



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
MARCH 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 February 20, 2019 Regular Meeting**
- 3. OLD BUSINESS**
 - 3.1 BOA 2019-0004: JON C. LASSERRE, AGENT FOR PHILLIP & BONNIE GORDON, 605 BROOME STREET**
VARIANCE from LDC section 4.02.03(E) to encroach into the rear yard setback 6'4". (*Quasi-Judicial*)
- 4. NEW BUSINESS**
 - 4.1 BOA 2019-0006: JOHN H. DODD ARCHITECT INC., AGENT FOR SAMUEL & DEENA SMITH, 2734 S. FLETCHER AVENUE**
VARIANCE from LDC Section 10.01.02(B) to allow the reconfiguration of stairs to encroach into the front yard setback, expanding a non-conforming situation. (*Quasi-Judicial*)
- 5. BOARD BUSINESS**
- 6. STAFF REPORT**
- 7. PUBLIC COMMENT**
- 8. ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR APRIL 17, 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
FEBRUARY 20, 2019**

1. CALL TO ORDER – 5:00 PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

*Barry Hertslet
Tisha Dadd
Steven Papke*

*Marcy Mock
Matt Miller (Chair)*

MEMBERS ABSENT:

OTHERS PRESENT

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

2. APPROVAL OF MINUTES

2.1 September 19, 2018 Regular Meeting

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

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

2.2 January 16, 2019 Regular Meeting

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

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

Chair Miller stated that Ms. Arlene Filkoff sent an email to all board members regarding one of the agenda items, but since she is not in attendance, it cannot be taken into consideration by the Board.

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)

James Pozzetta, 103 S. 18th Street, Architect, and Sharon Edgar, 2519 1st Ave, the owner, provided information and details specific to the requested variance. The pair answered questions from the Board.

Ms. Edgar explained that the deck expansion would offer her an outdoor space that she would otherwise not be able to enjoy on a regular basis, as it is not easy for her to get down stairs.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Dadd, to approve BOA case number 2019-03; AND 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 substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2019-03 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: *There would be no special privilege since other properties down the street have the same and granting the variance would not affect the rest of the neighborhood. Literal interpretation does not apply—as the neighborhood behind the property is wooded and cannot be seen. There is already an existing deck which was built before these standards were in place. Special conditions do exist because others in the neighborhood have done the same and the porch is currently too narrow to be used and could be a fire hazard with no stairs.*

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

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*)

Jon Lasserre, 960185 Gateway Blvd, agent for the applicant, verified for the record that the site plan included in the Staff report is incorrect, as pointed out by Mr. Platt. Mr. Lasserre spoke to preservation of the tree, ease of access to the garage, and the problems associated with moving the house back a few feet. The discussion circled back to the site plan as presented and the additional encroachment that would occur.

Dr. Arnold Tanis, 614 Broome Street, spoke to the preservation of the heritage tree and inquired on the Context Sensitive Review Process.

Steve Cook, 2629 Rachel Avenue, asked for clarification on the Context Sensitive Review Process.

Mr. Lasserre requested that the case be continued to the March 20th Regular Meeting.

ACTION TAKEN: A motion was made by Member Dadd, seconded by Member Mock, to postpone BOA 2019-0004 to the March 20th Regular Meeting.

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

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*)

Mark Akins, 1414 Highland Drive, agent to the applicant, provided information and details specific to the request.

Mr. Akins returned to the podium to reiterate that the request is in keeping with the harmony in the neighborhood and would not create a non-conforming situation.

Aaron Moore, 411 S. 5th, raised concern with the tree canopy that might be affected.

ACTION TAKEN: A motion was made by Member Dadd, seconded by Member Hertslet, to approve BOA case number 2019-05; AND 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 substantially

compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2019-05 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 special conditions and privileges are consistent per the application and other properties on 5th are oriented towards 5th and the reorientation will be in harmony with the neighborhood and lots across the street.*

5. BOARD BUSINESS

5.1 BOARD MEMBER APPLICATION FOR CONSIDERATION: Stephen Cook
Mr. Cook, 2629 Rachel Ave, was present and introduced himself to the Board.

5.2 BOARD MEMBER APPLICATION FOR CONSIDERATION: Nicole Kresse
Ms. Kresse was present and introduced herself to the Board.

5.3 BOARD MEMBER APPLICATION FOR CONSIDERATION: Mark Gleason

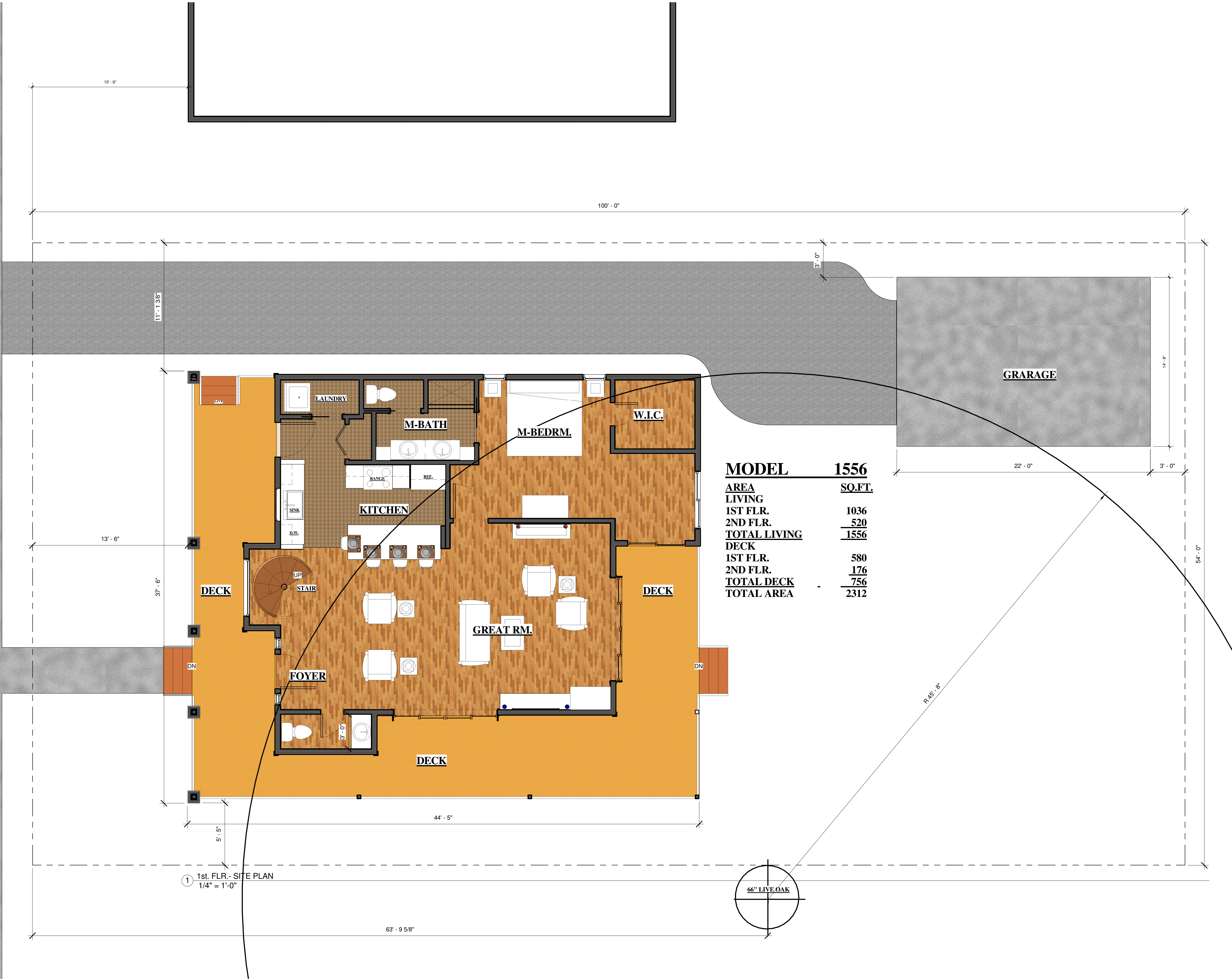
Board Members reviewed the applications. They did not make a decision, and instead chose to forward the applications to the City Commission for their review.

6. PUBLIC COMMENT

7. ADJOURNMENT – 6:46 PM

Samantha Rogic, Recording Secretary

Matt Miller, Chair



MODEL	1556
AREA	SQ.FT.
LIVING	
1ST FLR.	1036
2ND FLR.	520
TOTAL LIVING	1556
DECK	
1ST FLR.	580
2ND FLR.	176
TOTAL DECK	756
TOTAL AREA	2312

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- ARCTEELHOMES.COM

Date: 12/18/18

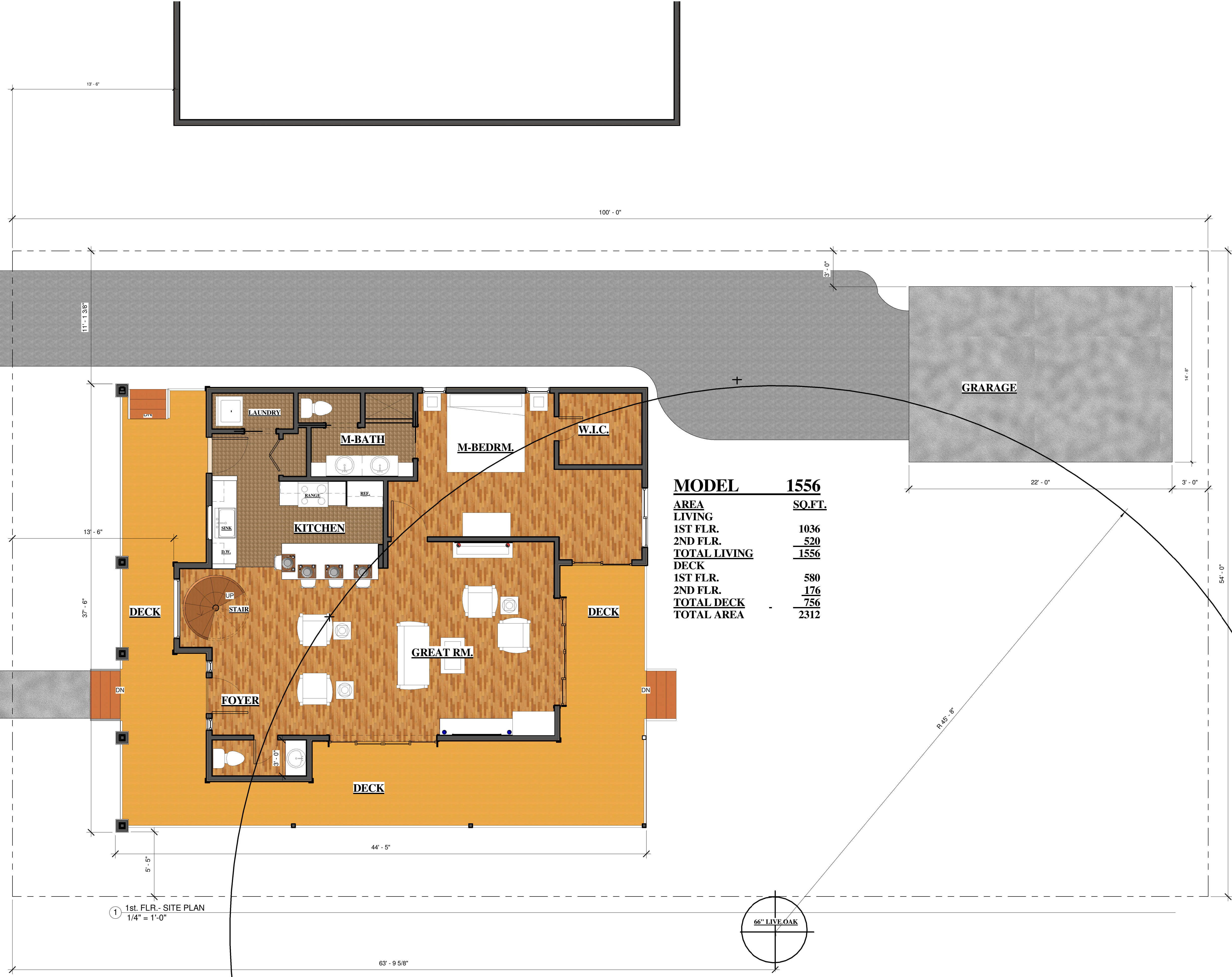
Revisions:
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△
△
△
△

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

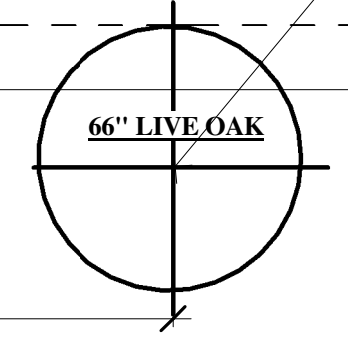
Sheet:
A101

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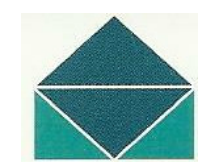


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1 1st. FLR.- SITE PLAN
1/4" = 1'-0"



GORDON COTTAGE
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Date: 12/18/18

Revisions:

▲

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1ST.FLR. PLAN
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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.

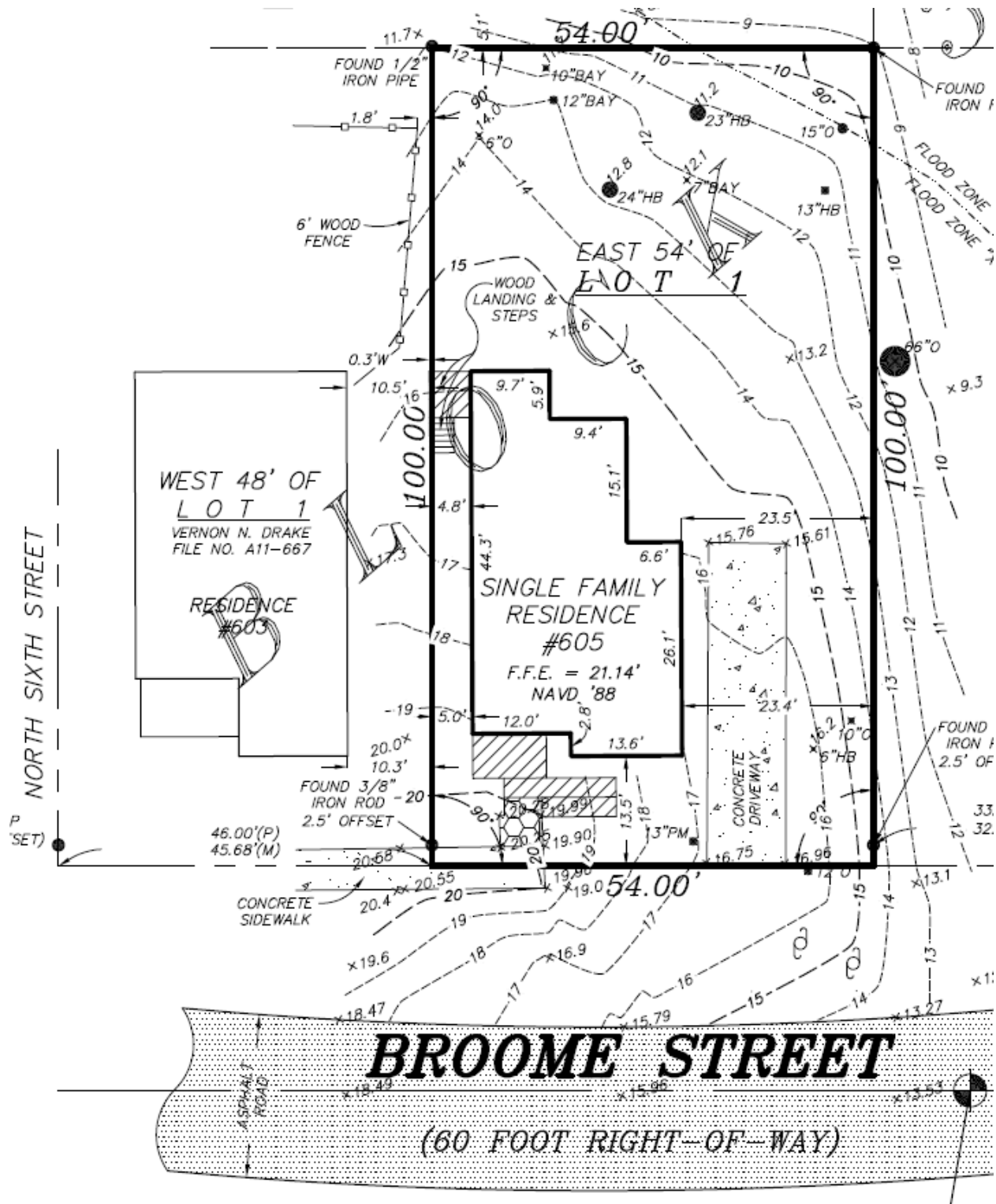
The natural topography of the site falls from the twenty feet NAVD in the southwest corner, to nine feet NAVD in the northeast corner. The lower portion of the site is designated on the FEMA FIRM to be in the 1% and .02% (100-year SFHA & 500-year) flood zone.

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





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

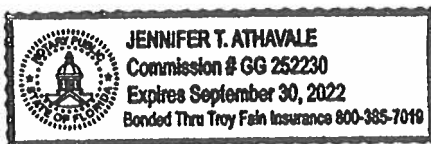
Subscribed and sworn to before me this 16th day of January, 2019.

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))

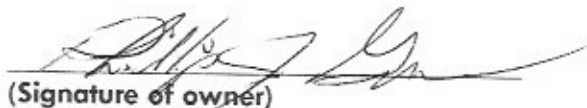
hereby authorize: Rogers Towers, P.A., C/O Jon C. Lasserre, Esq.

(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)

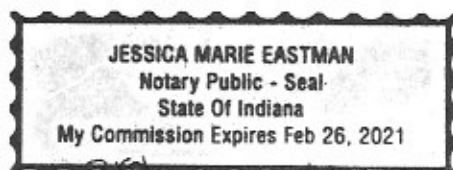
Bonnie E. Gordon

(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.

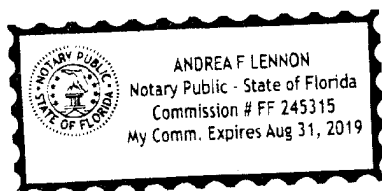
Signed, sealed and delivered in our presence:

[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.

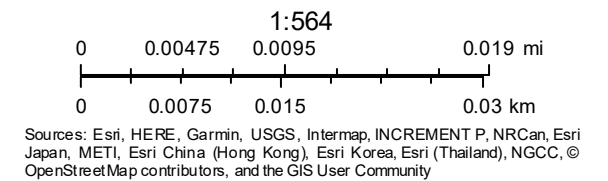


[Signature]
Notary Public Print Name: Andrea F. Lennon
My Commission Expires:

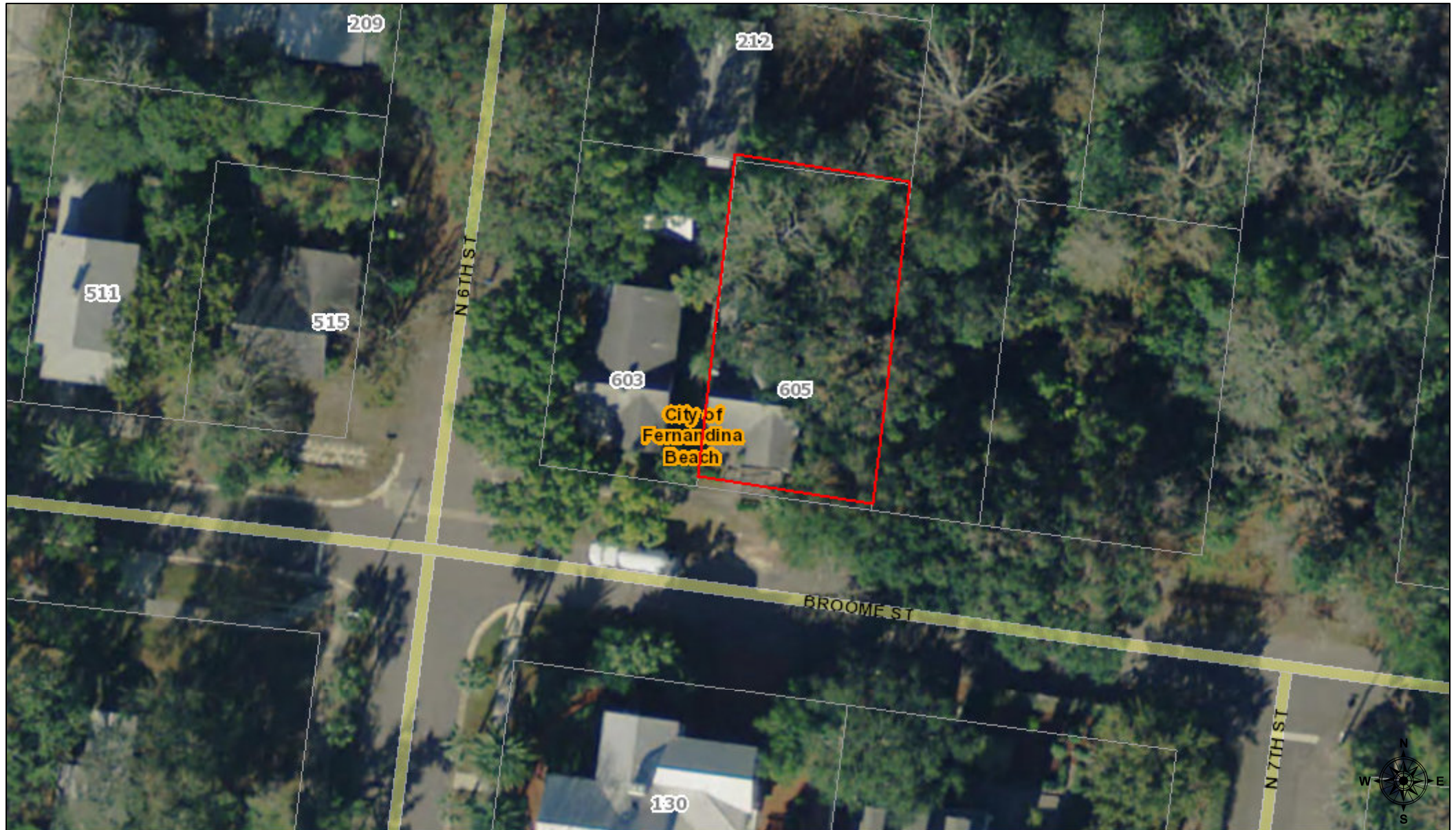
Subject Property



January 16, 2019

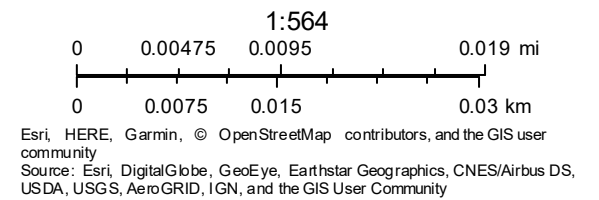


Aerial



January 16, 2019

☐ Land Parcels

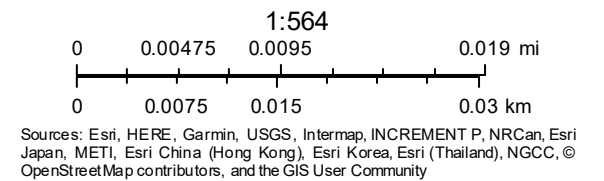


FLUM Designation



January 16, 2019

□ Land Parcels

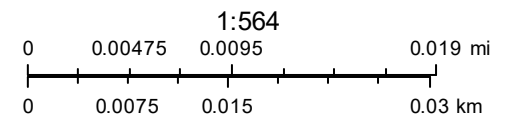


Zoning Map



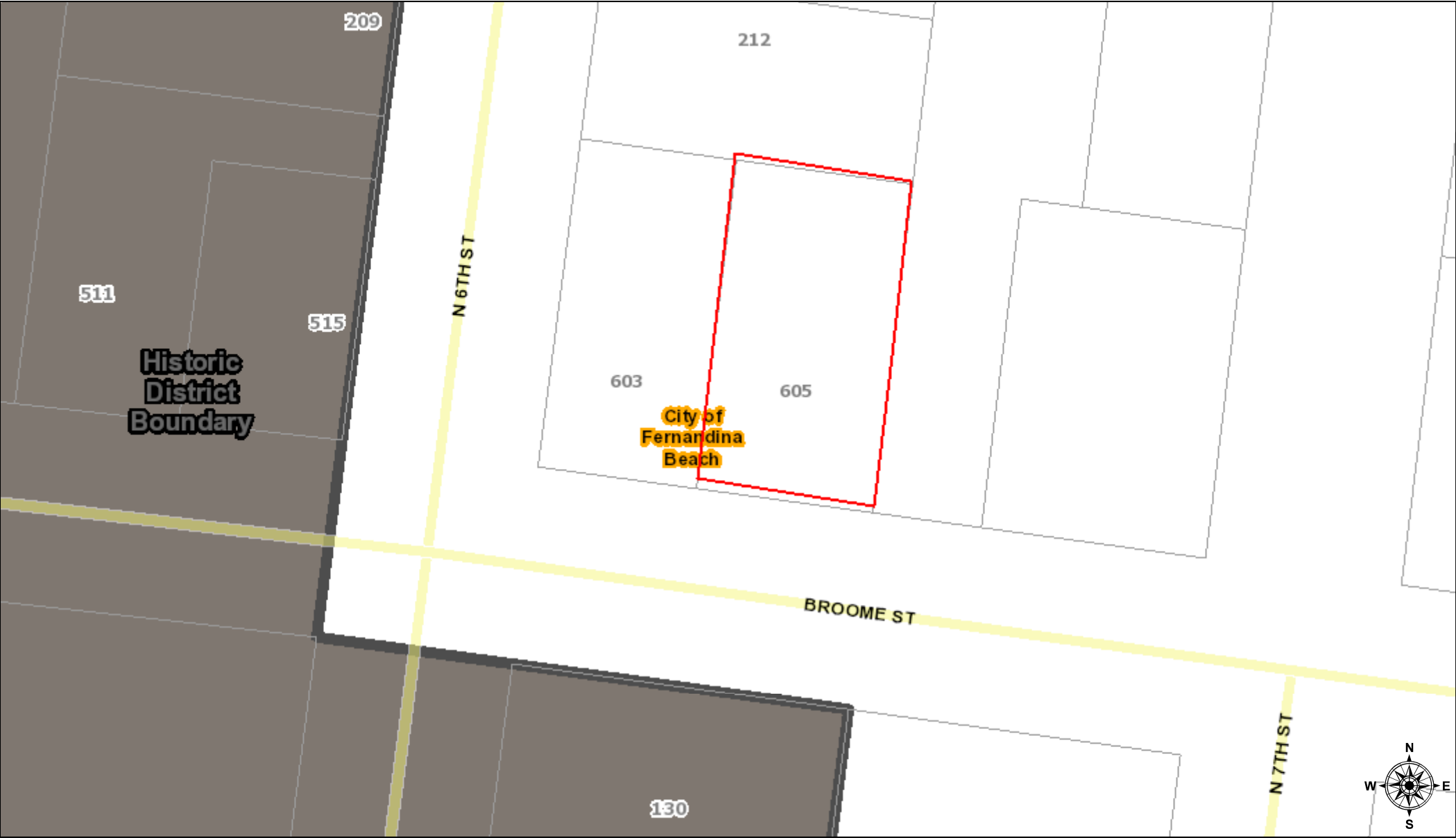
January 16, 2019

 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



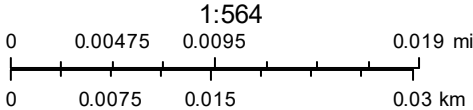
January 16, 2019



Land Parcels

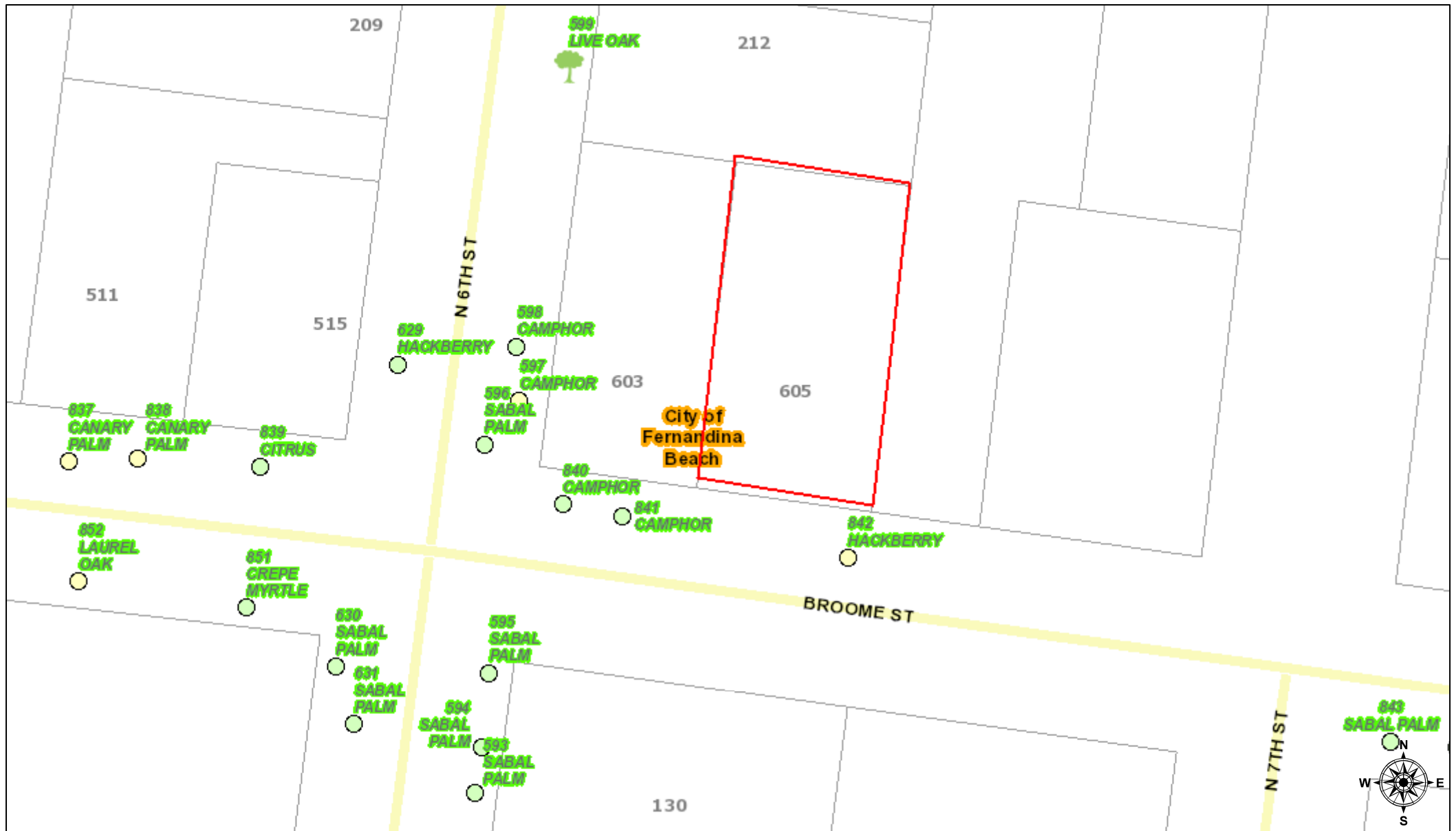


City of F.B. Historic District



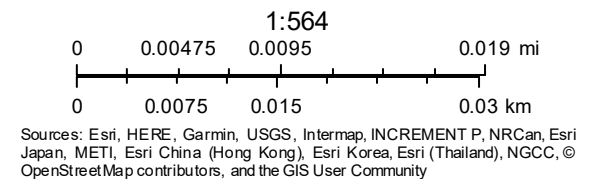
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

FB Tree Inventory Map

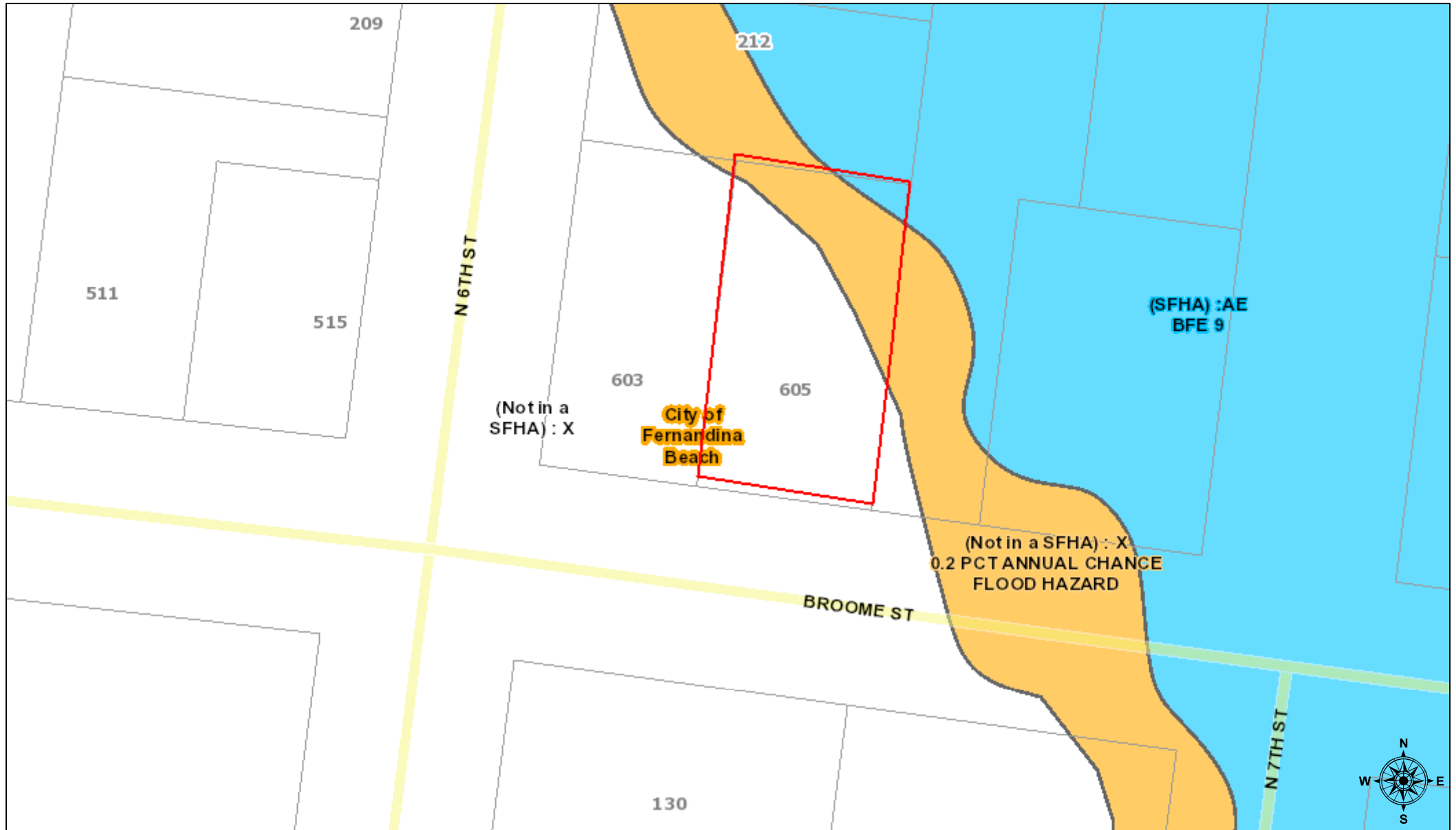


January 16, 2019

- 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,

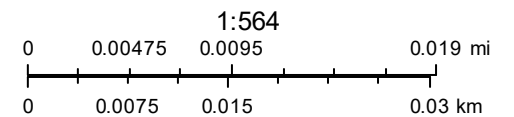
AE,

AO,

VE,

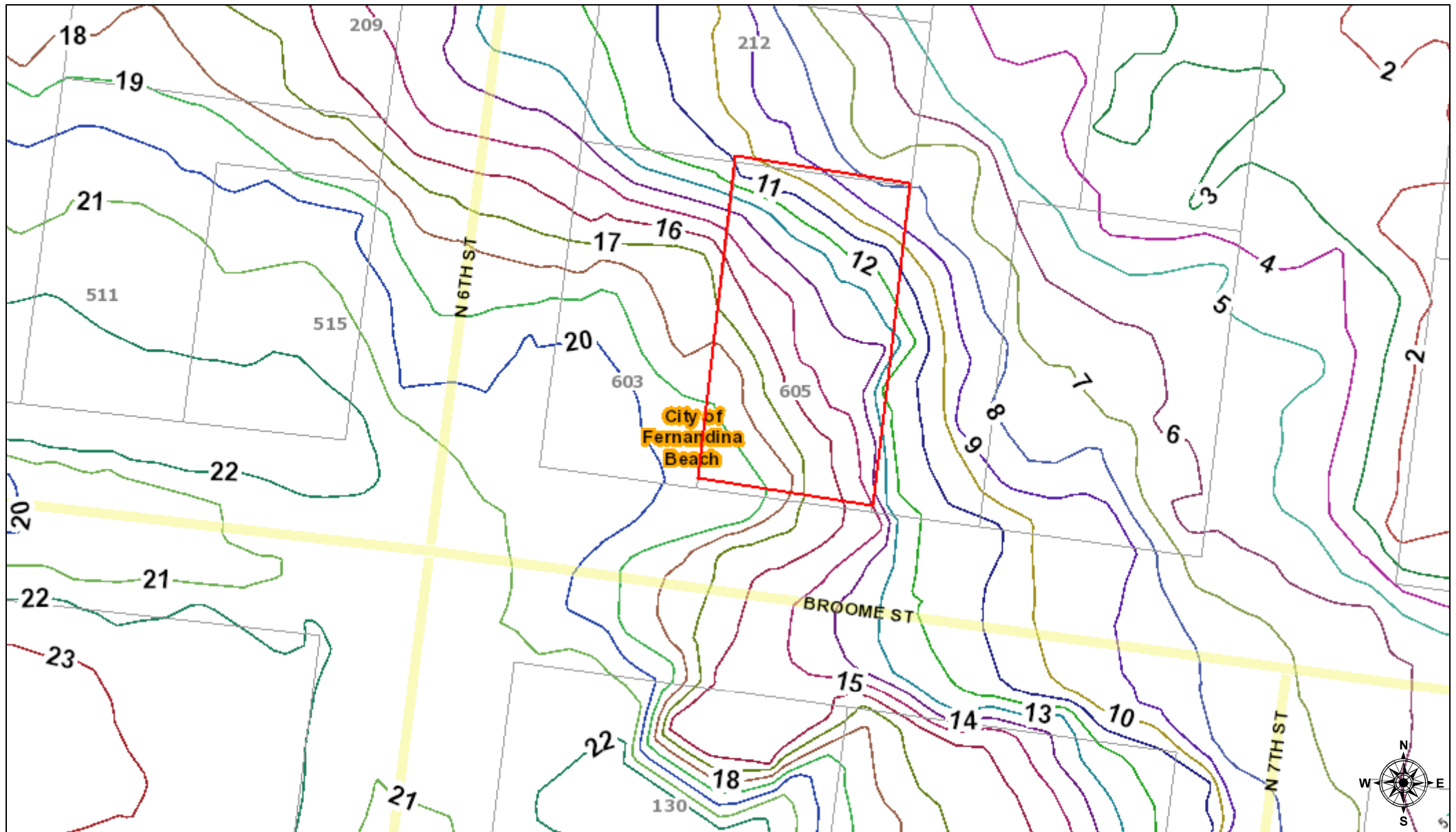
X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD

X, AREA OF MINIMAL FLOOD HAZARD

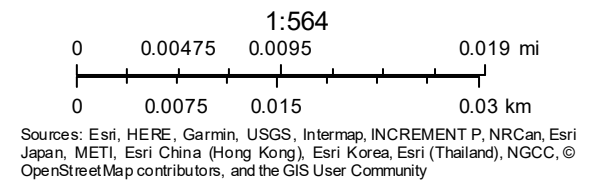


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community

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.

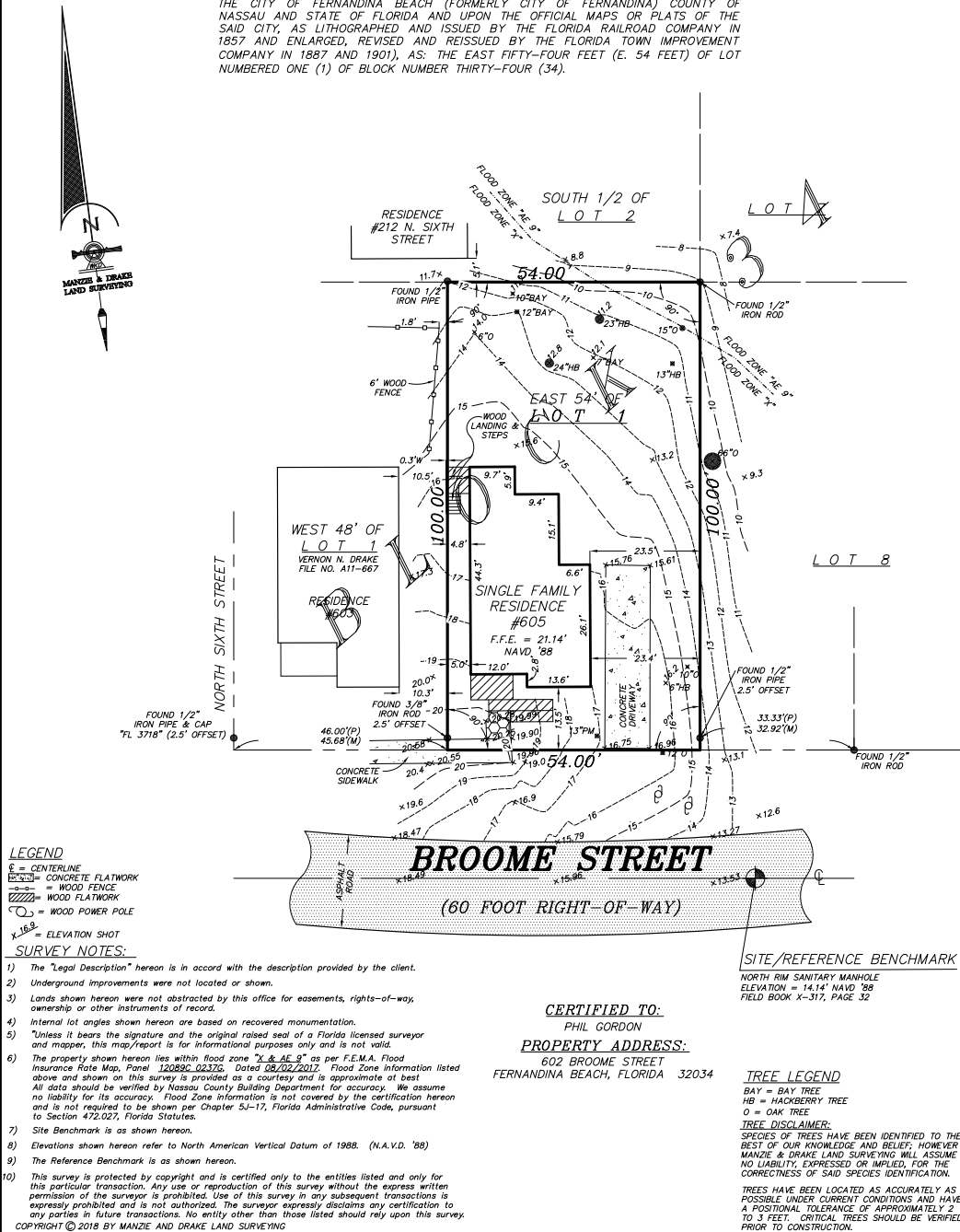
Kindest regards,
Early McCall

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"

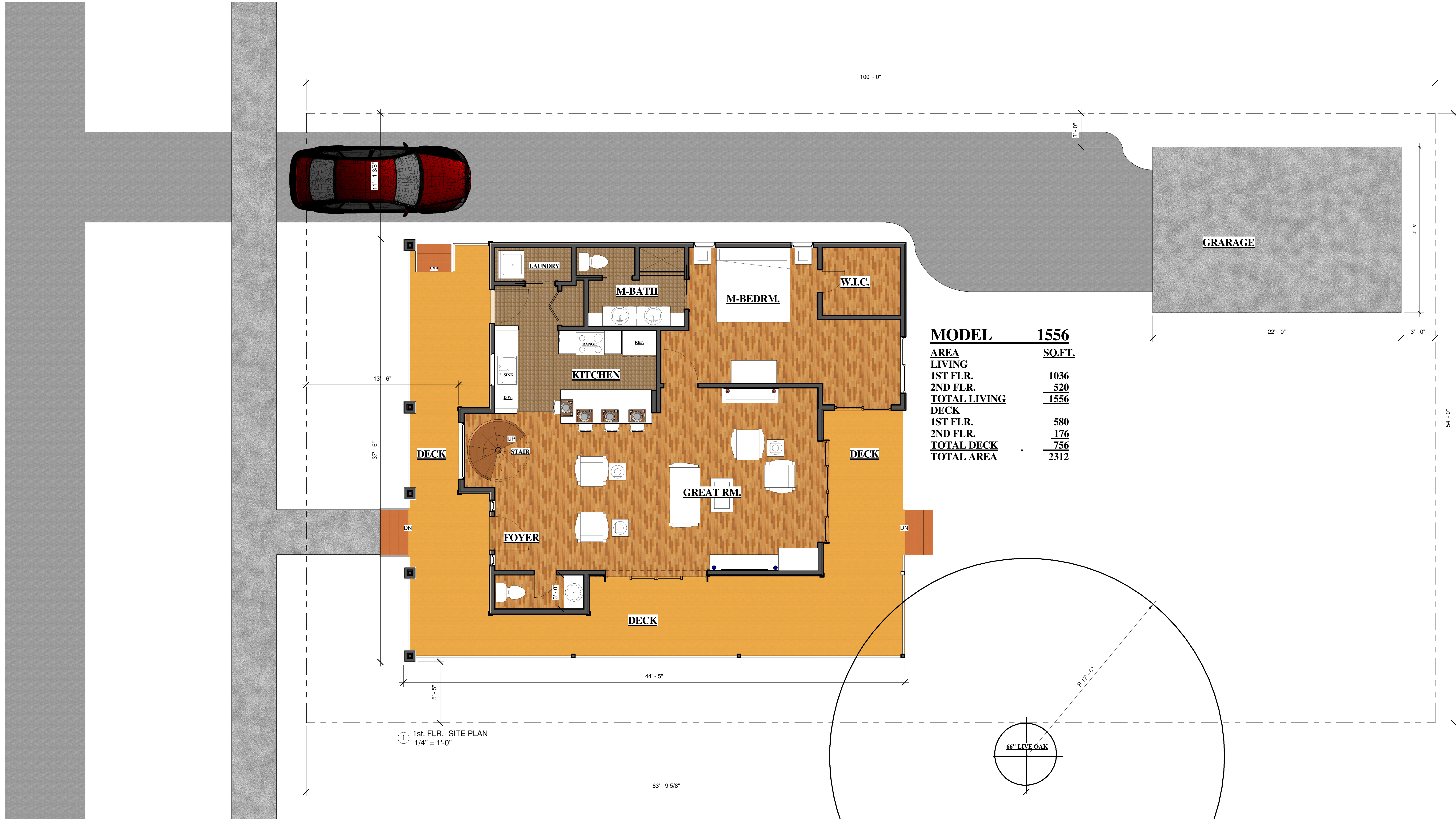
"OUR SIGHTS ARE ON THE FUTURE."

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



MODEL	1556
AREA	SQ.FT.
LIVING	
1ST FLR.	1036
2ND FLR.	520
TOTAL LIVING	1556
DECK	
1ST FLR.	580
2ND FLR.	176
TOTAL DECK	756
TOTAL AREA	2312

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INC. AND SHALL NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF
ALTERNATIVE RESIDENTIAL COMPONENTS INC.

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



BOA 2019-06
2734 S. Fletcher Avenue
March 13, 2019

BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2019-06

Meeting Date March 20th, 2019

Owner/Applicant Michael & Leslie Collins / John Dodd, Architect

Property Location: 2734 S. Fletcher Avenue

Parcel Number: 00-00-31-114A-0063-0000

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

Current zoning: R-2

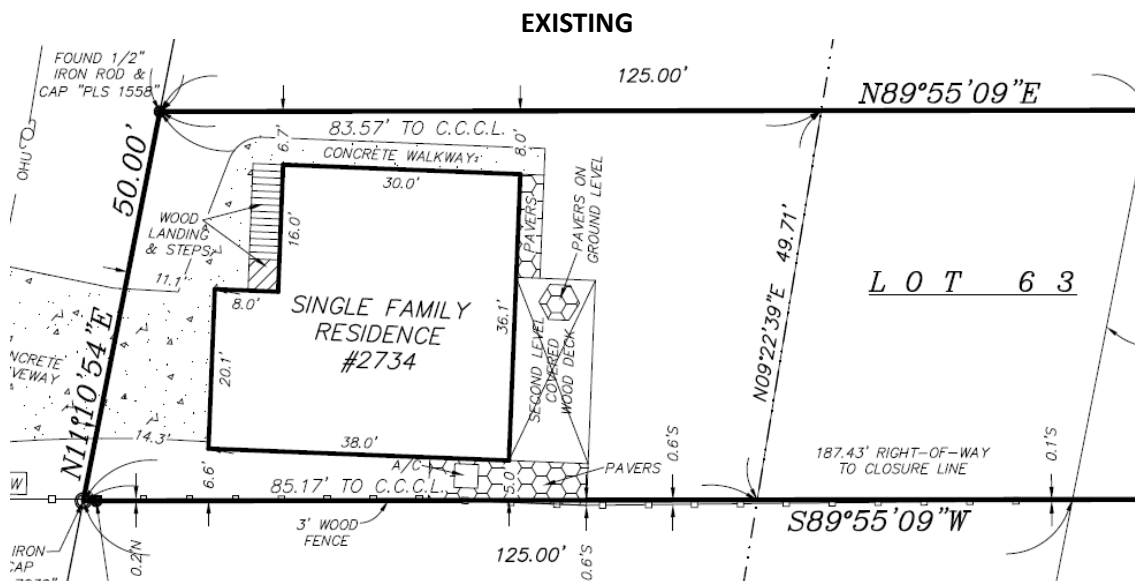
FLUM land use category: Medium Density Residential

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 from the front yard setback to reconfigure an existing non-conforming front entry stair and expand the covered landing. The structure was built in 1946 according to the Property Appraiser's website. It is currently 11.1 feet from the front property line at its closest point. The proposal brings the reconfigured entry stair to 8 feet 2 3/4 inches from the front property line.





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 2019-06
2734 S. Fletcher Avenue
March 13, 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. Yes. Special conditions <u>do</u> exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. The existing structure is non-conforming with regard to the minimum front yard setback. The uncovered front entry stair is not compliant with current minimum tread width standards.
☐ 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. However, the reconfiguration of the stairs allows for a safer, building code compliant design for the front entry.
☐ 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. Non-conforming structures can only be expanded where they meet current Land Development Code requirements. However, the applicant's proposal is seeking to fix a current building code violation and provide safer entry into the home.



☒ 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 reasonable use of the land, structure, or building. The applicant's design will provide a safer and more practical entry in to the existing structure.
☒ 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 the applicant to design a building code compliant entry stair with a usable covered landing
☒ 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 1, 4, 5, and 6, but does not meet criteria 2 and 3, for granting a variance, therefore staff must recommend denial.



BOA 2019-06
2734 S. Fletcher Avenue
March 13, 2019

VI. MOTION TO CONSIDER:

I move to **approve or deny** BOA case number 2019-06; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2019-06, 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 2019-06 **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	_____	_____	_____

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

Jacob M. Platt
City Planner

OFFICE USE ONLY

REC'D: _____ BY: _____

PAYMENT: \$ _____ TYPE: _____

APPLICATION #: _____

CASE #: _____

BOARD MEETING DATE: _____

**APPLICATION FOR VARIANCE FROM THE LDC****APPLICANT INFORMATION****Owner Name:** SMITH SAMUEL R JR & DEENA B

Mailing Address: 31 MORGAN ST, SENOIA, GA 30276

Telephone: (678) 662-6582 (678) 772-0286 Fax: _____

Email: reese.smith@comcast.net deenabsmith@gmail.com

Agent Name: JOHN H DODD ARCHITECT INC

Mailing Address: 2775 Racheal Avenue, Fernandina Beach, FL 32034

Telephone: 904 583 4044 Fax: _____

Email: johnnydodd@bellsouth.net

PROPERTY INFORMATION

Street Address: 2734 Fletcher Ave So

Parcel Identification Number(s): 00-00-31-114A-0063-0000

Lot Number: 63 Block Number: Buck's Fernandina Beach, Section 1

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 4.02.03 A (3) Table 4.02.03(E) front setback

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

Replace existing entry stair with new configuration of reduced rise/run and mid level landing

Replace existing open entry stair top landing with new widened top landing, add roof cover for rain shelter

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.

Existing open entry stair is too steep for family or public use and offers no mid-level landing

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 privileges would be granted; a safe stair to enter the existing residence (non-conforming to front setback) would not be a special privilege

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

yes; literal interpretation would require the stair to existing in its current configuration, which is unsafer and poses risk of fall

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

yes; stair is designed to meet code for rise and run, and new configuration does not breach the existing frontal line of the building

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

yes granting will be in harmony

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.

there is no detriment to surrounding properties

☐ 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.

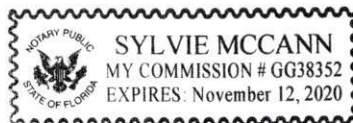
SIGNATURE/NOTARY

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

2-21-19
Date

John A. Dodd
Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss



Subscribed and sworn to before me this 21 day of February, 2019.

Sylvie McCann
Notary Public: Signature

SYLVIE MCCANN
Printed Name

11/12/20
My Commission Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Samuel Reese Smith, Jr and Deena Brown Smith
(print name of property owner(s))

hereby authorize: John H. Dodd, Architect, Inc.
(print name of agent)

to represent me/us in processing an application for: Variance to 2734 Fletcher Ave So
(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.

Samuel Reese Smith, Jr.
(Signature of owner)

Deena Brown Smith
(Signature of owner)

Samuel Reese Smith, Jr
(Print name of owner)

Deena Brown Smith
(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 21 day of February, 2019.

Connie C Eubanks
Notary Public: Signature

CONNIE C EUBANKS
Printed Name

7/24/21
My Commission Expires

Personally Known ☒ OR Produced Identification ☐ ID Produced: ☐

CONNIE C EUBANKS
NOTARY PUBLIC
Fayette County
State of Georgia
My Comm. Expires July 24, 2021



John H. Dodd, Architect, Inc.

FL: AR-0016867

2775 Racheal Avenue, Fernandina Beach, FL 32034

Tel 904-583-4044 Email: johnnydodd@bellsouth.net

Wednesday, February 20, 2019

**To: Fernandina Beach – Board of Adjustment
Letter of synopsis – Variance request
Smith, Reese and Deena – 2734 Fletcher Ave South**

The Smiths are new owners of this existing beach cottage and are planning to remodel, and move in an aging mother.

The existing house does not comply with setback requirements, the existing setback is 11.1', and the code requires 25'.

The existing open entry stair is too steep, does not meet code for tread requirements (9 ½" tread exists, code is 10" minimum). Also, the existing stair riser is excessive at 7 5/8". This results in a very steep and difficult to traverse stair, and poses a risk of fall for anyone, but particularly an elderly person.

We are requesting a new "L-shaped" stair the encroaches into the setback further, but does NOT protrude beyond the existing front (western edge) of the existing building. New stair design includes:

- 1. 7" rise and 11" tread; allows for safer use in open/wet conditions**
- 2. landing at approximate mid level, will provide a resting place during ascent or descent, and serve as a safer configuration (less travel distance) in the event of a fall on the stair.**

Additionally, we are requesting to increase the cov'd entry porch width to the corner of the building, to allow for a new outswing entry door (recommended for weather protection) and to allow multiple visitors to ring a bell and wait under roof cover.

PREPARED BY & RETURN TO:

Name: Wood & Smith, P.A.
Address: 303 Centre Street
Suite 100
Fernandina Beach, FL 32034
File No. 18-200794
Sales Price: \$950,000.00

Parcel No.: 00-00-31-114A-0063-0000

This **WARRANTY DEED**, made the **20th day of November, 2018**, by **Susanne K. Hostetter, a married woman, and Constance K. Phillips, a married woman** (whether one or more, the "Grantor"), to **Samuel Reese Smith Jr and Deena Brown Smith, husband and wife**, whose post office address is 31 Morgan Street, Senoia, GA 30276 (whether one or more, the "Grantee"):

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

All of that certain land situate, lying and being in the City of Fernandina Beach, County of Nassau and State of Florida, and more particularly described as follows:
Lot 63 of BUCK'S FERNANDINA BEACH, SECTION ONE, as per the plat thereof recorded in Plat Book 2, Page 30, of the Public Records of Nassau County, Florida.

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

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

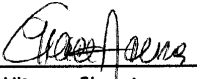
SUBJECT TO TAXES FOR THE YEAR 2018 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

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

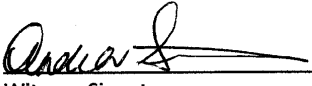
And the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple, that the Grantor has good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful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

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

Signed, sealed and delivered in the presence of:


Witness Signature
Printed Name: Grace Acuna

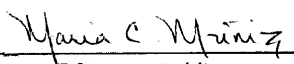

Susanne K. Hostetter


Witness Signature
Printed Name: Andrea Sinclair

Address:
1203 Nottingham Street
Orlando, FL 32803

STATE OF Florida
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 20th day of November, 2018, by Susanne K. Hostetter. (Known to me)


Signature of Notary Public
Print, Type/Stamp Name of Notary



Personally Known: ☒ OR Produced Identification: _____
Type of Identification
Produced: _____

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

Signed, sealed and delivered in the presence of:

N. F. Smith
Witness Signature
Printed Name: Nicholas F. Smith

[Signature]
Witness Signature
Printed Name: Larry Schaffer

Constance K. Philips
Constance K. Philips

Address: 1633 Country Walk Dr.
Fleming Island, FL 32003

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 20 day of November, 2018, by Constance K. Philips.

N. F. Smith
Signature of Notary Public
Print/Type/Stamp Name of Notary



Personally Known: _____ OR Produced Identification: /

Type of Identification

Produced: FL Drivers License

MAP OF BOUNDARY SURVEY LOT 63, "BUCK'S FERNANDINA BEACH, SECTION ONE"

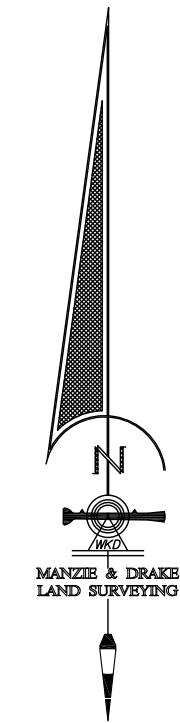
AS RECORDED IN PLAT BOOK 2, PAGE 30 OF THE
PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

CERTIFIED TO:
SAMUEL REESE SMITH JR. & DEENA BROWN SMITH
WOOD & SMITH, P.A.
FIRST AMERICAN TITLE INSURANCE COMPANY

PROPERTY ADDRESS:
2734 SOUTH FLETCHER AVENUE
FERNANDINA BEACH, FLORIDA 32034

ALLAN STREET

(50 FOOT RIGHT-OF-WAY)
(PUBLIC PARKING)



GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

LOT 61

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

LOT 62

LOT 63

LOT 64

SOUTH FLETCHER AVENUE
(75 FOOT RIGHT-OF-WAY)

ATLANTIC OCEAN

SURVEY NOTES:

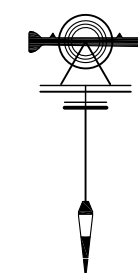
- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Bearings shown hereon are relative to Florida State Plane Coordinate System, East Zone, North American Datum 1983/1990
- 5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- 6) The property shown hereon lies within flood zone "X, AE 9 & VE 13" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C 0239G, Dated 08/02/2017. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- 7) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.
- 8) The record plat shows the east line of Lots 125.0' from the right-of-way line of South Fletcher Avenue, we feel the intent was to go to the high water line of the Atlantic Ocean.

LEGEND

A/C = AIR CONDITIONER
CL = CENTERLINE
C.C.C.L. = COASTAL CONSTRUCTION CONTROL LINE
CON = CONCRETE
OHU = OVERHEAD UTILITY WIRES
COVERED AREA
WM = WATER METER
WF = WOOD FENCE
WFL = WOOD FLATWORK
WPP = WOOD POWER POLE

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.

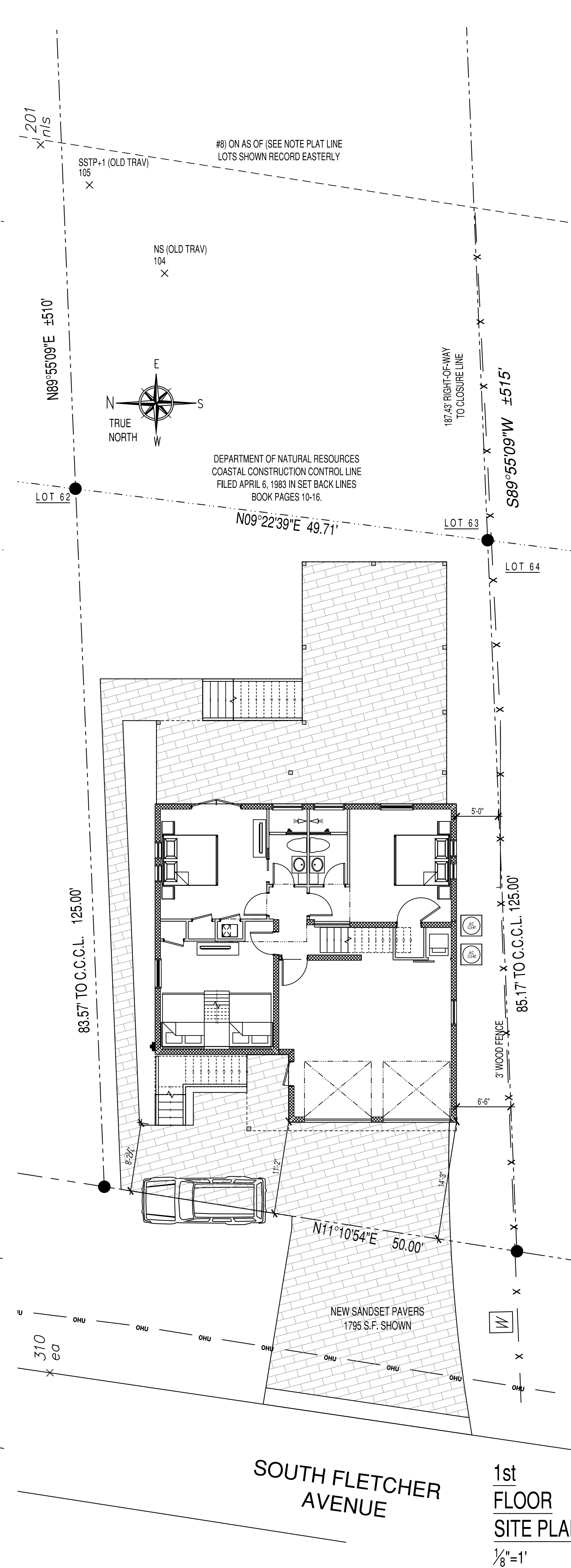
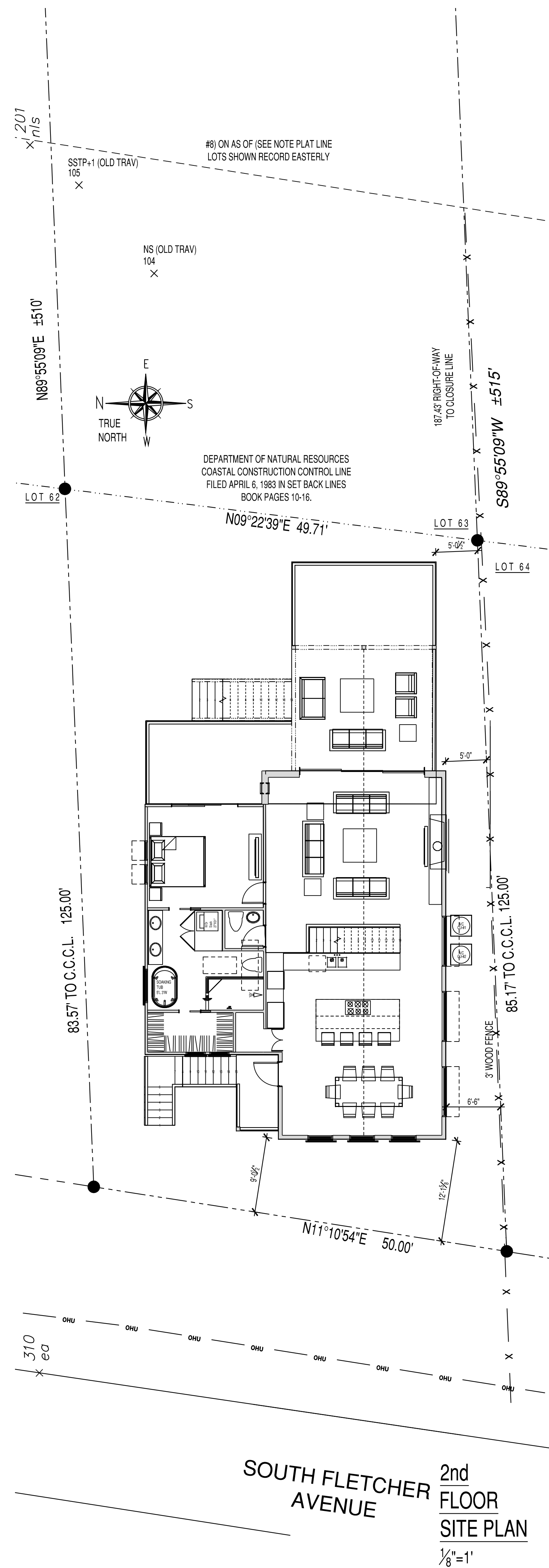
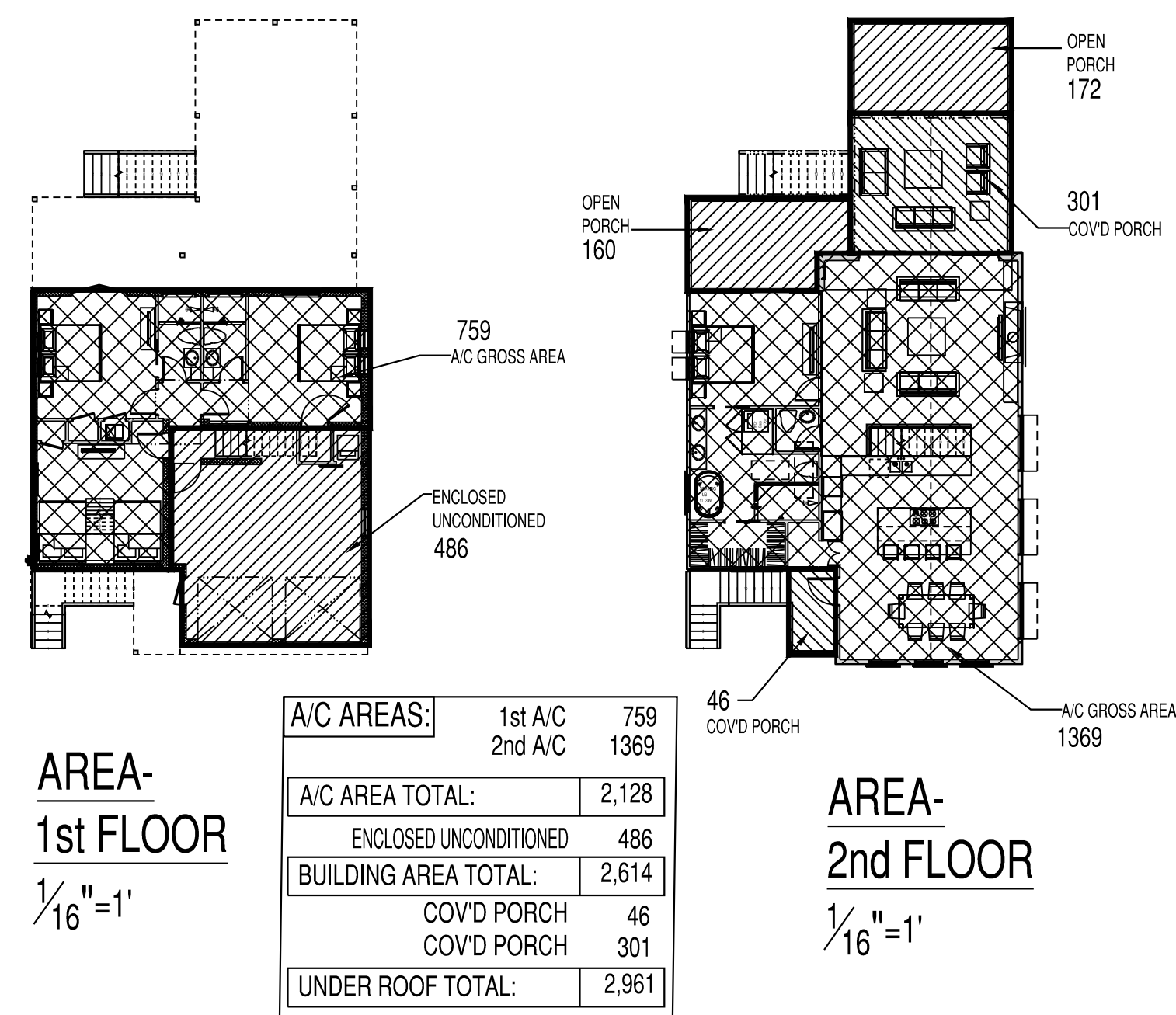
Michael A. Manzie
MICHAEL A. MANZIE, P.L.S. 4069

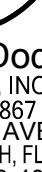


MANZIE & DRAKE LAND SURVEYING

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: 20468 DATE: 11/10/2018 CADD: BH
F.B. NO: X-315 PAGE NO: 27 FIELD CREW: GS FILE NO: B-1291



 John H. Dodd ARCHITECT, INC. FL AR0016867 2775 RACHEAL AVENUE FERNANDINA BEACH, FL 32034 TEL (904) 583-4044 Email: JOHN@JOHNDODDARCH.COM SOUTH/NET	
Issue Date of Progress Prints* _____	
Issued Date: _____	Reissued for: _____
2-28-19 VARIANCE SUBMITTAL TO FB	

REESE & DEENA SMITH RESIDENCE ALTERATIONS

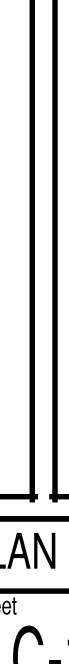
2734 South Fletcher Ave., Fernandina Beach, Fl

SITE PLAN

North / Elev Key

Sheet
C-1







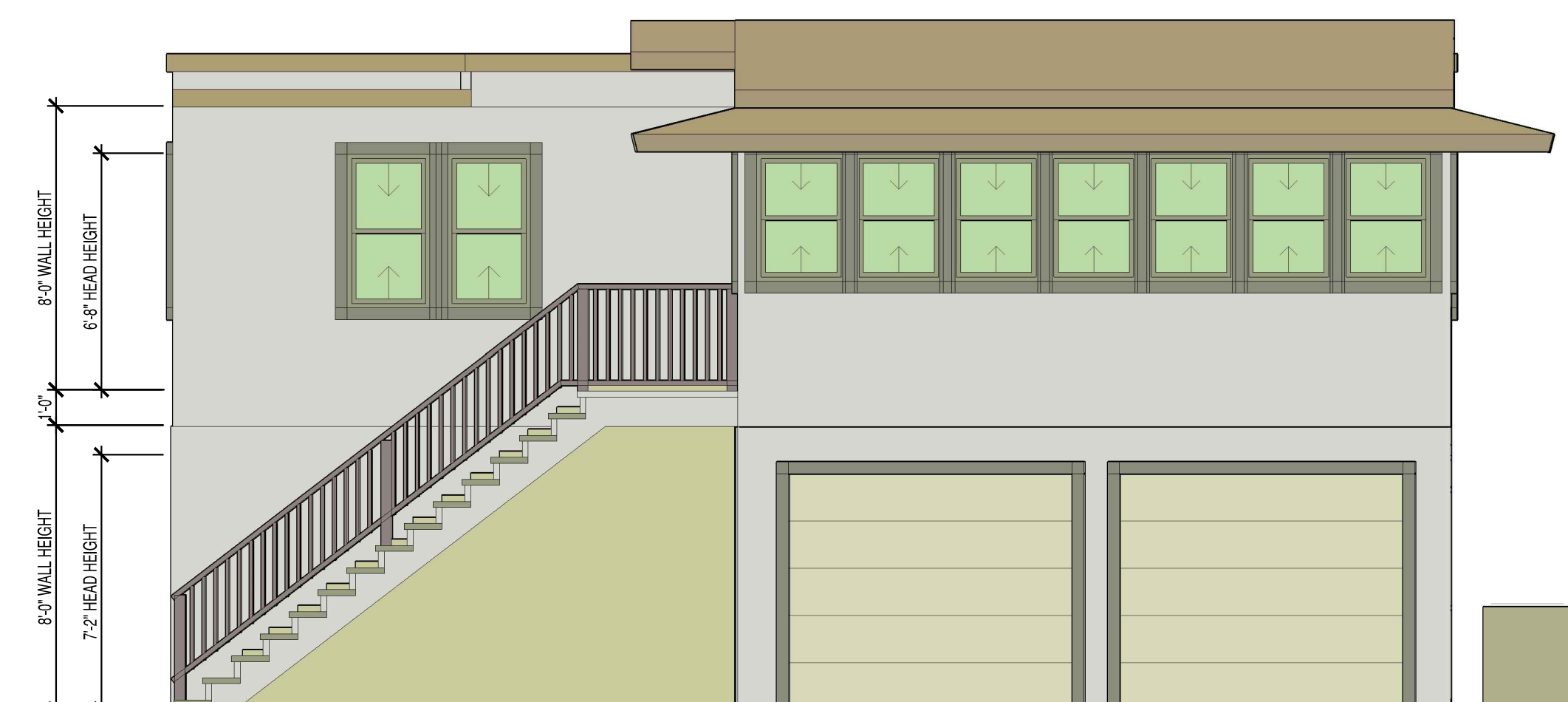
EXST'G
SOUTH ELEVATION
1/4"=1'



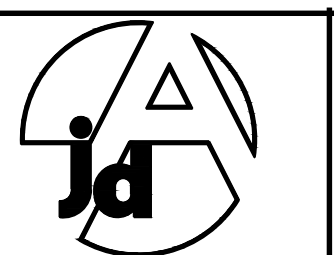
EXST'G
EAST ELEVATION
1/4"=1'



EXST'G
NORTH ELEVATION
1/4"=1'



EXST'G
WEST ELEVATION
1/4"=1'



John H. Dodd
ARCHITECT, INC.
FL A00016807
2775 RACHEL AVENUE
FERNANDINA BEACH, FL 32034
TEL (904) 583-4044
Email: JOHN@JOHNH.DODDARCHITECT.COM

Issue Date of Progress Prints*	
Issued	Issued to:
Date	
2-20-19	VARIANCE SUBMITTAL TO FB

REESE & DEENA SMITH RESIDENCE ALTERATIONS
2734 South Fletcher Ave., Fernandina Beach, FL

GRAPHIC SCALE
1/4"=1'-0"

0

1

2

3

4

5

6

7

8

9

10

12

15

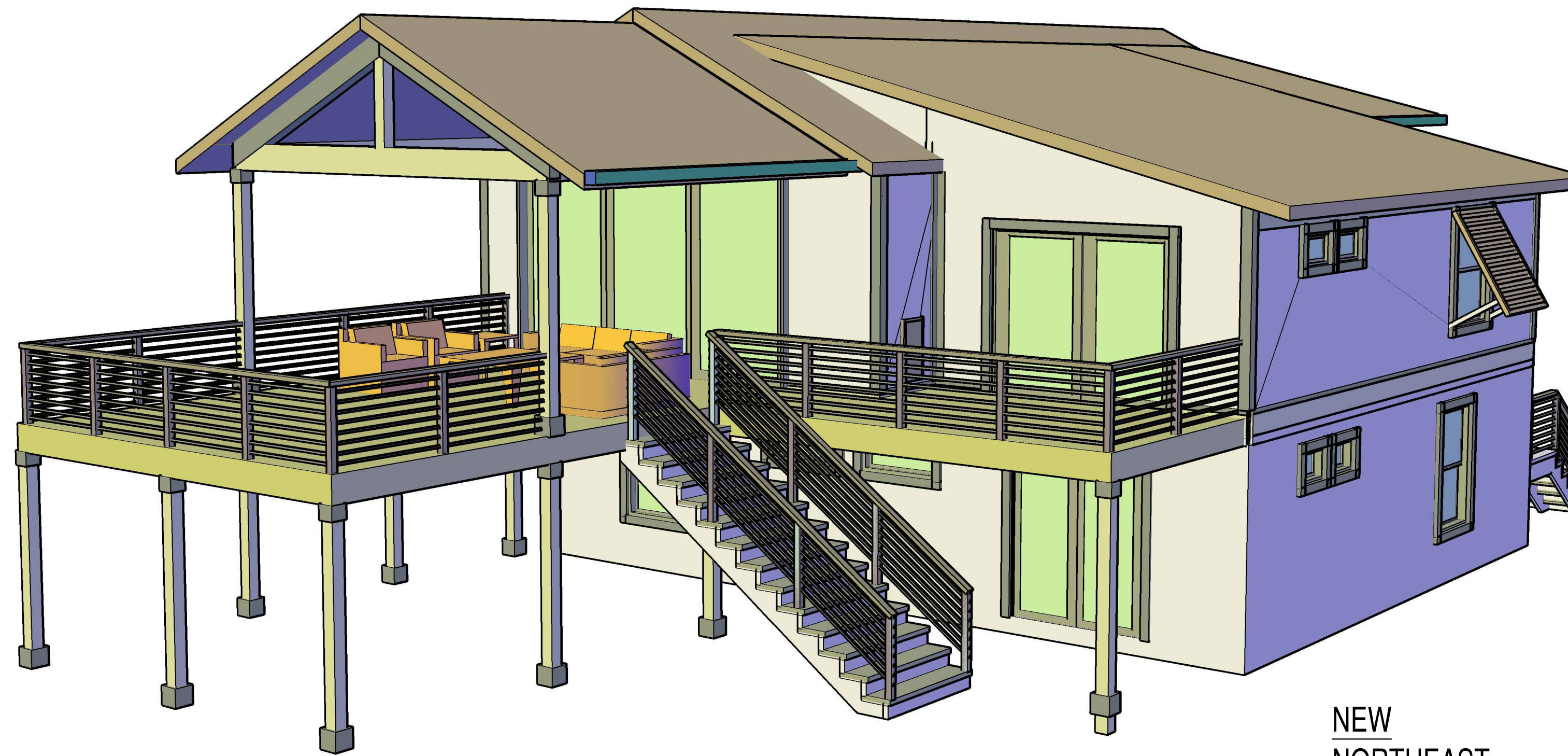
20

25

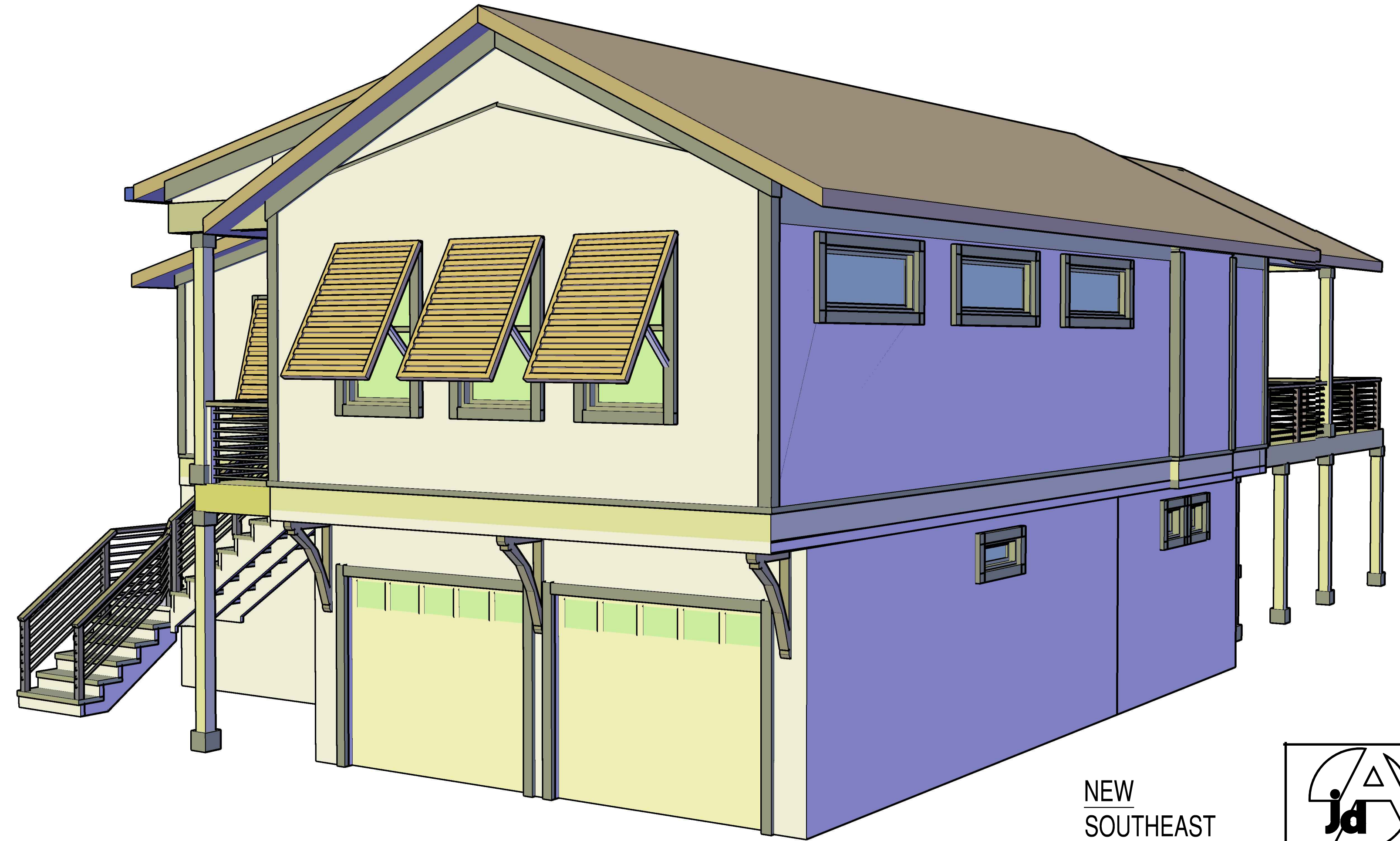
ELEVATIONS-EXST'G

North / Elev Key Sheet
N
E
S
W

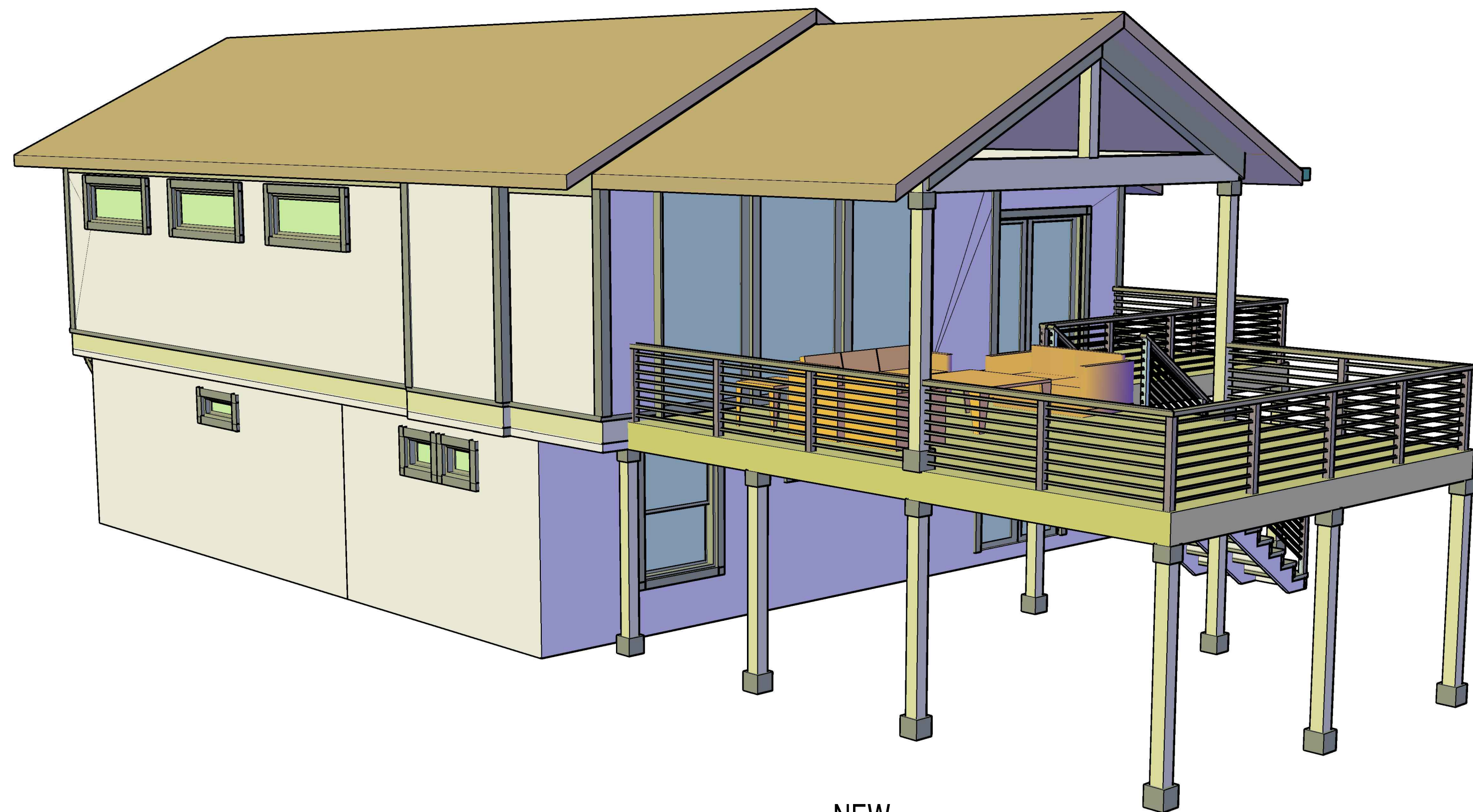
A-2.2



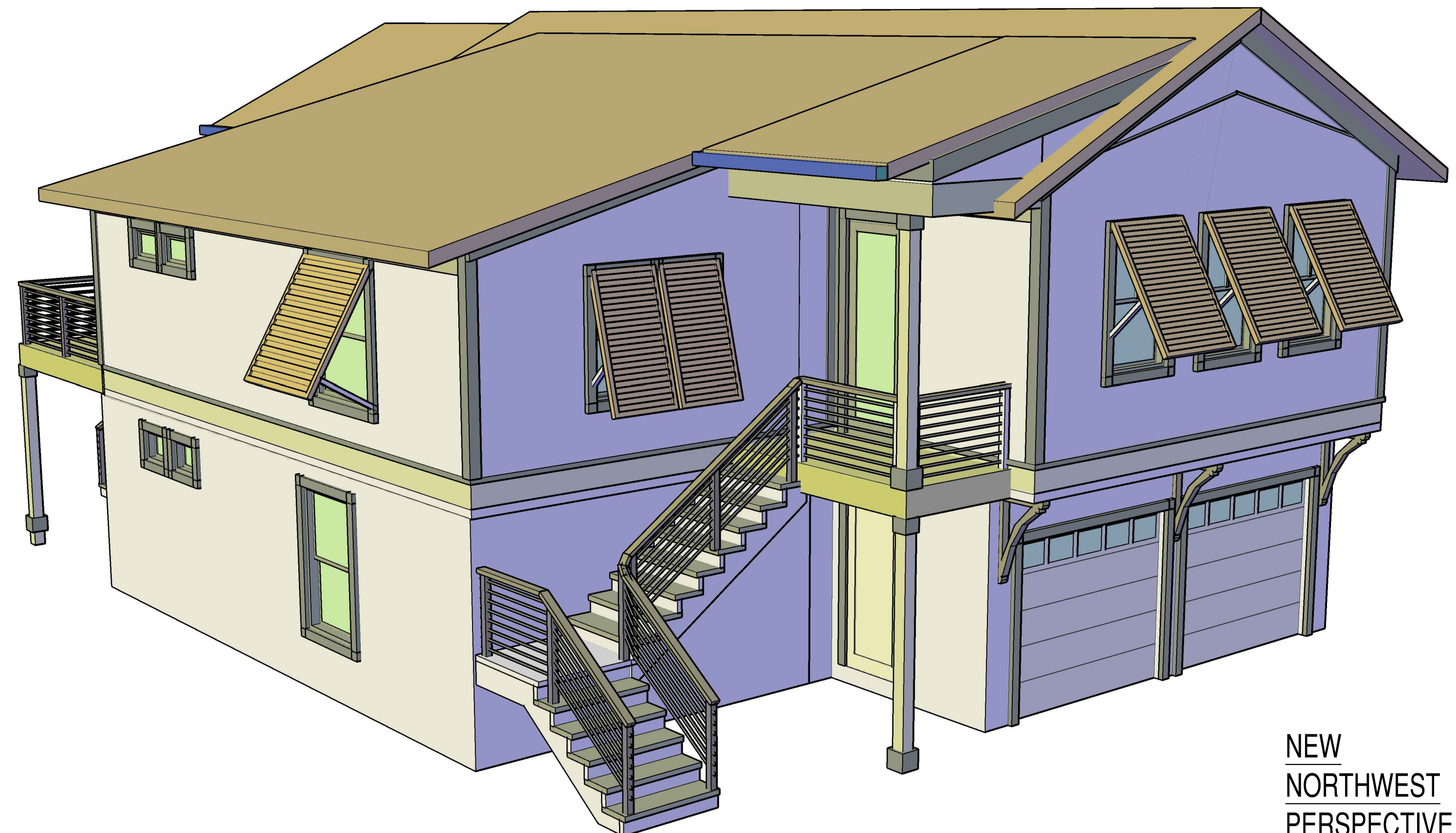
NEW
NORTHEAST
PERSPECTIVE



NEW
SOUTHEAST
PERSPECTIVE



NEW
SOUTHEAST
PERSPECTIVE



NEW
NORTHWEST
PERSPECTIVE

John H. Dodd
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FL-AR0016807
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Issue Date of Progress Prints*	
Issued	Issued for:
Date	
2-20-19 VARIANCE SUBMITTAL TO FB	

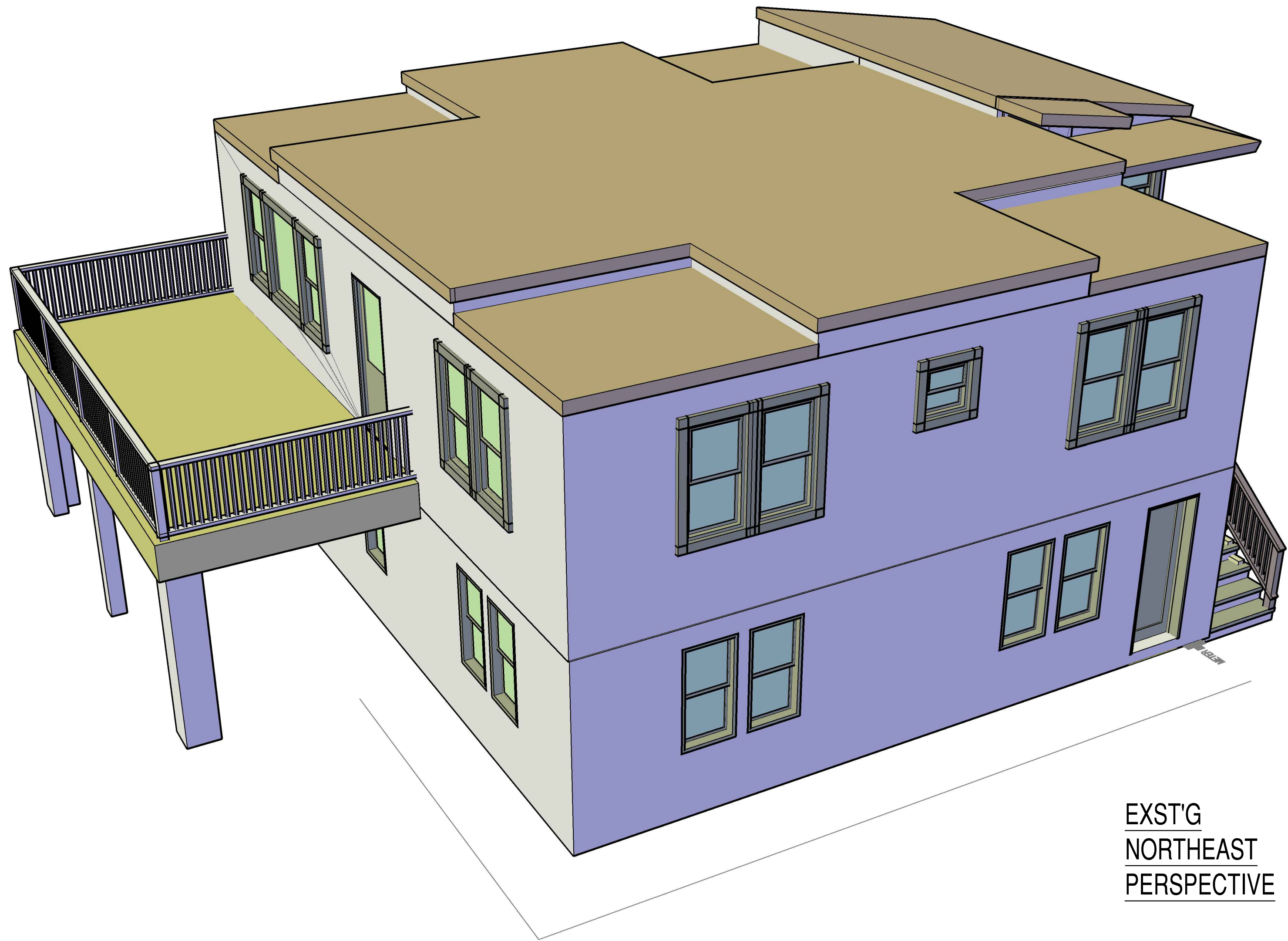
REESE & DEENA SMITH RESIDENCE ALTERATIONS
2734 South Fletcher Ave., Fernandina Beach, FL

GRAPHIC SCALE
1" = 1'-0"

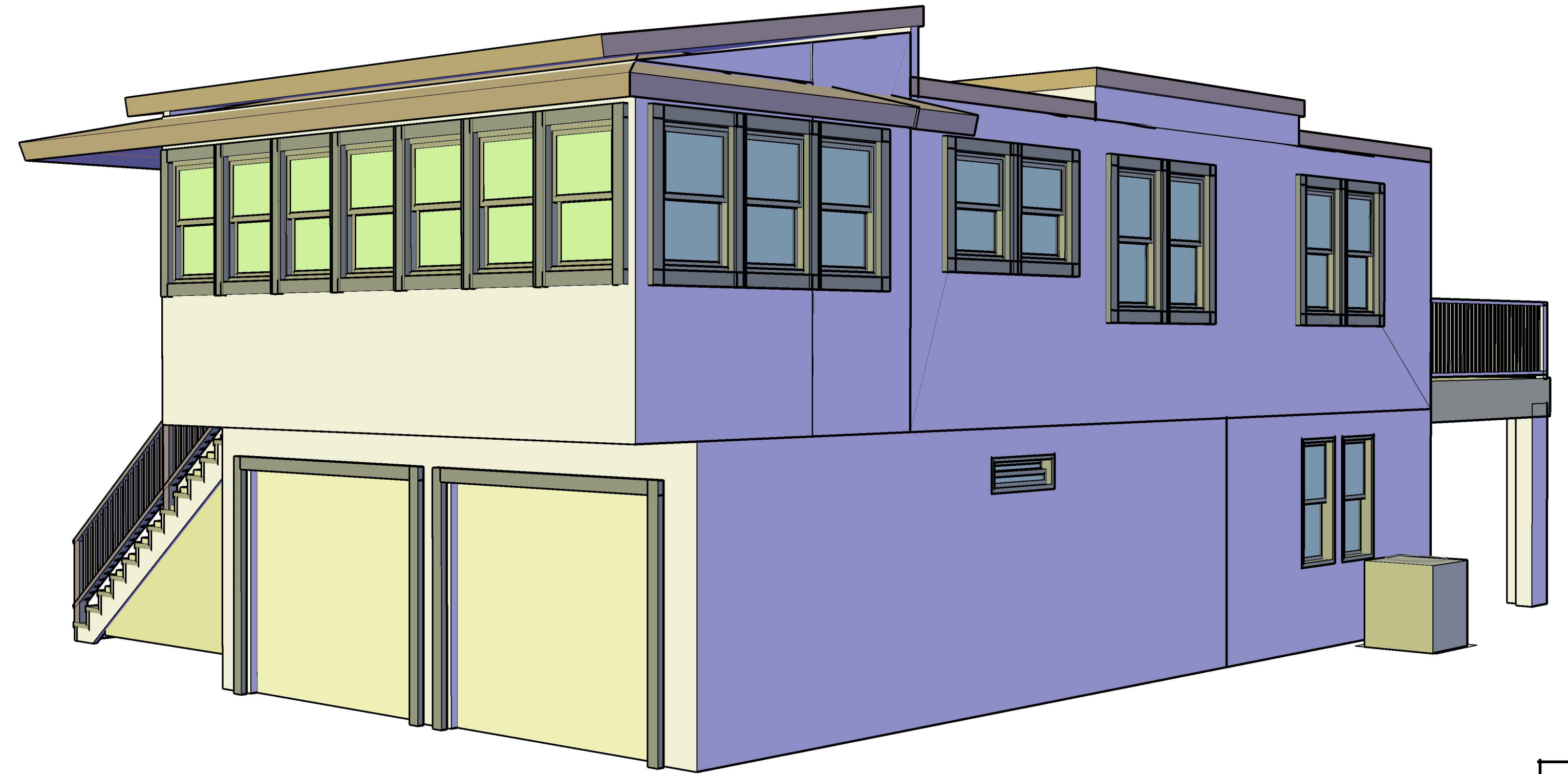
0 1 2 3 4 5 6 7 8 9 10 12 15 20 25

PERSPECTIVES-NEW

North / Elev Key Sheet
A-3.1



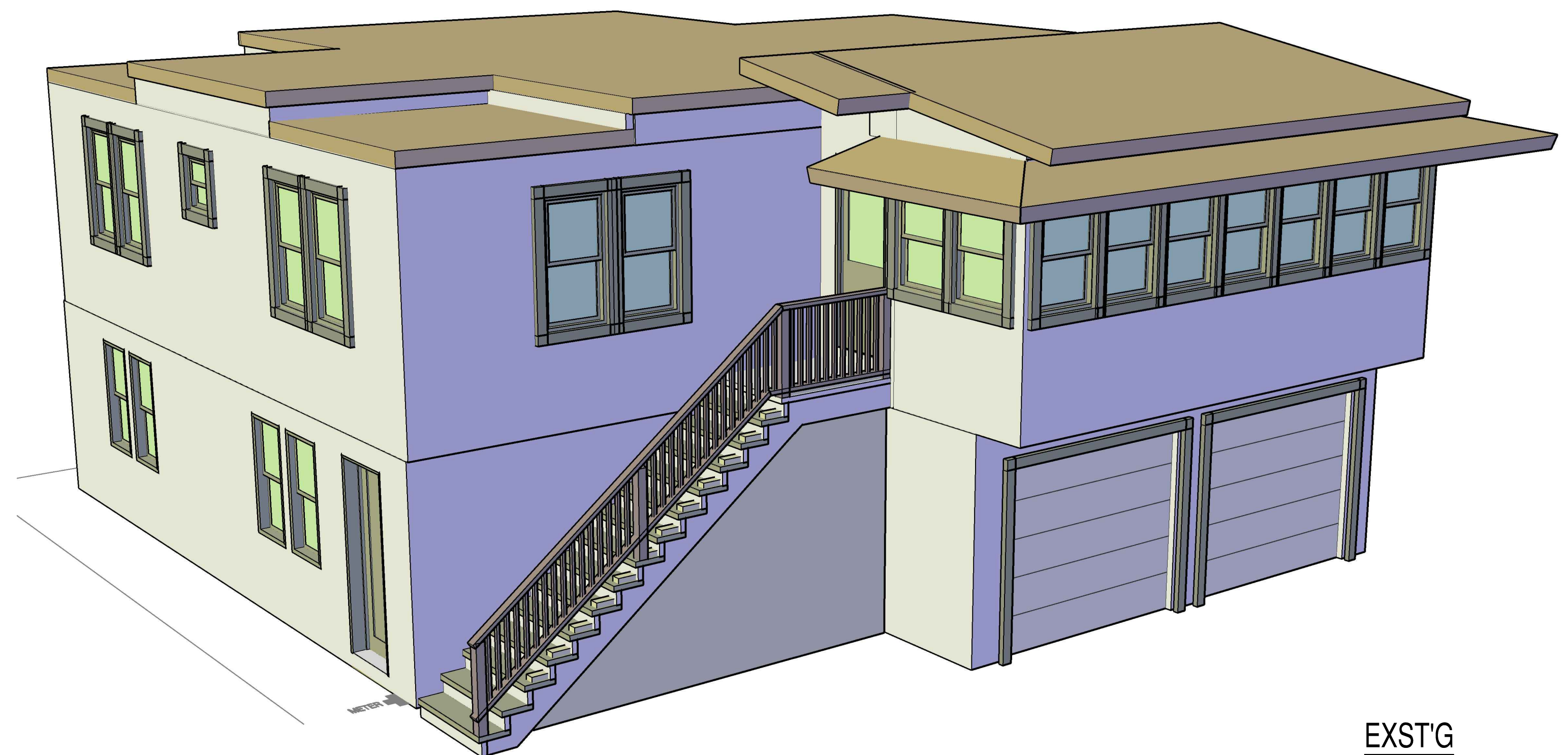
EXST'G
NORTHEAST
PERSPECTIVE



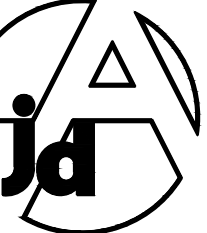
NEW
SOUTHEAST
PERSPECTIVE



EXST'G
SOUTHEAST
PERSPECTIVE



EXST'G
NORTHWEST
PERSPECTIVE


John H. Dodd
 ARCHITECT, INC.
 FL-AR0016807
 2775 RACHEL AVENUE
 FERNANDINA BEACH, FL 32034
 TEL (904) 583-4044
 Email: JOHN@JOHNDODDBELLSOUTH.NET

Issue Date of Progress Prints*	
Issued	Issued for:
Date	
2-20-10 VARIANCE SUBMITTAL TO FB	

REESE & DEENA SMITH RESIDENCE ALTERATIONS
 2734 South Fletcher Ave., Fernandina Beach, FL

GRAPHIC SCALE
 1" = 1'-0"
 0 1 2 3 4 5 6 7 8 9 10 12 15 20 25

PERSPECTIVES-EXST'G
 North / Elev Key Sheet

 A-3.2