



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING (VIRTUAL)
MAY 20, 2020
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

The Regular Board of Adjustment Meeting will be held as a VIRTUAL MEETING with board members and City staff participating through video conferencing. This virtual meeting will be broadcasted live for members of the public to view on the City of Fernandina Beach website (www.fbfl.us) and Channel 264 (Comcast only).

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING MINUTES**
 - 3.1 February 18, 2020 Meeting Minutes
- 4. NEW BUSINESS**
 - 4.1 **BOA 2020-0006** - KAREN A. FERRETTI, THOMAS BEACH, J. CHRISTOPHER & CHRISTINA CARROLL, DOUGLAS & JACQUELINE SOUTH, AGENTS FOR RIO LAND & INVESTMENT COMPANY, INC.
1507 S. FLETCHER AVENUE
Variance from LDC Section 1.03.05(A) to restore two 72 x 125 foot underlying lots of record.
- 5. BOARD BUSINESS**
- 6. STAFF REPORT**
- 7. PUBLIC COMMENT**
- 8. ADJOURNMENT**

THE NEXT BOA REGULAR MEETING IS SCHEDULED FOR JUNE 17, 2020.

This will be conducted as a virtual meeting with restricted physical access. Written comments emailed to the Jacob Platt (jplatt@fbfl.city) must be sent no later than 3 PM on May 20, 2020, and will be read aloud during the meeting. These comments shall have a maximum time allowance of 3 minutes or 400 words.

Public comment may also be provided virtually through use of the Zoom Meeting link below, the phone number provided below, or in person at City Hall with strict restrictions to protect health and safety. Individuals wishing to provide live comments during the meeting must dial-in or connect via the Zoom Meeting link or phone number below no later than 4:50 PM on May 20, 2020, and will be called upon by their individual registered Zoom Meeting ID Account or by the last-4 digits of their respective phone number. When called upon, please provide your name and home address prior to issuance of public comment. Please limit comment

to 3 minutes.

Zoom Meeting Link for Public Comment: (Users must have a functional microphone):

<https://zoom.us/j/99014915407?pwd=VUpHNHRoTS9CK1J2NDlqVjdNSDQrQT09> with Password: BOAmtg0520

Or Zoom Phone Dial-In for Public Comment: +1 646 558 8656 Meeting ID: 990 1491 5407 Password: 584160

If you must attend in person at City Hall (204 Ash Street), please arrive at City Hall no later than 4:50 PM to be counted and to complete a speaker form. You will be admitted into City Hall when it is your turn to make your public comments and must exit City Hall after your comments are made.

It is recommended that you wear a face mask when entering City Hall for your protection and the protection of others.

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) 310-3480.



**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING
FEBRUARY 19, 2020**

1. CALL TO ORDER – 5:02PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

Matt Miller (Chair)

Steven Papke

Mark Gleason (Alt 2)

Marcy Mock

Tisha Dadd

Barry Hertslet

Steven Cook (Alt 1)

MEMBERS ABSENT:

OTHERS PRESENT

Tammi Bach, Board Attorney

Harrison Poole, Staff Attorney

Jacob Platt, City Planner

Samantha Rogic, Recording Secretary

City Attorney Bach presented the quasi-judicial procedures.
There were no ex parte communications to report.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

3.1 January 15, 2020 Regular Meeting

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

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

4. OLD BUSINESS

Item 4.1 BOA 2019-12 was heard last

4.1 BOA 2019-12: WESTROCK CP, LLC, 600 N 8TH STREET

Variance from LDC Section 3.03.03(B)(1) requesting a reduction to the twenty-five foot wetland buffer requirement for the wood chip reclaim system constructed in 2018. *(Quasi-Judicial)*

Clyde Davis, 2040 Oak Marsh Drive, agent to the applicant, provided information and details specific to the request.

Chair Miller explained that as this case is a continuation from January, the same five BOA members who were present and voted at the previous meeting, will be the voting members at this meeting.

The following individuals spoke on behalf of the applicant: *Dana Kahlbaum, 95306 Arbor Ln, Environmental Engineer for WestRock; Eric Schmidt, 6504 Spyglass Cir, Environmental Engineer and Community Relations and Training Manager for Westrock; Pete Johnson, 10475 Fortune Parkway, Senior Biologist with LG2 Environmental Solutions; Fremont Latimer, 34 Cordova St, Landscape Architect with ML&H.*

Mr. Platt provided a recap of the January 15, 2020 hearing.

Using a slideshow presentation, Mr. Latimer presented the applicants planting plan.

Tammi Kosack, 322 N 3rd Street, using a slideshow presentation, voiced concerns with the timeline of tree clearing, construction, and pulling permits and offered suggestions of conditions to a motion.

Debbie Whiffen, 108 Ocean Ridge Dr, seconded Ms. Kosacks comments. Voiced concerns regarding the timeline of construction.

Mike Whiffen, 108 Ocean Ridge Dr, also voiced concerns regarding the timeline and lack of permits.

Mr. Davis made closing remarks and the hearing was closed.

ACTION TAKEN: A motion was made by Member Papke, amended by Member Dadd, seconded by Member Hertslet, to approve BOA case number 2019-12, with the condition that the landscape architects planting plan be reviewed for type, scale, and location and approved by City staff; with a budget cap of \$50k; and final inspection with a vegetation security bond of 2 years; AND that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2019-12, with conditions, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2019-12 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: *Special Privilege, Literal Interpretations, and General Harmony are consistent based on the fact that they presented a pretty decent case against the Staff's opinion to enact in a way that is for the benefit for this project.*

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

Member Mock:	Aye
Member Gleason:	Aye
Member Papke:	Aye
Member Hertslet:	Aye
Chair Miller:	Nay

Motion passed.

5. NEW BUSINESS

5.1 BOA 2020-01: DANIEL T. WARD LIVING TRUST, TRUSTEE DANIEL WARD, 3036 S

FLETCHER AVE

Variance from LDC Section 4.02.03 to allow for the additional stair encroachment connecting the third floor with the second floor exterior stair on the south side of the building. (*Quasi-Judicial*)

Mr. Platt explained that two sheets had been left out of the agenda packet. He provided them on the screen. Mr. Platt presented the Staff Report and noting that criteria 2, 3, 4, & 5 had not been met, recommended denial.

Daniel Ward, applicant, submitted a paper packet into the record and spoke to the request.

Lynn Shultz, 513 Dade, spoke in support of the request.

ACTION TAKEN: A motion was made by Member Mock, seconded by Member Hertslet, to approve BOA case number 2020-01 AND that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-01, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2020-01 meets the following criteria for granting a variance: special conditions, special privilege, literal interpretations, minimum variance, general harmony, and public interest and the reasons for my findings are: they are not encroaching any further, it's going right over the existing stairs, and there could be a safety issue.

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

5.2 **BOA 2020-02: TINA & JAMES MARTY SMITH, 510 DADE STREET**

Variance from LDC Section 5.01.11(B)&(F) to allow for pool and pool screen enclosure to be constructed in the front yard, and 5.01.11(D) reducing the five-foot setback requirement for pool equipment in the side yard. (*Quasi-Judicial*)

Mr. Platt presented the Staff Report and noting that criteria 2, 3, & 4 had not been met, recommended denial.

Marty Smith, 510 Dade St, the applicant, provided information and details specific to the request.

The following individuals spoke in support of the request: *Lynn Shultz, 513 Dade Street; Richard Kunkle, 331 N 6th Street; Lynda Taylor, 508 Dade Street.*

Tammi Kosack, 322 N 3rd, encouraged additional vegetation.

Tina Smith, 510 Dade St, the applicant, spoke of future planting plans to act as a buffer.

ACTION TAKEN: A motion was made by Member Dadd, seconded by Member Mock, to approve BOA case number 2020-02 AND that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-02, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2020-02 meets interpretations, minimum variance, general harmony, and public interest and the reasons for my findings are: *they are doing a very nice job improving that area, and it seems like the side yard.*

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

DRAFT

- 6. BOARD BUSINESS**
- 7. STAFF REPORT**
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT – 9:26 pm**

Samantha Rogic, Recording Secretary

Matt Miller, Chair



BOA 2020-06
1507 S. Fletcher Avenue
May 20, 2020

BOARD OF ADJUSTMENT STAFF REPORT

Case Number	2020-06
Meeting Date	May 20, 2020
Owner/Applicant	Rio Land & Investment Company, Inc. / Karen Ferretti, Thomas Beach, J. Christopher and Christina Carroll, Douglas & Jacqueline South
Property Location:	1507 S. Fletcher Avenue
Parcel Number:	00-00-31-1460-0078-0000
Requested action:	VARIANCE from LDC Section 1.03.05(A) In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, wherever there may exist a single-family residence, a two-family residence building or any auxiliary buildings or structure, including but not limited to, swimming pools, or any other improvement which was heretofore constructed on property containing one or more platted lots or portions thereof (excluding walls or fences), such lots shall thereafter constitute one building site and shall be considered the "lot of record" and no permit shall be issued for the construction of more than one residence or two-family building on the site. All construction on the building site must comply with all existing zoning and density requirements.
Current zoning:	R-1
FLUM land use category:	Low Density Residential
Existing uses on the site:	Single Family House

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

I. SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

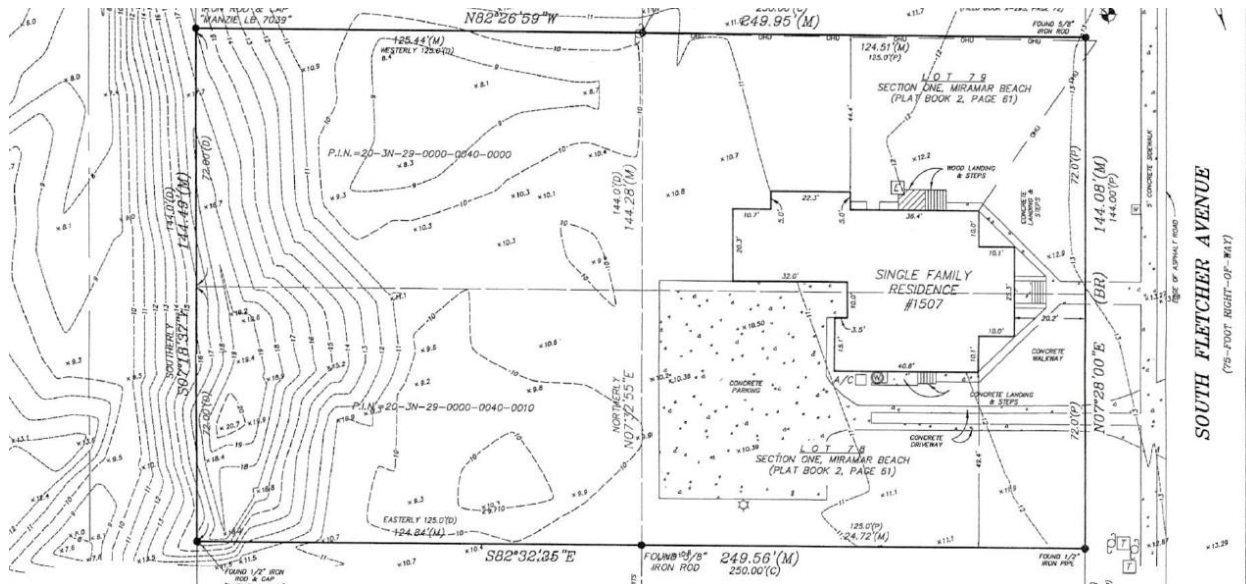
The applicant is seeking a variance to restore two 72 x 125 foot underlying lots of record. Lots 78 and 79 of the Miramar Beach subdivision were originally platted in 1941 by the Fernandina Dock and Realty Company. The property card on the Nassau County Property Appraiser's website indicates that the structure was built in 1937.

The Board of Adjustment granted case number 2017-12 from LDC section 1.03.05, to restore lots 40 and 40-1, the two lots of record west of the subject parcel. At that time, an ancillary building foundation combined all four lots of record as a single parcel.

If the variance request is granted, one single family home and the allowable ancillary structures could be constructed on each lot of record. The applicants have the three parcels owned by Rio Land & Investment Company, Inc. under contract. As part of the application materials, the applicants have indicated that they intend to construct four single family homes with a single driveway access from South Fletcher Avenue. This development scenario would not require



extension of First Avenue for access to lots 40 and 40-1, preserving the right of way within the Coastal Upland Protection Zone in the natural state.



II. CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The following Comprehensive Plan statements are applicable in this case:

- Policy 1.02.07 – The City shall implement the Fernandina Beach Comprehensive Plan in a manner that acknowledges private property rights.
- Policy 1.02.10 – The City shall protect privacy and access to light, air, and open space. The City shall consider regulations such as building placement on a site, building design, and building orientation as one means to achieve this policy.
- Policy 1.05.04 - Existing platted lots of record located in Central Business District, Mixed Use, and Low, Medium, or High-Density Residential land use districts shall not be prohibited from the construction of one (1) residential unit due to a nonconforming lot size.
- Objective 1.06 – Community Character - Community character is reflected in lot sizes, house sizes, site placement, height, architectural features and existing vegetation. The City shall strive to stabilize and preserve neighborhoods and establish urban design standards which protect and promote quality of life, in order to prevent teardowns, encourage re-use, infill and new development.

III. CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

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

- Section 10.02.01(B) states that the BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlay or the CRA Overlay, where requirements of Section 10.02.00 are met.



BOA 2020-06
1507 S. Fletcher Avenue
May 20, 2020

- 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.
 11. A variance shall not be granted for any residential or residential mixed-use structure to exceed the maximum building height requirements contained in Table 4.02.03(E).
 12. A variance shall not be granted to exceed the minimum side yard setbacks listed in Table 4.02.03(E) for any building within 800 feet of the mean high-water mark of the Atlantic Ocean.

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 width of the subject parcel at 144 feet exceeds the maximum allowed by the LDC. Granting of the variance will eliminate this nonconforming situation and restore the lot widths consistent with the surrounding neighborhood.
☒ 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. It will restore two underlying lots of record and allow for development in keeping with the character of the surrounding neighborhood.
☒ 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. Yes. Literal interpretation of the Land Development Code <u>would not</u> deprive the applicant of rights enjoyed by others properties in the same zoning district. It would be contrary to the LDC given the size structure that could be built on this "lot of record." It would not promote the preservation of open space, visual corridors, and neighborhood character.
☒ Yes ☐ No	4. <u>Minimum Variance</u>: The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building. Yes. The variance requested <u>is</u> the minimum variance needed to make possible the reasonable use of the land and restore two underlying lots of record.
☒ 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. It will restore lot sizes that are in keeping with the surrounding properties.



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May 20, 2020

☒ Yes ☐ No	6. <u>Public Interest</u>: <i>Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</i> Yes. Granting of a variance <u>is</u> compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.
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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 has to recommend approval.

VI. MOTION TO CONSIDER:

I move to **approve or deny** BOA case number 2020-06; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-06, item, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

Jacob M. Platt
Senior Planner

Acknowledgment and Waiver of Rights: Fernandina Beach CMT Hearing

I, the undersigned Applicant or Agent, and Property Owner, hereby acknowledge and agree that:

- Applicant and/or Property Owner has the option of deferring their case to be heard at a future date under established non-emergency procedures.
- Applicant and/or Property Owner knowingly and willingly chooses to proceed to hearing under the Communications Media Technology (CMT) Quasi-Judicial, Legislative, and Administrative Hearing Procedures for the City of Fernandina Beach.
- CMT procedures are held only during a declared State of Emergency by the Governor. Such procedures may or may not comply with Florida Statutes or case law governing Quasi-Judicial, Legislative, or Administrative Hearings. CMT procedures must comply with Section 120.54(5)(b)(2), Fla. Stats.
- For quasi-judicial hearing: An opportunity for persons to speak on each agenda item or case will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence by affected parties, will be made under oath or affirmation. Additionally, each person who gives testimony may be subject to cross-examination. If you do not wish to be either cross-examined or sworn, your testimony will be given its due weight. Affected parties will be permitted to cross-examine witnesses and parties. However, the public may request the Board Chair or moderator to ask questions of parties or witnesses on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.
- For all quasi-judicial hearings except appeals, witness lists and exhibits to be presented by applicants and affected parties must be submitted to the City Attorney's Office three (3) business days in advance of the hearing. "Affected Parties" are defined as residents of the City.
- Decisions and Orders of any board or commission may be subject to challenge by private parties, government agencies, and affected or aggrieved persons. Further, such Orders or Decisions are subject to be overturned by a court of competent jurisdiction. Applicant and/or Property Owner agree to indemnify and hold harmless the City of Fernandina Beach, its boards and commission, staff, and appointed and elected officials, for any and all claims arising out of Applicant and/or Property Owner's decision to proceed to hearing utilizing CMT procedures. Applicant and/or Property Owner agree to pay all reasonable attorneys' fees and costs incurred by the City in defending the decision or order of the board or commission utilizing CMT procedures related to your hearing.
- Applicant and/or Property Owner fully understand the risks and costs of litigation and have independently assessed these risks and costs and choose to proceed with hearing of the application utilizing CMT procedures.

Applicant and/or Property Owner further acknowledges that they have had an opportunity to consult with and be represented by counsel of their choosing and is advised to do so. Applicant and/or Property Owner freely, without duress or coercion, and based on Applicant's and/or Property Owner's own judgment wish to proceed with hearing of their application utilizing CMT hearing procedures.

PROPERTY OWNER

SIGNATURE: _____

NAME: _____

PROPERTY OWNER'S AGENTS

SIGNATURE: Karen Ferretti
NAME: Karen Ferretti

STATE OF MARYLAND
COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this day, personally appeared before me, by means of ☒ physical presence or ☐ online notarization, Karen Ferretti, who is personally known to me or who has produced Driver's License as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 11th day of May, 2020.

Cristina Molano
Notary Public, State of Maryland



SIGNATURE: Thomas M. Beach
NAME: THOMAS M. BEACH

STATE OF MARYLAND
COUNTY OF MONTGOMERY

I HEREBY CERTIFY that on this day, personally appeared before me, by means of ☒ physical presence or ☐ online notarization, Thomas M. Beach, who is personally known to me or who has produced Driver's License as identification, who is the person described in and who executed the foregoing instrument and who acknowledged before me that he/she executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this 11th day of May, 2020.

Cristina Molano
Notary Public, State of Maryland



BOA2020- 0006

REC'D: 3/17/2020 BY: [Signature]
INVOICE #: 7104
PAYMENT: \$850 TYPE: CK 3333
BOARD MEETING DATE: 4-15-2020



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: Rio Land & Investment Company, Inc.

Mailing Address: 1001 Piedmont Ave., Suite 201, Atlanta GA 30309

Telephone: 404-874-6688

Fax: _____

Email: Mcqdavis@yahoo.com

Agent Name: Karen A. Ferretti, Thomas Beach, J. Christopher Carroll, Christina Carroll, Douglas South, Jacqueline South

Mailing Address: 13341 Bondy Way, North Potomac, Maryland

Telephone: 240-277-6903

Fax: _____

Email: kferretti@verizon.net

PROPERTY INFORMATION

Street Address: 1507 Fletcher Avenue, Fernandina Beach, FL 32034

Parcel Identification Number(s): 00-00-31-1460-0078-0000

Lot Number: 78 and 79 **Block Number:** Section 20, Township 3 North, Range 29 East

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 1.03.05

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

Variance is requested to subdivide Lots 78 and 79, Parcel No. 00-00-03-1460-0078-000. An existing home sits in the center of the two lots. If the variance is granted, the house will be demolished. The agents to this application recently entered into a contract to buy 1507 S. Fletcher (lots 78 and 79) as well as the western two adjacent lots (lots 40 and 41).

The intention of the buyers is to subdivide the front two lots consistent with current city ordinance 4.04.02.

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 subject property which initially included Lots 40 and 41 as well as 78 and 79 was originally platted to be 4 properties. In 2017, the western side of the property, lots 40 and 41, was separated such that the entire property was divided into 3 parcels with the eastern lots 78 and 79 remaining combined. We seek to restore property into 4 lots consistent with the initial plan. See attached continuation sheet.

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

See attached.

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

The requested variance shall return the property to the originally platted lots consistent with the current neighborhood. If denied, it would deny the new owners the ability to maintain the existing neighborhood character with respect to the scale of the surrounding structures. As situated currently the size of the lot is contrary to the Land Development Code allowing a very large house to be built.

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

The variance requested is the minimum variance needed to make possible the reasonable use of the land and restore the property to the originally platted lots.

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 and purpose of the Land Development Plan. The Land Development Code seeks to maintain the character of the community. In the case granting the variance will allow owners to build four single family 2500-3400 square feet homes. The buyers specifically purchased property because they want to be neighbors living in a residential community. See attached

6. Public Interest: Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.
See response to question 5. Granting the variance is compatible with the character of the neighborhood and a positive change for the surrounding similarly sized residential lots and homes.

☐ 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.

3/19/2020
Date

Karen A Ferrell
Signature of Applicant

Thomas M Beach

Man/land
STATE OF ~~FLORIDA~~
Montgomery
COUNTY OF ~~NASSAU~~

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 19th day of March, 2020, by Karen A Ferrell Thomas M Beach

Sharon L Brenner
Notary Public

Sharon L. Brenner
Printed Name

3/26/2022
My Commission Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____

6. Public Interest: Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.
See response to question 5. Granting the variance is compatible with the character of the neighborhood and a positive change for the surrounding similarly sized residential lots and homes.

☐ 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.

3/13/2020
Date

Thomas M. Bunt
Signature of Applicant

STATE OF Maryland
COUNTY OF Montgomery

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 13th day of March, 2020, by _____.

Lisa Lamari
Notary Public

Lisa Lamari
Printed Name

3-18-23
My Commission Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____

1. Continuation Sheet:

Granting the variance to divide the front portion of the property is consistent with the surrounding neighborhood and community. If granted, the current house would be removed to allow 4 single family homes similar in size to those in the surrounding community.

2. Continuation Sheet:

The requested variance shall return the property to the originally platted lots. This is consistent with the current character of the neighborhood. It will ensure that a large "mega" home will not be built on the combined front lot which is currently 144 ft. by 124.5. Dividing the lot will result in the divided lots appearing similar to those in the community and will conform with the current ordinances which preclude lots being larger than 100 feet in width. (see ordinance 4.02.02) Granting the variance does not confer a special privilege that is denied by the Land Development Code.

5. Continuation Sheet:

Granting the variance will ensure that the character of the community remains and will maintain stability as a residential area. If the variance were denied, the current home could be demolished and an extraordinarily large home for that area could be constructed. This would not be consistent with the current neighborhood.

Further granting the variance is consistent with the Land Development Plan's goal of protecting and preserving natural resources. Buyers intend to demolish the existing house and grant easement from S. Fletcher Ave to all 4 lots. In doing so, it will not be necessary for the back two lots to have street access from First Ave. Egress and ingress to the back 2 lots by way of First Ave would result in the destruction of several large natural dunes as well as natural vegetation. (See Plot Plan). Granting the variance therefore is consistent with Ordinance 3.00.02 and 3.01.02. Granting the variance and allowing access from S. Fletcher to all four lots will result in the preservation of and reduce the impact on natural systems and habitats adjoining the two western lots consistent with coastal upland protection. Granting the variance further maximizes open space along the western lots.



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Inc. @ R. III
RIO Land and Investment Company, LLC, Walter Davis, President

(print name of property owner(s))

hereby authorize: Karen A. Ferretti, Thomas Beach, J. Christopher Carroll, Christina Carroll,
Douglas South, Jacqueline South

(print name of agent)

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

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

[Signature]

(Signature of owner)

Walter R. Davis, III
Its President

(Print name of owner)

(Signature of owner)

(Print name of owner)

Georgia @
STATE OF FLORIDA }
COUNTY OF NASSAU }
Fulton @

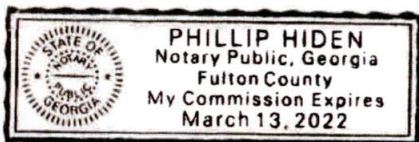
Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this 18th day
of March, 2020, by Walter R. Davis, III

[Signature]
Notary Public

Phillip Hiden
Printed Name

3/13/22
My Commission Expires

Personally Known: ☒ OR Produced Identification: ☐ ID Produced: ☐



Doc# 200022130
Book: 942
Pages: 1412 - 1414
Filed & Recorded
07/28/2000 02:59:54 PM
J. M. OXLEY JR
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
DEED DOC STAMP \$ 3,150.00
RECORDING \$ 13.00
TRUST FUND \$ 2.00

THIS INSTRUMENT PREPARED BY:

Marshall E. Wood, P.A.
303 Centre Street, Suite 100
Fernandina Beach, Florida 32034

RECORD AND RETURN TO:
Marshall E. Wood, P.A.
303 Centre Street, Suite 100
Fernandina Beach, Florida 32034

RE PARCEL ID #: 20-3N-29-0000-0040-0000
BUYER'S TIN:

WARRANTY DEED

THIS WARRANTY DEED made this 24th day of July, 2000 by Connie C. Hufstetler, a single person, hereinafter called Grantor, and whose address is Post Office Box 912, Taos, NM 87571 to Rio Land & Investment Company, Inc., a Georgia Corporation, hereinafter called Grantee and whose address is 1001 Piedmont Avenue, Ste. 201, Atlanta, GA 30309.

(Wherever 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 and NO/100 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate, lying and being in Nassau County, Florida, viz:

All that certain lot, piece or parcel of land situate, lying and being in the County of Nassau and State of Florida and being further described on Exhibit "A" attached hereto and marked Exhibit "A" and by this reference made a part thereof as though set out in full and at length herein.

SUBJECT TO taxes accruing subsequent to December 31, 1999.

SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

TOGETHER with all the tenements, hereditaments and appurtenances thereunto 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.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents the day and year first above written.

Red 1500
Doc 3150.00
3165.00
NTS-28624 FIRST AMERICAN TITLE INSURANCE COMPANY

Signed, sealed and delivered in our presence:

Wanda S. Weaver
Witness Signature

WANDA S. WEAVER

Witness Printed Signature

Lottie Lathrop Starratt
Witness Signature

Lottie Lathrop Starratt
Witness Printed Signature

Connie C. Hufstetter
Connie C. Hufstetter

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 24th day of July, 2000 by Connie C. Hufstetter, a single person.
He/She is personally known to me ~~or has produced~~ _____
as identification.

Notary Public, State and County Aforesaid

Wanda S. Weaver
Notary Signature

(Title or Rank)

Notary Printed Signature

(Serial No., if any)

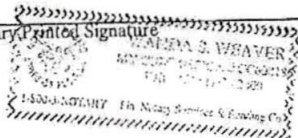


EXHIBIT "A"

All those certain lots, pieces or parcels of land situate, lying and being in Section Twenty (20), Township Three (3) North, Range Twenty-nine (29) East, Fernandina Beach, Nassau County, Florida and being more particularly described as follows:

Lots Seventy-eight (78) and Seventy-nine (79) of MIRAMAR BEACH SUBDIVISION, as recorded in Plat Book 2, page 61 of the public records of said Nassau County and Deed Book 130, page 493 of the public records of Nassau County, Florida.

All that certain lot, or parcel of land, situate, lying and being in the County of Nassau and State of Florida, more particularly described as follows:

BEGINNING at the Northwest corner of Lot Seventy-nine (79) of Section One (1) of Miramar Beach, a subdivision of the Northeast portion of Section Twenty (20), Township Three (3) North, Range Twenty-nine (29) East, as shown by plat recorded in Plat Book 2, page 61 in the office of the Clerk of the Circuit Court for Nassau County, Florida, the property hereby described being also in said section; running thence Westerly in an extension of the Northern line of said Lot Seventy-nine (79) a distance of One Hundred Twenty-five (125.0) feet; running thence Southerly in a line parallel with the Western boundary line of said Lot Seventy-nine (79) a distance of One Hundred Forty-four (144.0) feet; running thence in a straight line Easterly to the Southwest corner of Lot Seventy-eight (78) according to said plat; running thence Northerly along the Western line of said Lot Seventy-eight (78) and Seventy-nine (79) a distance of One Hundred Forty-four (144.0) feet to the POINT OF BEGINNING.

STATE OF FLORIDA
COUNTY OF NASSAU

INSTR # 200630684
OR BK 01435 PGS 1562-1564
RECORDED 08/08/2006 01:05:41 PM
JOHN A. CRAWFORD
CLERK OF CIRCUIT COURT
NASSAU COUNTY, FLORIDA
DOC TAX PD(F.S.201.02) 0.70
RECORDING FEES 27.00

Ret: Grantor

THIS INDENTURE made and entered into on this 1st day of August 2006, by and between **RIO LAND & INVESTMENT COMPANY, INC.**, a Georgia corporation whose address is 1001 Piedmont Avenue, Suite 201, Atlanta, Georgia 30309, hereinafter called GRANTOR and **RIO LAND & INVESTMENT COMPANY, INC.**, a Georgia corporation whose address is 1001 Piedmont Avenue, Suite 201, Atlanta, Georgia 30309, hereinafter called GRANTEE.

WITNESSETH:

That the said Grantor for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration to in hand paid by the Grantee, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and does by these presents grant, bargain, sell and convey unto the said GRANTEE, the following described property, to-wit:

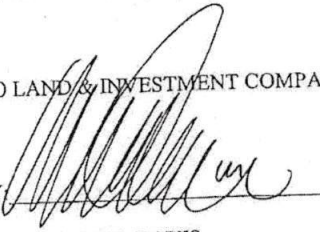
ALL of that certain lot, piece or parcel of land situate, lying and being in the State of Florida and County of Nassau, described and identified in exhibit "A" attached hereto and made a part hereof.

TO HAVE AND TO HOLD the said described and bargained premises and property with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of the said GRANTEE, IN FEE SIMPLE.

AND the said Grantor, her heirs and assigns, will warrant and forever defend unto the said GRANTEE his heirs and assigns, the right and title to the property hereby conveyed against the lawful claims of all persons claiming or to claim by, through or under Grantor.

IN WITNESS WHEREOF, the Grantor has signed, sealed and delivered these presents on this the day and year first above written.

RIO LAND & INVESTMENT COMPANY, INC.

BY 

WALTER DAVIS

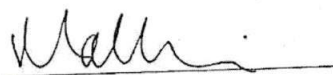
ITS: PRESIDENT

(CORPORATE SEAL)

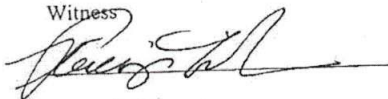
Sworn to and subscribed before

me this the 1st day of

August, 2006



Witness



Notary Public

Commission Expires 04/13/2010

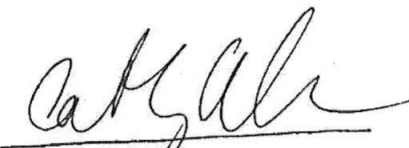

WITNESS

Exhibit "A"

LEGAL DESCRIPTION

All that tract, lot or parcel of land situate, lying and being in Section Twenty (20), Township Three (3) North, Range Twenty-nine (29) East, Fernandina Beach, Nassau County, Florida, and further identified as part of Lot 40, and being more particularly described as follows:

BEGINNING at the Northwest corner of Lot Seventy-eight (78) of Section One (1) of Miramar Beach, a subdivision of the Northeast portion of Section Twenty (20), Township Three (3) North, Range Twenty-nine (29) East, as shown by plat recorded in Plat Book 2, Page 61 in the office of the Clerk of Circuit Court for Nassau County, Florida, the property hereby described being also in said section; running thence Westerly in an extension of the northern boundary line of said lot Seventy-eight (78) a distance of One Hundred Twenty-five (125.0) feet; running thence Southerly in a line parallel with the Western boundary line of said Lot Seventy-eight (78) a distance of Seventy-two (72.0) feet; running thence in a straight line Easterly to the Southwest corner of Lot Seventy-eight (78) according to said plat; running thence Northerly along the Western boundary line of said Lot Seventy-eight (78) a distance of Seventy-two (72.0) feet to the POINT OF BEGINNING.

Said Lot to contain 0.206 acres of land.

March 10, 2020

Jacob Platt, Planner
Community Development Department
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 33034

RE: Variance Request for 1507 S. Fletcher Ave.

Dear Mr. Platt:

Enclosed please find our application for variance to subdivide the lot located at 1507 S. Fletcher Avenue. Currently the lot has a width of 144 ft and a length of just under 125 feet. When originally platted, the lot was in fact two lots, lots 78 and 79. The lots were previously combined, and a house built in 1937. The agents (hereinafter buyers) recently purchased this property along with the two adjoining western lots, (lots 40 and 41) which by design are supposed to have an ingress and egress from First Ave. In buying the entire property, the buyers would like to subdivide the front two lots similar to the way the back two lots were separated in 2017. If the variance is granted, our intent is to tear down the less than ideal house which currently stands on the property as it is not an ideal home for retirement and likely has lead paint and mold based upon our visit to the home. Once torn town, the buyers would like to build a single-family home on each of the four lots. The plan is for all four homes to have ingress and egress by way of a shared driveway from S. Fletcher. (See attached redevelopment plan). At least three of the homes will become the permanent retirement homes of the buyers.

Buyers are making this request because we believe that the smaller lots are consistent with the size of those currently in the community. Granting the variance will allow us to construct the shared driveway, obviating the need for an extension of First Avenue to the two western lots. Having such a shared driveway would allow the existing dunes on the rear of the western lots to remain primarily intact. This is consistent with the city's goal of protecting and preserving natural habitats and growth in the surrounding area. (See plot plan). Granting this variance is also consistent with the coastal upland protection per section 3.00.02.

In addition, granting our request is also consistent with the city's desire to limit the size of lots and extremely large houses in this area. If the variance is not granted, it would allow for a huge structure to be built across the span of the 144 feet facing S. Fletcher thereby limiting any site lines of the rear houses. This would not be consistent with the current neighborhood character. Buyers specifically picked this area because we like the character of the community and want to live in a place that encourages community living similar to the surrounding houses. Buyers are family and life-long friends. This type of living is their ultimate goal for retirement.

Thank you very much for your assistance.

Very Truly Yours,

A handwritten signature in blue ink, appearing to read 'Kara Ferretti', with a stylized flourish at the end.

Karen A. Ferretti

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY

OFFICIAL RECORDS BOOK 942, PAGE 1412
ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATE, LYING AND BEING IN SECTION TWENTY (20), TOWNSHIP THREE (3) NORTH, RANGE TWENTY-NINE (29) EAST, FERNANDINA BEACH, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS SEVENTY-EIGHT (78) AND SEVENTY-NINE (79) OF MIRAMAR BEACH SUBDIVISION, AS RECORDED IN PLAT BOOK 2, PAGE 61 OF THE PUBLIC RECORDS OF SAID NASSAU COUNTY AND DEED BOOK 130, PAGE 493 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

ALL THAT CERTAIN LOT OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE COUNTY OF NASSAU AND STATE OF FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT SEVENTY-NINE (79) OF SECTION ONE (1) OF MIRAMAR BEACH, A SUBDIVISION OF THE NORTHEAST PORTION OF SECTION TWENTY (20), TOWNSHIP THREE (3) NORTH, RANGE TWENTY-NINE (29) EAST, AS SHOWN BY PLAT RECORDED IN PLAT BOOK 2, PAGE 61 IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR NASSAU COUNTY, FLORIDA, THE PROPERTY HEREBY DESCRIBED BEING ALSO IN SAID SECTION, RUNNING THENCE WESTERLY IN AN EXTENSION OF THE NORTHERN LINE OF SAID LOT SEVENTY-NINE (79) A DISTANCE OF ONE HUNDRED TWENTY-FIVE (125.0) FEET; RUNNING THENCE SOUTHERLY IN A LINE PARALLEL WITH THE WESTERN BOUNDARY LINE OF SAID LOT SEVENTY-NINE (79) A DISTANCE OF ONE HUNDRED FORTY-FOUR (144.0) FEET; RUNNING THENCE IN A STRAIGHT LINE EASTERLY TO THE SOUTHWEST CORNER OF LOT SEVENTY-EIGHT (78) ACCORDING TO SAID PLAT; RUNNING THENCE NORTHERLY ALONG THE WESTERN LINE OF SAID LOT SEVENTY-EIGHT (78) AND SEVENTY-NINE (79) A DISTANCE OF ONE HUNDRED FORTY-FOUR (144.0) FEET TO THE POINT OF BEGINNING.

CERTIFIED TO:

KAREN A. FERRETTI
THOMAS M. BEACH
CHRISTINA A. CARROLL
JOSEPH C. CARROLL
DOUGLAS J. SOUTH
JACQUELINE G. SOUTH
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
CONTE J. TREVETT, P.L.

PROPERTY ADDRESS:
1507 SOUTH FLETCHER AVENUE
FERNANDINA BEACH, FLORIDA 32034

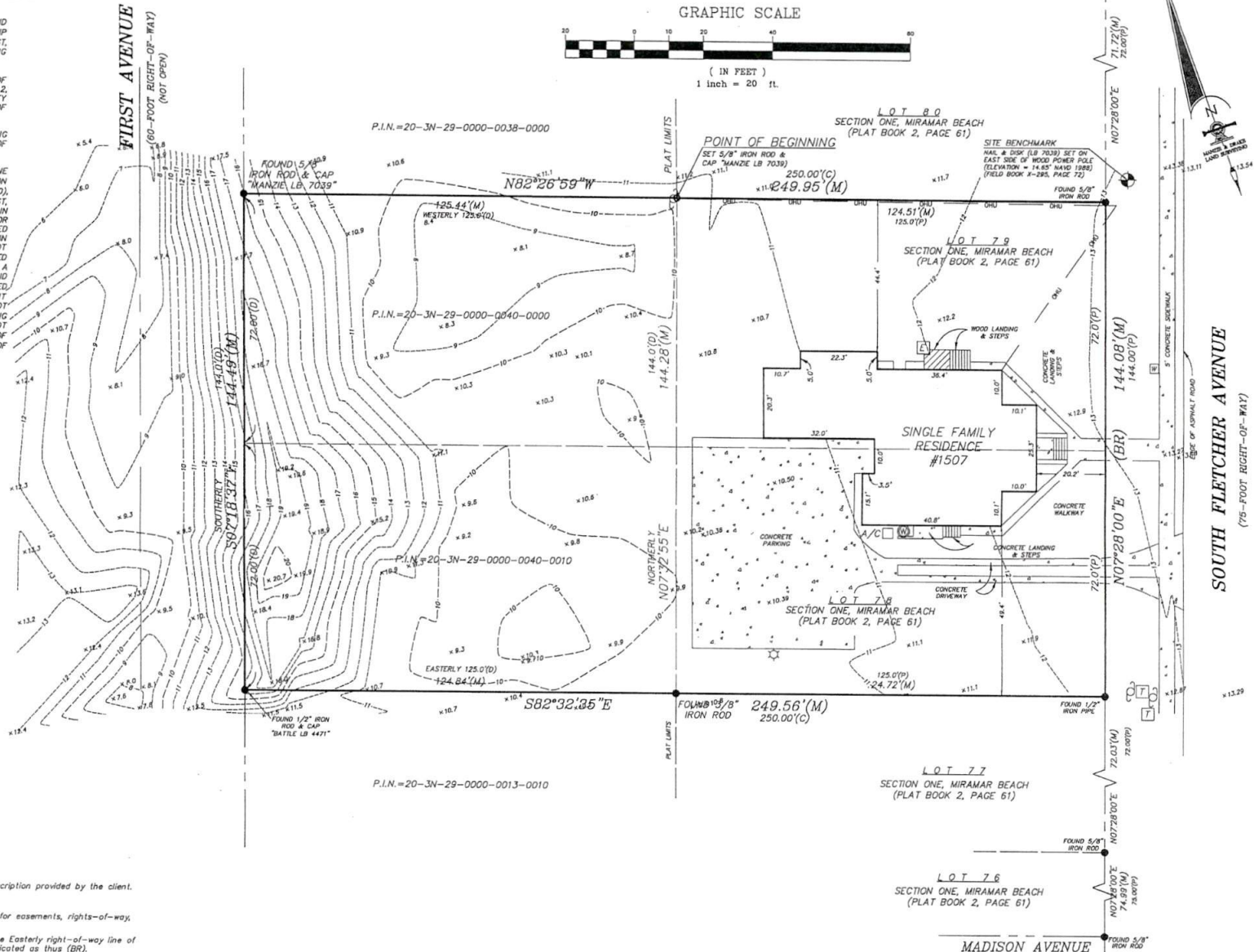
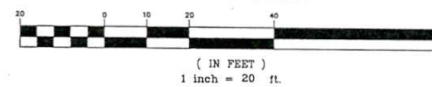
LEGEND

- A/C = AIR CONDITIONER
- CONCRETE FLATWORK
- ★ = LIGHT POLE
- ⊕ = ELECTRICITY METER
- ⊕ = TELEPHONE PEDESTAL
- ⊕ = WATER METER
- WOOD FLATWORK
- ⊕ = WOOD POWER POLE
- ⊕ = WELL
- (C) = DEED
- (M) = MEASURED
- (P) = PLAT
- (C) = CALCULATED

SURVEY NOTES:

- The "Legal Description" hereon is in accord with the description provided by the client.
- Underground improvements were not located or shown.
- Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- Bearings shown hereon are based on N0728'00"E for the Easterly right-of-way line of South Fletcher Avenue. The bearing reference line is indicated as thus (BR).
- "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 120202C-0243G, 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.
- Site Benchmark is as shown hereon.
- Elevations shown hereon refer to North American Vertical Datum of 1988. (N.A.V.D. '88)
- The Reference Benchmark is a Nail & Disk "Manzie LB 7039" in Wood Utility Pole at Northwest Corner of Lot 13. (Elevation = 12.18' NAVD 1988).

GRAPHIC SCALE



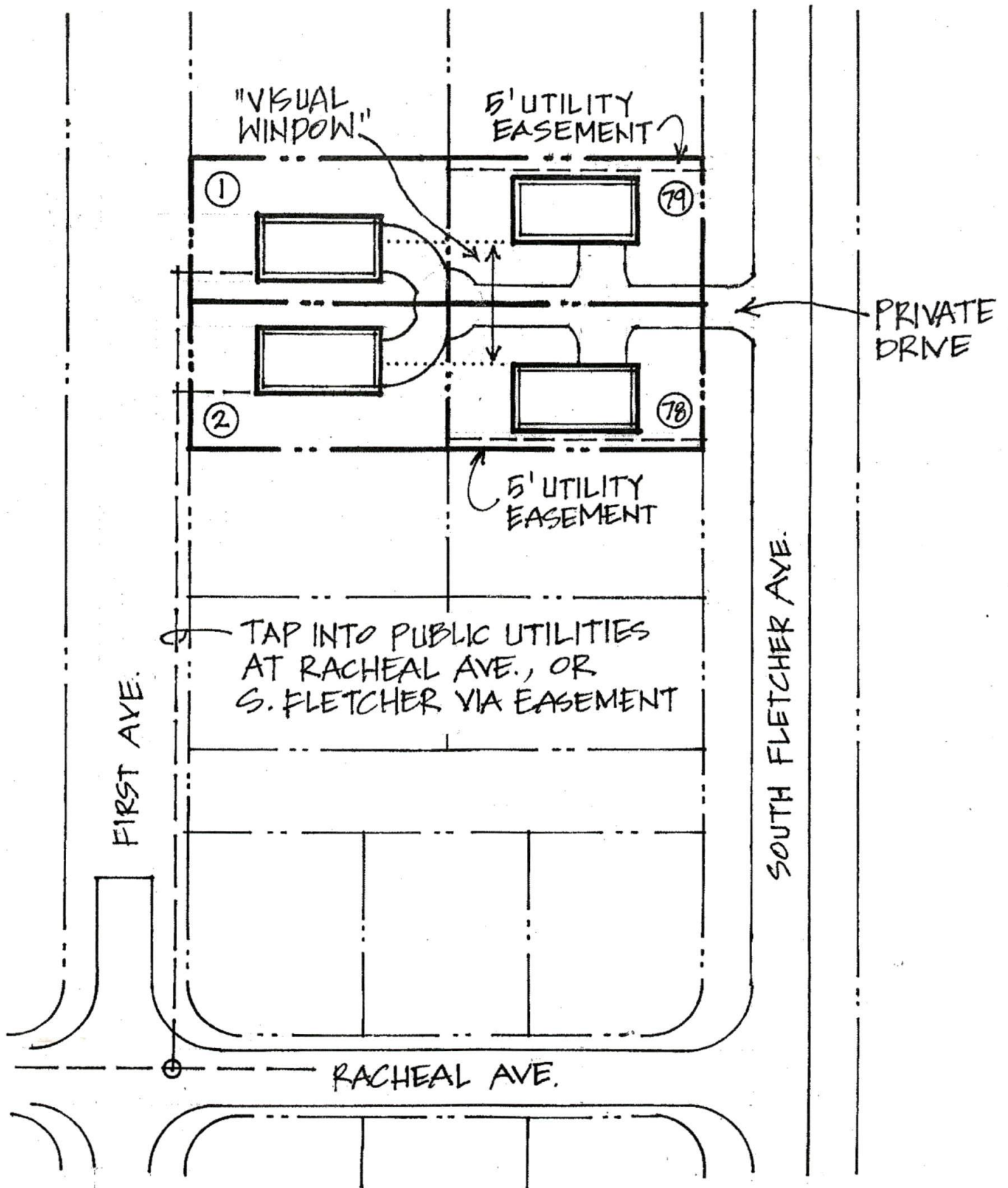
THE INFORMATION SHOWN HEREON MEETS THE STANDARDS OF PRACTICE SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS IN CHAPTER 5J-17, FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

MICHAEL A. MANZIE, 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: 13859 DATE: 3/12/2020 CADD: WKD
F.B. NO: X-295 PAGE NO: 50 & 72 FIELD CREW: JM FILE NO: B-1220



1507 SOUTH FLETCHER REDEVELOPMENT
 SCHEME IB

18 JUNE 2007