



**AGENDA
BOARD OF ADJUSTMENT (VIRTUAL)
REGULAR MEETING
AUGUST 19, 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 Approval of Minutes for the July 15, 2020 Regular Meeting.
- 4. OLD BUSINESS**
 - 4.1 **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, reducing the 10 foot side yard setback to 7 feet.
- 5. NEW BUSINESS**
 - 5.1 **BOA 2020-0010 - JOHN F. & COLEEN P. BEACH, 861 PARK VIEW PLACE EAST**
Variance to LDC section 4.02.03(E) to reduce the rear yard setback to 13 feet for the construction of an unconditioned, under roofed sun room. (*Quasi-Judicial*)
- 6. BOARD BUSINESS**
- 7. STAFF REPORT**
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

THE NEXT BOA REGULAR MEETING IS SCHEDULED FOR SEPTEMBER 16, 2020.

This will be conducted as a virtual meeting with restricted physical access.. 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 August 19, 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 click the link below to join the webinar:

<https://zoom.us/j/97381787072?pwd=NEx5ZldoMkFCOWpicVVwUXJGKzVzQT09>

Passcode: **AUG-BOA**

Or iPhone one-tap :

US: +13126266799,,97381787072#,,,,,0#,,7464625# or +16465588656,,97381787072#,,,,,0#,,7464625#

Or Telephone:

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

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

Webinar ID: 973 8178 7072

Passcode: 7464625

International numbers available: <https://zoom.us/j/97381787072?pwd=NEx5ZldoMkFCOWpicVVwUXJGKzVzQT09>

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

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

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

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3480.



**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING (VIRTUAL)
JULY 15, 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

Called to Order at 5:06

MEMBER PRESENT

Member Hertslet - Physical Presence *Member Papke) – Virtual Presence*
Member Gleason (Alt 2) – Virtual Presence *Member Cook (Alt 1)) – Virtual Presence*
Chair Miller – Physical Presence

MEMBER ABSENT

Member Dadd
Member Mock

OTHER PRESENT

Tammi Bach, City Attorney
Jacob Platt, City Planner
Daphne Forehand, City Planner
Sylvie McCann, Recording Secretary

Chair Miller seated Member Gleason and Member Cook as voting members and no ex-parte communications were disclosed by any board members.

Chair Miller explained that a written testimony cannot be accepted as this is a Quasi-Judicial meeting as further explained by City Attorney Tammi Bach.

Ms. Bach explained the quasi-judicial procedures.

Ms. McCann administered the oath to the parties that will be giving testimonies, in physical presence and virtually.

2. APPROVAL OF MEETING MINUTES

2.1 June 17, 2020 Regular Meeting Minutes

ACTION TAKEN: A motion was made by Member Cook, seconded by Member Hertslet for approval of the Minutes of the June 17, 2020 Regular Meeting.

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

3. NEW BUSINESS

3.1 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.

Ms. Forehand presented case BOA 2020-0008. Staff recommended denial as it failed to meet all 6 criteria with inconsistency with criteria 2. Special Privilege and 3. Literal Interpretations.

Chair asked if there were under laying lots of records and if the owner plan on subdividing the property. Mr. Platt answered that there are under laying lots of records and that the owner has no interest in sub-dividing this property.

Pam Meyer, 2203 Cedar Street, explained that her intent is to add storage sheds to the property, one for storage and one for an art studio. She also added that the 60% maximum of impervious coverage area has not been met.

Member Herstlet asked if the property is fenced. Ms. Meyer said it was fence on 3 sides but not on the Egan Creek side.

Public Hearing was opened and then closed with no public comments.

Member Papke asked if the planned accessory structure will be one story. Ms. Meyers answered in the affirmative.

Member Herstlet voiced that he had no problem with the request. Members Cook and Gleason concurred. Member Papke asked if any utilities would be installed. Ms. Meyers answered that only electricity would be installed.

ACTION TAKEN: A motion was made by Member Hertslet and seconded by Member Cook to approve BOA 2020-0008 AND moved that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-0008, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2020-0008 meets following criteria for granting a variance: special conditions, minimum variance, general harmony, and public interest. The following criteria for Special Privilege, Literal Interpretations were also approved because of the size of the property and the lack of neighbors.

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

3.2 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.

Ms. Forehand presented case BOA 2020-0009. Staff recommended denial as it failed to meet all 6 criteria with inconsistency with criteria 2. Special Privilege.

Lou Gardner, owner of property and owner of the adjacent property at 224 N. 6th Street. Mr. Gardner explained why he purchased the property.

Vic Buscaino, Arthur Ruthenberg Homes, explained the designing of the home and garage, he also mentioned that the height of the garage would be under 25 feet, and they are asking for a 5 feet variance to the side setback.

Emily Pierce, 1301 River Place Boulevard, representing the applicant, disagreed with Staff regarding criteria 2. Special Privilege. She mentioned that this is the only un-development lot on the block, that the lot cannot be split because of the minimum acreage restriction. She also added that other parcel has 50 feet frontage with 7ft setbacks. They are only asking for a reduction of one side setback.

Member Cook and Member Papke discussed different site configurations by possibly relocating the balcony, stairs, or driveways.

Public Hearing was opened.

Anne Henson, 212 N. 5th Street, on south side of the property in question and voiced her concern with the proximity of the structure to her home, if variance is granted.

Ms. Pierce did mention they have submitted a request for a Context Sensitive Review regarding the front setback.

Mr. Platt, Senior Planner, explained one of Ms. Henson's concern, and commented that the road not being closer to the front property line then the average of all the homes on the block.

Public Hearing was closed.

Member Cook noted that the 5 feet setback will make this structure close to the neighbor. He also spoke about the conservation area and protection of wetland.

Mr. Platt explained which building encroachments are allowed and commented on the buffer requirement. He also spoke of R2 zoning requiring of 50ft lots of minimum width.

Member Gleason asked about possibility of moving the structure closer to the road. Mr. Platt explained the Context Sensitive Review process. He also asked about part of N. 6th Street being a gravel road and about the number of trees on the lot.

Chair Miller explained the option to the applicant on how to proceed. After some discussion between board members regarding possibilities of modifying the site plan, Ms. Pierce asked for a continuance to a date certain of August 20, 2020 so there can be some discussion with the applicant on possibly amending their site design.

ACTION TAKEN: BOA 2020-0009 was continued to a date certain of August 20, 2020.

4. BOARD BUSINESS

Board members and City Attorney complimented new Planner Daphne Forehand on her staff report presentation format.

5. STAFF REPORT

6. PUBLIC COMMENT

7. ADJOURNMENT 6:26



BOA 2020-09
218 N. 6th Street
August 19th, 2020

BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2020-09

Meeting Date August 19th, 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

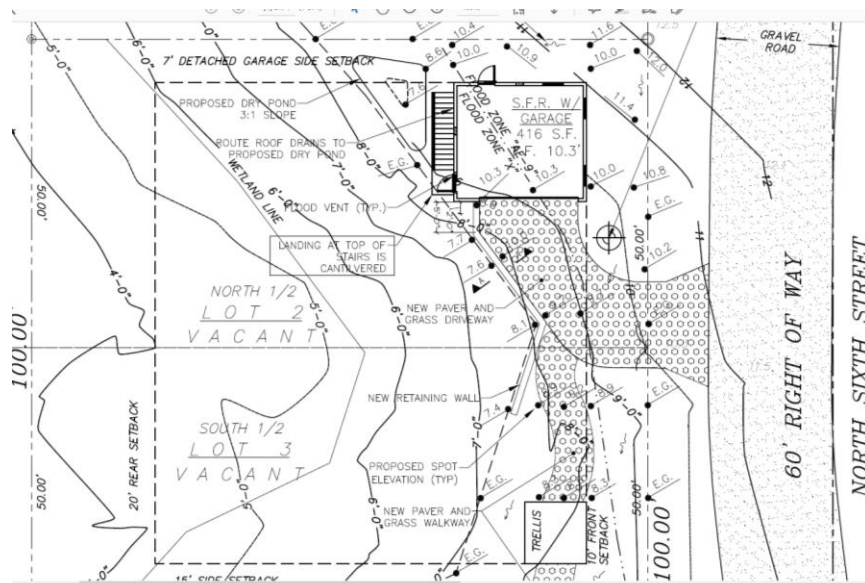
FLUM land use category: Medium Density Residential

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 **3 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
August 19th, 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.
- 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



BOA 2020-09
218 N. 6th Street
August 19th, 2020

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.
 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



BOA 2020-09
218 N. 6th Street
August 19th, 2020

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.



BOA 2020-09
218 N. 6th Street
August 19th, 2020

☒ 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 needed</u> 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.



BOA 2020-09
218 N. 6th Street
August 19th, 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, 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

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 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).
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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

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

Witness
 Printed Name: Lila Keim

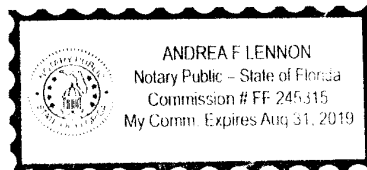
Pamela Pantin (Seal)
Pamela C. Pantin
 Address:

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.

Andrea F. Lennon
 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.

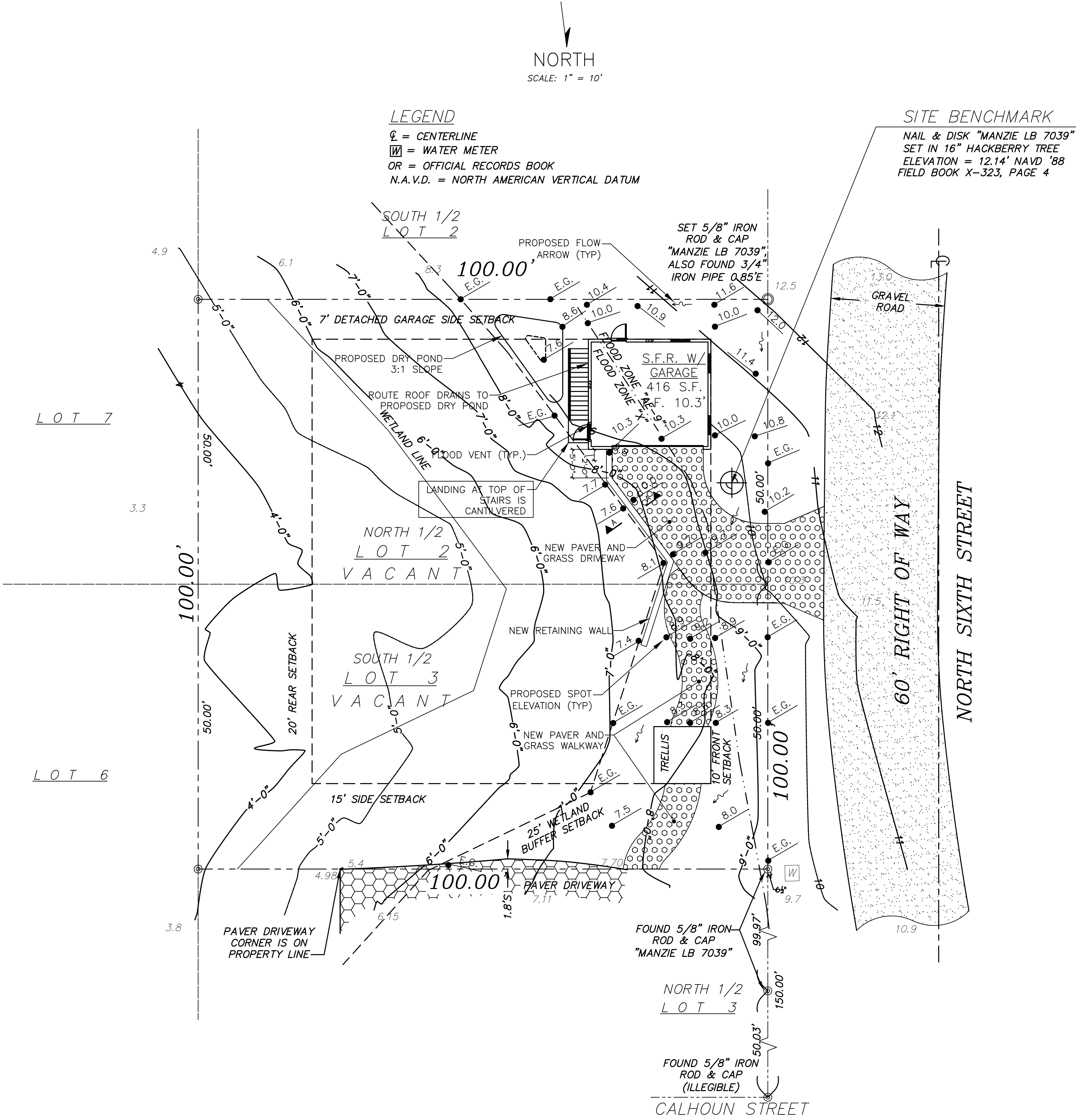
Emily R. Pittinaro
Notary Public

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



DRAINAGE CALCULATIONS

IMPERVIOUS AREA: 465 SF
TREATMENT VOLUME REQUIRED: 45 CU. FT.
TREATMENT VOLUME PROVIDED: 53 CU. FT.

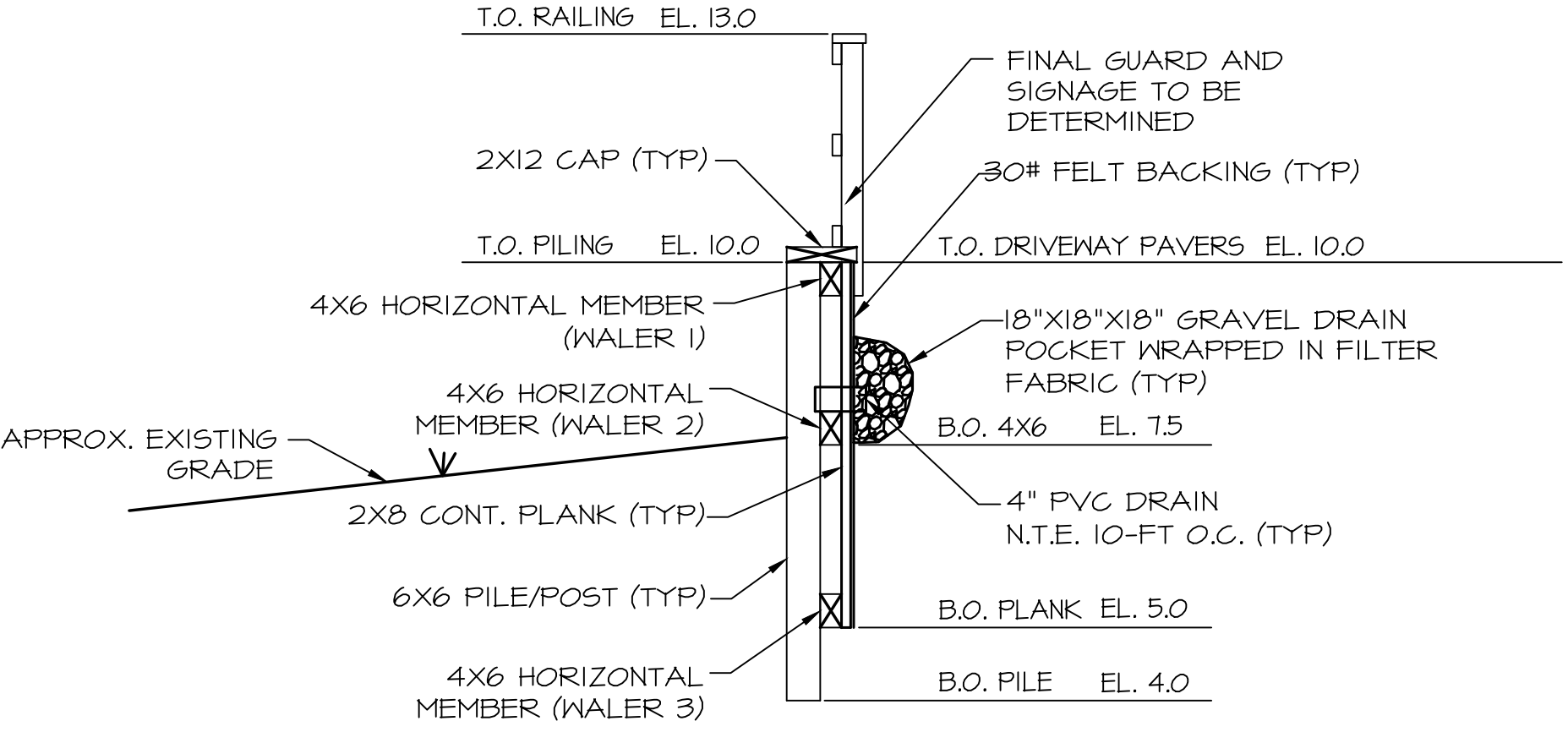
ALL FINISH GRADE SLOPES N.T.E. 3:1

FLOOD VENTS

SMART VENT WOOD WALL MODEL 1540-570
VENT SIZE: 14 1/2" x 8 1/2"
FLOOD COVERAGE: 200 S.F.

ENCLOSED AREA: 416 SF
NUMBER OF FLOOD OPENINGS: 3
TOTAL AREA OF FLOOD COVERAGE: 600 S.F.

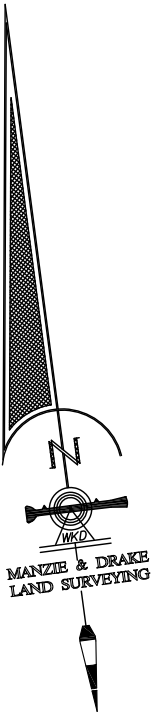
FLOOD VENTS TO BE INSTALLED WITH THE BOTTOM
OF EACH OPENING NO HIGHER THAN 11.3'



RETAINING WALL SECTION A-A

SCALE: 1/2"=1'-0"

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

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

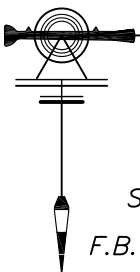
⊕ = CENTERLINE
[W] = WATER METER
OR = OFFICIAL RECORDS BOOK
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM

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.

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

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





BOA 2020-10
861 Park View Place E
August 19th, 2020

BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2020-10

Meeting Date August 19th, 2020

Owner/Applicant John and Coleen Beach

Property Location: 861 Park View Place E

Parcel Number: 00-00-31-163V-0014-0000

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

Current zoning: R-1

FLUM land use category: Low Density Residential

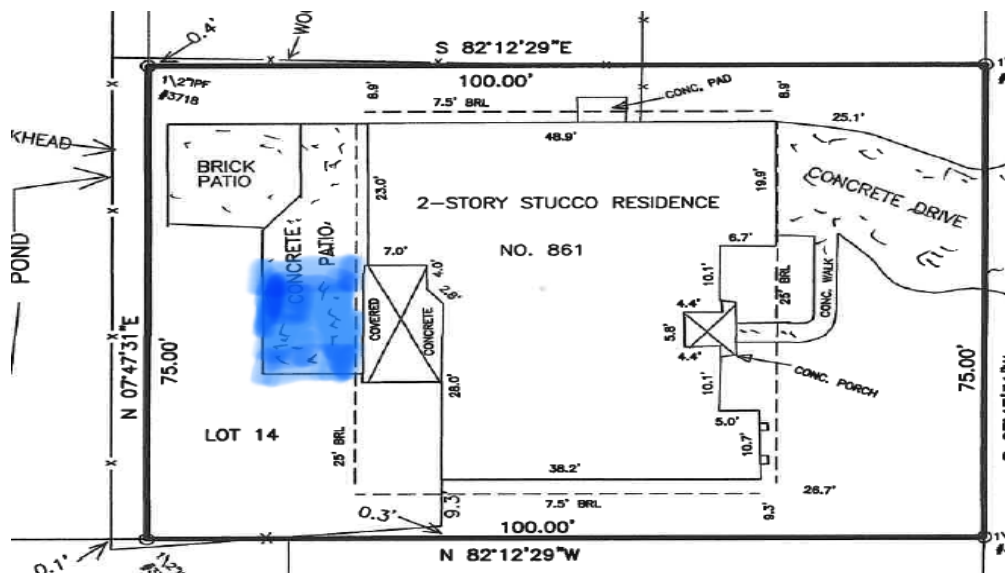
Existing uses on the site: Single Family House

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 reduce the required 25' rear yard setback for the construction of roofed screen enclosure. The 12' extension of the roof would reduce the rear yard setback to 13'.

A large retention pond exists at the rear border of the property, approximately .97 acres. The retention pond allows for 150' from the rear of the property line to the neighboring home directly behind the property. The highlighted area on the survey below depicts the location of the proposed rear addition.





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.



BOA 2020-10
861 Park View Place E
August 19th, 2020

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.



BOA 2020-10
861 Park View Place E
August 19th, 2020

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. A large retention pond exists at the rear of the property allowing for privacy, additional open space, and minimal impact on neighboring properties.
☐ 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</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. The 25-foot rear yard setback applies to all R-1 zoned properties.
☐ 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</u> deprive the applicant of rights enjoyed by other properties in the same zoning district.



☒ 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 the minimum variance</u> needed that will make possible the reasonable use of the land, structure, or building. The applicant's request will utilize a space that is already an impervious concrete patio.
☒ 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. Due to the existing retention pond, the applicant's request is in keeping with Policy 1.02.10 of the Comprehensive Plan – The City shall protect privacy and access to light, air, and open space.
☒ Yes ☐ No	6. <u>Public Interest</u>: Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment. Yes. Granting of a variance <u>is compatible</u> 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 rear addition is compatible with surrounding properties in this neighborhood that have built screen enclosures with encroachments into the rear yard setback through the variance process.

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; therefore, staff must recommend denial.



BOA 2020-10
861 Park View Place E
August 19th, 2020

VI. MOTION TO CONSIDER:

I move to **approve or deny** BOA case number 2020-10; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-10, 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 2020-10 **meets or does not meet** the following criteria for granting a variance: special conditions, special privilege, literal interpretations, minimum variance, general harmony, and public interest **and the reasons for my findings are:**

	Meets	Does Not Meet	Reason for Finding
Special Conditions	_____	_____	_____
Special Privilege	_____	_____	_____
Literal Interpretations	_____	_____	_____
Minimum Variance	_____	_____	_____
General Harmony	_____	_____	_____
Public Interest	_____	_____	_____

A handwritten signature in blue ink, appearing to read "Daphne Forehand".

Daphne Forehand
Planner I

Print

Board of Adjustment (BOA) - Submission #5701

Date Submitted: 7/30/2020

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

2020 Submission and Deadline Calendar

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. (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*

861 Park View Place East

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-31-163V-0014-0000

Zoning District*

R-1

Future Land Use Designation*

Low Density Residential

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

John F & Coleen P

Last Name*

Beach

Company (if applicable)

Mailing Address*

861 Park View Place East

City*

Fernandina Beach

State*

FL

Zip*

32034

Telephone Number*

9043074709

E-mail Address*

jbeach2@bellsouth.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)*

Rear Yard Setback

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

Request a variance to the 25 foot rear yard setback to build an unconditioned, roofed sun room on 12 feet of the setback. The planned sunroom will leave 13 feet of rear yard setback.

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.*

Yes. The current rear yard setback is 25 feet. We desire to add an unconditioned sunroom to the rear of the home. The home was bought in 2004 and the rear west facing wall of the home is at the 25 foot mark not allowing us to add a solid roof for sun protection

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.*

Yes. Neighbors in the neighborhood have pools encroaching on the 25 foot offset, and one neighbor has a solid roofed structure on the opposite site of the pond in the offset zone

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

Yes. We enjoy being outdoors but can not enjoy our rear yard to its fullest extent due to the harsh sun from the west facing exposure. Coleen Beach has to avoid the sun due to multiple skin cancer surgeries A variance will allow us to utilize our rear yard and pond to get the most enjoyment out of our property

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

Yes.

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 improvement will add value to both the home and the neighborhood and be a continuance use of the primary residential structure

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. The improvement will not infringe on other properties. Our yard has a 6 foot privacy fence on all sides. The adjacent property residents are not opposed to the improvement. There is a 150x300 pond at the rear of the property. There will be no impediment to privacy or access to light, air, or open space to any adjacent properties

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*

John

Applicant's Last Name*

Beach

Today's Date*

7/30/2020

Upload Supplemental Materials

Site showing pond behind.PNG

Upload 2

Choose File

No file selected

Upload 3

Choose File

No file selected

Upload 4

Choose File

No file selected

Upload 5

Choose File

No file selected

Upload 6

Choose File

No file selected

Upload 7

Choose File

No file selected



DEPARTMENT OF PLANNING & CONSERVATION

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

Date: June 30, 2020

From:

John and Coleen Beach
861 Park View Place East
Fernandina Beach, FL 32034

To:

Board of Adjustment
City of Fernandina Beach

RE: Variance Request

This residential variance is requested to build an unconditioned sunroom off the rear of our existing home. The sunroom will be attached to the rear of the structure. The company contracted to build the sunroom is Better Home Improvements of Jacksonville. BHI is a certified Contractor, License CBC059142 as well as a certified roofer, License CCC1327896.

The plans for the sunroom were drafted, approved, and stamped by a licensed FL engineer. Copies of the plans are attached to the variance application for your review and consideration.

The sunroom plans were submitted to the City of Fernandina Beach for a permit. The permit, I am advised, was denied as the rear of the house sits at 25 feet from the rear yard boundary. There is an additional 6 foot to the edge of the retention pond beyond the 25 feet, making the total yard area 31 feet from the rear wall of the house to the retention pond. The sunroom as planned would extend 12 feet from the rear of the home leaving a 13-foot offset from the rear boundary.

Our home was built in 2005 and the rear of the home was built just at the rear offset line. The 25-foot offset prevents us from currently enjoying our property to its fullest. We enjoy the outdoors and entertaining family and friends. Unfortunately, the sun prevents our family from using the rear space during the daytime hours. The rear of the home faces west taking the full brunt of the afternoon sun. Mrs. Beach is predisposed to severe skin cancer and has had many multiple surgeries on her face, arms, and legs to remove them. Due to her health condition it is necessary she be protected from the sun when outdoors. A covered patio with sun blocking windows will allow us to enjoy the outdoor area during the day to its fullest without risk from exposure to the sun.

There is a large retention pond, 150 feet by 300 feet or .97 acres, along the rear border of our property making our use of the rear yard an enjoyable past time with family and friends. The home directly behind our home is over 150 feet from the rear of our property line due to the pond. As such, there is no impediment to privacy or access to light, air, or open space to the rear property.

The adjacent properties to the left and right of us are bordered by a 6-foot privacy fence. In addition, we have spoken with both adjacent neighbors and neither has objection to our improvement being made, and they support the proposed improvement.

In closing, we believe the proposed addition will add value to our home and the neighborhood and will substantially increase the enjoyment of our property. We respectfully request our variance request be granted.

Sincerely yours,

John and Coleen Beach

Prepared by &
Return to:
Kathryn Knee, P.A.
1027 South 8th Street
Fernandina Beach, Fl 32034

QUIT-CLAIM DEED

This Quit-Claim Deed is made, executed and delivered this 5th
day of August, 2013, between **JOHN F. BEACH and COLEEN P. BEACH,**
husband and wife, of the County of Nassau, State of Florida,
Grantors, and **JOHN F. BEACH and COLEEN P. BEACH,** as Trustees of the
John F. Beach and Coleen P. Beach Joint Trust of August 5, 2013,
whose address is 861 Park View Place, East, Fernandina Beach,
Nassau County, Florida, 32034, Grantees;

W I T N E S S E T H:

That the Grantors, for and in consideration of the sum of Ten
and No/100 Dollars (\$10.00), in hand paid by the said Grantees, the
receipt and sufficiency whereof is hereby acknowledged, have
remised, released and quit-claimed, and by these presents do
remise, release and quit-claim unto the said Grantees, and their
legal representatives, successors and assigns forever, the
following described land, situate, lying and being in Nassau
County, Florida, to-wit:

Lot 14, PARKVIEW, according to plat thereof recorded in
Plat Book 6, Page 390 of the public records of Nassau
County, Florida.

Property Appraiser's Parcel I.D. No. 00-00-31-163V-0014-0000.

RESERVING, however, unto the said Grantors a life estate in the
foregoing parcel of land, with full right and authority to use,
manage and occupy said property and to receive all rents, income and
profit therefrom during the term of their respective lives.

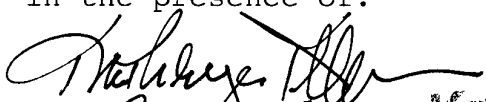
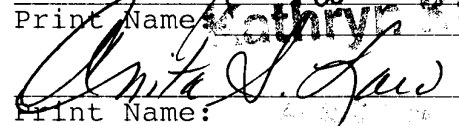
TO HAVE AND TO HOLD the same together with all and singular
the tenements, hereditaments and appurtenances of Grantors
thereunto belonging or in anywise appertaining, and all the estate,
right, title, interest, lien, equity and claim whatsoever of the
said Grantors, either in law or equity, to the only proper use,
benefit, and behoof of the said Grantees, their legal
representatives, successors and assigns forever.

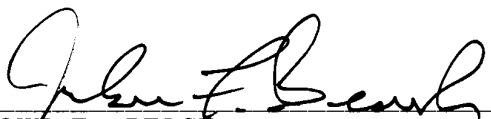
Grantees, by the acceptance of this Quit-Claim Deed, acknowledge that in giving this Quit-Claim Deed, Grantors make no representations or warranties, expressed or implied, with respect to title to the Property.

The preparer of this instrument has not examined title to the lands herein described, and no warranty or other representation is made by the preparer, and no other opinion (either express or implied) is given by the preparer as to the marketability or condition of the title thereto, the quantity of lands included therein, the location of the boundaries thereof, or the existence of liens, unpaid taxes or encumbrances thereon.

IN WITNESS WHEREOF, the said Grantors has hereunto set their hand and seal the day and year first above written.

Signed, sealed and delivered
in the presence of:


Print Name: Kathryn Kneeb

Print Name: Anita S. Law


JOHN F. BEACH
Address:
861 Park View Place, East
Fernandina Beach, FL 32034

STATE OF FLORIDA)
)
COUNTY OF NASSAU)

The foregoing instrument was acknowledged before me this 5th day of August, 2013, by JOHN F. BEACH who is personally known to me or has produced FL DL as identification.

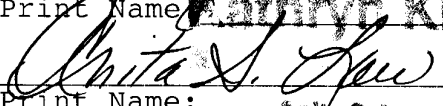

Notary Public, State of Florida
Print Name: _____
My Commission Expires:
My Commission Number:



KATHRYN KNEEB
MY COMMISSION # EE 091872
EXPIRES: May 25, 2015
Bonded Thru Budget Notary Services

Signed, sealed and delivered
in the presence of:


Print Name: Kathryn Knee


Print Name: Anita S. Law

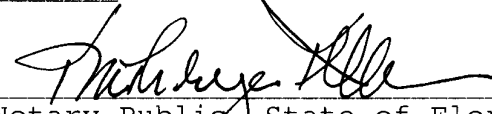


COLEEN P. BEACH

Address:
861 Park View Place, East
Fernandina Beach, FL 32034

STATE OF FLORIDA)
)
COUNTY OF NASSAU)

The foregoing instrument was acknowledged before me this 5TH
day of August, 2013, by COLEEN P. BEACH who is personally known to
me or has produced FDL as identification.



Notary Public, State of Florida
Print Name: _____

My Commission Expires:

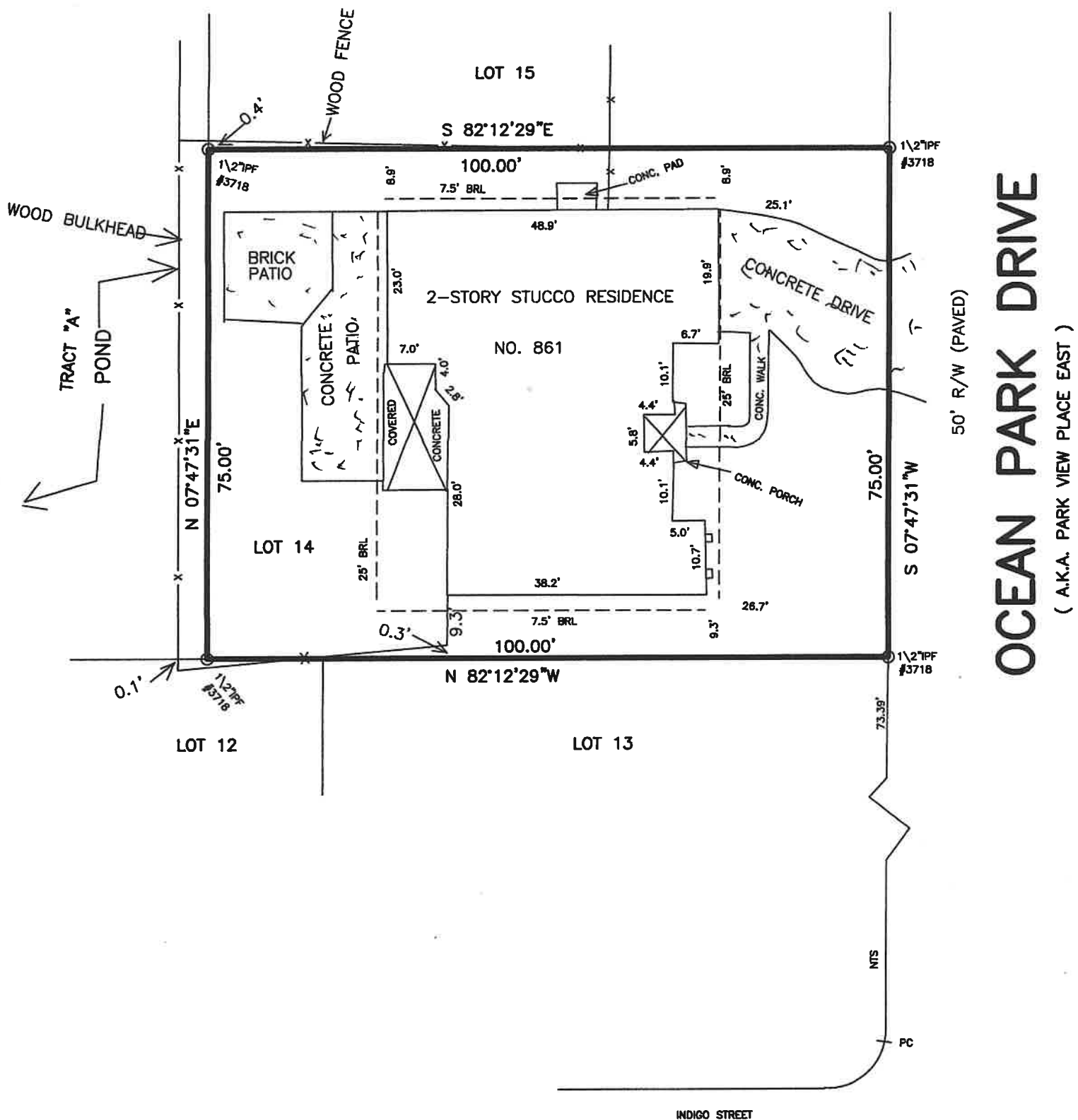
My Commission Number:



KATHRYN KNEE
MY COMMISSION # EE 091872
EXPIRES: May 25, 2015
Bonded Thru Budget Notary Services

MAP SHOWING BOUNDARY SURVEY OF
LOT 14, PARK VIEW,
AS RECORDED IN PLAT BOOK 6, PAGE 390,
OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

CERTIFIED TO:
JOHN F. BEACH AND COLEEN P. BEACH,



COASTAL LAND SURVEYORS

& MAPPERS, INC.

34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL 904-261-8950 FAX 904-277-6650

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS
MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND
SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR
CHAPTER 180-7, GEORGIA STATUTES.

LICENSED BUSINESS NO. 6412

JAMES C. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER

FLORIDA CERTIFICATE NO. 3718

GEORGIA CERTIFICATE NO. 2365

NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

BEARINGS BASED ON PLAT OF RECORD

PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE X AS SHOWN ON

FEMA FLOOD INSURANCE RATE MAP,
COMMUNITY NO. 120172 PANEL NO. 0237G
DATED 8/2/17

DATE OF SURVEY: JULY 28, 2020

SCALE 1"=20'

JOB NO. 0408-28 F.B.

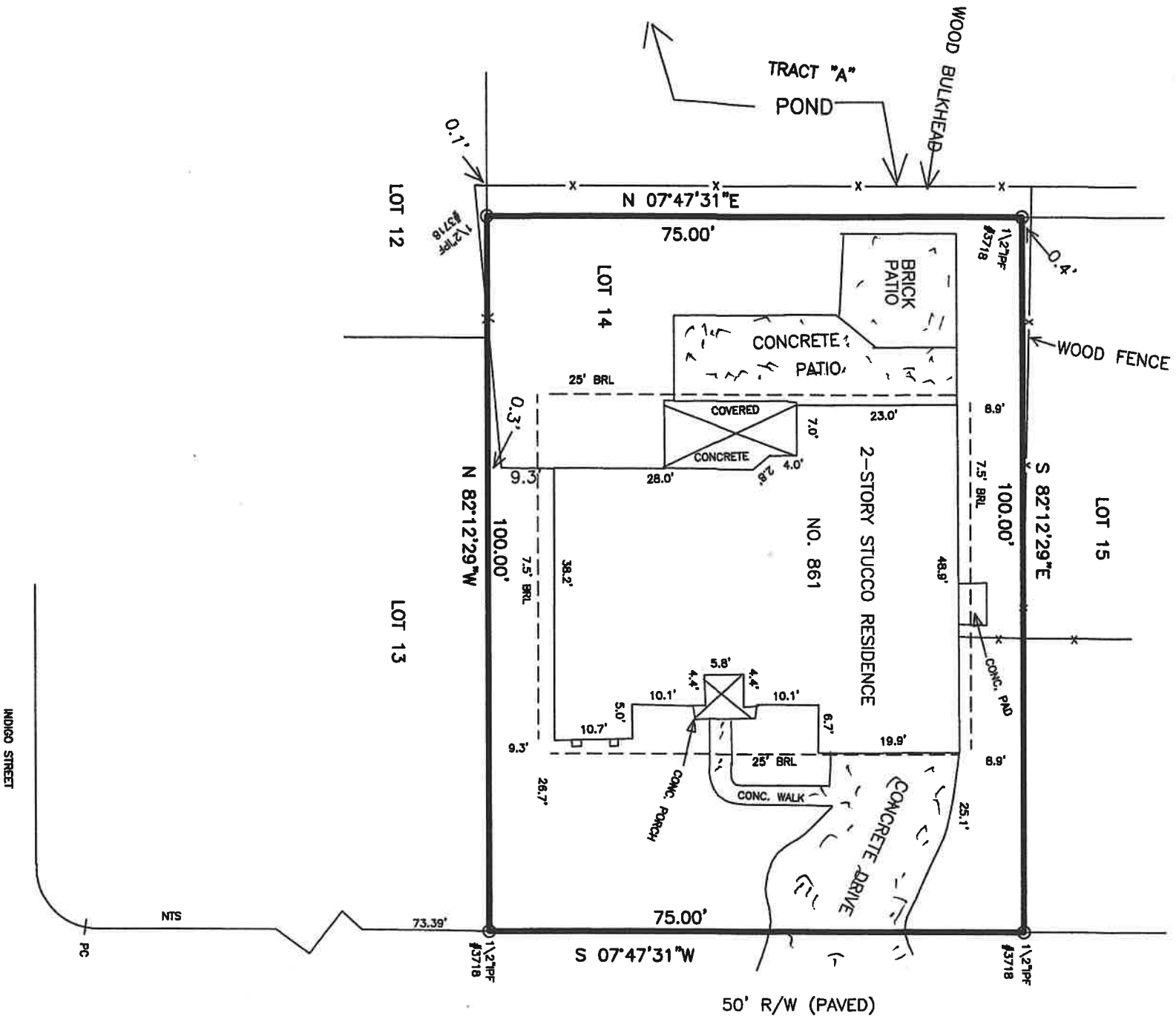
CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

LEGEND:

IRON PIPE FOUND - IPF	POWER LINE - P----
IRON PIPE SET - IPS	PLAT - P.
RE/BAR FOUND - RBF	FIELD MEASURED - FM.
NOT TO SCALE - NTS	RECORD - R. DEED - D.
BUILDING RESTRICTION LINE - BRL	POWER POLE - P.
CONCRETE MONUMENT FOUND - CMF	CONCRETE - CONG.
STAINLESS STEEL PIPE FOUND - SSPF	FENCE - X-----
RIGHT-OF-WAY - R/W	RIGHT-OF-WAY - R/W
POINT OF CURVE - PC	POINT OF REVERSE CURVE - PRC
CENTERLINE - C L	OFFICIAL RECORDS BOOK - O.R.B.

MAP SHOWING BOUNDARY SURVEY OF
LOT 14, PARK VIEW,
AS RECORDED IN PLAT BOOK 6, PAGE 390,
OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

CERTIFIED TO:
JOHN F. BEACH AND COLEEN P. BEACH.



COASTAL LAND SURVEYORS

& MAPPERS, INC.
34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL. 904-261-8950 FAX 904-277-6650

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS
MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND
SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR
CHAPTER 180-7, GEORGIA STATUTES.

JAMES C. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3718
GEORGIA CERTIFICATE NO. 2365
NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

BEARINGS BASED ON PLAT OF RECORD

PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE X AS SHOWN ON

FEMA FLOOD INSURANCE RATE MAP, 0237G
COMMUNITY NO. 120172 PANEL NO. 2

DATED 8/2/17

DATE OF SURVEY: JULY 28, 2020

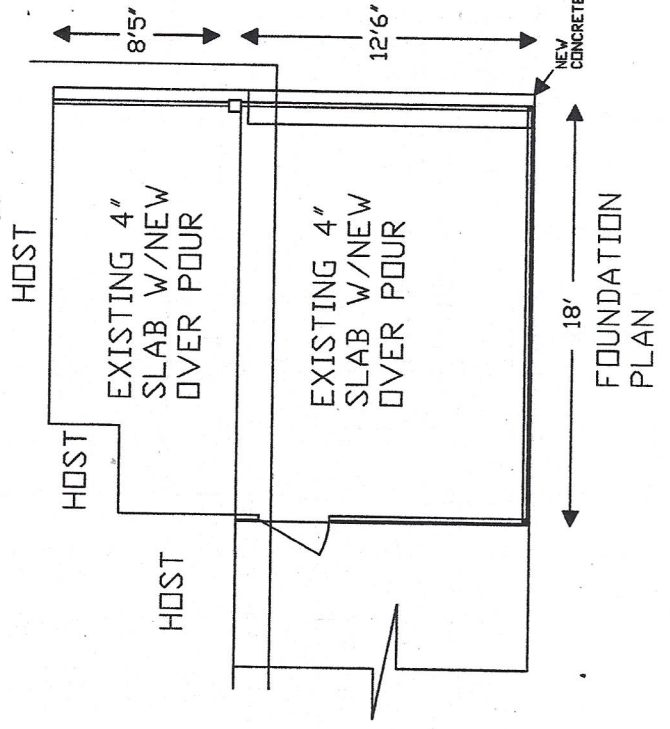
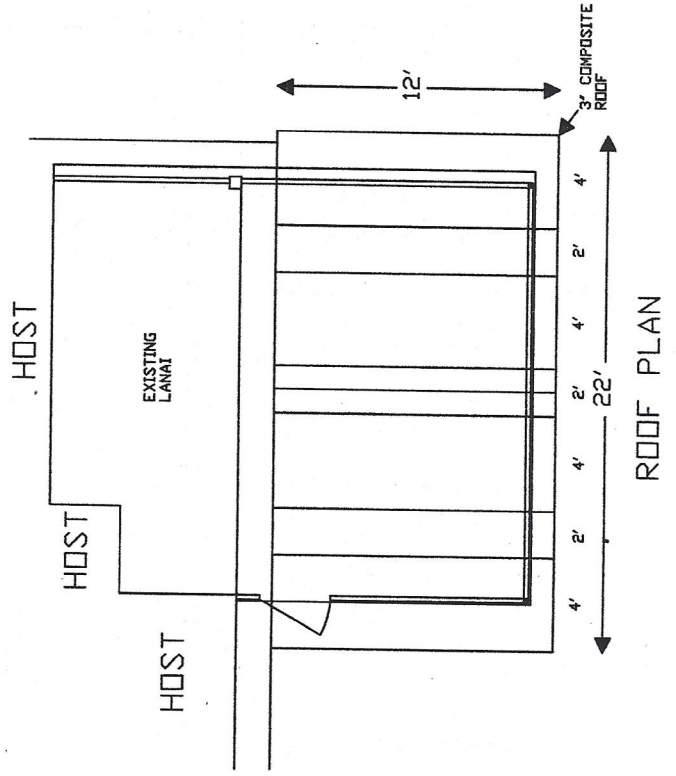
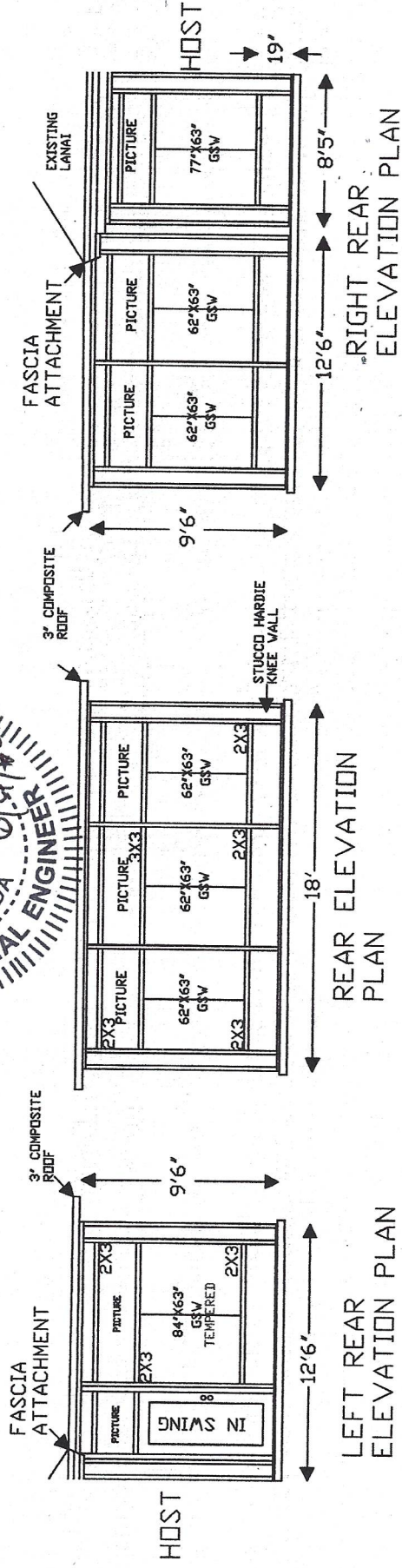
SCALE 1"=20'

JOB NO. 0408-28 F.B.

CORNER MARKERS HAVE NO IDENTIFICATION UNLESS
LEGEND:
IRON PIPE FOUND - IPF
IRON PIPE SET - IPS
RE/BAIR FOUND - RBF
NOT TO SCALE - NTS
BUILDING RESTRICTION LINE - BRL
CONCRETE MONUMENT FOUND - CMF
STAINLESS STEEL PIPE FOUND - SSPF
RIGHT-OF-WAY - R/W
POINT OF CURVE - PC
POINT OF TANGENCY - PT
CENTERLINE - C L
OFFICIAL RECORDS BOOK - O.R.B.
POWER LINE - P-
PLAT - P.
FIELD MEASURED - FL.
RECORD - R.
DEED - D.
POWER POLE - P.
CONCRETE - CONG.
FENCE - F.
RIGHT-OF-WAY - R/W
POINT OF REVERSE CURVE - PRC

861 PARKVIEW PLACE EAST FERNANDINA BEACH, FL 32034

PREPARED BY: WILLIAM HURLEY
BETTER HOME IMPROVEMENT
538 PARK AVENUE
ORANGE PARK, FL 32073

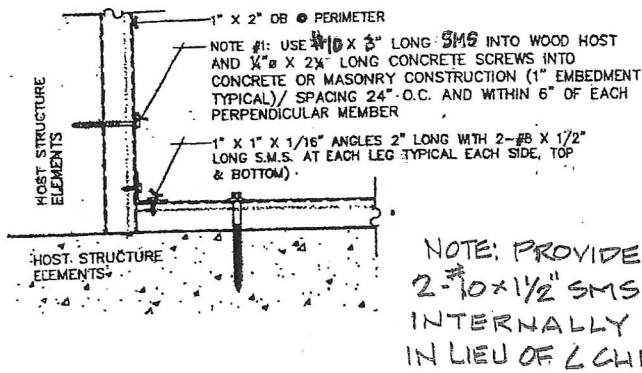


Wind: 120 mph
Exposure: C
Category: II
FBC 6th Edition 2017

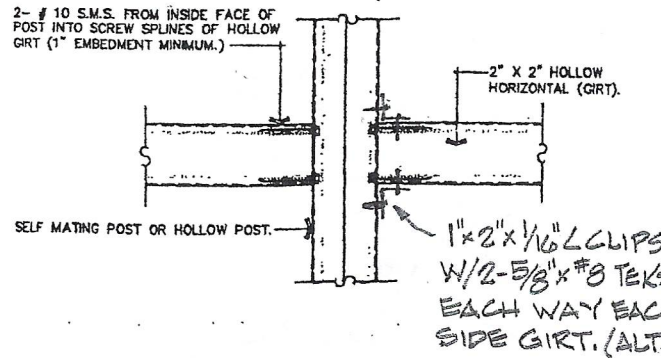
ALL MEASUREMENTS ARE APPROXIMATE
AND WILL BE DETERMINED ON SITE.

SCALE: 1/8" = 1'-0"

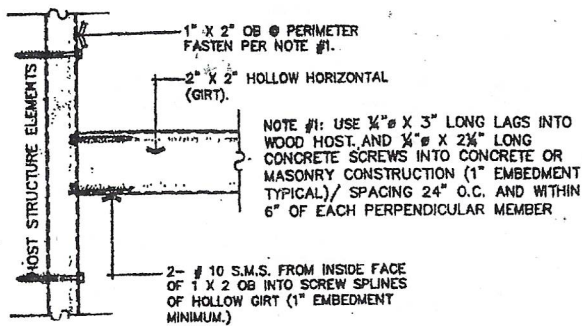
BEACH



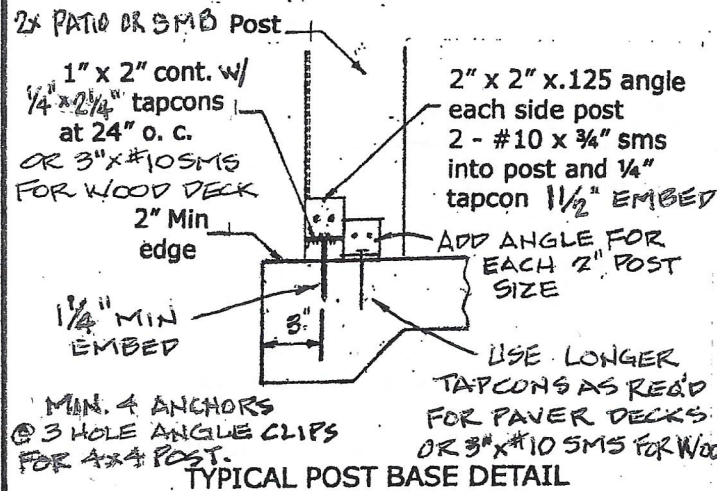
TYPICAL 1 x 2 TO HOST AT CORNER
1x2 TO 2x2 FRT WALL W/2"x#10 SMS @ 16" O.C.



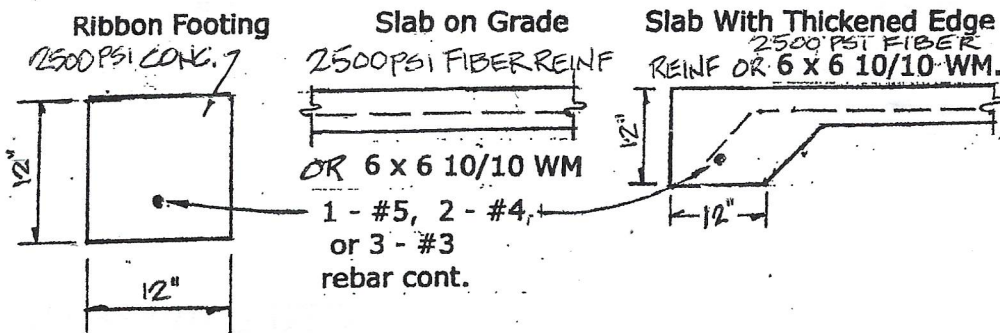
TYPICAL CHAIR RAIL TO POST DETAIL



TYPICAL 1 x 2 TO HOST AT GIRT
1x2 TO 2x2 FRT. WALL W/2"x#10 SMS @ 16" O.C.



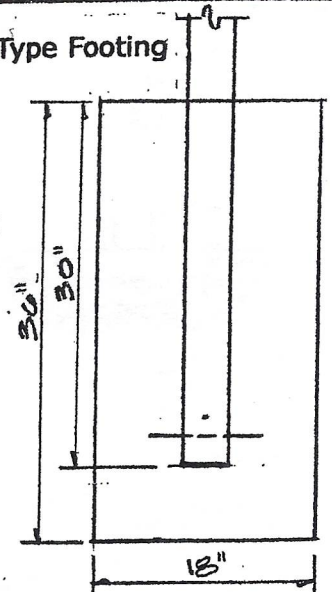
TYPICAL FOUNDATION DETAILS



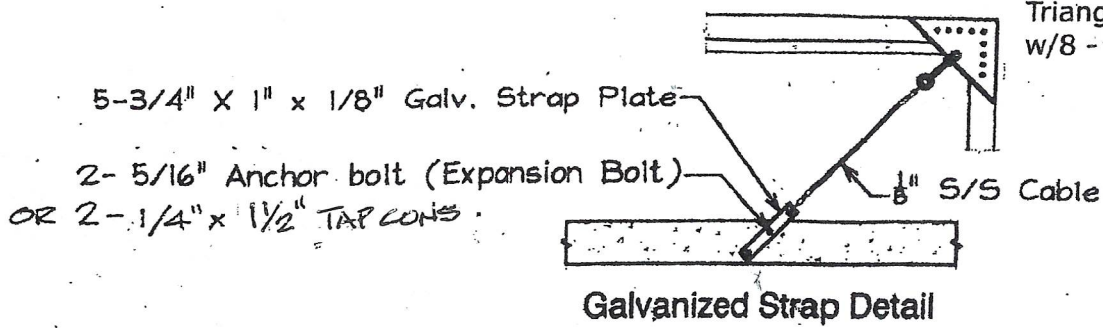
NOTES:

- Concrete shall be minimum 2500 psi. Cover for rebar shall be 3".
- Fibermesh shall be used in lieu of welded wire mesh.
- Slab on grade shall be used for roof areas less than 360 sq. ft. or for posts with tributary areas less than 75 sq. ft.
- Minimum slab thickness shall be 3-1/2".
- Foundation shall bear on compacted subgrade with 1500psi minimum bearing capacity.
- Pile type footing shall have 3/8" diameter rods 12" long thru posts each way.
- Embedded aluminum posts shall be isolated from concrete to prevent corrosion.
- Posts supporting carrier beams shall have adequate foundation for hold down capacity. A minimum of one cubic foot of concrete for each ten square feet of screen roof.

Pile Type Footing

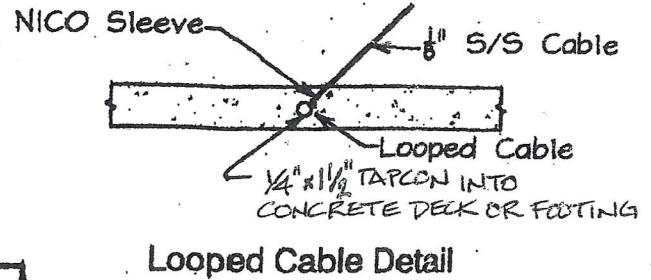
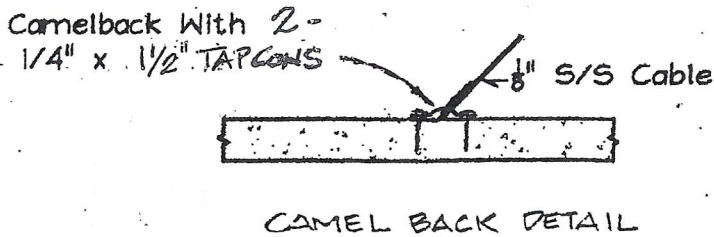


Typical Cage Bracing Details



Cable required
when enclosure
extends more than
18' from host.

One pair of cables
for every 300 sq. ft.
wall surface area.



NOTE: 1. Self-tapping SMS shall be stainless steel or zinc coated.
2. Members shall be isolated as recommended to prevent corrosion.

General Notes and Design Criteria:

1. Pool/Patio Enclosures and Screen/Glass Room Additions are designed to be attached to a permanent structure of adequate capacity.
2. The contractor shall verify that the host structure is in good condition and of sufficient strength to support the proposed addition.
3. The FBC 6TH Edition 2017 is the basis for design wind load as per Chapter 20, Table 2002.4.
4. Maximum purlin spacing is 7'-0". Internal lateral bracing required for spans over 39 feet.
5. Mean roof height shall be less than or equal to 30 feet. The height of the addition shall not exceed the height of the host structure.
6. The exposure is per site location. "C" for structures along the coast and "B" for all others.
7. The pool/patio beam spans are based on open building classification. The typical details shown are indicative of a standard installation.
8. Fasteners shall have a head and/or be provided with washers not less than 1/2" in dia. For decking and siding.

MINIMUM POST SIZE AND NO. OF SCREWS

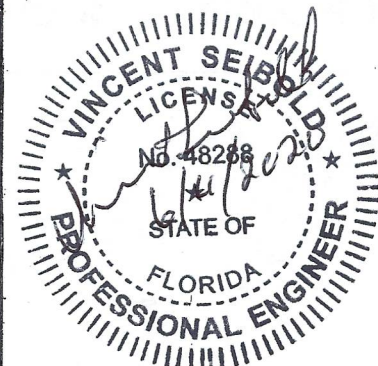
Beam Size	Post Size	#8	#10	#14
2 x 5	2 x 4	10	8	6
2 x 6	2 x 4	10	8	6
2 x 7	2 x 5	14	12	10
2 x 8	2 x 6	-	14	12
2 x 9	2 x 7	-	16	14
2 x 10	2 x 8	-	-	16

MINIMUM SPACING AND EDGE DISTANCES

	#8	#10	#14
Minimum Spacing	5/8"	3/4"	1"
Min. Edge Distance	5/16"	3/8"	1/2"

SCREEN/GLASS ROOMS & ENCLOSURES

Vincent Seibold PE 48288
1015 Atlantic Blvd. #128
Atlantic Beach, FL. 32233
Phone: 904-568-4112



GENERAL NOTES

