



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
NOVEMBER 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 for the Regular Meeting of October 20, 2021.
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - 5.1 **BOA 2021-0009 - JAMES & CAROLINE KIRCHMEYER, 120 N. 6TH STREET**
Variance requested from LDC Section: 5.01.03(J) to allow for an accessory structure that exceeds 25 FT in height and exceeds maximum 625 sq. ft. footprint. (*Quasi-Judicial*)
- 6. BOARD BUSINESS**
- 7. STAFF REPORT**
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

THE NEXT BOA REGULAR MEETING IS SCHEDULED FOR WEDNESDAY, DECEMBER 15, 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
OCTOBER 20, 2021**

1. CALL TO ORDER 5:04

2. ROLL CALL / DETERMINATION OF QUORUM

MEMBER PRESENT:

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

MEMBERS ABSENT:

OTHERS PRESENT:

Tammi Bach, City Attorney
Harrison Poole, Board Attorney
Charles George, City Attorney
Taylor Hartmann, Recording Secretary

3. PLEDGE OF ALLEGIANCE

Chair Miller disclosed ex parte communications with staff regarding the agenda. Member Oliva disclosed ex parte communications with staff and City Attorney Bach regarding supplemental documentation on the appeal as well as communication with Harrison Poole, Board Attorney, regarding procedural expectations. Member Hertslet disclosed ex parte communications with Mr. Poole regarding procedural expectations

Harrison Pool, Board Attorney, explained the 1985 Building Abatement procedures, the voting requirements, and the appeal process.

Mr. Poole administered the oath to the parties that would be giving testimony.

4. APPROVAL OF MEETING MINUTES

4.1 Approval of Minutes for the Regular Meeting of September 15, 2021.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Grant to approve the minutes as presented.

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

5. OLD BUSINESS

6. NEW BUSINESS

6.1 **APPEAL OF NOTICE OF UNSAFE STRUCTURE - CENTRE STREET RESTAURANT**

GROUP, INC. Centre Street Restaurant Group appeals the findings of the City Engineer's July 2, 2021, Notice of Unsafe Building and Intent to Condemn. *Requesting Board determination of the case.*

John Tucker, 1 Independent Drive, Attorney for Brian Simpson, owner of subject property, provided the Board with a brief introduction of the case history along with the reason they are appealing.

Brian Simpson, 4861 Ortega Boulevard, owner of restaurant, provided the Board with a brief history of his involvement with the Amelia River Waterfront and more specifically, the construction of Brett's Café. He also spoke about being in agreement with the City with safety being the top priority for both customers and every member of the restaurant staff. He mentioned that he would be willing to have regular structural inspections.

For the record, Mr. Tucker confirmed that Mr. Keester is a licensed structural engineer in Florida and as such, qualified to serve as an expert witness.

Mark Keester, Structural Engineer, provided the Board with a brief history of his educational and professional background. He indicated that Brett's is supported by 2 structures, the original pile caps from 1962 and new "double t" beams constructed in 1988, but also noted that the failing portion is not supporting the main structure, that it only supports the plumbing for restrooms. Mr. Keester viewed the lower portions by boat and stated that further testing is what's being requested, at this time.

Mr. Tucker inquired whether Mr. Keester would feel comfortable taking a "loved one" to Brett's. Mr. Keester confirmed he felt that it would be safe for anyone.

Ms. Bach inquired about the difference between spalling and delaminating concrete.

Mr. Keester stated that there is no spalling or delamination at this time. He also stated that concrete inside the reinforcements is what supports the load of the structure.

Ms. Bach referenced a report generated by Hanson Engineering that states there is "significant concrete cracking and delamination". She also inquired about what initially causes concrete to delaminate and spall.

Ms. Bach asked Mr. Simpson how many customer seats are currently available at Brett's and if it is ever at maximum capacity.

Member Skulmis asked Mr. Keester what the routine monitoring would be looking for and the metric being used to determine a failure.

Member Oliva requested clarification on whether the identification of rust was indicative of corrosion. Mr. Keester confirmed it was.

Mr. Simpson stated that the Baker-Klein report did not include a review of the building's structural plans.

Vice-Chair Papke questioned whether there is any concern about the weak spots indicated in the corners of the structure.

Member Hertslet requested Mr. Keester clarify how much expansion can happen when the reinforcing corrodes.

Mr. Simpson stated that significant repairs took place between 2013-2014.

Member Grant inquired about portions of concrete where cracks go through the entire support but have not physically fallen from the structure yet. He also asked whether the original double t beams

provide any lateral support.

Mr. Keester stated that he would rate the likelihood of a catastrophic failure of Brett's as a 1, where 0 is improbable and 10 is very likely.

Chair Miller inquired whether Mr. Keester had any type of history with Brett's. Mr. Keester only became aware of it in August 2021.

Mr. Tucker thanked the Board for their questions, time, and preparation.

A 5-minute recess was taken at 7:02 PM.

The meeting resumed at 7:07 PM.

Mr. Keester provided the Board with a more in-depth explanation of what and how a catastrophic event would affect Brett's.

Ms. Bach read into the record a review of Mr. Wilkinson's educational and professional background as he was unable to attend tonight's meeting.

Charles George, 86327 North Hampton Way, City Engineer, provided the Board with an overview of his educational and professional background. He stated that he believed the full-length concrete cracks are regularly exposed to a cycle of saltwater intrusion and that the signs of corrosion have moved beyond initial stages.

Mr. Tucker asked Mr. George if he felt that the structure would be sufficient for another 30-days in order to do the requested additional testing. Mr. George indicated that he believed proposed inspections every 4-6 months are too far apart.

Member Grant inquired about the margin of safety with regards to this structure.

Public Hearing was opened.

Amy Dean, 112 N. 14th Street, inquired about the possibility of providing temporary supports and making repairs.

Public Hearing was closed.

Mr. Tucker reiterated that not one report recommends shutting Brett's down immediately.

Board members discussed the lack of action taken regarding the integrity of the structure for a number of years. They also indicated that additional testing is just another report with data.

Mr. Poole pointed out the definition of "safe" within the 1985 Building Abatement code.

ACTION TAKEN: A motion was made by Member Oliva and seconded by Member Grant to deny the appeal based on the evidence presented.

Vote upon passage of the motion was taken by ayes and nays and being as follows:

Member Papke	Aye
Member Hertslet	Nay
Member Oliva	Aye
Member Grant	Aye
Chair Miller	Aye

DRAFT

Motion carried.

7. BOARD BUSINESS

There were no Board Business items to discuss.

8. STAFF REPORT

9. PUBLIC COMMENT

No parties wished to speak.

10. ADJOURNMENT 9:04

Taylor Hartmann, Recording Secretary

Matthew Miller, Chair

Print

Board of Adjustment (BOA) - Submission #8109

Date Submitted: 9/27/2021

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 forty-five (45) days before the date of the Board of Adjustment's public hearing;



A current signed, sealed, scaled survey of the property (no older than two years from date of application);



Proof of ownership (copy of deed or tax statement)



If applying as an agent, Owner's Authorization for Agent Representation form must be signed/ notarized and submitted as part of the application;



A detailed letter stating the reasons for the request;



Materials as needed to illustrate the nature of the request, including but not limited to, site plans, architectural drawings, photographs, etc. (Site plans must be dimensioned and to scale).

Pre-Application Meeting

To guide you through the process and ensure that your application is understood and properly processed, you'll need to meet with the applicable planner prior to submitting your application. Completed Board applications are due forty-five (45) days prior to the meeting date. Cases in the historic districts or Community Redevelopment Area are heard by the Historic District Council, please use the HDC Variance Application. Cases in all other areas of the City are heard by the Board of Adjustment.

Please see the Land Development Code (LDC) for detailed information:



Procedures for Variances – see LDC Section 10.02.04.



Expiration of Variance Approval – see LDC Section 10.02.04(C).



Appeals on a Variance – see LDC Section 10.02.04(D).



Appeals of Administrative Action – see LDC 11.07.00

The LDC is available for review at

www.fbfl.us/LDC

Appeals

Any person aggrieved by any decision of the BOA regarding a variance may present to a court of record a petition, duly verified, setting forth that the decision is illegal, in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the filing of the decision at the office of the Board; otherwise, the decision of the Board shall be final.

Limitations on the Grant of a Variance

- ☒ 1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
- ☒ 2. A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
- ☒ 3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered g
- ☒ 4. A variance shall not change the requirements for concurrency.
- ☒ 5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
- ☒ 6. A variance shall not be granted if the evidence submitted by an applicant is solely a demonstration of financial hardship or economic considerations.
- ☒ 7. A variance shall not be granted for procedure or process components of this Land Development Code.
- ☒ 8. A variance shall not be granted to deviate from LDC section 4.02.02 to combine two (2) or more lots which would result in a lot width greater than 100 feet for lots or parcels that abut Ocean Ave
- ☒ 9. A variance will not be granted which authorizes the filling of wetlands prohibited by Land Development Code Section 3.03.03(A)
- ☒ 10. No variance shall be granted to exceed the maximum building height of 35 feet for a building on any lot within 800 feet of the mean highwater line of the Atlantic Ocean under LDC Section 4.02.03(D)
- ☒ 11. A variance shall not be granted for any residential or residential mixed-use structure to exceed the maximum building height requirements contained in Table 4.02.03(E).
- ☒ 12. A variance shall not be granted to exceed the minimum side yard setbacks listed in Table 4.02.03(E) for any building within 800 feet of the mean high-water mark of the Atlantic Ocean.

REVIEW TYPE*

- ☒ Variance
- ☒ Appeal of Administrative Decision

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

No

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

mm/dd/yyyy

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

9/28/2021

11:00 AM

PROPERTY INFORMATION

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

Site Address*

120 N 6th St

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-31-1800-0035-0030

Zoning District*

R-2

Future Land Use Designation*

Medium Density Residential

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

James

Last Name*

Kirchmeyer

Company (if applicable)

Mailing Address*

120 N 6th St

City*

Fernandina Beach

State*

FL

Zip*

32034

Telephone Number*

716-583-5353

E-mail Address*

jakirch@real-info.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)*

maximum footprint size for a rebuild of ancillary structure

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

Garage replacement and upgrade James and Caroline Kirchmeyer 120 N 6th St Fernandina Beach FL 32034 The Prescott House was built in 1876 by Josiah Henry Prescott, a Lieutenant of the Union army. It is located within the Historical District. The house is of Victorian design and includes very intricate detailed trim work. The lot itself includes 125' of frontage on N 6th St and runs 200' back until it hits N 7th St. The lot on N 7th includes 100' of frontage. As you are aware, the elevation drops substantially from 6th down to 7th. This causes a drainage issue for the existing garage. The existing garage has the appearance of one built in the 1950's and does not match the look and feel of the property. It is poorly constructed with 2 foot on center 2x4 walls. It has had extensive water damage due to poor drainage and current elevation changes. Building has many sections of rotting wood. Realizing the if a build is taken down that is existing non-conforming, current building codes allow for reconstruction of only 625 square feet for a footprint of the new structure. We come before you to request permission to not downsize the existing footprint in the rebuild. The new structure if approved would include slightly better grading of the driveway (only in front of the garage), a in-law unit on a second level, and a lower rear garage. The new garage would include all of the style and detail of the existing historic house and be a substantial upgrade to the current structure. A new fence along 7th street would be included, along with a crushed shell driveway to the street. No trees would require to be removed. Based on the sale of Clinch Kavanaugh's rear section of his property, and the completion of construction of an entire house, the construction of a garage in keeping with the style of architecture of the historic house would better the look and feel of the property. Thank you in advance for your consideration.

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.*

Owner Comment: Special conditions do exist at the subject property. The property is one of the largest lots (more than 4 typical lots) in the city that includes one single family home. The section on 6th St is 125â€™ of frontage by 100â€™ deep. The rear section, that contains the current garage (and the proposed future garage) is on 7th street and is 100â€™ by 100â€™. We are not looking to reduce development costs, quite the contrary, our desire is to improve on the current structure by creating a functional and beautiful structure that is better suited to this historic area.

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.*

Owner Comment: No special privilege is granted to the owner, as there are many properties within this district with a garage with a small living space above the garage. As a side note, an owner within the very same a block between 6th, 7th, Alachua and Broome recently received permission to split their lot into two 100â€™ x 100â€™ lots, sell off the rear portion and have a very large single family new construction recently completed.

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.*

Owner Comment: This application meets all items under section LDC 5.01.03 except for LDC 5.01.03 J; A detached accessory building shall not exceed twenty-five (25) feet in height or exceed a maximum building footprint of 625ft². The current structure is an existing non-conforming structure that already exceeds the 625 square foot footprint allowable. Adding the additional 6â€™ to the rear of the structure will only slightly alter the current footprint. See comments below regarding LDC 10.01.02: 10.01.02 Expansion or Modification of Nonconforming Uses or Structures A. Nonconforming structures shall not be expanded except in compliance with this section. B. An expansion in square footage shall be permitted where such expansion meets all requirements of this LDC. C. Nonconforming Historic Structures. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a nonconforming historic structure may be permissible when authorized by the HDC in the form of a Certificate of Appropriateness, provided: 1. The structure lies within the Historic District Overlay; 2. Any unsafe conditions are corrected; 3. The use(s) therein shall be in conformance with all applicable provisions of this chapter. D. An expansion of a nonconforming structure is permissible that is otherwise required by law or ordered by the City Manager to secure the safety of the building. E. A non-conforming structure which was lawfully erected on a lot of record may be reconstructed if it is substantially damaged or destroyed, provided that: 1. The reconstruction does not result in an increase in the nonconformity of the lot area, yards, setbacks or density; Owner Comment: Our plan does not affect this provision. It does not result in an increase in the nonconformity of the lot area, yards, setback or density. 2. The number of dwelling units in such reconstructed structure does not exceed the number of units in existence at the time of damage or destruction; Owner Comment: our plan does not change the current number of units in existence. 3. The repair or reconstruction is substantially completed within twenty-four months of the date of such damage. F. An expansion may be permitted where such expansion is solely to extend an existing use throughout the building in which the use occurs on the date of enactment of this LDC. Such expansion shall not be extended to occupy any land outside the building, including parking and other impervious surfaces. Owner Comment: This expansion is to extend the existing use of garage space. Our desire is to improve existing look of property along 7th St by replacing a rotting fence. No trees will be removed in this plan. A crushed shell apron will lead through a gate along 7th St and a short section of brick pavers with look and feel of existing driveway on 6th street will start inside the fence to rear garage. Neighbors to the north of us on Broome and 7th have a similar rear garage section of the property exiting on 7th.

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

Owner Comment: The variance requested is minimum in is nature and in fact, improves upon the existing structure for it use, purpose and functionality while better representing the style and historical look and feel of the property.

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

Owner Comment: We believe our plan actually improves on the harmony of the LDC. It allows us to improve the property without splitting the lots, creating new and separate lots, further degrading the value of the existing property and potentially lowering the value of neighboring properties. By keeping the property as one collective property, we believe it increases neighborhood value and the integrity of the area.

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.*

owner comment: Correct, 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.

Upload Supplemental Materials

120 N6th survey.pdf

Upload 2

120 N6 Elevations.pdf

Upload 3

120 N6 arch Plans.pdf

Upload 4

120 N6 garage grade lines.jpg

Upload 5

120 N6 garage above pic.jpeg

Upload 6

proof of ownership 120n6 1.pdf

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*

James

Applicant's Last Name*

Kirchmeyer

Today's Date*

9/27/2021



DEPARTMENT OF PLANNING & CONSERVATION

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

Please make sure to disable pop-up blocker in order to submit.



BOARD OF ADJUSTMENTS STAFF REPORT
BOA 2021-09
NOVEMBER 17, 2021

Owner/Applicant:	James Kirchmeyer
Property Address:	120 North 6 th Street
Parcel Number:	00-00-31-1800-0035-0030
Requested action:	VARIANCE from LDC Section 5.01.03 (J) to exceed maximum building footprint and height of an accessory structure.
Current zoning:	R-2 (portion of lot extends into Historic District Overlay)
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 home at 120 North 6th Street was originally constructed in 1876 and lies on a large parcel, half of which is within the Historic District Boundary. The eastern portion of the lot lies outside of this boundary where an existing, nonconforming garage is located. The requested variance application is to replace the existing nonconforming 1960 constructed structure with a new structure that exceeds the maximum footprint and height (625 sq. ft and 25 ft) requirements for accessory structures. The proposed structure will utilize the existing footprint of approximately 983 sq. ft with a 6 ft addition at the rear of the structure. The total building footprint including the addition is approximately 1094 sq. ft with an average height of approximately 29 feet. Additionally, it is important to note that this site has varying topography with elevations that significantly fall from twenty-two feet in the southwest corner to eleven feet in the northeast corner.

EXHIBIT A: SURVEY

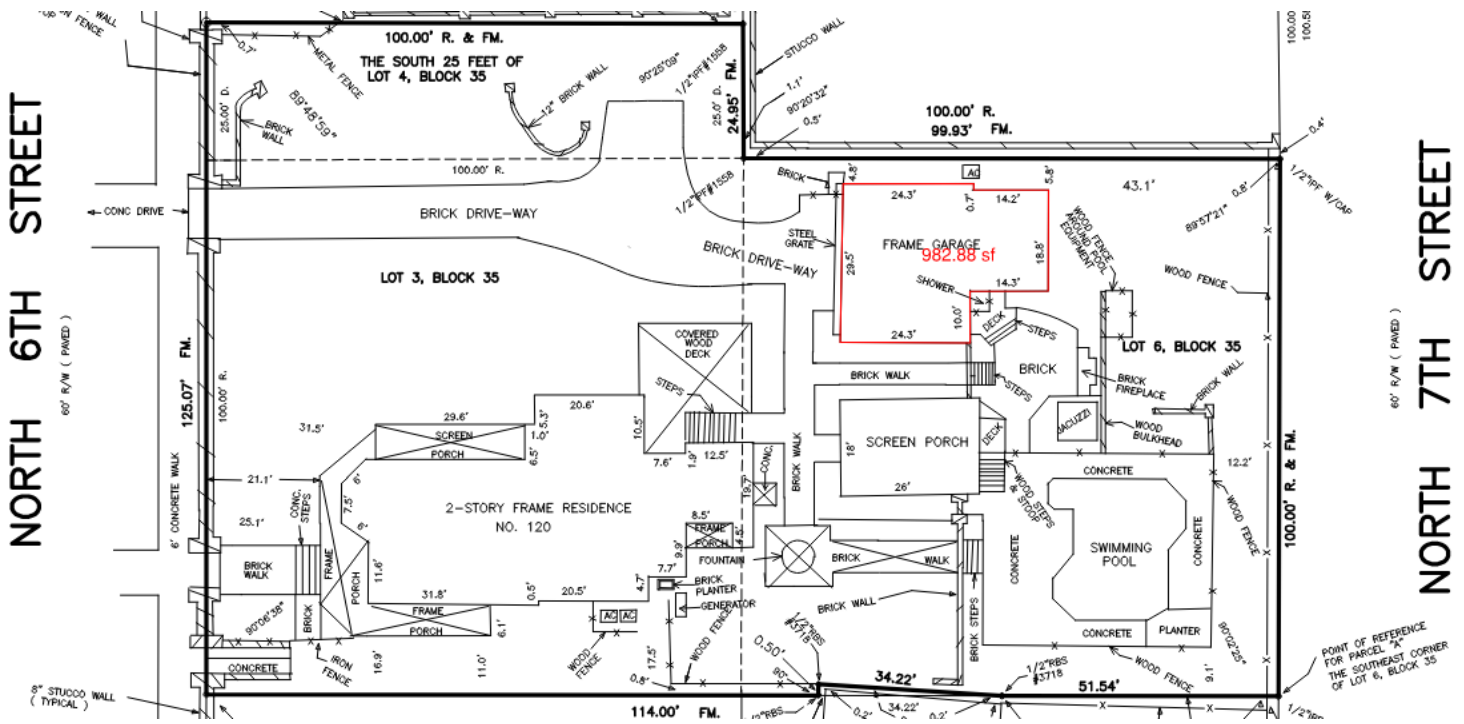


EXHIBIT B: SITE PLAN

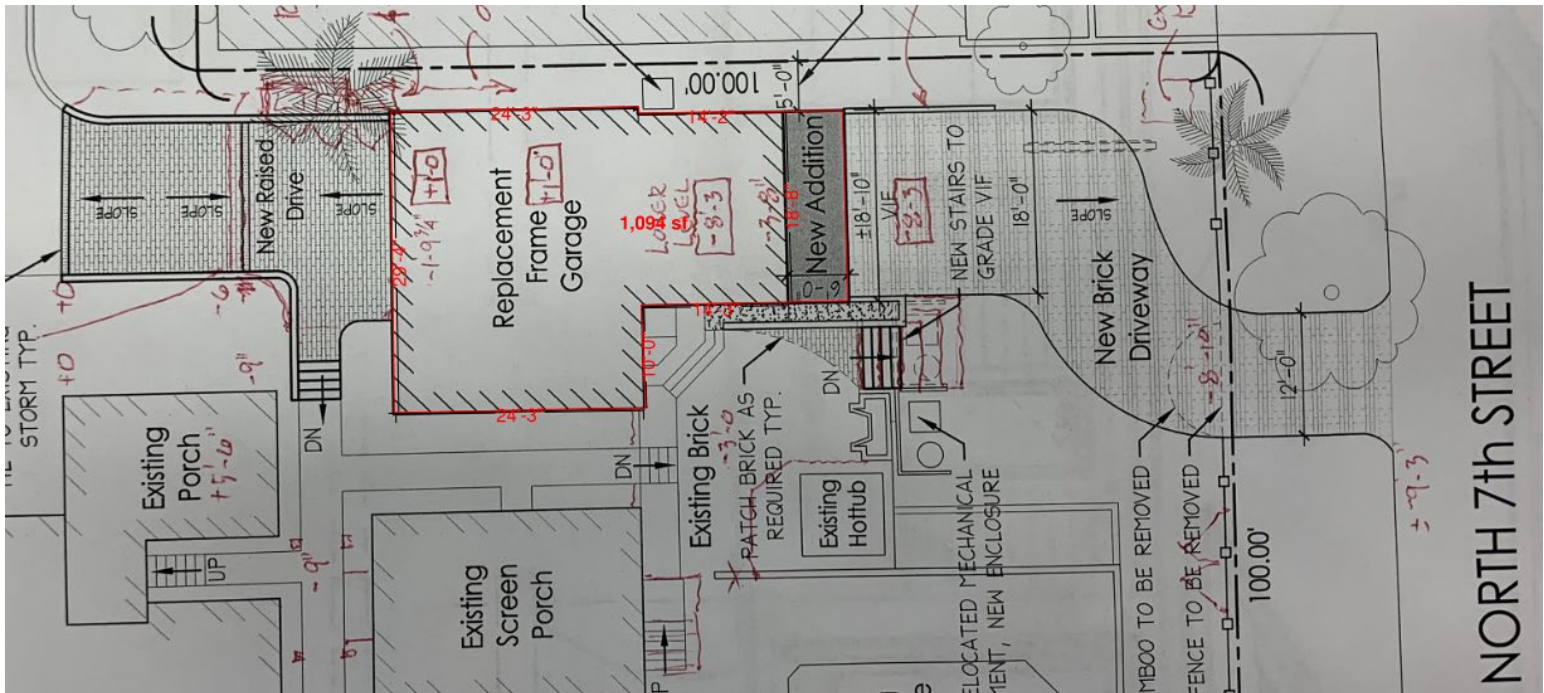
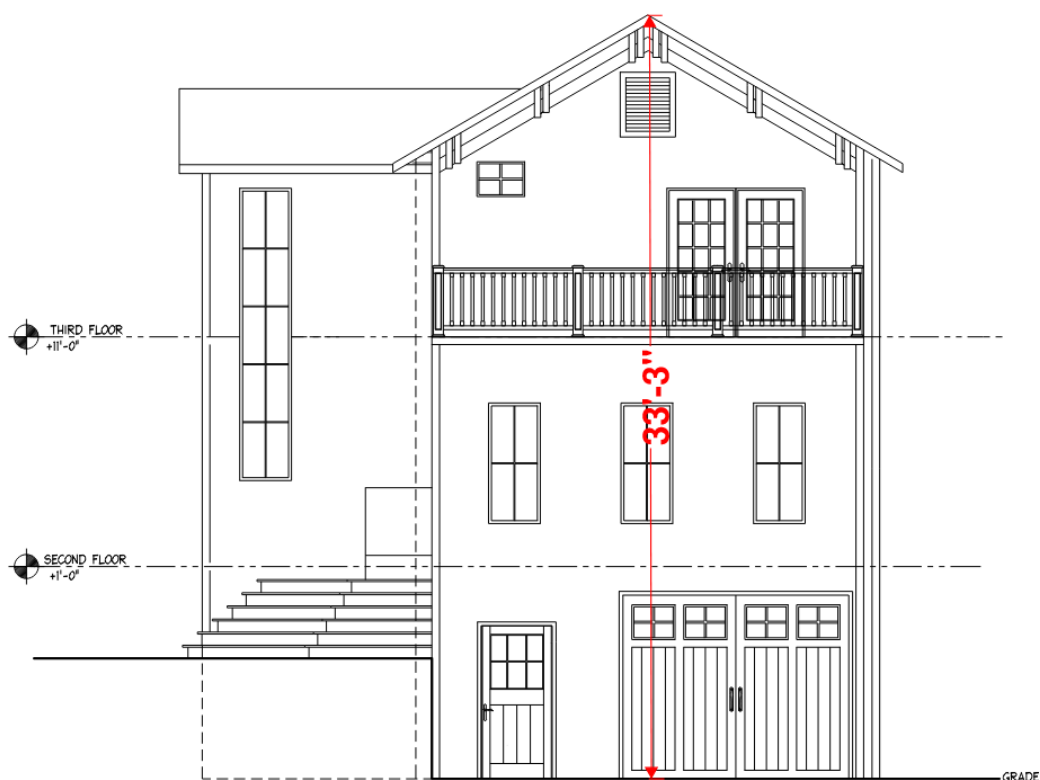


EXHIBIT C: ELEVATIONS



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
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>	Yes. Special conditions <u>do exist</u> as it relates to the land, structure or features of the parcel that did not result from actions of the applicant. Given the size of the parcel, the increased square footage would not result in a structure that would appear out of scale with the site and setbacks will also be maintained. Additionally, due to the natural topography and drop in elevations on the site, there will be no substantial impacts to visibility as a result of the increased height.	☒ Yes ☐ No
2. Special Privilege <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i>	No. Granting the variance <u>does confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. All residential properties are limited in the size and height of accessory structures regardless of the size of the property.	☐ Yes ☒ No
3. Literal Interpretation <i>Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.</i>	No. Literal interpretation of the Land Development Code would <u>not deprive</u> the applicant of rights enjoyed by others in the same zoning district because all properties are limited in the size of accessory structures.	☐ Yes ☒ No

4. Minimum Variance <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i>	No. The variance requested <u>is not the minimum</u> variance needed to make possible the reasonable use of the land, structure, or building. With the proposed addition this accessory structure will be 469 sq. ft over the accessory building footprint allowance.	☐ Yes ☒ No
5. General Harmony <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i>	No. Granting the variance <u>will not be in harmony</u> with the general intent and purpose of the Land Development Code and Comprehensive Plan as the survival or expansion of nonconformities is not encouraged.	☐ Yes ☒ No
6. Public Interest <i>Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</i>	Yes. Granting 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, welfare, or environment. The proposed structure will not result in tree removal as it utilizes the existing footprint. It will also be in keeping with the design features and style of the existing historic home.	☒ 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	

The requested variance is consistent with criteria 1 and 6, but it is inconsistent with criteria 2, 3, 4, and 5 for granting of a variance.

Staff recommends:

DENIAL of BOA 2021-09.

Staff recommends denial of the variance because it is not consistent with all of the criteria for the granting of a variance. Although the requested variance is inconsistent with both the Comprehensive Plan and the Land Development Code, the Board may want to give consideration to the size and natural features of the lot in relation to the proposed structure. The request maintains consistency with the scale and massing of the 1960 construction, but reconstructed to better reflect the detailing of the 1876 Victorian era principal structure.

MOTION TO CONSIDER

I move to **approve or deny** BOA case number 2021-09;

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

That BOA case 2021-09, item, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time;

AND that BOA case number 2021-09 **meets or does not meet** the following criteria for granting a variance:

LIST OF EXHIBITS:

EXHIBIT A – SURVEY

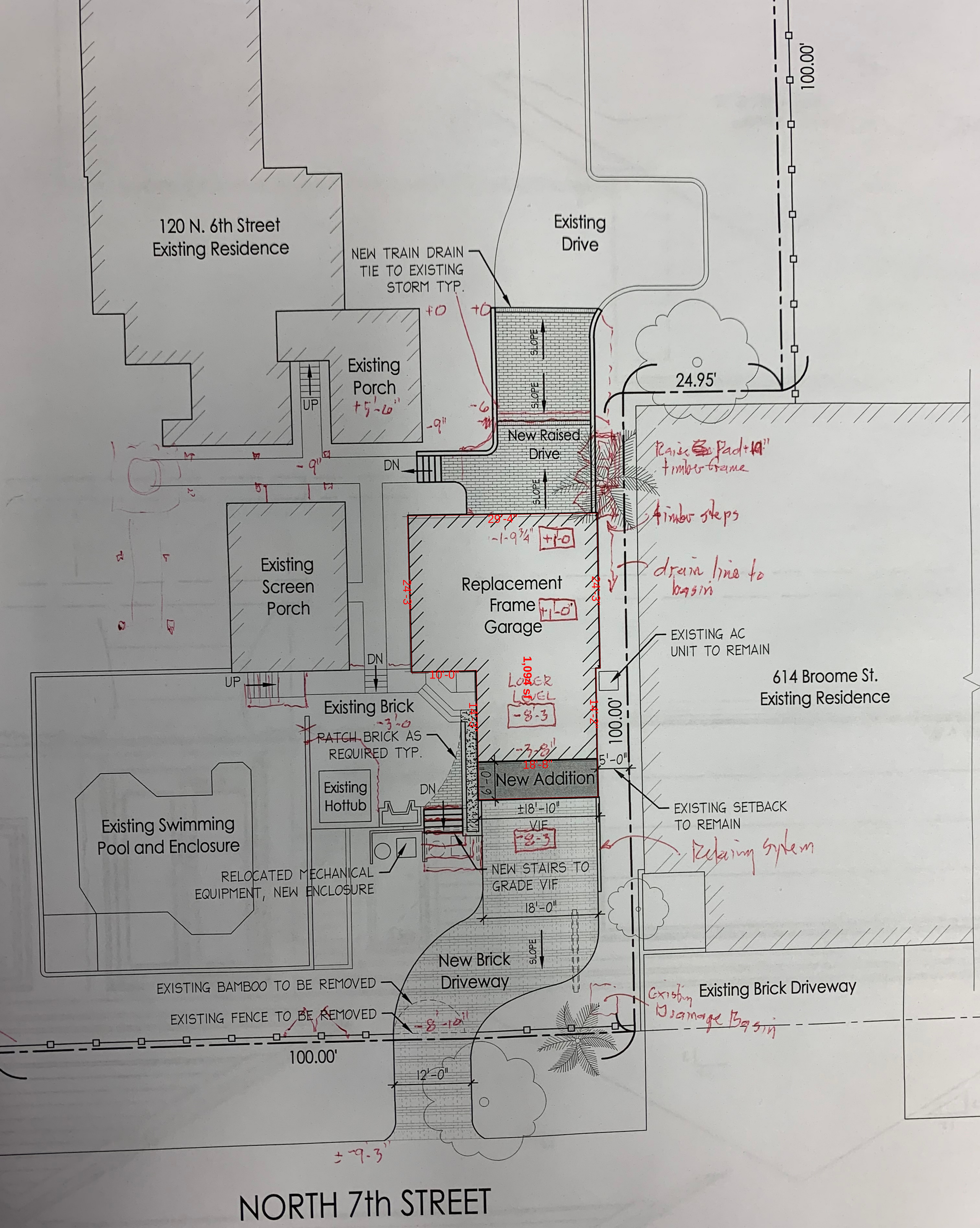
EXHIBIT B – SITE PLAN

EXHIBIT C – ELEVATIONS

Respectfully Submitted,



**Daphne Forehand
Planner I**



\\bammel_usa\bamme\architects\project_files\2019\9.56_kirchmeyer_florida_group\plans.dwg
5/16/2019 4:57 PM



ba
BAMMEL ARCHITECTS
A PROFESSIONAL CORPORATION
6459 WEST QUAKER STREET
ORCHARD PARK, NY 14127
phone (716) 662-2482
fax (716) 662-2487

CONSULTANTS:

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SEAL:

NEW BUILDING FOR :

Kirchmeyer

120 N. 6th Street
Fernandina Beach, FL.

ISSUE

ISSUE DATE:	05/16/2019
FILE NAME:	plans
PROJECT NUMBER:	19--
SCALE:	AS NOTED
DRAWN BY:	---
CHECKED BY:	ALL

SHEET TITLE:

EXTERIOR ELEVATIONS

DRAWING NO:

A-200

NASSAU COUNTY, FLORIDA
Permanent Florida residency required as of January 1st
Application Due to Property Appraiser by March 1st

Parcel: 00-00-31-1800-0035-0030

Tax Year: 2021

Owner and mailing address:
KIRCHMEYER JAMES & CAROLINE
120 N 6TH STREET
FERNANDINA BEACH, FL 32034

Type: ☒ New ☐ Change ☐ Additional

Legal Description: BLK 35 LOT 3 & PT OF LOTS
6 IN OR 2214/1641
CITY OF FDNA BEACH S/D OF
SEC 21-3N-28E UNR

Situs Address: 120 6TH ST N FERNANDINA BEACH
Email Address: JAKIRCH@REAL-INFO.COM

Improvement Type: _____ # of units: _____
Any Portion leased or rented? NO

Note: Disclosure of your social security number is mandatory. It is required by Section 196.011(1) Florida Statutes. The number will be used to verify taxpayer identity information and homestead exemption information submitted to property appraisers.

Percent Ownership 100
Date of Deed
Date Recorded
Type of Ownership

Ownership Information
Type of Deed
Instrument #
Book/Page

☒ Homestead \$25,000 - \$50,000
☐ \$500 Widow/Widower
☐ \$500 Disability
☐ Disabled Vet / Wheelchair
☐ Surv Spouse of Veteran

☐ \$5,000 Veteran Disabled 10% or more
☐ Total/Permanent Disability (Income Limits)
☐ Total/Permanent Disability-Quadriplegics
☐ Disabled Veteran Discount, 65 or older
☐ Surv Spouse of 1st Responder

☐ \$500 Blind Persons
☐ Seniors 65+ (Income Limits)
☐ Total/Permanent S/C Veteran Disability
☐ Other
☐ Tot/Permanent Disability-1st Responder

Have you ever received the benefit of Homestead Exemption in Florida? NO If so, When? _____
Address where previous Homestead was claimed (Including County) _____

PROOF OF RESIDENCE		KIRCHMEYER JAMES & CAROLINE	KIRCHMEYER CAROLINE
1 Marital Status	MARRIED	MARRIED	
2 Social Security Number	H 119-60-9952	W 128-58-5360	
3 Home/Work Phone	7165835353	7165835353	
4 Previous address of each applicant	1067 SCHOPPER RD EAST AURORA	NY 14052	
5 Current Employer	SELF REAL ESTATE	RETIRED	
6 FL Residency Date/Occupancy Date	11/1/2020 11/14/2020	11/1/2020 11/14/2020	
7 Do you claim homestead or receive property tax benefit in another state? If yes, where?			
8 Evidence of relinquishing DL from another State	Yes No	Yes No	Yes No
9 Florida Driver License/Issue Date	K625441620600 11/16/2020	K625116645410 12/28/2020	
10 Florida Vehicle Tag #	201RLF	201RLF	
11 Date of Birth	02/20/1962	02/01/1964	
12 Place of Birth/U.S. citizen?	NEW YORK X Yes No	NEW YORK X Yes No	Yes No
13 Immigration Card if not U.S. citizen			
14 Voter Registration #/Date	REG	PENDING	
15 School location of dependent children	NO	NO	
16 Declaration of Domicile			
17 Proof of Utility Payment// Bank acct mailing address	Yes No	Yes No	Yes No
18 Address listed on your last IRS return	1067 SCHOPPER RD EAST AURORA NY 14052	SAME	
19 Physical address of each owner			
20 List all residential properties you or your spouse own in or out of Florida			

I authorize this agency to obtain information to determine my eligibility for the exemptions applied for. I qualify for these exemptions under Florida Statutes. I own the property above and it is my permanent residence or the permanent residence of my legal or natural dependent(s). (See s. 196.031, F.S.). I understand that under section 196.131(2), Florida Statutes, any person who knowingly and willfully gives false information to claim homestead exemption is guilty of a misdemeanor of the first degree, punishable by imprisonment up to one year, a fine up to \$5,000, or both. Under penalties of perjury, I declare that I have read the foregoing application and the facts in it are true.

Caroline Kirchmeyer
Signature, Applicant

[Signature]
Signature, Applicant

Signature, Applicant

11/17/2020

Application Date

Haley Graft
Signature, Property Appraiser/Deputy

Entered by