



**AGENDA  
BOARD OF ADJUSTMENT  
REGULAR MEETING  
OCTOBER 16, 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 July 17, 2019 Regular Meeting
- 3. OLD BUSINESS**
- 4. NEW BUSINESS**
  - 4.1 **BOA 2019-02: SIDNEY F. ANSBACHER, AGENT FOR AMELIA HOSPITALITY, LLC, 1962 S FLETCHER AVE**  
Administrative Appeal regarding the expiration of local development order SPR-03b. *(Quasi-Judicial)*
  - 4.2 **BOA 2019-03: SIDNEY F. ANSBACHER, AGENT FOR AMIT PATEL, 1974 S FLETCHER AVE**  
Administrative Appeal regarding the expiration of local development order SPR-03a. *(Quasi-Judicial)*
  - 4.3 **BOA 2019-10: ANTHONY & MARJORIE BREWER, 1401 BEECH STREET**  
Variance from LDC Table 4.02.03(E) Standards for Building Heights and Setbacks to allow for a roofed screen enclosure to encroach into the required side yard setback. *(Quasi-Judicial)*
- 5. BOARD BUSINESS**
- 6. STAFF REPORT**
- 7. PUBLIC COMMENT**
- 8. ADJOURNMENT**

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**NEXT BOA REGULAR MEETING IS SCHEDULED FOR NOVEMBER 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  
JULY 17, 2019**

**1. CALL TO ORDER – 5:03 PM**

**ROLL CALL / DETERMINATION OF QUORUM**

**MEMBERS PRESENT:**

*Matt Miller (Chair)*

*Steven Papke*

*Mark Gleason (Alt 2)*

*Marcy Mock*

*Steven Cook (Alt 1)*

*Tisha Dadd*

**MEMBERS ABSENT:**

*Barry Hertslet*

**OTHERS PRESENT**

*Tammi Bach, City Attorney*

*Jacob Platt, City Planner*

*Samantha Rogic, Recording Secretary*

Alternate Member Cook was seated as a voting member.

There were no ex parte communications.

**2. APPROVAL OF MINUTES**

**2.1 June 19, 2019 Regular Meeting**

**ACTION TAKEN:** A motion was made by Member Papke, 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.

**3. OLD BUSINESS**

**4. NEW BUSINESS**

**4.1 BOA 2019-0007: RICE ARCHITECT, AGENT FOR NORMAN GILBERT GIBSON JR., 2493 S. FLETCHER AVENUE**

Variance from LDC Section 4.02.03(E) *Standards for Building Heights and Setbacks - specifically requesting a variance from the front and side yard setback requirements. (Quasi-Judicial)*

Mr. Platt, City Planner, presented the Staff Report and recommended denial. He noted the following errors in the report: The check box for criteria number 5 should reflect 'No' and there are a total of 6

criteria.

Randy Rice, 961687 Gateway Blvd, representative to the applicant, provided information and details specific to the request.

David Spangler, 2488 S Fletcher, lives across the street from the applicant, spoke in support of the design of the item, but voiced concern about setting precedent.

Mr. Rice clarified a discrepancy in dimensions. 18x18 is accurate.

**ACTION TAKEN: A motion was made by Member Mock, seconded by Member Dadd, to approve BOA case number 2019-07; AND that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2019-07, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2019-07 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 I don't feel like its special conditions and it's not a special privilege and the literal interpretation all criteria will look consistent and be in good public interest and they are adding 4 feet to the front.**

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

**5. BOARD BUSINESS**

There was no Board business.

**6. STAFF REPORT**

There was no Staff Report.

**7. PUBLIC COMMENT**

No members of the public wished to speak.

**8. ADJOURNMENT – 5:43 PM**

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**Samantha Rogic, Recording Secretary**

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**Matt Miller, Chair**

## UPCHURCH, BAILEY AND UPCHURCH, P.A.

SIDNEY F. ANSBACHER

JOHN D. BAILEY, JR.

ALLYSON BOYLES CURRIE

AMANDA V. DEAN

STEPHEN A. FAUSTINI

KATHERINE GAERTNER JONES

MICHAEL A. SIRAGUSA

FRANK D. UPCHURCH III

DONALD W. WALLIS

ATTORNEYS AT LAW

Established 1925

780 North Ponce de Leon Boulevard

St. Augustine, Florida 32084

[www.ubulaw.com](http://www.ubulaw.com)

Telephone (904) 829-9066

Facsimile (904) 825-4862

Please reply to:

Post Office Drawer 3007

St. Augustine, Florida 32085-3007

FRANK D. UPCHURCH, SR.  
(1894-1986)

HAMILTON D. UPCHURCH  
(1925-2008)

FRANK D. UPCHURCH, JR.  
(1922-2012)

August 16, 2019

### VIA EMAIL DELIVERY

[PlanningInfo@fbfl.city-www.fbfl.us](mailto:PlanningInfo@fbfl.city-www.fbfl.us)

City of Fernandina Beach  
Department of Planning and Conservation  
205 Ash Street  
Fernandina Beach, Florida

Re: Notice of Appeal by Amelia Hospitality, LLC (for SPR 03b) under  
s. 11.07.00, LDC

Dear Madames/Sirs:

I write as discussed between Tammi Bach and Teresa Prince to appeal the staff administrative determination that the site plans for SPR-03b expired. After lengthy discussions, the City notified the appellants of their rejection on July 17, 2019. Their appeal follows.

S. 11.00.04 of the Land Development Code (LDC) states that local development orders expire after twelve (12) months. Id at A. The site plans are development orders as defined expressly by the LDC. ("Local development order means a written order to approve, or approve with conditions... a site plan.") They constitute local government authorizations for development permits and thus development orders under Florida Statutes.

Subsection D. states that "local development orders for which subsequent approvals are required shall be considered valid beyond the twelve month expiration, provided the applicant can demonstrate proof of due diligence to obtain such approvals during the initial approval period. The applicant must provide a request in writing and any exception, if issued, shall be granted in six (6) month increments." (e.a.)

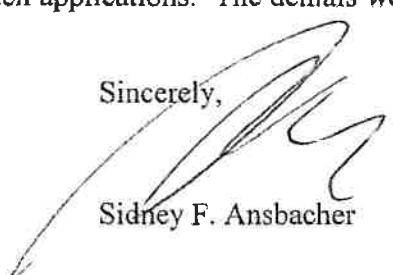
As read literally, this subsection only "requires continuous evidence of due diligence" during the initial approval process. See Rinker Materials Corp., v. City of North Miami, 286 So. 2d 552 (Fla. 1973) (unambiguous terms in zoning code read pursuant to ordinary meaning). Nevertheless, the applicant worked hard throughout and informed the City throughout of the progress made.

The City has long allowed extensions under the circumstances of our matter. Asa

Gillette, on behalf of the appellants, informed staff before and after the issuance of the site plan approvals that he was coordinating with multiple state agencies to obtain required permits for site development. The City refused to issue a building permit until our client's permits were obtained. Nonetheless, the City and Mr. Gillette remained in constant communication culminating in his receipt of the final state permit. The City staff initially congratulated Mr. Gillette, then asserted the site plan was revoked. The staff and applicant debated this issue at length, culminating in the July 17, 2019, notice appealed.

The City has previously allowed this to extend approval timelines. While the City has likewise prevented similar extensions under similar circumstances, there is no basis in law or fact to distinguish between such applications. The denials were thus arbitrary and capricious.

Sincerely,



Sidney F. Ansbacher

SFA/cs

cc: Tammi Bach, via – email only

Dale Martin, via-email only

## OFFICE USE ONLY

REC'D:

8/16/19

BY:

[Signature]

PAYMENT: \$

4500.00

TYPE:

CH# 4255

APPLICATION #:

CASE #:

BOARD MEETING DATE:



## APPLICATION FOR ADMINISTRATIVE APPEAL

## APPLICANT INFORMATION

Owner Name: AMELIA HOSPITALITY, LLC

Mailing Address: 12873 CAPTIVA CT. / JACKSONVILLE, FL 32225

Telephone: 904-553-4922

Fax:

Email: amity904@gmail.com

Agent Name: SIDNEY F. ANSBAEHR

Mailing Address: 180 N. PUNK DELEON BLVD. / ST AUGUSTINE, FL 32084

Telephone: 904-829-9066

Fax: 904-825-4862

Email: s.fansbacher@jblaw.com

## PROPERTY INFORMATION

Street Address: 1962 FLETCHER AVE. S. / FERNANDINA BCH, FL 32034

Parcel Identification Number(s): 00-31-1460-0042-0000

Lot Number:

Block Number:

## REQUEST INFORMATION

Brief description of request and requested action by the Board of Adjustment (use additional sheets if necessary):

See attached

## SIGNATURE/NOTARY

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

Date

8/16/19

Signature of Applicant

(Agent)

STATE OF FLORIDA

ST. JOHNS

COUNTY OF NASSAU

Subscribed and sworn to before me this 16<sup>th</sup> day of August, 2019.

Notary Public: Signature

DEBRA BEAL FRANCAK

Printed Name

8/29/21

My Commission Expires

Personally Known

[Signature]

OR Produced Identification

ID Produced:



## APPLICATION REQUIREMENTS ADMINISTRATIVE APPEALS

Administrative Appeal applications must be submitted to Department of Planning & Conservation Staff. Staff will review each application for completeness and accuracy prior to acceptance. *Please note that Staff may request additional information after submittal of the application.*

|                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------|
| <b>THE FOLLOWING MUST BE PROVIDED IN ORDER TO BE A COMPLETE APPLICATION FOR FILING AN ADMINISTRATIVE APPEAL:</b> |
|------------------------------------------------------------------------------------------------------------------|

- N/A
- ☐ A survey of the property containing the legal description, land area, and existing improvements on the site. The survey shall be signed by a surveyor licensed in the State, and shall have been performed not more than two (2) years prior to the date of application. (if applicable)
  - ☒ The legal description of the property.
  - ☒ Proof of ownership (copy of deed or tax statement).
  - ☒ Completed and notarized agent authorization (if applicable).
  - ☒ Synopsis letter of reasons for request including: a description of the decision to be reviewed, the date of the decision, a statement of the interest of the person seeking review, a copy of the document being appealed, and a description of the specific error alleged as the grounds of the appeal.
  - ☒ Materials as needed to illustrate nature of the request, including but not limited to, site plans, architectural drawings, photographs, copies of all permits applied for, etc. (Any site plans or drawings must be dimensioned and to scale.) *(to be supplemented)*

You will receive a staff report one week before your meeting.

### BOARD REVIEW:

The BOA will make one of the following decisions on the application:

- Reverse, wholly or partly, the administrative decision that is the subject of the administrative appeal;
- Affirm, wholly or partly, the administrative decision that is the subject of the administrative appeal; or
- Modify the administrative decision that is the subject of the administrative appeal.

The applicant or their agent must be present at the public hearing or the Board will not consider the application. The concurring vote of five (5) members of the BOA shall be necessary to reverse any administrative decision.

### STAFF CONTACT:

Jacob Platt  
Senior Planner  
jplatt@fbfl.city  
904-310-3482

**OWNER'S AUTHORIZATION  
FOR AGENT REPRESENTATION**

I /WE Chirayu Patel as Manager of Amelia Hospitality, LLC

(print name of property owner(s))

hereby authorize: Sidney Ansbacher, Esq., of Upchurch, Bailey and Upchurch, P.A.

(print name of agent)

to represent me/us in processing an application for: Appeal to the Board of Adjustment

(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.

Chirayu Patel  
(Signature of owner)

\_\_\_\_\_  
(Signature of owner)

Chirayu Patel as Manager of Amelia Hospitality, LLC

(Print name of owner)

\_\_\_\_\_  
(Print name of owner)

STATE OF FLORIDA

COUNTY OF NASSAU <sup>ss</sup>

Subscribed and sworn to before me this 16 day of Aug, 2019

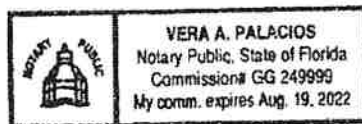
[Signature]  
Notary Public: Signature

Vera Palacios  
Printed Name

Aug 19, 2022  
My Commission Expires

Personally Known \_\_\_\_\_ OR Produced Identification X ID Produced: FLDL

P340 11677 3470



Prepared by and return to:

Jon C. Lasserre, P.A.  
Jon C. Lasserre, P.A.  
15 South 4th Street  
Fernandina Beach, FL 32034  
904-261-9292  
File Number: 14-1087

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this 10th day of July, 2015 between **Martha Kuitems**, an unmarried woman whose address is 12005 Stone Forest Drive, Pineville, NC 28134, Grantor, and **Amelia Hospitality, LLC**, a Florida limited liability company whose address is 12873 Captiva Court, Jacksonville, FL 32225, Grantee:

(Whenever used herein the terms "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, trusts and trustees)

**Witnesseth**, that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said Grantor, in hand paid by said Grantee, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in **Nassau County, Florida**, to-wit:

**Lot 42, SECTION ONE OF MIRAMAR BEACH**, a subdivision of the Northeast Portion of Section Twenty (2) Township Three (3) North, Range Twenty-nine East, according to plat recorded in Plat Book 2, Page 61, of the Public Records of Nassau County, Florida.

**Parcel Identification Number: 00-00-31-1460-0042-0000**

Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

**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** Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that 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, 2014**.

**In Witness Whereof**, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Anna J Smith  
Anna L. Smith  
Witness Name: Anna L. Smith

Marc Eli Bilbey  
Witness Name: Marc Eli Bilbey

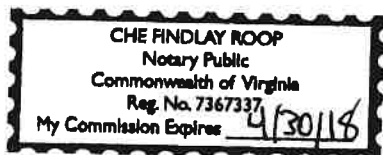
Martha Kuitens  
BY Frank D. Kuitens  
HER AT-TORNEY-IN-FACT (Seal)  
Martha Kuitens BY FRANK  
D. KUITENS, HER  
ATTORNEY IN FACT

State of Virginia

County of Wythe

The foregoing instrument was acknowledged before me this 8 day of July, 2015 by Frank D. Kuitens as attorney in fact for Martha Kuitens, who ☐ is personally known to me or ☒ has produced a driver's license as identification.

[Notary Seal]



Che F Roop  
Notary Public, State of Virginia  
Printed Name: Che Findlay Roop  
My Commission Expires: 4/30/18

## Teresa Prince

---

**From:** Jacob Platt <jplatt@fbfl.org>  
**Sent:** Wednesday, July 17, 2019 1:00 PM  
**To:** Tammi Bach; Samantha Rogic; Katie Newton  
**Cc:** Teresa Prince  
**Subject:** RE: Hotel Project

My understanding, after discussions with my boss, is that the local development orders are expired. The two hotels will need to go back through the site plan review process.

Jacob M. Platt  
City Planner  
City of Fernandina Beach  
204 Ash Street  
Fernandina Beach, FL 32034  
Office: 904.310.3482  
[jplatt@fbfl.city](mailto:jplatt@fbfl.city)  
[www.fbfl.us/planning](http://www.fbfl.us/planning)



Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempt by the Public Records Law. If you do not want your email addresses released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**From:** Tammi Bach <tbach@fbfl.org>  
**Sent:** Tuesday, July 16, 2019 4:50 PM  
**To:** Jacob Platt <jplatt@fbfl.org>; Samantha Rogic <srogic@fbfl.org>; Katie Newton <knewton@fbfl.org>  
**Cc:** Teresa Prince (tprince@tpislandlaw.com) <tprince@tpislandlaw.com>  
**Subject:** Hotel Project

Jake: I spoke with Teresa Prince today regarding decision for TRC re-review of this project on Fletcher. Ms. Prince and her client, Asa Gillette are awaiting your direction.

Tammi E. Bach, J.D., B.C.S.  
Board Certified Specialist City, County & Local Government Law  
City Attorney  
City of Fernandina Beach  
204 Ash Street

Fernandina Beach, FL 32034

Ph# (904) 310-3275

Fax# (904) 310-3466

tbach@fbfl.org

**From:** Marshall, D. McCrary [<mailto:dmccrary@fbfl.org>]

**Sent:** Friday, January 27, 2017 4:47 PM

**To:** [broc@gilletteassociates.com](mailto:broc@gilletteassociates.com); Asa Gillette ([asa@gilletteassociates.com](mailto:asa@gilletteassociates.com))

[<asa@gilletteassociates.com>](mailto:asa@gilletteassociates.com); [jz3@zona-associates.com](mailto:jz3@zona-associates.com); Tricia Bowen ([Tricia@gilletteassociates.com](mailto:Tricia@gilletteassociates.com))

[<Tricia@gilletteassociates.com>](mailto:Tricia@gilletteassociates.com); Tamra Krueger [<tamra@gilletteassociates.com>](mailto:tamra@gilletteassociates.com)

**Cc:** Kelly Gibson [<kgibson@fbfl.org>](mailto:kgibson@fbfl.org); Jacob Platt [<jplatt@fbfl.org>](mailto:jplatt@fbfl.org)

**Subject:** Fernandina Boutique Hotels - SPR 2016-02a/b Compliance Letters

Good afternoon –

Thank you for submitting the requested revisions yesterday. We will get those plans signed-off by the group no later than our next regular meeting on 2/9. Meanwhile, please find attached your compliance letters indicating approval of the site plans.

We understand you are now ready to move forward with your FDEP permitting. We have an application for the FDEP zoning letter for the northerly site (1962 S. Fletcher Avenue) from back in January of last year. We can use that to generate the letter for that site; we will need an additional application for the southerly site (1974 S. Fletcher Avenue) as these are considered separate projects.

So, please confirm that you are ready for the DEP zoning letters, including getting us that additional application.

Thank you – and a good weekend to all,

Marshall McCrary, CDD Director  
City of Fernandina Beach  
204 Ash Street  
Fernandina Beach, FL 32034  
(904) 310-3142

***CDD: Working Together for a Safer Community***

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## City of Fernandina Beach

Community Development Department

January 27, 2017

Broc McCroskey  
Gillette & Associates, Inc.  
20 South 4<sup>th</sup> Street  
Fernandina Beach, Florida 32034

Re: SPR 2016-03a, Fernandina Beach Boutique Hotel – 1974 S. Fletcher Avenue

Dear Broc:

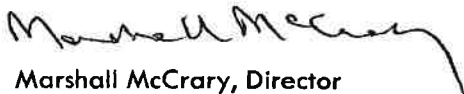
Based on findings from the Technical Review Committee (TRC) and their review of plan revisions received by this office on January 26, 2017 (plans with revision date of January 26, 2017), the site plan for the above referenced project is hereby approved. This compliance report serves as your technical review approval with the following conditions:

- Receipt of applicable outside agency permitting (SJRWMD, FDEP), including roadway improvement and access authorization from FDOT. If such permitting results in any changes to the approved plans, the TRC will need to review and approve them.
- As stipulated in the approval by Planning:
  - Rooftop elements will be assessed during the building permit review process and refined as necessary to ensure compliance with LDC Section 4.02.03(C), Standards for Building Height.

At this point, your project will move forward under the coordination of the Community Development Department for securing necessary construction permits.

If you need further information regarding this compliance report or next steps for this project, please contact me at 904.310.3142.

Sincerely,

  
Marshall McCrary, Director  
Community Development Department

cc: File  
CDD - Planning



# City of Fernandina Beach

Community Development Department

January 27, 2017

Broc McCroskey  
Gillette & Associates, Inc.  
20 South 4<sup>th</sup> Street  
Fernandina Beach, Florida 32034

Re: SPR 2016-03b, Fernandina Beach Boutique Hotel – 1962 S. Fletcher Avenue

Dear Broc:

Based on findings from the Technical Review Committee (TRC) and their review of plan revisions received by this office on January 26, 2017 (plans with revision date of January 26, 2017), the site plan for the above referenced project is hereby approved. This compliance report serves as your technical review approval with the following conditions:

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Sincerely,

Marshall McCrary, Director  
Community Development Department

cc: File  
CDD - Planning

## UPCHURCH, BAILEY AND UPCHURCH, P.A.

SIDNEY F. ANSBACHER  
JOHN D. BAILEY, JR.  
ALLYSON BOYLES CURRIE  
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(1894-1986)

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(1925-2008)

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(1922-2012)

August 16, 2019

### VIA EMAIL DELIVERY

[PlanningInfo@fbfl.city-www.fbfl.us](mailto:PlanningInfo@fbfl.city-www.fbfl.us)

City of Fernandina Beach  
Department of Planning and Conservation  
205 Ash Street  
Fernandina Beach, Florida

Re: Notice of Appeal by Amit Patel (for SPR 03a) under s. 11.07.00, LDC

Dear Madames/Sirs:

I write as discussed between Tammi Bach and Teresa Prince to appeal the staff administrative determination that the site plans for SPR-03a expired. After lengthy discussions, the City notified the appellants of their rejection on July 17, 2019. Their appeal follows.

S. 11.00.04 of the Land Development Code (LDC) states that local development orders expire after twelve (12) months. Id at A. The site plans are development orders as defined expressly by the LDC. ("Local development order means a written order to approve, or approve with conditions... a site plan.") They constitute local government authorizations for development permits and thus development orders under Florida Statutes.

Subsection D. states that "local development orders for which subsequent approvals are required shall be considered valid beyond the twelve month expiration, provided the applicant can demonstrate proof of due diligence to obtain such approvals during the initial approval period. The applicant must provide a request in writing and any exception, if issued, shall be granted in six (6) month increments." (e.a.)

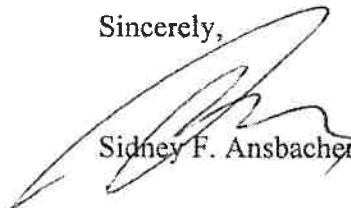
As read literally, this subsection only "requires continuous evidence of due diligence" during the initial approval process. See Rinker Materials Corp., v. City of North Miami, 286 So. 2d 552 (Fla. 1973) (unambiguous terms in zoning code read pursuant to ordinary meaning). Nevertheless, the applicant worked hard throughout and informed the City throughout of the progress made.

The City has long allowed extensions under the circumstances of our matter. Asa Gillette, on behalf of the appellants, informed staff before and after the issuance of the site

plan approvals that he was coordinating with multiple state agencies to obtain required permits for site development. The City refused to issue a building permit until our client's permits were obtained. Nonetheless, the City and Mr. Gillette remained in constant communication culminating in his receipt of the final state permit. The City staff initially congratulated Mr. Gillette, then asserted the site plan was revoked. The staff and applicant debated this issue at length, culminating in the July 17, 2019, notice appealed.

The City has previously allowed this to extend approval timelines. While the City has likewise prevented similar extensions under similar circumstances, there is no basis in law or fact to distinguish between such applications. The denials were thus arbitrary and capricious.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sidney F. Ansbacher', written over the printed name.

Sidney F. Ansbacher

SFA/cs

cc: Tammi Bach, via – email only  
Dale Martin, via-email only

## OFFICE USE ONLY

REC'D:

8/16/19

BY:

[Signature]

PAYMENT:

\$4500

TYPE:

76#4254

APPLICATION #:

CASE #:

BOARD MEETING DATE:



## APPLICATION FOR ADMINISTRATIVE APPEAL

## APPLICANT INFORMATION

Owner Name: Amit PatelMailing Address: 14627 Hadley Ct. / Jacksonville, FL 32218Telephone: 904-553-4922

Fax:

Email: amitp904@gmail.comAgent Name: SIDNEY F. ANSBACHERMailing Address: 780 N. PONCE DELEON BLVD. / ST. AUGUSTINE, FL 32084Telephone: 904-829-9066

Fax:

904-825-4862Email: sfansbacher@cbulaw.com

## PROPERTY INFORMATION

Street Address: 1974 FLETCHER AVE. S. / FERNANDINA BCH, FL 32034Parcel Identification Number(s): 00-00-31-1460-0043-0000

Lot Number:

Block Number:

## REQUEST INFORMATION

Brief description of request and requested action by the Board of Adjustment (use additional sheets if necessary):

See attached

## SIGNATURE/NOTARY

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

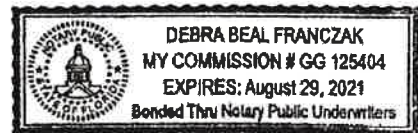
Date

8/16/19

Signature of Applicant

(Agent)

STATE OF FLORIDA

COUNTY OF ST. JOHN }  
NASSAUSubscribed and sworn to before me this 16<sup>th</sup> day of August, 2019.

Notary Public: Signature

Debra Beal Franczak  
Printed Name8/29/21

My Commission Expires

Personally Known X

OR Produced Identification

ID Produced:



## APPLICATION REQUIREMENTS ADMINISTRATIVE APPEALS

Administrative Appeal applications must be submitted to Department of Planning & Conservation Staff. Staff will review each application for completeness and accuracy prior to acceptance. *Please note that Staff may request additional information after submittal of the application.*

### THE FOLLOWING MUST BE PROVIDED IN ORDER TO BE A COMPLETE APPLICATION FOR FILING AN ADMINISTRATIVE APPEAL:

- 1/A
- ☐ A survey of the property containing the legal description, land area, and existing improvements on the site. The survey shall be signed by a surveyor licensed in the State, and shall have been performed not more than two (2) years prior to the date of application. (if applicable)
  - ☒ The legal description of the property.
  - ☒ Proof of ownership (copy of deed or tax statement).
  - ☒ Completed and notarized agent authorization (if applicable).
  - ☒ Synopsis letter of reasons for request including: a description of the decision to be reviewed, the date of the decision, a statement of the interest of the person seeking review, a copy of the document being appealed, and a description of the specific error alleged as the grounds of the appeal.
  - ☒ Materials as needed to illustrate nature of the request, including but not limited to, site plans, architectural drawings, photographs, copies of all permits applied for, etc. (Any site plans or drawings must be dimensioned and to scale.) (To be supplemented)

You will receive a staff report one week before your meeting.

### BOARD REVIEW:

The BOA will make one of the following decisions on the application:

- Reverse, wholly or partly, the administrative decision that is the subject of the administrative appeal;
- Affirm, wholly or partly, the administrative decision that is the subject of the administrative appeal; or
- Modify the administrative decision that is the subject of the administrative appeal.

The applicant or their agent must be present at the public hearing or the Board will not consider the application. The concurring vote of five (5) members of the BOA shall be necessary to reverse any administrative decision.

### STAFF CONTACT:

Jacob Platt  
Senior Planner  
jplatt@fbfl.city  
904-310-3482

**OWNER'S AUTHORIZATION  
FOR AGENT REPRESENTATION**

I /WE Amit Patel  
(print name of property owner(s))

hereby authorize: Sidney Ansbacher, Esq., of Upchurch, Bailey and Upchurch, P.A.  
(print name of agent)

Appeal to the Board of Adjustment  
to represent me/us in processing an application for: (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.

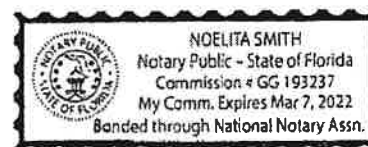
Amit Patel  
(Signature of owner)

\_\_\_\_\_  
(Signature of owner)

Amit Patel  
(Print name of owner)

\_\_\_\_\_  
(Print name of owner)

STATE OF FLORIDA }  
                    Duval ss }  
COUNTY OF NASSAU



Subscribed and sworn to before me this 16<sup>th</sup> day of August, 2019.

Noelita Smith  
Notary Public: Signature

Noelita Smith  
Printed Name

March 7, 2022  
My Commission Expires

Personally Known \_\_\_\_\_ OR Produced Identification ☒ ID Produced: Florida Driver License

Prepared by and return to:

Jon C. Lasserre, P.A.  
15 South 4th Street  
Fernandina Beach, FL 32034  
904-261-9292  
File Number: 14-1103

[Space Above This Line For Recording Data]

## Warranty Deed

**This Warranty Deed** made this **6th** day of **April, 2015** between **Phoenix Investments, LLC, a Florida limited liability company** whose address is **1940 South Fletcher Ave., Fernandina Beach, FL 32034**, Grantor, and **Amit Patel** whose address is **14627 Hadley Court, Jacksonville, FL 32218**, Grantee:

(Whenever used herein the terms "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, trusts and trustees)

**Witnesseth**, that said Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration to said Grantor, in hand paid by said Grantee, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in **Nassau County, Florida**, to-wit:

**Lot 43, SECTION ONE OF MIRAMAR BEACH, according to the map or plat thereof as recorded in Plat Book 2, Page 61, Public Records of Nassau County, Florida.**

**LESS AND EXCEPT: The Southerly 10 feet of Lot 43 previously conveyed in Official Records Book 102, Page 319 of the Public Records of Nassau County, Florida.**

**Parcel Identification Number: 00-00-31-1460-0043-0000**

**Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.**

**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** Grantor hereby covenants with said Grantee that Grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that 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, 2014**.

**In Witness Whereof**, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

x [Signature]  
Witness Name: David R. Kinnischtko

x [Signature]  
Witness Name: Frank D. Kuitens

Phoenix Investments, LLC, a Florida limited liability company

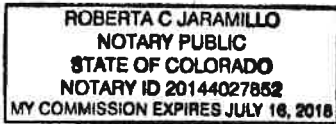
By: [Signature]  
Frank D. Kuitens, Chief Executive Officer

(Corporate Seal)

State of Colorado  
County of Pueblo

The foregoing instrument was acknowledged before me this 04 day of April, 2015 by Frank D. Kuitens, Chief Executive Officer of Phoenix Investments, LLC, a Florida limited liability company, on behalf of the corporation. He ☐ is personally known to me or [X] has produced a driver's license as identification.

[Notary Seal]



[Signature]  
Notary Public  
Printed Name: Roberta C Jaramillo  
My Commission Expires: 07-16-2018

## Teresa Prince

---

**From:** Jacob Platt <jplatt@fbfl.org>  
**Sent:** Wednesday, July 17, 2019 1:00 PM  
**To:** Tammi Bach; Samantha Rogic; Katie Newton  
**Cc:** Teresa Prince  
**Subject:** RE: Hotel Project

My understanding, after discussions with my boss, is that the local development orders are expired. The two hotels will need to go back through the site plan review process.

Jacob M. Platt  
City Planner  
City of Fernandina Beach  
204 Ash Street  
Fernandina Beach, FL 32034  
Office: 904.310.3482  
[jplatt@fbfl.city](mailto:jplatt@fbfl.city)  
[www.fbfl.us/planning](http://www.fbfl.us/planning)



Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempt by the Public Records Law. If you do not want your email addresses released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**From:** Tammi Bach <tbach@fbfl.org>  
**Sent:** Tuesday, July 16, 2019 4:50 PM  
**To:** Jacob Platt <jplatt@fbfl.org>; Samantha Rogic <srogic@fbfl.org>; Katie Newton <knewton@fbfl.org>  
**Cc:** Teresa Prince (tprince@tpislandlaw.com) <tprince@tpislandlaw.com>  
**Subject:** Hotel Project

Jake: I spoke with Teresa Prince today regarding decision for TRC re-review of this project on Fletcher. Ms. Prince and her client, Asa Gillette are awaiting your direction.

Tammi E. Bach, J.D., B.C.S.  
Board Certified Specialist City, County & Local Government Law  
City Attorney  
City of Fernandina Beach  
204 Ash Street

Fernandina Beach, FL 32034

Ph# (904) 310-3275

Fax# (904) 310-3466

tbach@fbfl.org

**From:** Marshall, D. McCrary [<mailto:dmccrary@fbfl.org>]

**Sent:** Friday, January 27, 2017 4:47 PM

**To:** [broc@gilletteassociates.com](mailto:broc@gilletteassociates.com); Asa Gillette ([asa@gilletteassociates.com](mailto:asa@gilletteassociates.com))  
<[asa@gilletteassociates.com](mailto:asa@gilletteassociates.com)>; [jz3@zona-associates.com](mailto:jz3@zona-associates.com); Tricia Bowen ([Tricia@gilletteassociates.com](mailto:Tricia@gilletteassociates.com))  
<[Tricia@gilletteassociates.com](mailto:Tricia@gilletteassociates.com)>; Tamra Krueger <[tamra@gilletteassociates.com](mailto:tamra@gilletteassociates.com)>

**Cc:** Kelly Gibson <[kgibson@fbfl.org](mailto:kgibson@fbfl.org)>; Jacob Platt <[jplatt@fbfl.org](mailto:jplatt@fbfl.org)>

**Subject:** Fernandina Boutique Hotels - SPR 2016-02a/b Compliance Letters

Good afternoon –

Thank you for submitting the requested revisions yesterday. We will get those plans signed-off by the group no later than our next regular meeting on 2/9. Meanwhile, please find attached your compliance letters indicating approval of the site plans.

We understand you are now ready to move forward with your FDEP permitting. We have an application for the FDEP zoning letter for the northerly site (1962 S. Fletcher Avenue) from back in January of last year. We can use that to generate the letter for that site; we will need an additional application for the southerly site (1974 S. Fletcher Avenue) as these are considered separate projects.

So, please confirm that you are ready for the DEP zoning letters, including getting us that additional application.

Thank you – and a good weekend to all,

Marshall McCrary, CDD Director  
City of Fernandina Beach  
204 Ash Street  
Fernandina Beach, FL 32034  
(904) 310-3142

***CDD: Working Together for a Safer Community***

*Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempt by the Public Records Law. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.*



# City of Fernandina Beach

Community Development Department

January 27, 2017

Broc McCroskey  
Gillette & Associates, Inc.  
20 South 4<sup>th</sup> Street  
Fernandina Beach, Florida 32034

Re: SPR 2016-03a, Fernandina Beach Boutique Hotel – 1974 S. Fletcher Avenue

Dear Broc:

Based on findings from the Technical Review Committee (TRC) and their review of plan revisions received by this office on January 26, 2017 (plans with revision date of January 26, 2017), the site plan for the above referenced project is hereby approved. This compliance report serves as your technical review approval with the following conditions:

- Receipt of applicable outside agency permitting (SJRWMD, FDEP), including roadway improvement and access authorization from FDOT. If such permitting results in any changes to the approved plans, the TRC will need to review and approve them.
- As stipulated in the approval by Planning:
  - Rooftop elements will be assessed during the building permit review process and refined as necessary to ensure compliance with LDC Section 4.02.03(C), Standards for Building Height.

At this point, your project will move forward under the coordination of the Community Development Department for securing necessary construction permits.

If you need further information regarding this compliance report or next steps for this project, please contact me at 904.310.3142.

Sincerely,

A handwritten signature in black ink, appearing to read "Marshall McCrary", is written over a horizontal line.

Marshall McCrary, Director  
Community Development Department

cc: File  
CDD - Planning



# City of Fernandina Beach

Community Development Department

January 27, 2017

Broc McCroskey  
Gillette & Associates, Inc.  
20 South 4<sup>th</sup> Street  
Fernandina Beach, Florida 32034

Re: SPR 2016-03b, Fernandina Beach Boutique Hotel – 1962 S. Fletcher Avenue

Dear Broc:

Based on findings from the Technical Review Committee (TRC) and their review of plan revisions received by this office on January 26, 2017 (plans with revision date of January 26, 2017), the site plan for the above referenced project is hereby approved. This compliance report serves as your technical review approval with the following conditions:

- Receipt of applicable outside agency permitting (SJRWMD, FDEP), including roadway improvement and access authorization from FDOT. If such permitting results in any changes to the approved plans, the TRC will need to review and approve them.
- As stipulated in the approval by Planning:
  - Rooftop elements will be assessed during the building permit review process and refined as necessary to ensure compliance with LDC Section 4.02.03(C), Standards for Building Height.

At this point, your project will move forward under the coordination of the Community Development Department for securing necessary construction permits.

If you need further information regarding this compliance report or next steps for this project, please contact me at 904.310.3142.

Sincerely,

Marshall McCrary, Director  
Community Development Department

cc: File  
CDD - Planning



BOA 2019-10  
1401 Beech Street  
October 9, 2019

## BOARD OF ADJUSTMENT STAFF REPORT

**Case Number** 2019-10

**Meeting Date** October 16, 2019

**Owner/Applicant** Anthony & Marjorie Brewer

**Property Location:** 1401 Beech Street

**Parcel Number:** 00-00-31-1800-0260-05A0

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

**Current zoning:** R-1

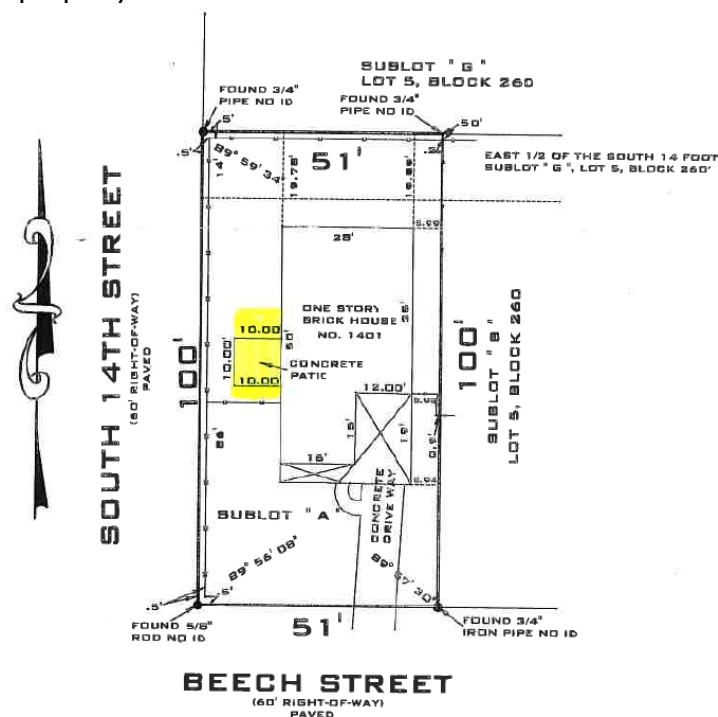
**FLUM land use category:** Low Density Residential

**Existing uses on the site:** SFH

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 fifteen-foot corner lot side yard setback requirement, for the construction of a 10 x 17 composite roof screen porch. The existing residence is seventeen feet from the western 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.
  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.

|                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <p>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.</p> <p><b>Yes. Special conditions 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 western side yard functions as a typical rear yard space given the house floor plan.</b></p> |
| <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No | <p>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.</p> <p><b>No. Granting the variance does 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. All the residential zoning districts in the City have a fifteen-foot corner lot side yard setback requirement. However, the board should consider the location on a minor collector roadway and the floor plan in their decision.</b></p>                     |
| <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <p>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.</p> <p><b>Yes. Literal interpretation of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties. The proposed roof will cover an existing patio which are commonly roofed.</b></p>                                                                                                                                                                                                                                                   |



|                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <p>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.</p> <p><b>Yes. The variance requested is the minimum variance needed to make reasonable use of the land, structure, or building. The proposed porch would be in the functional equivalent of a rear yard space, provide afternoon shade, and reasonable use of the existing patio area.</b></p> |
| <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <p>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.</p> <p><b>Yes. Granting the variance will be in harmony with the general intent and purpose of Land Development Code and Comprehensive Plan.</b></p>                                                                                                                                                 |
| <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> No | <p>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.</p> <p><b>Yes. Granting of a variance is 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.</b></p>           |

#### 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, 3, 4, 5, and 6, but does not meet criteria 2 for granting a variance, therefore staff must recommend denial.



BOA 2019-10  
1401 Beech Street  
October 9, 2019

**VI. MOTION TO CONSIDER:**

I move to **approve or deny** BOA case number 2019-07; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2019-07, 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 2019-07 **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<br>Variance     | _____ | _____         | _____              |
| General Harmony         | _____ | _____         | _____              |
| Public Interest         | _____ | _____         | _____              |

Jacob M. Platt  
City Planner

**OFFICE USE ONLY**

REC'D: 9/17/19 BY [Signature]  
PAYMENT: \$ 8500 TYPE: CH  
APPLICATION #: BOA 2019-0010  
CASE #: \_\_\_\_\_  
BOARD MEETING DATE: 10/16/19

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

Owner Name: Anthony H. BREWER & Marjorie L. BREWER  
Mailing Address: 1401 Beech St. Fernandina Beach FL 32034  
Telephone: (904)-415-1897 Fax: \_\_\_\_\_  
Email: thbrew1231@YAHOO.COM

Agent Name: N/A  
Mailing Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_  
Email: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 1401 Beech St. Fernandina Beach FL 32034  
Parcel Identification Number(s): Sec 23 TWN 3N RNG 28 BLOCK 260 SUB A & W 1/2 OF  
Lot Number: 5 Block Number: 260 S. 14TH OF SUB G OF PLOTS  
865/370 CITY OF  
FERNANDINA BEACH.

**PROJECT INFORMATION**

Variance(s) requested from LDC Section(s): \_\_\_\_\_

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

CONSTRUCT A SCREEN PORCH ON THE WEST SIDE OF  
PROPERTY.

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.

NOT TRULY A SPECIAL CONDITION, BUT HOUSE IS CONSTRUCTED ON A CORNER LOT WITH NO TREE CANOPY FROM WESTERN SUN EXPOSURE. DUE TO INTERIOR DESIGN OF HOUSE OUR SIDEYARD IS OUR BACKYARD. WILL ADD TO FUNCTION OF HOUSE AND UTILIZATION OF OUR PROPERTY.

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 EXITS/ENTRANCES ON THE BACK 3/4 PORTION OF HOUSE. CONFIGURATION OF INTERIOR LAYOUT MAKES OUR SIDE YARD OUR BACKYARD, AND IS THE LARGEST PRIVATE PORTION OF OUR PROPERTY. BEST FUNCTIONALITY OF THE PROPERTY. (SEE DIAGRAM)

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.

BUFFER FROM NOISE AS THIS IS THE MAIN THOROUGHWAY FOR SEMI TRUCKS HEADING TO DOWNTOWN + MAIN BEACH RESTAURANTS & BUSINESSES. MOSQUITO CONTROLLED BY SCREEN. IMPROVE & VALUE TO OUR PROPERTY & SURROUNDING PROPERTIES. (SEE PICTURES)

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

THIS IS A REASONABLE REQUEST SO WE MAY BETTER UTILIZE OUR PROPERTY AND FUNCTION AS IT WAS INTENDED WITH THE SLIDING GLASS DOOR LOCATION. WESTERN SUN EXPOSURE 7+ HOURS PER DAY.

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

SCREEN PORCH WILL STILL LEAVE 7' TO THE PROPERTY LINE ALONG SOUTH 14TH ST. YET ALLOW US TO USE/ENJOY OUR PROPERTY AND ADD VALUE & FUNCTION TO OUR PROPERTY. DOES NOT IMPACT ADJACENT PROPERTIES (SEE PHOTOS)

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.

WE TAKE PRIDE IN OUR PROPERTY AND OUR NEIGHBORHOOD. THE PORCH WILL ADD VALUE (IE: TAXES) TO ALL PROPERTIES IN THE AREA. INTERIOR LAYOUT OF HOUSE BEST UTILIZATION OF OUR TAXABLE PROPERTY, WOULD BE HARMONIOUS WITH HOUSE STRUCTURE AND SURROUNDING AREA.

☐ 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.

9/17/19

Date

*Gayle Murray*  
Signature of Applicant

STATE OF FLORIDA

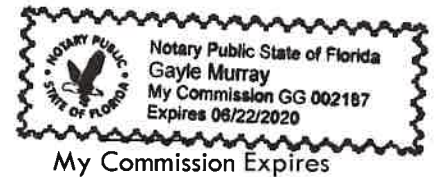
COUNTY OF NASSAU

ss }

Subscribed and sworn to before me this 17<sup>th</sup> day of Sept, 2019.

*Gayle Murray*  
Notary Public: Signature

Gayle Murray  
Printed Name



Personally Known ☒ OR Produced Identification ☐ ID Produced: ☐



## OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE \_\_\_\_\_  
(print name of property owner(s))

hereby authorize: \_\_\_\_\_  
(print name of agent)

to represent me/us in processing an application for: \_\_\_\_\_  
(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)

\_\_\_\_\_  
(Signature of owner)

\_\_\_\_\_  
(Print name of owner)

\_\_\_\_\_  
(Print name of owner)

STATE OF FLORIDA }  
                                  ss }  
COUNTY OF NASSAU }

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public: Signature                      Printed Name                      My Commission Expires

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_ ID Produced: \_\_\_\_\_

## 1401 Beech Street Variance Request

We, Anthony H. Brewer and Marjorie L. Brewer homeowners at 1401 Beech St. request a variance so we can better utilize our property and construct a screen porch (10 x 17) built by Backyard Creations Custom Enclosures. (Engineering, material lists, specifications have already been turned in to city permitting and building department on 7-28-2019)

Due to the configuration of the interior of our house (see diagram) our side yard along S. 14<sup>th</sup> street is actually our backyard. The proposed location of the screened porch is on the western side of our property with no tree canopy due to the intersection, and a very nice view of the traffic signal located at the front of our property. Due to the western location of our house the sliding glass door allows intense sun and heat into our home. There are only 3 exits/entrances to our home, 2 are in the front of the property and the 3<sup>rd</sup> the sliding glass door is on the west side located in the front third of the house. (See diagram and pictures.) This makes our sideyard our backyard. The rear  $\frac{3}{4}$  of our house is bathrooms and bedrooms with no possible way of creating a rear

entrance/exit. Once again why our sideyard is our backyard. We believe the screened porch will add value to our home and the surrounding properties, be better utilization of the biggest portion of our property. It would be in harmony with the surrounding properties and add value to those as well. (see pictures) The screen porch works well with the function of our house, it's interior layout, and would give us utilization of our property and overall improvement. We would like to entertain family and friends in a mosquito free environment, out of the harsh sun, and enjoy the outdoors, thus utilizing our property to its fullest potential. The position of the porch still leaves a little more than 7 feet on the South 14<sup>th</sup> side of the property line, inside the fence.

Respectfully requested;

*Anthony H. Brewer*  
9/16/19

*Marjorie H. Brewer*  
9/16/2019

Anthony and Marjorie Brewer

# SKETCH AREA/TABLE ADDENDA

File No. MJ9FB040

Property Address 1401 Beech

City Fernandina Beach

County Nassau

State FL

Zip Code 32034

Borrower Brewer

Lender/Client Amelia Mortgage Services

Appraiser Michael P. Wilson SRA

NORTH



WEST

EAST

RED = ONLY  
EXIT / ENTRANCE

AKA : DOORS  
QTY : 3

SIDE/BACK  
YARD  
S. 14<sup>th</sup> ST.

= ONLY  
WINDOW ON WESTERN  
SIDE OF HOUSE WITH  
THE SLIDING GLASS  
DOOR NEXT TO IT  
(IN RED)

SOUTH

Comments:

FRONT OF HOUSE - BEECH ST.

Scale: 1 = 10

## AREA CALCULATIONS SUMMARY

| Area | Name of Area | Size    | Totals  |
|------|--------------|---------|---------|
| GLA1 | First Floor  | 1220.00 | 1220.00 |
| P/P  | Porch        | 64.00   | 64.00   |
| GAR  | Garage       | 228.00  | 228.00  |

## LIVING AREA BREAKDOWN

| Breakdown   | Subtotals |
|-------------|-----------|
| First Floor |           |
| 16.0 x 50.0 | 800.00    |
| 12.0 x 35.0 | 420.00    |

# MAP SHOWING BOUNDARY SURVEY OF:

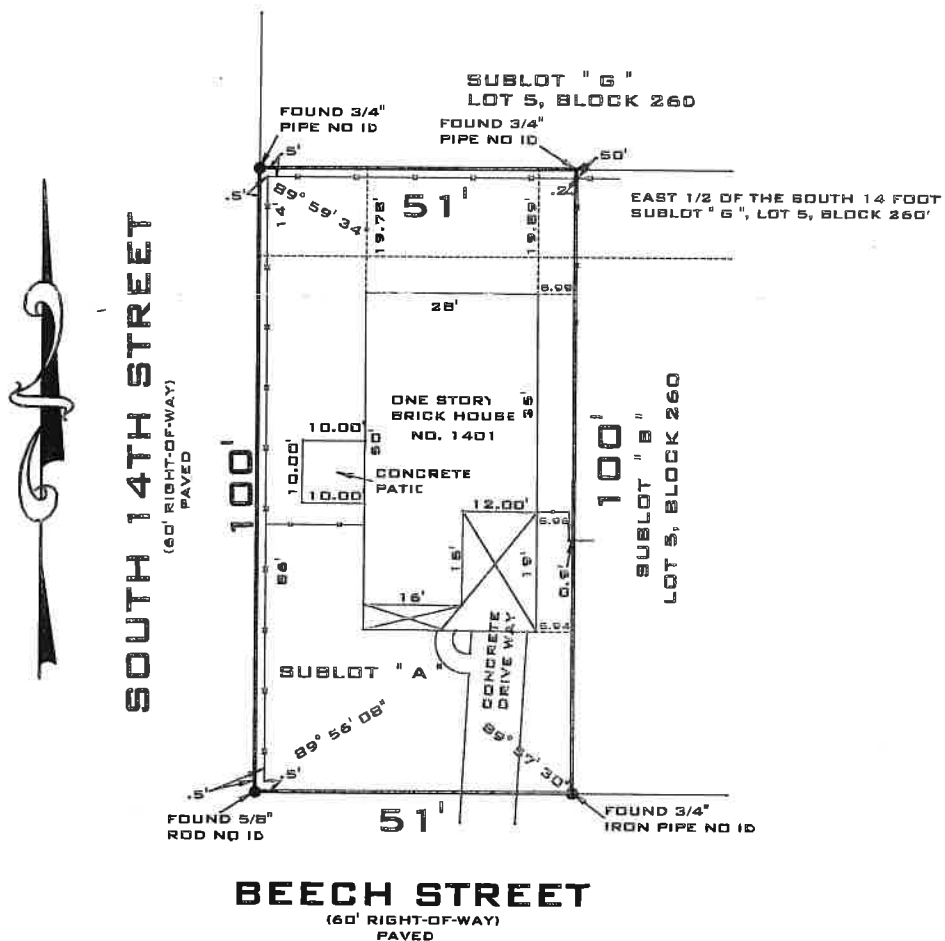
ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH, (FORMERLY NAMED FERNANDINA) COUNTY OF NASSAU AND STATE OF FLORIDA AND BEING FURTHER DESCRIBED ACCORDING TO THE OFFICIAL MAP OR PLAT OF SAID CITY (LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS:

ALL OF SUBLLOT "A" AND THE WEST 1/2 OF THE SOUTH FOURTEEN FEET OF SUBLLOT "G"  
LOT 5, BLOCK TWO HUNDRED SIXTY.

CERTIFY TO: AMERICA'S WHOLE LENDER  
FIDELITY NATIONAL TITLE  
OLDE TOWNE TITLE COMPANY, INC.  
ANTHONY H. & MARJORIE L. BREWER

## NOTES:

1) ANGLES AND DISTANCES AS MEASURED IN FIELD.



NOT VALID UNLESS EMBOSSED I HEREBY CERTIFY THAT THE LANDS SHOWN HEREON LIES WITHIN ZONE X AS SHOWN ON F. WITH A SURVEYOR'S SEAL I. A. FLOOD HAZARD BOUNDARY MAP 0004 COMMUNITY MAP 120172 DATED 9-30-88.

I HEREBY CERTIFY THAT THE ABOVE LANDS WERE SURVEYED UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION, THAT THERE ARE NO ENCROACHMENTS EXCEPT SHOWN AND THAT THE SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, IN CHAPTER 61G17-6, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

B.J. BATTLE & ASSOCIATES, INC.  
PROFESSIONAL SURVEYORS AND MAPPERS  
P.O. BOX 315  
FERNANDINA BEACH, FLORIDA 32034  
PHONE NO. (904) 277-3523  
FAX NO. (904) 277-3523  
DATE: JAN. 25, 1999  
SCALE: 1" = 20'  
BENNY J. BATTLE, P.L.S. CERT. NO. 4471, FLA.

# Notice of Proposed Property Taxes

NASSAU COUNTY TAXING AUTHORITY  
96135 NASSAU PLACE, SUITE 4  
YULEE, FL 32097

## 2019 REAL ESTATE PROPERTY

0013383 P1 T30\*\*\*\*\*AUTO\*\*5-DIGIT 32034 01  
00-00-31-1800-0260-05A0  
BREWER ANTHONY H & MARJORIE  
818 AMELIA DR  
FERNANDINA BEACH FL 32034-2404

## DO NOT PAY THIS IS NOT A BILL

The taxing authorities which levy property taxes against your property will soon hold public hearings to adopt budgets and tax rates for the next year. The purpose of these public hearings is to receive opinions from the general public and to answer questions on the proposed tax changes and budget prior to taking final action. Each taxing authority may amend or alter its proposals at the hearing.

### LEGAL DESCRIPTION

SEC 23 TWN 3N RNG 28  
BLOCK 260 SUB A & W 1/2 OF  
S 14 FT OF SUB G OF LOT 5  
IN OR 865/370  
CITY OF FDNA BEACH

### SITUS ADDRESS

1401 BEECH ST  
FERNANDINA BEACH 32034

| Taxing Authority          | COLUMN 1*        |                                | COLUMN 2*                                             |                                                                     | COLUMN 3*                    |                                                                    | PUBLIC HEARING INFORMATION<br>A public hearing on the proposed taxes and budget will be held on: |
|---------------------------|------------------|--------------------------------|-------------------------------------------------------|---------------------------------------------------------------------|------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
|                           | Tax Rate<br>2018 | Your Property<br>Taxes<br>2018 | Tax Rate If<br>No Budget<br>Change is<br>Adopted 2019 | Your Property<br>Taxes If<br>No Budget<br>Change is<br>Adopted 2019 | Tax Rate<br>PROPOSED<br>2019 | Your Property<br>Taxes<br>IF PROPOSED<br>Budget is<br>Adopted 2019 |                                                                                                  |
| 002                       |                  |                                |                                                       |                                                                     |                              |                                                                    |                                                                                                  |
| NASSAU COUNTY             | 7.4278           | \$ 864.26                      | 6.9804                                                | \$ 893.43                                                           | 7.4278                       | \$ 950.69                                                          | 9/09/19 6PM COMMISSION CHAMBERS<br>96135 NASSAU PL YULEE, FL 32097                               |
| SCHOOL BOARD- STATE       | 4.0690           | \$ 490.90                      | 3.8266                                                | \$ 495.64                                                           | 3.8880                       | \$ 503.59                                                          | 9/12/19 5:30PM 1201 ATLANTIC AVE<br>FERNANDINA BEACH, FL 32034                                   |
| SCHOOL BOARD - LOCAL      | 2.2480           | \$ 271.21                      | 2.1141                                                | \$ 273.83                                                           | 2.2480                       | \$ 291.17                                                          | 9/12/19 5:30PM 1201 ATLANTIC AVE<br>FERNANDINA BEACH, FL 32034                                   |
| FERNANDINA BEACH          | 5.8553           | \$ 681.29                      | 4.8048                                                | \$ 614.97                                                           | 6.3553                       | \$ 813.42                                                          | 9/03/19 5:05PM CITY COMM CHAMBERS<br>204 ASH ST FERNANDINA BCH FL 32034                          |
| AMELIA ISL BEACH MSTU     | .1021            | \$ 11.88                       | .0942                                                 | \$ 12.06                                                            | .1021                        | \$ 13.07                                                           | 9/09/19 6PM COMMISSION CHAMBERS<br>96135 NASSAU PL YULEE, FL 32097                               |
| ST JOHNS WTR MGMT DIST    | .2562            | \$ 29.81                       | .2414                                                 | \$ 30.90                                                            | .2414                        | \$ 30.90                                                           | 9/10/19 5:05PM 4049 REID ST,<br>PALATKA, FL 32177                                                |
| FL INLAND NAVIGATION DIST | .0320            | \$ 3.72                        | .0304                                                 | \$ 3.89                                                             | .0320                        | \$ 4.10                                                            | 9/12/19 5:30PM PB SHORES TWN HALL<br>247 EDWARDS LN, PLM BCH SH, FL 33404                        |
| AMELIA ISLAND MOSQ CONTRL | .1412            | \$ 16.43                       | .1318                                                 | \$ 16.87                                                            | .1412                        | \$ 18.07                                                           | 9/04/19 5:30PM 2500 LYNNDALE RD<br>FERNANDINA BEACH, FL 32034                                    |
| FDNA BCH VOTER APPR DEBT  | .1929            | \$ 22.44                       | .1683                                                 | \$ 21.54                                                            | .1683                        | \$ 21.54                                                           | 9/03/19 5:05PM CITY COMM CHAMBERS<br>204 ASH ST FERNANDINA BCH FL 32034                          |
| Total Property Taxes      | 20.3245          | \$ 2,391.94                    | 18.3920                                               | \$ 2,363.13                                                         | 20.6041                      | \$ 2,646.55                                                        |                                                                                                  |

| Taxing Districts | Market Value |         | Assessed Value |         | Exemptions |      | Taxable Value |         |
|------------------|--------------|---------|----------------|---------|------------|------|---------------|---------|
|                  | 2018         | 2019    | 2018           | 2019    | 2018       | 2019 | 2018          | 2019    |
| County           | 120,645      | 129,525 | 116,355        | 127,991 | 0          | 0    | 116,355       | 127,991 |
| School           | 120,645      | 129,525 | 120,645        | 129,525 | 0          | 0    | 120,645       | 129,525 |
| Municipality     | 120,645      | 129,525 | 116,355        | 127,991 | 0          | 0    | 116,355       | 127,991 |
| Other            | 120,645      | 129,525 | 116,355        | 127,991 | 0          | 0    | 116,355       | 127,991 |

| Assessment Reductions    | Applicable to:   | Value |
|--------------------------|------------------|-------|
| 10% Cap on Non-Homestead | Non-School Taxes | 1,534 |

| Exemptions | Applicable to: | Value |
|------------|----------------|-------|
| None       |                |       |

\* See reverse side for explanations.

\* If you feel the market value of your property is inaccurate or does not reflect fair market value or if you are entitled to an exemption that is not reflected above contact your county property appraiser at 96135 NASSAU PL #4 YULEE, FL 32097 904-491-7300

\* If the property appraiser's office is unable to resolve the matter as to market value, classification, or an exemption, you may file a petition for adjustment with the Value Adjustment Board. Petition forms are available from the county property appraiser and must be filed ON OR BEFORE 9/13/2019.

\* Your final tax bill may contain non-ad valorem assessments which may not be reflected on this notice such as assessments for roads, drainage, garbage, fire, lighting, water, sewer, or other government services and facilities which may be levied by your county, city, or any special district.