



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
MAY 18, 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 Regular Meeting of April 20, 2022.
- 4. NEW BUSINESS**
 - 4.1 **BOA 2022-0013 - MIRANDA ARCHITECTS, JOSE MIRANDA, AGENT FOR FERNANDINA BEACH CHURCH OF CHRIST, 1005 S. 14TH STREET**
Synopsis: The applicant requests a variance from LDC Section 6.02.28(H) to increase total floor area to 30% of the Fellowship Hall use which is limited to 20%. (*Quasi-Judicial*)
- 5. BOARD BUSINESS**
- 6. PUBLIC COMMENT**
- 7. ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR JUNE 15, 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
APRIL 20, 2022**

1. CALL TO ORDER 5:00PM

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)
Jag Pagnucco (Alt 2)	

MEMBERS ABSENT:

OTHERS PRESENT:

Kelly Gibson, Planning & Conservation Director
Tammi Bach, City Attorney
Taylor Hartmann, City Planner

Chair Miller introduced Mr. Jag Pagnucco as the newest BOA Member to serve as Alternate 2.

No members disclosed any ex parte communications.

City Attorney Bach explained the quasi-judicial procedures.

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

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MEETING MINUTES

4.1 Approval of Minutes for the February 16, 2022, Regular Meeting.

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 roll call, 5-0 vote.

5. NEW BUSINESS

5.1 BOA 2022-0012 - STEVE HORVAT, 2795 TURTLE SHORES DRIVE

Variance to Section 10.01.00 to decrease rear setbacks by 6 inches for installation of a pool. (*Quasi-Judicial*)

At the request of Chair Miller, Ms. Bach provided an explanation on procedures for written evidence of support. Chair Miller then asked to see who was in attendance to accept their statements as part of the

record of proceedings.

Ms. Hartmann presented the case and recommended denial.

Members asked for clarification of the code.

Steven Horvat, 2795 Turtle Shores Drive, applicant, spoke of his request for a variance.

Donald Tuttle, 2792 Turtle Shores Drive, neighbor, spoke in support of this request and noted that he saw no negative in granting the variance.

Mike Bailey, 2790 Turtle Shores Drive, neighbor, also spoke in support for the request.

Jeff Carr, 2729 Ocean Oaks Drive South, said he was in favor of the request for the variance. He added that the request was something that occurred beyond the control of the homeowner and that common sense should prevail.

Brad Smith, 730 Tarpon Avenue, friend of the applicant, said he was in favor of the request in granting the variance.

Gary Carlee, 1129 Sabato Avenue South, Jacksonville, FL, pool designer/contractor, explained that the mistake occurred as a result of the original design which was based on the Nassau County regulations and that the modification into City regulations were never updated into the design. Once caught at the time of permit submittal, changes were made to the permit package but that the change in the design of the pool did not get translated to the engineering forms document.

Mr. Horvat presented written statements from some neighbors that were unable to be present. While recognizing that these statements cannot be made part of the record, he noted his neighbors had not spoken against the request. Mr. Horvat wished that this mistake had not occurred and requested grace from the board in approving the request. He was thankful for the support of his neighbors on this proceeding.

Board discussion took place.

ACTION TAKEN: A motion was made by Member Hertslet and seconded by Member Oliva to approve BOA 2022-0012 without conditions; AND moved that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2022-0012, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2021-0012 meets the following criteria for granting a variance: special conditions, special privilege, literal interpretation, minimum variance, general harmony, and public interest.

Special Condition: County ROW with landscape area

Special Privilege: The inspections were not completed as should have been done.

Literal Interpretation: Arbitrary nature for the 6" administrative allowance for granting a variance.

Vote to approve 5-0, motion passed.

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

6. BOARD BUSINESS

6.1 Election of Chair

ACTION TAKEN: A motion was made by Member Papke seconded by Member Hertslet to appoint Member Grant as Chair. Member Grant accepted the nomination.

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

6.2 Election of Vice-Chair

ACTION TAKEN: A motion was made by Member Grant seconded by Member Skulmis to re-appoint Member Papke as Vice-Chair. Member Papke accepted the re-appointment.

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

7. STAFF REPORT

7.1 Advisory Board/Committee Meeting Minutes Policy Update

Ms. Bach and Ms. Gibson explained that in order to standardize the Minute-taking process, all Board Minutes will now be streamlined to mainly reflect identification of speakers, motions and action taken.

8. PUBLIC COMMENT

No parties wished to speak.

9. ADJOURNMENT 6:14

Kelly Gibson, Recording Secretary

Matthew Miller, Chair



BOARD OF ADJUSTMENT STAFF REPORT
BOA 2022-0013
MAY 18, 2022

Agent/Owner:	Miranda Architects, Agent for: Fernandina Beach Church of Christ
Property Address:	1005 S. 14 th Street
Parcel Number:	00-00-31-1800-0238-0010
Requested action:	VARIANCE from LDC Section 6.02.29(H) to increase allowable percentage of Fellowship Hall use from 20% to 30% of total floor area on the site.
Current zoning:	MU-1/R-2
FLUM land use category:	Mixed-use/Medium Density Residential
Existing uses on the site:	Religious Facility

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



SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

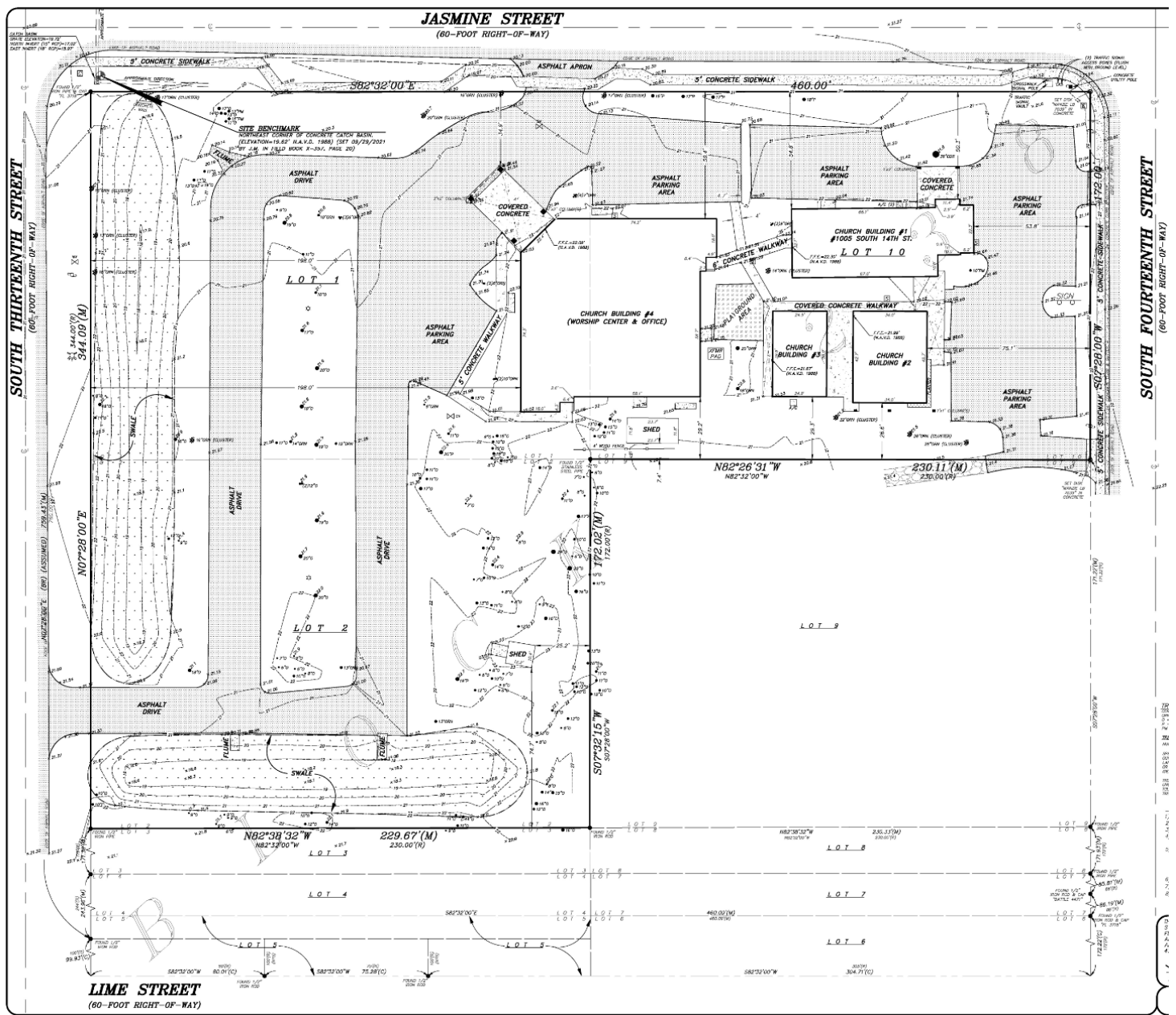
The property was initially established by the Church of Christ in 1971 with substantial improvements being constructed in 2000. It is important to note that the Land Development Code (LDC) was adopted, by ordinance, in 2006.

This application is for a variance from Section 6.02.29(H) of the LDC to allow for the construction of one oversized structure that would house a benevolence hall and education facility. The LDC allows both as accessory uses so long as each individual use, including related mechanical and support facilities, does not exceed twenty (20) percent of the total floor area on the site.

The existing floor area on site is 12,150 square feet (4 buildings, including the worship hall) and the floor area of the proposed portion of the benevolence building is 1,496 square feet. When added to the existing fellowship hall, this is a total of 4,063 square feet or 29% of the total floor area.

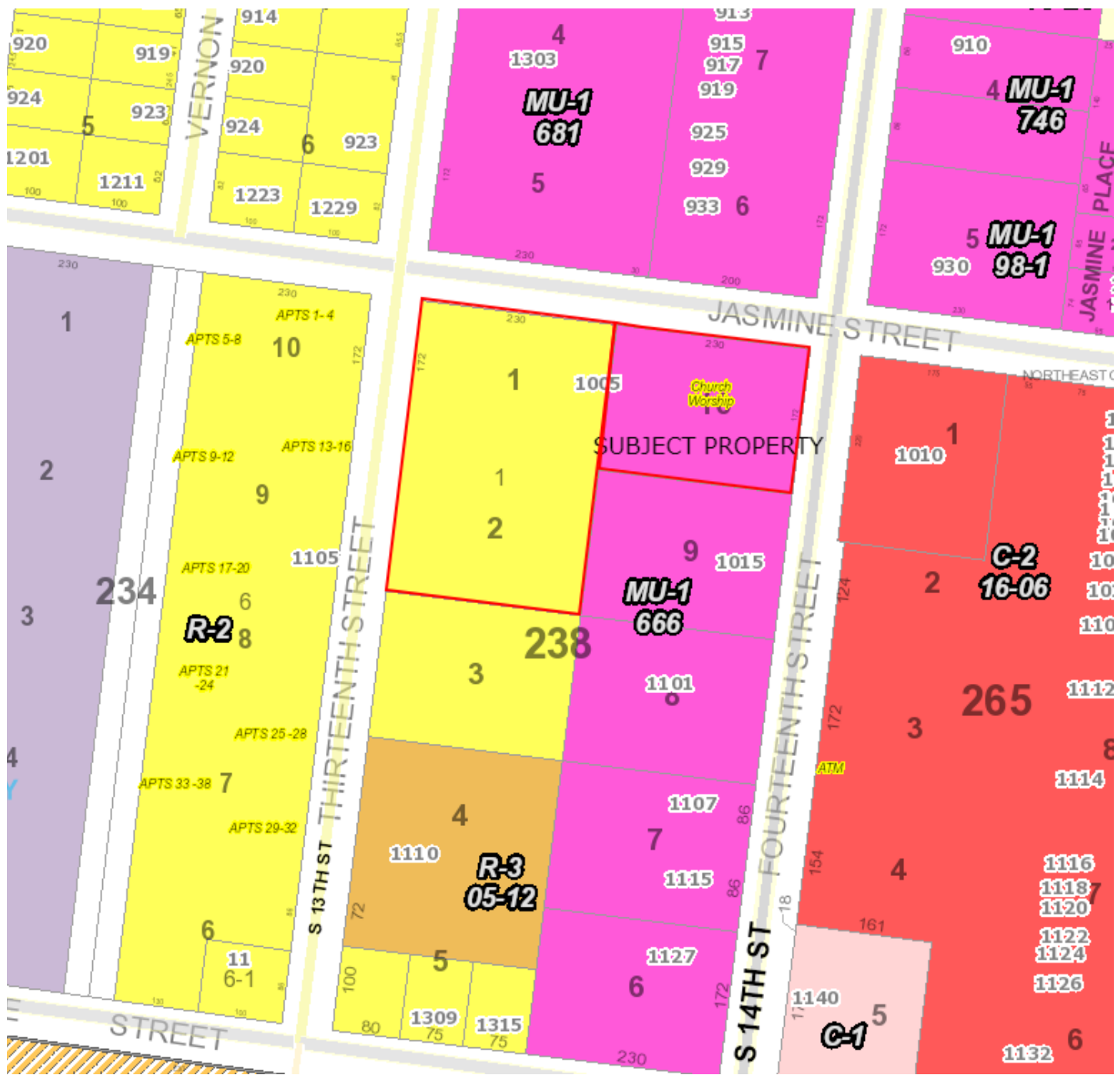
The applicant is requesting a variance to the twenty (20) percent limit in order to meet the growing needs of the congregation and to increase their community outreach.

EXHIBIT A: SURVEY



[illegible]

EXHIBIT C: SURROUNDING AREA PARCELS



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.
- Policy 1.07.05 (f) - Supportive community facilities and accessory land uses may be located within areas designated MDR (Medium Density Residential).

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	Applicant Response	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>	There are Special Conditions related to the site. FB Church of Christ is seeking to replace existing church buildings that have outlived their expected life cycle. The primary issue are the antiquated and arbitrary provisions on the Land Development Code specifically pertaining to Religious Facilities and Uses. The unintended consequences of placing square footage percentages/limitations for various church accessory uses are that churches have to either A) Build larger than necessary buildings on a site OR B) seek a variance to seek relief from LDC provisions.	Yes. Special conditions do exist as they relate to the land. The Church and its outbuildings were all constructed prior to the LDC being adopted in 2006. There would be no way to know, at the time of initial construction, that future regulations would only allow accessory uses to be a fraction of the total floor area of the worship hall.	☒ 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,</i>	No special privilege will be conferred upon the applicant through the granting of the variance.	Yes. Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code. Since 2006, all new places of worship have had the benefit of knowing what supplemental standards they must adhere to if	☒ Yes ☐ No

structures, or buildings in the same zoning district.		they plan to add accessory uses, whereas the applicant did not have access to this information at the time of establishment.	
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>	The literal interpretation of the LDC provisions would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. Although the LDC provisions unique to Religious Facilities do impose and undue hardship for churches and their ministries.	Yes. Literal interpretation of the Land Development Code would deprive the applicant of rights enjoyed by other properties within this zoning district. Literal interpretation would require the applicant to have anticipated future city-wide land use and building regulation changes in order to provide accessory uses that are both LDC compliant and proportionate to the church's needs.	☒ 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>	This variance is the minimum variance needed in order for the church to meet their congregation's needs and outreach ministry goals.	Yes. The variance requested is the minimum variance needed to make possible the reasonable use of the land and accommodate the church's expanded demands.	☒ 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>	Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and the Comprehensive Plan. The balance of the project will be in full compliance with all application LDC requirements.	Yes. Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan. The LDC allows religious facilities to have educational and fellowship halls as accessory uses. Additionally, the Comp Plan encourages supportive community facilities within the R-2 zoning district.	☒ 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>	Granting the variance is compatible with the 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 is compatible 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 Church is striving to expand their community outreach and meet the needs of the congregation. Additionally, the proposed square footage increase will not have any adverse effects on	☒ Yes ☐ No

		stormwater drainage, nor will it be in conflict with the LDC's maximum impervious surface lot coverage of 60%.	
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STAFF RECOMMENDATION:

The variance requested is consistent/inconsistent with the criteria for granting a variance as follows:

	Consistent	Inconsistent
1. Special Conditions	X	
2. Special Privilege	X	
3. Literal Interpretations	X	
4. Minimum Variance	X	
5. General Harmony	X	
6. Public Interest	X	

Staff finds that the requested action, as presented, DOES meet all six criteria for granting a variance, therefore staff must recommend APPROVAL.

Staff recommends:

APPROVAL of BOA 2022-0013.

MOTION TO CONSIDER

I move to **approve or deny** BOA case number 2022-0013;

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

That BOA case 2022-0013, 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 2022-0013 **meets or does not meet** the following criteria for granting a variance:

LIST OF EXHIBITS:

EXHIBIT A – SITE PLAN

EXHIBIT B – SURVEY

EXHIBIT C – SURROUNDING AREA PARCELS

Respectfully Submitted,



Taylor Hartmann
Planner I



April 4, 2022

City of Fernandina Beach
Board of Adjustment
204 Ash Street
Fernandina Beach, FL 32034

RE: *Fernandina Beach Church of Christ Variance Request*
1005 South 14th Street, FB, FL 32034

Dear Board of Adjustment,

I am writing as the authorized agent for the Fernandina Beach Church of Christ on their variance request before the Board of Adjustment. As Architect of record I am working with the church on the design of a new Christian Education and Benevolence Building for the site. The new building will be 4,715 gross square feet and will replace an existing circa 1960's building of 3,655 gross square feet.

In my discussion with the Kelly Gibson, Planning Director, she has determined that the "benevolence ministry" function for the proposed new building counts towards the Fellowship Hall (Community Center, Activity Hall, Life Center) use for the site. The Land Development Code, Supplemental Standards for Religious Uses & Facilities place limits on the percentage of building square footage for various accessory uses on a site.

The **existing site** has the following buildings/uses and square footages:

Sanctuary Building	8,306 SF
Fellowship Hall Building	2,896 SF
Education Building	3,655 SF
Total Existing Buildings	14,857 square feet

The proposed **post-construction site** will have the following buildings/uses and square footages:

Sanctuary Building	8,306 SF
Fellowship Hall Building	2,896 SF
New Education/Benevolence Building	4,715 SF
Total Existing Buildings	15,917 square feet

Per the Planning Director, the portion of the benevolence function counts toward the square footage for the Fellowship Hall Building with the following result:

Fellowship Hall Building	2,896 SF
Portion of New Building Benevolence Use	<u>1,864 SF</u>
Total Fellowship Building	4,760 square feet

Per LDC Supplemental Standards in Section 6.02.28, the square footage limitation for the Fellowship Hall Building/Function is 20% of gross building square footage on the site.

15,917 square feet X 20% = 3,183.4 square feet

We are requesting an increase in the square footage limitation for the Fellowship Hall Building/Function from 20% to 30% to permit the construction of the Benevolence Ministry function in the new building.

15,917 square feet X 30% = 4,791.3 square feet > 4,760 SF

I will be present at the Board of Adjustment meeting to answer any questions you may have.

Sincerely,

Jose L. Miranda, Jr. RA

JASMINE STREET

(60-FOOT RIGHT-OF-WAY)

MAP OF BOUNDARY & TOPOGRAPHIC SURVEY
OFFICIAL RECORDS BOOK 917 PAGES 986 THROUGH 988
ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY FERNANDINA), COUNTY OF NASSAU, STATE OF FLORIDA AND BEING FURTHER DESCRIBED ACCORDING TO THE OFFICIAL MAP OR PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS:

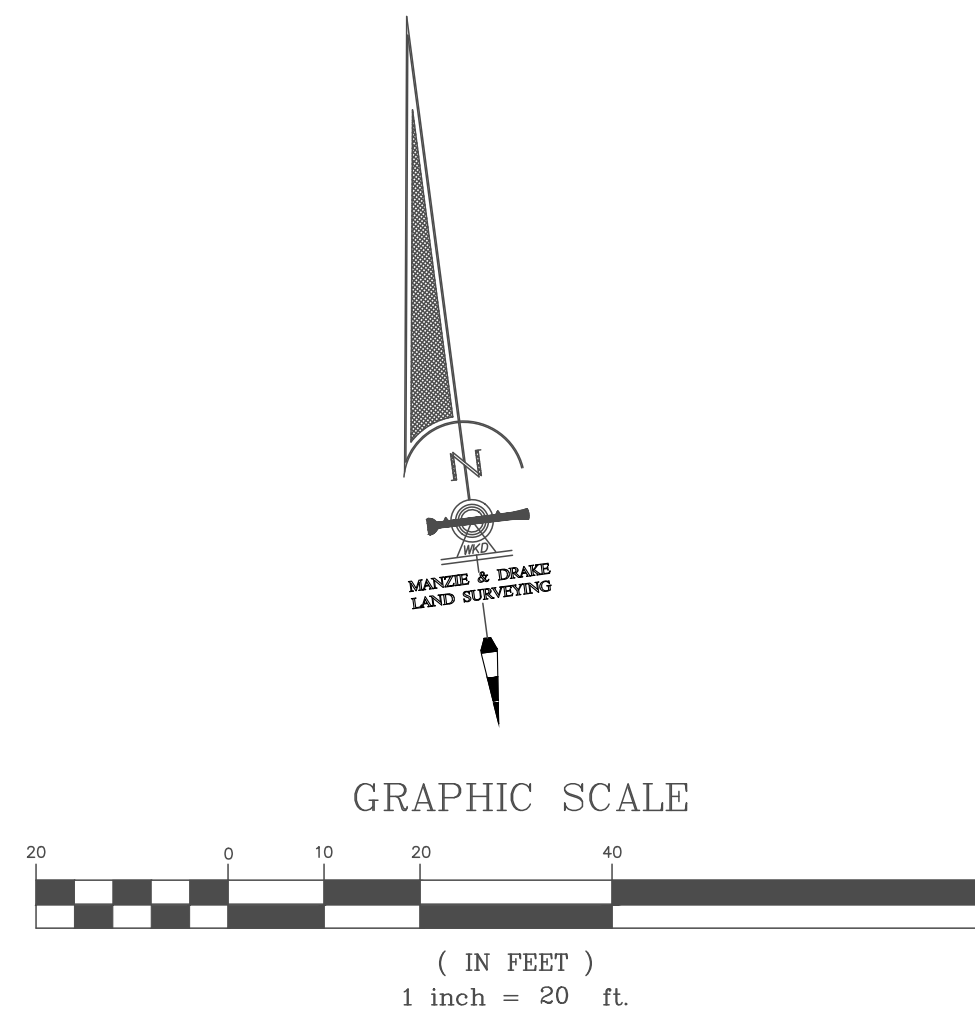
LOTS 1, 2 AND 10 IN BLOCK 238.

CERTIFIED TO: FERNANDINA BEACH CHURCH OF CHRIST, INC.

PROPERTY ADDRESS: 1005 SOUTH 14TH STREET, FERNANDINA BEACH, FL 32034

SOUTH THIRTEENTH STREET
(60-FOOT RIGHT-OF-WAY)

SOUTH FOURTEENTH STREET
(60-FOOT RIGHT-OF-WAY)



LEGEND	
	OVERHEAD UTILITY WIRES
	COMMUNICATIONS PEDESTAL
	CONCRETE FLATWORK
	ELECTRICITY METER
	FIRE HYDRANT
	LIGHT POLE
	COVERED AREA
	SEWER CLEANOUT
	WATER METER
	WOOD UTILITY POLE
	WATER VALVE
	GATE VALVE
	SEWER VALVE
	IRRIGATION CONTROL VALVE
	SIGN
	BENCHMARK
	CENTERLINE
	A/C = AIR CONDITIONER
	B.R.L. = BUILDING RESTRICTION LINE
	CB = CATCH BASIN
	RCP = REINFORCED CONCRETE PIPE
	ESMT = EASEMENT
	ELEV = ELEVATION
	F.F.E. = FINISHED FLOOR ELEVATION
	NAVD = NORTH AMERICAN VERTICAL DATUM
	NTS = NOT TO SCALE
	(BR) = BEARING REFERENCE
	O.R.B. = OFFICIAL RECORDS BOOK
	R/W = RIGHT-OF-WAY
	XFMR = TRANSFORMER
	(R) = RECORD
	(M) = MEASURED
	(C) = CALCULATED

TREE LEGEND

OR = ORNAMENTAL TREE
P = PINE TREE
PM = PALM TREE

TREE DISCLAIMER:

NUMBER OF TREES SHOWN ON SURVEY: 169

SPECIES OF TREES HAVE BEEN IDENTIFIED TO THE BEST OF OUR KNOWLEDGE AND BELIEF; HOWEVER MANZIE & DRAKE LAND SURVEYING WILL ASSUME NO LIABILITY, EXPRESSED OR IMPLIED, FOR THE CORRECTNESS OF SAID SPECIES IDENTIFICATION.

TREES HAVE BEEN LOCATED AS ACCURATELY AS POSSIBLE UNDER CURRENT CONDITIONS AND HAVE A POSITIONAL TOLERANCE OF APPROXIMATELY 2 TO 3 FEET. CRITICAL TREES SHOULD BE VERIFIED PRIOR TO CONSTRUCTION.

SURVEY NOTES:

- The "Legal Description" hereon is in accord with the description provided by the client
- Underground Improvements were not located or shown.
- Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- Bearings shown hereon are based on an assumed bearing of N07°28'00"E for the easterly right-of-way line of South Thirteenth Street. The bearing reference line is indicated as thus (BR).
- The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel "12089C-0232-G", Dated "08/02/2012". Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- Site Benchmark is as shown hereon.
- Elevations shown hereon refer to North American Vertical Datum of 1988. (N.A.V.D. '88)
- The Reference Benchmark is a 5/8" iron rod with plastic cap stamped "MANZIE LB 7039 TRAV" located near the southeast quadrant at the intersection of Lime Street and South Tenth Street. (Manzie & Drake Project No. 18231) (Field Book X-327, page 17-18). (Elevation = 14.43' N.A.V.D. 1988)

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

MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 www.ManzieAndDrake.com
Certificate of Authorization Number "LB 7039"

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

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

SCALE: 1"=20' JOB NO: 21313 DATE: 09/29/2021 CADD: WKD
F.B. NO: X-357 PAGE NO: 20-24 FIELD CREW: JM FILE NO: C-1097

LIME STREET
(60-FOOT RIGHT-OF-WAY)

From: jmiranda@mirandaarchitects.com
To: [Taylor Hartmann](#)
Subject: FBCOC New Calcs
Date: Thursday, May 5, 2022 2:19:47 PM

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

Taylor,

Per our conversation I have re-done the floor area calculations.

Existing Sanctuary (Bldg. 4):	7,030 SF
Existing Fellowship Hall (Bldg. 1):	2,567 SF (21%)
Existing Education (Bldg. 2):	1,558 SF (21% for both Education bldgs.)
<u>Existing Education (Bldg. 3):</u>	<u>995 SF</u>
TOTAL EXISTING:	12,150 SF

Existing Sanctuary (Bldg. 4):	7,030 SF
Existing Fellowship Hall (Bldg. 1):	2,567 SF
New Benevolence:	1,496 SF (29.1% FH + Benevolence)
<u>New Education:</u>	<u>2,850 SF (20.4%)</u>
TOTAL PROPOSED:	13,943 SF

Let me know if you require any additional information.

Jose L. Miranda, Jr., RA

Miranda Architects
309 ½ Centre Street, Suite 206
Fernandina Beach, FL 32034

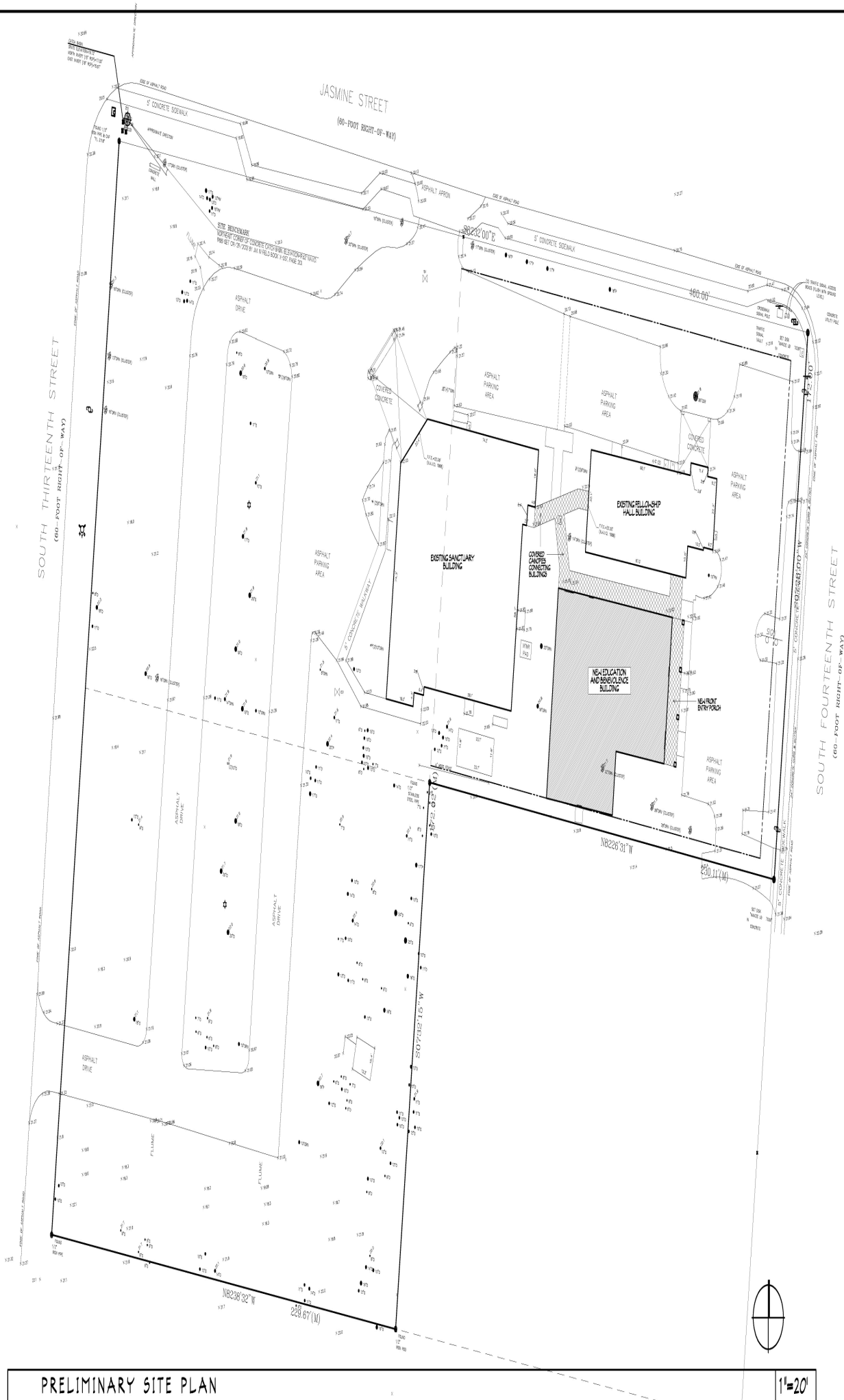
p) 904.261.4586

c) 904.753.3099

e) jmiranda@mirandaarchitects.com

e) jmirandaarch@gmail.com

PLEASE CONFIRM RECEIPT OF THIS EMAIL



PRELIMINARY SITE PLAN

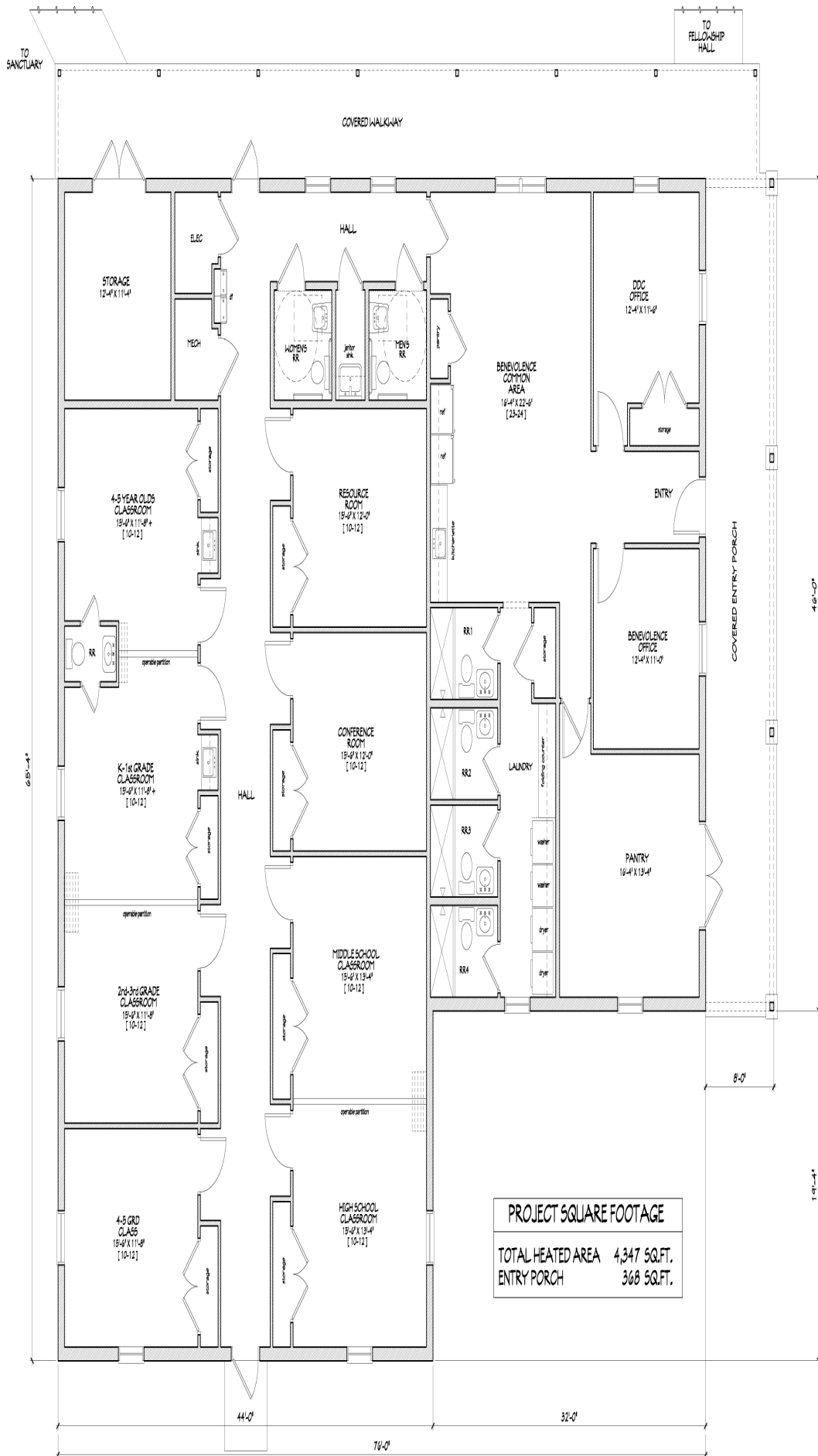
P1 PRELIMINARY SITE PLAN
PROJECT # P110221
DRAWN BY - JLT
CHECKED BY - JLT
DATE - 02-24-22

ARCHITECTS
MIRANDA
300 KINGSVILLE STREET, SUITE 200
FERNANDINA, FL 32034
904.261.1888 TEL
904.261.1888 FAX

DESIGN FOR THE
RENOVATION OF THE
BENEVOLENCE/EDUCATION BUILDING
FIRST BAPTIST CHURCH OF JACKSONVILLE
FERNANDINA, FL 32034

PRELIMINARY SITE PLAN	
REVISIONS	DATE
1	2/24/22

P1



PRELIMINARY FLOOR PLAN

1/4" = 1'-0"



PROPOSED BUILDING
PRELIMINARY DESIGN
PROJECT # FT 10521
DRAWN BY -- JLT
CHKD BY -- JLT
DATE -- 02-24-22

MIRANDA'S
ARCHITECTS
808 1/2 S. CENTRE STREET, SUITE 208
FERNANDINA, FL 32034
904-281-4581
MIRANDA'S
ARCHITECTS

DESIGN FOR THE
FERNANDINA BEACH CHURCH OF CHRIST
BENEVOLENCE/EDUCATION BUILDING
1005 SOUTH 14TH STREET
FERNANDINA BEACH, FL 32034

PRELIMINARY FLOOR PLAN	
REVISIONS	DATE
1	2/24/22
FRONT ENTRY PORCH	

P2

Print

Board of Adjustment (BOA) - Submission #9106

Date Submitted: 4/25/2022

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 \$2,500

☒

Non-Residential properties \$5,000

☐

Administrative Appeals \$500

2022 Submission Deadlines + Board Meetings Calendar



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 must 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 " LDC Section 10.02.04.



Expiration of Variance Approval " LDC Section 10.02.04(C).



Appeals on a Variance " LDC Section 10.02.04(D).



Appeals of Administrative Action " 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?*

3/30/2022

PROPERTY INFORMATION

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

Site Address*

1005 South 14th Street

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-31-1800-0238-0010

Zoning District*

MU-1

Future Land Use Designation*

Mixed Use

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

FB

Last Name*

Church of Christ

Company (if applicable)

Mailing Address*

PO Box 16074

City*

Fernandina Beach

State*

FL

Zip*

32034

Telephone Number*

9047552528

E-mail Address*

FBCCPriscilla@gmail.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

Jose

Last Name

Miranda

Company (if applicable)

Miranda Architects

Mailing Address

309 1/2 Centre Street, Suite 206

City

Fernandina Beach

State

FL

Zip

32034

Telephone Number

9042614586

E-mail Address

jmirandaarch@gmail.com

PROJECT INFORMATION

Variance Requested from LDC Section(s)*

6.02.28 H

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

Request to increase allowable percentage of Fellowship Hall use from 20% to 30% of total floor area on the site.

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.*

There are Special Conditions related to the site. FB Church of Christ is seeking to replace existing church buildings that have outlived their expected life cycle. The primary issue are the antiquated and arbitrary provisions on the Land Development Code specifically pertaining to Religious Facilities and Uses. The unintended consequences of placing square footage percentages/limitations for various church accessory uses are that churches have to either A) Build larger than necessary buildings on a site OR B) seek a variance to seek relief from LDC provisions.

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

No Special Privilege will be conferred upon the applicant through the granting of the variance.

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 LDC provisions would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning district. Although the LDC provisions unique to Religious Facilities do impose an undue hardship for churches and their ministries.

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 variance is the minimum variance needed on order for the church to meet their congregation's needs and outreach ministry goals.

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

Granting the variance will be in harmony with the general intent and purpose of the LDC and the Comp Plan. The balance of the project will be in full compliance with all applicable LDC requirements.

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 the variance is compatible with the 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

No file selected

Upload 2

No file selected

Upload 3

No file selected

Upload 4

No file selected

Upload 5

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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*

Jose

Applicant's Last Name*

Miranda

Today's Date*

4/4/2022



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.



**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**

I / WE Fernandina Beach Church of Christ

(print name of property owner(s))

hereby authorize: Jose Miranda & Miranda Architects

(print name of agent)

to represent me/us in processing an application for: BOA Variance

(type of application)

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

[Signature]
(Signature of owner)

[Signature]
(Signature of owner)

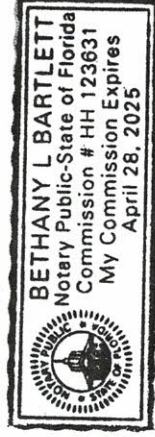
John Wright
(Print name of owner)

Tommy Dyer
(Print name of owner)

STATE OF FLORIDA

COUNTY OF NASSAU

ss }



Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 3rd day of April, 2022, by John Wright + Tommy Dyer

Bethany Bartlett
Notary Public

Bethany Bartlett
Printed Name

4/28/2025
My Commission Expires

Personally Known ☒ OR Produced Identification _____ ID Produced: _____

NASSAU COUNTY
PROPERTY APPRAISER

2021 Certified Values

lue

21

4x4 Capped Savings

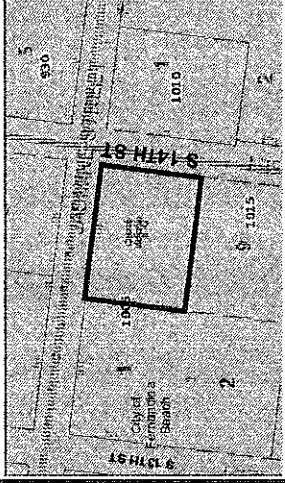
(-) Additional Ex

(=) School taxes

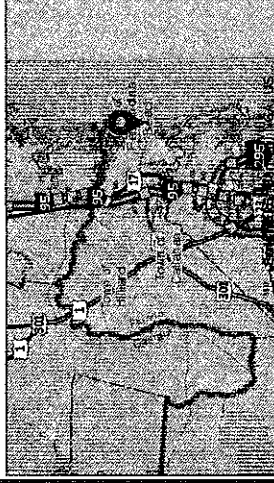
(=) County Tax:

NaClon = 100% Clap down re-

2021 AERIAL MAP



LOCATION MAP



100

BUILDING INFORMATION

Type	Total Area	Heated Area	Bedrooms	Baths	Primary Exterior	Secondary Exterior	Heating	Cooling	Actual Year Built	Icon
CHURCH	2896	2540	0	0	WD PR STUC	FACE BRICK	AIR DUCTED	FORCED AIR	1971	
CHURCH	3655	2462	0	0	CB STUCCO		AIR DUCTED	FORCED AIR	1971	

MISCELLANEOUS INFORMATION

Description	Dimensions L X W	Units	Year Built
ASPHALT D	0 X 0	10200	1992
ASPHALT D	4 X 4	16	1971
EXHST FAN	0 X 0	1	2000
SECURITY LT	0 X 0	3	1980
LAWN SPRK H	0 X 0	18	1992

SALES INFORMATION

Sale Date	Book Page	Price	Instr	Qual	Imp	Grantor	Grantee
2000-01-31	917-1385	\$100	WD	U	Y	FERNANDINA BEACH CHURCH OF CHRIST	FERNANDINA BEACH CHURCH OF CHRIST INC