



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
JUNE 17, 2020
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING MINUTES**
 - 3.1 February 19, 2020 Amended Regular Meeting Minutes
 - 3.2 May 20, 2020 Regular Virtual Meeting Minutes
- 4. OLD 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. (*Quasi-Judicial*)
- 5. NEW BUSINESS**
 - 5.1 **BOA 2020-0007**- COTNER ASSOCIATES, INC. ARCHITECTS, AGENT FOR ERIC T. CORBETT, 2674 W. 3RD STREET
Variance from LDC Section 4.02.03(E) for construction of open deck over existing concrete parking area (*Quasi-Judicial*)
- 6. BOARD BUSINESS**
- 7. STAFF REPORT**
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR JULY 15, 2020.

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
AMENDED
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 no permits may be allowed until final approval of the City's Arborist and Westrock's approval; 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 Gleason:	Aye
Member Dadd:	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 if this request was denied.

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: *the fact that the applicant presented a good case against the Staff's opinion and that they would act in a way to address the Board's concerns.*"

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

6. BOARD BUSINESS
7. STAFF REPORT
8. PUBLIC COMMENT

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9. ADJOURNMENT – 9:26 pm

Sylvie McCann, Recording Secretary

Matt Miller, Chair



**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING (VIRTUAL)
MAY 20, 2020**

The Regular Board of Adjustment Meeting was held as a VIRTUAL MEETING with board members and City staff participating through video conferencing. This virtual meeting was 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

Call to Order at 5:00 pm

MEMBERS PRESENT:

Matt Miller (Chair) Physical Presence

Steven Papke – Virtual presence

Marcy Mock – Virtual Presence

Mark Gleason (Alt 2) – Virtual Presence

Tisha Dadd – Virtual Presence

Barry Hertslet – Physical Presence

Steve Cook (Alt 1) – Virtual Presence

MEMBERS ABSENT:

OTHERS PRESENT

Tammi Bach, Board Attorney

Jacob Platt, City Planner

Sylvie McCann, Recording Secretary

There were no ex parte communications to report. City Attorney Tammi Bach explained the Quasi-Judicial procedures and administered the oath to parties to were physically present in The Chambers. She explained that as speakers enter The Chambers to participate in the Public Comment portion of the meeting, she would administer the oath to each individual at that time.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 February 18, 2020 Meeting Minutes

Minutes were amended and will be presented for approval at the next meeting of June 17, 2020.

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' underlying lots of record.

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Mr. Platt presented the case and explained that the mail out notices for this case were mailed showing an address of 1937 S. Fletcher Avenue, which address does not exist, and that an amended notice was mailed with the corrected address of 1507 S. Fletcher Avenue.

Member Hertslet asked about the number of allowed homes on each underlaying lots. Staff explained that the request is for the underlaying lots to be restored.

Member Papke asked if there was any historic designation on the existing structure. Member Dadd asked that if the variance is granted, would this then create 4 deeded lots. Staff answered in the affirmative.

Member Mock asked about access to the rear lots. Staff noted that access through the right-of-way would need improvement.

Member Cook spoke about the the dune structure in the back of properties. Member Dadd asked about the previous Variance request of 2017 regarding the rear lots.

Member Gleason asked about requirements to allow private driveways to all residences and Member Mock asked about running utilities, and Staff then clarified that his analysis was performed in regard to the restoration of the underlying lots.

Ron Conte, 1797 School Street, Fernandina Beach, Attorney for the applicant, commented first that he would be able to answer a lot of the questions asked by board members. He then addressed the subject of the mail out notices mailed May 8, 2020 with a typo showing the address of 1537 S. Fletcher Avenue, and then noted that the amended notice was mailed May 13, 2020. He also asked Staff to confirm that all 6 criteria were met. Staff confirmed that they were. Mr. Conte also asked Staff if the variance ended not being granted if this would not stop the owner from constructing a home on lots 78 and 79.

Karen Ferretti, 13341 Bundy Way N., Potomac, MD 20870, applicant, explained why along with 5 other members she chose to pursue the purchase of this properties for their retirement. Mr. Conte asked Mrs. Ferretti to address the 6 criteria. Mrs. Ferretti presented some amended drawing showing access to potential 4 lots and information if variance is not granted.

Member Cook asked about requirement regarding the dune structure.

Mr. Jose Miranda, 309 ½ Centre Street, architect, was questioned by Mrs. Ferretti regarding his education, areas of expertise and knowledge of the Land Development Code of the City of Fernandina Beach in order to establish him as an expert witness in his field. Mr. Miranda presented a summary of the potential development of the property with the potential buyers. Mrs. Ferretti asked him to elaborate on the 6 criteria.

Member Dadd ask if conditions could be added to the granting of the variance.

Chair Miller asked which authority would be granting easements. Staff answered that the City would not be involved with the easement granting.

Public Comment was opened.

Geoff Haynes, 1496 First Avenue, spoke against the granting of the variance and commented on all 6 criteria. Member Dadd inquired about the variance of 2017. Mr. Conte then cross-examined Mr. Haynes.

Bryn. Byron, 1438 S. Fletcher Avenue, brought up the issue of the impervious aspect of building 4 homes on the 4 underlying lots with the fact that S. Fletcher Avenue gets flooded with hard rain; Ms. Byron also addressed some of the criteria.

Sharon Barlow, 1511 S. Fletcher Avenue voiced her concern about granting this variance and the impact on the 2 rear lots being built on.

Mrs. Ferretti questioned Jose Miranda regarding his interpretation of view corridors.

Geoff Haynes, 1496 First Avenue, asked about the new paving ordinance.
A 5-minute recess was taken.

Board discussion was re-started. Board members discussed driveway access, possibility of rezoning the property for short term rental and drainage.

Sandra Kerry, 1255 Forrest Drive, voiced her concerns regarding processes of holding this meeting during a pandemic.

Public Comment was closed.

Mr. Conte presented a closing statement. Mrs. Ferretti also presented her closing statement.

Board members discussed the 6 criteria.

Member Dadd moved to deny, inconsistent with the special privilege single driveway minimum variance, public interest. Chair Miller passed the gavel, seconded the motion. Chair Miller asked to clarify the earlier 2017 variance.

First motion to deny failed

Second motion to approved failed

ACTION TAKEN: A motion was made by Member Dadd, seconded by Member Miller who passed the gavel to Member Hertslet, to deny BOA case 2020-0006. *Citing inconsistency with the special privilege of a single driveway, the minimum number of variance and the public interest.*

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

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

Motion failed.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Papke to approved BOA case 2020-0006; and that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-0006, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

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

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

Motion failed.

Public Comment was reopened.

Jose Miranda, 309 ½ Centre Street, architect, made a forceful comment that the site plan rendering presented with the application was not part of the application and that it should not be considered in the decision making.

Sandry Kerry, 1255 Forest Drive, reiterated her concerns, noting the impact this would have on the surrounding properties and changing the General Harmony of the neighborhood.

Board members continued discussion about the driveway, easements, view corridors and other options given to the applicant

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in order to proceed. Chair Miller listed to the applicant that the following options are available: a lack of a second motion vote, which would be the same as a denial, a withdrawal on the part of the applicant, or a request for continuation by the applicant.

A second 5-minute recess was taken 9:38 pm to allow the applicant to confer.

Bryn Byron, 1438 S. Fletcher Avenue, reiterated her concerns about the General Harmony of the neighborhood and voiced her opposition to the granting of the variance.

Public Comment was closed.

Applicant requested that their case be postponed to a date certain at the next BOA Regular Meeting of June 17, 2020.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Papke to postpone BOA case 2020-0006 to a date certain at the June 17, 2020 BOA Regular Meeting.

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

5. BOARD BUSINESS

Mr. Platt announce the addition of a new Planner with Daphne Forehand joining the Planning & Conservation Department team. He added that Mrs. Forehand will eventually take over the duties of staffing the BOA.

6. STAFF REPORT

7. PUBLIC COMMENT

8. ADJOURNMENT AT 10.08 pm

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

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. Burt
Signature of Applicant

STATE OF ~~FLORIDA~~ Maryland
COUNTY OF ~~NASSAU~~ 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 @

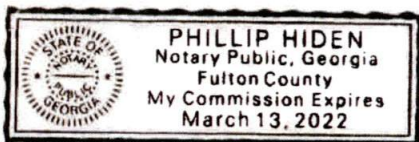
Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this 18th day
of March, 2020, by Walter R. Davis, III

[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)

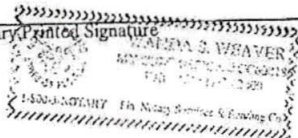


EXHIBIT "A"

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: Grant

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:

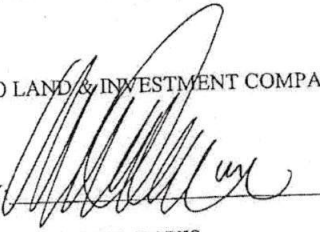
ALL of that certain lot, piece or parcel of land situate, lying and being in the State of Florida and County of Nassau, described and identified in exhibit "A" attached hereto and made a part hereof.

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

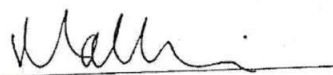
ITS: PRESIDENT

(CORPORATE SEAL)

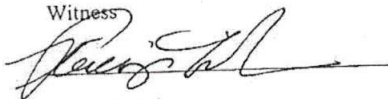
Sworn to and subscribed before

me this the 1st day of

August, 2006



Witness



Notary Public

Commission Expires 04/13/2010

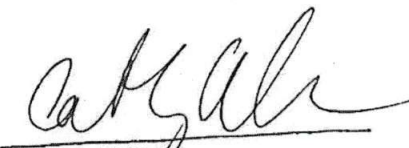

WITNESS

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, flowing script.

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.

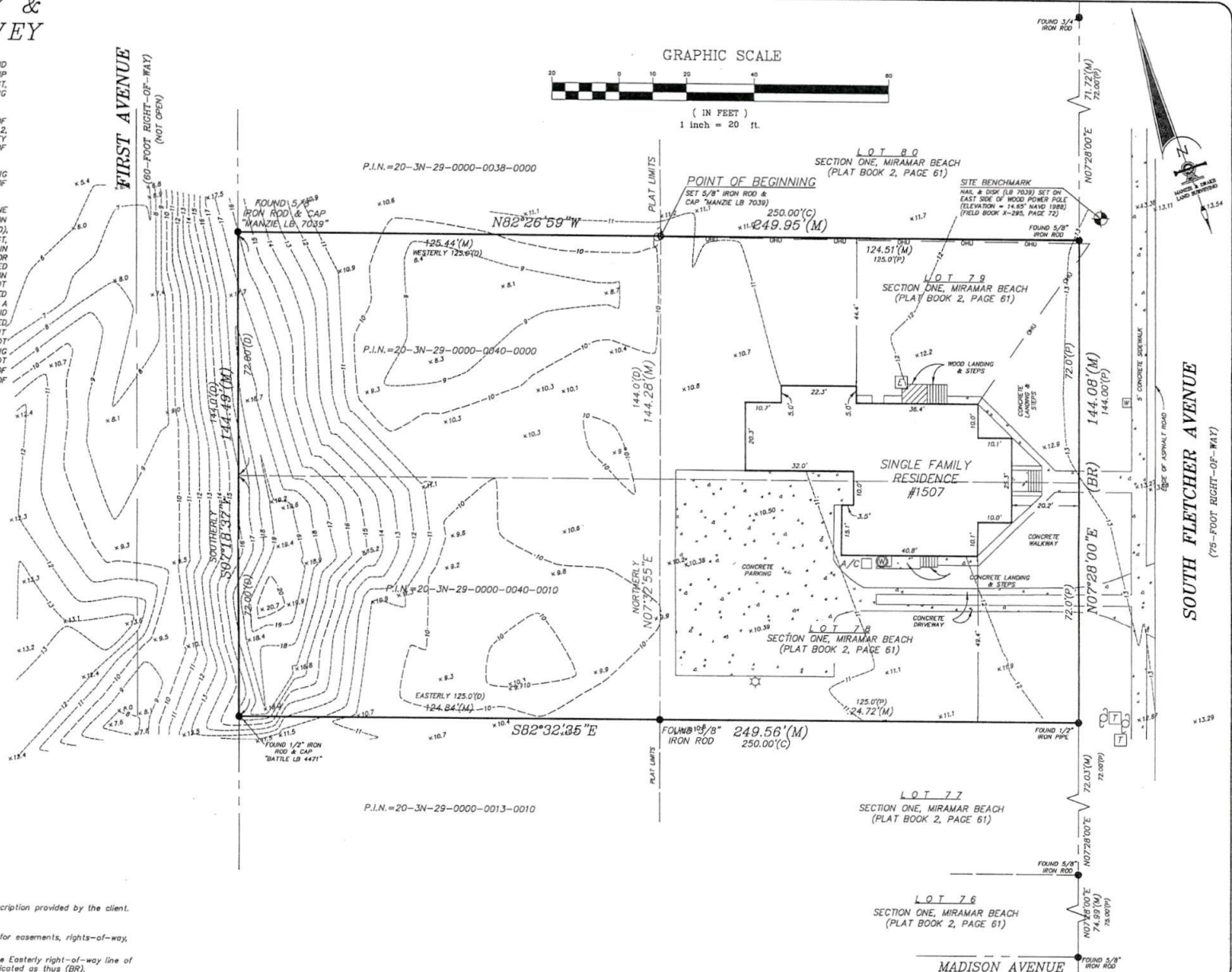
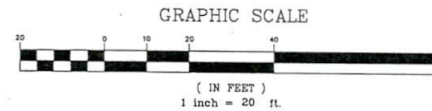
PROPERTY ADDRESS:
1507 SOUTH FLETCHER AVENUE
FERNANDINA BEACH, FLORIDA 32034

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:

- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Bearings shown hereon are based on N0728'00"E for the Easterly right-of-way line of South Fletcher Avenue. The bearing reference line is indicated as thus (BR).
- 5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- 6) The property shown hereon lies within flood zone "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.
- 7) Site Benchmark is as shown hereon.
- 8) Elevations shown hereon refer to North American Vertical Datum of 1988. (N.A.V.D. '88)
- 9) 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).



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



Conte | Trevett, P.L.

ATTORNEYS AT LAW

June 10, 2020

VIA EMAIL TO JPLATT@FBFL.ORG

Jacob Platt
Senior Planner
City of Fernandina Beach Planning Department
204 Ash Street
Fernandina Beach, FL 32034

Re: Board of Adjustment Case: BOA 2020-006
Property Address: 1507 South Fletcher Avenue, Fernandina Beach, FL 32034
My Clients: Karen Ferretti, Thomas Beach, J. Christopher Carroll,
Christina Carroll, Douglas South and Jacqueline South

Dear Jacob:

Pursuant to our conversation following the May 20, 2020, Board of Adjustment ("BOA") hearing, this is to supplement my clients' application for a variance to restore underlying lots of record 78 and 79 in the Miramar Beach subdivision on South Fletcher Avenue. We are submitting this amended cover letter for use at the upcoming June 17 BOA hearing on this matter. Competent substantial evidence presented by and on behalf of my clients at the May 20 BOA hearing demonstrates that the six factors set forth in the City of Fernandina Beach Land Development Code ("LDC") necessary for approval of a variance were met at that hearing.

In addition to the information provided in my clients' application and the competent substantial evidence produced at the May 20 BOA hearing, my clients will provide further evidence by way of testimony reflecting how the granting of the variance is consistent with the character of the Miramar Beach subdivision and surrounding communities. Not only are the surrounding residential lots immediately to the north and the south of 1507 South Fletcher Avenue similar in size to what the two restored lot sizes would be, all but three of the 67 single family residential lots in the Miramar Beach subdivision are similar in size to the restored lot sizes of lots 78 and 79. The restoration of these two underlying lots of record is therefore consistent with the character of the surrounding community.

Vehicular access to lots 78 and 79, as well as to the two abutting rear lots (Lots 40 and 40-1), was discussed at length at the May BOA hearing. This issue, however, is not relevant to the determination of whether the requirements for a variance under the LDC have been met. Rather, vehicular access to the lots is a consideration for the permitting department when

ORLANDO:

5850 T.G. LEE BLVD., SUITE 435
ORLANDO, FL 32822
OFFICE: 407-745-4631
FAX: 407-802-1070

AMELIA ISLAND:

5422 FIRST COAST HIGHWAY, SUITE 100
AMELIA ISLAND, FL 32034
OFFICE: 904-432-7602
FAX: 904-432-7088

Jacob Platt
June 10, 2020
Page 2 of 2

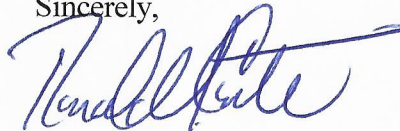
building permits for the lots are requested. While two of many possible site plans were included for reference as part of the exhibits produced by the applicants at the May BOA hearing, these were included only for the purpose of reflecting my clients' objective to do everything possible to preserve the natural topography and dune structures of the surrounding areas.

Despite it not being relevant to the question at hand, should the BOA want additional information regarding vehicular access to the lots, Architect Jose Miranda will be prepared to discuss a variety of possible site plans at the June 17 hearing which address the issue. If the issue is brought up, I anticipate that Mr. Miranda would testify that ultimately the manner in which Lots 78 and 79 would be accessed will depend on compliance with the requirements of the city of Fernandina Beach and the state of Florida at the time homes are built on the lots. The applicable regulations may, in fact, change between now and when the lots are developed.

As specifically acknowledged in statements by Chair Miller and other board members at the May BOA hearing, and in your staff report to the BOA, the six factors set forth in the LDC which must be met in order to approve an application for a variance have been satisfied in this instance. My clients' application for a variance, therefore, should be approved and the variance should be granted.

Thank you.

Sincerely,



Ronald J. Conte

CC: Karen A. Ferretti
Tammi E. Bach



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.

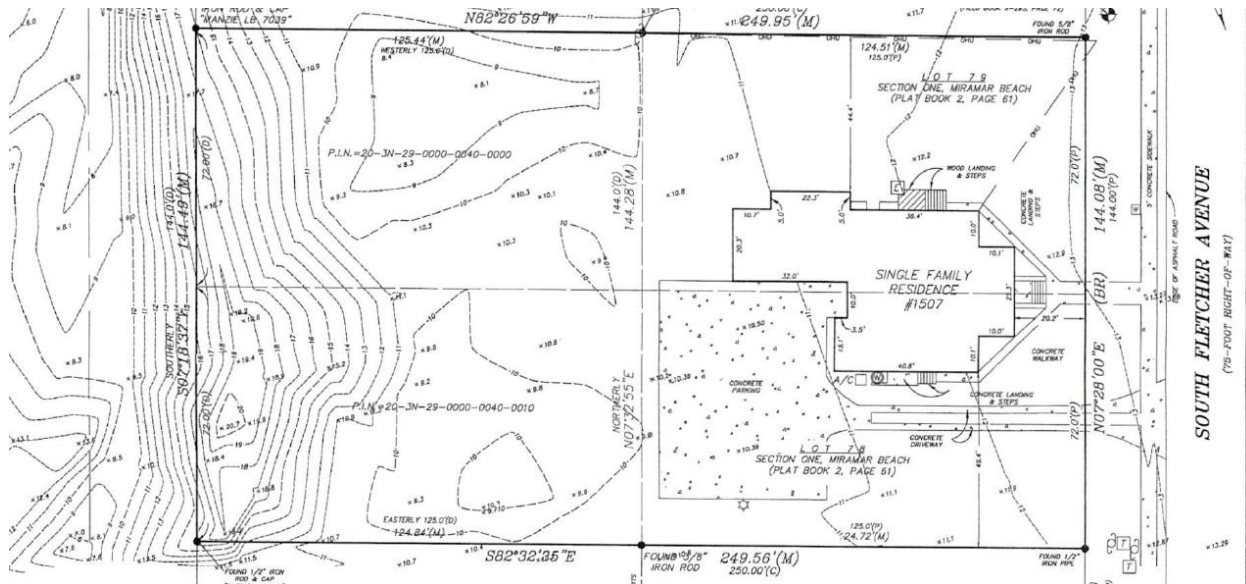
The Board of Adjustment granted case number 2017-12 from LDC section 1.03.05, to restore lots 40 and 40-1, the two lots of record west of the subject parcel. At that time, an ancillary building foundation combined all four lots of record as a single parcel.

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



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

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.



BOA 2020-06
1507 S. Fletcher Avenue
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

BOARD OF ADJUSTMENT (BOA)

Variance
ApplicationDEPARTMENT OF
PLANNING & CONSERVATION

204 ASH STREET
FERNANDINA BEACH, FL 32034
904 310-3480
www.fbfl.us/planning

USE THIS FORM TO

Apply for a variance to obtain relief from the design standards of this Land Development Code (LDC) where otherwise hardship would occur.

A person who is adversely affected by any administrative decision may appeal such decision to the BOA.

FEES

Residential Properties.....\$850

Non-residential properties.....\$1,000

Administrative Appeal.....\$450

Once application is submitted it will be reviewed for completeness. Once verified complete, an invoice will be emailed to the applicant.

IMPORTANT NOTES



Application Requirements

- ☐ A complete application filed at least thirty (45) days before the date of the Board of Adjustment's public hearing;
- ☐ A current signed, sealed, scaled survey of the property (no older than two years from date of application);
- ☐ Proof of ownership (copy of deed or tax statement)
- ☐ If applying as an agent, *Owner's Authorization for Agent Representation* form must be signed/ notarized and submitted as part of the application;
- ☐ A detailed letter stating the reasons for the request;
- ☐ Materials as needed to illustrate the nature of the request, including but not limited to, site plans, architectural drawings, photographs, etc. (Any site plans or drawings must be dimensioned and to scale.)

REVIEW TYPE:

- ☐ Variance ☐ Appeal of Administrative Decision

PROPERTY INFORMATION: Property information can be found at the [Nassau County Property Appraiser's Website](#) → Map Search

Site Address _____

Parcel ID #(s) - - - - -

Zoning District _____ Future Land Use Designation _____

OWNER OF
RECORD

As recorded with the Nassau
County Property Appraiser

OWNER'S
AGENT

If other than owner. If an agent will be representing the owner, an **Owner's Authorization For Agent Representation** form must be included

Owner(s) Name _____

Applicant Name _____

Company (if applicable) _____

Corporation or Company _____

Mailing Address _____

Mailing Address _____

City State Zip _____

City State Zip _____

Telephone Number _____

Telephone Number _____

E-Mail Address _____

E-Mail Address _____

PROJECT INFORMATION

Variance(s) requested from LDC Section(s) _____

Summary of Request (more detailed information to be provided in required letter of intent)

Board of Adjustment Meetings are held the 3rd Wednesday of the month at 5PM in the City Commission Chambers (204 Ash Street)

Application Deadline (4:30PM)	Dec 18 2019	Jan 15 2020	Feb 19 2020	Mar 18 2020	Apr 15 2020	May 20 2020	Jun 17 2020	Jul 15 2020	Aug 19 2020	Sep 16 2020	Oct 21 2020	Nov 18 2020	Dec 16 2020	Jan 20 2021
Meeting Date	Jan 15 2020	Feb 19 2020	Mar 18 2020	Apr 15 2020	May 20 2020	Jun 17 2020	Jul 15 2020	Aug 19 2020	Sep 16 2020	Oct 21 2020	Nov 18 2020	Dec 16 2020	Jan 20 2021	Feb 17 2021



PRE-APPLICATION MEETING

To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with the applicable planner prior to submitting your application. Completed Board applications are due 30 days prior to the meeting date.

Cases in the historic districts or Community Redevelopment Area are heard by the Historic District Council, please use the HDC Variance Application. Cases in all other areas of the City are heard by the Board of Adjustment.



Please see the Land Development Code (LDC) for detailed information:

- ☐ *Procedures for Variances* – see LDC Section 10.02.04.
- ☐ *Expiration of Variance Approval* – see LDC Section 10.02.04(C).
- ☐ *Appeals on a Variance* – see LDC Section 10.02.04(D).
- ☐ *Appeals of Administrative Action* – see LDC 11.07.00

The LDC is available for review at

www.fbfi.us/LDC



APPEALS

Any person aggrieved by any decision of the BOA regarding a variance may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision at the office of the Board; otherwise, the decision of the Board shall be final.

REQUIRED FINDINGS FOR A GRANT OF A VARIANCE

In order for an application for a variance to be approved or approved with conditions, the BOA 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.
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.
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.
4. **Minimum Variance:** The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.
5. **General Harmony:** Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.
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.



LIMITATIONS

The following limitations on the grant of a variance apply:

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 solely 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 except as may be provided in Land Development Code Section 10.02.01(C).
9. A variance will not be granted which authorizes the filling of wetlands prohibited by Land Development Code Section 3.03.03(A)
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.

CERTIFICATION

By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures.

Applicant (Signature)

Date



Please submit this application and all backup materials via email to Planninginfo@fbfl.city

Please include applicants name and project address in subject line.

To be completed by city staff
BOA 2020 -

Revised 3/23/2020



**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**

I /WE ERIC + MARIE CORBETT
(print name of property owner(s))

hereby authorize: COTNER ASSOCIATES, INC. ARCHITECTS
(print name of agent)

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

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

Eric T. Corbett
(Signature of owner)

Marie E Corbett
(Signature of owner)

ERIC T. CORBETT
(Print name of owner)

MARIE CORBETT
(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU ss }

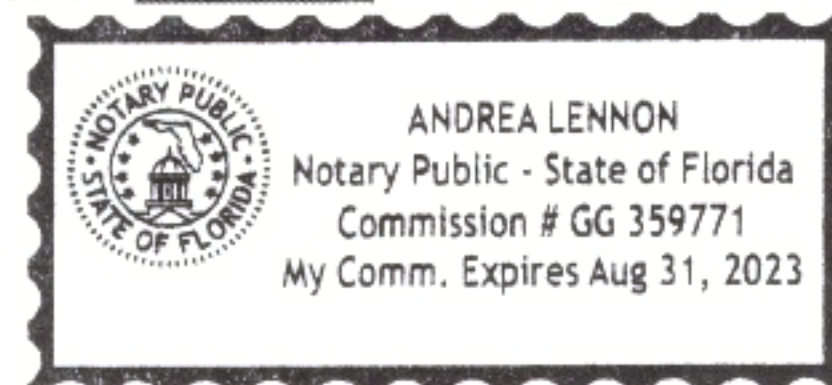
Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 11th day
of May, 2020, by ERIC T CORBETT + MARIE CORBETT

Andrea Lennon
Notary Public

Andrea Lennon
Printed Name

My Commission Expires

Personally Known _____ OR Produced Identification _____ ID Produced: _____



Prepared by:
Andrea F. Lennon, P.A.
961687 Gateway Blvd. Suite 101L
Amelia Island, Florida 32034

File Number: 13-516

General Warranty Deed

Made this December 13, 2013 A.D. By Kitty S. Cooper, an unmarried woman, whose post office address is: P.O.Box 24, Fernandina Beach, Florida 32034, hereinafter called the grantor, to Eric T. Corbett, a married man, whose post office address is: 839 Mary Street, Fernandina Beach, Florida 32034, hereinafter called the grantee:

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

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

Parcel 1:

Lot 27, THE ISLANDS CLUB SUBDIVISION, according to Plat recorded in Plat Book 4, Page 106, Public Records of Nassau County, Florida.

Parcel 2:

Lot 28, THE ISLANDS CLUB SUBDIVISION, according to Plat recorded in Plat Book 4, Page 106, Public Records of Nassau County, Florida.

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

Parcel ID Number: 000031-142A0027-0000

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2013.

Prepared by:
Andrea F. Lennon, P.A.
961687 Gateway Blvd. Suite 101L
Amelia Island, Florida 32034

File Number: 13-516

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

Signed, sealed and delivered in our presence:

Witness:
Printed Name: Walter Ubau

Kitty S. Cooper
Address: P.O. Box 24, Fernandina Beach, Florida
32034

Witness:
Printed Name: Rosana Lacayo

NOTARY SECTION

State/Commonwealth of Nicaragua - Centroamerica.
County/Parrish of Granada.

The foregoing instrument was acknowledged before me this 13. day of December, 2013,
by Kitty S. Cooper, an unmarried woman, who is/are personally known to me or who has produced
COO017396 (Residencia) as identification.

(License Florida) C 160-517-46-548-0

Notary Public:
Print Name: Roger Lacayo
My Commission Expires: 20/06/2018





May 11, 2020

Jacob Platt, Senior Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

Re: 2674 West 3rd Street, Variance request

Attached is our application for variance to sec. 4.02.03(E) regarding front yard setback. The rationale here is to capture two covered parking spaces in an area already impacted by impervious area vs. construction of an accessory structure as originally planned to the southeast corner of property. This would preserve the south and east portions of the property for absorption of run-off and natural habitation. Due to the unimproved r.o.w., this seems the most environmentally sensitive approach to achieve covered parking on this site and the possibility of improvement into the Fort Clinch property is not likely. Even so, the deck/parking area is set into the severe slope of the property within an existing retaining wall which would not be a negative impact even if the r.o.w. was to be improved for some unforeseen and unlikely reason.

Should you encounter questions with the attached, please advise.

Thank you for your assistance.

A handwritten signature in black ink, appearing to read 'John M. Cotner'. Below the signature is the printed name 'John M. Cotner, AIA'.

Attachments:

- 1) 2017 Survey
- 2) 2016 Architectural permit site plan

9 South Third Street | Fernandina Beach, Florida | 32034-4206 | www.cotnerassociates.net
Phone 904-277-4593 | Fax 904-277-6734 | Email architect@cotnerassociates.com

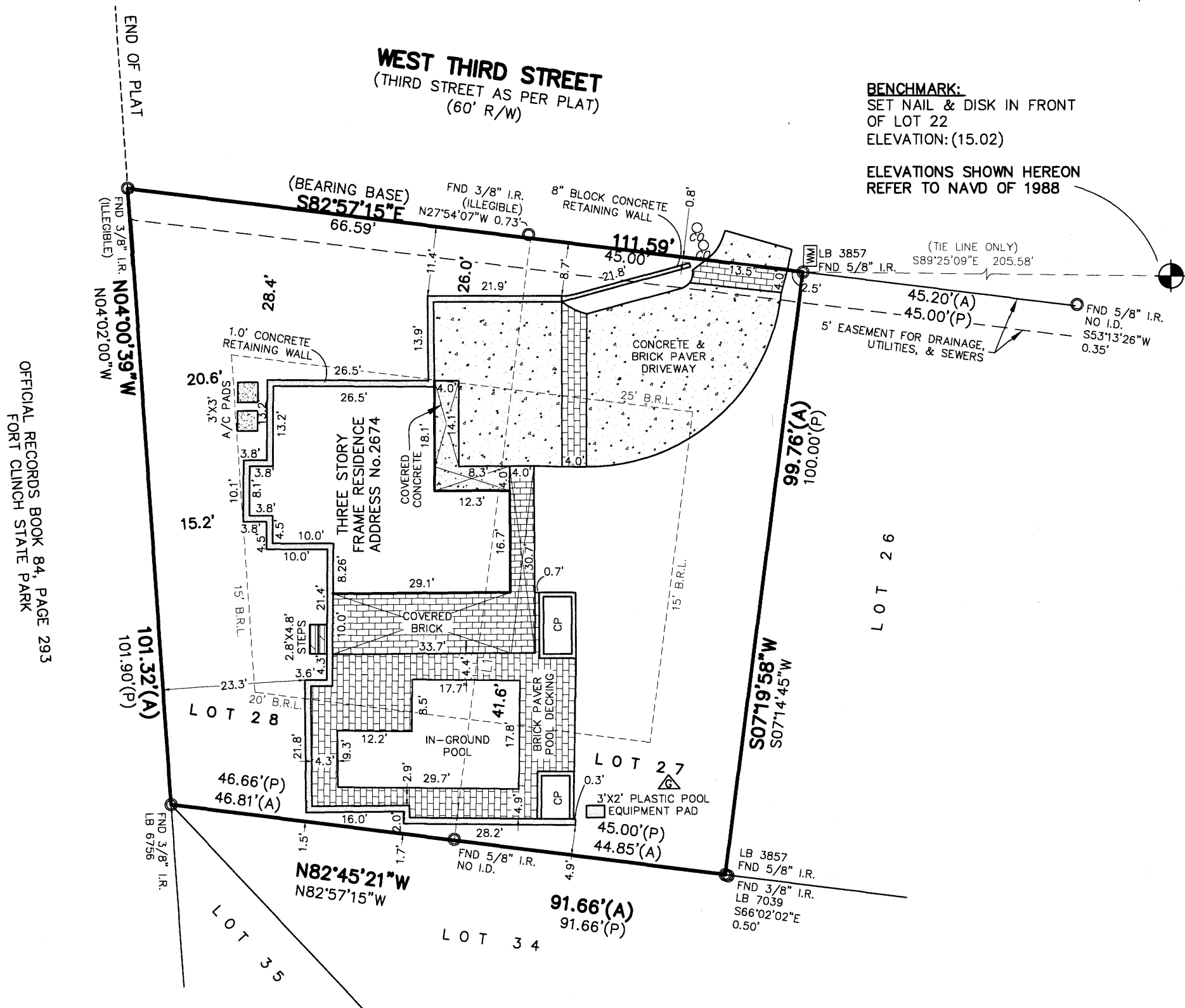
FL AAC001651 | GA RA005137 | NC 14077 | PA RA010642B | SC 5211

MAP SHOWING BOUNDARY SURVEY OF LOTS 27 & 28 AS SHOWN ON MAP OF THE ISLANDS CLUB SUBDIVISION

AS RECORDED IN PLAT BOOK 4 PAGES 106 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLA.

CERTIFIED TO: ERIC T. CORBETT & MARIE CORBETT / CBC NATIONAL BANK /

FIRST AMERICAN TITLE INSURANCE COMPANY / ANDREA F. LENNON, P.A.



FINAL; W.O. #155622; 05-09-17 (FIELD)
FOUNDATION; W.O. #150278; 06-30-16 (FIELD)
LOT & HOUSE STAKE OUT (GOOD-SET F.F.E.): W/O# 149082; 04-06-16 (FIELD)
STAKEOUT OF RESIDENCE (ROUGH): W/O# 79981-148997; 04-05-16 (FIELD)

THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
THERE MAY BE ADDITIONAL EASEMENTS AND/OR RESTRICTIONS THAT ARE NOT SHOWN
ON THIS SURVEY THAT MAY BE FOUND IN THE PUBLIC RECORDS OF THIS COUNTY.

- ⊗ - DENOTES SANITARY SEWER CLEAN OUT
- ⚠ - DENOTES 16" GAS FILLER LID
- WM - DENOTES WATER METER
- - DENOTES CONCRETE
- ▨ - DENOTES BRICK PAVERS
- ▩ - DENOTES WOOD DECKING
- CP - DENOTES CONCRETE PLANTER

NOTE:
SIDE/FRONT TIES ARE TO THE FOUNDATION.

UNDERGROUND ENCROACHMENTS NOT LOCATED

THE LAND SHOWN HEREON IS IN THE SPECIAL FLOOD HAZARD ZONE "X" AS SHOWN
ON FLOOD INSURANCE RATE MAP 0241F FOR NASSAU COUNTY, FLORIDA, DATED 12-17-10

ALL AMERICAN SURVEYORS OF FLORIDA, INC.

LAND SURVEYORS - 3751 SAN JOSE PLACE, SUITE 15 - JACKSONVILLE, FLORIDA, 32257 - 904/279-0088 - LICENSED LAND BUSINESS NO. 3857

Legend
COV. = COVERED
FND. = FOUND
ESWT = EASEMENT
CONC = CONCRETE
MON. = MONUMENT
I.P. = IRON PIPE
I.R. = IRON ROD
Δ = DELTA ANGLE
CH = CHORD
A = ARC LENGTH
R = RADIUS
(CALC.) = CALCULATED
(A) = ACTUAL
(P) = PLAT
(R) = RADIAL LINE
C = CENTER LINE
R/W = RIGHT-OF-WAY
-x- = FENCE
(W) = WITNESS

F.F.E. = FINISH FLOOR ELEVATION
A/C = AIR CONDITIONER
I.D. = IDENTIFICATION
P.R.M. = PERMANENT REFERENCE
MONUMENT
P.T. = POINT OF TANGENCY
P.C.P. = PERMANENT CONTROL POINT
P.C. = POINT OF CURVE
P.R.C. = POINT OF REVERSE CURVE
P.C.C. = POINT OF COMPOUND CURVE
B.R.L. = BUILDING RESTRICTION
F.P.&L. = FLORIDA POWER & LIGHT
(TYP.) = TYPICAL
NGVD = NATIONAL GEODETIC VERTICAL
DATUM
NAVD = NORTH AMERICAN VERTICAL
DATUM
P.I. = POINT OF INTERSECTION
EOW = EDGE OF WATER
TOB = TOP OF BANK

THIS IS TO CERTIFY THAT THE ABOVE LANDS WERE SURVEYED UNDER MY RESPONSIBLE
SUPERVISION AND DIRECTION, THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN
AND THAT THE SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS
SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS
PURSUANT TO CHAPTER 472.027 / CHAPTER 61G17-6, FLORIDA STATUTES.

SURVEY NOT VALID UNLESS EMBOSSED BY SEAL
JAMES D. HARRISON, JR., No. 2647
MICHAEL A. GARRETT, No. 6643

SCALE 1"=20'

DATE 02/23/2016

FLORIDA REGISTERED SURVEYOR AND MAPPER



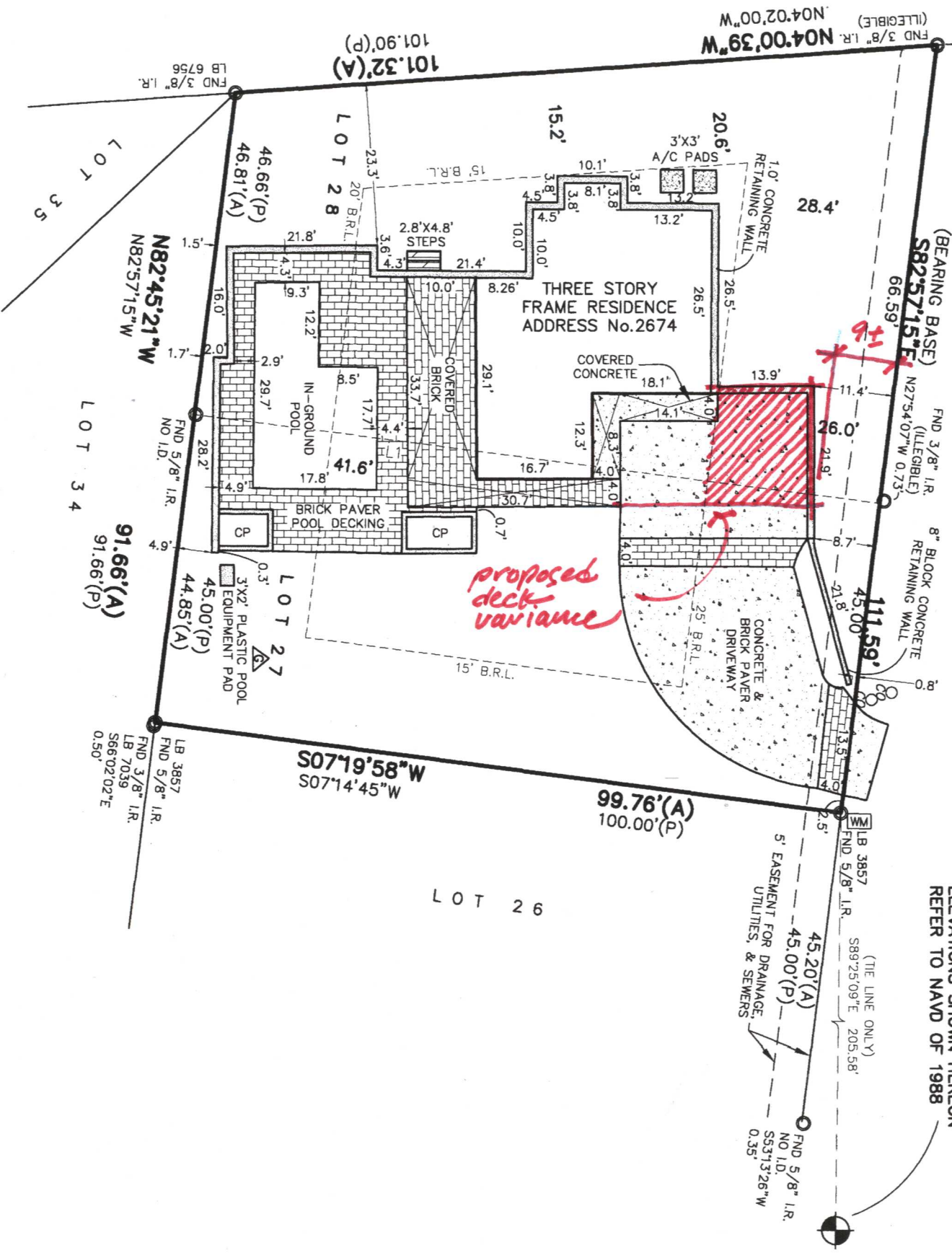
MAP SHOWING BOUNDARY SURVEY OF
LOTS 27 & 28 AS SHOWN ON MAP OF
THE ISLANDS CLUB SUBDIVISION

AS RECORDED IN PLAT BOOK 4 PAGES 106 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLA.
CERTIFIED TO: ERIC T. CORBETT & MARIE CORBETT / CBC NATIONAL BANK /
FIRST AMERICAN TITLE INSURANCE COMPANY / ANDREA F. LENNON, P.A.

WEST THIRD STREET
(THIRD STREET AS PER PLAT)
(60' R/W)

BENCHMARK:
SET NAIL & DISK IN FRONT
OF LOT 22
ELEVATION: (15.02)

ELEVATIONS SHOWN HEREON
REFER TO NAVD OF 1988



L1=S07°14'45"W 99.60'(A)
100.00'(P)

- ⊗ -DENOTES SANITARY SEWER CLEAN OUT
- ⊗ -DENOTES 16" GAS FILLER LID
- WM -DENOTES WATER METER
- -DENOTES CONCRETE
- -DENOTES BRICK PAVERS
- -DENOTES WOOD DECKING
- CP -DENOTES CONCRETE PLANTER

NOTE:
SIDE/FRONT TIES ARE TO THE FOUNDATION.

UNDERGROUND ENCROACHMENTS NOT LOCATED

ALL AMERICAN SURVEYORS OF FLORIDA, INC.

LAND SURVEYORS - 3751 SAN JOSE PLACE, SUITE 15 - JACKSONVILLE, FLORIDA 32257 - 904/279-0088 - LICENSED LAND BUSINESS NO. 3857

THE LAND SHOWN HEREON IS IN THE SPECIAL FLOOD HAZARD ZONE "X" AS SHOWN
ON FLOOD INSURANCE RATE MAP 0241F FOR NASSAU COUNTY, FLORIDA, DATED 12-17-10

THIS IS TO CERTIFY THAT THE ABOVE LANDS WERE SURVEYED UNDER MY RESPONSIBLE
SUPERVISION AND DIRECTION, THAT THERE ARE NO ENCROACHMENTS EXCEPT AS SHOWN
AND THAT THE SURVEY SHOWN HEREON MEETS THE MINIMUM TECHNICAL STANDARDS
SET FORTH BY THE FLORIDA BOARD OF PROFESSIONAL SURVEYORS AND MAPPERS
PURSUANT TO CHAPTER 472.027 / CHAPTER 61G17-6, FLORIDA STATUTES.

SURVEY NOT VALID UNLESS EMBOSSED BY SEAL
JAMES D. HARRISON, JR., No. 2647
MICHAEL A. GARRETT, No. 6643



SCALE 1"=20'
DATE 02/23/2016

FLORIDA-REGISTERED SURVEYOR AND MAPPER
5/17/17

BOUNDARY SURVEY
ISSAU COUNTY

IN THE DEPARTMENT OF THE SURVEY, RECORDED FROM THE
CORNER TO THE MONUMENT.
ELEVATIONS SHOWN HEREON ARE BASED UPON GPS OBSERVATIONS.
TREE IDENTIFICATION BY SURVEYOR USING COMMON NAMES.

- L-2 S 82°57'15" E 45.00' (P)
S 82°50'39" E 44.86' (M)
- L-3 S 82°57'15" E 45.00' (P)
S 82°44'53" E 44.87' (M)
- L-4 N 82°57'15" W 45.00' (P)
N 82°31'36" W 44.89' (M)
- L-5 N 82°57'15" W 46.66' (P)
N 82°57'13" W 46.75' (M)

AREA CALCS

CONDITIONED AREA:	
LEVEL I	= 834 S.F.
RV GARAGE	= 532 S.F.
LEVEL II	= 852 S.F.
LEVEL III	= 854 S.F.
TOTAL	= 3,072 S.F.
UNCONDITIONED AREA:	
GARAGE	= 271 S.F.
ATTIC STOR	= 475 S.F.
TOTAL	= 746 S.F.
COVERED PORCHES & TERRACES:	
LEVEL I	= 1,716 S.F.
LEVEL II	= 488 S.F.
LEVEL III	= 198 S.F.
TOTAL	= 2,394 S.F.

WIND DESIGN / OTHER PER FBC 2014

WIND ZONE: 128 mph
EXPOSURE: C
IMPORTANCE FACTOR: I
METHOD OF OPENING PROTECTION: NA
DESIGN PRESSURE: 50 PSF OR GREATER
TYPE OF CONSTRUCTION: V
FLOOD ZONE DESIGNATION & BASE FLOOD ELEVATION: "X"
PROPOSED ELEVATION OF 1ST HABITABLE FLOOR: Elev. 24' - 6"
PROPOSED ELEVATION OF GROUND SLAB (IF UTILIZED): 24' - 0"
PROPOSED ELEVATION OF GRADE IMMEDIATE ADJACENT TO STRUCTURE: 28'-0" AVG.
AVERAGE ROOF HEIGHT: MAX ROOF PEAK = 34'-3 1/4"
NUMBER OF STORIES: Three
ZONING DESIGNATION: R-3
SETBACKS PER ZONING: 25' front / 15' side / 20' rear
TOTAL NEW CONDITIONED AREA: 3,072 sq. ft.
TOTAL NEW UNCONDITIONED AREA: 746 sq. ft.
LOT AREA: 10,440 sq. ft. ±
LOT COVERAGE: 33.5%
RISK CATEGORY PER ASCE 7-10: II

WIND COMPLIANCE STATEMENT

THESE DESIGN PLANS AND SPECIFICATIONS ARE IN COMPLIANCE WITH THE STANDARDS ESTABLISHED IN SECTION 168-33.007, FLORIDA ADMINISTRATIVE CODE.
THE MAIN WIND-FORCE RESISTING SYSTEM HAS BEEN DESIGNED IN ACCORDANCE WITH CHAPTER 6, AMERICAN NATIONAL STANDARDS AMERICAN SOCIETY OF CIVIL ENGINEERING ASCE 7-10 "MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES" TO WITHSTAND THE WIND LOADS ASSOCIATED WITH A MINIMUM BASIC WIND SPEED OF 128 MILES PER HOUR.
THE COMPONENTS AND CLADDING HAVE BEEN SELECTED AND THEIR USE INCORPORATED INTO THE DESIGN AND SPECIFICATIONS IN ACCORDANCE WITH CHAPTER 6, AMERICAN NATIONAL STANDARDS AMERICAN SOCIETY OF CIVIL ENGINEERING ASCE 7-10 "MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES" TO WITHSTAND THE WIND LOADS ASSOCIATED WITH A MINIMUM BASIC WIND SPEED OF 128 MILES PER HOUR.
I HEREBY CERTIFY THAT THIS STRUCTURE, AS DESIGNED AND DETAILED BY COTNER ASSOCIATES, INC., ARCHITECTS, CONFORMS TO THE FLORIDA BUILDING CODE 2014 WIND LOAD CRITERIA AND CAN STRUCTURALLY WITHSTAND A WIND LOAD OF 128 MPH AS SPECIFIED BY THE COASTAL ZONE PROTECTION ACT OF 1985 AND AMENDED AS OF 1988.
COTNER ASSOCIATES, INC. ARCHITECTS DOES NOT ASSUME RESPONSIBILITY FOR OMISSIONS, UNWORKMAN-LIKE PERFORMANCE OR DEVIATIONS FROM THE PLANS, SPECIFICATIONS AND DETAILS WHICH MAY OCCUR BY CONTRACTOR, SUBCONTRACTORS, OR OWNER DURING THE COURSE OF CONSTRUCTION.

TREE TABLE

- T1 - 8" OAK
- T2 - 6" OAK
- T3 - 10" PALM
- T4 - 8" DOG CEDAR
- T5 - 12" OAK
- T6 - 8" OAK
- T7 - 11" OAK
- T8 - 8" OAK
- T9 - 7" CEDAR
- T10 - 10" OAK
- T11 - 5" OAK
- T12 - 4" OAK
- T13 - 4" OAK
- T14 - 18" OAK
- T15 - 4" OAK
- T16 - 6" OAK
- T17 - 4" OAK
- T18 - 6" OAK
- T19 - 4" OAK
- T20 - 13" PALM
- T21 - 6" OAK
- T22 - 4" OAK
- T23 - 6" OAK

LOT 25

Site Plan
1/8" = 1'-0"



Revisions	No.	Description	Date
	1	Drawings Patterns & Foundation Edits	01-05-16
	2	Revisions per City of FB Building Dept	01-29-16
	3	Revisions per City of FB Building Dept	02-04-16

PROGRESS PRINTS	Issued To/For	Restrictions
	Client Review	Permit Only
	Client & Contractor/Permit	PERMIT
	Client & Contractor/Permit	PERMIT
	Not Published	All Rights Reserved

CORBETT RESIDENCE
LOT 27 & 28 WEST THIRD STREET
FERNANDINA BEACH





BOA 2020-07
2674 W 3rd Street
June 17, 2020

BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2020-07

Meeting Date June 17, 2020

Owner/Applicant Eric T. Corbett/Cotner Associates, Inc. Architects

Property Location: 2674 West 3rd Street

Parcel Number: 00-00-31-142A-0027-0000

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

Current zoning: R-3

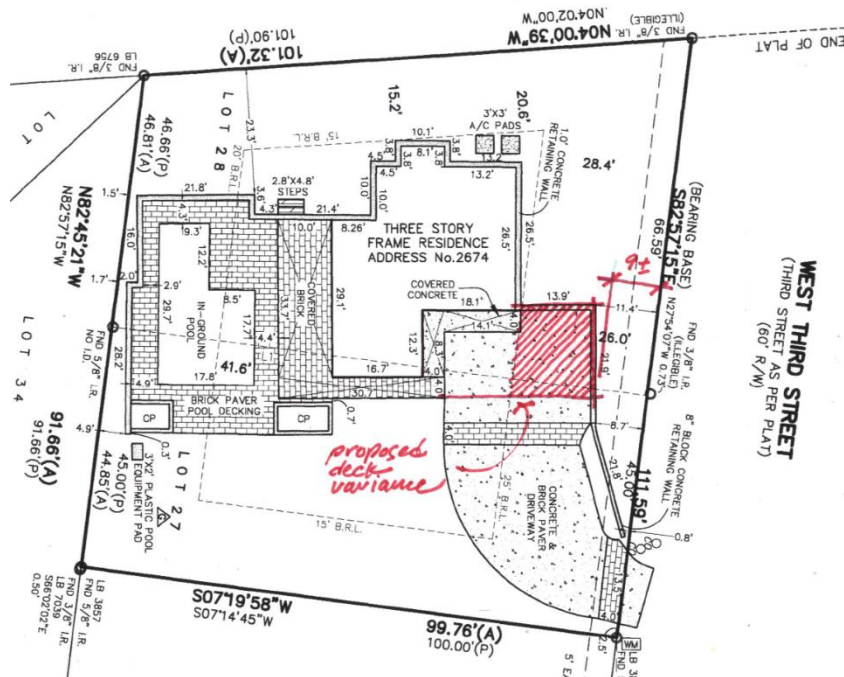
FLUM land use category: High Density Residential

Existing uses on the site: Single Family Residence

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 front yard setback variance for the construction of an open deck over existing concrete parking area in the front yard. Said deck would rest on an existing retaining wall to north of residence approximately 9' from the West 3rd Street right of way.





BOA 2020-07
2674 W 3rd Street
June 17, 2020

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.
- 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.



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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 do 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 and circumstances <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 West 3rd Street right of way extends beyond the driveway of the subject property, terminating at the eastern boundary of Fort Clinch. At this point, construction within that section of right of way does not seem likely.
☐ 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. Granting the variance <u>does</u> 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. Adjoining residentially zoned properties directly to the east must maintain a 25-foot front yard setback as required in LDC 4.02.03(E). However, the Ocean Gallery subdivision directly to the south is a PUD overlay with reduced setback requirements.



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☐ Yes ☒ No	3. <u>Literal Interpretation:</u> <i>Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.</i> No. Literal interpretation of the provisions of the Land Development Code <u>would not</u> deprive the applicant of rights enjoyed by other properties. While there are unique circumstances regarding the West 3rd Street right of way, not being able to construct the open deck/covered parking area, would not be depriving the applicant of commonly enjoyed rights existing at the property.
☐ Yes ☒ No	4. <u>Minimum Variance:</u> <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i> No. The requested variance <u>is not</u> the minimum variance needed to make reasonable use of the land structure, or building. The reasonable use of the property will not be deprived as there is a recently constructed single family dwelling on the parcel. Further, a detached ancillary structure could be constructed on the property to provide additional covered parking.
☒ Yes ☐ No	5. <u>General Harmony:</u> <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i> Granting the variance <u>will be</u> in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan. The proposed deck/covered parking area will not adversely affect the neighboring properties.
☒ Yes ☐ No	6. <u>Public Interest:</u> <i>Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</i> Yes. Granting of a variance <u>is</u> compatible with the surrounding properties, it will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment. The proposed deck location over the existing driveway surface will not add additional impervious surface to the site. Additionally, while the north side of the property is considered the "front" yard for setback purposes; the terminus of the West 3rd Street right of way, along with the orientation of the structure, creates a traditional side yard feel for the north side of the subject parcel.



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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 criteria 1, 5, and 6, but does not meet criteria 2, 3, and 4; therefore, staff must recommend denial.



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VI. MOTION TO CONSIDER:

I move to approve or deny BOA case number 2020-07; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-07, 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 2020-07 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 Variance	_____	_____	_____
General Harmony	_____	_____	_____
Public Interest	_____	_____	_____

Jacob M. Platt
City Planner