



**AGENDA  
BOARD OF ADJUSTMENT  
REGULAR MEETING  
JANUARY 19, 2022  
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 BOA Regular Meeting of November 17, 2021.
  - 3.2 Approval of Minutes for the BOA Regular Meeting of December 9, 2021
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
  - 5.1 **BOA 2021-0011 - GILLETTE & ASSOCIATES INC., AGENT FOR ROBERT P. JONES, 2756 & 2757 BAILEY ROAD**  
Variance requested from LDC Section: 4.04.02(E) requiring 2 vehicular access points for proposed subdivision. (*Quasi-Judicial*)
- 6. BOARD BUSINESS**
- 7. STAFF REPORT**
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

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**NEXT BOA REGULAR MEETING IS SCHEDULED FOR FEBRUARY 16, 2022**

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  
NOVEMBER 17, 2021**

**1. CALL TO ORDER 5:00**

**2. ROLL CALL / DETERMINATION OF QUORUM**

**3. MEMBER PRESENT:**

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

**MEMBERS ABSENT:**

**OTHERS PRESENT:**

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

**4. PLEDGE OF ALLEGIANCE**

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.

**5. APPROVAL OF MEETING MINUTES**

**5.1 Approval of Minutes for the Regular Meeting of October 20, 2021.**

Member Hertslet noted that under Item 2, the title of City Attorney should be corrected to City Engineer next to Charlie George's name. Mr. Hertslet also noted the under Item 3 Harrison Pool should read Poole and that he had ex parte communications with Ms. Bach in addition to Mr Poole. Member Hertslet stated that the last name Keester should be corrected to Keister throughout the document.

**ACTION TAKEN: A motion was made by Member Papke, seconded by Member Hertslet to approve the minutes with the noted amendments.**

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

**6. OLD BUSINESS**

There were no Old Business items to discuss.

7. NEW BUSINESS

7.1 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*)

Ms. Forehand presented the case and staff recommended denial because of inconsistencies with the following criteria for granting a variance: Special Privilege, Literal Interpretation, Minimum Variance, and General Harmony.

Ms. Forehand provided clarification that this application is not for an accessory dwelling unit, as indicated on the application, and that the request is for an accessory structure.

Jim Kirchmeyer, 120 N. 6<sup>th</sup> Street, applicant, provided the Board with a detailed explanation of the existing topography of the property which includes a significant drop-off from 22 FT in the rear of the property to 11 FT towards the front.

Member Grant requested clarification of the layout of the existing garage, its proposed usage, and its vehicle accessibility.

Member Oliva pointed out that increasing the current building height would cast a shadow on the adjacent property's pool. Mr. Kirchmeyer stated that he spoke with this neighbor's daughter, and she did not object to the proposed plans.

Chair Miller confirmed that unless a party is present to provide testimony, the Board cannot factor this into its decision making.

Mr. Kirchmeyer stated that the 6-foot bump out is being requested in order to make the garage fully accessible by a vehicle. He also stated that the intent is to significantly improve the existing structure and the variance is necessary because of the extreme change in topography.

Public Hearing was opened and closed with no parties wishing to speak.

Member Grant inquired about how the LDC addresses existing non-conformities. Ms. Forehand confirmed that the LDC does not encourage the survival of non-conformities.

Member Grant requested clarification on what the LDC considers an accessory dwelling. Ms. Forehand confirmed that provisions for eating, sleeping, and living distinguish an accessory dwelling from an accessory structure.

Members discussed the potential appearance of the proposed structure from the right-of-way.

Ms. Bach stated that Board members should refer back to the 6 criteria for granting a variance during their deliberation.

Mr. Kirchmeyer stated that part of the proposed plan includes an improved stormwater drainage system.

Members discussed possibly continuing the case in order to give the homeowner an opportunity to return at a later date with revised plans.

Mr. Kirchmeyer stated that he wants to keep his parcel as one estate property instead of separating lots in order to build the proposed plan and that he respects the Board and LDC but feels that the natural topography of his property would prevent the mass of the proposed building from being out of proportion with the surrounding neighborhood.

**DRAFT**

**ACTION TAKEN:** A motion was made by Member Grant and seconded by Member Papke to postpone BOA 2021-0009 to a date certain of January 19, 2022.

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

**8. BOARD BUSINESS**

There were no Board Business items to discuss.

**9. STAFF REPORT**

**10. PUBLIC COMMENT**

No parties wished to speak.

**11. ADJOURNMENT 6:24**

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**Taylor Hartmann, Recording Secretary**

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**Matthew Miller, Chair**



**MINUTES  
BOARD OF ADJUSTMENT  
WORKSHOP  
DECEMBER 9, 2021**

**1. CALL TO ORDER**

The meeting was called to order at 2:05 p.m.

**2. ROLL CALL**

**MEMBER PRESENT:**

Matthew Miller (Chair)

Chuck Oliva

Geoffrey Grant

Steven Papke (Vice-Chair)

Bill Skulmis (Alt 1)

**MEMBERS ABSENT:**

Barry Hertslet

**OTHERS PRESENT:**

Daphne Forehand, City Planner

Kelly Gibson, Planning Director

Taylor Hartmann, Planning Technician

Sal Cumella, City Planner

Tammi Bach, City Attorney

Katie Newton, Recording Secretary

**3. Review Criteria and Quasi-Judicial Hearing Procedures**

City Attorney Bach introduced the workshop and its purpose, to discuss variances and the criteria for granting them. She defined the term “variance” and explained case law and Florida law regarding variances. Handouts were given to Board members.

Member Skulmis asked for the definition of “inverse condemnation” and Ms. Bach explained that it is a regulation that amounts to a taking. They discussed a past case where the property owner wanted to divide the parcel but couldn’t due the location of a garage. Ms. Bach noted that this was not considered a taking as the property can be used as zoned. She then advised that when the Board listens to testimony, they should think whether it is really a hardship, and gave an example of building a new house and needing “a couple inches”. Chair Miller asked how hardship is proved. Ms. Bach suggested the Board could pose that question to applicants. She stated that hardship is the basis for the law.

City Attorney Bach explained that the purpose of the workshop was not to re-write the City’s criteria for granting variances, although there are two that in her opinion may be problematic. Many municipalities, including Jacksonville Beach, have the same or very similar criteria. Cities have variance processes in part to keep them out of court.

Ms. Bach explained that the “what’s a few inches among neighbors” philosophy is not legally correct. She emphasized that the processes need to be tightened up a bit to make it clearer in case these go to appeal.

Ms. Bach explained that hardship is created by the land, not the nature of the project and that a project can be designed, but land cannot be changed. She cited several cases. The owners' preference is not sufficient to be considered a hardship. There was a brief discussion on the supermajority requirement in Chapter 10 of the Land Development Code and she spoke of an appeal of a recent case, the appeal was granted in court because the Code was inconsistent in this requirement.

Member Oliva asked whether neighbors would be the ones to challenge variances in court. Ms. Bach stated that the City can challenge as a party.

Chair Miller discussed the City's prioritization of trees and asked if a homeowner requested a variance to save a tree, would that be considered a hardship. Ms. Bach stated that the nature of the land could make it a hardship. Chair Miller then asked about requests for a larger deck with the approval of neighbors, but no real hardship. Member Oliva stated he believes granting those kinds of variances might affect the City ultimately, if many are allowed. City Attorney Bach stated that we need to get away from the "two feet, who cares" philosophy, including herself. Member Oliva stated that there is a thin line between neighborly peace and hardship. Ms. Bach stated that we are all neighbors, and this process is subjective, making analysis difficult.

Member Grant discussed findings of fact. He stated that it is easy to find the negative, but harder to find "facts" in approving a variance. Ms. Bach stated that in many of these cases a real hardship may not exist. Member Grant suggested adjusting the form to lay out the facts we are finding. Ms. Bach stated that we use "substantially compliant" as term.

City Attorney Bach directed the Board's attention to the specific criteria by using example of staff reports. The Board reviewed the staff reports. She discussed Criteria #1 having to do with special conditions, and that it should not include something that is to be built.

Chair Miller asked to review the porch case. Ms. Bach went through the criteria. For full analysis, the applicant is supposed to explain why they meet all 6 criteria in application. At the hearing, the Board can ask these questions if they feel they were not fully answered in the application, so to create a record. Member Grant suggested that if an applicant were to leave a question blank, it could be considered instant denial. Planner Forehand explained that the new form online will not let applicants leave questions blank.

Chair Miller stated that some citizens believe that variance is a formality in paying the fee. Ms. Forehand explained that the cost to apply for a variance is now \$2500 for residential and \$5000 for commercial, at the direction of the Commission. Member Oliva stated that when buying property, owners should be aware of limitations of that property, even if it does not conform to the ones nearby. He asked if size of neighboring lots were relevant. Ms. Bach stated that the Board may not all agree on that point and that it is subjective. Ms. Forehand stated that her determination in the sample case had to do with the neighboring lots. Chair Miller stated that staff may think differently on these criteria too. Ms. Forehand said that in this case a minor subdivision resulted in the lot being that size. The group discussed if lot size is a special condition.

City Attorney Bach spoke to the difficulty of Criteria #2, special privilege, because "Special Privilege" is not clearly defined. Member Papke defined it as an exception, which is another word for variance, and Member Oliva asked if every variance could be considered a special privilege. The group discussed what special privilege means and previous cases where the criteria was met. City Attorney Bach explained that the Board does not create precedent.

Ms. Bach began the discussion of Criteria #3, dealing with literal interpretation of the Code. Member Skulmis asked about pools and if it was a hardship if everyone else has one and you can't. The discussion returned to the nature of the project as if the pool could be smaller. Member Oliva stated that the applicants have the burden of proof, and they should have to make their case. Staff agreed to add the presentation to application materials.

The Board then briefly discussed appeals to court. The Board's motion to approve or deny must clearly state

findings of fact.

The group discussed Criteria #4, dealing with minimum variance. Member Grant asked how much non-conformance is acceptable. Ms. Bach stated that the Board can ask staff why it is the minimum variance. Member Skulmis discussed the way Staff presents its reports. Member Oliva suggested that the Board could direct questions to staff as it might be more informative.

There was no discussion for Criteria #5, relating to general harmony, and none for Criteria #6 dealing with the public interest.

The group moved on to the Findings of Fact form. Ms. Bach distributed a sample form. Findings are required. The applicant has the burden of proof. The group discussed the application process and noted that applicants are required to have a pre-application meeting. She stated that a variance is approved if the Board finds that all six criteria are met. Ms. Bach stated that the hearing should then be closed as the Board begin deliberations for a clean record. She added that motions must include ALL of the findings of fact and conclusions of law. The Board discussed appeals to court and how to create a good record with clear Findings of Fact. Ms. Bach asked the Board to articulate the criteria in the motion, especially if Staff states that they are not met and the Board disagrees. The Board had a long discussion regarding the process of making motions, discussion, and debate.

City Attorney Bach updated the Board on the Brett's appeal case.

#### **4. ADJOURNMENT 4:08**

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**Katie Newton, Recording Secretary**

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**Matt Miller, Chair**

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

Yes

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

8/2/2021

## PROPERTY INFORMATION

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

Site Address\*

2757 and 2756 Bailey Road

City\*

Fernandina Beach

State\*

FL

Zip\*

32034

Parcel ID #(s)\*

00-00-30-044B-0076-0010; 00-00-30-044B-0076-0020

Zoning District\*

R-1

Future Land Use Designation\*

Low Density Residential

## OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name\*

Robert P

Last Name\*

Jones

Company (if applicable)

Robert P Jones Estate (Personal Representative-Deborah Portier)

Mailing Address\*

554 Pine Road

City\*

Fernandina Beach

State\*

FL

Zip\*

32034

Telephone Number\*

904-261-8819

E-mail Address\*

tim@fcginc.net

## OWNER'S AGENT

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

**First Name**

Asa

**Last Name**

Gillette

**Company (if applicable)**

Gillette & Associates, Inc.

**Mailing Address**

20 South 4th Street

**City**

Fernandina Beach

**State**

FL

**Zip**

32034

**Telephone Number**

904-261-8819

**E-mail Address**

asa@gilletteassociates.com

## PROJECT INFORMATION

**Variance Requested from LDC Section(s)\***

4.04.02E

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

Relief of requirements of 2 vehicular access points for proposed subdivision.

## REQUIRED FINDINGS FOR A GRANT OF A VARIANCE

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

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

The proposed subdivision entrance is across from Sargossa Street which is the back entrance of Dunes of Amelia subdivision. Adding a second entrance would require the design to offset both entrances at Sargasso Street, leading to possible confusion and traffic incidents.

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

The granting of approval of this request does not confer with any special privilege.

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.\*

Project could be constructed without the variance but County would prefer that the proposed subdivision be limited to one entrance/exist to avoid conflict with Sargossa Street.

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

Bailey Road falls under the jurisdiction of Nassau County and is consider a minor collector. Minor collectors require a minimum driveway spacing of 100-feet. We will not be able to meet 100' minimum if a second entrance is required.

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 approval is in harmony with the general intent of the City LDC and Comp Plan.

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.\*

Development is compatible with surrounding property. And development to this property will not cause injury to the area involved nor be detrimental to the public health, safety, welfare or environment.

Upload Supplemental Materials

city variance letter.pdf

Upload 2

agent authorization.pdf

Upload 3

51884-Model.pdf

Upload 4

BaileyRd-8Lots.pdf

Upload 5

Choose File

No file selected

Upload 6

Choose File

No file selected

Upload 7

Choose File

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\*

Tricia

Applicant's Last Name\*

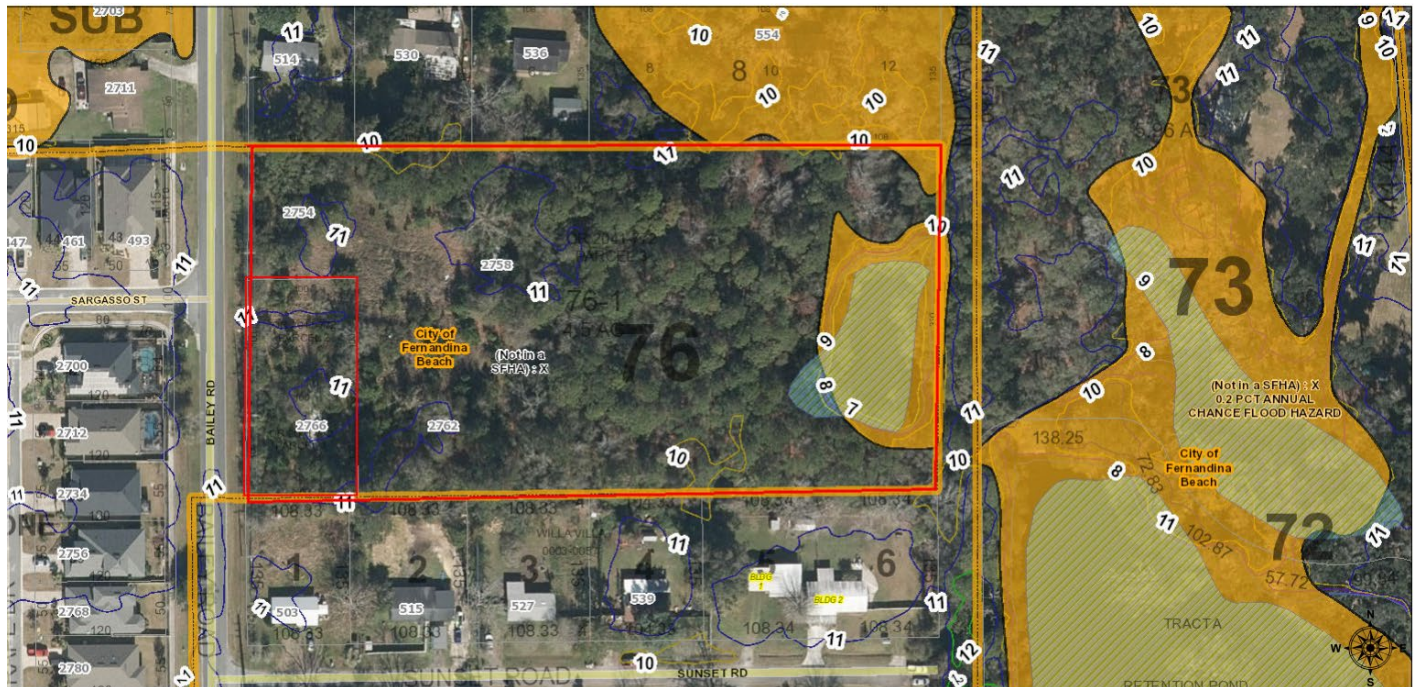
Bowen



**BOARD OF ADJUSTMENTS STAFF REPORT**  
**BOA 2021-11**  
**JANUARY 19, 2022**

|                                   |                                                                                                                                       |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>Owner/Applicant:</b>           | Robert P. Jones, Owner / Asa Gillette, Agent                                                                                          |
| <b>Property Address:</b>          | 2757 AND 2756 Bailey Road                                                                                                             |
| <b>Parcel Number:</b>             | 00-00-30-044B-0076-0010 , 00-00-30-044B-0076-0020                                                                                     |
| <b>Requested action:</b>          | VARIANCE from LDC Section 4.04.02 (E): A subdivision shall have at least two (2) vehicular access points to an improved right-of-way. |
| <b>Current zoning:</b>            | R-1                                                                                                                                   |
| <b>FLUM land use category:</b>    | Low Density Residential                                                                                                               |
| <b>Existing uses on the site:</b> | Mobile Homes                                                                                                                          |

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



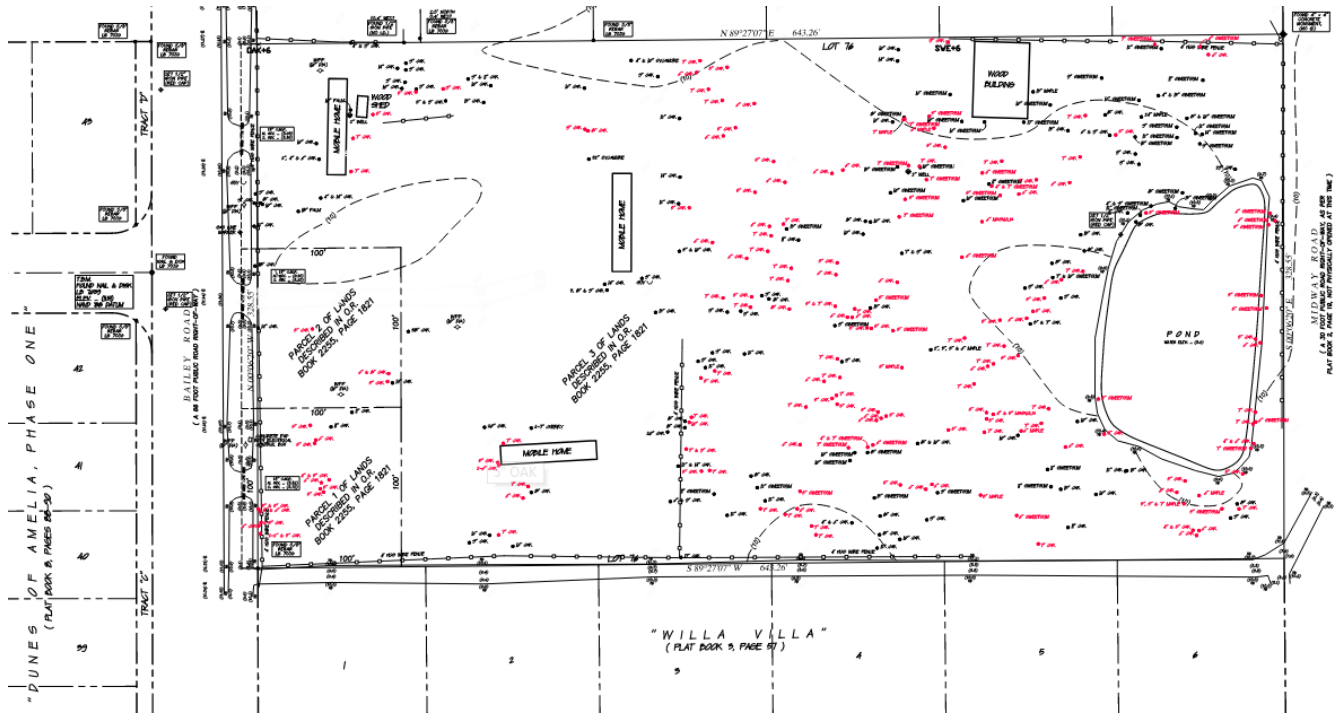
### SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The subject parcels were recently annexed into the City and assigned a Future Land Use Map category of Low Density Residential, and zoned R-1. The intent of the newly annexed parcels is to construct single family residential homes, consistent with the land use and design standards for the R-1 zoning district. The applicant requests a variance from section 4.04.02(E), which requires a subdivision to have at least two (2) vehicular access points to an improved right-of-way. The proposed subdivision entrance is across from Sargasso Street, which is also the back entrance to the Dunes of Amelia subdivision. The addition of a second entrance would require a design that offsets both entrances with Sargasso Street. Bailey Road is a minor collector road which is maintained by Nassau County. In addition to meeting City requirements, the applicant must also meet County driveway construction standards which require a minimum spacing of 100 feet between driveways.<sup>1</sup> The site does not abut any public rights-of-way along its eastern boundary and is constrained by existing single family residential

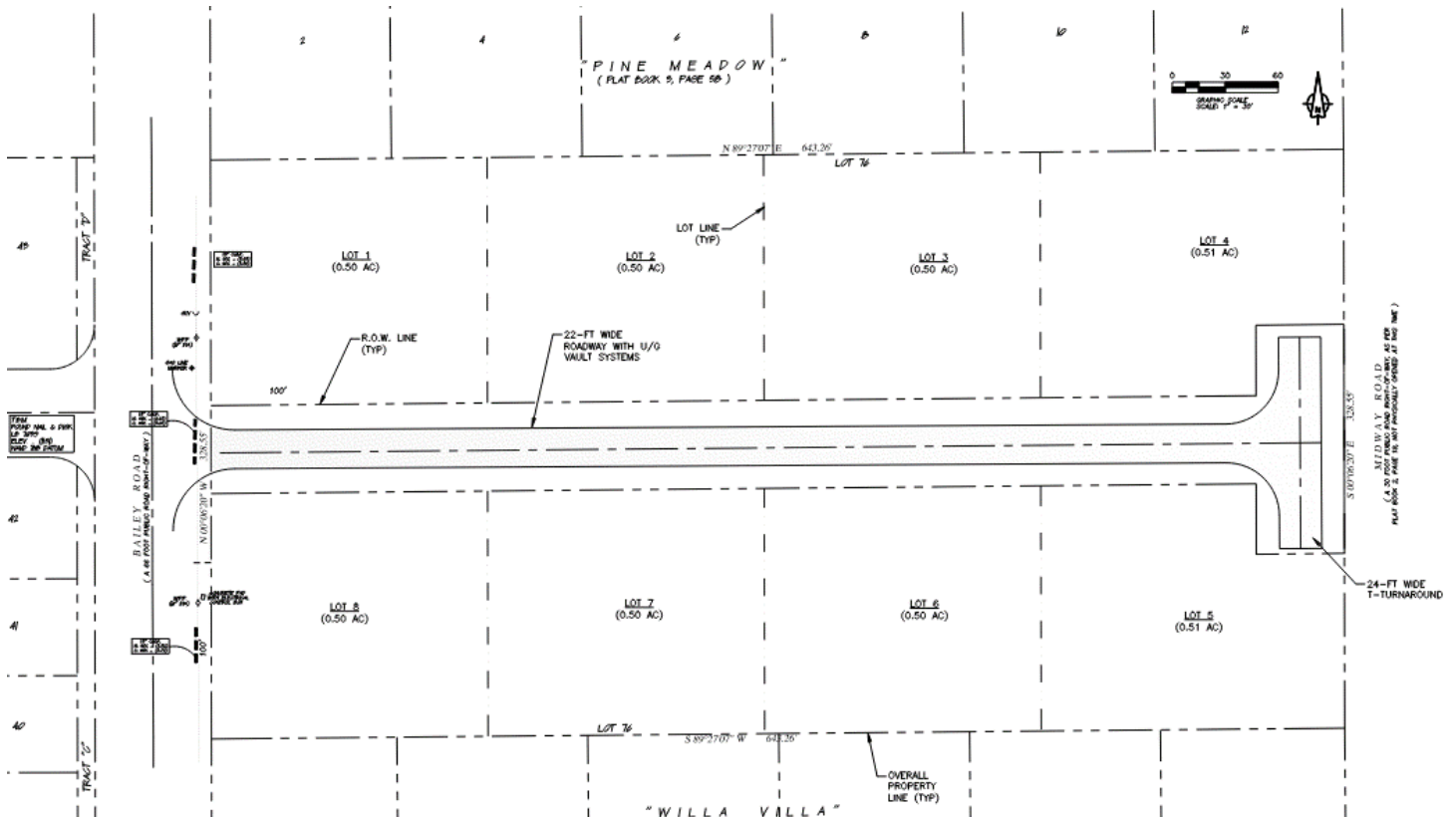
<sup>1</sup> Nassau County Ordinance 99-17, Section 9.3 & 9.5

development to its north and south therefore, there is no opportunity access from the eastern boundary. As a result, the applicant proposes one entrance to avoid potential confusion and traffic incidents.

## EXHIBIT A: SURVEY



## EXHIBIT B: SITE PLAN



## 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.

## 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                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b><u>1. Special Conditions</u></b><br><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 and circumstances do not exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. The applicant can meet the City's vehicular access requirements as well as Nassau County driveway standards without the need for a variance. | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b><u>2. Special Privilege</u></b><br><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 subdivisions within the City are required to meet this section of code.                                                                                     | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b><u>3. Literal Interpretation</u></b><br><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.                                                                                                                                                                                                               | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b><u>4. Minimum Variance</u></b><br><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. A secondary vehicular access point could be designed to avoid the need for a variance.                                                                                                                                  | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |

|                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <b>5. General Harmony</b><br><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. The general intent of this section of code is to provide for adequate vehicular access and connectivity to an improved right-of-way for all properties within a new subdivision.                                                                                                                                                | <input type="checkbox"/> Yes<br><input checked="" type="checkbox"/> No |
| <b>6. Public Interest</b><br><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. An additional access point would require the design to offset both entrances at Sargasso Street, which could lead to confusion. Additionally, one entrance/exit is the preference of County Engineering staff to avoid potential conflicts with Sargasso Street. | <input checked="" type="checkbox"/> Yes<br><input type="checkbox"/> 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 6, but it is inconsistent with criteria 1, 2, 3, 4, and 5 for granting of a variance.

### Staff recommends:

**DENIAL of BOA 2021-11.**

### **MOTION TO CONSIDER**

I move to **approve or deny** BOA case number 2021-11;

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

That BOA case 2021-11, 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 2021-11 **meets or does not meet** the following criteria for granting a variance:

**LIST OF EXHIBITS:**

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**EXHIBIT A – SURVEY**

**EXHIBIT B – SITE PLAN**

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Daphne F. ...", is written in a cursive style.

**Planner I**



**Civil & Environmental Engineering • Mechanical & Structural Engineering • Construction Management**

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December 7, 2021

Ms. Daphne Forehand, City Planner  
City of Fernandina Beach  
204 Ash Street  
Fernandina Beach, Florida 32034

**Re: 2754 & 2766 Bailey Road**

Dear Ms. Forehand,

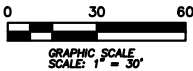
The intent of this application is to seek relief from Section 4.04.02(E) of the City of Fernandina Beach Land Development Code for the requirement of two (2) vehicular access points to an improved right-of-way. The proposed subdivision entrance is across from Sargasso St., which is the back entrance of the Dunes of Amelia subdivision. Adding a second entrance would require the design to offset both entrances with Sargasso Street, leading to possible confusion and traffic incidents.

Bailey Road falls under the jurisdiction of Nassau County and is considered a minor collector, requiring a minimum driveway spacing of 100-feet. We will be required to obtain a right-of-way permit from Nassau County for the connection of our proposed right-of-way to Bailey Road. If a second entrance is added, we will not be able to meet the 100-ft spacing from Sargasso Street and our entrances. In conversations with Nassau County's engineering department, they would prefer that the proposed subdivision be limited to one entrance/exit to avoid conflict with Sargasso Street.

If you have any questions or need additional information, please contact our office.

Respectfully,

Asa R. Gillette, P.E.  
Principal & Engineer  
Gillette & Associates, Inc.



SURVEYOR'S NOTE:  
THE "LESS AND EXCEPT" PARCELS DEEDED TO  
NASSAU COUNTY IN OFFICIAL RECORDS BOOK 77,  
PAGE 520, (AS TO PARCEL 2); OFFICIAL RECORDS  
BOOK 78, PAGE 525, (AS TO PARCEL 3); AND  
OFFICIAL RECORDS BOOK 79, PAGE 307, (AS TO  
PARCEL 1), ARE NOT AVAILABLE ONLINE AT THE  
NASSAU COUNTY CLERK OF THE CIRCUIT COURTS  
OFFICE. THEREFORE WITHOUT A TITLE COMMITMENT,  
AND A COPY OF THESE INSTRUMENTS, THIS FIRM CAN  
NOT PLOT THESE "LESS AND EXCEPTS".

#### BOUNDARY, TOPOGRAPHIC AND TREE SURVEY OF

Legal description obtained from Quit-Claim Deed recorded in Official Records Book 2255, page 1821

All of Lot 76 of OCEAN BREEZE FARMS, a subdivision of a portion of Sections 3 and 5, Township 2 North, Range 28 East, Nassau County, Florida, according to plat of said Subdivision recorded in Plat Book 2, page 19, public records of said Nassau County, Florida, less the Westerly 10 feet of said Lot 76 which was taken to widen Bailey Road, and also except that portion thereof conveyed to Nassau County under O.R. Book 78, page 525, public records of Nassau County, Florida.

Surveyor's Note regarding the Legal Description contained in Official Records Book 2255, page 1821

The Legal Descriptions contained within this deed as Parcel 1 ad Parcel 2 are the same lands as described as a LESS AND EXCEPT in Parcel 3, ("and also less the Easterly 100 feet of the Westerly 110 feet of the Southerly 200 of said Lot 76).

#### GENERAL NOTES:

1) BEARINGS SHOWN HEREON ARE BASED ON THE EASTERLY RIGHT-OF-WAY LINE OF "BAILEY ROAD", AS N 00°06'20" W, AS MONUMENTED AND ARE BASED ON THE U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC & ATMOSPHERIC ADMINISTRATION (NOAA), NATIONAL GEODETIC SURVEY (NGS) DATUM, NORTH AMERICA DATUM OF 1983 (2011) OR NAD83 (2011), FOR THE STATE OF FLORIDA, STATE PLANE COORDINATE SYSTEM, FOR ZONE 901 (FL EAST).

2) THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE ENTITIES LISTED ON THIS SURVEY AND ONLY FOR THIS PARTICULAR TRANSACTION AND SCOPE OF WORK. ANY USE OF THIS SURVEY WITHOUT THE EXPRESS WRITTEN PERMISSION OF THIS SURVEYOR AND/OR FIRM IS STRICTLY PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION(S) IS EXPRESSLY PROHIBITED AND IS NOT AUTHORIZED BY THIS SURVEYOR AND/OR FIRM. THIS SURVEYOR AND/OR FIRM EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO ENTITY OTHER THAN THOSE LISTED ON THIS SURVEY SHOULD RELY UPON THIS SURVEY FOR ANY PURPOSE.

3) UNLESS A TITLE COMMITMENT IS REFERENCED GRAPHICALLY ON THE FACE OF THIS SURVEY/SKETCH, THERE MAY BE ADDITIONAL COVENANTS AND RESTRICTIONS, EASEMENTS OF RECORD, BUILDING RESTRICTION/SETBACK LINES RESTRICTIONS, AND OTHER MATTERS, EVIDENCED BY TITLE EXAMINATION BY A TITLE COMPANY, THAT HAVE NOT BEEN SHOWN HEREON. THESE ITEMS ARE NOT REQUIRED OR A PART OF A STATE OF FLORIDA MINIMUM TECHNICAL STANDARDS SURVEY, AS OUTLINED IN THE STATE OF FLORIDA, ADMINISTRATIVE CODE, 5J-17.051.

4) NOTE: NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER. ADDITIONS AND/OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OF PARTIES IS PROHIBITED WITHOUT THE WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.

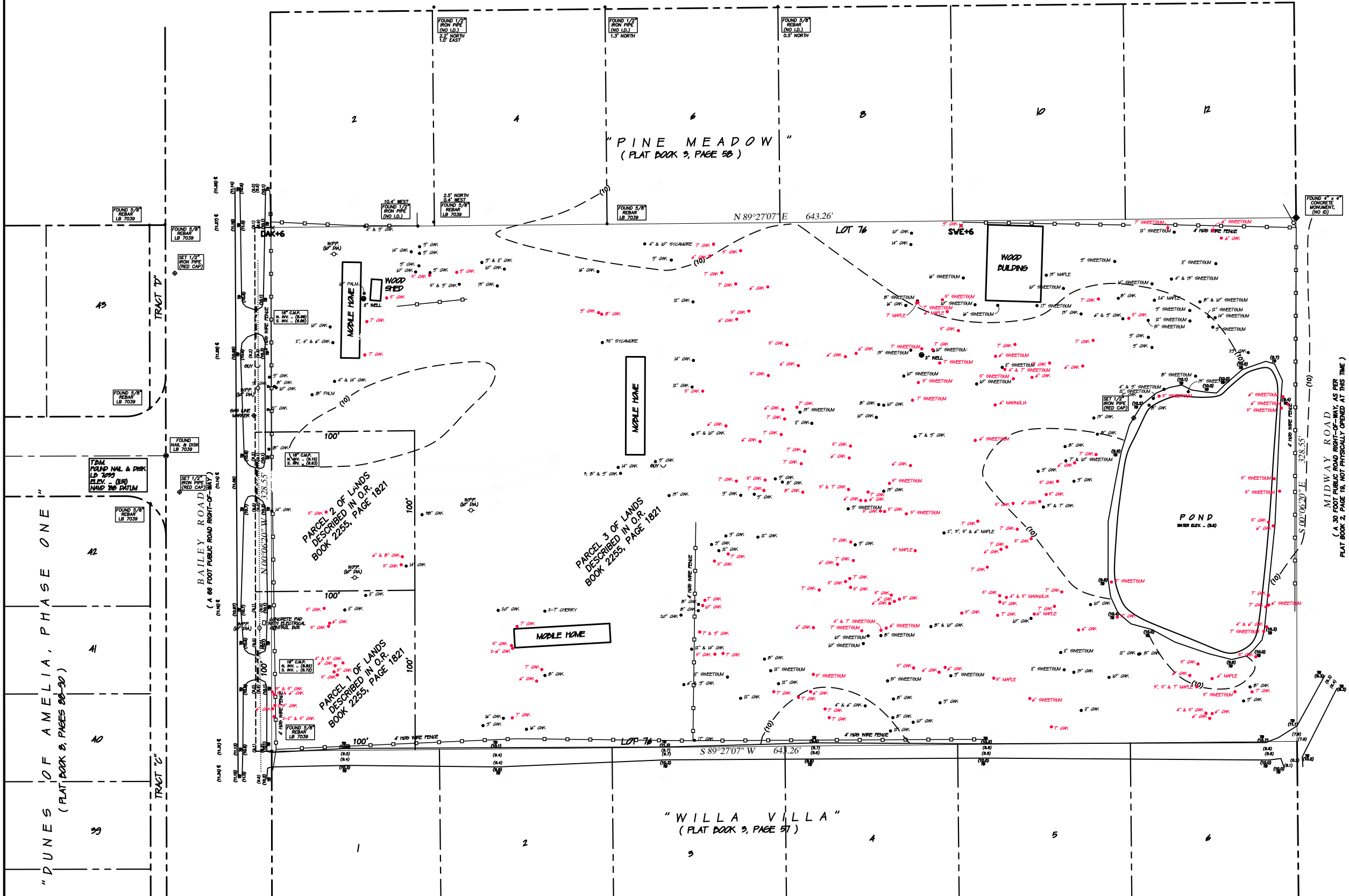
5) NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS, ENTITIES AND/OR FIRMS AS SHOWN ON THE FACE OF THIS SURVEY. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. THIS SURVEYING FIRM AND THE SIGNING SURVEYOR IS RESPONSIBLE ONLY TO THOSE THAT APPEAR IN THE CERTIFICATION AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF OTHERS, (INDIVIDUAL OR ENTITIES) TO USE THIS SURVEY WITHOUT THE EXPRESS WRITTEN CONSENT OF THIS FIRM AND/OR SURVEYOR.

6) ELEVATIONS SHOWN HEREON ARE BASED ON THE U.S. DEPARTMENT OF COMMERCE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA), NATIONAL GEODETIC SURVEY (NGS) DATUM, NORTH AMERICAN VERTICAL DATUM OF 1988, (NAVD '88). THE NORTH AMERICAN VERTICAL DATUM OF 1988 IS THE CURRENT VERTICAL CONTROL DATUM OF ORTHOMETRIC HEIGHT ESTABLISHED FOR VERTICAL CONTROL SURVEYING IN THE UNITED STATES BASED UPON THE GENERAL ADJUSTMENT OF THE NORTH AMERICAN DATUM OF 1988, AND USES THE HELMERT ORTHOMETRIC HEIGHT, WHICH CALCULATES THE LOCATION OF THE GEOD (WHICH APPROXIMATES SEA LEVEL) FROM MODELED LOCAL GRAVITY.

7) THIS DRAWING MAY HAVE BEEN ENLARGED OR REDUCED FROM THE ORIGINAL DRAWING. THEREFORE THE GRAPHIC SCALE SHOULD BE UTILIZED TO DETERMINE IF THIS MAP IS TO THE ORIGINAL SIZE AND SCALE.

8) UNLESS OTHERWISE NOTED, ANY PORTION OF THE SUBJECT PROPERTY GRAPHICALLY SHOWN HEREON, MAY BE DEEMED WETLANDS, BY LOCAL, STATE OR FEDERAL GOVERNMENTAL AGENCIES. UNLESS ENVIRONMENTAL WETLAND JURISDICTIONAL DETERMINATION SURVEY WAS PERFORMED BY THIS FIRM, AT THIS TIME, THE DETERMINATION OF THE ENVIRONMENTAL WETLAND JURISDICTIONAL WETLAND LINE(S) AND APPROVAL BY THE AFOREMENTIONED GOVERNMENTAL AGENCIES, IS THE RESPONSIBILITY OF THE OWNER(S), HIS OR HER AGENTS, AND ANY PARTY/PARTIES THAT UTILIZE THIS SURVEY WITHOUT OBTAINING AN ENVIRONMENTAL WETLAND JURISDICTIONAL LINE DETERMINATION AND APPROVAL BY THE APPROPRIATE GOVERNMENTAL AGENCIES DO SO AT THEIR OWN RISK.

9) EVERY ATTEMPT WAS MADE BY THIS FIRM TO CORRECTLY IDENTIFY THE TREES SHOWN HEREON BY SIZE AND SPECIES TYPE, (I.E. HICKORY, LIVE OAK, ETC.). HOWEVER, THIS FIRM DOES NOT HAVE ON ITS STAFF A BOTANIST OR DENDROLOGIST, NOR DOES IT PRACTICE IN THE FIELDS OF BOTANY OR DENDROLOGY, OR REPRESENTS ITSELF AS AN EXPERT IN TREE IDENTIFICATION, WHICH IS NOT A SURVEYING FUNCTION. THEREFORE, THERE MAY BE MIS-IDENTIFIED TREES SHOWN ON THIS SURVEY.



JONATHAN B. BOWAN  
STATE OF FLORIDA  
REGISTERED LAND SURVEYOR  
CERTIFICATE No. 4600

JOB No. 51884  
FIELD BOOK 588, PAGE 39  
CAD FILE NAME: ARTISAN\OCEAN BREEZE FARMS\51884.Dwg

FIELD DATE: MARCH 12, 2021  
MAP DATE: APRIL 6, 2021  
REVISED JUNE 23, 2021 (MAP), JUNE 21 (FIELD)  
ADDED TREES 5\"/>

Prepared by  
A & J Land Surveyors, Inc.  
5847 Luella Street  
Tuckersville, Florida 32707



|                                                          |
|----------------------------------------------------------|
| ISSUE DATE: 12/02/21                                     |
| <div style="text-align: center;"> Sheet<br/> GE-4 </div> |
| Page 1 of 1                                              |
| Project No. XX-XX-XX                                     |



Gillette & Associates, Inc.

Civil & Environmental Engineering • Mechanical & Structural Engineering • Construction Management

**AGENT AUTHORIZATION**

I, DEBRA JONES PORTIER PERSONAL REPRESENTATIVE OF

I, ROBERT PERRY JONES ESTATE the owner of the following property(s) do hereby authorize, Gillette & Associates, Inc. to act as my Agent in conjunction with all site plan applications and any other Local, State and/or Federal development permits necessary for development of the following property, without any further notice.

Property ID Number(s): 00-00-30-044B-0076-0010; 00-00-30-044B-0076-0020

Location: 2754 and 2766 Bailey Road, Fernandina Beach, Florida

Debra J. Portier 5-25-21 904-415-2865  
Signature Date Telephone Number  
Personal Representative  
of Robert Perry Jones Estate

STATE OF FLORIDA  
COUNTY OF Nassau

Subscribed and sworn to before me this 25<sup>th</sup> day of May,  
2021.

Who is personally known to me ☒ or has produced identification

Abbey Smith Abbey Smith  
Notary Public Signature Printed Name

My Commission Expires: 1/20/2024

# DRIVEWAY CONSTRUCTION STANDARDS

(Ordinance 99-17, Section 9.3 & 9.5)

| Single Family | Local Roads | Minor Collectors | Major Collectors |
|---------------|-------------|------------------|------------------|
| Normal Width  | 12-18'      | 12-18'           | 14-18'           |
| Minimum Flare | 5'          | 5'               | 10'              |

## MINIMUM SPACING

|                    |      |      |      |
|--------------------|------|------|------|
| From Property Line | 5'   | 5'   | 15'  |
| From Street Corner | 50'  | 100' | 100' |
| Between Driveways  | 100' | 100' | 100' |

## PAVEMENT SECTION

|                                                                 |                    |                    |                                   |
|-----------------------------------------------------------------|--------------------|--------------------|-----------------------------------|
| Concrete (Reinforced)<br>(Minimum 3000 psi)                     | 6"                 | 6"                 | 6"                                |
| Asphalt<br>Base Course<br>(Limerock)<br>@ LBR 100 & 98% Density | 1¼" SP - 9.5<br>6" | 1½" SP - 9.5<br>8" | 1½" SP - 12.5 & ¾" SP - 9.5<br>8" |
| Stabilized Subgrade<br>@ LBR 40 & 98% Density                   | 12"                | 12"                | 12"                               |

NOTE: Pipe size, length and invert to be determined by the department. All pipes to have poured mitered end sections when installed on roads with posted speed limits over 30 M.P.H. All installations to include necessary erosion control; I.E.: sod, bales, grass, ETC. Non-paved driveways require only minimum 12" stabilized subgrade over pipes.

Per adopted Nassau County Resolution #97-185, a \$38.00 reinspection fee is required prior to rescheduling a failed inspection. This fee may be paid at the Engineering Services Department located at 96161 Nassau Place in Yulee, Florida from 8:00am until 5:00pm, Monday thru Friday (excluding holidays).

**To schedule an inspection call (904) 530-6225.**

## ROADWAY FUNCTIONAL CLASSIFICATIONS

### MAJOR COLLECTORS

Amelia Concourse  
Amelia Island Pkwy  
Blackrock Rd (CR 107)  
Chester Rd  
CR 108 (Hilliard)  
CR 121  
Crawford Rd  
N 14th Street (to Egans Creek)  
Old Nassauville Rd (CR 107)  
Pages Dairy Rd (CR 200A)  
River Rd/Brandies Av (CR 108)  
S 14th Street  
Sadler Rd  
William Burgess Blvd

### MINOR COLLECTORS

Amelia Road  
Andrews Road  
Bailey Road  
Barnwell Road  
Bay Road (CR 115)  
Buccaneer Trail (CR 105A)  
Christian Way  
Christian Way (future)  
Citrona Drive  
Courtney Isles Way  
Courtney Isles Way (future)  
CR 119  
David Hallman Parkway  
Eastwood Road  
Edwards Road

Flora Parke Blvd  
Ford Road  
Green Pine Road  
Griffin Road  
Haddock Road  
Harts Road  
Henry Smith Road  
Heron Isles Parkway  
Jasmine Street  
Kings Ferry Road (CR 115A)  
Kolar's Ferry Road  
Lake Hampton Road  
Lessie Road  
Lime Street  
Middle Road (CR121A)

Miner Road  
Murrhee Road  
Musselwhite Road  
North Hampton Club Way  
North Harts Road  
Old Dixie Highway (CR 115)  
Otis Road (CR 119)  
Pratt Siding Road  
Ratliff Road  
Simmons Road  
SR2 (CR2)  
T.J. Courson Road  
Thomas Creek Road  
Timber Creek Blvd  
Will Hardee Road

**NOTE:** This list is subject to change upon revisions.