



AGENDA
AMENDED
BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 18, 2020
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. **CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
2. **PLEDGE OF ALLEGIANCE**
3. **APPROVAL OF MEETING MINUTES**
 - 3.1 Approval of Minutes for the October 21, 2020 Regular Meeting.
4. **OLD BUSINESS**
5. **NEW BUSINESS**
 - 5.1 **BOA 2020-0011 - CHRISTOPHER MORAN, 107 N. 18TH STREET**
Request for Variance from LDC Section 5.01.03(J) to construct an accessory structure that exceeds the maximum building footprint of 625 SQ FT. (*Quasi-Judicial*)
 - 5.2 **BOA 2020-0012 - MARK & DORIE CHAUNCEY, 321 N. 19TH STREET**
Request for Variance from LDC Section 4.02.03(E) to reduce front yard setback.
6. **BOARD BUSINESS**
7. **STAFF REPORT**
8. **PUBLIC COMMENT**
9. **ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR DECEMBER 16, 2020.

***WEBINAR LOG IN FOR APPLICANTS AND PUBLIC ATTENDANCE**

ALL BOARD MEMBERS ARE REQUIRED TO APPEAR IN PERSON FOR REQUIRED PHYSICAL QUORUM.

Please click the link below to join the webinar:

<https://zoom.us/j/93432545314>

Or iPhone one-tap :

US: +16465588656,,93432545314# or +13017158592,,93432545314#

Or Telephone:

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

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

Webinar ID: 934 3254 5314

International numbers available: <https://zoom.us/j/93432545314> *

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

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



**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING -
VIRTUAL OCTOBER 21, 2020
5:00 PM**

1. CALL TO ORDER: 5:03

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT

Member Mock	(Physical)	Member Hertslet	(Physical)
Member Papke	(Virtual)	Member Gleason	(Virtual)
Chair Miller	(Physical)		

MEMBERS ABSENT

OTHERS PRESENT

Daphne Forehand, Planner
Tammi Bach, City Attorney
Sylvie McCann, Recording Secretary
Taylor Hartmann, Recording Secretary

No members disclosed any ex parte communications.

City Attorney Bach explained the quasi-judicial procedures as well as the expiration of the virtual meeting order by the Governor. Member Gleason questioned the possibility of local authority extending the virtual order. City Attorney Bach explained that the state determines this, and that according to the Sunshine Law a physical quorum must be present.

Ms. Hartmann administered the oath to the parties that would be giving testimony.

2. APPROVAL OF MEETING MINUTES

2.1 Approval of Minutes for the September 16, 2020 Regular Meeting.

Member Papke noted that Member Gleason was marked as absent, however, he showed up late to the September 16, 2020 meeting. *(Upon review of the September 16th, 2020 video recording, Member Gleason was absent and thus the September 16th, 2020 minutes were not amended.)*

ACTION TAKEN: A motion was made by Member Gleason, seconded by Member Hertslet to approve the Minutes of the September 16, 2020 Regular Meeting. Vote upon passage of the motion was taken by

eyes and nays, being all eyes, carried.

3. OLD BUSINESS

3.1 BOA 2020-0004 - STEFAN ERDMANN, AGENT FOR JUTTA GOODBREAD, 837 TARPON AVENUE

Variance from LDC 1.03.05(A) to restore lots 13 & 14 of the unrecorded Sorensens Ocean Terrace
(*Quasi-Judicial*)

Ms. Forehand presented the case and staff recommended approval. She explained that the applicant meets all 6 of the criteria to grant a variance.

Stefan Erdman, 86161 Keeling Lane, Yulee, spoke as agent for the applicant. He stated that the only construction to take place would be to fill in the pool. There would be nothing done to the house. He also stated that the original plan was to divide the parcel into four lots but ultimately, it was decided to keep the existing house.

Public Hearing was opened for comments.

Debra Harper, 835 Allen Street, stated that she thought it was originally going to be divided into 4 lots and is concerned about the construction of multi-family homes. She also expressed interest in preserving the neighborhood and surrounding environment, including its local wildlife. She also voiced concern about traffic and the lots possibly being turned into short-term rentals.

Ms. Forehand explained that, at this time, there is no intention for anything more than single-family homes and their ancillary structures.

Ms. Bach stated that the current discussion was going far beyond the scope of this Board as the request is about the restoration of underlying lots.

Member Mock asked about setbacks and height requirements for the 2 smaller lots.

Member Hertslet asked for clarification regarding the current variance request and how to proceed if any future requests would be submitted for the same property.

Chair Miller stated that the Board does not address questions pertaining to future potential land use. He also asked Ms. Bach about possibly adding a condition for splitting the front lot. She confirmed that this was not allowable. She also discussed the measure of relevancy when the Board makes its decisions and the scope of their authority.

Public Hearing was then closed.

Member Gleason asked to add the demolition of the pool as a condition to approve the variance request.

ACTION TAKEN: A motion was made by Member Hertslet and seconded by Member Mock to approve BOA 2020-0004 with the condition that the pool be removed; AND moved that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-0004, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2020-0004 meets following criteria for granting a variance: special conditions, special privilege, literal interpretation, minimum variance, general harmony, and public interest. The following criteria for out of the way of any problem, neighbors have the same encroachment.

DRAFT

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

4. NEW BUSINESS

5. BOARD BUSINESS

5.1 Board Member Application - Anthony C. Oliva

5.2 Board Member Application - Bill Skulmis

5.3 Board Member Application – Geoffrey E. Grant

The board members acknowledged the 3 applicants for board member vacancies and recommended that all applications be referred to City Commission for consideration.

6. STAFF REPORT

7. PUBLIC COMMENT

8. ADJOURNMENT 5:55

Taylor Hartmann, Recording Secretary

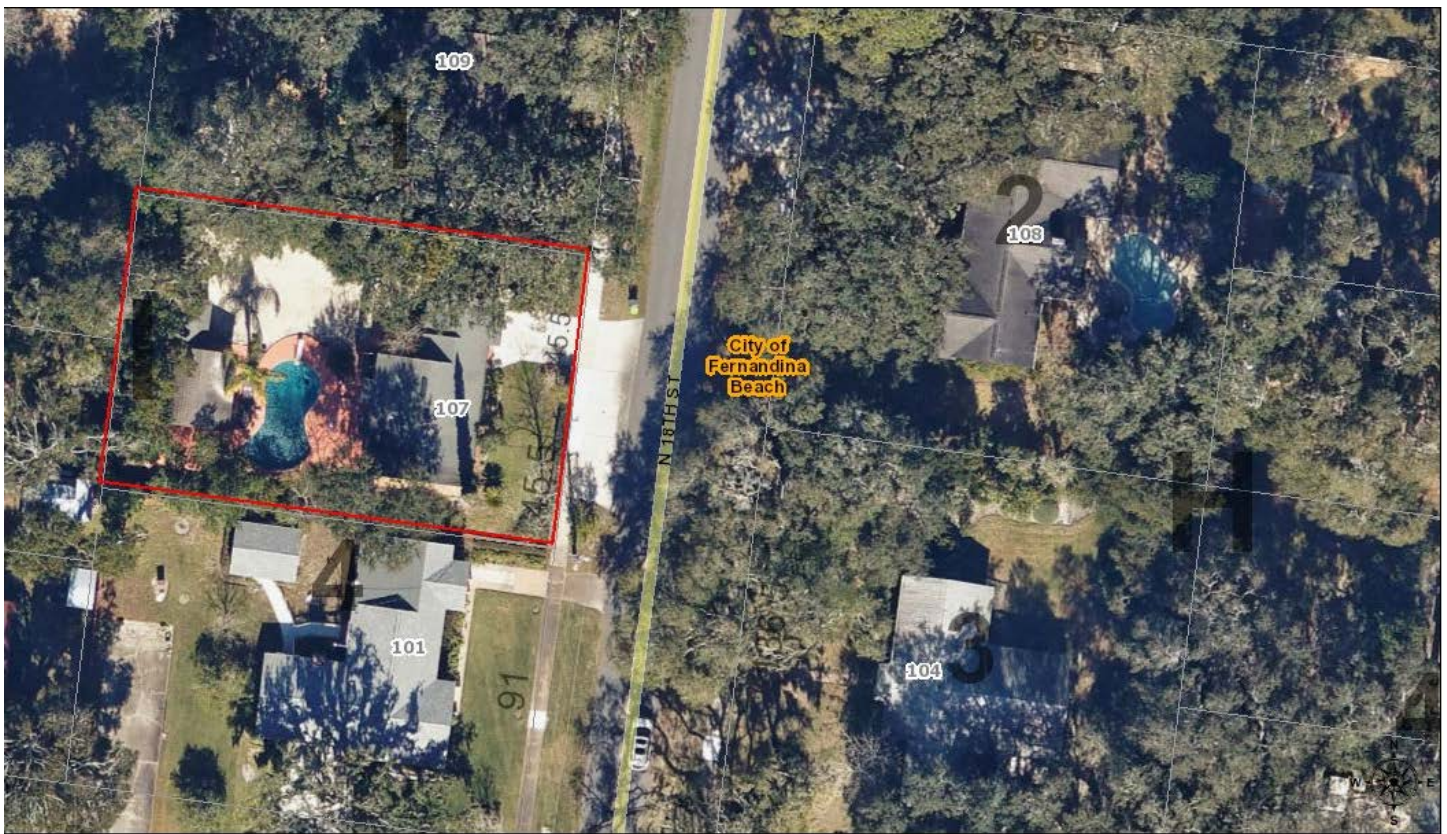
Matthew Miller, Chair



BOARD OF ADJUSTMENTS STAFF REPORT
BOA 2020-11
November 18, 2020

Owner/Applicant:	Christopher Moran
Property Address:	107 N 18 th Street
Parcel Number:	00-00-31-1060-000I-0012
Requested action:	VARIANCE from LDC Section 5.01.03 (J)
Current zoning:	R-1
FLUM land use category:	Low Density Residential
Existing uses on the site:	Single family house

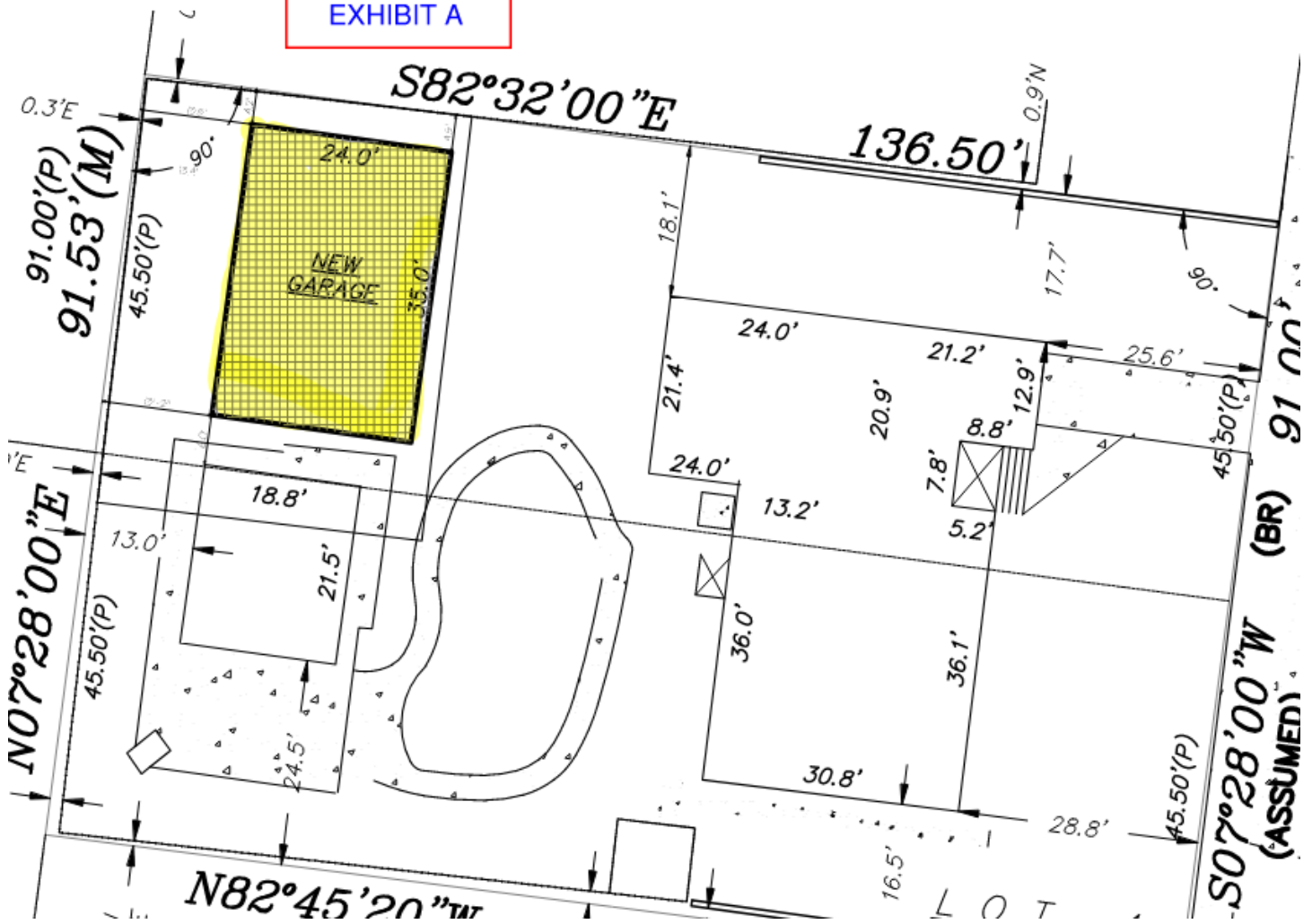
All required application materials have been received. All fees have been paid. All required notices have been made.



SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is seeking a variance to increase the 625ft² building footprint requirement for accessory structures to construct a 3-car garage. The proposed garage totals 840ft², exceeding the square footage requirement by 215ft². The garage will meet all other requirements of the Land Development Code and will be designed to match the rest of the structures on the property.

EXHIBIT A



APPLICABLE GUIDELINES:

CITY OF FERNANDINA BEACH LAND DEVELOPMENT CODE:

Staff's review of this application finds it is not subject to any of the limitations of Section 10.02.01 and can therefore be considered by the Board.

CITY OF FERNANDINA BEACH COMPREHNSIVE 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.

ANALYSIS:

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.

Criteria	Staff Analysis	Meets Criteria
<u>1. Special Conditions</u> <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i>	No. Special conditions or circumstances <u>do not exist</u> 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.	☐ Yes ☒ No
<u>2. Special Privilege</u> Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.	No. Granting the variance <u>does confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. All residentially zoned properties are limited to building accessory structures with a maximum building footprint of 625ft ² .	☐ Yes ☒ No
<u>3. Literal Interpretation</u> Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.	No. Literal interpretation of the provisions of the Land Development Code <u>would not deprive</u> the applicant of rights commonly enjoyed by other properties in the same zoning district since all properties are limited to building accessory structures with a maximum square footage of 625ft ² .	☐ Yes ☒ No
<u>4. Minimum Variance</u> The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.	No. The variance requested is <u>not the minimum</u> that will make possible the reasonable use of the land, structure, building. With the proposed addition this accessory structure will be 215ft ² over the allowable 625ft ² by the Land Development Code.	☐ Yes ☒ No
<u>5. 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 Land Development Code and Comprehensive Plan. Granting of the variance will preserve private property rights.	☒ Yes ☐ No
<u>6. Public Interest</u> Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.	Yes. Granting the variance <u>is compatible</u> with the surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, or welfare, or environment. The proposed accessory structure will be in the rear of the lot and not visible from the right of way.	☒ Yes ☐ No

STAFF RECOMMENDATION:

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	

Staff finds that the requested action, as presented, does not meet all 6 criteria, and as such, must recommend denial.

Staff recommends:

DENIAL of BOA 2020-11

MOTION TO CONSIDER

I move to **approve or deny** BOA case number 2020-11;

AND I move that the BOA make the following findings of fact and conclusions of law part of the record:

That BOA case 2020-11, item, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

LIST OF EXHIBITS:

EXHIBIT A Proposed porch extension

Respectfully Submitted,



**Daphne Forehand
Planner I**

Print

Board of Adjustment (BOA) - Submission #6119

Date Submitted: 10/7/2020

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

BOA 2020 BOARD AND SUBMISSION DEADLINE CALENDAR



IMPORTANT NOTES

Application Requirements

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

107 North 18th Street

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-31-1060-0001-0012

Zoning District*

R-1

Future Land Use Designation*

Low Density Residential

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Christopher

Last Name*

Moran

Company (if applicable)

Mailing Address*

94 Orchard Lane

City*

Easton

State*

CT

Zip*

06612

Telephone Number*

203-913-7735

E-mail Address*

lanifarm@aol.com

OWNER'S AGENT

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

First Name

Last Name

Company (if applicable)

Mailing Address

City

State

Zip

Telephone Number

E-mail Address

PROJECT INFORMATION

Variance Requested from LDC Section(s)*

5.01.03J

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

107 North 18th Street has been our second home for over 10 years now . I have completely renovated the home over the years , we also completed last year an addition so we can house my in laws . They are 93 years and 89 years old living on social security and will be joining my wife , my daughter and myself when we make 107 North 18th our primary home 9 months from now .. Two issues with my inlaws .. Believe it or not they both still drive and both have vehicles , they also both hate each other with a passion .. so that's what I get to deal with . We currently have a garage that is big enough for a compact car at best . That's why I would like to be able to build the new garage I have proposed . My apologies but to be quite honest , I had no idea I was going 215 square feet over and I truly think it's not and won't impact the neighborhood or my neighbors . Between my daughter , myself , my wife and my in laws that still drive and dislike each other so much . I think it would be much nicer to have vehicles in garage space rather than out on the street . The garage has been designed to match the rest of the structures , there will also be a large swinging gate that from the road view , the structure except for it's top roof line , will be difficult to even realize its there . Thank you for your time . Christopher Moran ..

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.*

This does not apply to the variance I am applying for .

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.*

This is not a special privilege I'm requesting , I'm simply asking for 215 square feet more space to an already designed garage .

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.*

I would think that there is another property owner in the near of my property with similar conditions .

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 additional 215 square feet being requested is the minimum variance I need .

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

Of course - My intent is only to create Harmony for my entire neighborhood and all live close to me.

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.*

This will have no impact to the area or surrounding area , public health safety and the environment .

Certification*



By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application.



I acknowledge that I understand and have complied with all of the submittal requirements and procedures.

Applicant's First Name*

Christopher

Applicant's Last Name*

Moran

Today's Date*

10/7/2020

Upload Supplemental Materials

Choose File

No file selected

Upload 2

Choose File

No file selected

Upload 3

Choose File

No file selected

Upload 4

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Upload 5

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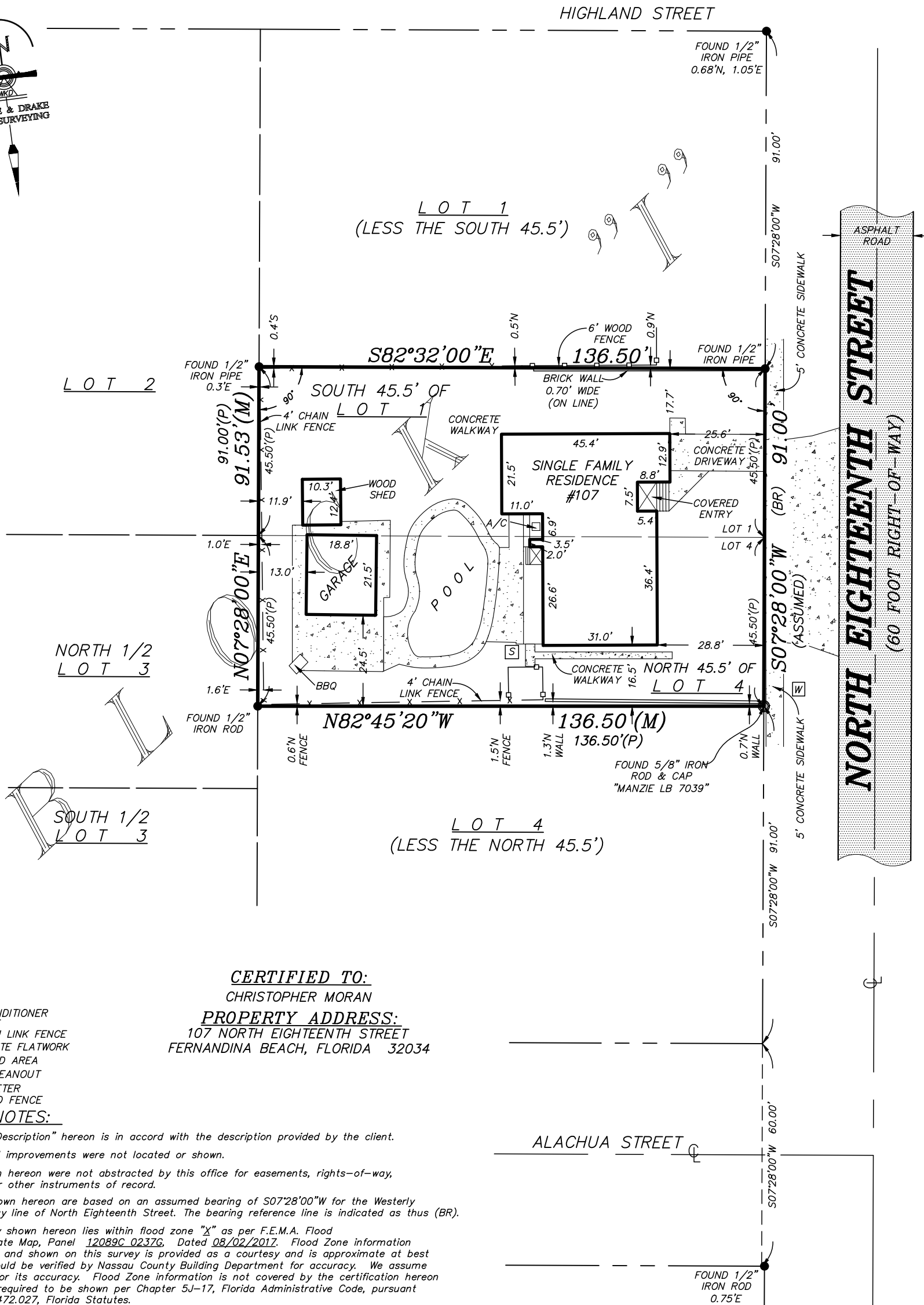
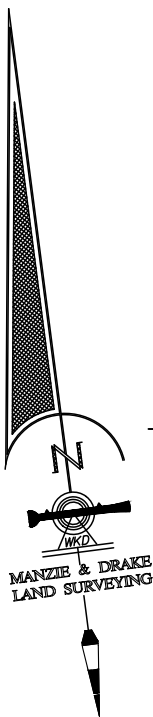


DEPARTMENT OF PLANNING & CONSERVATION

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

MAP OF BOUNDARY SURVEY THE SOUTH 45.5 FEET OF LOT 1, AND THE NORTH 45.5 FEET OF LOT 4, BLOCK I, ATLANTIC HIGHLANDS

ACCORDING TO THE PLAT THEREOF, AS RECORDED IN DEED BOOK 39,
PAGE 296, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.



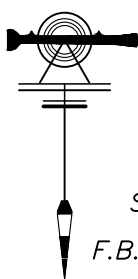
CERTIFIED TO:

CHRISTOPHER MORAN

PROPERTY ADDRESS:

107 NORTH EIGHTEENTH STREET
FERNANDINA BEACH, FLORIDA 32034

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."

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

SCALE: 1"=30' JOB NO: 20498 DATE: 04/03/2020 CADD: LM

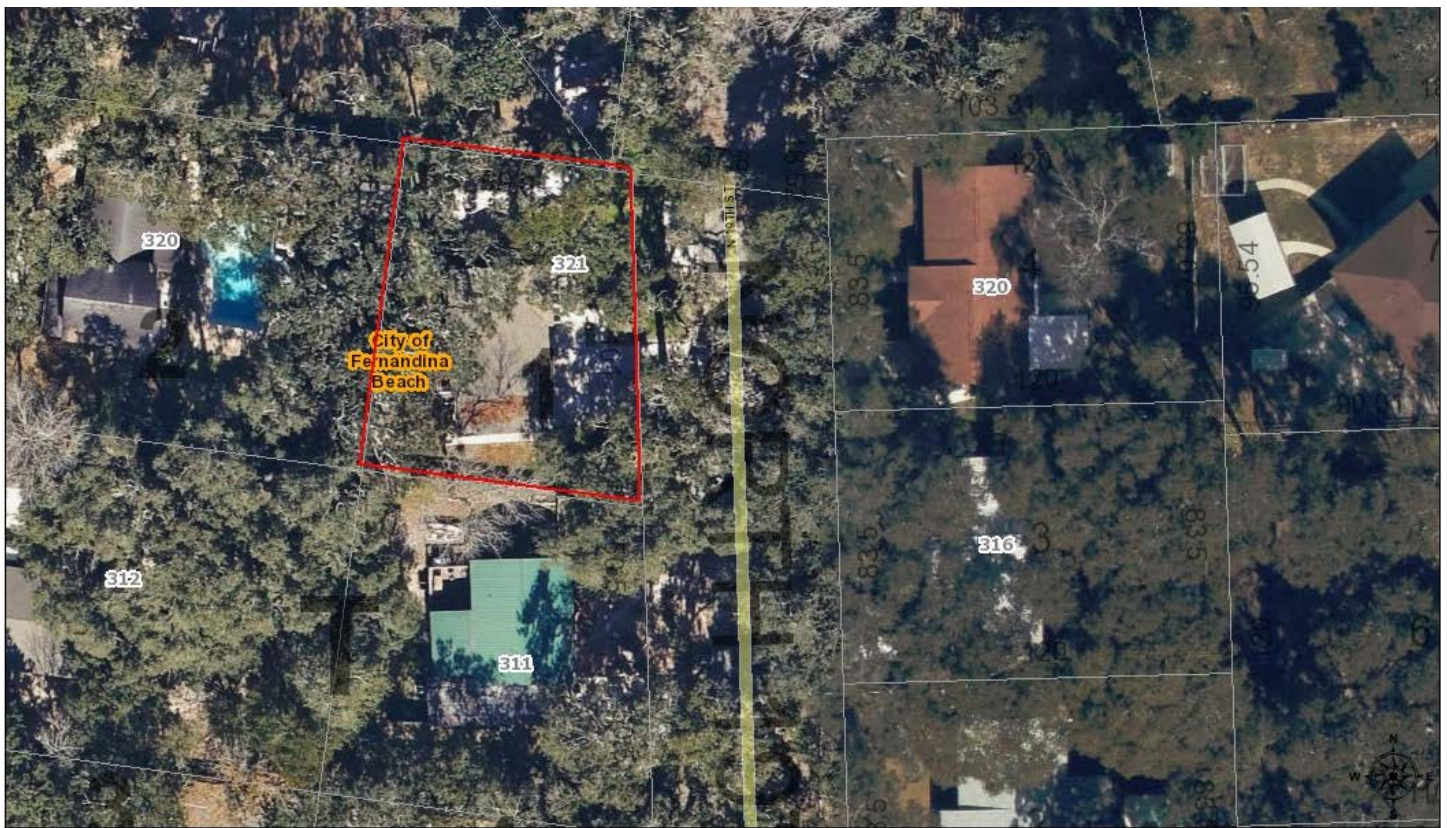
F.B. NO: X-326 PAGE NO: 10 FIELD CREW: GS FILE NO: A-4760



BOARD OF ADJUSTMENTS STAFF REPORT
BOA 2020-12
November 18, 2020

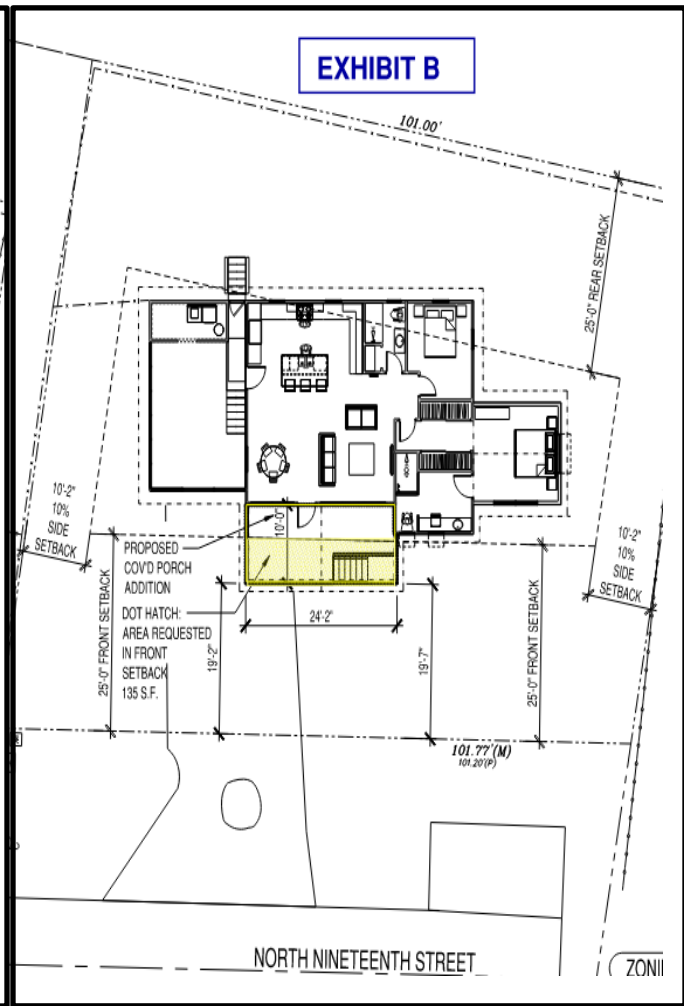
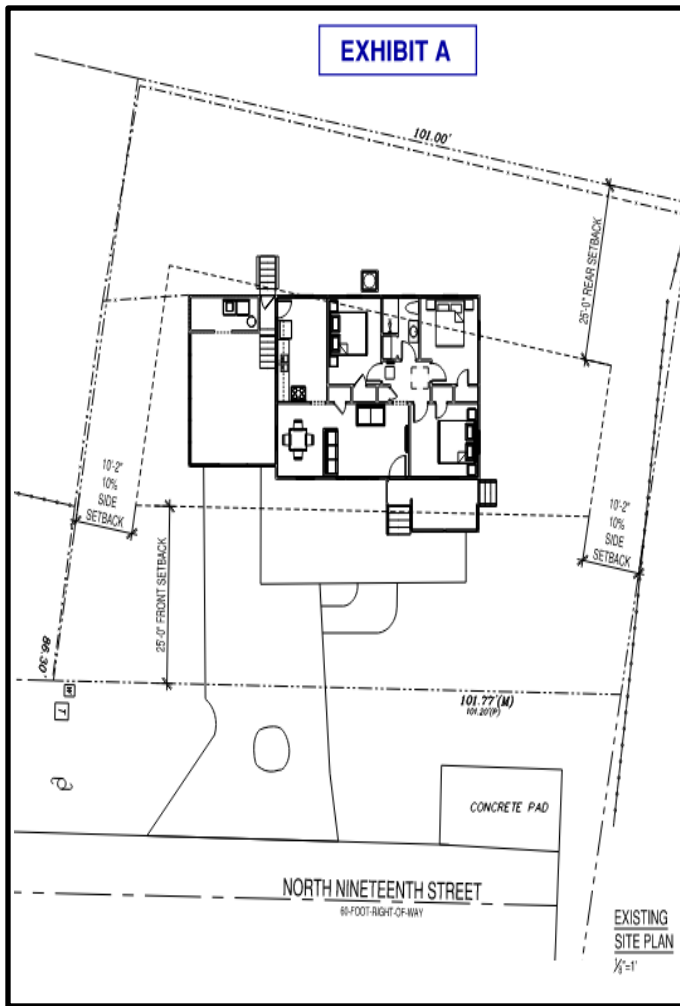
Owner/Applicant:	Mark and Dorie Chauncey
Property Address:	321 North 19 th Street
Parcel Number:	00-00-31-1060-000T-0010
Requested action:	VARIANCE from LDC Section 4.02.03 (E) Reduction in front yard setback
Current zoning:	R-1
FLUM land use category:	Low Density Residential
Existing uses on the site:	Single family house

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



SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The applicant is requesting a variance to reduce the 25' front yard setback requirement in the R-1 zoning district to allow for the construction of a covered porch extension. The proposed addition would reduce the 25' front yard setback to 19' 7".



APPLICABLE GUIDELINES:

CITY OF FERNANDINA BEACH LAND DEVELOPMENT CODE:

Staff's review of this application finds it is not subject to any of the limitations of Section 10.02.01 and can therefore be considered by the Board.

CITY OF FERNANDINA BEACH COMPREHNSIVE 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.

ANALYSIS:

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.

Criteria	Staff Analysis	Meets Criteria
<u>1. Special Conditions</u> <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i>	No. Special conditions or circumstances <u>do not exist</u> 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.	☐ Yes ☒ No
<u>2. Special Privilege</u> Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.	No. Granting the variance <u>does confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. The LDC does have an administrative tool for reducing front yard setbacks. However, where less than 50% of the "block face" is nonconforming, the Context Sensitive Review is not an available tool and the minimum front yard setback applies.	☐ Yes ☒ No
<u>3. Literal Interpretation</u> Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.	No. Literal interpretation of the provisions of the Land Development Code <u>would not deprive</u> the applicant of rights commonly enjoyed by other properties in the same zoning district because all R-1 zoned properties require a 25' front yard setback.	☐ Yes ☒ No
<u>4. Minimum Variance</u> The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.	Yes. The variance requested <u>is</u> the minimum variance needed to make possible the reasonable use of the land. LDC Section 4.02.03 (E) is the only variance requested.	☒ Yes ☐ No
<u>5. 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 Land Development Code and Comprehensive Plan. Granting of the variance will acknowledge private property rights and allow for a covered extension of the existing porch.	☒ Yes ☐ No

6. Public Interest Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.	Yes. Granting the variance <u>is compatible</u> with the surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, or welfare, or environment. The area of the extension currently has a large concrete pad and would not contribute additional impervious surface.	☒ Yes ☐ No
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STAFF RECOMMENDATION:

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	

Staff finds that the requested action, as presented, does not meet all 6 criteria, and as such, must recommend denial.

Staff recommends:

DENIAL of BOA 2020-12

MOTION TO CONSIDER

I move to **approve or deny** BOA case number 2020-12;

AND I move that the BOA make the following findings of fact and conclusions of law part of the record:

That BOA case 2020-12, item, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

LIST OF EXHIBITS:

- EXHIBIT A** Existing site plan
EXHIBIT B Proposed addition

Respectfully Submitted,



Daphne Forehand
Planner I

Print

Board of Adjustment (BOA) - Submission #6266

Date Submitted: 11/4/2020

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 \$1,000



Non-Residential properties \$2,500



Administrative Appeals \$500

2020 Submission and Deadline Calendar

BOA 2020 BOARD AND SUBMISSION DEADLINE CALENDAR



IMPORTANT NOTES

Application Requirements

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

Have you met with a planner for a pre-application meeting?*

No ☐

What was the date of your pre-application meeting?*

mm/dd/yyyy

If you have yet to have a pre-application meeting, please choose a date and time to schedule your meeting now. Every Tuesday is reserved for pre-application appointments.*

11/10/2020

09:30 AM

PROPERTY INFORMATION

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

Site Address*

321 N 19th St

City*

Fernandina Beach

State*

FLORIDA

Zip*

32034

Parcel ID #(s)*

00-00-31-1060-000T-0010

Zoning District*

R-1

Future Land Use Designation*

Low Density Residential

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Dorie Mark

Last Name*

Chauncey

Company (if applicable)

Mailing Address*

321 N 19th St

City*

Fernandina Beach

State*

FLORIDA

Zip*

32034

Telephone Number*

904-206-2784

E-mail Address*

chaunceys3@yahoo.com

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

Dorie Mark

Last Name

Chauncey

Company (if applicable)

Mailing Address

321 N 19th St

City

Fernandina Beach

State

FLORIDA

Zip

32034

Telephone Number

904-206-2784

E-mail Address

chaunceys3@yahoo.com

PROJECT INFORMATION

Variance Requested from LDC Section(s)*

Table 4.02.03(E). Standards for Building Heights and Setbacks

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

Request for a variance to build a covered porch addition six feet into the 25'™ front setback on the eastern side at 321 N. 19th St. We are requesting a variance to reduce the front setback to allow for a reasonable sized covered porch on the front of our home. This will allow us covered outdoor living space, which the home currently lacks. The lots in our neighborhood are all very big with beautiful oaks and plenty of room for the required 25ft front setbacks. However, our lot is at the end of a deadend street, and because of the angle of the road, our property is much smaller than the other lots on our street. Due to the awkward shape of our lot, our home was originally built in a location that does not comply with current setback requirements. There is very little privacy in the back of the house to add a proper porch. Even if we were to add a 6 foot fence along the back of the property we would not be able to maintain privacy due to the height and location of the neighboring house and pool. The small porch that we currently have on the front of the house is where we spend most of our time outdoors. There is great daylight in the front. And we would not need to take out a single tree. This existing structure is about 4 feet over the legal setback requirement. We are requesting an increase to 10 foot porch, the minimum depth and variance we feel would be worthwhile for the deck area to be worthwhile to use, which will only pass over the setback by about 6 feet. Because we are at a dead end we have almost no traffic except people who are lost and turning around. There is no need to maintain views for safety, vehicle considerations, or viewlines for neighbors. With respect to the other homes on the street our intention is to add a beautiful yet modest space that will not disrupt the feel of our quaint little neighborhood but blend in perfect with the existing architecture and give us an outdoor space that we can enjoy for years to come.

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.*

The lots in our neighborhood are all very big with beautiful oaks and plenty of room for the required 25ft front setbacks. However, our lot is at the end of a deadend street, and because of the angle of the road, our property is much smaller than the other lots on our street. Due to the awkward and reduced shape of our lot compared to our neighbors our home was originally built in a location that does not comply with current setback requirements.

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.*

This request is not a special privilege because the home was built at a time when set backs were not enforced around 1955â€¦Most of the homes on this street are modeled after each other with similar lot size and structure locations. Our lot is completely different than the others on the street. The location of the structure is going to be unique because of our lot size and shape.

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.*

Properties in our same zoning district have adequate set back restrictions based off of their large, uniformed lots.

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

Because the home was build before set back restrictions we are already 4 ft over that limit. We are requesting 6 ft over the current required setback to provide a reasonable entry with usable covered sitting porch. Our current set back requires us to have 25ft from the front of the house to the street.

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 property sits at the dead end of the road and will not stand out or compete with surrounding structures.

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 area of addition currently has a large concrete pad which we will build over so there will be no injury to the area and there is almost no traffic because we are the last house at the dead end of the street.

Upload Supplemental Materials

v lot lines.jpg

Upload 2

v back 1.jpg

Upload 3

v back 2.jpg

Upload 4

v front1.jpg

Upload 5

v front2.jpg

Upload 6

v street 1.jpg

Upload 7

v street 2.jpg

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*

Dorie

Applicant's Last Name*

Chauncey

Today's Date*

11/4/2020



DEPARTMENT OF PLANNING & CONSERVATION

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

MAP OF BOUNDARY SURVEY THE NORTHERLY 101.0' FEET OF LOT ONE, BLOCK "T", ATLANTIC HIGHLANDS

AS RECORDED IN DEED BOOK 39, PAGE 296 OF THE
PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

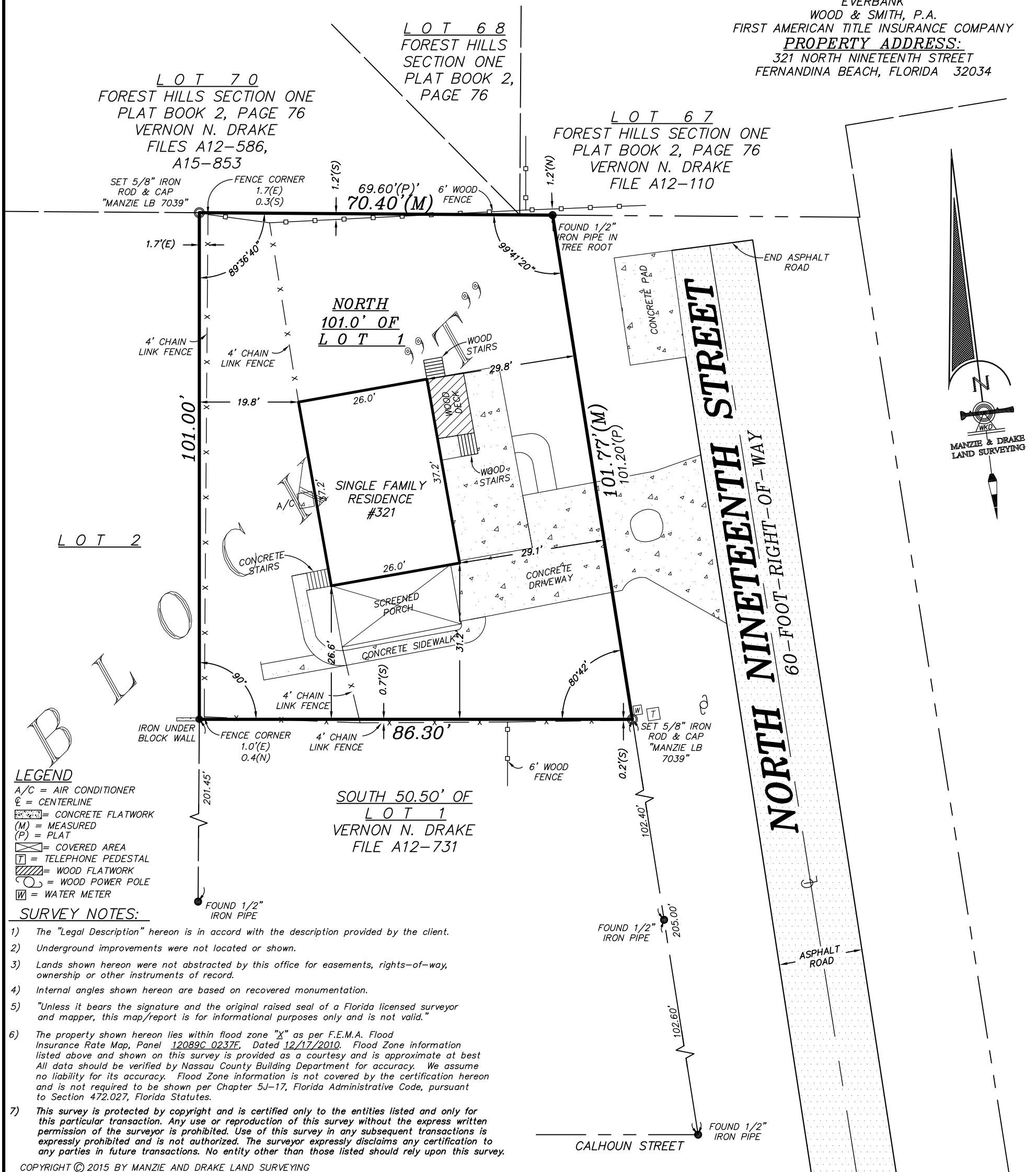
CERTIFIED TO:

MARK R. CHAUNCEY & DORIE M. CHAUNCEY
EVERBANK
WOOD & SMITH, P.A.

FIRST AMERICAN TITLE INSURANCE COMPANY

PROPERTY ADDRESS:

321 NORTH NINETEENTH STREET
FERNANDINA BEACH, FLORIDA 32034



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

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

MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034

(904) 491-5700 FAX (904) 491-5777

Certificate of Authorization Number "LB 7039"

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

SCALE: 1"=20' JOB NO: 19300 DATE: 08/19/15 CADD: BH

F.B. NO: X-285 PAGE NO: 26 FIELD CREW: CB FILE NO: A-3899