMOVE EXISTING FRONT AND REAR WOOD DECKS AND STAIRS

REPLACE WITH NEW FRONT AND REAR P.T. WOOD DECKS AND STAIRS IN NEW CONFIGURATION

PROVIDE NEW ROOF OVER PORTION OF FRONT AND REAR DECKS (SEE ELEVATIONS)



THIRD FLOOR PLAN

1/4"=1'-0"

PROJECT: EDGAR/SCHUSTER		JAMES POZZETTA, ARCHITECT		THRD FLOOR PLAN	
DRAWN BY: JMP		FLORIDA REGISTERED ARCHITECT		REVISIONS	
CHKD BY: JMP		103 SOUTH 18TH STREET		DATE	
ISSUED: 01/14/2019		FERNANDINA BEACH, FLORIDA 32034			
		904-206-3447			
		jamespozzetta@comcast.net			
		FLORIDA REGISTERED ARCHITECT: LIC#AR6064			
		THE DRAWINGS AND THE DESIGN IDEA AND CONCEPTS IT REPRESENTS ARE THE PROPERTY OF JAMES POZZETTA AND SHALL NOT BE REPRODUCED OR USED IN ANY MANNER WITHOUT HIS WRITTEN PERMISSION. ANY OTHER PROJECT AND IT TO BE RETURNED TO REQUESTOR.			

ADDITION/RENOVATION TO THE:
EDGAR/SCHUSTER RESIDENCE
2519 FIRST AVENUE
AMELIA ISLAND, FLORIDA 32034

A3.3



REAR ELEVATION

1/4"=1'-0"



OPTIONAL -- REAR PORCH WITH NO ROOF

1/4"=1'-0"



LEFT SIDE ELEVATION

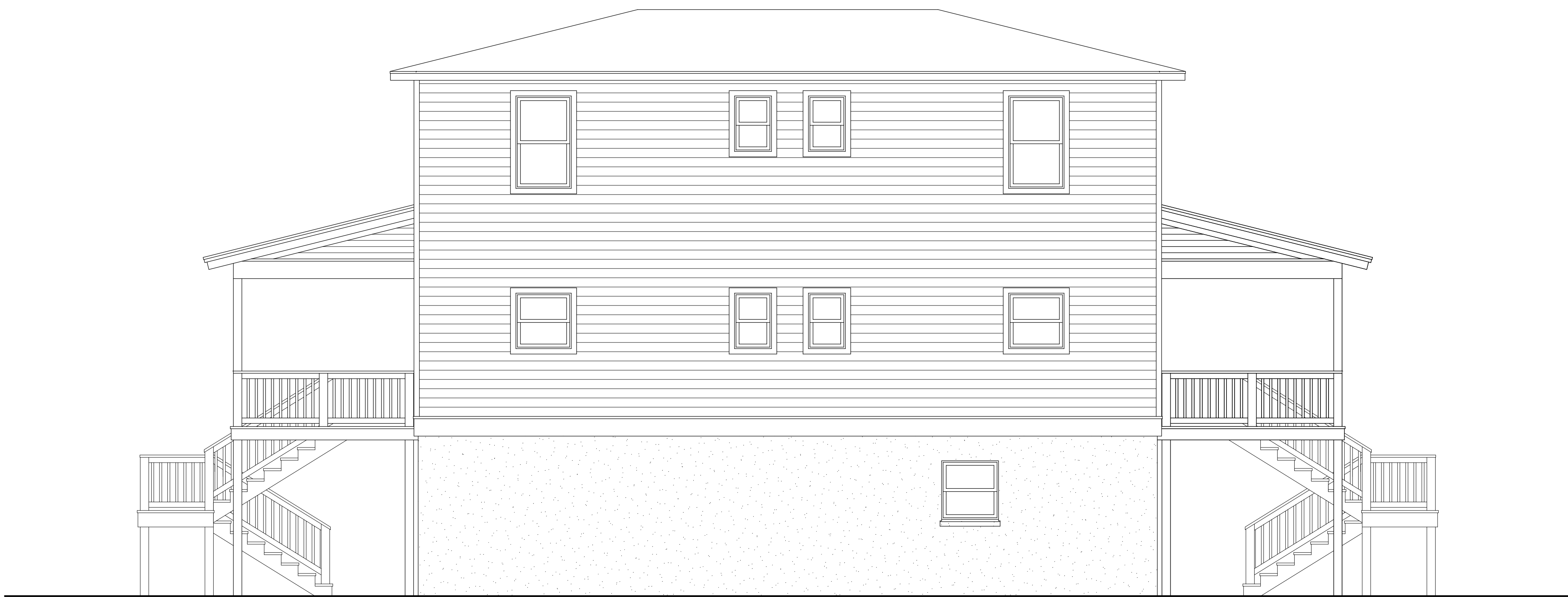
1/4"=1'-0"

JAMES POZZETTA, ARCHITECT
FLORIDA REGISTERED ARCHITECT
103 SOUTH 18TH STREET
FERNANDINA BEACH, FLORIDA 32034
904-206-3447
jamespozzetta@comcast.net
FLORIDA REGISTERED ARCHITECT, LIC#AR96064

PROJECT: EDGAR/SCHUSTER
DRAWN BY: JMP
CHKD BY: JMP
ISSUED: 01/14/2019

ADDITION/RENOVATION TO THE:
EDGAR/SCHUSTER RESIDENCE
2519 FIRST AVENUE
AMELIA ISLAND, FLORIDA 32034

A4.1



RIGHT SIDE ELEVATION

1/4"=1'-0"



FRONT ELEVATION

1/4"=1'-0"

ADDITION/RENOVATION TO THE:
EDGAR/SCHUSTER RESIDENCE
2519 FIRST AVENUE
AMELIA ISLAND, FLORIDA 32034

PROJECT: EDGAR/SCHUSTER
DRAWN BY: JMP
CHKD BY: JMP
ISSUED: 01/14/2019

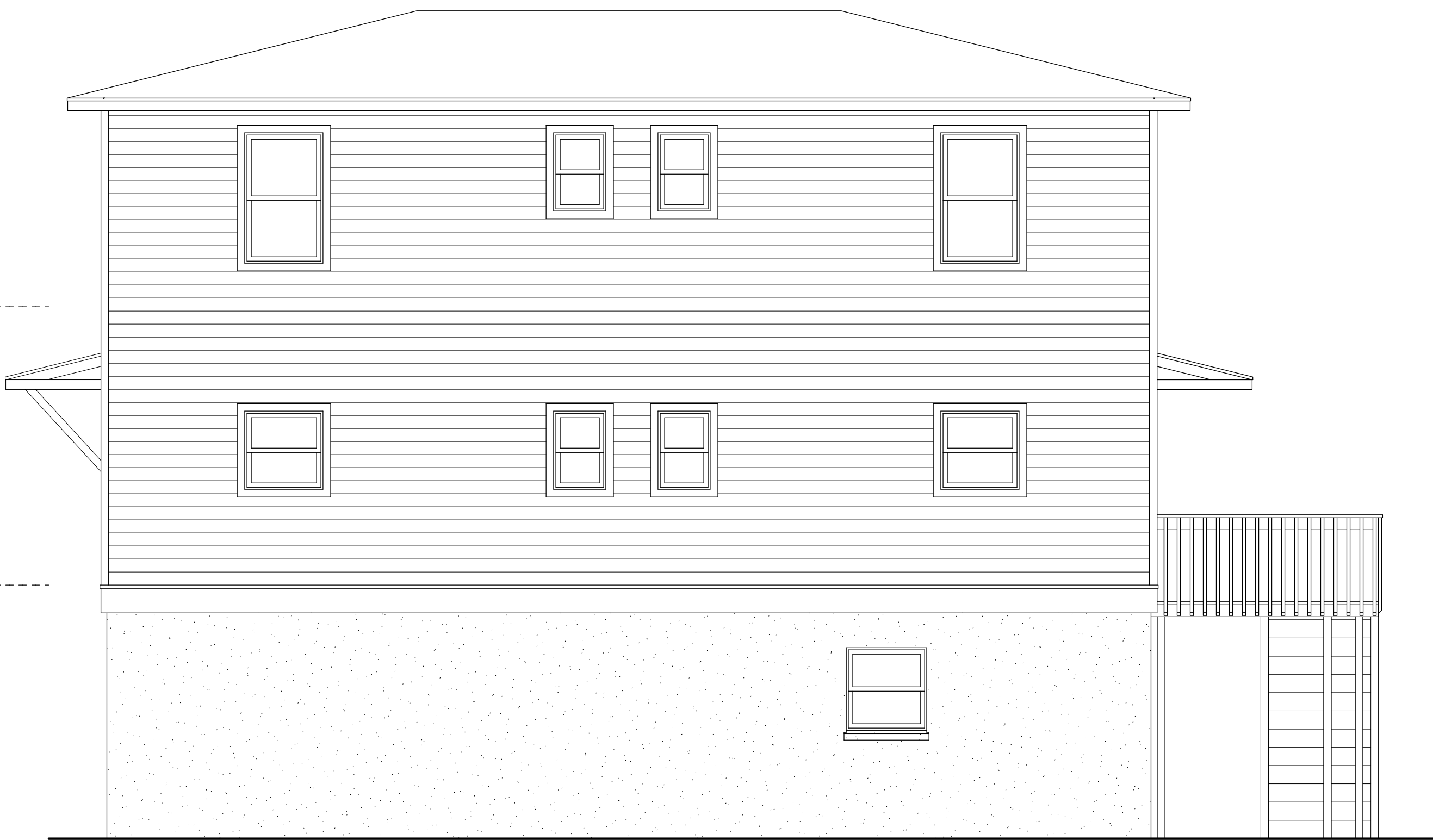
JAMES POZZETTA, ARCHITECT
FLORIDA REGISTERED ARCHITECT
103 SOUTH 18TH STREET
FERNANDINA BEACH, FLORIDA 32034
904-206-3447
jamespozzetta@comcast.net
FLORIDA REGISTERED ARCHITECT: LIC#AR96064

EXTERIOR ELEVATIONS			DATE
#	REVISIONS		
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EXISTING REAR ELEVATION

1/4"=1'-0"



EXISTING RIGHT SIDE ELEVATION

1/4"=1'-0"

NOTE: THESE DRAWINGS DEMONSTRATE THE EXISTING CONDITIONS



EXISTING LEFT SIDE ELEVATION

1/4"=1'-0"



EXISTING FRONT ELEVATION

1/4"=1'-0"

ADDITION/RENOVATION TO THE:
EDGAR/SCHUSTER RESIDENCE
2519 FIRST AVENUE
AMELIA ISLAND, FLORIDA 32034

JAMES POZZETTA, ARCHITECT
FLORIDA REGISTERED ARCHITECT
103 SOUTH 18TH STREET
FERNANDINA BEACH, FLORIDA 32034
904-206-3447
jamespozzetta@comcast.net
FLORIDA REGISTERED ARCHITECT, LIC#AR96064

PROJECT: EDGAR/SCHUSTER
DRAWN BY: JMP
CHKD BY: JMP
ISSUED: 01/14/2019

EXISTING EXTERIOR ELEVATIONS		
#	REVISIONS	DATE
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BOA 2019-04
605 Broome Street
January 6th, 2019

BOARD OF ADJUSTMENT STAFF REPORT

Case Number	2019-04
Meeting Date	February 20, 2019
Owner/Applicant	Phillip & Bonnie Gordon / Rogers Towers P.A. C/O Jon Lasserre, Esq.
Property Location:	605 Broome Street
Parcel Number:	00-00-31-1800-0034-0011
Requested action:	VARIANCE from LDC Section 4.02.03(E) Standards for Building Heights and Setbacks – front yard setback
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 seeking a variance to reduce the twenty-five-foot front yard setback to thirteen feet six inches, for the construction of a new single-family home. The existing structure, constructed in 1910 according to the Property Appraiser's website, sits thirteen feet six inches from the front property line.

The nonconforming front yard setback will not be preserved if the structure is voluntarily removed. New construction will have to comply with R-2 minimum setbacks as established by 4.02.03(E). Staff initially explored the possibility of using the *Context Sensitive Setback Determination* which allows a property owner to average nonconforming setbacks on a blockface. Given however, that only two structures exist on the block face, with 605 proposed for demolition, that administrative option in the code is not available.

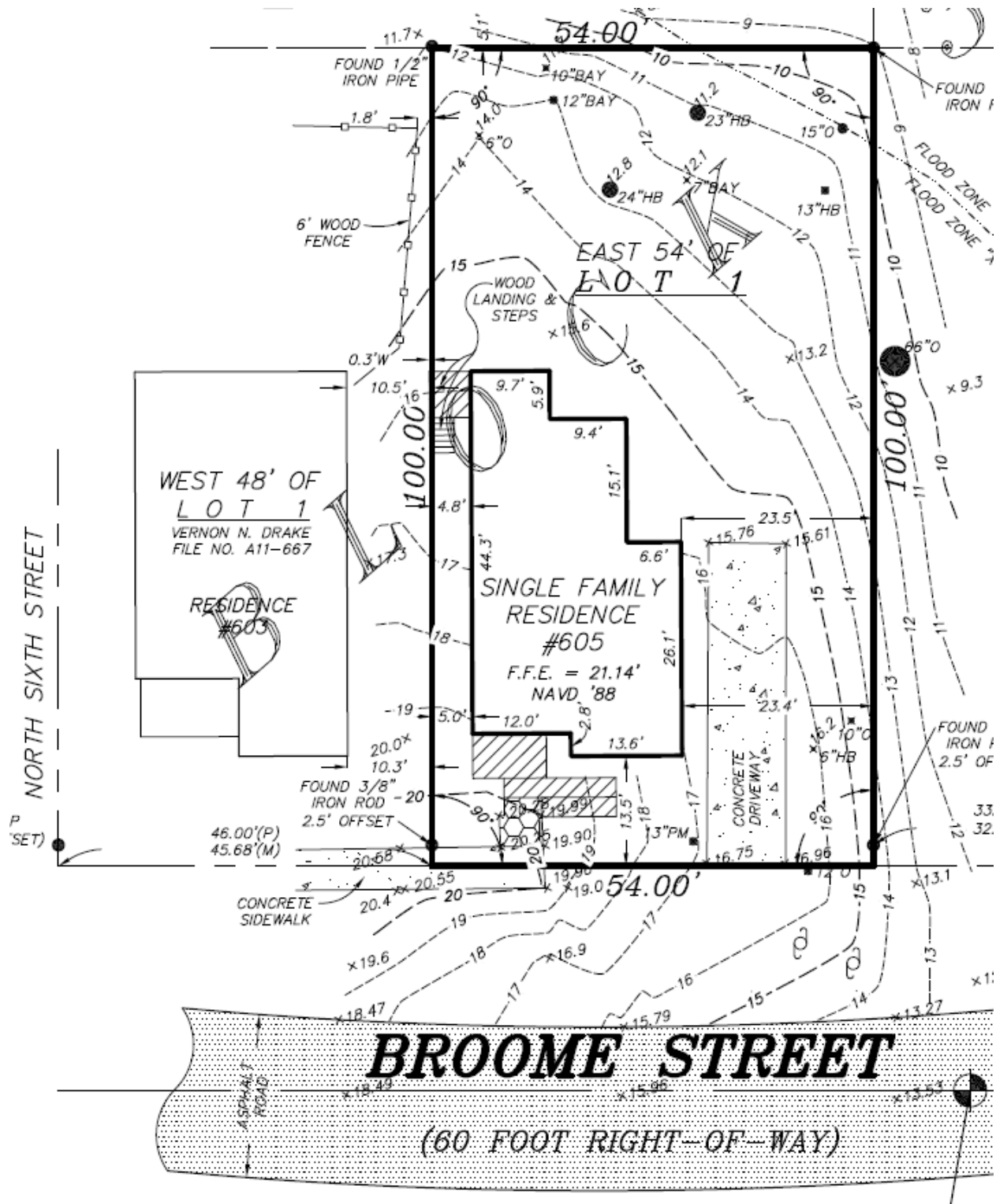
The natural topography of the site falls from the twenty feet NAVD in the southwest corner, to nine feet NAVD in the northeast corner. The lower portion of the site is designated on the FEMA FIRM to be in the 1% and .02% (100-year SFHA & 500-year) flood zone.

Reducing the front yard setback for new construction on this site will allow it to complement the historic built pattern within our Downtown Historic District. Those structures, as evident by 605 Broome Street and the neighboring structure to the west, were traditionally constructed much closer to the street. Additionally, building the new structure closer to Broome Street will help alleviate impacts to the heritage tree just to the east of the subject property.



BOA 2019-04
605 Broome Street
January 6th, 2019

605 Broome Street survey, including the location of 603 Broome to the west





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 5.11.10. The City shall continue to implement the heritage tree program through the Land Development Code and encourage private property owners to apply for heritage tree designation.
- Policy 11.06.01. The City shall ensure that new and infill development adjacent to the Downtown and Old Town historic districts respects and complements the patterns, character, and scale of those historic districts.
- Policy 11.06.02. The City shall evaluate the neighborhoods contiguous to the historic districts and evaluate strategies for revitalization of existing structures in these neighborhoods in a manner that is consistent with their original development and also compatible with the adjacent historic districts.
- Policy 11.08.01. The City shall encourage protection, preservation, and revitalization of historic non-designated structures and neighborhoods.

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.



BOA 2019-04
605 Broome Street
January 6th, 2019

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. 605 Broome Street appears to be constructed during the period of significance for the City's Downtown Historic District. Although, this property falls just out side of the HD boundaries, Comprehensive Plan Policy 11.06.01 states that the City shall ensure that new and infill development adjacent to the Downtown and Old Town historic districts respects and complements the patterns, character, and scale of those historic districts.
☒ 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. Yes. Granting the variance <u>does not 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. Given the proximity to the Downtown Historic District, special consideration should be given because of the context of the surrounding sites. Reducing the front yard setback is more in keeping with the historic built pattern of our downtown and surrounding neighborhoods.
☒ 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> Yes. Literal interpretation of the Land Development Code <u>would</u> deprive the applicant of rights enjoyed by other properties. Within the downtown area, often the Context Sensitive Review process can be utilized for reducing the front yard setback administratively. Given that only two homes exist on this block face that is not an option.
☐ 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 reasonable use of the land, structure, or building. The request variance will allow for the new structure for contextually fit within the downtown area. Furthermore, it will allow construction on this site to take place with respectful proximity to the protected heritage tree on the adjoining 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.
☒ 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, it will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.



BOA 2019-04
605 Broome Street
January 6th, 2019

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 all six criteria for granting a variance, therefore staff recommends **APPROVAL**.

VI. MOTION TO CONSIDER:

I move to **approve or deny** BOA case number 2019-04; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2019-04, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2019-04 **meets or does not meet** the following criteria for granting a variance: special conditions, special privilege, literal interpretations, minimum variance, general harmony, and public interest **and the reasons for my findings are:**

	Meets	Does Not Meet	Reason for Finding
Special Conditions	_____	_____	_____
Special Privilege	_____	_____	_____
Literal Interpretations	_____	_____	_____
Minimum Variance	_____	_____	_____
General Harmony	_____	_____	_____
Public Interest	_____	_____	_____

Jacob M. Platt
City Planner



Jon C. Lasserre

JLasserre@rtlaw.com

960185 Gateway Boulevard • Suite 203
Amelia Island, Florida 32034

904 . 261 . 5618 Main
904 . 396 . 0663 Fax
www.rtlaw.com

January 16, 2019

Jacob Platt
Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(Via Electronic Mail to jplatt@fbfl.org and hand delivery)

**RE: VARIANCE APPLICATION – PHILLIP J. & BONNIE E. GORDON
605 BROOME STREET, FERNANDINA BEACH, FLORIDA**

Dear Mr. Platt:

Our firm represents Mr. and Mrs. Phillip J. Gordon in the above referenced variance application. Please find enclosed a completed application along with back up materials for the requested variance and a check in the amount of \$850.00 for the application fee.

The subject property presents a unique situation in that the northern block face along Broome Street, consisting of 200 feet, has two single family residences, both of which date back to the early 1900s, that occupy 100 feet of the block, or 50%. Both properties have front yard setbacks of approx. 13.5 feet (13'6") or less, which was in keeping at the time the homes were constructed. The remainder of the block is vacant land. If an application to develop the vacant land were submitted for consideration, then a Context Sensitive Setback Determination pursuant to Section 4.02.03(F) of the Land Development Code could be applied for to alter the front yard setbacks in order to place the new buildings in conformity with the remainder of the block and such alteration would be likely granted as a denial would not be in keeping with the neighborhood.

If the adjoining vacant land were developed in the 1900s in the manner that the subject and adjoining westerly property were developed and the subject property were vacant, then a Context Sensitive Setback Determination for the subject property would likely result in the granting of the 13.5 foot front yard setback

In this case, the property owner wishes to demolish and replace the existing, non-contributing structure and replace it with a new home in a manner that is sensitive to the context of the neighborhood. However, by demolishing the existing structure, the context of the block face is diminished to the point that more than 50% of the block is vacant land with no context to base the determination for the front yard setback. This is a textbook "Catch-22" situation and puts the property owner at an unfair and disadvantaged position.

Another unique scenario for the subject property is the location of a healthy, 60" dbh live oak tree on or very near the eastern adjoining property toward the middle section of the subject property. This tree is located in an area that slopes toward the east. An expert arborist has given an opinion as to maintaining the health of this tree while allowing for the reasonable development of the subject property which includes remaining approx. 15 feet from the trunk of the tree (see enclosed letter). As you can see from the enclosed site plan, the foundation of the primary structure is outside of this 15 foot radius with only a small portion of a deck within that area. Reducing the front yard setback as requested keeps the foundation of the primary structure further from this tree, minimizing disruption in the area of the tree, and hopefully allowing it to continue to thrive as it has done for many years.

In addition to the above, the topography of the subject lot creates a challenge in its development. The property owners' proposed development is reasonable and is done in consideration of the existing conditions and does not seek to maximize the development potential of the property by building retaining walls and bringing in fill. Granting the variance will allow the property owners to roughly utilize the footprint of the existing structure (the existing structure is one-story, approx. 887 SF and the first floor of the proposed structure is approx. 1,036 SF).

Thank you for your consideration. If you have any questions, please contact me any time. I look forward to reviewing your staff report for this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jon C. Lasserre", with a stylized, flowing script.

Jon C. Lasserre, Esq.

OFFICE USE ONLY

REC'D: _____ BY: _____

PAYMENT: \$ _____ TYPE: _____

APPLICATION #: _____

CASE #: _____

BOARD MEETING DATE: _____

**APPLICATION FOR VARIANCE FROM THE LDC****APPLICANT INFORMATION****Owner Name:** Phillip J. and Bonnie E. GordonMailing Address: 1224 Helford Lane, Carmel, Indiana 46032Telephone: (317) 660-2564 Fax: (317) 660-2564Email: phil.gordon@stslc.tech**Agent Name:** Rogers Towers, P.A. C/O Jon C. Lasserre, Esq.Mailing Address: 960185 Gateway Blvd., Suite 203, Fernandina Beach, Florida 32034Telephone: (904) 261-5618 Fax: (904) 396-0663Email: jlasserre@rtlaw.com**PROPERTY INFORMATION**Street Address: 605 Broome Street, Fernandina Beach, Florida 32034Parcel Identification Number(s): 00-00-31-1800-0034-0011Lot Number: East 54 Ft. of Lot 1 Block Number: Block 34**PROJECT INFORMATION**Variance(s) requested from LDC Section(s): Reduction of front yard setback from 25' to 13'6"

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

Remove existing, non-contributing structure that is 13'6" set back from its front
property line and replace it with new construction that is also 13'6" from its front
property line.

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 block face on Broome Street is 200 feet. The subject lot is 54 feet which comprises 27% of the block face. The lot to the west is 46 feet and together they equal 50% of the block face. The remainder of the block is undeveloped. If the remainder of the block were developed as the subject and the neighboring lot were built then an appropriate context sensitive review would result in approval granted.

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.

No special privilege would be granted to this particular lot for the Historic District or for other lands in the same zoning district, given the circumstances, including the location on the block, the block face, other structures in the block, and the undeveloped land to the east. This lot has special circumstances based upon its location, size, and the location of a particular tree.

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.

Literal LDC interpretation would deprive the applicant's rights because if any portion of the adjoining land were developed in line with the front yard setbacks of the two existing structures on this block face, then a context sensitive review would allow the proposed development without a variance.

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 needed as it is in line with the existing use and minimizes the impact on a live oak tree that is well worthy of retention.

The reduction in the front set back will minimize impacts on the tree by allowing garage access from the southwest corner of the property, minimize impacts to the live oak from the foundation or necessitate a retaining wall with back fill over the roots.

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

Granting the variance is in harmony with the general intent of the Historic District's reduced front yard setbacks, off street parking, and preservation of existing trees.

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 requested variance is compatible with the adjoining properties, is in keeping with the area, and will contribute to the maintenance of a healthy and significant tree.

☐ 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.

01/16/2019
Date

[Signature]
Signature of Applicant Acct

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

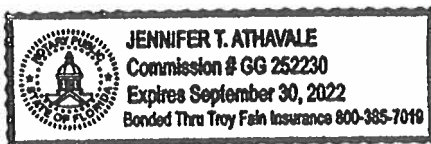
Subscribed and sworn to before me this 16th day of January, 2019.

Jennifer T. Athavale
Notary Public: Signature

Jennifer T. Athavale
Printed Name

9-30-2022
My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____



USE THIS FORM TO: Authorize an agent to make application and represent the owner of record.



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Phillip J. and Bonnie E. Gordon

(print name of property owner(s))

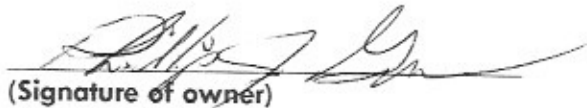
hereby authorize: Rogers Towers, P.A., C/O Jon C. Lasserre, Esq.

(print name of agent)

to represent me/us in processing an application for: Variance from front yard setback

(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.


(Signature of owner)

Phillip J. Gordon

(Print name of owner)


(Signature of owner)

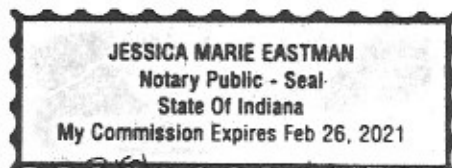
Bonnie E. Gordon

(Print name of owner)

STATE OF INDIANA

HAMILTON COUNTY

ss }



Subscribed and sworn to before me this 3 day of January, 2019.


Notary Public: Signature

Jessica Marie Eastman
Printed Name

Feb. 21, 2021
My Commission Expires

Personally Known _____ OR Produced Identification ☒ ID Produced: Driver License

Prepared by:
Andrea F. Lennon, P.A.
3391 South Fletcher Avenue
Fernandina Beach, Florida 32034

File Number: 18-897

General Warranty Deed

Made this November 28, 2018 A.D. By **Stephanie E. Adams, a married woman**, whose post office address is: **777 S Fletcher Ave, Fernandina Beach, Florida 32034**, hereinafter called the grantor, to **Phillip J. Gordon, and Bonnie E. Gordon, Husband and Wife**, whose post office address is: **1224 Helford Lane, Carmel, Indiana 46032**, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Nassau County, Florida, viz:

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATED, LYING AND BEING IN THE CITY OF FERNANDINA BEACH, (FORMERLY CITY OF FERNANDINA) COUNTY OF NASSAU AND STATE OF FLORIDA AND UPON THE OFFICIAL MAPS OR PLATS OF THE SAID CITY, AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857, AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA RAILROAD COMPANY IN 1887 AND 1901, AS THE EAST FIFTY-FOUR FEET (E. 54 FEET) OF LOT NUMBERED ONE (1) OF BLOCK NUMBER THIRTY-FOUR (34).

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel ID Number: 00-00-31-1800-0034-0011

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

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

And the grantor hereby covenants with said 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; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2018.

Prepared by:
Andrea F. Lennon, P.A.
3391 South Fletcher Avenue
Fernandina Beach, Florida 32034

File Number: 18-897

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

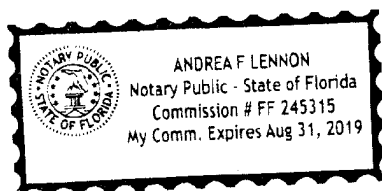
Signed, sealed and delivered in our presence:

[Signature] *[Signature]* (Seal)
Witness Printed Name: Andrea F. Lennon Stephanie E. Adams

[Signature]
Witness Printed Name: Frankie M. Wright

State of Florida
County of Nassau

The foregoing instrument was acknowledged before me this 28th day of November, 2018, by Stephanie E. Adams, a married woman, who is/are personally known to me or who has produced a driver's license as identification.

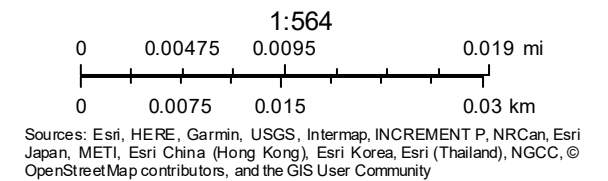


[Signature]
Notary Public Print Name: Andrea F. Lennon
My Commission Expires:

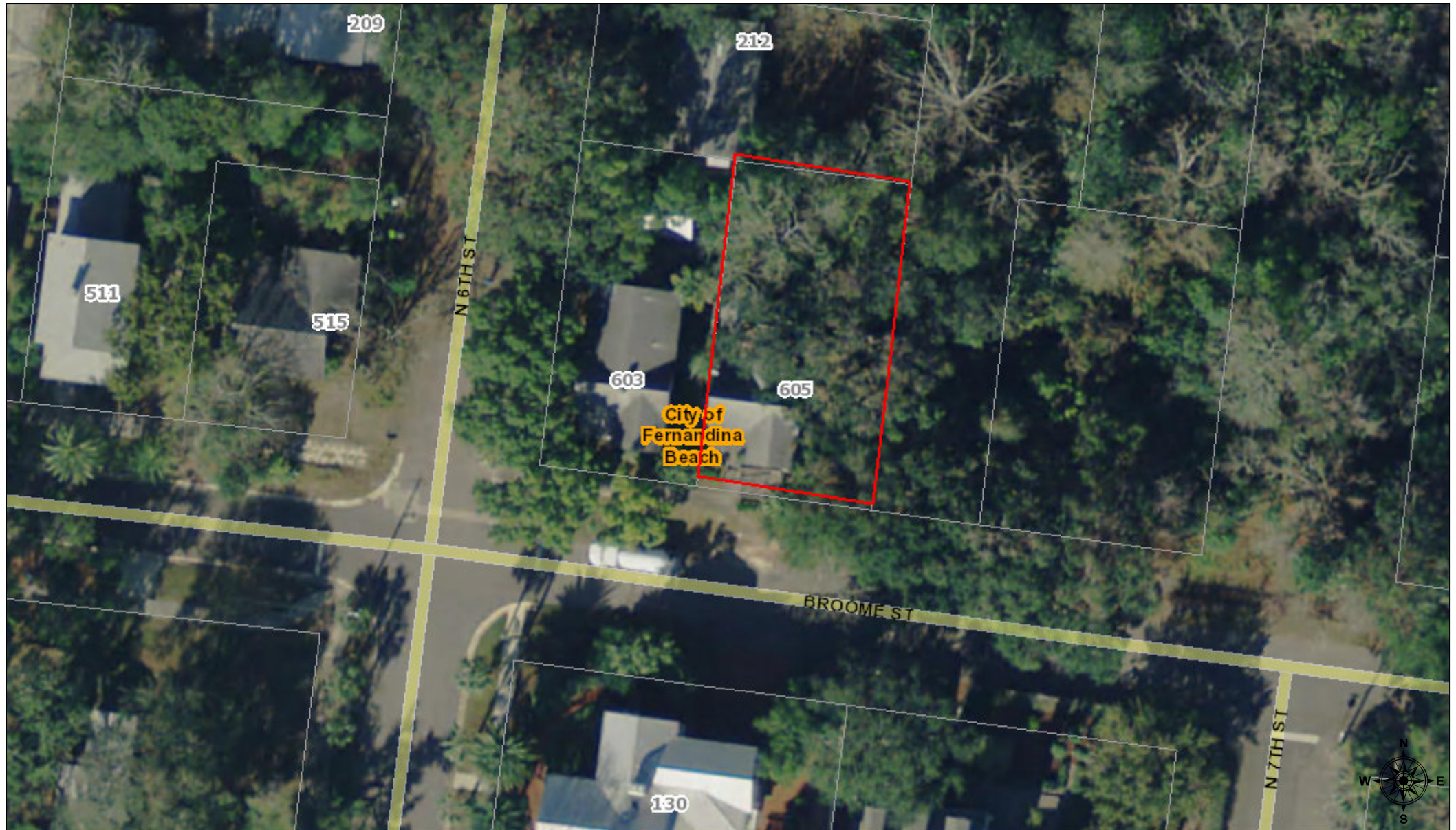
Subject Property



January 16, 2019

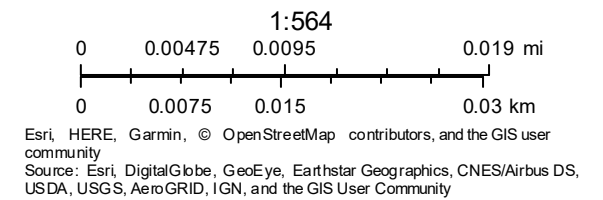


Aerial



January 16, 2019

☐ Land Parcels

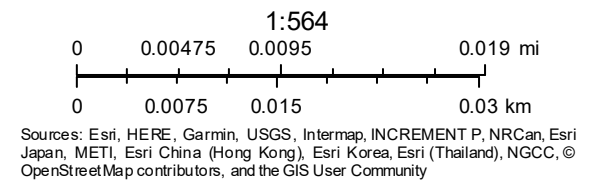


FLUM Designation



January 16, 2019

☐ Land Parcels

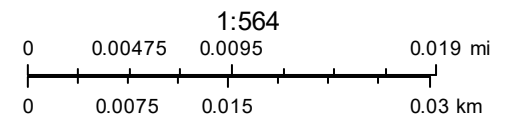


Zoning Map



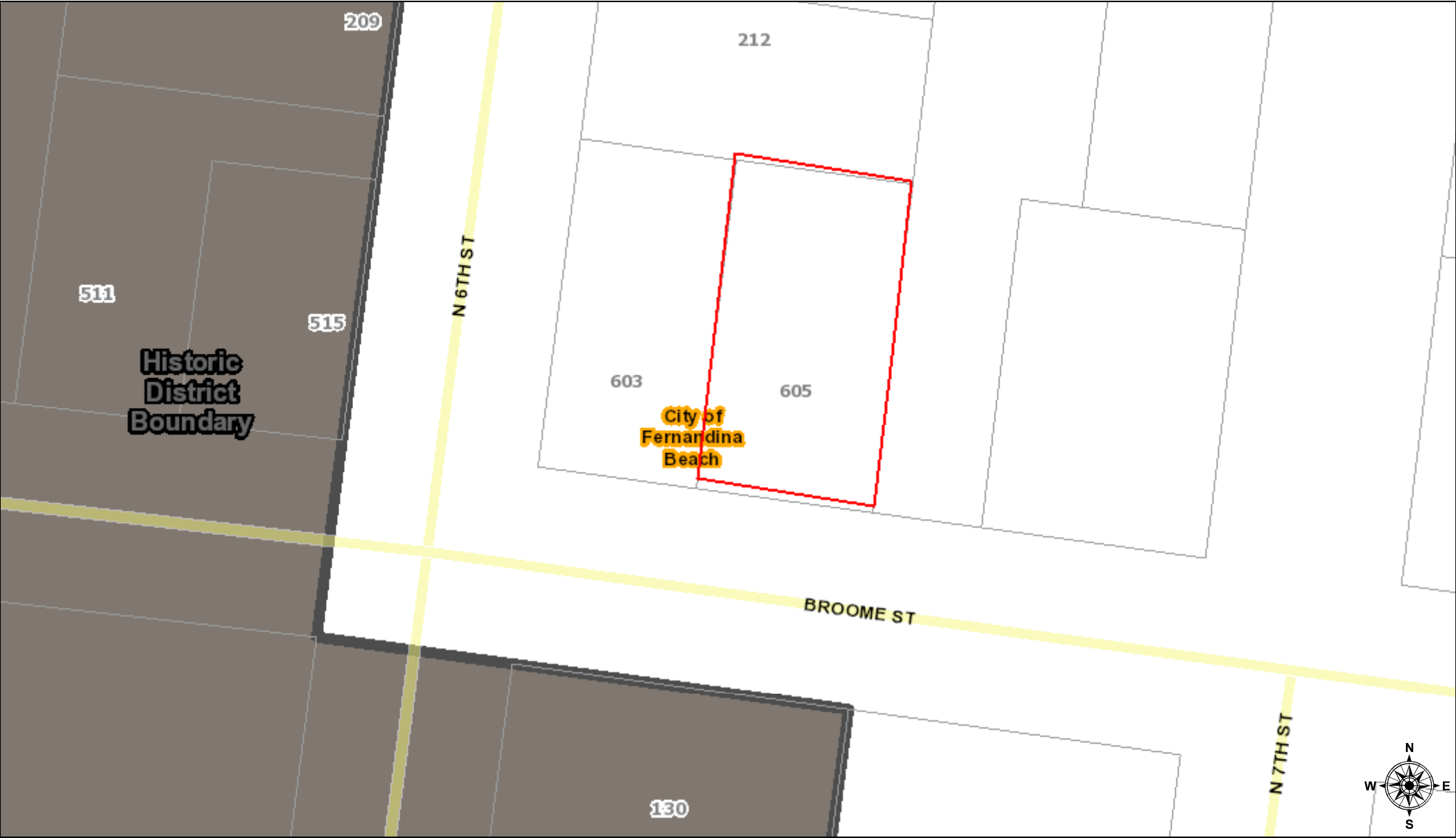
January 16, 2019

 Land Parcels



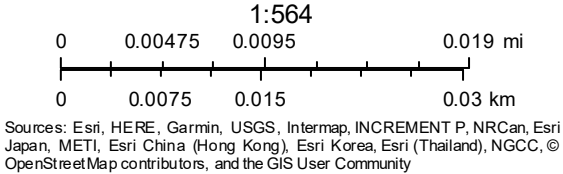
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Historic District Boundary

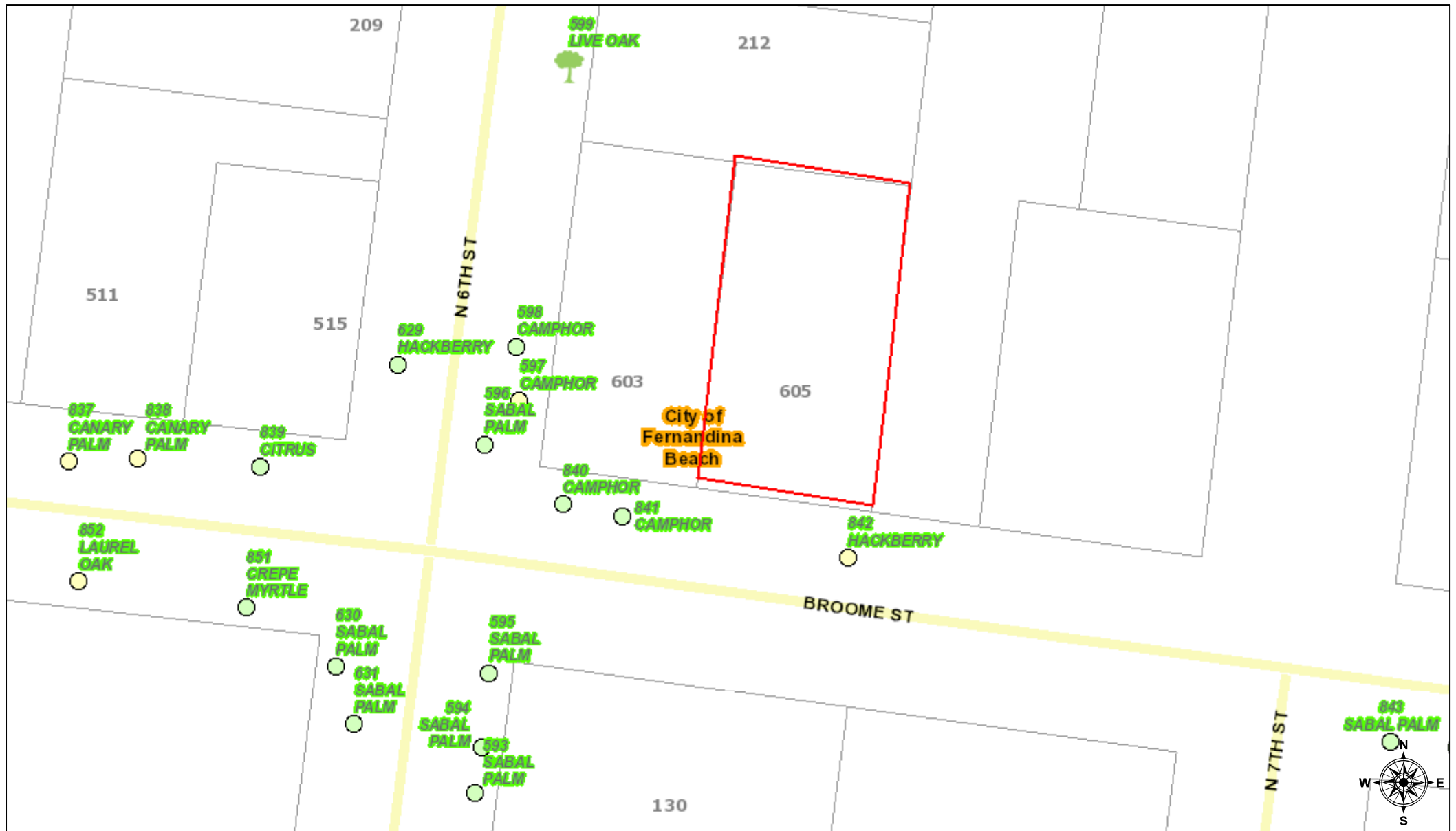


January 16, 2019

-  Land Parcels
-  City of F.B. Historic District

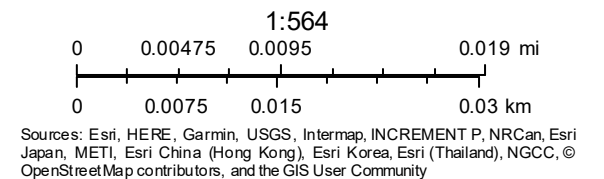


FB Tree Inventory Map

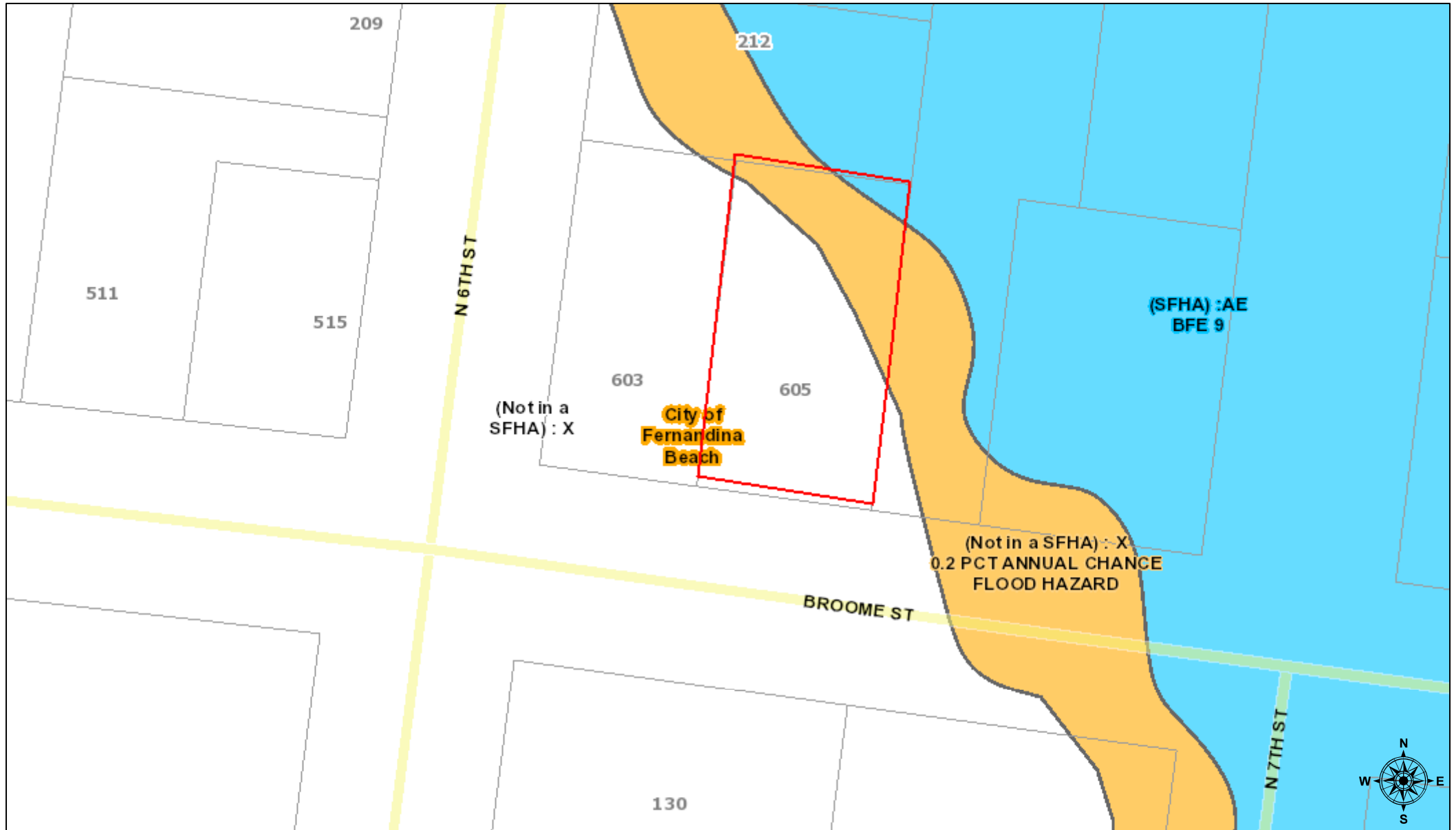


January 16, 2019

- | | | | |
|-----------------------------|--------|-----------|------------|
| □ Land Parcels | ○ fair | ○ poor | 🌳 specimen |
| City of F.B. Tree Inventory | ○ good | ○ removed | |
| ● dead | ○ new | | |



Flood Zone Map



January 16, 2019

Land Parcels

Flood Zones - Effective Date August 2, 2017

A,

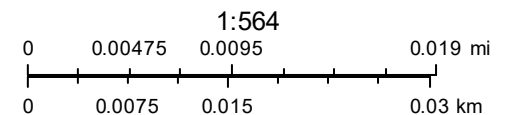
AE,

AO,

VE,

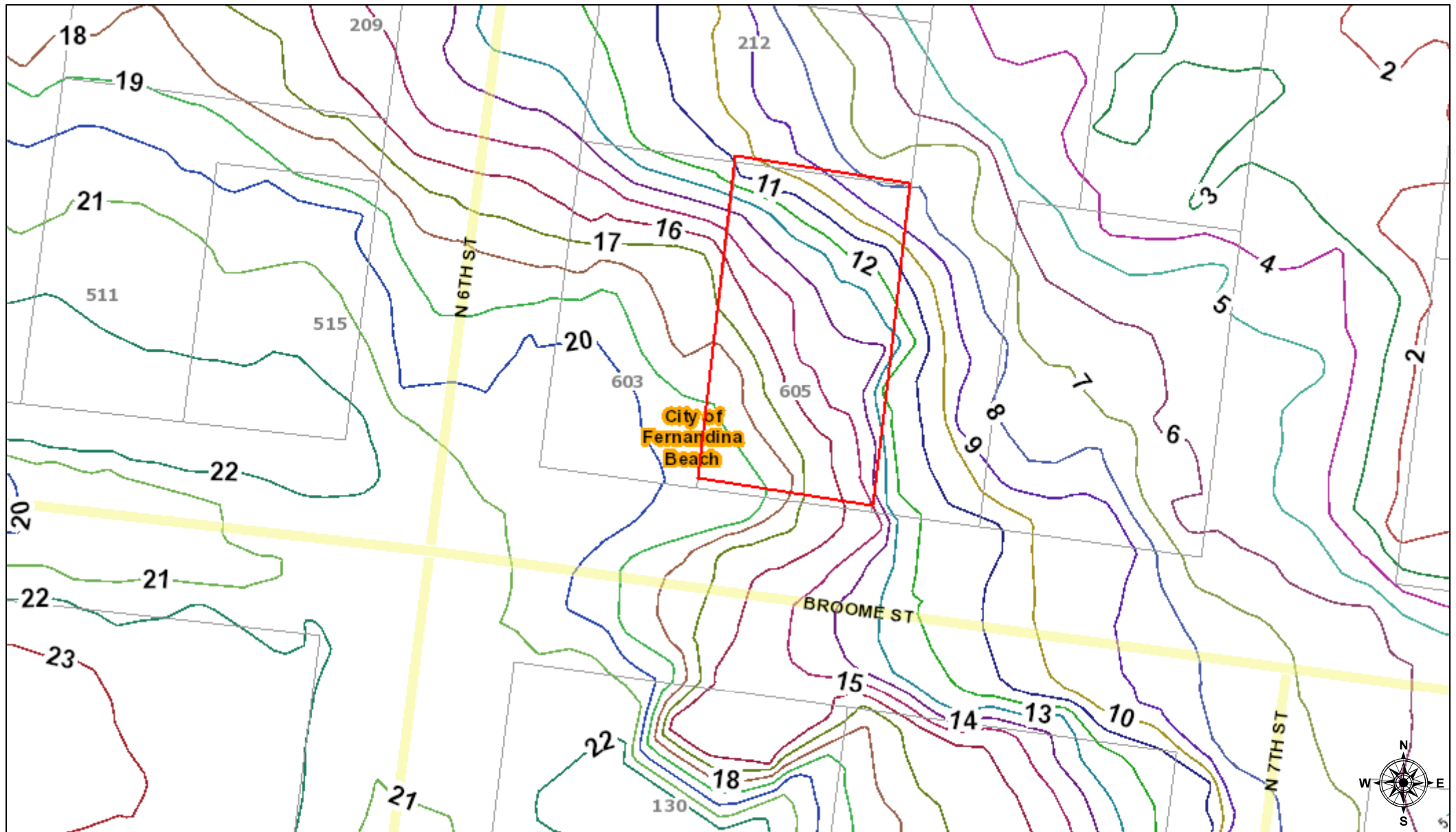
X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

X, AREA OF MINIMAL FLOOD HAZARD

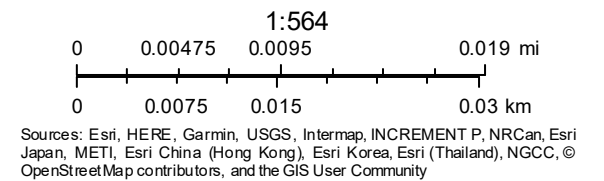


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

Topography



January 16, 2019



ARBORIST SURVEY

McCall Tree Health & Consulting – November 2018



McCall Tree Health and Consulting, LLC

2883 Breakers Ct.
Fernandina Beach, FL 32034

www.mccalltree.com
(904) 557-3951

November 12, 2018

Property Owners:
Phil Gordon
605 Broome St.
Fernandina Beach, FL 32034

Subject: Inspection of trees at 605 Broome St. as of November 5, 2018

This 60" dbh live oak was located on the eastern boundary of the lot near the northeast corner (Photo #1). It appeared to be in good health with healthy foliage. It was slightly down a hill toward a drainage area (Photo #2). From the lot boundary stakes that were nearby, the tree appeared to be very close to the boundary line (Photo #3). Live oaks root deep, so this tree should be stable. It had some poor cuts where the ends of limbs had been sawn off in odd spots, but those cuts could be corrected.

I would try to stay away at least 15 feet from this tree for any foundations on the lot. This would be 3X the dbh (60 X 3 = 180" or 15 feet) for any foundation footings. I would also not recommend filling around the base of the tree on the back side or downhill side. If the structure on the lot is to be off-grade, the building could be somewhat closer, but then the limbs over the roof would become a factor.

This was a good healthy tree that should be a benefit to the value of the house and lot.

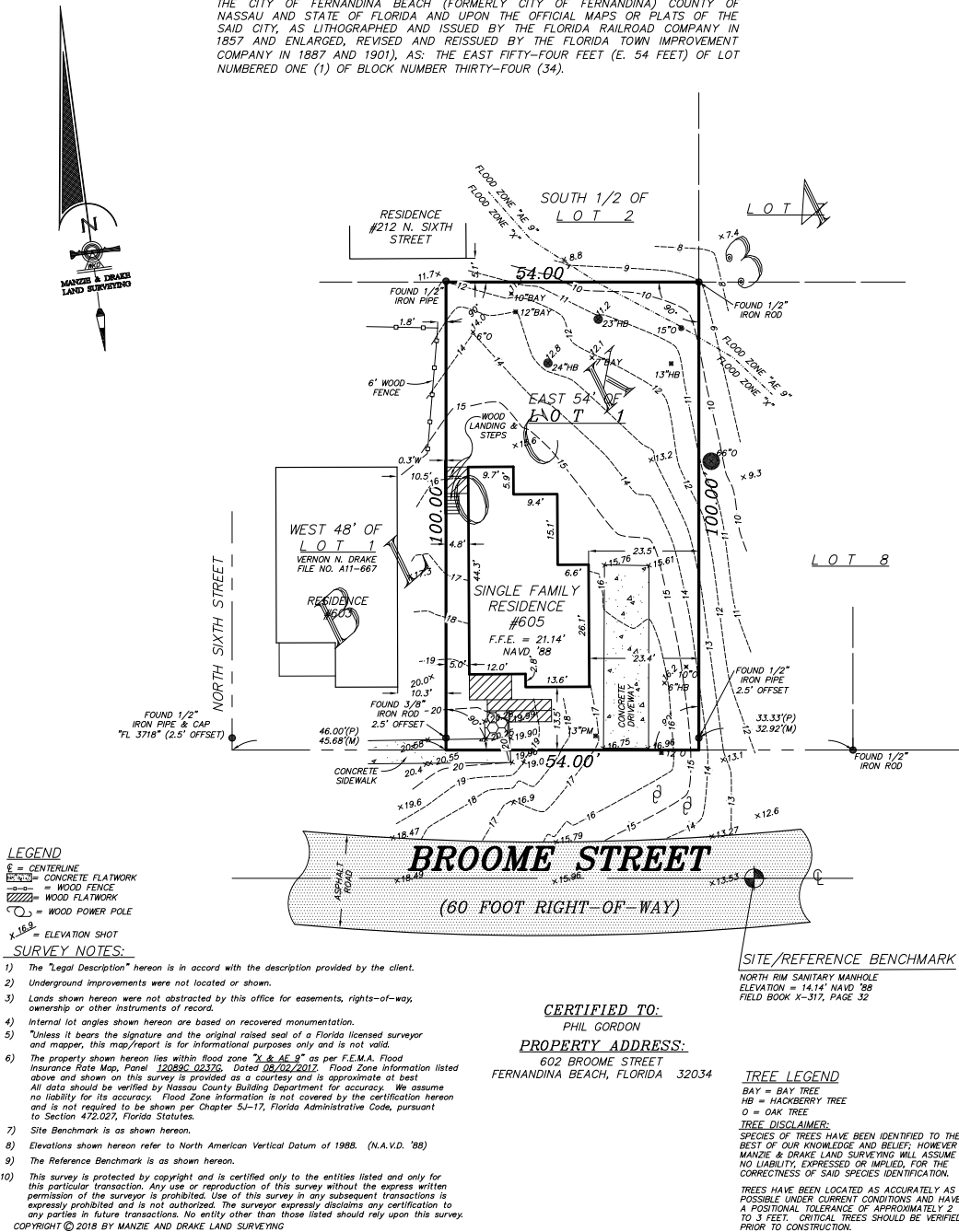
Kindest regards,
Early McCall

ISA Certified Arborist FL-6200A
ISA Tree Risk Assessment Qualified



MAP OF BOUNDARY & TOPOGRAPHIC SURVEY

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND, SITUATED, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY CITY OF FERNANDINA) COUNTY OF NASSAU AND STATE OF FLORIDA AND UPON THE OFFICIAL MAPS OR PLATS OF THE 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), AS: THE EAST FIFTY-FOUR FEET (E. 54 FEET) OF LOT NUMBERED ONE (1) OF BLOCK NUMBER THIRTY-FOUR (34).



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 www.ManzieAndDrake.com

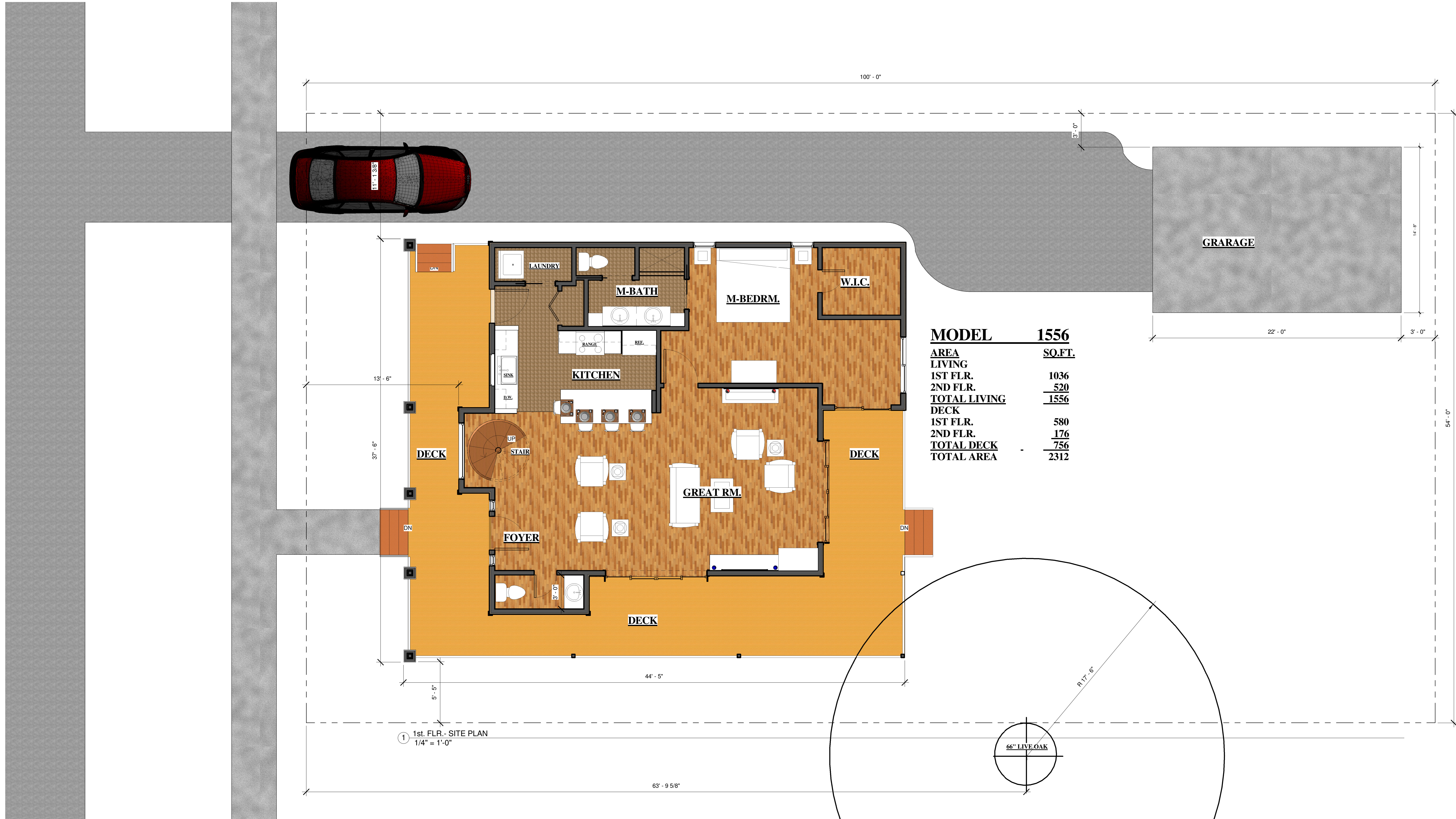
Certificate of Authorization Number "LB 7039"

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

SCALE: 1"=20' JOB NO: 20457 DATE: 10/31/2018 CADD: BH

F.B. NO: X-317 PAGE NO: 31 FIELD CREW: CB FILE NO: A-4720

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



GORDON COTTAGE

605 BROOME ST. FERNANDINA BEACH FL.


A.R.C. INC.
Alternative Residential Components Inc.

3281 Golden Gate Blvd. West
Naples, Florida 34120

CGC-057077

Tel. 239-348-7060
Email- ARCINCL@aol.com
Web- ARCSTEELHOMES.COM

Date: 12/18/18

Revisions:
△
△
△
△
△

1ST.FLR. PLAN
SITE PLAN

Scale: 1/4" = 1'-0"
Design By: S.V.
Checked By: S.V.
Drawn By: S.V.
Project No.: 181218

Sheet:
A101

COPYRIGHT:
THIS DRAWING IS THE EXCLUSIVE PROPERTY AND CREATION OF ALTERNATIVE RESIDENTIAL COMPONENTS
INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF
ALTERNATIVE RESIDENTIAL COMPONENTS INC.



BOA 2019-05
429 S. 5th Street
January 16, 2019

BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2019-05
Meeting Date February 20, 2019
Owner/Applicant GS Plan B LLC / Rice Architect CO Mark H. Akins
Property Location: 429 S. 5th Street
Parcel Number: 00-00-31-1800-0138-0090

Requested action: VARIANCE from LDC Sections 1.03.05(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 residence building or any auxiliary buildings 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: R-2
FLUM land use category: Medium Density Residential
Existing uses on the site: Single family House

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:

429 S. 5th Street is comprised of two underlying lots of record. Lots 8 and 9 of Block 138 were originally platted by the Florida Railroad Company in 1857, which was enlarged, revised, and reissued by the Florida Town Improvement Company in 1887 and 1901¹. The western 6 feet of lot 8 was conveyed to the adjoining property some time ago, making the parcel 100' x 94'.

The lots as originally platted front Elm Street, with a north south orientation. According to the Property Appraiser's website the existing structure was built in 1945. The survey shows that the house was built on the southeast corner of the property with a portion of the structure extending over the underlying lot line, establishing the "lot of record."

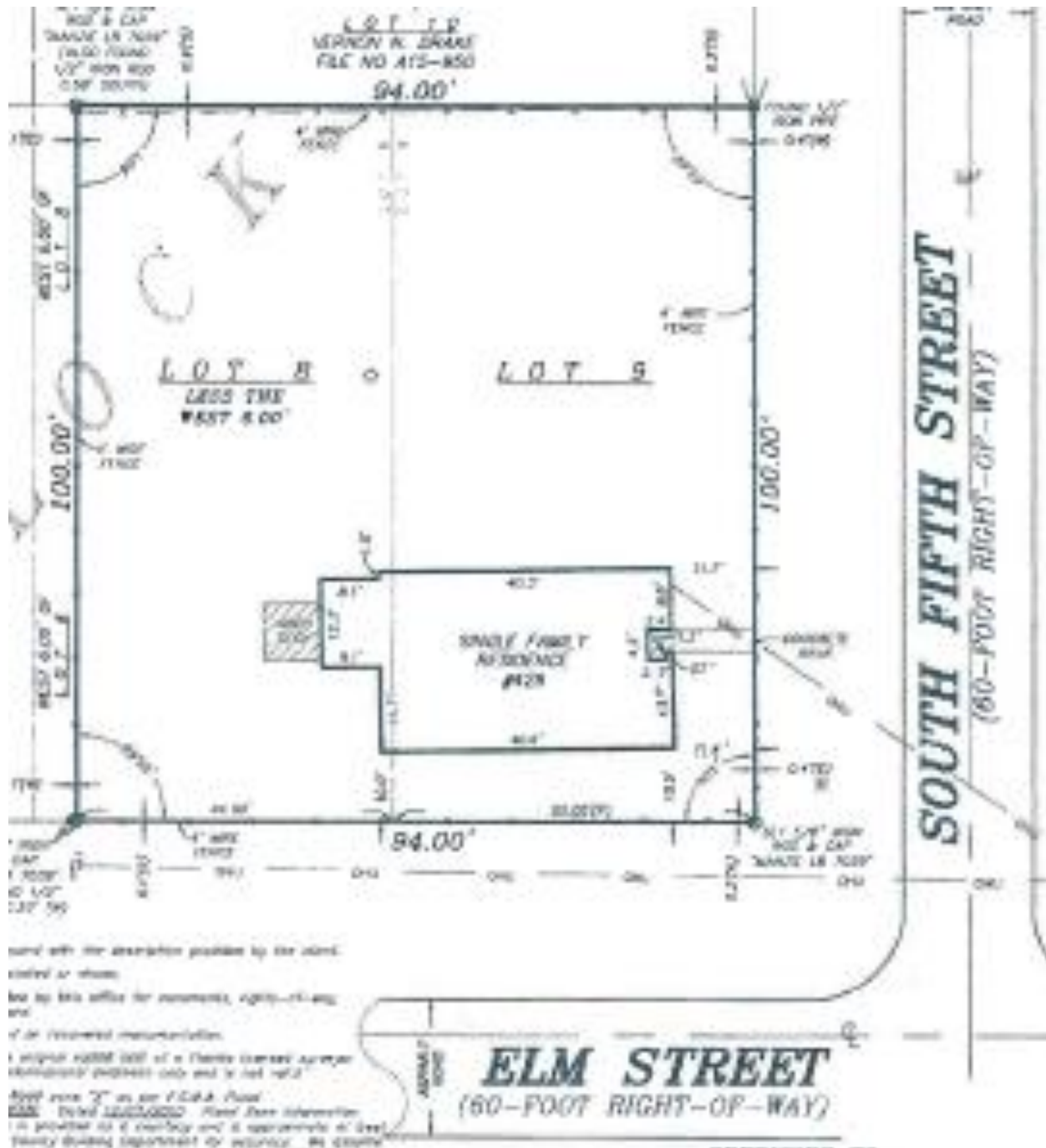
The applicant is seeking a variance so that the "lot of record," as established by the existing structure, can be subdivided into two lots. The proposed lot would be 50' x 94' with an east west orientation.

The R-2 zoning district has a minimum lot width of 50 feet and a maximum density of 8 units an acre. If the variance is granted, the proposed lots will comply with those standards; no nonconforming situations will be created by allowing the "lot of record" to be subdivided. That process will be handled administratively through the minor subdivision process.

¹ The 1901 Florida Town Improvement Company Plat



BOA 2019-05
429 S. 5th Street
January 16, 2019





BOA 2019-05
429 S. 5th Street
January 16, 2019

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 or the CRA Overlay, where requirements of Section 10.02.00 are met.
- 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.



BOA 2019-05
429 S. 5th Street
January 16, 2019

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 two lots are the “lot of record” as established by the existing structure. However, If the variance is granted the proposed lots will meet density and dimensional standards for the R-2 zoning district.
☐ 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 existing structure creates the “lot of record” as established by LDC section 1.03.05(A). The existing structure was built in 1945; there are examples throughout this neighborhood of structures that do not match the orientation of the underlying lots of record.
☐ 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. There are specific sections of the Land Development Code that speak to both honoring underlying platted lots of record, and sections that restrict redevelopment of properties where improvements have been made over multiple lots.
☒ 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. Yes. The variance requested <u>is</u> the minimum variance needed to make possible the reasonable use of the land, structure, or building. The applicant is only seeking a variance to be able to subdivide the “lot of record,” the resulting lots will comply with the density and dimensional standards in the R-2 zoning district.



BOA 2019-05
429 S. 5th Street
January 16, 2019

☒ 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 underlying lots of record will comply with the minimum lot width requirement and have sufficient land area to support a single family dwelling.
☒ 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. Granting of the variance is compatible with surrounding properties as it will only allow for the construction of a single family home on each lot.

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, therefore staff recommends denial.

VI. MOTION TO CONSIDER:

I move to **approve or deny** BOA case number 2019-05; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2019-05, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2019-05 **meets or does not meet** the following criteria for granting a variance: special conditions, special privilege, literal interpretations, minimum variance, general harmony, and public interest **and the reasons for my findings are:**

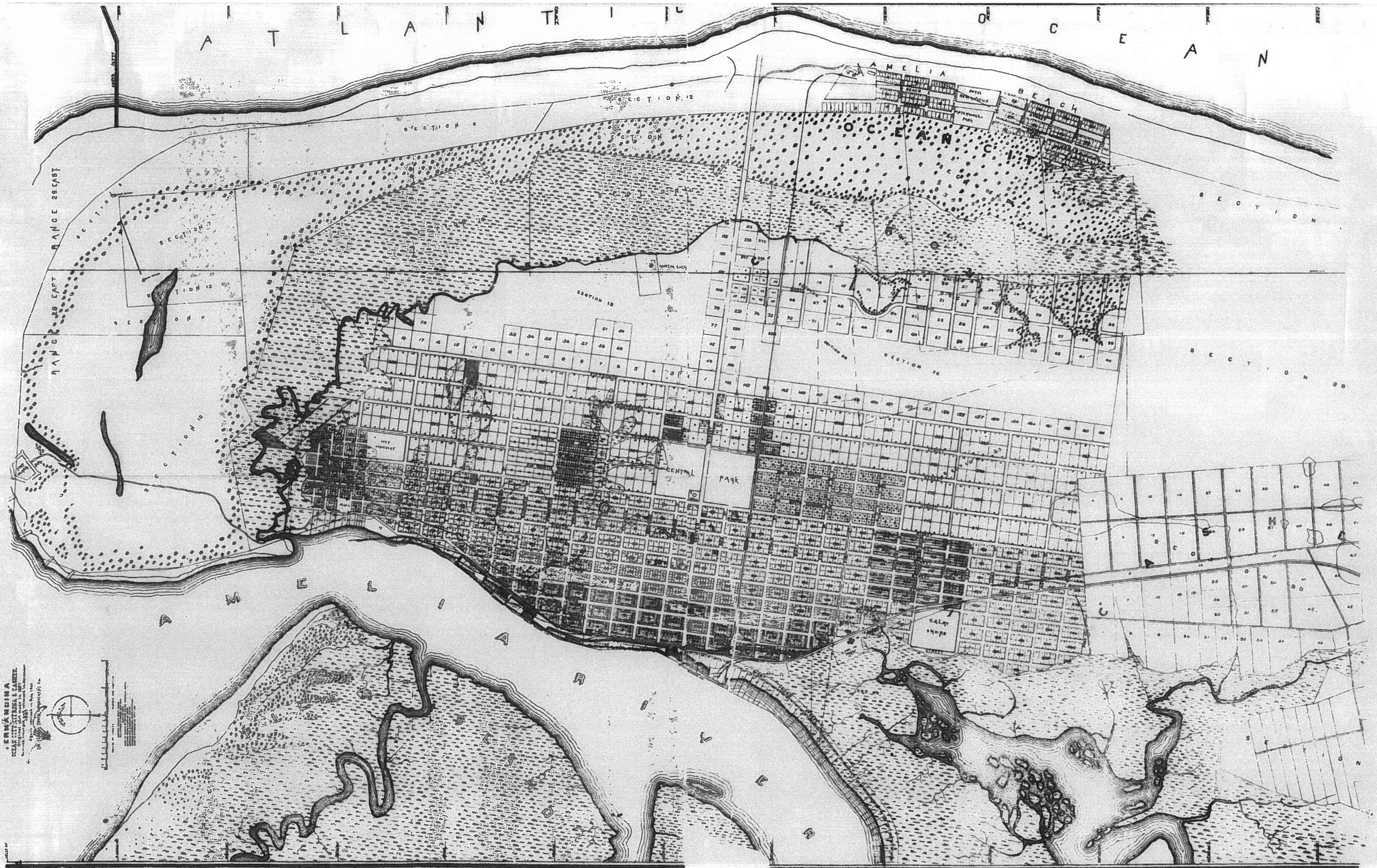
	Meets	Does Not Meet	Reason for Finding
Special Conditions	_____	_____	_____
Special Privilege	_____	_____	_____



BOA 2019-05
429 S. 5th Street
January 16, 2019

Literal Interpretations			
Minimum Variance			
General Harmony			
Public Interest			

Jacob M. Platt
City Planner



ERNANDINA
CELAN CITY PLAT
Original plat made in 1897
Revised and corrected in 1900
The City of Ocean City, Maryland
By the City Engineer

OFFICE USE ONLY

REC'D: _____ BY: _____

PAYMENT: \$ 1/30/19 TYPE: CHAPPLICATION #: BOA 2019-0005

CASE #: _____

BOARD MEETING DATE: 2/20/19**APPLICATION FOR VARIANCE FROM THE LDC****APPLICANT INFORMATION****Owner Name:** GS PLAN B, LLC (MANAGING MEMBER: HEATHER M. GARD & JESSE D. SOBREPENA)**Mailing Address:** 3515 FIELDSTONE DR W BOZEMAN, MT 59715**Telephone:** 406-570-6835 **Fax:** N/A**Email:** GARDHEATHER@GMAIL.COM JESSEJDSARCHITECTBOZEMAN.COM**Agent Name:** RICE ARCHITECT - MARK H. AKINS**Mailing Address:** 961687 GATEWAY BOULEVARD SUITE 201H AMELIA ISLAND, FLORIDA 32034**Telephone:** 904-491-0072 **Fax:** _____**Email:** MHAKINS@RICEARCHITECT.COM**PROPERTY INFORMATION****Street Address:** 429 S 5TH STREET, FERNANDINA BEACH FL32034**Parcel Identification Number(s):** 00-00-31-1800-0138-0090**Lot Number:** LOS 9 & E44 FT OF 8 **Block Number:** 138**PROJECT INFORMATION****Variance(s) requested from LDC Section(s):** 1.03.05 (A)**Brief description of work proposed (use additional sheets if necessary):**

UNDERLAYING LOTS ORIENT TOWARDS ELM ST. THE CURRENT HOUSE WHICH WAS BUILT IN 1945 ORIENTS TOWARDS 5TH ST AND WAS ASSIGNED AN ADDRESS OF 429 S 5TH ST. I WISH TO HAVE THE UNDERLAYING LOTS REPLATTED TO ORIENT TOWARDS 5TH STREET. THIS WOULD ALLOW BUILDABLE LOT ON THE NORTH SIDE OF THE PROPERTY. HOMES ACROSS 5TH STREET ORIENT TOWARDS 5TH ST AND THIS WILL CONTINUE THE UNIFORMITY OF THE HOUSES ON THE ST REQUESTING TO ESTABLISH TWO 50'X100' LOTS WITH AN EAST WEST ORIENTATION FACING 5TH ST EXIST STRUCTURE

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 HOUSE WAS BUILT WITH ORIENTATIONS TOWARDS 5TH ST INSTEAD OF ELM ST, THE HOUSE ADDRESS WAS ASSIGNED ON 5TH ST. THERE IS ROOM FOR AN ADDITIONAL LOT ON THE NORTH SIDE OF THE LOT IF THE UNDERLAYING LOTS ARE ALLOWED TO BE ORIENTED TOWARDS 5TH ST VERSUS ELM ST. THE SECOND LOT CANNOT BE ACCESSED FROM ELM ST BECAUSE EXISTING STRUCTURE WHICH WAS BUILT IN 1945 WAS ORIENTED TOWARDS 5TH ST~~

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.

~~THERE IS NO REZONING BEING REQUESTED, SIMPLY REORIENTATION OF THE UNDERLAYING LOTS. THE EXISTING STRUCTURE HAS A 5TH ST ADDRESS AND ORIENTS TOWARDS 5TH INSTEAD OF ELM.~~

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.

~~OTHER PROPERTIES ON THIS BLOCK OF 5TH ST ARE ORIENTATED TOWARDS 5TH ST. THE HOUSE BUILT IN 1945 WAS GIVEN A 5TH ST ADDRESS REORIENTATING THE UNDERLAYING LOT WOULD COMPLY WITH OTHER LOTS AND THEIR ORIENTATION TOWARDS 5TH ST.~~

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

~~REORIENTATION OF THESE LOTS WOULD NOT REQUIRE A VARIANCE. THE EXISTING STRUCTURE CREATED A "LOT RECORD " WITH ORIENTATION TOWARDS 5TH ST IN AN EAST/WEST DIRECTION~~

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

~~REORIENTATION OF THE UNDERLAYING LOTS WOULD COMPLETE THE 5TH ST ORIENTATION OF THESE TWO LOTS ON 5TH ST. LOTS DIRECTLY ACROSS THE STREET ORIENT TOWARDS 5TH ST. THIS ORIENTATION WOULD AESTHETICALLY ENHANCE AND PAIR WITH THE REMAINING PROPERTIES IN THIS BLOCK OF 5TH ST. THE EAST/WEST ORIENTATION TOWARDS 5TH ST WOULD CORRESPOND WITH NEIBORING PROPERTIES ON 5TH.~~

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.

THIS REORIENTATION OF THE UNDERLAYING LOTS WILL BEST COMPLY AND PAIR WITH THE OTHER HOMES AND THEIR ORIENTATION TOWARDS 5TH ST. THE 2, 50X100' LOTS WITH EAST /WEST ORIENTATION WOULD CORRESPOND TO NEIGHBORING PROPERTIES ON TH 5TH ST.

☒ 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

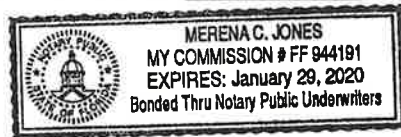
The undersigned states the above information is true and correct as (s)he is informed and believes.

1-16-2010 [Signature]
Date Signature of Applicant

STATE OF FLORIDA }
 ss }
COUNTY OF NASSAU }

Subscribed and sworn to before me this 16th day of January, 2019.
[Signature] Merena C. Jones _____
Notary Public: Signature Printed Name My Commission Expires

Personally Known ✓ OR Produced Identification _____ ID Produced: _____





OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Heather M. Gard / Jesse Sobrepena
(print name of property owner(s))

hereby authorize: Mark H. Akins
(print name of agent)

to represent me/us in processing an application for: BOA VARIANCE
(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.

Heather M Gard
(Signature of owner)

Jesse Sobrepena
(Signature of owner)

Heather M Gard
(Print name of owner)

JESSE SOBREPENNA
(Print name of owner)

Montana
STATE OF FLORIDA }
Gallatin ss
COUNTY OF NASSAU }

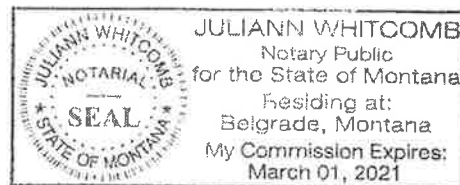
Subscribed and sworn to before me this 10 day of January, 2019.

Juliann Whitcomb
Notary Public: Signature

Juliann Whitcomb
Printed Name

03/01/2021
My Commission Expires

Personally Known _____ OR Produced Identification X ID Produced: MT Driver's License



NASSAU**A. Michael Hickox, CFA, Cert.Res.RD1941**
Nassau County Property Appraiser[Property Search](#)[Sales Search](#)[Nassau Home](#)

OWNER NAME	GS PLAN B LLC	PARCEL NUMBER	00-00-31-1800-0138-0090
MAILING ADDRESS	3515 FIELDSTONE DRIVE W	TAX DISTRICT	FERNANDINA BEACH (DISTRICT 2)
		MILLAGE	19.9307
		PROPERTY USAGE	SINGLE FAMILY
	BOZEMAN, MO 59715	DEED ACRES	0
LOCATION ADDRESS	429 5TH ST S	HOMESTEAD	N
	FERNANDINA BEACH 32034	PARCEL MAP RECORD	MAP THIS PARCEL
SHORT LEGAL	BLOCK 138 LOTS 9 & E44 FT OF 8 IN OR 2179/710 CITY OF FDNA BEACH	TAX COLLECTOR SEARCH	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

2018 Certified Values

JUST VALUE OF LAND	\$82,720
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$57,481
TOTAL MISC VALUE	\$0
JUST OR CLASSIFIED TOTAL VALUE	\$140,201
ASSESSED VALUE	\$129,668
EXEMPT VALUE	\$0
TAXABLE VALUE	\$129,668

Land Information

LAND USE	LAND UWS	LAND UNIT TYPE	SEC-TWN-RNG
SFR 000100	94	FF	23-3N-28

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
SINGLE FAM	1,096	988	2	1	CB STUCCO		CONVECTION	CONVECTION	1945	SHOW SKETCH

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	SCOTT PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
02/22/2018	2179/710	2179/710	195000	WD	Q	Y	RINKER & KINARD ENTERPRISES	GS PLAN B LLC
02/24/2016	2030/1135	2030/1135	132500	WD	Q	Y	MICHELSON TOM	RINKER & KINARD ENTERPRISES LLC
03/20/2009	1611/685	1611/685	90000	WD	Q	Y	HICKOX MAY ANNETTE HOFFMAN	MICHELSON TOM
06/01/1986	490/823	490/823	100	LE	U	Y		
10/01/1981	346/139	346/139	100	FS	U	Y		

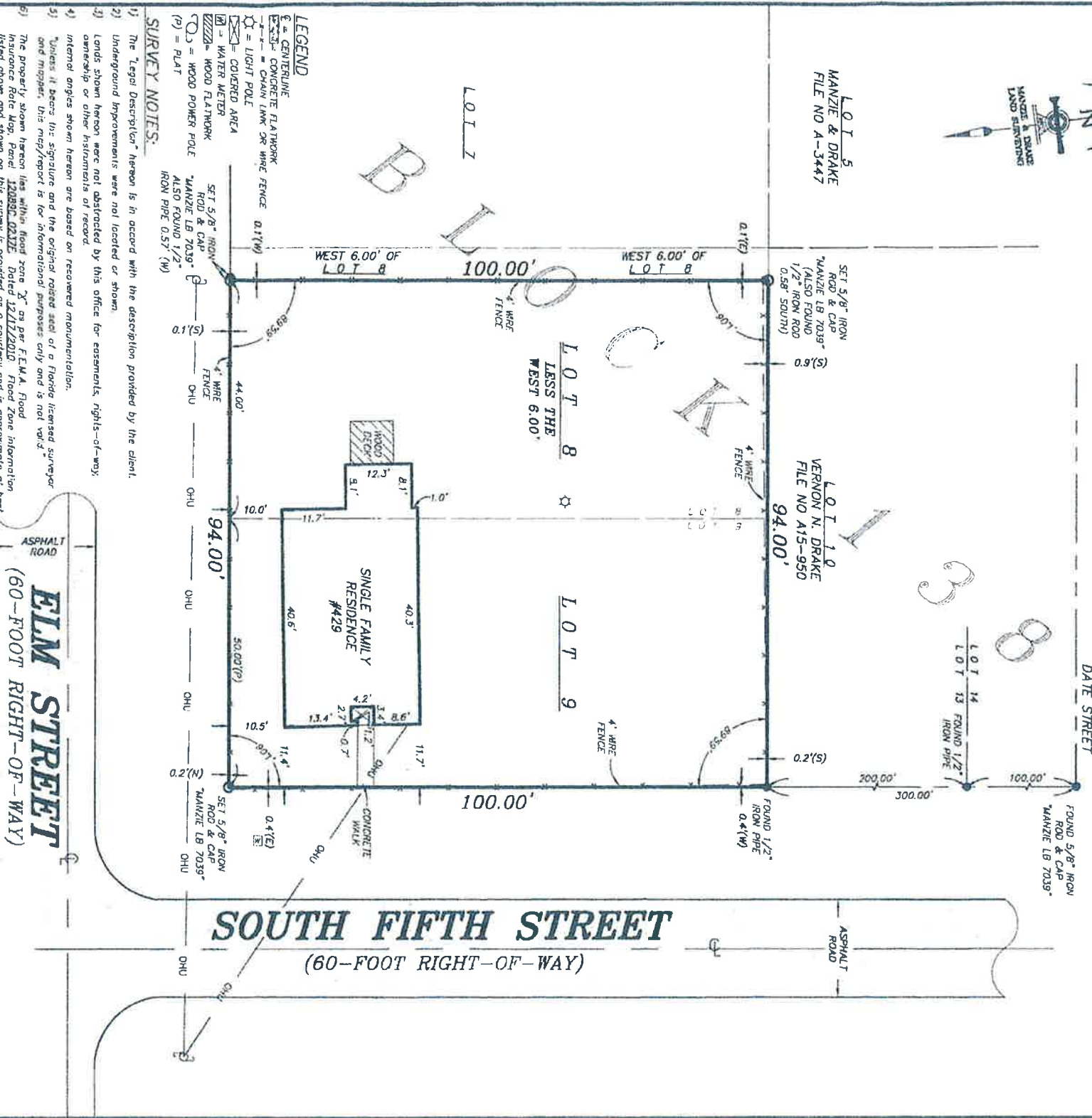
MAP OF BOUNDARY SURVEY

OFFICIAL RECORDS BOOK 1611, PAGE 685.

ALL THOSE CERTAIN LOTS PIECES OR PARCELS OF LAND, SITUATE LYING, AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY KNOWN AS FERNANDINA), NASSAU COUNTY, FLORIDA, AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL PLAT OF SAID CITY OF FERNANDINA BEACH (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) AS:

ALL OF LOTS NUMBERED EIGHT (8) AND NINE (9) IN BLOCK NUMBERED ONE HUNDRED AND THIRTY-EIGHT (138).

EXCEPTING AND RESERVING THEREFROM, THE WEST SIX (6) FEET OF LOT NUMBERED EIGHT (8) OF SAID BLOCK NUMBERED ONE HUNDRED AND THIRTY-EIGHT (138).



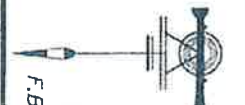
- LEGEND**
- +—+—+— CENTERLINE
 - +—+—+— CONCRETE FLATWORK
 - +—+—+— CHAIN LINK OR WIRE FENCE
 - +—+—+— LIGHT POLE
 - +—+—+— COVERED AREA
 - +—+—+— WATER METER
 - +—+—+— WOOD FLATWORK
 - +—+—+— WOOD POWER POLE
 - +—+—+— IRON PIPE 1/2"
 - (P) = PLAT

- 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) Lends shown hereon were not obstructed by this office for easements, rights-of-way, ownership or other instruments of record.
 - 4) Internal angles shown hereon are based on recovered monumentation.
 - 5) "Unless it bears the signature and the original noted seal of a Florida licensed surveyor and mapmaker, this map/report is for informational purposes only and is not valid."
 - 6) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12085C-0212E, dated 12/11/2010. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. The insured is advised to consult with the National Flood Insurance Program (NFIP) for more detailed information. The insured is not covered by the certificate hereon and is not required to be shown on Chapter 35-11, 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 the purpose for which it was prepared. Any use of this survey for any other purpose without the express 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 STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 55-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

MANZIE & DRAKE LAND SURVEYING

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



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 U.S."

CERTIFIED TO:
RINKER & KINARD ENTERPRISES, LLC
ROGERS TOWERS, P.A.
COMMONWEALTH LAND TITLE INSURANCE COMPANY
PROPERTY ADDRESS:
429 SOUTH FIFTH STREET
FERNANDINA BEACH, FLORIDA 32034

SCALE: 1"=20' JOB NO: 19460 DATE: 02/08/16 CAD: BH
F.B. NO: X-289 PAGE NO: 18 FIELD CREW: CB FILE NO: A-4008

Advisory Board/Committee Application

This application is intended to provide information that will enable the City Commission to select the most qualified Board/Committee members. Please complete all applicable sections and return the form along with your current résumé to the City Clerk's Office.

City of Fernandina Beach
City Clerk's Office
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3115

Name	Steve Cook
------	------------

Home Mailing Street Address	2629 Racheal Ave
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City	Fernandina Beach
------	------------------

Zip Code	32034
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Primary Phone	904-844-2429
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Secondary Phone	407-921-2263
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Please note that board materials are distributed electronically.

Email to receive board materials	saltwaterdragon@gmail.com
----------------------------------	--

Employer	Retired
----------	---------

Position Title	Architect/General Contractor
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Business Address	N.A.
City	Fernandina Beach
Zip	32034
Select the board you are applying for:	Board of Adjustment
Additional board that you are applying for:	Code Enforcement & Appeals Board
Why are you interested in serving on this Board? Please explain.	Recently moved to the City and now that I am retired, I would like to use my expertise and background to keep Fernandina Beach a great community to live in.
Eligibility	
Are you a resident of the City?	Yes
Length of time:	1 month
Do you hold a public office?	No
Office name:	<i>Field not completed.</i>
Are you employed by the City?	No

Position: *Field not completed.*

Are you currently serving on a Board? No

Board Name: *Field not completed.*

Potential Conflict of Interest:

Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Fernandina Beach? No

Field not completed.
If yes, please provide details:

Major Affiliations:

List community, professional, or other applicable policy-making Boards on which you have served.
Note the length of service and office held (if any):

see resume...most applicable would be 3 years of service with the Seminole County Code Enforcement Board.

Qualifications:

Please list any specific qualifications, education or

again see resume.....with over 50 years of experience in the design and construction fields I have represented a multitude

experience that would directly relate to the Board for which you are being recommended:

of clients in front of various planning and code officials, including considerable experience in re-zoning and master planning projects of considerable size and scope. This gives me a unique background in understanding the interests of the public, while navigating the politics of making things work for both sides.

Organization or Commissioner sponsoring nomination (if applicable):

Field not completed.

Educational Background:
(Check all that apply)

BS/A

Other:

see resume...considerable background also in environmental building related fields such as asbestos, air quality and groundwater pollution

Major areas of study:

see resume....

Florida's Public Records Law, Chapter 119, Florida Statutes, states:

"It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

I understand that any false, incomplete or misleading information given by me on the

application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Commission when vacancies occur and are effective for two years from date of completion.

Do you understand the duties and responsibilities of the Board/Committee that you are applying for?	Yes
---	-----

By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Date	1/6/19
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Applicant's Signature	Steve Cook
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Boa
STEPHEN R. COOK
2629 Racheal Ave
Fernandina Beach, FL 32034
407-921-2263 (c)

CURRENTLY: President, BriarStone LLC

Providing specialized consulting for selected clients within the building industry, Briarstone LLC provides professional solutions and personalized attention by offering a range of talent, knowledge, and experience to allow clients to achieve their project goals.

QUALIFICATIONS

A registered architect and contractor with extensive experience in the design, construction, and environmental fields, Steve was a principal in his own design/build architectural firm for fourteen (14) years, president of a contracting firm for nine (9) years and a manager for nationwide A/E/Environmental firms for eight (8) years.

Very strong in client management and negotiation skills, Steve was directly responsible for either the design and/or construction of building types ranging from hospitals and schools to individual mall stores and office buildings. He has successfully managed a work force of over fifty (50) personnel and has negotiated and technically managed individual projects up to \$20,000,000. Areas of strength include: organization, problem solving, cost control, marketing, and client relations.

Steve was NCARB certified and was registered as an Architect in six (6) states. He is a Licensed General contractor with extensive experience in design-build projects, along with building related environmental issues, such as asbestos, lead-based paint, and indoor air quality. He has been qualified as an expert witness in both state and federal court, and qualified nationwide as an inspector for Housing and Urban Development (HUD). His Civic activities include appointment as a member of the Seminole County Code Enforcement Board; serving as a three (3) year member of the Board of Directors for the Florida Asbestos and Environmental Council, and serving 2 years as the Vice President of the Orange County Young Republicans when it was the largest young republican club in the country. Steve has also served on the board of directors for various organizations including A.I.A., local Rotary, and political organizations

PROJECT EXPERIENCE

WESTMINSTER SERVICES – V.P. OF DESIGN AND CONSTRUCTION – 2008-2014

Westminster Communities has 18 Retirement Communities within the State of Florida and is the largest CCRC Owner in Florida. During this 8 year span, Steve directed approximately \$20,000,000 to \$35,000,000 of projects per year, ranging from planning studies and rezoning, to design and construction. As part of his responsibilities, Steve was instrumental in developing yearly budgets and goals, handled all community planning, delineation of the specific scopes of work, interaction with the communities and senior staff, setting and meeting schedules, selecting architects and contractors for the work, and monitoring the successful completion of the work.

PREVIOUS EXPERIENCE – Over 45 years of experience are summarized below:

ARCHITECTURAL - As a registered architect and firm principal, managed, designed and administered a variety of projects in Florida and other southeast states over a sixteen (16) year span. In addition to technical ability, excellent marketing and financial control skills have provided a steady influx of customers and repeat clients. A large number of these projects were designed in conjunction with design/build contracts, and many were designed on a fast-track basis. A summary of these projects is noted below:

Medical Projects - Designed schematics and code review of Tampa Ophthalmic Group Ambulatory Surgical Center; working drawings for emergency room modifications, West Volusia Memorial Hospital; design and construction of X-ray rooms for Volusia Memorial Hospital; remodeling of major surgical rooms ORMC Orlando; design and construction of a medical office buildings for Dr. Barry Kaplan, D.O. Orlando, and Dr. Wesley Meyers, M.D.D., Winter Park, Florida.

Retail Work - Design and working drawings for the 65,000 square foot Dawson Shopping Center, Port Orange; designed over 20 franchise stores for HIS Stores, and Bernie's Coffee and Tea Companies; designed and/or built over fifty-five (55) mall stores in the Southeast U.S.; provided design, working drawings and construction of Computerland Franchise headquarters and store which received several local awards.

Schools - Preparation of working drawings for Lake Brantley High School, Teague Middle School; design documents for science laboratory at Santa Fe Junior College; code review for auditorium at Wolfsen High School; design schematics for Alachua Elementary.

Governmental Projects - Renovation drawings for Volusia County Courthouse; schematics and construction documents for addition to U.S. Army Armory, Orlando, Florida; construction of uniform facilities area renovation, U.S. Naval Training Center, Orlando; construction of recreational facilities at Kelly Park for Orange County.

Multifamily - Owner's representative and construction manager for \$2,300,000 Jupiter Reef Project in Jupiter, Florida. Prepared design and development drawings of 218 unit, 7 story Bahia Vista Condominiums in New Smyrna Beach, Florida. Prepared working drawings for Bram Towers (158 unit, 12 stories HUD project) in Sanford, Florida. Completed design and working drawings for over 2,000 apartment units in Central Florida area.

CONSTRUCTION - Licensed general contractor for over 20 years. The founder and president of Contractors, Inc., a general contracting firm for nine (9) years. The firm grew to fifty-five (55) people and handled projects up to \$3,000,000. Initially performing apartment renovation services, the firm then branched into retail, commercial, and medical work. Experience includes some projects listed above which were design/build. Selected projects are noted below:

Piarco Airport, Trinidad, West Indies - Project Site Manager. Handled construction management responsibilities for construction of an \$80,000,000 new terminal project. Initiated field office, hired local staff, Acted as liaison with owners, consultants, and local authorities. Prepared and administered construction contracts with local contractors.

Orlando Regional Medical Center - Performed various renovation and construction activities within the hospital over a three (3) year period including X-ray room construction, laboratory

renovations and surgical ward renovations.

Barnies Coffee and Tea - Designed and constructed the first twenty-five (25) stores for this company. Stores averaged \$85,000 each and each store was built on a fast-track basis in about three (3) weeks. Stores were built from New Orleans to Miami.

Americana Villas, Orlando - Redesigned and rebuilt all exterior balconies for a 450 unit complex. Set up "production line" crews in order to fast-track the work. Based on performance, contracts were received for an additional 200 units in other locations.

Professional Office Building - Winter Park - Designed and constructed a 2 story, 12,500 sq.ft. medical office building. The project was value engineered during the construction process, saving approximately \$70,000.

BUILDING CONSULTING - Successfully completed a variety of consulting, inspection, and expert witness work for a large range of clients. Performed condition inspections on office buildings, shopping centers, commercial buildings, and over 15,000 multifamily units. Areas of expertise include roofing and building envelope studies. Acted as expert witness for a variety of legal firms on construction related claims. Prepared assorted types of condition assessments, evaluations, and reports, including cost-to-repair and depreciation analysis, along with HUD certified inspections. Clientele included a variety of corporate and legal firms and various banks and lenders, including Prudential, DRG Financial Group, Metropolitan Life, Florida National Bank, and others.

ENVIRONMENTAL CONSULANT – Performed, executed and managed a variety of Phase I and Phase II reports throughout the Southeast for a variety of clients and lenders, including Sheraton Inns, Citicorp, Rank of Boston, Equitable, Travelers Insurance, and others. Prepared hazard assessments and action plans, developed management plans, prepared removal specifications and architectural drawings, and supervised construction remediation for a variety of clients. Project types ranged from schools and retail to multistory and government buildings. Directed emergency response and cleanup activities for several school board and state clients. Experience includes the following projects:

Asbestos Consulting, Various School Boards, Florida - Consultant to over sixteen (16) various school systems within the State of Florida. Responsibilities ranged from testing and inspections to construction management and data base design for a variety of facilities. Other projects have ranged from emergency response actions to redesign of Operations and Maintenance Plans.

Charleston Naval Base, U.S. Navy - Design and Specifications. Consultant to prime A/E firm to provide asbestos-related building consulting in conjunction with Hurricane Hugo damage. Directed the inspection of over one hundred (100) buildings and prepared removal specifications and replacement for over forty (40) buildings damaged by the hurricane.

Miami International Airport - Project Manager, architect and asbestos consultant for over thirty (30) projects at Miami International Airport. All of these projects consisted of design and construction activities involving an intensive coordination with a multitude of sub-consultant disciplines and various owner groups. Many projects involved working evenings or weekend hours with accelerated time frames.

State of Florida, Department of General Services - Hazardous waste consultant for the \$1,500,000 Renovation of the Department of Professional Regulation's new Orlando Regional Office. Prepared plans and specifications for removal of both asbestos and lead-based paint for Department of General Services project, phasing the work to stay ahead of the general contractor. Due to Mr. Cook's technical expertise, the State saved approximately \$100,000 in the abatement of presumed lead based paint based on the original budget.

Computer Database for Asbestos, Dade County, Florida - Provided services as Consultant to the Nation's 4th largest school system to design and implement an asbestos database for removal, reinspection and management. The database was designed to show the status of ACM on a room-by-room basis and was programmed to allow easy and error-free data entry by all department personnel. The system allowed the department to quickly respond to the facilities department and other entities contemplating disturbance of potential ACM in a facility.

EDUCATION

B.S. Architecture, University of Florida, 1969

B.S. Building Construction, University of Florida, 1969

Graduate Work in Building Construction, University of Florida, 1970 (thesis not done)

REGISTRATIONS

National Architectural registration (NCARB): #17602 – 1975

LEED – AP - certified professional

Architectural Registrations: (some not active)

Alabama #2738 - 1978

Louisiana #3230 - 1983

Florida #5931 - 1973

Texas #9695 - 1983

North Carolina #2738 - 1975

Massachusetts #7604 - 1989

Licensed General Contractor: Florida #002235 - 1971

Licensed Interior Designer: Florida #0003774 - 1996

Licensed Asbestos Consultant Florida #AF0000008 - 1989

Licensed Asbestos Designer: South Carolina #21621 - 1982

PROFESSIONAL AFFILIATIONS

American Institute of Architects (AIA) (Past Board Member)

Florida Environmental Asbestos Council (Past Board Member)

Construction Specifications Institute

Florida Green Building Council

OTHER INFORMATION

Detailed work history, references and personal information can be supplied upon request.

Advisory Board/Committee Application

This application is intended to provide information that will enable the City Commission to select the most qualified Board/Committee members. Please complete all applicable sections and return the form along with your current résumé to the City Clerk's Office.

City of Fernandina Beach
City Clerk's Office
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3115

Name	Nicole Kresse
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Home Mailing Street Address	2408 1st Ave
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City	Fernandina Beach
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Zip Code	32034
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Primary Phone	910-545-5650
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Secondary Phone	<i>Field not completed.</i>
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Please note that board materials are distributed electronically.

Email to receive board materials	nicolemkresse@gmail.com
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Employer	Chemonics International, Inc.
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Position Title	Manager
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Business Address	1717 H St NW
City	Washington, DC
Zip	20006
Select the board you are applying for:	Board of Adjustment
Additional board that you are applying for:	Code Enforcement & Appeals Board
Why are you interested in serving on this Board? Please explain.	I'm excited for the opportunity to continue to serve my community and recognize the value that my organizational and project management oriented skills could offer to both the Board and the citizens of Fernandina Beach. I work remotely from my home for a DC-based company that does international development projects all over the world and have a desire to better integrate into this community and serve with a skill-set that I think would add benefit. Since moving here from DC a few years ago, I've looked for areas to continue my life of service in my new home. I'm involved with America's Youth as a tutor and an active member of Christwalk church, but I'm looking for other areas where I can support the growth and well-being of the community. Participating in an advisory board seems like a great way for me to serve the city, be actively involved in the goings-on in Fernandina, and learn more about how things work here. I'm very happy and fortunate to live here and am invested in seeing this city be the best that it can for all of its citizens. In full transparency, I would like to disclose that I do travel for my job from time to time. While I would make every effort to not miss any sessions and to work around the Board meetings, that may not be feasible 100% of the time. That being said, I am committed to fulfill the responsibilities of this role and to serve the

community of Fernandina Beach.

Eligibility

Are you a resident of the City? Yes

Length of time: 2.5 years

Do you hold a public office? No

Office name: *Field not completed.*

Are you employed by the City? No

Position: *Field not completed.*

Are you currently serving on a Board? No

Board Name: *Field not completed.*

Potential Conflict of Interest:

Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Fernandina Beach? No

Field not completed.

If yes, please provide details:

Major Affiliations:

List community, professional, or other applicable policy-making Boards on which you have served.
Note the length of service and office held (if any):

Previously, I've served as Steering Committee Member for Youth United of Habitat for Humanity and on the Student Advisory Board of my MBA program at Texas A&M University. Additionally, I have a wealth of community-service experience dating back over 15 years, having served as a Peace Corps Volunteer in Guatemala for nearly three years and serving as the President of my MBA community service organization, or partnering with organizations such as Habitat for Humanity, Red Cross, America's Youth, and Entrepreneurship Bootcamp for Veterans.

Qualifications:

Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended:

I'm excited for the opportunity to bring a variety of skills that I've developed over more than a decade in project management/international development, including teamwork, adaptability, organization, multi-tasking, bilingual communication skills, and solutions-oriented problem-solving. For the past 7.5 years, I've worked for an industry leading international development firm in 10 different countries in a very dynamic industry and work environment. Over this time I've learned how to address a variety of issues for improved operations. My entire adult life has been in service to others and I'd have it no other way. I hope to have the opportunity to put my skills and drive to the benefit of the community.

Organization or Commissioner sponsoring nomination (if applicable):

Field not completed.

Educational Background:

High School, BS/A, MS/A

(Check all that apply)

Field not completed.

Other:

Business Administration; Spanish; International Development

Major areas of study:

Florida's Public Records Law, Chapter 119, Florida Statutes, states:

"It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

I understand that any false, incomplete or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Commission when vacancies occur and are effective for two years from date of completion.

Do you understand the
duties and responsibilities
of the Board/Committee
that you are applying for?

Yes

By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Date February 6, 2019

Applicant's Signature Nicole Kresse

Nicole Maria Kresse

nicolemkresse@gmail.com

An international development program management specialist with twelve years of experience in organizational development, financial administration, mobile money development, and business consulting, domestically and in the developing world. Four years of experience managing USAID funded projects in Central America, Africa, Eurasia, and Asia. Proven adaptability, cross-cultural communication, project design and implementation, capacity building, grants and subcontracts management, strategic planning, and development of women, youth, cooperatives, and small businesses. Business capabilities include the ability to work with individuals from diverse organizations and countries, strong written and verbal skills, budgeting and financial management, organizational capacity building, compliance, auditing, and experience developing business models and strategic plans. Professional experience in Guatemala, Afghanistan, Rwanda, Kazakhstan, and Azerbaijan. Fluent in English and Spanish.

Education

Masters of Business Administration, Texas A&M University, USA, 2011.

Graduate Certificate, Design and Management of International Development Projects, Texas A&M University, USA, 2011.

Graduate Certificate, International Agriculture and Resource Management, Texas A&M University, USA, 2011.

Bachelor of Arts, Language & International Trade, Clemson University, USA, 2005.

Experience

2011 to Present

PMU Manager and Regional Financial Analyst, Latin America and the Caribbean Region, Chemonics International, Inc. Provide day-to-day support to project teams and client, including communicating and assisting with field-office requests and overseeing field team's adherence to contract requirements and government regulations. Oversee project administration, strategic planning, financial management, monitoring and evaluation of project indicators, human resources, and client correspondence. Supervise, develop, and evaluate assigned staff. Led various project start-ups, senior leadership transitions, work planning events and technical deliverables. Full-time (40+ hour work week).

PMU Manager and Regional Financial Analyst, Europe and Eurasia Region, Chemonics International, Inc. Provide day-to-day support to project teams and client, including communicating and assisting with field-office requests and overseeing field team's adherence to contract requirements and government regulations. Oversee financial aspects of the project's contract by reviewing monthly invoices to ensure accuracy and compliance with contract provisions. Responsible for monitoring monthly costs using contract budget monitor, tracking contract expenditures against budget and total obligated funds. Liaise with project subcontractors, manages subcontract administration issues, budgets, and invoice reviews, and reviews deliverables to ensure they meet technical and quality standards. Review and provide comments on project technical work and project reports. Supervise, develop, and evaluate assigned staff. Facilitated work planning activities for Azerbaijan BLCD and Central Asian

Republics REC projects and worked in collaboration with field office teams to develop annual work plan. Provide budgeting oversight and technical assistance for Europe & Eurasia RBU as Regional Financial Analyst. Full-time (40+ hour work week).

PMU Associate and Regional Financial Analyst, Afghanistan Region, Chemonics International, Inc. Performed administrative and financial activities of project implementation in accordance with Chemonics standards and protocols, including but not limited to: backstopping and fielding, liaising with subcontractors and other stakeholders, procurement, budget monitoring, approvals tracking, reporting, and supervising interns. Supported pre-startup efforts for three anticipated projects, served as PMU associate on four different Afghanistan projects [ASAP (Agriculture), FEWS NET Afghanistan (Famine Detection), RAMP UP-South (Municipal Governance), and FAIDA (Access to Finance)], conducted new business development roles, and supported corporate-priority audits. Served as FAIDA PMU POC with field office grants team, helping them to maintain grants records and ensure compliance. Conducted key auditing support on Chemonics MTO audit and SIGAR audit of ASAP project and appointed as Afghanistan Regional Financial Analyst (RFA). Full-time (40+ hour work week).

Mobile Money Project Manager and Project Management Consultant for Mobile Money, Afghanistan FAIDA Project, Chemonics International, Inc. Served one-year technical field assignment to support the grants implementation and expansion of the Etisalat mHawala mobile money program as a component of the Afghan mobile money ecosystem. As embedded advisor to mHawala, responsible for \$1.2 million in grants, created overall strategic plan for mHawala Electricity Bill Payment grant and project implementation, and developed mHawala/Ministry of Women's Affairs (MOWA) Women's Development grant proposal, budget, and work plan. Oversaw a staff of five Afghan nationals and liaised extensively with Etisalat, DABS, and MOWA executive teams for project implementation and planning. Participated in FAIDA Annual Work Plan development, providing input on mobile money objectives and activities. Full-time (40+ hour work week).

Closeout Associate, Afghanistan ASAP Project, Chemonics International, Inc. Supported overall project closeout activities in ASAP's Kabul field office during a two and a half month closeout assignment. In charge of reconciling, organizing, and cataloging ASAP finance documentation and Mazar Foods files for five-year, \$132 million program. Oversaw a staff of five Afghan nationals. Assisted coworkers with logistics, human resources, and disposition plans. Full-time (40+ hour work week).

2010 to 2011

Graduate Assistant, Norman Borlaug Institute for International Development, Texas A&M University, USA. Coordinated Borlaug Institute Seminar series, with 11 seminars for the Spring 2011 semester. Managed study-abroad databases, created information manual for incoming international students, and compiled resources for funding options for out-going study-abroad students. Created departmental proposal for College of Agriculture and Life Sciences (COALS) Study Abroad Peer Advising Program, with budget and action plan, for presentation to COALS Executive Associate Dean; proposal was approved and has since been implemented. Part-time (15-40 hour work week).

2010	USAID Rwanda SPREAD and PYRAMID Project Intern , Norman Borlaug Institute for International Development, Rwanda. Researched and analyzed global and Rwandan Pyrethrum markets and operations, and created 23 business plans for community-based Pyrethrum cooperatives, which resulted in restructuring of financial and organizational objectives. Created comprehensive strategic plan for the coordination of activities of the 23 local Pyrethrum cooperatives, SOPYRWA, the USAID RWANDA SPREAD Program, and the S.C. Johnson PYRAMID Project. Full-time (40+ hour work week).
2006 to 2009	Small Business Development Specialist , Peace Corps, Guatemala. Created, solicited, and implemented five projects for development of community women's and youth groups throughout Guatemala's Lachuá Region. Managed cross-functional project areas for local women's and youth associations, including: financial management, commercialization, procurement, organizational strengthening and capacity building, leadership development, growth and strategic planning, institutional and external trainings, regional coordination, logistics, communications, reporting, and gender equality. Reorganized women's weaving association to promote sustainability and internal development while increasing sales by 1,200% over 2 ½ years. Supervised and coordinated six Guatemalan groups (total of 90 people) in four different cities for the creation of hand-woven bags for FAO's COFO World Forestry Conference. Full-time (40+ hour work week).
2005 to 2006	Professional Teller , Bank of America, USA. Developed extensive knowledge of banking procedures and policies as well as banking services offered as a means to provide superior customer service. Part-time (15-40 hour work week).

MARK GLEASON

Gleasonmark@gmail.com

Office: 912-573-1084

Cell: 904-451-2696

SUMMARY OF QUALIFICATIONS

Attorney with 29 years of experience in a variety of fields including litigation, contracts, commercial activities, labor and employment law, equal employment opportunity, and ethics and standards of conduct. Ability to serve as representative and coordinate complex cases, develop investigations, research precedents, interview witnesses, and present in court and administrative proceedings. Team player, recognizing and utilizing strengths and talents of individuals to build highly successful cases and work environments and develop relationships. Exceptional oral and written communication skills. Experienced in computer legal research applications including Westlaw, Lexis, and Cyberfeds. Bar memberships in Georgia and North Carolina.

PROFESSIONAL EXPERIENCE

CHIEF LEGAL COUNSEL

OCT 2005 - PRESENT

OFFICE OF THE GENERAL COUNSEL, U.S. NAVY Submarine Base, TRIDENT Refit Facility, Kings Bay, GA

Serve as Chief Legal Counsel on all legal matters for TRIDENT Refit Nuclear Submarine Repair Facility which consists of approximately 1,800 employees and a budget of more than 100 million dollars providing repair and maintenance on U.S. Navy submarines. Represent management and command at a variety of forums including Federal District Court, the Equal Employment Opportunity Commission, the Merit Systems Protection Board, the Armed Services Board of Contract Appeals, and Alternate Dispute Resolution Mediation Sessions. Previously worked as Assistant Legal Counsel at the Naval Air Warfare Center Aircraft Division, Patuxent River, Maryland.

Contracts and General Administrative Law

- Provided legal support on a variety of contract matters and reviewed a variety of documents including solicitations, determination & findings, and justification & approvals.
- Provided legal support at numerous debriefings of contractor's who submitted proposals and were not Selected for contract award.
- Supported the security department on security issues including representation on cases involving security clearance revocation that are decided by the Department of the Navy Central Adjudication Facility.
- Provided legal counsel and coordinated many investigations with the Inspector General and the Naval Criminal Investigation Service.

Labor and Employment Law

- Served as advisor on labor-management relation's matters including representation at arbitrations and negotiation of the Agency Collective Bargaining Agreement.
- Obtained Summary Judgment for the Navy in four Title VII employment discrimination cases in U.S. District Court.
- Obtained Summary Judgment for the Navy in numerous EEO Employment Discrimination Complaints at the Equal Employment Opportunity Commission.
- Represented the Navy on a Federal District Court Motion for an Injunction an employee filed alleging harassment by two of his supervisor's. The two supervisors were also sued in their individual capacities. Prepared the response briefs with supporting affidavits. The injunction was denied and the individual lawsuits were dismissed.
- Represented the Navy at numerous Alternate Dispute Resolution Mediations. Successful in resolving majority of cases with settlements favorable to the Navy.
- Provided legal representation throughout investigation and discovery on numerous EEO complaints. Support

included briefings and investigation advice to employee's designated as witnesses or responsible management officials.

- Provided legal support to Human Resources Office personnel specialists on a variety of matters including numerous misconduct and performance cases where employees were removed from the federal service.

Ethics and Standards of Conduct

- Responsible for entire Ethics and Standards of Conduct program.
- Responded to numerous requests for ethics advice and prepared written ethics opinions on a variety of issues including use of government resources, conflicts of interest, post employment restrictions, and providing support to non-federal entities. Included counsel on numerous matters involving senior military personnel such as use of aircraft and vehicles, attending political functions, and involvement in various boards and organizations.
- Provided legal representation during successful Inspector General review of ethics program.
- Provided ethics and standard of conduct training to hundreds of new employees.
- Conducted legal review of numerous Office of Government Ethics Confidential Financial Disclosure Forms.

ATTORNEY, U.S. Army, Judge Advocate General's Corp

JAN 1993 - JULY 1995

OFFICE OF THE GENERAL COUNSEL, U.S. Army Reserve Command, Atlanta, Georgia

Served on the legal staff of the United States Army Reserve Command (USARC). The USARC consists of more than six hundred civilian and military personnel with command and control of the U.S. Army Reserve including approximately one-quarter million soldiers, fifty units, and four installations. Wrote legal opinions, regulations, and policy memoranda. Performed a traditional government attorney-advisor practice that included the following:

Labor - Provided advice on management of civilian employees, labor-management relations, and various civilian and military personnel issues.

Contract - Reviewed contracts to ensure legal sufficiency. Provided legal advice throughout contract formation and administration.

Ethics - Counseled command and staff on standards of ethical conduct issues including conflicts of interest, acceptance of gifts, and limitations on post government employment. Prepared and reviewed financial disclosure forms. Conducted ethics training.

Environmental - Provided counsel to ensure actions complied with environmental laws. Advised on waste disposal, discharges, and other environmental issues. Reviewed environmental impact statements.

Administrative - Reviewed administrative proceedings and investigations for legal sufficiency and to ensure there were no violations of due process standards. Determined liability of military and civilian personnel for loss or damage to government property. Advised on lawfulness of expenditures of appropriated and nonappropriated funds. Answered requests for information under the Freedom of Information Act and Privacy Act. Responded to congressional inquiries. Provided legal counsel on investigations of senior officials accused of misconduct.

- Awarded Meritorious Service Medal for outstanding performance.
- Received maximum possible rating on annual review by the General Counsel.
- Selected to serve as Assistant General Counsel for a six-month period. Assigned and reviewed the work of eleven attorneys. Managed various aspects of a sixteen-person office.
- Named Information Management Officer and Westlaw/Lexis Administrator. Responsible for office automation on a Microsoft DOS system including Windows, E-Mail, and a Local Area Network (LAN). Experienced with several computer legal research applications.

TRIAL ATTORNEY, U.S. Army, Judge Advocate General's Corp

DEC 1990 - JAN 1993

TRIAL DEFENSE SERVICE, Fort McClellan, Alabama

Represented senior officers and other military personnel in both criminal felony and administrative cases. Included defense at criminal felony jury trials and at administrative separation hearings based on misconduct and substandard performance. Supervised two paralegals.

- Trial Attorney with unprecedented success rate. Acquittals in more than 60% of contested criminal jury trials. Overall army acquittal rate for the same period was about 5%. Included five felony jury trial acquittals.
- Represented senior officers and other military personnel at over thirty administrative board proceedings including separation hearings. More than 65% successfully retained in service at separation hearings.
- Tried more than twenty felony cases including drug distribution/possession, aggravated assault, multiple grand larceny, sex offenses, and various white-collar offenses.
- Requested as Individual Military Counsel at distant locations such as Fort Bragg, North Carolina. Defended military personnel in six jurisdictions and practiced before eight different judges.

EXECUTIVE SUPERVISORY AND LEADERSHIP EXPERIENCE

- Appointed to the Board for Correction of Naval Records (BCNR). The BCNR is an administrative forum with broad jurisdiction to correct errors and injustices involving Navy and Marine Corps personnel.
- Served on Institutional Review Board that protects the rights and welfare of human research subjects. Provided guidance concerning use of contractor facilities, liability issues, and the principles governing the ethical conduct of research involving human test subjects.
- Selected to serve as Assistant General Counsel at the U.S. Army Reserve Command for a six-month period. Assigned and reviewed the work of eleven attorneys. Managed various aspects of a sixteen-person office.
- Elected to Counsel of the American Bar Association Military Lawyers Conference.
- Served as a volunteer mediator with the Maryland Human Relations Commission.
- Served as Executive Officer for Reserve Officer Training Corps (ROTC) at Brockport State College.
- Managed Residence Hall as Director for two years at Wake Forest University.

EDUCATION

J.D. 1990 - WAKE FOREST UNIVERSITY

Winston-Salem, North Carolina

GEORGETOWN UNIVERSITY LAW CENTER

Rights of Public Employees – 1996

GEORGE WASHINGTON GOVERNMENT CONTRACTS PROGRAM

Advanced Best Value Source Selection Class - 1997

B.S. (BUSINESS ADMINISTRATION AND FINANCE) 1987 - STATE UNIVERSITY OF NEW YORK COLLEGE AT BROCKPORT

Brockport, New York

ARMY JUDGE ADVOCATE GENERAL'S SCHOOL

University of Virginia, Charlottesville, Virginia

- Basic Course 1990
- Trial Advocacy 1991
- Environmental Law 1993
- Government Installation Law 1993
- Labor Relations and Employment Law 1994
- Contract Attorney's Course 1994
- Federal Courts and Boards Litigation 1994
- Ethics Attorney's Course 1994
- Contract Litigation Course 1998

CONTINUING LEGAL EDUCATION

- Mediation and Alternate Dispute Resolution 1996
- Advanced EEOC & MSPB Advocacy 1996
- Federal EEO Practitioners' Forum 1996

BAR ADMISSIONS

- Georgia State Bar
- North Carolina State Bar

REFERENCES FURNISHED UPON REQUEST

Advisory Board/Committee Application

This application is intended to provide information that will enable the City Commission to select the most qualified Board/Committee members. Please complete all applicable sections and return the form along with your current résumé to the City Clerk's Office.

City of Fernandina Beach
City Clerk's Office
204 Ash Street
Fernandina Beach, FL 32034
(904) 310-3115

Name	Mark Gleason
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Home Mailing Street Address	315 Dunes of Amelia Dr.
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City	Fernandina Beach
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Zip Code	32034
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Primary Phone	9044512696
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Secondary Phone	9125731084
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Please note that board materials are distributed electronically.

Email to receive board materials	gleasonmark@gmail.com
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Employer	Office of Legal Counsel, Kings Bay Submarine Base, GA
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Position Title	Legal Counsel
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Business Address 990 USS Thomas Jefferson Dr.

City Kings Bay, GA

Zip 31547

Select the board you are
applying for:

Board of Adjustment

Additional board that you
are applying for:

Code Enforcement & Appeals Board

Why are you interested in
serving on this Board?
Please explain.

I hope to make a positive contribution to the City of Fernandina Beach community. As the City and Nassau County experience explosive growth I believe my experience will assist in applying a fair and balanced approach to applications for variances and enforcement of the city code. My family and I have resided outside of the city limits for the past 13 years but have participated in numerous city events including volunteering at shrimp festival, Amelia Island Soccer, and YMCA sports and activities. We will become Fernandina Beach City residents on February 28, 2019 and I hope to serve the city as an alternate member of the Board of Adjustment and also the Code of Enforcement and Appeals Board.

Eligibility

Are you a resident of the
City?

No

Length of time:

On February 28, 2019 we will become city residents.

Do you hold a public office? No

Office name: *Field not completed.*

Are you employed by the City? No

Position: *Field not completed.*

Are you currently serving on a Board? No

Board Name: *Field not completed.*

Potential Conflict of Interest:

Have you ever been engaged in the management/ownership of any business enterprise that has a financial interest with the City of Fernandina Beach? No

Field not completed.

If yes, please provide details:

Major Affiliations:

List community, professional, or other applicable policy-making Boards on which you have served.	Board of Corrections for Naval Records 3 years. Yulee Basketball Association League Commissioner and Board Member 3 years.
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Note the length of service
and office held (if any):

Qualifications:

Please list any specific
qualifications, education or
experience that would
directly relate to the Board
for which you are being
recommended:

Attorney with 29 years of federal service and experience in a wide variety of fields including contracts, commercial activities, labor and employee relations, Equal Employment Opportunity Law, and ethics and standards of conduct. I am currently participating in the inaugural class of the Fernandina Beach Citizenship Academy. Completed the Maryland Real Estate License Course.

Organization or
Commissioner sponsoring
nomination (if applicable):

Field not completed.

Educational Background:
(Check all that apply)

High School, BS/A, J.D.

Other:

Field not completed.

Major areas of study:

Law, Business Administration and Finance.

Florida's Public Records Law, Chapter 119, Florida Statutes, states:

"It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning or zoning, are required to file a financial disclosure form (Form1) within 30 days after appointment and annually thereafter, for the duration of the appointment as required by Chapter 112, Florida Statutes

I understand that if I am appointed to one of the City's boards, I will be required to file a financial disclosure form - Form 1, as described above, and I am willing to comply with this requirement.

I understand that any false, incomplete or misleading information given by me on the application is sufficient cause for rejection of this application. I understand and agree that any such false, incomplete or misleading information discovered on this application at any time after appointment to a Board may result in my removal.

I also understand that all board appointments are for voluntary, uncompensated services. Additionally, if appointed, I am able to attend meetings and otherwise fulfill the duties of the office.

Applications are submitted to the City Commission when vacancies occur and are effective for two years from date of completion.

Do you understand the duties and responsibilities of the Board/Committee that you are applying for?	Yes
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By submitting this form, I declare the foregoing facts to be true, correct, and complete.

Date	February 11, 2019
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Applicant's Signature	Mark Gleason
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