



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
JANUARY 20, 2021
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 December 16, 2020 Workshop Meeting.
 - 3.2 Approval of Minutes for the December 16, 2020 Regular Meeting.
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - 5.1 **BOA 2020-0005 - MATTHEW MILLER 416 FIR 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 2020-0014 - RENEE VILA 2020 SADLER ROAD**
Request for Variance from LDC Section 5.03.09 to install a sign that exceeds the maximum 8' requirement. (*Quasi-Judicial*)
- 6. BOARD BUSINESS**
- 7. STAFF REPORT**
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR WEDNESDAY FEBRUARY 17, 2021

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 January 20, 2021 and will be called upon by their individual registered Zoom Meeting ID Account

or by the last-4 digits of their respective phone number. When called upon, please provide your name and home address prior to issuance of public comment. Please limit comment to 3 minutes.

Please click the link below to join the webinar:

<https://zoom.us/j/99152509330>

Or iPhone one-tap :

US: +16465588656,,99152509330# or +13017158592,,99152509330#

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: 991 5250 9330

International numbers available: <https://zoom.us/j/99152509330>

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
WORKSHOP
DECEMBER 16, 2020
4:00 PM**

1. CALL TO ORDER / ROLL CALL 4:04

MEMBER PRESENT:

Matthew Miller (Chair)	Steven Papke (V-Chair)
Barry Hertslet	Geoffrey Grant
Chuck Oliva (Alt 1)	Bill Skulmis (Atl 2)

MEMBERS ABSENT:

Mark Gleason

OTHERS PRESENT:

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

2. Quasi-Judicial Rules and Procedures

Ms. Bach reviewed a PowerPoint presentation on Quasi-Judicial Hearings. She also discussed the examples of and rules regarding Administrative Appeals. Definitions of key terms including Competent Substantial Evidence, Affected Party, and Ex-Parte Communication.

Chair Miller spoke about the Board being in place to make reasonable decisions based on information presented.

3. ADJOURNMENT 5:03

Taylor Hartmann, Recording Secretary

Matthew Miller, Chair



**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING
DECEMBER 16, 2020**

1. CALL TO ORDER 5:04

ROLL CALL / DETERMINATION OF QUORUM

MEMBER PRESENT:

Barry Hertslet
Geoffrey Grant
Steven Papke (V-Chair)
Matthew Miller (Chair)
Bill Skulmis (Alt)
Chuck Oliva (Alt)

MEMBERS ABSENT:

Mark Gleason

OTHERS PRESENT:

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

Chair Miller seated Member Oliva as a voting member.

No members disclosed any ex parte communications.

City Attorney Bach explained the quasi-judicial procedures.

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

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes for the October 21, 2020 Regular Meeting.

ACTION TAKEN: A motion was made by Member Papke, seconded by Member Grant for approval of October 21, 2020 Minutes as amended.

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

3.2 Approval of Minutes for the November 18, 2020 Regular Meeting.

Member Grant noted that he voted nay on BOA 2020-0011 and Member.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Papke to approve the Minutes with the noted amendment.

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

4. OLD BUSINESS

5. NEW BUSINESS

5.1 BOA 2020-0012 - MARK & DORIE CHAUNCEY, 321 N. 19TH STEET

Request for Variance from LDC Section 4.02.03(E) to reduce front yard setback.

Ms. Forehand presented the case and staff recommended denial because it is inconsistent with the Special Privilege and Literal Interpretations criteria for granting a variance.

Member Grant inquired as to whether the current home preexisted the current code. Ms. Chauncey confirmed that it did.

Dorie Chauncey, 321 N. 19th Street, spoke to the reasons for requesting a variance. She also indicated that the house is on a dead end.

Member Grant asked about the current use of the porch area in question.

Public forum was opened and then closed with no comments being made.

Member Papke stated that this was not an obtuse request and pointed out the lack of neighbors.

ACTION TAKEN: A motion was made by Member Grant and seconded by Member Papke to approve BOA 2020-0012 without conditions; AND moved that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-0012, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2020-0012 meets following criteria for granting a variance: special conditions, special privilege, literal interpretation, minimum variance, general harmony, and public interest.

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

5.2 BOA 2020-0013 - MIRANDA ARCHITECT, AGENT FOR MICHAEL & MELISSA BELL, 101 N. 7TH STREET

Request for Variance from LDC section 4.02.03 (E) to reduce rear yard setback. (*Quasi-Judicial*)

Ms. Forehand presented the case and staff recommended denial because it is inconsistent with the Special Privilege and Special Conditions criteria for granting a variance.

Member Grant questioned the location of the garage with respect to property lines.

Member Hertslet inquired how the current building permit would be affected with a pending variance. It was confirmed that construction was on pause until determination of a variance request was resolved.

Jose Miranda, 311 ½ Center St, spoke about the lot depth and reasons for requesting a variance. He also confirmed that this property is not in the historic district.

Member Grant asked about any future tree removal.

Mike Bell, 96071 Park Place, spoke about the reasons for a variance request.

Member Hertslet questioned the size of the concrete pad that is currently there. Mr. Miranda confirmed that it is in fact an 8-foot pad.

Public forum opened and then closed with no comments being made.

Member Papke pointed out the changes in elevation on the property.

Melissa Bell, 96071 Park Place, spoke about the decision to buy this property and the reasons for a variance request.

Mr. Miranda discussed the design process, working with a uniquely shaped lot, and visualization of spaces and perception of distances.

Member Papke spoke about the size of surrounding lots being larger than this one and not having the same limitations.

Member Grant asked about which portions of the outdoor living areas are covered.

ACTION TAKEN: A motion was made by Member Papke and seconded by Member Hertslet to approve BOA 2020-0013 without conditions; AND moved that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-0013, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2020-0013 meets following criteria for granting a variance: special conditions, special privilege, literal interpretation, minimum variance, general harmony, and public interest.

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

6. BOARD BUSINESS

There was no board business to discuss.

7. STAFF REPORT

8. PUBLIC COMMENT

No comments from the public were made.

9. ADJOURNMENT: 6:15

Taylor Hartmann, Recording Secretary

Matthew Miller, Chair



BOARD OF ADJUSTMENTS STAFF REPORT
BOA 2020-05
JANUARY 20, 2021

Owner/Applicant:	Matthew Miller
Property Address:	416 Fir Street
Parcel Number:	00-00-31-1800-0287-0140
Requested action:	VARIANCE from LDC Section 5.01.03 (J)
Current zoning:	R-2
FLUM land use category:	Medium Density Residential
Existing uses on the site:	Single family home

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

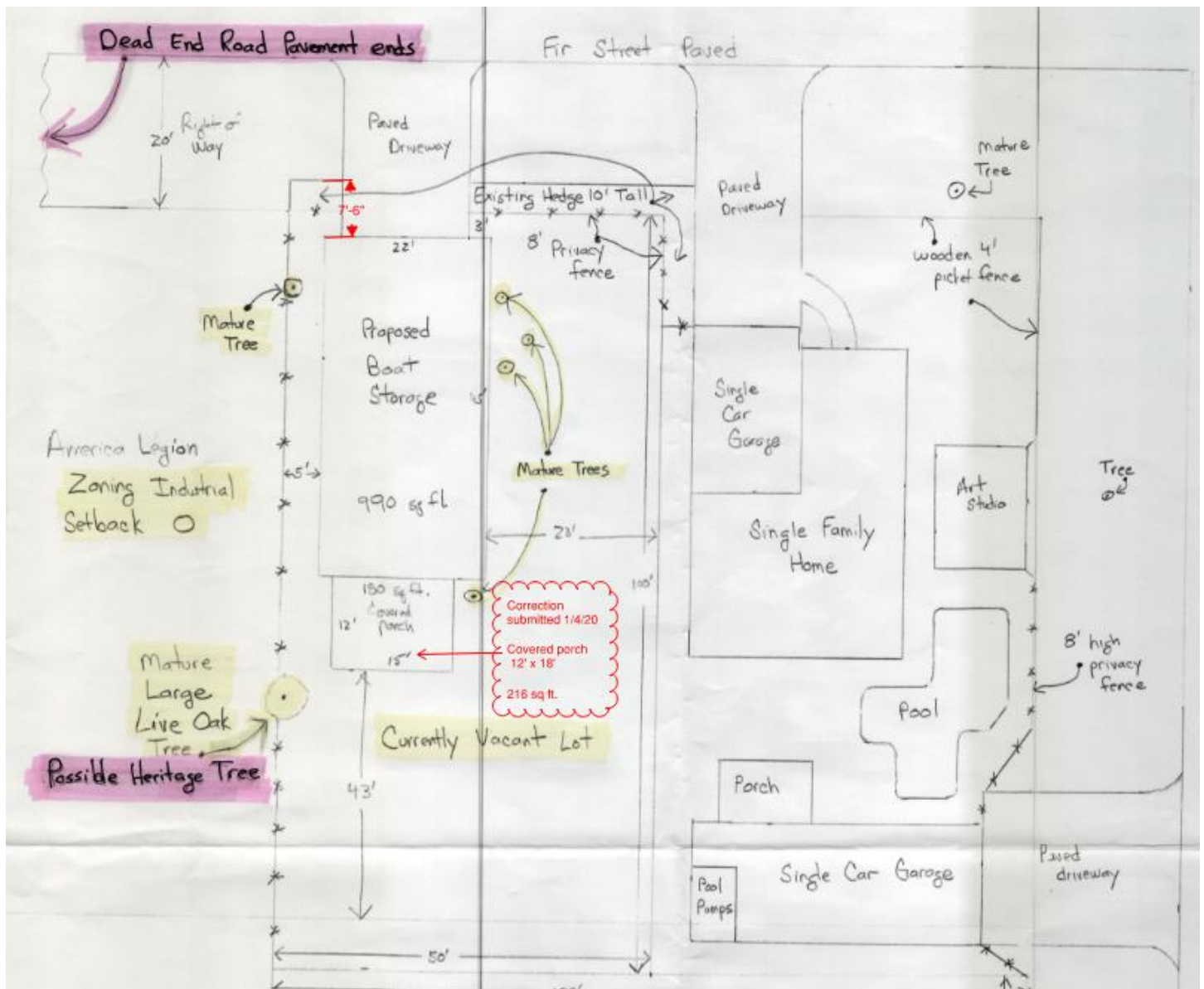


SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The requested variance application is to increase the 625ft² maximum building footprint requirement for detached accessory structures. The applicant's proposed structure would be used for boat storage and totals 1,206ft² with 216ft² of that being covered porch. The accessory structure will meet all other requirements of the LDC and would not exceed the required 60% maximum impervious surface ratio for the lot.

The applicant acquired this property in 2012, (at which time, it was zoned I-1 Industrial) and sought to place fencing and storage structures on the property as consistent with the I-1 zoning district. The property underwent the rezoning process in 2013 to correct an inconsistency on the zoning map. This correction served to make the zoning consistent with its underlying land use of residential. Staff ultimately determined that the underlying FLU designation was accurate. At that time, a zoning category of R-2 was assigned, thus a variance is being requested to increase the square footage requirement for accessory structures in residentially zoned properties.

PROPOSED SITEPLAN:



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 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.

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> Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.	Yes. Special conditions or circumstances <u>do 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. Although all R-2 zoned properties must adhere to the 625ft ² maximum building footprint, special conditions exist as it relates to the land. This property was acquired under I-1 Industrial zoning with the intent of constructing storage structures consistent with I-1 requirements. The property was subsequently rezoned and assigned a zoning category of R-2 Medium Density Residential. These conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.	☒ 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 R-2 zoned properties including R-2 properties in this neighborhood 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. All properties within the R-2 zoning district require the same maximum accessory structure footprint 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.	Yes. The variance requested <u>is</u> the minimum variance needed to make possible the reasonable use of the land, structure, or building. The proposed structure will provide needed storage space for the applicant and in addition, act as a barrier to the adjacent I-1 industrially zoned property with 0 setbacks.	☒ Yes ☐ No

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. Granting the variance <u>will be in harmony</u> with the general intent and purpose of Land Development Code and Comprehensive Plan because approval of a variance will preserve private property rights.	☒ 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 proposed accessory structure would not exceed the 60% allowable impervious surface ratio. Although the building footprint was drawn to minimize impact on existing trees, staff must note that a topographic survey was not submitted as a part of this application.	☒ 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 2020-05

MOTION TO CONSIDER

I move to **approve or deny** BOA case number 2020-05;

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

That BOA case 2020-05, item, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

Respectfully Submitted,



Daphne Forehand
Planner I

BOA2020- 00 05

REC'D: 3/13/2020 BY: 8

INVOICE #: 7138

PAYMENT: 850 TYPE: MO/609615

BOARD MEETING DATE:

For May Meeting



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name:

Matthew Miller

Mailing Address:

416 Fir Street Fernandina Beach, FLA 32034

Telephone:

912-270-5826

Fax:

Email:

islandplumber@hotmail.com

Agent Name:

Mailing Address:

Telephone:

Fax:

Email:

PROPERTY INFORMATION

Street Address:

416 Fir Street

Parcel Identification Number(s):

410 Fir Street

Lot Number:

15

Block Number:

287

PROJECT INFORMATION

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

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

Construct accessory structure for boat storage

In order for an application for a variance to be approved or approved with conditions, the BOA or the HDC must make a positive finding with regard to each of the provisions below. The applicant has the burden of proof of demonstrating that the application for a variance complies with each of the requirements. Please explain in detail how your case meets the following requirements:

1. Special Conditions: Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.

Adjoining property currently zoned industrial with 0 setback.
Property purchased with industrial zoning and rezoned by city. Building was approved by TRC with the addition of a handicap bathroom prior to rezoning.

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 property was purchased after many meetings with city staff who approved plans to do industrial zoning. Intentions for boat storage were widely known and property would not have been acquired if not zoned industrial and buildout approved by former city staff.

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.

There are many storage buildings in this area constructed on R-2 lots with or without permitting. The house view in front of this is abandoned and neglected. It often houses a transient population. This building would provide additional security for residence.

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 size and layout is designed to buffer our property against the adjoining Industrial zoning with "0" setback and to avoid disturbing any trees. One tree we are attempting to get a heritage tree label.

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

From this property you can see three storage buildings in adjoining properties. With three vacant lots we would be eligible to build out more heavily. Keeping the trees and the property less dense is a plus for all and less pressure on neighborhood. Three R-2 lots could mean 6 units and possibly 12 additional cars. This plan moves boat from driveway storage area to interior storage out of street view.

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 is a deadend road. Project to be built and landscaped to match house. Access will be very limited - only to get boat in and out. There is only one house past my driveway. The house directly in front of this parcel is abandoned and neglected.

☐ If your property is located within the Historic Districts or the Community Redevelopment Area, please fill out responses to the supplemental variance criteria, attached as Appendix A, on a separate sheet of paper.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

3/12/20
Date

3/19/20 Math Huh
Signature of Applicant

STATE OF FLORIDA

COUNTY OF NASSAU

ss }

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization on 12 day

of March, 2020, by Alexandra Nicole Cohen.



Alexandra Nicole Cohen
Notary Public

Alexandra Nicole Cohen
Printed Name

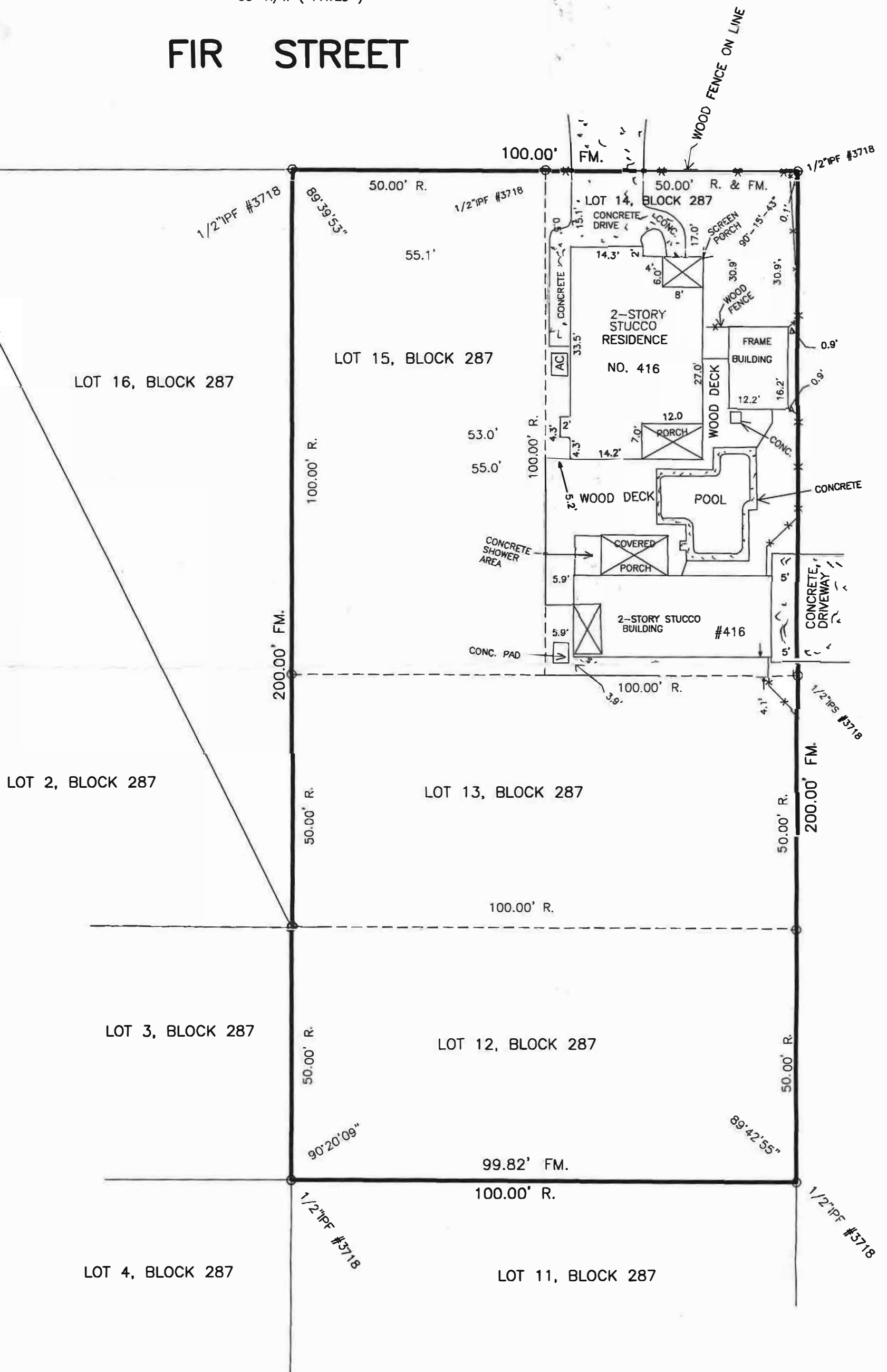
2-27-2022
My Commission Expires

Personally Known ☒ OR Produced Identification ☐ ID Produced: ☐

Synopsis letter
410 Fir Street

Variance to construct a boat storage accessory structure adjacent to single family home on a 4 parcel track on a deadend Road. Construction provides storage to move boat out of street view in driveway while making a buffer between single family home and Industrial zoning with current 0 setbacks. Structure designed to match house and heavily landscaped with irrigation. Land purchased with industrial zoning specifically for purpose of boat storage and with city approval for such prior to purchase.

FIR STREET



COASTAL LAND SURVEY

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 CHAPTER 180-7, GEORGIA STATUTES.

LICENSED BUSINESS NO.



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE _____
(print name of property owner(s))

hereby authorize: _____
(print name of agent)

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

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

(Signature of owner)

(Signature of owner)

(Print name of owner)

(Print name of owner)

STATE OF FLORIDA
COUNTY OF NASSAU }
ss

Sworn to (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this _____ day
of _____, 20_____, by _____.

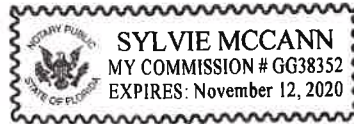
Notary Public

Printed Name

My Commission Expires

Personally Known _____ OR Produced Identification _____ ID Produced: _____

STATE OF FLORIDA }
COUNTY OF NASSAU } ss



Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 19th day of March, 20 20, by Matt Miller.

Sylvie McCann
Notary Public

SYLVIE MCCANN
Printed Name

11/12/20
My Commission Expires

Personally Known ☒ OR Produced Identification ☐ ID Produced: _____

Description of Attached Document

Title & Type : Application for a Variance

Document Date: 3/19/2020, 20 _____ Number of Pages: 2



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



1

EXHIBIT A:

EXISTING 165 SqFt



PROPOSED 48.5 SqFt



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.

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
1. Special Conditions <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. The existing vegetation can be maintained in compliance with the City's tree protection requirements, allowing for greater visibility.	☐ Yes ☒ No

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.	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 C-2 zoned properties must comply with the 8' requirement for new signs. The City's code recognizes existing nonconforming signs but states that upon change of business, business ownership or business name, use shall immediately terminate.	☐ Yes ☒ No
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.	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. Again, all C-2 zoned properties must adhere to the 8' requirement for new signs.	☐ Yes ☒ No
4. Minimum Variance 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 <u>is not</u> the minimum variance needed to make possible the reasonable use of the land. The proposed sign would create a nonconformity and visibility could be attained through maintenance of existing vegetation.	☐ Yes ☒ No
5. General Harmony Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.	No. Granting the variance <u>will not be in harmony</u> with the general intent and purpose of Land Development Code and Comprehensive Plan. The LDC prohibits the re-establishment of nonconforming signs unless the sign is damaged after catastrophe to such an extent that the cost of repair and reconstruction exceeds fifty (50%).	☐ 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 proposed sign is compatible with surrounding businesses and would allow for the vegetation to remain as is.	☒ 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 2020-14

MOTION TO CONSIDER

I move to **approve or deny** BOA case number 2020-14;

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

That BOA case 2020-14, 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

Respectfully Submitted,



**Daphne Forehand
Planner I**

Print

Board of Adjustment (BOA) - Submission #6387

Date Submitted: 12/1/2020

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?*

Yes ☐

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

11/3/2020

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.*

mm/dd/yyyy

hh:mm am/pm

PROPERTY INFORMATION

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

Site Address*

2020 Sadler Road

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

29-3N-28-0000-0004-0050

Zoning District*

C-2

Future Land Use Designation*

General Commercial

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Corey

Last Name*

Johnson

Company (if applicable)

Kemp Ridge Holding LLC (Circle K)

Mailing Address*

PO Box 52085

City*

Phoenix

State*

AZ

Zip*

85072

Telephone Number*

865-500-5875

E-mail Address*

cjohnson@pattisonsign.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

Renee

Last Name

Vila

Company (if applicable)

Dalton Signs Inc

Mailing Address

PO Box 1260

City

Kingsland

State

GA

Zip

31548

Telephone Number

912-576-5858

E-mail Address

renee@daltonsigns.com

PROJECT INFORMATION

Variance Requested from LDC Section(s)*

Section 5.03.09 - Permissible Permanent On-Site Signs

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

Request to allow (1) freestanding sign in place of the the existing sign that is 15' overall in height. Existing sign on premises is 25' overall in height.

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 property is at a major intersection with natural vegetation surrounding the intersection. If an 8' sign was in place, the sign would not be visible at any point of the intersection.

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.*

No special privilege will be given if variance request approved, as the site currently has a 25' sign on the premises that does not interfere with any land, structures, or buildings. The proposed sign will be smaller in square footage as well as height but will simply exceed to 8' OAH allowance.

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.*

With allowance of this variance request, would provide the same rights as to businesses of the same zoning located on the same road. Walgreens has a sign that exceeds 8' as well as Sadler Square and other businesses.

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

Allowance of (1) freestanding sign 15' in height.

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

Granting the variance will be in harmony with the general intent and purpose of the Land Development Code as allowing this sign will leave the current natural vegetation in place but also provide visibility to the sign.

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.*

No injury to the area involved will happen with variance allowance, nor will there be any infraction towards public health, safety, welfare or environment.

Upload Supplemental Materials

2745063 Fernandina Beach FL-R2.pdf

Upload 2

Boundary Survey.pdf

Upload 3

Vegetation and Visibility.pdf

Upload 4

Proposed Signage.JPG

Upload 5

Signs of Other Businesses.pdf

Upload 6

Proposed Signage.JPG

Upload 7

Existing Sign.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*

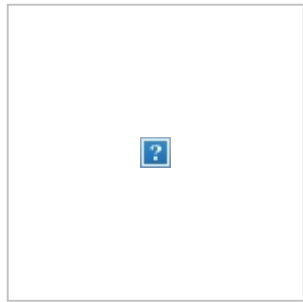
Renee

Applicant's Last Name*

Vila

Today's Date*

12/1/2020



MAP OF BOUNDARY SURVEY
A PORTION OF GOVERNMENT LOT 5, SECTION 29,
TOWNSHIP 3 NORTH, RANGE 28 EAST, NASSAU
COUNTY, FLORIDA, BEING THE LANDS DESCRIBED
AS "PARCEL A" IN OFFICIAL RECORDS BOOK
1722, PAGES 567 THROUGH 569 OF THE PUBLIC
RECORDS OF NASSAU COUNTY, FLORIDA.

SADLER ROAD
(100-FOOT RIGHT-OF-WAY)

SUSAN DRIVE
(60-FOOT RIGHT-OF-WAY)

BUILDING RESTRICTION LINE (B.R.L.) NOTE:
BUILDING RESTRICTION LINES LISTED BELOW ARE PER THE CITY OF
FERNANDINA BEACH LAND DEVELOPMENT CODE, CHAPTER 4, TABLE
4.0203(E) FOR PROPERTIES ZONED C-2 (ADOPTED ON SEPTEMBER
05, 2006)

BUILDING RESTRICTION LINE (BRL) / SET BACK LINE INFORMATION
SHOWN HEREON IS BASED ON THE MOST CURRENT INFORMATION
AVAILABLE FROM THE APPLICABLE LOCAL GOVERNING AGENCY THERE
MAY BE MORE RESTRICTIVE BUILDING RESTRICTIONS AND SET BACKS
THAN NOTED DEPENDING ON PROPOSED DESIGN. WHOMEVER RELIES
ON THIS INFORMATION SHOULD CONFIRM DESIGN INTENT WITH THE
LOCAL GOVERNING AGENCY.

MAXIMUM HEIGHT = 45-FEET
FRONT SETBACK = NONE
SIDE SETBACK = NONE
REAR SETBACK = NONE
SIDE ABUTTING STREET = NONE
MINIMUM LOT WIDTH = 50-FEET
MAX IMPERVIOUS RATIO = 60%
MAX FLOOR AREA RATIO = 1.50%

LEGEND
—OH— = OVERHEAD UTILITY WIRES
—H— = TRAFFIC SIGNAL HANDHOLE
—C— = CONCRETE FLATWORK
—TS— = TRAFFIC SIGNAL BOX
—TSOB = TRAFFIC SIGNAL CONTROL BOX
—S— = LIGHT POLE
—S— = COVERED AREA
—S— = SEWER CLEANOUT
—S— = WATER METER
—S— = 6" WOOD FENCE
—S— = WOOD POWER POLE
—S— = UNDERGROUND GAS TANK ACCESS LID
—S— = CENTERLINE
A/C = AIR CONDITIONER
B.R.L. = BUILDING RESTRICTION LINE
(B.R.) = BEARING REFERENCE
O.R.B. = OFFICIAL RECORDS BOOK
P.L.N. = PARCEL IDENTIFICATION NUMBER
(D) = DEED
(M) = MEASURED
(M) = MAXIMUM

SURVEY NOTES:

- 1) The "Legal Description" hereon is in accord with the description provided by the client
- 2) Underground improvements were not located or shown.
- 3) Lots shown hereon were not obstructed by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Bearings shown hereon are based on N85°10'45"E for the southerly right-of-way line of Sadler Road. The bearing reference line is indicated as thus (BR).
- 5) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel "12089C 0239 G." Dated "08/02/2012". 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.

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD DISTANCE
C1 (M)	55.04'	35.00'	90°06'21"	S49°41'53"E	49.54'
C1 (D)	54.98'	35.00'	90°00'00"	S49°49'15"E	49.50'

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.

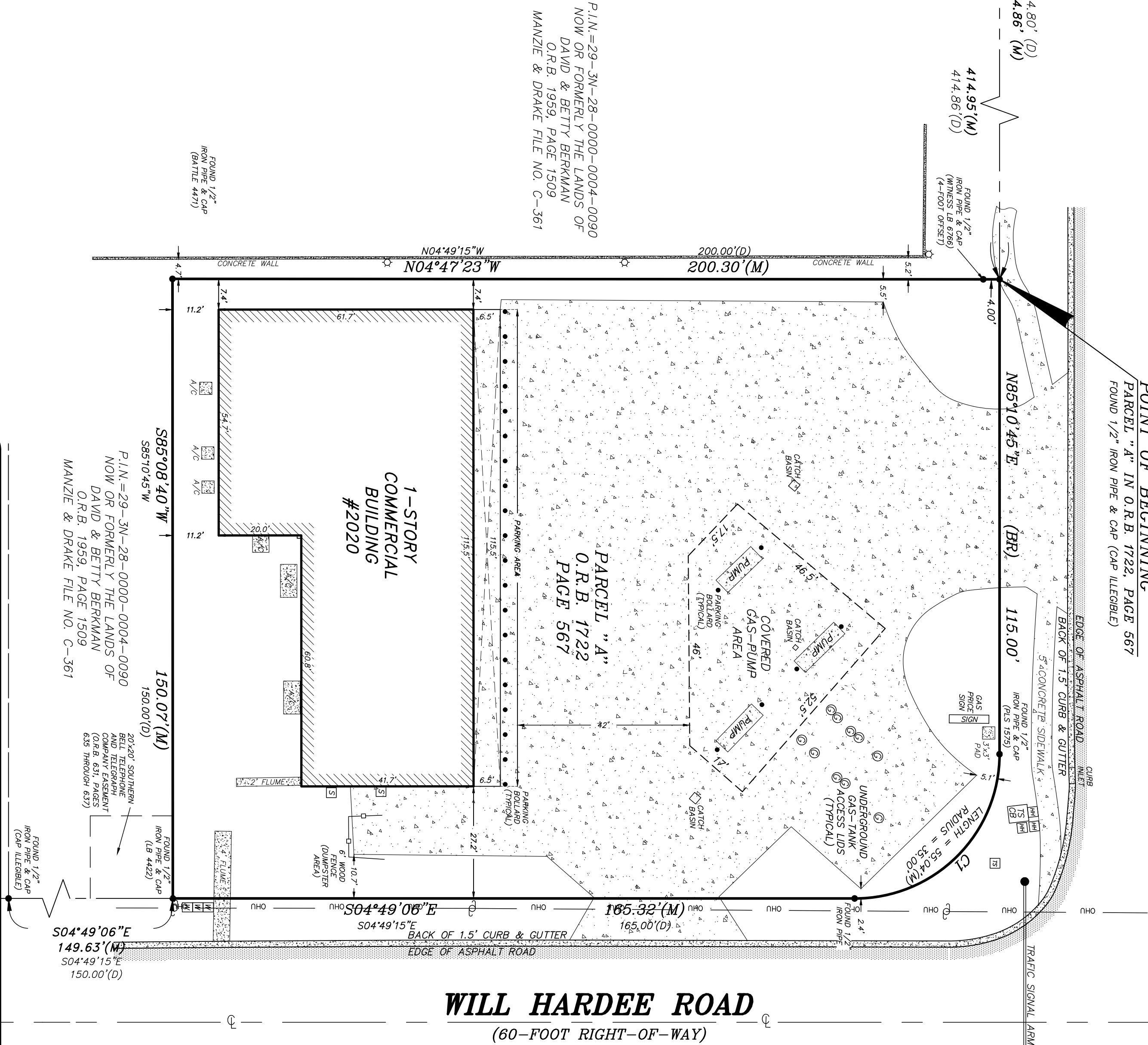
MANZIE & DRAKE LAND SURVEYING

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"=20' JOB NO: 21094 DATE: 11/20/2020 CADD: WKD
F.B. NO: X-349 PAGE NO: 14 FIELD CREW: JM FILE NO: B-1518



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

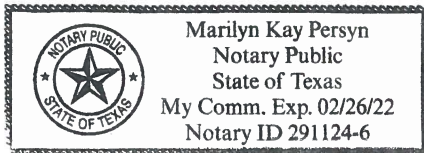
SIGNATURE: _____

NAME: James W. Hollis Jr., Secretary

STATE OF TEXAS
COUNTY OF BEXAR

I HEREBY CERTIFY that on this day, personally appeared before me, by means of ☒ physical presence or ☐ online notarization, James W. Hollis Jr., Secretary, 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 January, 2021.



Marilyn Kay Persyn
Notary Public, State of Texas

PROPERTY OWNER'S AGENT

SIGNATURE: _____
NAME: _____

STATE OF FLORIDA
COUNTY OF NASSAU

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

Witness my hand and official seal, this _____ day of _____, 2021.

Notary Public, State of Florida