



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
MARCH 17, 2021
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 of the BOA Regular Meeting of January 20, 2021.
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - 5.1 **BOA 2021-0002 - JOHN GREEVES, 1906 1ST AVE** - Variance requests from LDC Section 5.01.04 (A1 & A3) to have a structure that is larger than the 625 sf maximum and located in a place other than the rear yard. (*Quasi-Judicial*)
- 6. BOARD BUSINESS**
- 7. STAFF REPORT**
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR APRIL 21, 2021

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
JANUARY 20, 2021**

1. CALL TO ORDER 5:04

ROLL CALL / DETERMINATION OF QUORUM

MEMBER PRESENT:

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

MEMBERS ABSENT:

Mark Gleason	Matthew Miller (Chair)
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OTHERS PRESENT:

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

Vice-chair Papke seated Member Oliva and Member Skulmis as voting members.

No members disclosed any ex parte communications and 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 December 16, 2020 Workshop Meeting.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Grant for approval of December 16, 2020 Minutes as presented.

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

3.2 Approval of Minutes for the December 16, 2020 Regular Meeting.

Member Grant noted that he voted nay, and Member Oliva voted aye on case BOA 2020-0011.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Skulmis for approval of December 16, 2020 Minutes as amended.

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

4. **OLD BUSINESS**

There was no Old Business to be discussed.

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*)

Ms. Forehand presented the case and recommended denial of granting the variance because of inconsistency with the Special Privilege and Literal Interpretations criteria.

Member Grant inquired about circumstances and qualifications for Special Conditions.

Member Skulmis verified that there was a record of the owners' original plans for the property.

Member Grant asked for minimum variance requirements clarification to which Ms. Forehand reviewed those requirements. Member Grant also inquired about LDC rules as they applied to the current request.

Matthew Miller, 416 Fir Street, owner, gave a brief history of his acquisition of the 4 underlying lots of record as well as its various zoning classifications.

Member Grant questioned the 8-foot-high fence that is currently in place along with the accessory structures on the property.

Public Hearing was opened.

David Waldo, 728 S. 6th Street, stated that he did not have any objections to the variance being requested.

Josh Baker, 515 First Street, voiced that he did not have any objections to the variance being requested.

Bruce Palmer, 2162 White Sands Way, explained that he did not have any objections to the variance being requested.

Mary Fritsche (Daughter) speaking virtually as POA for Mary Fritsche (Mother), 401 Fir Street, stated that her mother did not have any objections to the variance being requested.

Public Hearing was closed.

Board Discussion was opened.

Members agreed that they must be sensitive to the original plans, intent, and zoning of the property.

Member Grant asked if a residential unit could be built in I-2 zoning. Ms. Forehand indicated that she believed it was permissible under the LDC.

Mr. Miller, owner, spoke about the history of the building and permitting process.

ACTION TAKEN: A motion was made by Member Skulmis and seconded by Member Oliva to approve BOA 2020-0005 without conditions; AND moved that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-0005, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2020-0005 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 and being as follows:

Member Papke	Aye
Member Hertslet	Aye
Member Oliva	Aye
Member Grant	Nay
Member Skulmis	Aye

Motion carried.

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*)

Ms. Forehand presented the case and recommended denial of granting the variance because of its inconsistency 5 of the 6 criteria, being Special Conditions, Special Privilege, Literal Interpretations, Minimum Variance, and General Harmony criteria.

Member Hertslet inquired about sign height and square footage as well as placement options.

Member Oliva clarified the non-conforming history of the current sign in place and Member Skulmis asked about other businesses coming into conformity in the same area.

Public Hearing was opened.

Member Grant stated that this was an opportunity to bring a non-conformity into code.

Rene Villa, 610 N. Lee Street, St. Mary's, GA, agent for the owner, indicated that there is a power box which is viewed as an obstruction.

Ms. Bach spoke about both roads at the intersection being maintained by the county as well as the type and maintenance of the on-site existing vegetation.

Public Hearing was closed.

Board Discussion was opened with a motion being proposed.

ACTION TAKEN: A motion was made by Member Grant and seconded by Member Skulmis to deny BOA 2020-0014; AND moved that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2020-0014, as presented, is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2020-0014 does not meet the following criteria for granting a variance: special conditions, special privilege, literal interpretation, minimum variance, general harmony, and public interest.

DRAFT

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 6:08

Taylor Hartmann, Recording Secretary

Steven Papke, Vice-Chair



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



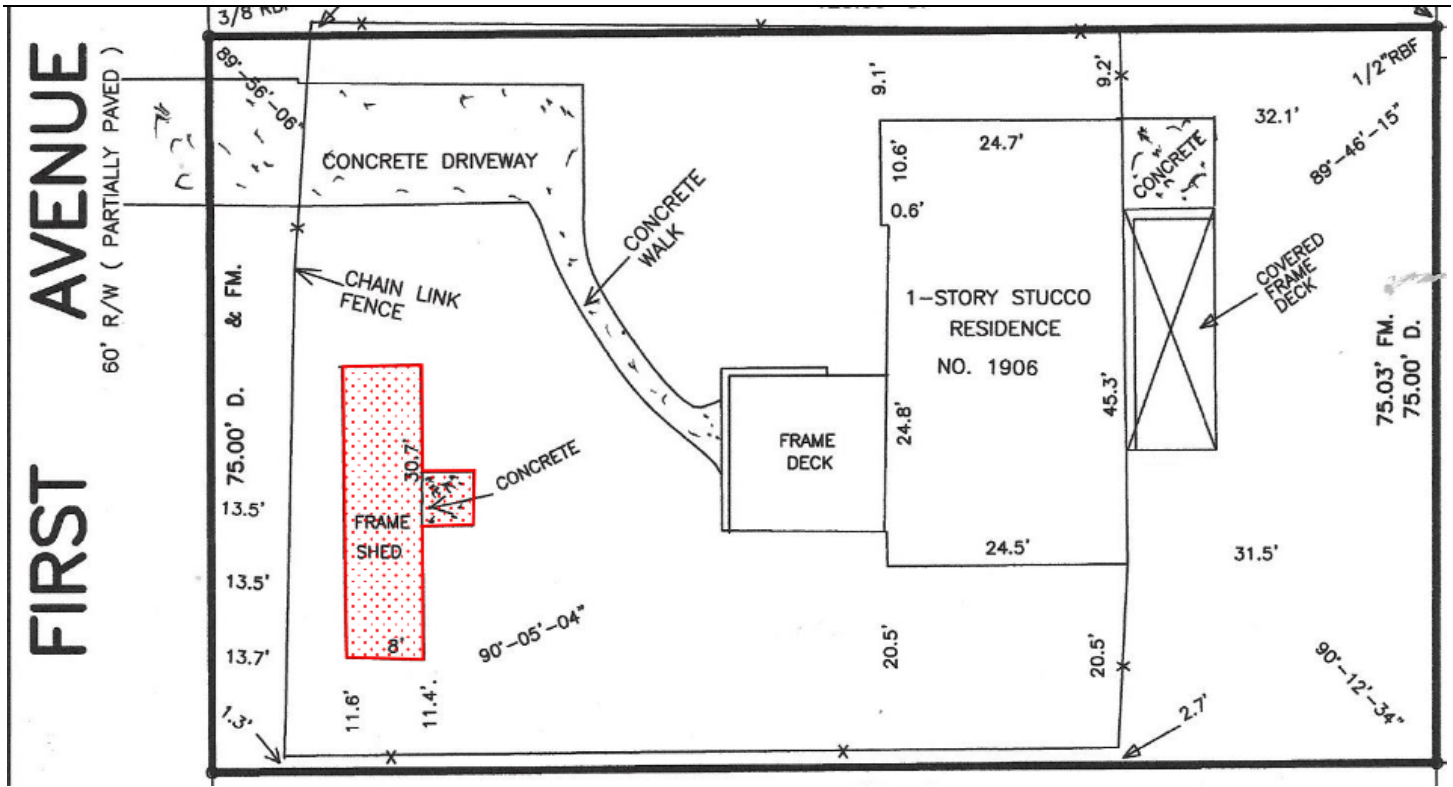
This home was originally constructed in 1955 and was previously addressed "1905 South Fletcher Avenue". Based on deed information, this lot and the lot to the east were previously under shared ownership and likely

combined as a single parcel with shared access. The readdressing of this property to 1st Avenue resulted in an abnormal configuration of the home where the front and rear of the structure have been reversed as shown in *Exhibit A*. The proposed location of the accessory dwelling would utilize the footprint of an existing accessory structure located within the “front yard” of the property as shown in *Exhibit B*.

EHIBIT A:



EHIBIT B:



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
<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> as it relates to the land, structure, or features of the parcel. This property was previously addressed on South Fletcher Avenue and was readdressed to First Avenue. This resulted in an abnormal configuration of the primary structure. The owner did not build the primary structure, therefore the special conditions or circumstances do not result from the 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 since others in the same zoning district are required to build accessory dwellings in the rear yard with a maximum 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.	Yes. Literal interpretation of the provisions of the Land Development Code <u>would deprive</u> the applicant of rights commonly enjoyed by other properties in the same zoning district. Placement of the accessory structure within the rear yard as required would result in an unnecessary increase to impervious surface as well as deprive the owner of the area originally intended to be the front yard.	☒ 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.	Yes. The variance requested <u>is the minimum</u> variance needed to make possible the reasonable use of the land. The proposed location of the structure would utilize an existing footprint and allow for access to the dwelling/garage without a significant increase to the total impervious area.	☒ 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. Approval of this request will preserve private property rights, in keeping with Policy 1.01.07 of the City's Comprehensive Plan. Additionally, accessory dwellings do not count towards density and therefore does not increase the density on this parcel.	☒ 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. As previously stated, the proposed location of the structure would utilize an existing footprint and would not exceed the total impervious surface ratio for the lot. Additionally, this parcel is unique in that it is significantly elevated. Due to the elevation, existing structures are shielded a considerable amount from the ROW.	☒ 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 2021-02

MOTION TO CONSIDER

I move to approve or deny BOA case number 2021-02;

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

That BOA case 2021-02, 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

EXHIBIT B

Respectfully Submitted,



Daphne Forehand
Planner I

Print

Board of Adjustment (BOA) - Submission #6714

Date Submitted: 2/3/2021

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

2021 Submission Deadline + Meeting 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?*

2/3/2021

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*

1906 1st Ave

City*

Fernandina Beach

State*

FL

Zip*

32034-0418

Parcel ID #(s)*

Need to get from Daphne Forehand

Zoning District*

R-3

Future Land Use Designation*

High Density Residential

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

John

Last Name*

Greeves

Company (if applicable)

Tortoise Dune, LLC

Mailing Address*

403 John Marshall Dr NE

City*

VIENNA

State*

VA

Zip*

22180

Telephone Number*

7038888003

E-mail Address*

wally@wandergolf.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)*

Need to get from Daphne

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

We are requesting a variance for an accessory dwelling structure to be located in an area that was formerly the back yard when this address was 1905 S. Fletcher Ave. It is now 1906 1st Avenue but the house on the property is situated such that this is where it makes the most sense to locate it. We are asking this variance to be approved for a structure that has an additional 200 square feet to total 825 square feet. This is the only place it would make sense to locate an accessory structure so we are viewing this as our one chance to remedy the hardship of not really having a place for any future structures, hence the additional square footage. This will not be seen from the road due to elevation and we have pointed out in the letter of intent the many ways we feel this variance is being minimized. One of the biggest points to note is that it will be in the same footprint as the existing structure for the most part so will be set back pretty far from property lines in front and side. We look forward to presenting to the board and speaking with you further.

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.*

1906 1st Avenue was built in the 1950s and has spent most of its existence with a 1905 S Fletcher Address. In fact, the numbers are still on the house on what is considered by everyone to be the front of the house. I have included a picture showing the numbers still on the house. During the recent renovations of the home on the property, conversations with every contractor were made difficult by the confusion over what were the front and back of the house to the point where we just started referring to them as the "ocean side" and the "Greenway side". If first Avenue is considered the front, then this house is essentially the only one on the street it is on that is not built right up to the required 25 foot setback for front yards. Some residences are built much closer than that due to how long ago they were constructed. This house does not even begin until approximately 75 feet into the lot. Even though the size of this house is very small this still leaves us with only 20 feet from the porch until the lot ends in the "backyard". Other homes on this street do not face these issues since their true back yards allow for structures that make sense, whether they are accessory only or accessory dwelling in nature. The current conditions which would require us to locate one or both of these structures in what is technically our backyard would be disadvantageous for our views, would upset the general harmony of the neighborhood, and would affect the value of our property. The circumstances exist for other lots this size on our street to have more than one accessory structure, while the only realistic place to locate one on this property is where it currently exists. While this location is the logical choice for accessory structures of any kind on this property, the amount of space that makes sense to put one is further hindered by the fact that the property rises very rapidly from the street by almost 10 feet to the point where the current structure exists. This property is unlike any other on this street for all these reasons when considering the placement of accessory structures. To my knowledge, no other address on the street has historically ever even had a S. Fletcher address. These peculiarities did not result from any action we have taken, nor will granting these variances reduce development costs.

2. Special Privilege: Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.*

The Land Development Code intended for homeowners to be able to enjoy their property in a way that continues to make the community a desirable one to live and work in. In doing so they have provided an appropriate amount of square footage in different zoning areas for homeowners to engage in activities they may not want to or have room for in their primary house. In our zoning area, a homeowner may have two accessory structures and an additional accessory dwelling unit. The total additional square footage allowed for these three together would equal 1875 square feet. Many properties would not be able to build these because they already have homes that would make the addition of these structures equal an amount of impervious area that would exceed that allowable by code. This property is in the unique situation of being so small that it could accommodate all three structures and still be within the allowable building percentages. Unfortunately, due to the structure location and topography, the proposed area for these variances is the only logical and harmonious area to put any of these structures. The first variance that would allow an accessory dwelling unit to be located in this area would certainly not convey any more privileges than those that would be conveyed to any other homeowner on our street that were to have an accessory structure in a location relational to where was intended when the primary structure was constructed. The second variance that would allow the square footage of this accessory dwelling unit to be expanded by 200 square feet to a total of 825 square feet would not fundamentally confer any extra special privileges because the possibility of the property to accommodate future structures that would allow the property owner to enjoy it in the same manner that other properties can by creating more room is limited in its current configuration. In summary, the total amount of square footage the Land Development Code intended to be used by property owners in this zoning area outside of the primary structure is practically reduced on this property in a way that suggests the additional 200 square feet proposed as a variance to this proposed structure would not confer any special privileges that almost every other property owner could not enjoy simply by having more room to add structures that would logically supplement their current configurations.

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

The literal interpretation of the code as it is written would stipulate that we build this accessory dwelling structure in what is now technically considered the backyard of this property. Not only was this primary structure built with the intended backyard where a current accessory structure exists, but the farthest extending part of the house in the front yard when it was built was only set back about 20 feet. It would be 25 if built today. The net result of this is that literal interpretation of the LDC would say we need to build this accessory dwelling structure within this space. This would deprive us of a logical footprint that makes sense and lower the value of the property. It would make traffic to and from the structure awkward. It would reduce the enjoyment of green area that was intended to be in a front yard type setting when this structure was built and that other property owners in this area have. Pictures support that the 1st avenue side of this house already looks awkward when considered frontal, but the addition of an accessory dwelling unit on the opposite side of the house would ensure that both look awkward. The addition of any structure in the literal backyard would deprive the property of a front yard altogether.

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 circumstances of this property make the addition of any accessory structures outside of this location less than ideal for the many reasons already stated. In asking for this variance to build an accessory structure and asking that it be extended by 200 square feet, we are asking for the minimum amount of space necessary to achieve the reasonable things we want to do outside of the primary structure. We feel it is our one bite at the apple. We want one space to park a car, a room for bicycle storage and workshop that can double as a pottery room, and we would like a small dwelling upstairs. These are all reasonable uses and approving both the location and expansion aspects of this variance would allow us to be done. We would not need to come back at a later time and ask for another variance for the same disadvantages that would still exist. There are further aspects of this variance that minimize its impact and merit mention. By using the existing footprint that already exists we are departing from setbacks that would commonly be associated with an accessory structure located in a backyard in a way that will minimize the sight of it to a passersby, even though the elevation already makes it virtually invisible. It will be setback over 13 feet from the front line, and over 11 feet from the side. A good portion of the structure would actually be over the 25 foot setback at which building would be allowable anyway, furthering to minimize the effect of these variances. These variances would be minimized over time as well because they would essentially “run with the real estate”. In the future this non-conformity would probably be razed in the event that someone was to build a new house. We bought the house from someone who had plans to do just that and the plans would easily render obsolete any structure existing as far into the property as this would. The idea that a variance could accommodate only the life of a primary structure it supports like this minimizes its future effects.

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 to this property for an accessory dwelling structure falls in line with what we think the LDC wanted homeowners to be able to use their properties for. The LDC allows for up to two accessory structures and one accessory dwelling structure so the idea that this property could utilize all of its needs with one accessory dwelling structure in a fashion that is logical and doesn’t harm the value of the property with this variance would be in harmony with what was intended. The Comprehensive Plan in Section 3, referring to Housing Element, calls for the rehabilitation whenever possible of existing homes. The idea that this property was saved from destruction due to investment by the owners would hopefully be considered when deciding to issue a variance for this project. The general idea that more duplexes and multifamily units on first avenue are not popular in the future can also be mitigated by the fact that if this variance were approved it would make adding a second house or unit to this property very difficult, even though it is zoned to do so.

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.*

Granting both a variance to locate our accessory dwelling unit in our proposed location and the ability to expand it by 200 square feet would be very compatible with the neighborhood we are located in and all of the neighbors seem to agree that we have talked to. Locating this structure where it would need to go according to the current zoning would be upsetting to the neighbors we have spoken to. When you look at pictures of this property and aerials, it just makes sense to put this variance where it currently exists. This variance would cause no injury to the area involved and would actually improve the look of it from what exists. This structure would barely be visible to a passerby and several neighbors have stated they did not even know the current structure existed until we invited them over. There are no neighbors behind us that would be affected by this. The land behind us is city land that is part of the Greenway space so nobody would ever be affected by this since I believe the long-term plan is to preserve this. The other neighbor that would be kind of behind us is the back of an existing hotel, which would not be affected at all by this. The idea that in granting this variance we would be utilizing the existing footprint that is already set back a good deal from the front and side as well as expanding towards the middle of the property ensure the continued view of trees and foliage on the front of the property for people passing by would continue. It should also be noted that this is a dead end so there are no cars that currently go by anyway. If we were to locate this structure in the technical backyard of this property, there are trees that would be affected that would probably be killed by the tree work necessary.

Upload Supplemental Materials

Variance letter of intent.docx

Upload 2

No file selected

Upload 3

No file selected

Upload 4

No file selected

Upload 5

No file selected

Upload 6

No file selected

Upload 7

No file selected

Certification*



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



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

Applicant's First Name*

John

Applicant's Last Name*

Greeves

Today's Date*

2/3/2021



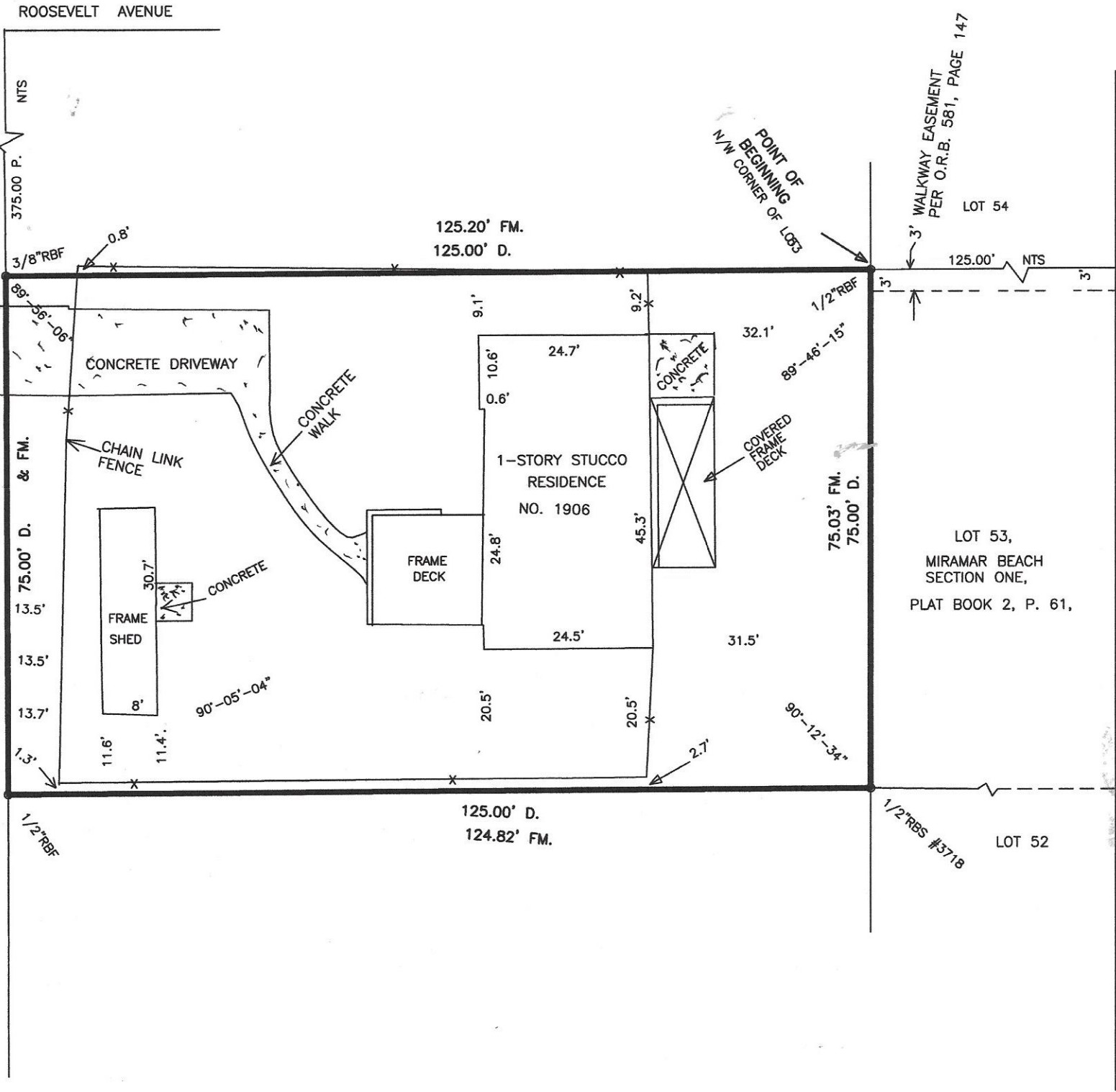
DEPARTMENT OF PLANNING & CONSERVATION

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

MAP SHOWING BOUNDARY SURVEY OF
A PORTION OF SECTION 20, TOWNSHIP 3 NORTH,
RANGE 29 EAST, NASSAU COUNTY, FLORIDA.
AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 53, SECTION ONE OF MIRAMAR BEACH, AS RECORDED
IN PLAT BOOK 2, PAGE 61 OF THE PUBLIC RECORDS OF SAID NASSAU COUNTY (SAID SECTION ONE
OF MIRAMAR BEACH BEING A SUBDIVISION OF THE NORTHEAST PORTION OF SAID SECTION 20);
RUNNING THENCE WESTERLY IN A STRAIGHT EXTENSION OF THE NORTHERN BOUNDARY LINE OF SAID
LOT 53 FOR A DISTANCE OF 125.00 FEET TO A POINT; THENCE SOUTHERLY IN A LINE PARALLEL
WITH THE WESTERLY BOUNDARY LINE OF SAID LOT 53 FOR A DISTANCE OF 75.0 FEET TO A POINT;
RUNNING THENCE IN A STRAIGHT LINE EASTERLY A DISTANCE OF 125.00 FEET TO THE SOUTHWEST
CORNER OF SAID LOT 53; RUN THENCE NORTHERLY ALONG THE WESTERLY BOUNDARY LINE OF SAID LOT
53 FOR A DISTANCE OF 75.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 53 AND THE POINT OF
BEGINNING.

CERTIFIED TO:
TORTOISE DUNES, LLC,
FIRST AMERICAN TITLE INSURANCE CO.
WOOD & SMITH, P.A.



REVISED 1-29-21

COASTAL LAND SURVEYORS

& MAPPERS, INC.

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

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

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

LICENSED BUSINESS NO. 6412

BEARINGS BASED ON N/A

PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE X AS SHOWN ON

FEMA FLOOD INSURANCE RATE MAP,
COMMUNITY NO. 120172 PANEL NO. 0243G
DATED 8/2/17

DATE OF SURVEY: SEPTEMBER 22, 2020

SCALE 1"=20'

JOB NO. 9607-35 F.B. 105

CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

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

February 3, 2021

Letter of Intent for Variance at 1906 1st Avenue

To whom it may concern:

My name is John Greeves and my wife Sonya Bernhardt and I just purchased 1906 1st Avenue. We love the property and have renovated it as it stands rather than knock it down and build something else. When purchasing the property we knew that we would have to do something for storage but were not very aware of the LDC and what our choices would be with the existing storage shed. We also found out very quickly that this home was 1905 S. Fletcher for most of its life. Not long ago it became 1906 1st Avenue when they extended that street. If you google both addresses, they both show up in google searches but refer to the same property. It is very apparent that the intended backyard is now really the front yard in a technical sense. The technical front yard has the air conditioner in front of the house, the water unit in front of the house, and many other things that make this clear. A picture is worth a thousand words on this and we have provided some. We also have pictured the actual numbers on the house, which still exist.

I like to ride bicycles a lot and want to be able to store them and work on them in a conditioned space and my wife likes to do pottery and would need water for this. We are also interested in being able to have a car in a garage and would like a small studio for family visits. We started talking to planning and zoning and quickly realized we could not do anything except repair what is there. It is odd shaped and in bad shape. We could not improve it at all. While a garage could be done we could not add a dwelling to it in what is considered the front yard. We could not add any accessory dwelling in this area without a variance. We could add one in what used to be the front yard but there is not a lot of space and it would look awful. Locating it there would affect the value of the house probably and the existing neighbors we have spoken with would not like this. We are the only house in this situation on the block as all of them are built to the 25 foot setback because they were built with this as their front yard. Our house does not

even start until around 75 feet into the lot. All our utilities still run to S Fletcher. It is clear when looking at this property that what used to be the backyard is the best place to locate an accessory dwelling structure. We are requesting a variance to locate one in the same footprint that was there and we are requesting a variance to increase the square footage to 825 from 625. If we are able to do this, we will be able to achieve all of the things we would like to at this property. It would stop us from coming back someday and asking for another variance to be able to fully utilize the property for what I believe the LDC intended for us to be able to do. Since this is clearly the best location to do this on the property we consider this request to be our one "bite at the apple".

We have noted the dimensions of what we would like to do on our site plan and believe it would not upset the harmony of the neighborhood if we did this. You cannot see the current structure from the street due to the large elevation present. We have attached pictures to show this. We would be expanding the footprint towards the house so this would still remain largely unseen even with a second floor. We have no neighbors behind us and will not because this is the Greenway and owned by the city. Nobody's view would be affected. We are disadvantaged when compared to other owners that could put other structures in more reasonable locations on their property. This is the reason we are asking to expand the variance by 200 square feet. It will not make sense to put any more on the property. The variance is minimized by the fact that we would utilize the old footprint for most of it, which does not even begin until almost 14 feet into the property and 11 feet from the side. The majority of the expansion would actually be in space we would be allowed to build on since it is past 25 feet, but we would not be allowed to put a dwelling in the technical front yard. It is also important to note that this variance would "run with the property". This is to say that its usefulness would expire if someone chose to build a new house because it would be in the way of the footprint. It seems to me that this is exactly what a variance is for. It is in line with looking to the future and allowing the right things to be built for this property when it is redeveloped.

Many are against creating more duplexes and rental units for short term rental. This variance would make it very hard to put a new unit on the property, which it is zoned for. This variance is so we can more fully enjoy the property ourselves as we age and engage in hobbies that we need space for.

We are being careful to not ask for more than we need or more than we think other owners have the ability to create on their properties. The nature of our variance being expanded by 200 square feet can I think be justified when totaling the amount of accessory square footage that makes sense available to other owners. We looked at even asking for enough to put a 2 car garage but felt this was a lot more than we needed. We truly want the property to make sense and be usable. For a 1 car garage if we use cinder blocks we will need a width of 13.75 feet to have an average sized 1 car garage. 28 feet long, about 3 feet shorter than what exists, would allow us to have the small hobby room adjacent to the garage.

We are excited about this possibility and look forward to talking about it with the Board. We very much hope you will consider our variance to put this dwelling in the place that makes the most sense and allow us to expand it by 200 square feet to meet our needs. We will not need more later and there would be no place to logically put it anyway. In the event the Board is fine with the variance for the dwelling but not okay with the extra 200 square feet, we would still like to build it with only 625 square feet. We truly hope that you will help us achieve our dreams at this property. We do not feel like this would be extra special or that it would upset anyone, nor do we feel like it would be setting any kind of bad precedent. The simple reason for this is that 1905 S Fletcher, or 1906 1st Avenue as it is now called, is a very unique property that cannot be compared to others. It is actually why we love it and purchased it.

Thank you very much for your consideration and we look forward to talking soon.

Respectfully,

John Greeves (Wally)

60' R/W (PARTIALLY PAVED)

