



AGENDA
BOARD OF ADJUSTMENT (VIRTUAL)
REGULAR MEETING
JULY 15, 2020
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

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

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 June 17, 2020 Regular Meeting Minutes

4. NEW BUSINESS

4.1 BOA 2020-0008: PAMELA MEYER, 2203 CEDAR STREET
Variance from LDC Section 5.01.01(C) There shall be no more than (1) detached accessory dwelling and not more than a total of two (2) other detached accessory buildings on a lot.

4.2 BOA 2020-0009: EMILY PIERCE, AGENT FOR LEWIS GARDNER, 218 N. 6TH STREET
Variance from LDC Section 4.02.03(E) Standards for Building Heights and Setbacks.

5. BOARD BUSINESS

6. STAFF REPORT

7. PUBLIC COMMENT

8. ADJOURNMENT

NEXT BOA REGULAR MEETING IS SCHEDULED FOR AUGUST 19, 2020.

This will be conducted as a virtual meeting with restricted physical access. Written comments emailed to the **Jacob Platt** (JPlatt@fbfl.city) must be sent no later than 3 PM on July 15, 2020, and will be read aloud during the meeting. These comments shall have a maximum time allowance of 3 minutes or 400 words. Public comment may also be provided virtually through use of the Zoom Meeting link below, the phone number provided below, or in person at City Hall with strict restrictions to protect health and safety.

Individuals wishing to provide live comments during the meeting must dial-in or connect via the Zoom Meeting link or phone number below no later than 4:50 PM on July 15, 2020, and will be called upon by their individual registered Zoom Meeting ID Account or by the last-4 digits of their respective phone number. When called

upon, please provide your name and home address prior to issuance of public comment. Please limit comment to 3 minutes.

Please click the link below to join the webinar:

<https://zoom.us/j/99639511762?pwd=NXFNSk9XRmsxT2p4b3BTZnliZHBSUT09>

Password: JULYBOA

Or iPhone one-tap :

US: +16465588656,,99639511762#,,,0#,,7169918# or +13017158592,,99639511762#,,,0#,,7169918#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 996 3951 1762

Password: 7169918

International numbers available: <https://zoom.us/j/99639511762>

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 310-3115 or through the Florida Relay Services at 711 at least 24 hours in advance to request such accommodations.

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.



**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING (VIRTUAL)
JUNE 17, 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 – Physical Presence

Mark Gleason (Alt 2) – Virtual Presence

Tisha Dadd – Virtual Presence

Barry Hertslet – Physical Presence

Steve Cook (Alt 1) – Physical Presence

MEMBERS ABSENT

OTHERS PRESENT

Tammi Bach, Board Attorney – Physical Presence

Jacob Platt, City Planner – Physical Presence

Kelly Gibson, Director of Planning & Conservation – Physical Presence

Shelley Pinkston, Recording Secretary – Physical Presence

There were no ex parte communications to report. Chair Miller stated that there were e-mails sent to the board regarding items on this meeting, and that he and Jacob Platt had responded to them. However, Chair Miller stated that emails would not be a part of the record nor used for any determining factor. He explained that the author of an email must be present either virtually or physically at this meeting to voice their concerns.

Chair Miller also stated that there was some contention with the public at this meeting about the amount of seating, and he explained that not everyone could get in due to the City's plans for social distancing at meetings. He also explained that everyone would be heard.

City Attorney Tammi Bach explained the Quasi-Judicial procedures. She explained that as speakers enter The Chambers or are acknowledged virtually to participate in the Public Comment portion of the meeting, that the oath would be administered to each individual speaker.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 February 19, 2020 Regular Meeting Minutes

3.2 May 20, 2020 Amended Regular Meeting Minutes

DRAFT

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Mock for approval of the February and May meeting minutes after correcting the Fletcher Avenue address on the May minutes.

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

All parties agreed to hear agenda item 5.1/BOA Case #2020-0007 first

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' underlying lots of record. (*Quasi-Judicial*)

Mr. Platt gave a brief synopsis of the background of the case. He presented the Staff Report and noted that all 6 criteria had been met and recommended approval of the request.

Ron Conte, 1797 School Street, Fernandina Beach, Attorney for the applicants, explained that he represents 6 applicants who have a pending contract for this property. He explained that their request is a very narrow issue, which is his clients' request to separate or restore underlying lots of record 78 and 79 in Miramar Beach subdivision. He stated that he believes his clients' request deserves approval, as recommended by the Staff Report given by Jacob Platt.

Jose Miranda of Miranda Architects testified on behalf of the applicants. He stated that after further research into the request of the applicants, that he concurred with the Staff approval. He stated that the request of the applicants will bring the lots into compliance with the LDC if approved.

Chair Miller opened Public Comments.

Frank Hopf, 4653 Genoa Drive, Fernandina Beach, expressed his disapproval of the applicants' request from a geological standpoint.

Geoff Haynes, 1496 1st Avenue, expresses his disapproval of the applicants' request, as he believes their request has unintended consequences.

J. W. McKinnie, 1508 S. Fletcher Avenue, Fernandina Beach, expressed his concerns that the clients' requests are not within constraints of the LDC.

Sharon Barlow, 1511 S. Fletcher Avenue, Fernandina Beach, expresses that she disagrees with the applicants' request and fear that it will personally affect the value of her property.

Bryn Byrum, 1438 S. Fletcher Avenue, Fernandina Beach, expressed that she disagrees with the applicants; request and believes it will personally affect the value of her property and change the character of the neighborhood.

Patty Burch, 2215 (inaudible) Court, Fernandina Beach, expressed her support of the applicants, believes the applicants' request will increase neighboring property values, and believes there is a lot of misunderstanding about what the applicants wish to accomplish.

ACTION TAKEN: A motion was made by Member Dadd to deny approval of BOA 2020-0006, as she did not believe the minimum variance criteria had been met. Seconded by Member Papke. Vote upon passage of the motion was taken by ayes and nays, which are as follows:

Member Mock	Nay
Member Hertslet	Nay
Member Dadd	Aye
Member Papke	Aye

DRAFT

Chair Miller

Aye

Motion passed.

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*)

Mr. Platt presented the Staff report and noted that criteria 2, 3 and 4 had not been met; therefore, he recommended denial of the request.

Member Hertslet inquired if there were any chance that the City would extend right of way.

Mr. Cotner testified that this is a unique case, especially with the dead-end right of way. He expressed to the board that this concept makes sense, as it creates covered parking without putting in another structure. He said this plan is an aesthetically and environmentally good solution.

Member Papke asked if deck would be extended to the left or right. Mr. Cotner answered it would be to the right.

Member Mock inquired if this deck would just have parking underneath it. Mr. Cotner confirmed it would.

Member Dadd asked if the purpose was for a covered parking.

Mr. Cotner stated this structure will support the deck, but it would also create covered parking while leaving the southeast corner of the property vacant for environmental purposes.

Chair Miller opened public comment. As there were none, he then closed public comment.

ACTION TAKEN: A motion was made by Member Hertslet and seconded by Member Dadd to approve BOA 2020-0007. Vote upon passage of the motion was taken by ayes and nays, and being all ayes, carried.

6. BOARD BUSINESS

Kelly Gibson, Director of Planning & Conservation, introduced a new Planner, Daphne Forehand.

7. STAFF REPORT

8. PUBLIC COMMENT

9. ADJOURNMENT AT 8:30 pm

Shelley Pinkston, Recording Secretary

Matt Miller, Chair

Print

Board of Adjustment (BOA) - Submission #5212

Date Submitted: 6/3/2020

BOARD OF ADJUSTMENT (BOA)

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

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



Residential Properties \$850



Non-Residential properties \$1,000



Administrative Appeals \$450

IMPORTANT NOTES

Application Requirements



A complete application filed atleast 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. (Site plans must be dimensioned and to scale).

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.fbfl.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.

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 g
- ☐ 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 Ave
- ☐

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 highwater line of the Atlantic Ocean under LDC Section 4.02.03(D)

☐

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.

REVIEW TYPE*

☒

Variance

☐

Appeal of Administrative Decision

PROPERTY INFORMATION

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

Site Address*

2203 Cedar Street

City*

Fernandina Beach

State*

Florida

Zip*

32034

Parcel ID #(s)*

00-00-31-1180-0012-0010

Zoning District*

R-1

Future Land Use Designation*

Low Density Residential

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Pamela

Last Name*

Meyer

Company (if applicable)

Mailing Address*

2203 Cedar Street

City*

Fernandina Beach

State*

Florida

Zip*

32034

Telephone Number*

904-415-0303

E-mail Address*

pamsmeyer@earthlink.net

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

First Name

Last Name

Company (if applicable)

Mailing Address

City

State

Zip

Telephone Number

E-mail Address

PROJECT INFORMATION

Variance Requested from LDC Section(s)*

5.01.03(C)

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

Request for VARIANCE from LDC Section 5.01.03(C). Request for two additional accessory structures -ea. 320 sq. ft. The property has two existing accessory structures: a detached garage w/ bedroom bathroom suite (816 sq ft.) (see BOA 2016-03) and a utility/garden shed (~400 sq ft.). None of the previously mentioned accessory structures are accessory dwellings. So I am requesting two additional accessory structures for a total of four accessory structures on my property.

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.*

I reside on 3.06 acres as opposed to the typical city lot size of .22 or .30 size lot. Neighbors are not within view, the structures are not highly visible, and I live at the end of a gravel road. All uplands boundaries of the property are fenced -this, in addition to the vegetated buffer. The proposal will enable me to continue to maintain the original Dog Trot Cracker Vernacular of the rehabilitated 1900 home (i.e. not add on to it) The two additional structures will enable me to park cars in the garage and provide a space for me to enjoy my craft.

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.*

I do not believe the variance will confer special privilege that is denied by the LDC to other lands, structures, or building in the same zoning district. When one compares impervious surface ratio of our property to our neighbors, we are substantially below their ratios. I could have elected to demolish my 1900 year old home and build a much larger residential structure. This would have accommodated my artwork endeavors, I could have added on a large utility room for woodworking, and built a 3 bay connected garage. I elected not to do any of this because I wanted to retain the original character of the home and property. Further, the cumulative footprint of existing and proposed accessory structures (1,856 sq ft.) would not exceed the cumulative footprint of allowable accessory structures + dwelling footprint allowed by the LDC (1,875 sq ft.).

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.*

As I could have elected to demolish my 1900 year old home and build a much larger residential structure. This would have accommodated my artwork endeavors, I could have added on a large utility room for woodworking, and built a 3 bay connected garage. I elected not to do any of this because I wanted to retain the original character of the home and property, thereby the accommodating structures are detached to keep with the historic aspect.

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 two structures and their sizes are the minimum in which their use is functional for the purposes stated. I considered combining the structures into a large one; however, I would lose flexibility to nestle the structures in existing trees and the two purposes are exclusionary: woodworking and home maintenance storage is dirty and dusty and art working requires a dust/dirt free environment.

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

Yes. The request for a variance is in general harmony with the LDC and Comp. Plan because I am not requesting a variance of the allowable cumulative footprint of accessory structures (my cumulative structure footprint would be less than 1,875 sq ft.). Additionally, the maximum impervious surface ratio would not exceed 60%. I believe that the property size can handle the additional structures without appearing overcrowded.

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.*

Yes. Granting of a variance is compatible with nearby development and the character of the surrounding properties, it will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.

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's First Name*

Pamela

Applicant's Last Name*

Meyer

Today's Date*

6/3/2020

Upload Supplemental Materials

Choose File

No file selected

Upload 2

BOA Detailed Explanation Letter[7288].pdf

Upload 3

2020 Survey with Shed Locations_meyer[7341].pdf

Upload 4

Choose File

No file selected



Upload 5

Choose File

No file selected

Upload 6

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No file selected

DEPARTMENT OF PLANNING & CONSERVATION

204 Ash Street | Fernandina Beach, Florida 32034 | 904 310-3480 |
www.fbfl.us/planning

To Board of Adjustment

From: Pam Meyer, 2203 Cedar St, Fernandina Beach, FL 32034

Re: Detailed Letter Stating the Reasons for the [Variance] Request

Per LDC 10.02.01, I am requesting a variance to Land Development Code 5.01.03 in order to build two detached utility structures on my property for personal use. Both structures are intended for the sole use by the owner/occupants of the property. Please accept this letter as my detailed

Current Detached Structures

I currently have:

- a detached garage with bedroom/bathroom suite (816ft² total), and
- a detached shed with dirt floor (~400ft²)¹.

The 2-bay garage is full of items salvaged during my historic home renovation, tools, and artist supplies. Consequently, I am unable to park my vehicles inside the garage bays and the cars are routinely subjected to harmful effects from annual pollen blooms, honeydew (a sugar-rich sticky liquid/gel) secreted by insects feeding on hackberry trees, and numerous falling limbs from afternoon thunderstorms to tropical systems. The bedroom/bathroom suite is used by visiting family and guests.

The shed is filled with lawn and garden equipment, tools, and supplies. These items are necessary to properly maintain my ~3 acres.

Proposed Detached Structures

I would like to construct:

- a utility/wood storage building (320ft²), and
- a utility/art building (320ft²).

The **utility/wood storage building** would meet two important needs:

1. provide me a sheltered space to store and perform wood working projects, and
2. allow me to store our vehicles in the existing garage.

I'll also be able to protect the vehicles because the items presently stored in the garage (see list above) would be moved to the utility/wood storage building and/or utility/art building or be used in the construction/finishing of the two additional structures.

The **utility/art building** would provide me with needed space so that I can revive a personal hobby. Pottery making, painting, etc. are important to me but have been neglected due to lack of space and time.

Other Considerations:

¹ I consider this an estimate since I measure the two walls of the shed with a tape ruler instead of having architectural drawings as a source of the building dimension.

- I once had an additional ‘accessory’ structure: a greenhouse. However, that structure which was a metal framework covered in a plastic type material is no longer on the property.
- Utility buildings, storage buildings, and sheds are listed in LDC 2.03.03 Table of Accessory Uses as permissible in an R-1 zoning district. Consequently, I’m not proposing any type of building that is not permissible in an R-1 zone.
- The LDC 5.01.03 allows one detached accessory dwelling and two detached accessory buildings. Detached buildings shall not exceed 625ft². This means that the cumulative footprint of allowable accessory buildings could be up 1,875ft². The cumulative total footprint from our existing and proposed building would be just less than that: 1,856ft². *I am not requesting a variance on the maximum cumulative building footprint.*
- The maximum impervious surface ratio for R-1 is 60% -our proposal would not exceed that ratio.

Neither of these structures are very visible by neighbors due to trees, shrubbery, and a privacy fence along the periphery of my property.

I appreciate your consideration of this important request. Please let me know if you require additional information.

Respectfully,

Pam Meyer

Acknowledgment and Waiver of Rights: Fernandina Beach CMT Hearing

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

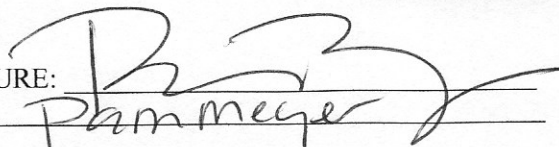
- Applicant and/or Property Owner has the option of deferring their case to be heard at a future date under established non-emergency procedures.
- Applicant and/or Property Owner knowingly and willingly chooses to proceed to hearing under the Communications Media Technology (CMT) Quasi-Judicial, Legislative,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

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

PROPERTY OWNER

SIGNATURE:

NAME:


Pam Meyer

STATE OF FLORIDA
COUNTY OF NASSAU

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

Witness my hand and official seal, this _____ day of _____, 2020.

Notary Public, State of Florida

PROPERTY OWNER'S AGENT

SIGNATURE: _____

NAME: _____

STATE OF FLORIDA
COUNTY OF NASSAU

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

Witness my hand and official seal, this _____ day of _____, 2020.

Notary Public, State of Florida



BOA 2020-08
2203 Cedar Street
July 15, 2020

BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2020-08

Meeting Date July 15th, 2020

Owner/Applicant Pamela Meyer
Property Location: 2203 Cedar Street
Parcel Number: 00-00-31-1180-0012-0010

Requested action: VARIANCE from LDC Section 5.01.03(C) There shall be no more than (1) detached accessory dwelling and not more than a total of two (2) other detached accessory buildings on a lot.

Current zoning: R-1
FLUM land use category: Low Density Residential
Existing uses on the site: Single Family Dwelling

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 allow for two additional 320ft² detached accessory structures for a total of 4 structures. The property's two existing structures are a garage with a bedroom/bathroom suite and a detached shed used for lawn and garden equipment. Neither of the previously mentioned structures are accessory dwellings.

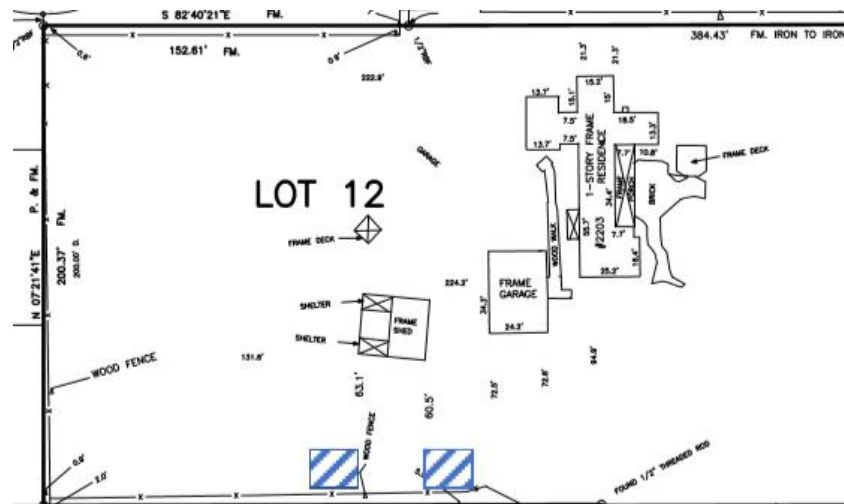
The owner would like to preserve the original Dog Trot Cracker Vernacular of the rehabilitated home originally constructed in 1900. The proposed structures would allow for historic preservation as well as space to park and additional storage for woodworking and art.

LDC section 5.01.03(C)(J) There shall be no more than (1) detached accessory dwelling and not more than a total of two (2) other detached accessory buildings on a lot. A detached accessory building should not exceed twenty-five (25) feet in height or exceed a maximum building footprint of 625ft².

The cumulative footprint of the existing and proposed accessory structures totals 1,856ft² thereby not exceeding the 1,875ft² cumulative footprint of allowable accessory structures/dwellings.



BOA 2020-08
2203 Cedar Street
July 15, 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.
- Objective 11.08 - The City shall encourage protection, preservation, and revitalization of historic non-designated structures and neighborhoods.
- Policy 11.08.01 - The City shall encourage protection, preservation, and revitalization of historic non-designated structures and neighborhoods.

III. CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

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

- Section 10.02.01(B) states that the BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlay, the CRA Overlay, or as limited by 10.02.01(D), where the requirements of Section 10.02.00 are met.
- Section 10.02.01(C) states that the City Commission may take action to authorize a variance request from LDC section 4.02.02 for properties which are contained within the Comprehensive Plan defined “Job Opportunity Areas,” but only for properties located on the west side of North or South Fletcher Avenues. The City Commission shall hear such variance requests in accordance with the provisions for variances as set forth in Chapter 10.
- Section 10.02.02(B) states that the applicant for a variance has the burden of proof of demonstrating that the variance application complies with each of the requirements of Section 10.02.02(A).
- Section 10.02.04 sets forth the application requirements. This application includes information necessary for the BOA to make the required findings.
- Section 10.02.01(C) sets forth the limitations on the grant of a variance:



BOA 2020-08
2203 Cedar Street
July 15, 2020

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. 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.

Yes. Special conditions and circumstances do exist as it relates to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same zoning district. This property sits on 3.06



	acres of land as opposed to the typical .22 or .30 sized lots found within similarly zoned areas.
☐ Yes ☒ No	2. <u>Special Privilege</u>: Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. No. Granting the variance <u>does confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. All residential properties are limited in the number and size of accessory structures regardless of the size of the property. However, the size of this parcel is unique in size and location.
☐ Yes ☒ No	3. <u>Literal Interpretation</u>: Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. No. Literal interpretation of the provisions of the Land Development Code <u>would not deprive</u> the applicant of rights commonly enjoyed by other properties in the same zoning district because all properties are limited in the number and size of accessory structures.
☒ 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 requested variance <u>is the minimum variance needed</u> that will make reasonable use of the land, structure of building. Additionally, the cumulative footprint of the existing and proposed structures <u>is less than</u> the total cumulative footprint of allowable accessory structures/dwellings.
☒ 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 be in harmony</u> with the general intent and purpose of the Land Development Code and Comprehensive plan given the fact that the house was built in 1900 and the owner is looking to preserve the architectural character of the primary structure with their design.
☒ Yes ☐ No	6. <u>Public Interest</u>: Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment. Yes. Granting the variance <u>is</u> compatible with nearby development and the character of surrounding properties, it will not cause injury to the area involved or otherwise be detrimental to the public health, safety, welfare or environment.



BOA 2020-08
2203 Cedar Street
July 15, 2020

V. ANALYSIS:

The variance requested is consistent/inconsistent with the criteria for granting a variance as follows:

	Consistent	Inconsistent
1. Special Conditions	X	
2. Special Privilege		X
3. Literal Interpretations		X
4. Minimum Variance	X	
5. General Harmony	X	
6. Public Interest	X	

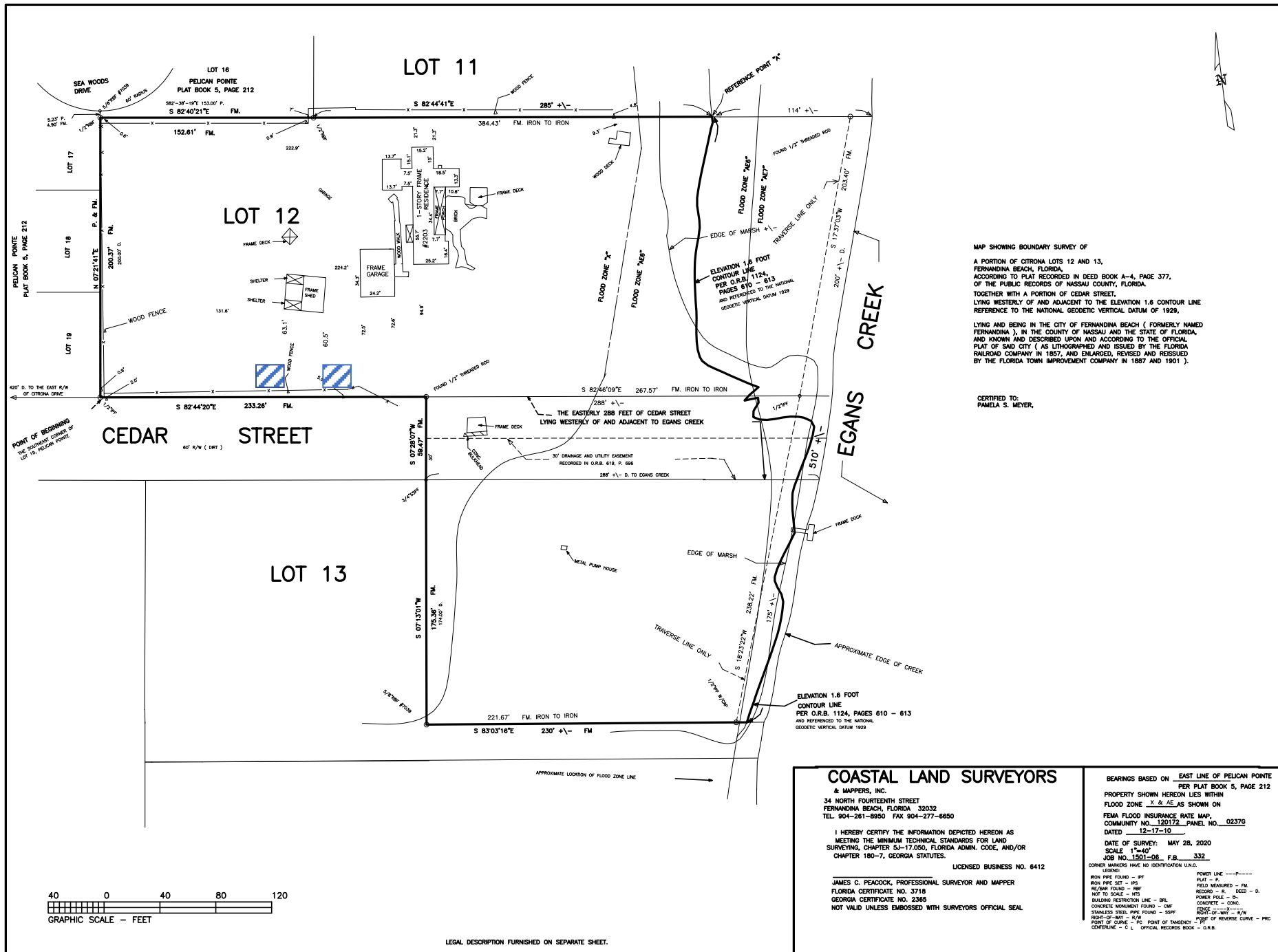
The applicant appears to meet criteria 1, 4, 5 and 6 but does not meet criteria 2 OR 3 for granting a variance, therefore staff must recommend denial.

VI. MOTION TO CONSIDER:

I move to **approve or deny** BOA case number 2020-08 AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-08, 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 2020-08 **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	_____	_____	_____

Daphne Forehand
City Planner I



From: noreply@civicplus.com
Sent: Wednesday, June 10, 2020 4:53 PM
To: Emily Pierce
Subject: Online Form Submittal: Board of Adjustment (BOA)

[EXTERNAL]

Board of Adjustment (BOA)

BOARD OF ADJUSTMENT (BOA)

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
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IMPORTANT NOTES

Application Requirements	A complete application filed atleast thirty (45) days before thedate of the Board of Adjustment'spublic hearing;; A current signed, sealed, scaled survey of the property (no olderthan two years from date of application);, Proof of ownership (copy of deed or tax statement), If applying as an agent, Owner'sAuthorization for AgentRepresentation 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 illustratethe nature of the request, including but not limited to, site plans, architectural drawings, photographs, etc. (Site plans must be dimensioned and to scale).
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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).
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The LDC is available for review at	www.fbfl.us/LDC
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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.

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 g, 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 Ave, 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 highwater line of the Atlantic Ocean under LDC Section 4.02.03(D, 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.

REVIEW TYPE

Variance

PROPERTY INFORMATION

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

Site Address

218 N. 6th Street

City

Fernandina Beach

State

FL

Zip

32034

Parcel ID #(s)	00-00-31-1800-0034-0021
Zoning District	R-2
Future Land Use Designation	Medium Density Residential
OWNER OF RECORD <i>As recorded with the Nassau County Property Appraiser</i>	
First Name	Lewis
Last Name	Gardner
Company (if applicable)	<i>Field not completed.</i>
Mailing Address	9 Oxford Road
City	Pittsburgh
State	PA
Zip	15202
Telephone Number	412-903-7722
E-mail Address	lgardner@gfemploymentlaw.com
OWNER'S AGENT <i>If other than owner. If an agent will be representing the owner, an Owner's Authorization For Agent Representation form must be included</i>	
First Name	Emily
Last Name	Pierce
Company (if applicable)	Rogers Towers, P.A.
Mailing Address	1301 Riverplace Blvd., Suite 1500
City	Jacksonville
State	FL
Zip	32207
Telephone Number	904-346-5787
E-mail Address	epierce@rtlaw.com
PROJECT INFORMATION	

Variance Requested from
LDC Section(s)

4.02.03 (E)

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

As set forth in detail in the Letter of Intent, the homeowner is seeking a variance to reduce the southern side yard setback from 10 feet to 5 feet to permit the construction of a single-family residence over a 2-car garage on the property while avoiding any encroachments into the on-site wetlands and wetland buffer.

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.

See the Letter of Intent attached.

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 the Letter of Intent 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.

See the Letter of Intent attached.

4. Minimum Variance: The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.	See the Letter of Intent attached.
5. General Harmony: Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.	See the Letter of Intent 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 the Letter of Intent attached.
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's First Name	Emily
Applicant's Last Name	Pierce
Today's Date	6/9/2020
Upload Supplemental Materials	Letter of Intent.pdf
Upload 2	Authorization.pdf
Upload 3	Survey.pdf
Upload 4	Deed.pdf
Upload 5	Site Plan - Elevations - Floor Plans.pdf
Upload 6	<i>Field not completed.</i>

Record and Return to:
Andrea F. Lennon, P.A.
961687 Gateway Blvd. Suite 101L
Amelia Island, Florida 32034

File Number: 18-371

General Warranty Deed

Made this May 31, 2018 A.D. By **Alric Pantin and Pamela C. Pantin, husband and wife**, whose post office address is: **7370 Steventon, Jacksonville, Florida 32244**, hereinafter called the grantor, to **Lewis B. Gardner, a married man**, whose post office address is: **9 Oxford Road, Pittsburgh, Pennsylvania 15202**, hereinafter called the grantee:

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

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

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

THE NORTH HALF (N 1/2) OF LOT TWO (2), BLOCK THIRTY-FOUR (34), CITY OF FERNANDINA BEACH, FLORIDA.

TOGETHER WITH:

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

THE SOUTH ONE-HALF (S 1/2) OF LOT THREE (3), BLOCK THIRTY-FOUR (34), CITY OF FERNANDINA BEACH, FLORIDA.

Parcel ID Number: **00-00-31-1800-0034-0021**

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.

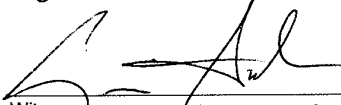
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful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

Record and Return to:
Andrea F. Lennon, P.A.
961687 Gateway Blvd. Suite 101L
Amelia Island, Florida 32034

File Number: 18-371

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

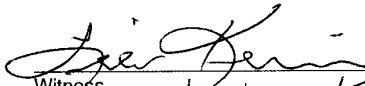
Signed, sealed and delivered in our presence:



Witness
Printed Name: Lucious Searles



(Seal)
Alric Pantin
Address: 7370 Steventon, Jacksonville, Florida
32244

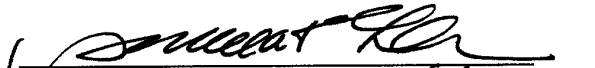


Witness
Printed Name: Lila Keim

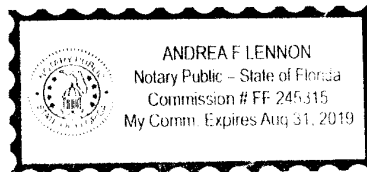

(Seal)
Pamela C. Pantin
Address:

State of Florida
County of Nassau

The foregoing instrument was acknowledged before me this 31st day of May, 2018, by Alric Pantin and Pamela C. Pantin, husband and wife, who is/are personally known to me or who has produced a Driver's License as identification.


Notary Public
Print Name: Andrea F. Lennon

My Commission Expires:





Emily G. Pierce

904 . 346 . 5787
EPierce@rtlaw.com

1301 Riverplace Boulevard • Suite 1500
Jacksonville, Florida 32207

904 . 398 . 3911 Main
904 . 396 . 0663 Fax
www.rtlaw.com

June 9, 2020

Board of Adjustment
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

Re: Letter of Intent for Variance Application
218 N. 6th Street; Parcel ID # 00-00-31-1800-0034-0021

Dear Board of Adjustment:

I am writing this letter of intent on behalf of Lewis Gardner, the owner of property located at 218 N. 6th Street (the "Property"). I am requesting approval of a variance to reduce the side yard setback on the south side of the Property from 10 feet to 5 feet for the construction of a single-family efficiency/guest house over a 2-car garage on the Property.

The Property has a 2030 Comprehensive Plan Future Land Use Map designation of Medium Density Residential (MDR) and is zoned R-2. The R-2 zoning district requires a minimum front yard setback of 25 feet and a side yard setback equal to 10% of the lot width. As shown on the attached survey, the Property is 100 feet by 100 feet in size. Thus, pursuant to the LDC requirements, the side yard setbacks are 10 feet which, under most circumstances, would easily accommodate the construction of a residence on the Property. However, as shown on the site plan, there is a significant band of wetlands on the eastern half of the Property which, more or less, are in the shape of a "V" pointed towards 6th Street, bisecting the Property.

In its current state, the configuration of the on-site wetlands and required wetland/upland buffer, combined with the front yard and side yard setbacks make the Property undevelopable. A companion application for a context sensitive front yard setback review has been filed simultaneously with this application. If the requested variance is approved, and the context sensitive front yard setback application is granted, the result will be a front yard setback of 10 feet and a southern side yard setback of 5 feet which will allow the owner to construct a small single family residence/efficiency/guest house, approximately 416 square feet in size, over a 2-car garage without encroaching into either the wetlands or the wetland buffer.

The homeowner is willing to condition any approval upon an agreement that the residence/guest house will not be used as a short-term rental, i.e., an Airbnb, but, instead, will be for the exclusive use of family and friends of the homeowner.

This request meets the requirements for the granting of a variance found in Section 10.02.02(A), LDC, as set forth below:

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.***

Special conditions exist on this Property which are not the result of actions of the applicant and are not based upon a desire to reduce development costs. As shown on the site plan attached to this application, the Property has a large band of wetlands along the eastern half of the Property. The wetlands form a V-shape which essentially bisects the Property. When the required 25-foot upland buffer is wrapped around the wetlands, the resulting developable property is very small. See the Site Plan attached hereto. These circumstances are unique to this Property and were not created by the owner.

The owner is not using the variance process to try to reduce development costs or to build a larger structure than would otherwise be allowed on the Property. In fact, the owner is seeking the smallest variance possible that will still permit a reasonable use of the Property. As noted above, the residence/guest house will only be about 416 square feet in size and the per square foot construction costs are relatively high given the fact that construction of this small residence still requires many of the same improvements and items that construction of a larger house would require.

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.***

The granting of this variance will not confer upon the owner a special privilege that is denied by the Land Development Code to other lands, structures or buildings in the same zoning district. The lots along this block of North 6th Street are all within the MDR FLUM category and are all zoned R-2. This block has been developed with single-family residences. The requested variance will allow the owner to develop the Property with a single-family residence/guest house similar in nature to the development that has already occurred on the street. The proposed residence will be small, but functional and will allow the owner to reasonably utilize his Property while furthering the City's goals of protecting wetlands.

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.***

A literal interpretation of the provisions of the Land Development Code would render the Property undevelopable depriving the owner of rights commonly enjoyed by other property owners on the same street and in the same R-2 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.*

The variance being requested is the minimum variance needed to make possible the reasonable use of the Property. The variance, combined with the context sensitive front yard setback relief, will permit the owner to construct a small, but fully functional, single-family residence on the Property. This residence can be used by the owner, the owner's family and the owner's friends. The reduction of the side yard setback from 10 feet to 5 feet is the minimum needed in order to ensure that the residence will not encroach into the upland buffer.

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

The Land Development Code and Comprehensive Plan both encourage the preservation and conservation of wetlands by prohibiting development within wetlands and by requiring a 25-foot upland buffer adjacent to all wetlands, while also recognizing the rights of property owners to make reasonable use of their Property. See §§ 3.03.03 & 3.03.04, LDC; Policy 1.02.7 & Objective 5.08, 2030 Comprehensive Plan. The granting of this variance will be in harmony with, and further these goals. If the variance is granted, the home can be sited such that it does not encroach into the 25-foot upland buffer. § 3.03.03(B), LDC. The variance will allow the reasonable use of the Property while ensuring that there will be no adverse impacts to the adjacent wetlands. Policy 5.08.06, 2030 Comprehensive Plan.

Additionally, construction of a single-family residence on the Property is consistent with Policies 1.07.05 and 3.01.02 of the Comprehensive Plan which encourage stable, permanent residential neighborhoods and private sector development of housing that is compatible with existing and future land uses. North 6th Street is a stable, permanent residential neighborhood and the proposed home will be compatible with these existing uses.

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.*

The granting of the variance is compatible with surrounding properties, will not cause injury to the area involved, and will not otherwise be detrimental to the public health, safety, welfare or environment. The surrounding uses on North 6th Street are all single-family residential homes which vary in size and style. The proposed single-family residential home is in keeping with the surrounding properties. And, as discussed above, the granting of the variance will further the City's goals of preserving and protecting wetlands.

In conclusion, the granting of this request will permit the homeowner reasonable use of his Property while still abiding by the City's Land Development Code and 2030 Comprehensive Plan and will further the City's goal of protecting wetlands. For the reasons set forth above, I am requesting approval of this application.

Thank you for your consideration of this application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Emily G. Pierce", with a stylized flourish at the end.

Emily G. Pierce



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Lewis B. Gardner
(print name of property owner(s))

hereby authorize: Rogers Towers, P.A.
(print name of agent)

to represent me/us in processing an application for: a 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.

Lewis B. Gardner
(Signature of owner)

(Signature of owner)

Lewis B. Gardner
(Print name of owner)

(Print name of owner)

Pennsylvania
STATE OF ~~FLORIDA~~

COUNTY OF ~~NASSAU~~

Allegheny

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this 10th day of June, 2020, by Lewis B. Gardner.

Emily R. Pittinaro
Notary Public

Emily R. Pittinaro
Printed Name

12/03/2021
My Commission Expires

Personally Known _____ OR Produced Identification ☒ ID Produced: PA Driver's License

Commonwealth of Pennsylvania - Notary Seal
Emily R. Pittinaro, Notary Public
Allegheny County
My commission expires December 3, 2021
Commission number 1280585
Member, Pennsylvania Association of Notaries



BOA 2020-09
218 N. 6th Street
July 15th, 2020

BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2020-09

Meeting Date July 15th, 2020

Owner/Applicant Lewis Gardner/Emily Pierce (Rogers Towers, P.A.)

Property Location: 218 N. 6th Street

Parcel Number: 00-00-31-1800-0034-0021

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

Current zoning: R-2

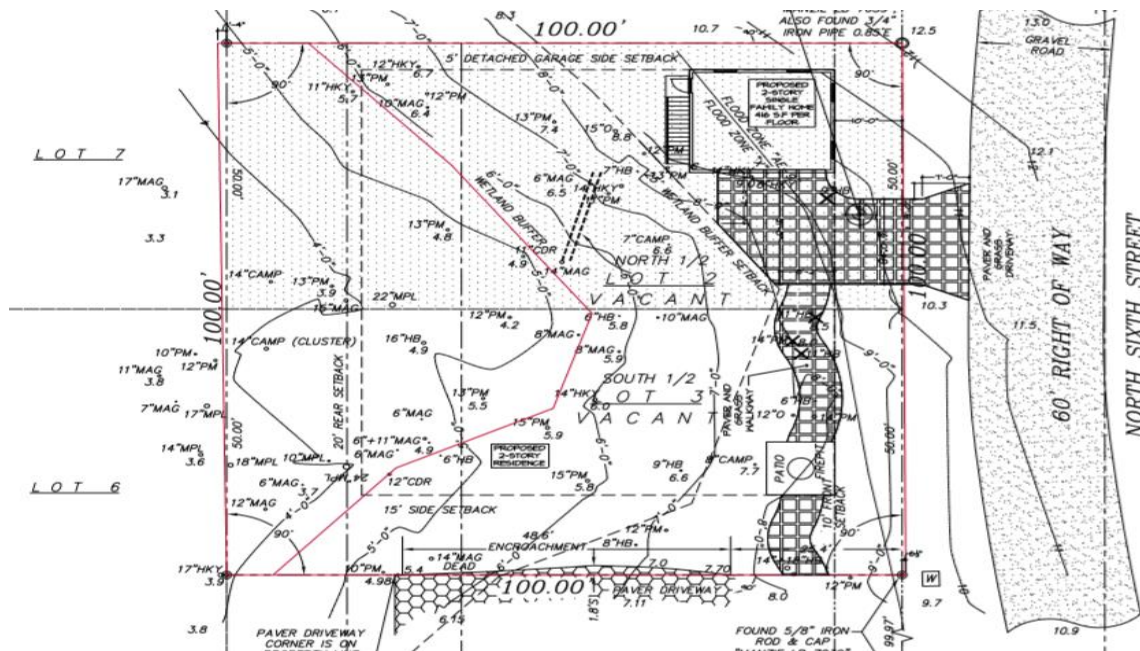
FLUM land use category: Medium Density Residential

Existing uses on the site: Vacant

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 requested variance application is to reduce the side yard setback requirement by 5 feet to permit the construction of a single-family residence over a two-car garage on the property. A large band of wetlands are present along the eastern half of the property. Due to the location and presence of wetlands, the applicant seeks a reduction in the side yard setback to avoid wetland and wetland buffer impacts.





BOA 2020-09
218 N. 6th Street
July 15th, 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.
- Objective 5.08 – Wetlands Protection and Preservation – The City shall direct incompatible land uses away from wetlands, and shall protect and preserve wetlands from physical and hydrologic alterations, in order to maintain the following functions: natural biological functions, including food chain production; general habitat; nesting, spawning, rearing, and resting sites for aquatic or land species; natural drainage systems impacting sedimentation patterns, salinity distribution, flushing characteristics, current patterns, and other environmental characteristics; shielding other areas from wave action, erosion, or storm damage; storage areas for stormwater and flood waters; natural recharge areas; and natural water filtration processes that serve to purify water.
- Policy 5.08.02 - The City shall ensure wetland protection, in part, through a review process that includes the following:
 - a) Coordination with the agencies with regulatory jurisdiction over wetlands for purposes of identifying and delineating wetlands and rendering determinations of the development rights to be permitted on such wetlands and/or lands under the jurisdiction of the state or federal government; and
 - b) Requiring review of applications for development proposing encroachment or disturbance to wetlands through the site plan and permitting process. The applicant shall bear the burden of proof in demonstrating that development will not adversely impact wetlands, wetland transition areas, and other environmentally sensitive lands.
- Policy 5.08.03 - The delineation of any wetlands on any proposed development shall be determined prior to the issuance of development orders which permit site alteration. The City's land development regulations shall require that any application for a local development order for sites containing wetlands shall include wetland delineation. A delineation of the upland wetland boundary shall be established based upon an on-site field survey by a professional biologist or registered engineer provided by the applicant and coordinated with the SJRWMD, the DEP, and/or the U.S. Army Corps of Engineers. The delineation and determination of these areas shall be in accordance with SJRWMD rules.
- Policy 5.08.04 - No public or private development shall be permitted in wetlands. However, approved passive recreation areas, open space, restricted access ways, bird sanctuaries, natural stormwater retention/detention areas, natural preserves, or other similar uses may be permissible.
- Policy 5.08.06 - The City shall protect wetlands from impacts of adjacent development, and shall ensure through regulations included in the Land Development Code:
 - a) Proper siting of development structures and infrastructure, including clustering of development away from wetlands;
 - b) Location of buffer zones of native vegetation around wetlands and surface water bodies to prevent erosion, retard runoff, and provide habitat; and
 - c) Setback of buildings and other structures from wetlands and water bodies.



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Policy 5.08.08 - In instances in which development is proposed that is adjacent to a wetland, the boundary of a wetland transition area shall be established by an on-site field survey by a professional biologist or registered engineer provided by the applicant and coordinated with the SJRWMD, the DEP, and/or the U.S. Army Corps of Engineers. The City shall maintain land development regulations which ensure that the transition area provides a buffer between wetlands and upland development. Such buffer shall ensure existing vegetation is not disturbed; where new vegetation is required, plants or ground cover native or appropriate to a wetlands transition area shall be used.

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 property has a large band of wetlands along the eastern half of the property that results in a very small developable property. Special conditions or circumstances <u>do not</u> result from actions of the applicant and are not based on a desire to reduce development cost.
☐ 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 must maintain a minimum side yard setback equal to 10% of the lot width as required in LDC 4.02.03(E). The R-2 zoning district has a fifty foot minimum lot width requirement. However, the City's definition of "Net Density" prohibits the minor subdivision of the parcel which would otherwise allow the structure to be compliant with a five foot side yard setback.



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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> Yes. Literal interpretation of the provisions of the Land Development Code <u>would</u> deprive the applicant of rights enjoyed by other properties. The applicant's request to bring the structure closer to the property line is a result of existing wetlands. The applicant is required to meet wetland buffer setbacks as set forth in LDC Section 3.03.03(B)(1).
☒ Yes ☐ No	4. <u>Minimum Variance:</u> <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i> Yes. The variance requested <u>is the minimum variance</u> needed that will make possible the reasonable use of the land, structure, or building. The applicant's request seeks to avoid development within the City's established wetland buffer of 25 feet (LDC Section 3.03.03 (B)(1)).
☒ Yes ☐ No	5. <u>General Harmony:</u> <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i> Yes. Granting the variance <u>will be in harmony</u> with the general intent and purpose of the Land Development Code and Comprehensive Plan. The proposed side yard setback reduction will be in harmony with the environmental protection goals of the existing wetlands while also making reasonable use of the property.
☒ 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 single-family residential home is in keeping with the surrounding properties.



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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	

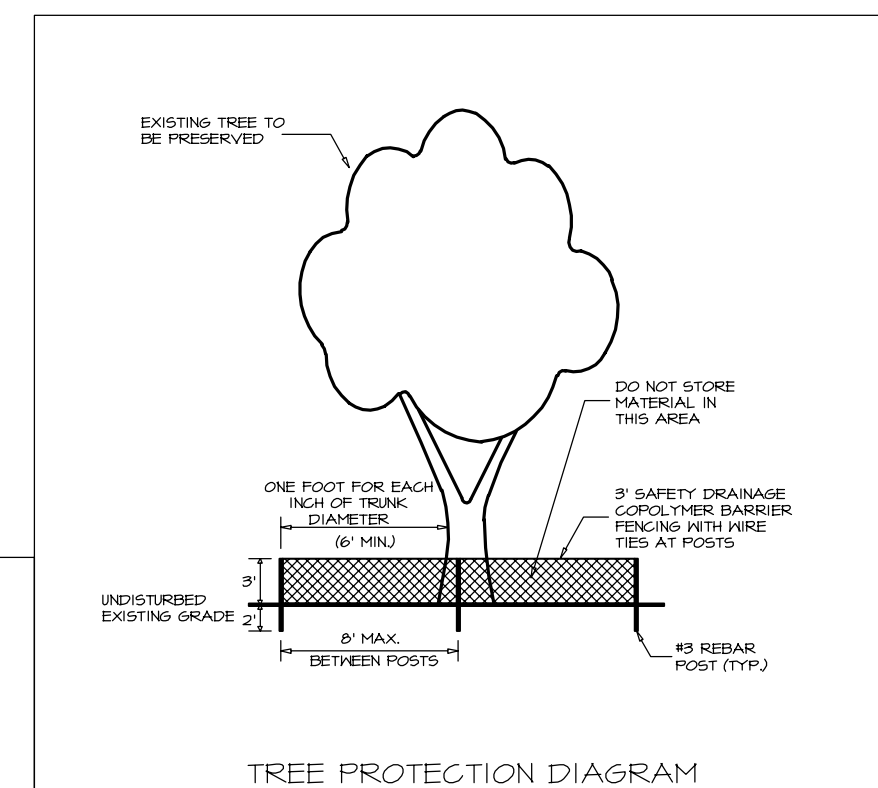
The applicant appears to meet criteria 1, 3, 4, 5 and 6, but does not meet criteria 2; therefore, staff must recommend denial.

VI. MOTION TO CONSIDER:

I move to **approve or deny** BOA case number 2020-09; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-09, 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 2020-09 **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	_____	_____	_____

Daphne Forehand
City Planner I



LOT INFORMATION

ROOF AND PLOT PLAN 1"=10'-0"

LEGAL DESCRIPTION

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND
SITUATE, LYING AND BEING IN THE CITY OF
FERNANDINA BEACH (FORMERLY NAMED
FERNANDINA), COUNTY OF NASSAU AND STATE OF
FLORIDA AND BEING FURTHER DESCRIBED
ACCORDING TO THE OFFICIAL MAP OR PLAT OF
SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE
FLORIDA RAILROAD COMPANY IN 1857 AND
ENLARGED, REVISED AND REISSUED BY THE FLORIDA
TOWN IMPROVEMENT COMPANY IN 1897 AND 1901), AS:

BLOCK 34, N. 1/2 OF 2 IN THE CITY OF FERNANDINA
BEACH, AS RECORDED IN OR 56 PAGE 686 OF THE
PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH ONE-HALF OF LOT 3, BLOCK 34, CITY OF FERNANDINA BEACH, (FORMERLY NAMED FERNANDINA), ACCORDING TO THE OFFICIAL MAP OR PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

(NOTE:

- NOTE:
- SEE SHEET #5 FOR BREAKDOWN OF BUILDING SQ. FT.
 - STEINWALL FOUNDATION
 - ELEVATIONS SHOWN ARE IN NAVD 1988 DATUM
 - PROVIDE 250-G PROPANE TANK BURIED UNDERGROUND W/ UP TO 40' OF MAIN LINE.

SQUARE FOOTAGES	
AREA	SQ. FT.
A/G PAD	130 SF
CONC DRIVEWAY	528 SF
CONC WALKWAYS	342 SF
DRIVEWAY APRON	186 SF
FRONT STEPS	14 SF
GARAGE	560 SF
GARAGE PAD	8 SF
HOUSE FOOTPRINT	2470 SF
LANAI PAD	12 SF
LANDING AND STEPS	28 SF
PERVIOUS	5943 SF
TOTAL	10226 SF

LOT INFORMATION

OWNER: MR. & MRS. GARDNER
ADDRESS: BLOCK 34, N $\frac{1}{2}$ OF LOT 2 TOGETHER WITH THE
SOUTH $\frac{1}{2}$ OF LOT 3, BLOCK 34

- * FLOOD ZONE TYPE: _____ "AE 9"
- * PROPOSED ELEV (1ST HABITABLE FLOOR): _____ 10'-6" NAVD
- * PROPOSED ELEV (GROUND SLAB): _____ 10'-0" NAVD
- * SQUARE FOOTAGE OF A/C SPACE: _____ 3,031 SQ FT

- * PROPOSED SETBACKS FROM PROPERTY LINES

FRONT SETBACK:	25'-0"
SIDE SETBACKS:	15'-0"
REAR SETBACK:	20'-0"
DET GAR SIDE SETBACK	3'-0"

- * PROPOSED STRUCTURE HEIGHT AND NUMBER OF STORIES

STRUCTURE HEIGHT (FROM AVG GRADE)
TO THE HIGHEST POINT OF THE ROOF: ————— 32'-7½"

NUMBER OF STORIES OR FLOORS: _____ (2)

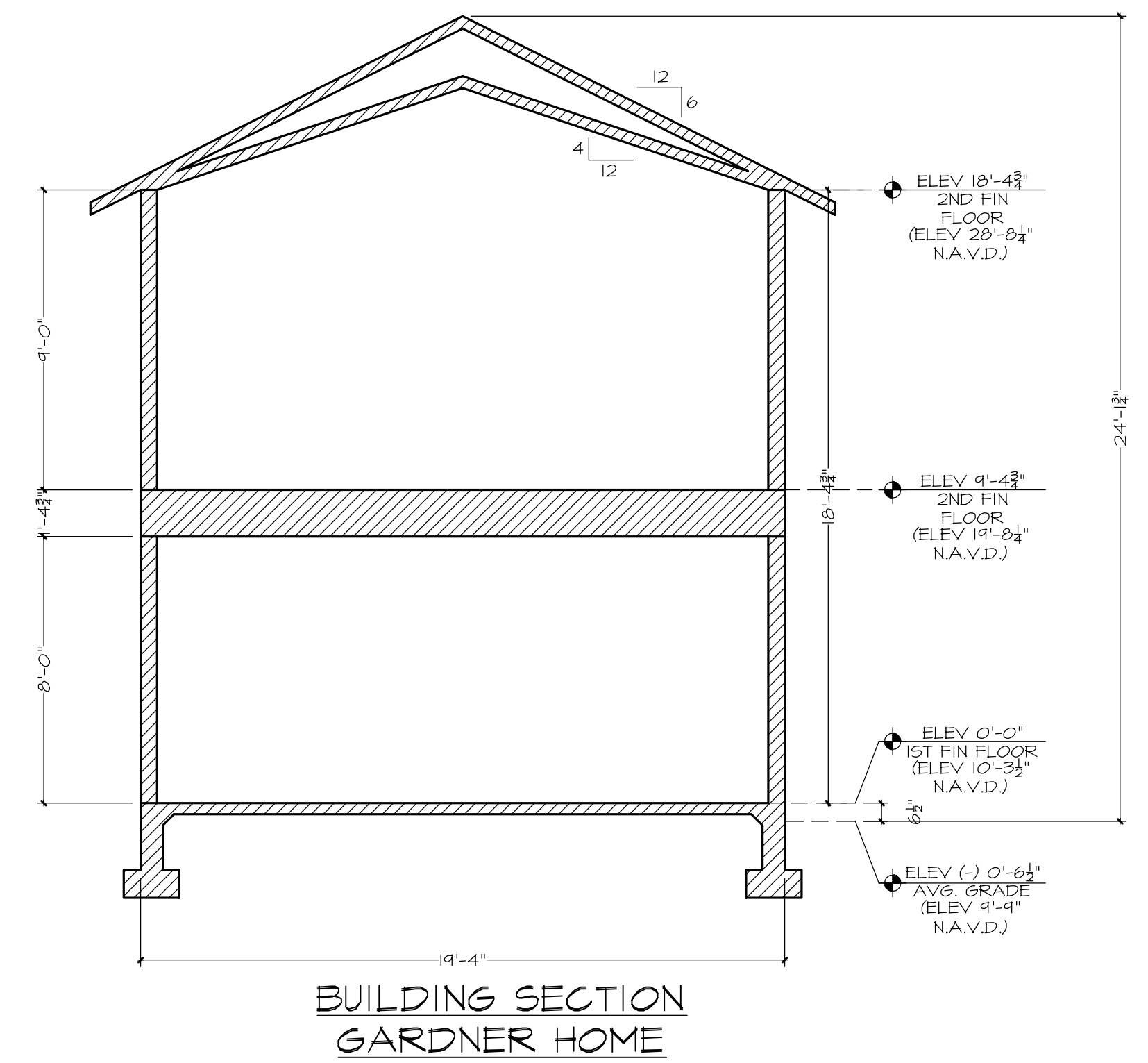
NUMBER OF ROOF VENTS TO
BE VERIFIED BY BUILDER.

04/27/19	KSH - A
10/02/19	KSH - A1
12/03/19	NH - B
12/12/19	NH - B-1
02/13/20	RDW - C
05/18/20	MTH - D

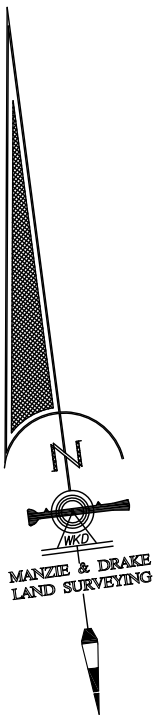
A CUSTOM RESIDENCE FOR LEWIS & JULIE GARDNER

BUILDER: PLANTATION HOUSING CORP.
AN INDEPENDENTLY OWNED AND OPERATED FRANCHISE
AMELIA ISLAND, FLORIDA

6e



MAP OF BOUNDARY & TOPOGRAPHIC SURVEY



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

BLOCK 34, N. 1/2 OF 2 IN THE CITY OF FERNANDINA BEACH, AS RECORDED IN OR 56 PAGE 686 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

TOGETHER WITH:

THE SOUTH ONE-HALF OF LOT 3, BLOCK 34, CITY OF FERNANDINA BEACH, (FORMERLY NAMED FERNANDINA), ACCORDING TO THE OFFICIAL MAP OR PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

NORTH SIXTH STREET

(60 FOOT RIGHT-OF-WAY)

GRAVEL ROAD

CALHOUN STREET

FOUND 5/8" IRON ROD & CAP (ILLEGIBLE)

FOUND 5/8" IRON ROD & CAP "MANZIE LB 7039"

NORTH 1/2 LOT 3

PAVER DRIVEWAY CORNER IS ON PROPERTY LINE

LOT 6

LOT 7

SOUTH 1/2 LOT 3 VACANT

NORTH 1/2 LOT 2 VACANT

SOUTH 1/2 LOT 2

SITE BENCHMARK

NAIL & DISK "MANZIE LB 7039" SET IN 16" HACKBERRY TREE ELEVATION = 12.14' NAVD '88 FIELD BOOK X-323, PAGE 4

SET 5/8" IRON ROD & CAP "MANZIE LB 7039" ALSO FOUND 3/4" IRON PIPE 0.85'E

FOUND 3/4" IRON PIPE

LEGEND

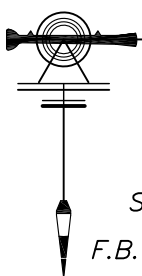
- ⊕ = CENTERLINE
- ⊞ = WATER METER
- OR = OFFICIAL RECORDS BOOK
- N.A.V.D. = NORTH AMERICAN VERTICAL DATUM

SURVEY NOTES:

- The "Legal Description" hereon is in accord with the description provided by the client.
- Underground improvements were not located or shown.
- Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- Internal Lot angles shown hereon are based on recovered monumentation.
- "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid.
- The property shown hereon lies within flood zone "X & AE 9" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C 0237G, Dated 08/02/2017. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- Site Benchmark is as shown hereon.
- Elevations shown hereon refer to North American Vertical Datum of 1988. (N.A.V.D. '88)
- The Reference Benchmark is a 40d Nail found in a 48" Oak Tree Southeast corner Lot 11, Block 32 20' East of West right-of-way line. (Elevation = 12.98' NAVD '88).
- This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.

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



MANZIE & DRAKE LAND SURVEYING

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

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

SCALE: 1"=20' JOB NO: 20298 DATE: 05/08/2018 CADD: BH

F.B. NO: X-323 PAGE NO: 4 FIELD CREW: SS FILE NO: A-4557

TREE LEGEND

CAMP = CAMPHOR TREE
CDR = CEDAR TREE
HB = HACKBERRY TREE
HKY = HICKORY TREE
MAG = MAGNOLIA TREE
MAP=MAPLE
PM = PALM TREE

TREE DISCLAIMER:

SPECIES OF TREES HAVE BEEN IDENTIFIED TO THE BEST OF OUR KNOWLEDGE AND BELIEF; HOWEVER MANZIE & DRAKE LAND SURVEYING WILL ASSUME NO LIABILITY, EXPRESSED OR IMPLIED, FOR THE CORRECTNESS OF SAID SPECIES IDENTIFICATION.

TREES HAVE BEEN LOCATED AS ACCURATELY AS POSSIBLE UNDER CURRENT CONDITIONS AND HAVE A POSITIONAL TOLERANCE OF APPROXIMATELY 2 TO 3 FEET. CRITICAL TREES SHOULD BE VERIFIED PRIOR TO CONSTRUCTION.



Manzie & Drake

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

Acknowledgment and Waiver of Rights: Fernandina Beach CMT Hearing

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

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

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

PROPERTY OWNER

SIGNATURE: _____

NAME: _____

STATE OF FLORIDA
COUNTY OF NASSAU

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

Witness my hand and official seal, this _____ day of _____, 2020.

Notary Public, State of Florida

PROPERTY OWNER'S AGENT

SIGNATURE: _____

NAME: _____

Emily G. Pierce

STATE OF FLORIDA

COUNTY OF ~~NASSAU~~ *Duval*

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

Witness my hand and official seal, this 8th day of JULY, 2020.

Aimee A. Lopiano
Notary Public, State of Florida

