



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
SEPTEMBER 20, 2023
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 from the Regular Meeting of July 19, 2023.
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - 5.1 **BOA 2023-0022 - NASSAU HABITAT FOR HUMANITY, AGENT FOR JASMINE SCRAVER, 1014 S. 10TH STREET**
Variance Request for LDC Section 1.03.05(A) Construction or Demolition of Structures on Combined Lots, to restore four (4) 25' x 100' lots of record. (*Quasi-Judicial*)
- 6. STAFF REPORT**
- 7. PUBLIC COMMENT**
- 8. ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR OCTOBER 18, 2023

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
JULY 19, 2023
5:00 PM
CITY HALL COMMISSION CHAMBERS**

1. CALL TO ORDER 5:00 PM

ROLL CALL / DETERMINATION OF QUORUM

Present: Geoffrey Grant Steven Papke (Vice Chair)
 Chuck Oliva Barry Hertslet
 Faith Ross Jag Pagnucco (Alt 1)
 Janet Mann (Alt 2)

Absent: None

Others: Taylor Hartmann, City Planner
 Tammi Bach, City Attorney
 Sylvie McCann, Recording Secretary

2. PLEDGE OF ALLEGIANCE

No Board Members disclosed any ex parte communications.

Ms. Bach, City Attorney, explained the quasi-judicial procedures relating to variances.

Ms. McCann administered the oath to parties that will be providing testimonies.

3. APPROVAL OF MEETING MINUTES

Member Hertzlet commented that Minutes usually addressed most questions presented during meetings but noted that answers were not always included.

3.1 Approval of Minutes for the Regular Meeting of January 18, 2023.

ACTION TAKEN: A motion was made by Member Hertzlet, seconded by Vice-Chair Papke, to approve the Minutes for the regular meeting of January 18, 2023, as presented.

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

3.2 Approval of Minutes for the Workshop of March 15, 2023.

ACTION TAKEN: A motion was made by Vice-Chair and seconded by Member Hertzlet to approve the Minutes for the Workshop of March 15, 2023, as presented.

DRAFT

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

3.3 Approval of the Minutes for the Regular Meeting of March 15, 2023.

ACTION TAKEN: A motion was made by Member Hertzlet, seconded by Member Oliva, to approve the Minutes for the regular meeting of March 15, 2023, as presented.

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

4. NEW BUSINESS

4.1 BOA 2023-0021 - BOHLER ENGINEERING FL, LLC, AGENT FOR ISLAND WALK STATION LLC, 1421 SADLER ROAD

Variance Request from LDC Section 4.02.01(I) Standards for Lot Design to reduce the maximum impervious surface ratio. (*Quasi-Judicial*)

Ms. Hartman presented the Staff analysis report and recommended approval since all 6 criteria met.

Vice-Chair Papke asked if the upcoming amendments to the Land Development Code (LDC) and comprehensive Plan would impact the need for a variance in this present case. Ms. Hartmann answered in the negative stating that a variance would still be necessary.

Member Ross asked if the structure's square footage would increase. Ms. Hartmann noted that there would be an approximate proposed increase of 2,000 sq ft. Member Ross also asked if parking spaces would be added and inquired about stormwater management. Ms. Hartmann answered that she didn't have parking calculation available since the case did not relate to parking. She also noted that there is a stormwater management site plan available within the agenda packet. Ms. Ross addressed the wording on the variance request application stating the "elimination" of the minimum impervious ratio. Ms. Hartmann confirmed that this would not eliminate the ratio but only modify it, and that clarification can be added into a motion if desired.

Ms. Bach, City Attorney, explained and clarified the intent of this variance. Chair Grant asked Staff to explain the difference between this case and a previous similar case that was denied in regard to criteria 2, 3, and 4. Ms. Hartmann provided additional information about her analysis.

Nicholas Hagood, Bohler Engineering, agent for the owner, spoke of the request and noted that this strip mall was built in 1987. He explained that their future plan is to tear down the existing Publix store and rebuild a more modern one. The planned project is to increase the landscaping area, improve site lighting, update ADA areas, give an overall restoring and refreshing look to the plaza, replace curbs, and restripe the parking area while also correcting some of the non-conformities. He noted that the redevelopment project would increase the store's square footage by 1700 sqft and decrease the impervious ratio to 76.45% (from 78.39%). Lastly, he noted that although they are already meeting parking requirements, there would be an increase of 7 parking spaces.

Member Ross asked about the size increase of the structure and the parking allowance. Mr. Hagood spoke of the current stormwater treatment already on site and the existing pond area to the north of the parcel.

Member Pagnucco asked about the timetable of the project. Mr. Hagood answered that the project would be set in one phase and would take about 1 year, this without shutting down the operation of other businesses. He also noted that other non-compliance corrections would include the number of consecutive spaces without a landscape area, this through the entire site.

Member Hertzlet asked why the applicant isn't choosing to expand on the pervious areas instead. Mr. Hagood explained the financial burden of removing and replacing asphalt and added that maintenance of pervious material is very costly.

DRAFT

Vice-Chair Papke asked for confirmation that none of the heritage oaks would be removed in the process. Mr. Hagood noted that there were no plans to remove any trees within the main plaza. Ms. Bach stated that this could be a condition to be added into a motion.

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

Members agreed with the Staff analysis report. Member Ross suggested that conditions be added to the motion regarding restriction on tree removal.

ACTION TAKEN: A motion was made by Vice-Chair Papke, seconded by Member Pagnucco, to approve BOA 2023-0021 with the following conditions, that any existing trees of a minimum of 12 inches caliber be maintained; AND moved that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2023-0021, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; and that BOA case number 2023-0021 meets all 6 criteria for a variance as stated in the staff report.

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

5. BOARD BUSINESS

5.1 Election of Vice-chairperson

Ms. Hartmann explained that at the last meeting Vice-Chair Papke was again nominated as Vice-Chair but was not present to accept the nomination. Vice-Chair Papke accepted the nomination.

ACTION TAKEN: A motion was made by Member Oliva and seconded by Member Pagnucco to approve the continued appointment of Vice-Chair Papke as Vice-Chair.

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

Chair Grant announced that he is resigning as a Chair and as a member, effective immediately. Chair Grant nominated Vice-Chair Papke to fill in the seat as the next Chair and also nominated Member Oliva to move into the seat of Vice-Chair. Both accepted the nominations and voting will take place at the next meeting.

6. STAFF REPORT

7. PUBLIC COMMENT

8. ADJOURNMENT 6:08 PM

Sylvie McCann, Recording Secretary

Geoffrey Grant, Chair

Print

Board of Adjustment (BOA) - Submission #12098

Date Submitted: 8/9/2023

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

2023 Submission Deadlines + Board Meetings 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 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.fhfl.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?*

8/2/2023

PROPERTY INFORMATION

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

Site Address*

1014 S. 10th Street

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-31-1800-0170-0070

Zoning District*

R-2

Future Land Use Designation*

Medium Density Residential

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Jasmine

Last Name*

Scraver

Company (if applicable)

Mailing Address*

2233 NETTLEBROOK STREET N

City*

Jacksonville

State*

FL

Zip*

32218

Telephone Number*

9044419528

E-mail Address*

r.barnes.moore@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

Barnes

Last Name

Moore

Company (if applicable)

Nassau Habitat for Humanity, Inc.

Mailing Address

516 S. 10th St. Ste 115

City

Fernandina Beach

State

Florida

Zip

32034

Telephone Number

9042770600

E-mail Address

nassauhfh@gmail.com

PROJECT INFORMATION

Variance Requested from LDC Section(s)*

1.03.05(A)

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

Demolish the existing structure and restore the four 25' x 100' platted lots of record for the construction of four single family homes.

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.*

25' x 100' lots of record that date back to Fernandina subdivision plat only exist in a few locations throughout the City. Granting the variance request will allow for the redevelopment of these lots of record consistent with Comprehensive Plan Objective 1.04 – Redevelopment and Infill Development by capitalizing on existing infrastructure.

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.*

Granting the variance does not confer upon the applicant a special privilege that is denied to other lands in the same zoning district.

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.*

A literal interpretation of the specific provision would deprive the applicant of rights commonly enjoyed by other property owners throughout the City.

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 requested variance is the minimum needed to make reasonable use of the land and provide much needed affordable housing within the City. If the variance is granted, the structures will be built in accordance with the City's site design requirements.

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 of the Comprehensive Plan and Land Development. Relief from this section of code will ensure that four affordable housing units be constructed consistent with Comprehensive Plan Objective 3.03 for affordable housing.

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. The public interest will be served by providing four new affordable housing units in the City of Fernandina Beach.

Upload Supplemental Materials

1014 Letter of Intent.pdf

Upload 2

1014 FLU and Zoning.pdf

Upload 3

1014 S 10th owner authorization.pdf

Upload 4

Choose File

 No file chosen

Upload 5

1014 Aerial.pdf

Upload 6

Choose File

 No file chosen

Upload 7

1014 Property Appraiser Card.pdf

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.

I/We understand that the City Staff will install a Notice of Hearing sign on the property 14 days before the scheduled hearing and that the sign must only be removed after the hearing by City Staff, unless, the applicant or property owner brings the Notice of Hearing back to City Hall.

Applicant's First Name*

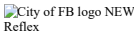
Barnes

Applicant's Last Name*

Moore

Today's Date*

8/9/2023

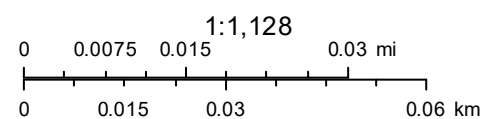


1014 S. 10th Street - Aerial



August 9, 2023

Land Parcels



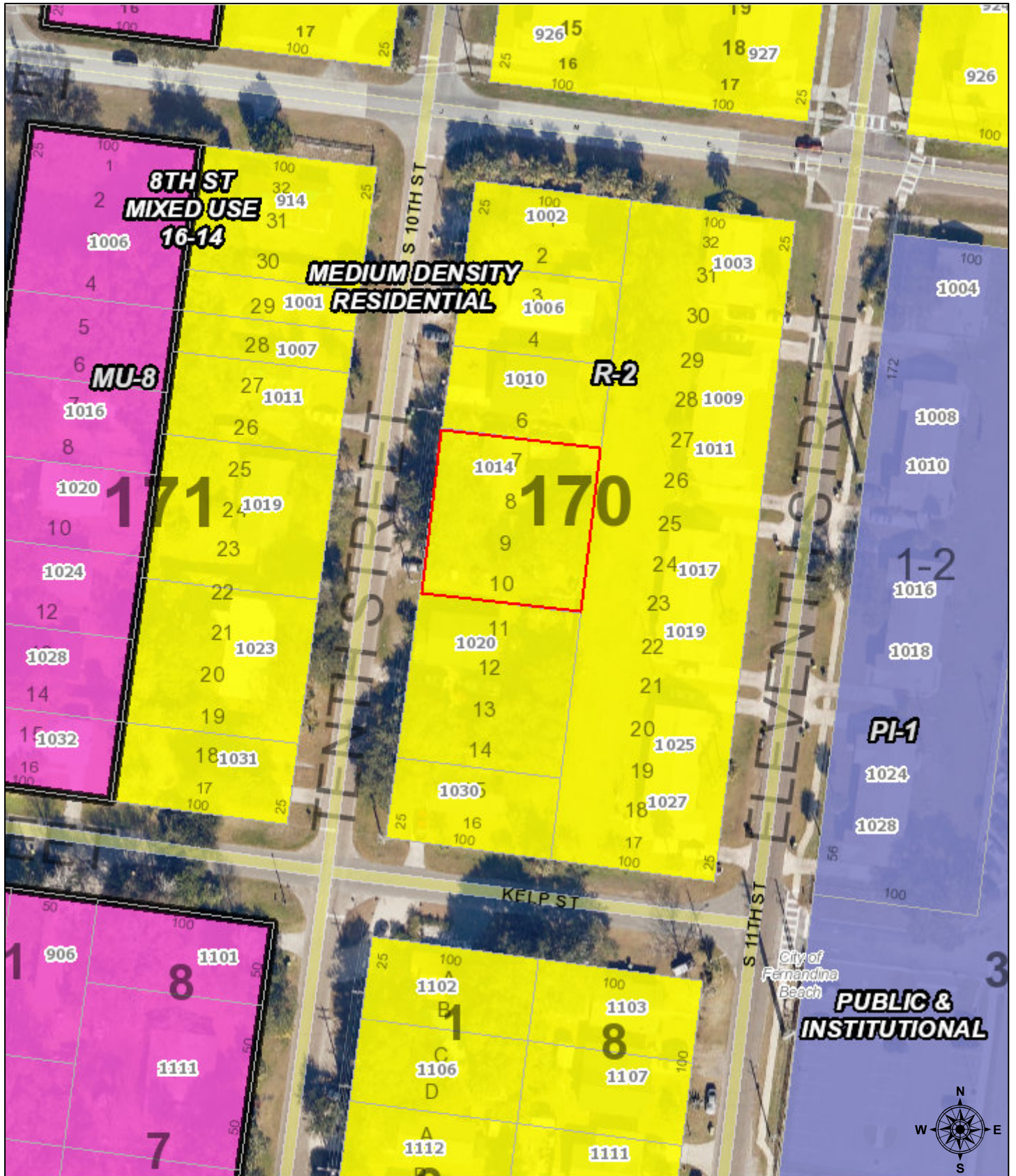
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

WARNING : THIS IS NOT A SURVEY.

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data.

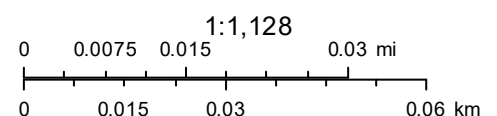
Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map

1014 S. 10th Street - FLU & Zoning



August 9, 2023

Land Parcels



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August 9, 2023

Taylor Hartmann
City Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

RE: Variance request for 1014 S. 10th Street – LDC Section 1.03.05(A)

Dear Ms. Hartmann:

Nassau Habitat for Humanity was incorporated in November 1992 and completed the first house in 1993. Since that time, we have completed 51 homes, building between 1 and 2 homes per year. Given the rate of growth occurring in Nassau County and the lack of affordable housing, our Board of Directors set a goal to build 6 new homes per year by 2026. This year we will complete 3 new homes for the first time, and we have 4 lots ready for construction in 2024.

As you are aware, Policy 1.05.04 states - Existing platted lots of record located in Central Business District, Mixed Use, and Low, Medium, or High Density Residential shall not be prohibited from the construction of one residential unit due to the non-conforming lot size.

The existing 100' x 100' parcel has a single-family home built in 1960 per the Nassau County Property Appraiser's website. Nassau Habitat for Humanity is seeking relief from Land Development Code Section 1.03.05(A) in order to demolish the existing structure and restore the four 25' x 100' platted lots of record for the construction of four single family homes.

Property in the City Limits of Fernandina Beach is becoming increasingly difficult to purchase for affordable housing. Granting this variance request is consistent with Comprehensive Plan Objective 3.03 – Affordable Housing, as it will ensure additional affording housing stock within the City of Fernandina Beach. Comprehensive Plan Policy 3.03.04 states – The City shall coordinate with the Fernandina Beach Housing Authority, the County, nonprofit organizations, and the private sector to establish strategies and techniques for improving the provision of affordable housing and for promoting neighborhood stability within the City Limits.

Nassau Habitat for Humanity appreciates the opportunity to seek relief from this Land Development Code section in a public hearing. Our Mission is to help build a community where everyone has a decent place to live. Granting this variance will help further the City's Objective for affordable housing and help build strength, stability, and self-reliance, through partnerships within the community and the families seeking affordable housing within the City of Fernandina Beach. Thank you for your time and consideration.

Respectfully,

A handwritten signature in blue ink that reads "Barnes Moore".

Barnes Moore
Nassau Habitat for Humanity - Board Chair

A. Michael Hickox, CFA
Cert. Res. RD1941

NASSAU COUNTY
PROPERTY APPRAISER

PROPERTY INFORMATION

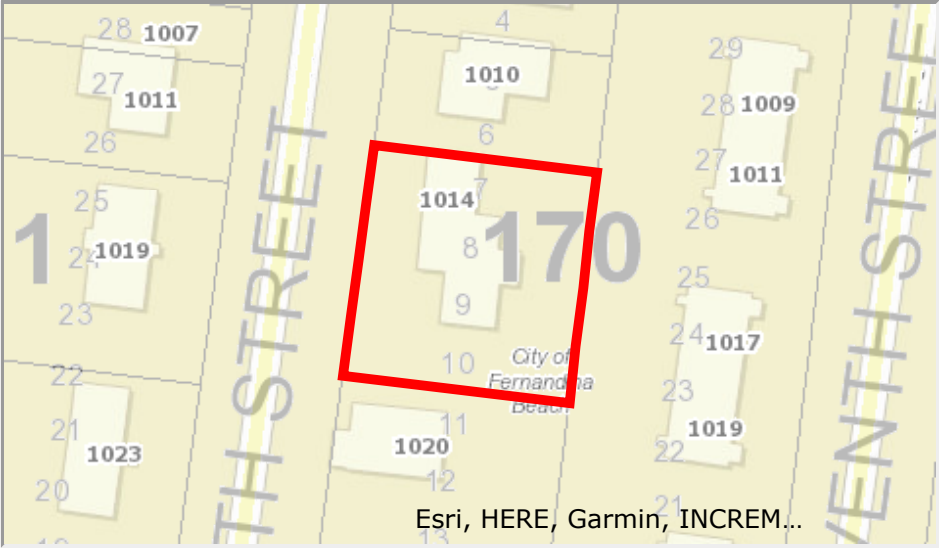
Parcel Number 00-00-31-1800-0170-0070	
Owner Name	SCRAVER JASMINE C
Mailing Address	2233 NETTLEBROOK STREET N
	JACKSONVILLE, FL 32218
Location Address	1014 S 10TH ST
	FERNANDINA BEACH 32034
Tax District	002 - FERNANDINA BEACH
Milage	18.3806
Homestead	No
Property Usage	SINGLE FAMILY 000100
Deed Acres	0
Short Legal	BLOCK 170 LOTS 7 8 9 & 10 CITY OF FDNA BEACH

2023 Preliminary Values

Land Value	\$170,000
(+) Improved Value	\$138,652
(=) Market Value	\$308,652
(-) Agricultural Classification	\$0
(-) SOH or Non-Hx* Capped Savings	\$49,962
(=) Assessed Value	\$258,690
(-) Homestead	\$0
(-) Additional Exemptions	\$0
(=) School Taxable Value	\$308,652
(-) Non-School HX & Other Exempt Value	\$0
(=) County Taxable Value	\$258,690

Note - *10% Cap does not apply to School Taxable Value

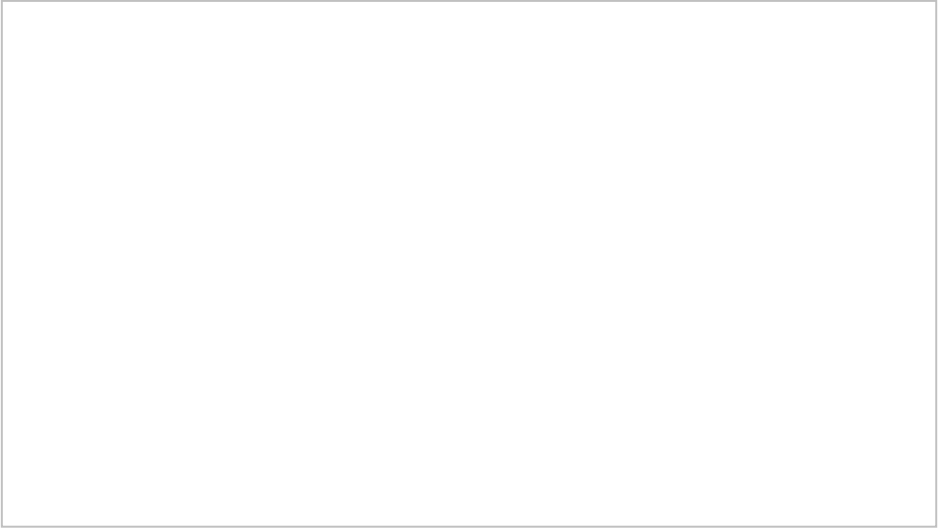
PARCEL MAP



2023 AERIAL MAP

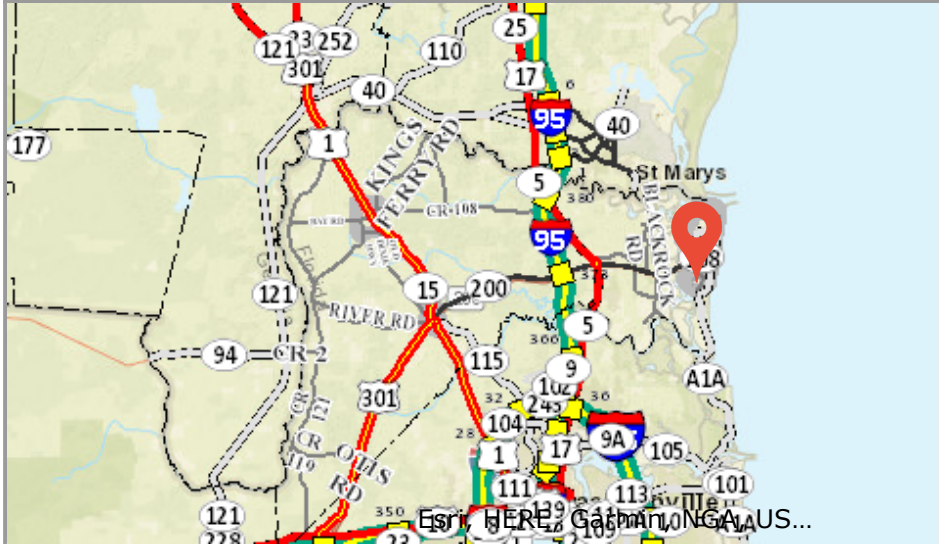


PROPERTY PHOTO



If this picture is incorrect, please email info@nassauflpa.com

LOCATION MAP



BUILDING INFORMATION

Type	Total Area	Heated Area	Bedrooms	Baths	Primary Exterior	Secondary Exterior	Heating	Cooling	Actual Year Built
SINGLE FAM	2131	2131	3	1	AVERAGE	CONC BLOCK	AIR DUCTED	FORCED AIR	1960



MISCELLANEOUS INFORMATION

Description	Dimensions L X W	Units	Year Built
CONCRETE A	26 X 3	78	1999
CONCRETE A	0 X 0	0	0

SALES INFORMATION

Sale Date	Book Page	Price	Instr	Qual	Imp	Grantor	Grantee
2020-07-07	2391 / 1035	\$100	QC	U	Y	TYLER LEONIA M	SCRAVER JASMINE C
1999-07-29	893 / 345	\$10,000	QC	U	Y	CRIBB IRA MAE	TYLER LEONIA M
1999-06-08	886 / 250	\$100	QC	U	Y	CRIBB IRA MAE	TYLER LEONIA M



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE Jasmine Charmane Scarver
(print name of property owner(s))

hereby authorize: Barnes Moore, Nassau Habitat for Humanity
(print name of agent)

to represent me/us in processing an application for: Application for variance from LDC Sec. 1.03.05
Nassau Habitat for Humanity
(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 of owner)

Jasmine Scarver
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA

COUNTY OF NASSAU

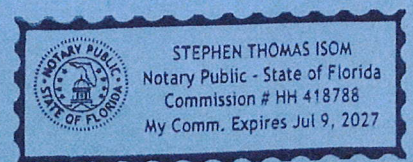
Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ onlinenotarization, this 8 day
of August, 2023, by Jasmine Charmane Scarver.

[Signature]
Notary Public

Stephen Isom
Printed Name

7/9/23
My Commission Expires

Personally Known _____ OR Produced Identification ☒ ID Produced: FL DL

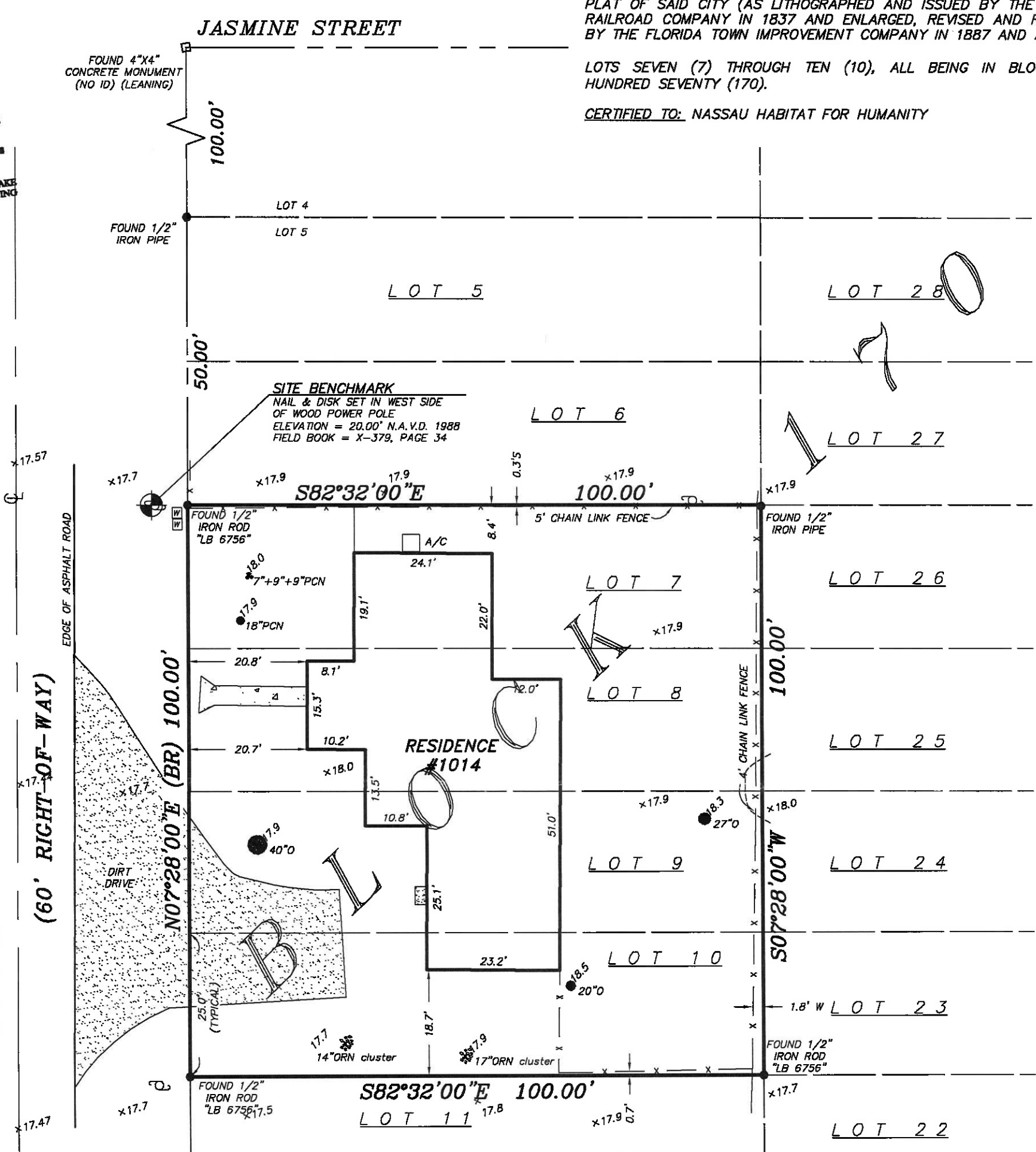


MAP OF BOUNDARY & TOPOGRAPHIC SURVEY

ALL THAT CERTAIN LOT, PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA (FORMERLY NAMED FERNANDINA), COUNTY OF NASSAU AND 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 1837 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND AS:

LOTS SEVEN (7) THROUGH TEN (10), ALL BEING IN BLOCK ONE HUNDRED SEVENTY (170).

CERTIFIED TO: NASSAU HABITAT FOR HUMANITY



SURVEY NOTES:

- 1) Unless it bears the original signature and the original raised seal of a Florida licensed Surveyor and Mapper or Validated Digital Signature by a Florida licensed Surveyor and Mapper, this map/report is for informational purposes only and is not valid.
- 2) The "Legal Description" hereon is in accord with the description provided by the client
- 3) Underground Improvements were not located or shown.
- 4) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 5) Bearings shown hereon are based on N07°28'00"E for the easterly right-of-way line of South Tenth Street. The bearing reference line is indicated as thus (BR).
- 6) The property shown hereon lies within flood zone X per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel 12089C 0237 G, dated 08/02/2017.
- 7) Site Benchmark is as shown hereon.
- 8) Elevations shown hereon refer to North American Vertical Datum of 1988. (N.A.V.D. '88)
- 9) The Reference Benchmark is a 5/8" iron rod & cap "Manzie LB 7039" found 50' east of the fence corner at the intersection of Lime Street & South 10th Street. (Elevation = 14.43' N.A.V.D. 1988)

LEGEND

- CONCRETE FLATWORK
- WATER METER
- WOOD POWER POLE
- CENTERLINE
- A/C = AIR CONDITIONER
- x-x-x = CHAIN LINK OR WIRE FENCE

TREE LEGEND:

- O = OAK TREE
- PCN = PECAN TREE
- ORN = ORNAMENTAL TREE

TREE DISCLAIMER:

NUMBER OF TREES SHOWN ON SURVEY: 9
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.

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.

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

8.22.23

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."

SCALE: 1"=20' JOB NO: 21844 DATE: 08/15/2023 CADD: LP
F.B. NO: X-379 PAGE NO: 34 CREW: RS FILE NO: A-5873



August 10, 2023

Mr. Charles George
Interim City Manager
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
RE: Variance request for 1014 S. 10th Street – LDC Section 1.03.05(A)

Dear Mr. George:

Nassau Habitat for Humanity submitted a variance request seeking relief from Land Development Code Section 1.03.05(A) in order to demolish an existing structure at 1014 S. 10th Street and restore the four 25' x 100' platted lots of record for the construction of four single family homes.

Given that we are a non-profit looking to make a meaningful impact in addressing the critical need for affordable housing in Nassau County, and in particular, Fernandina Beach, we are requesting that the city waive the \$2500 variance fee. Waiving this fee helps us in our efforts to reduce our costs.

Nassau Habitat for Humanity appreciates your consideration and the opportunity to work with the city to achieve our mission to help build a community where everyone has a decent place to live and helping families build strength, stability and self-reliance through home ownership.

Respectfully,

A handwritten signature in blue ink that reads "Barnes Moore".

Barnes Moore
Volunteer Board Chair, Nassau Habitat for Humanity
904-441-9528



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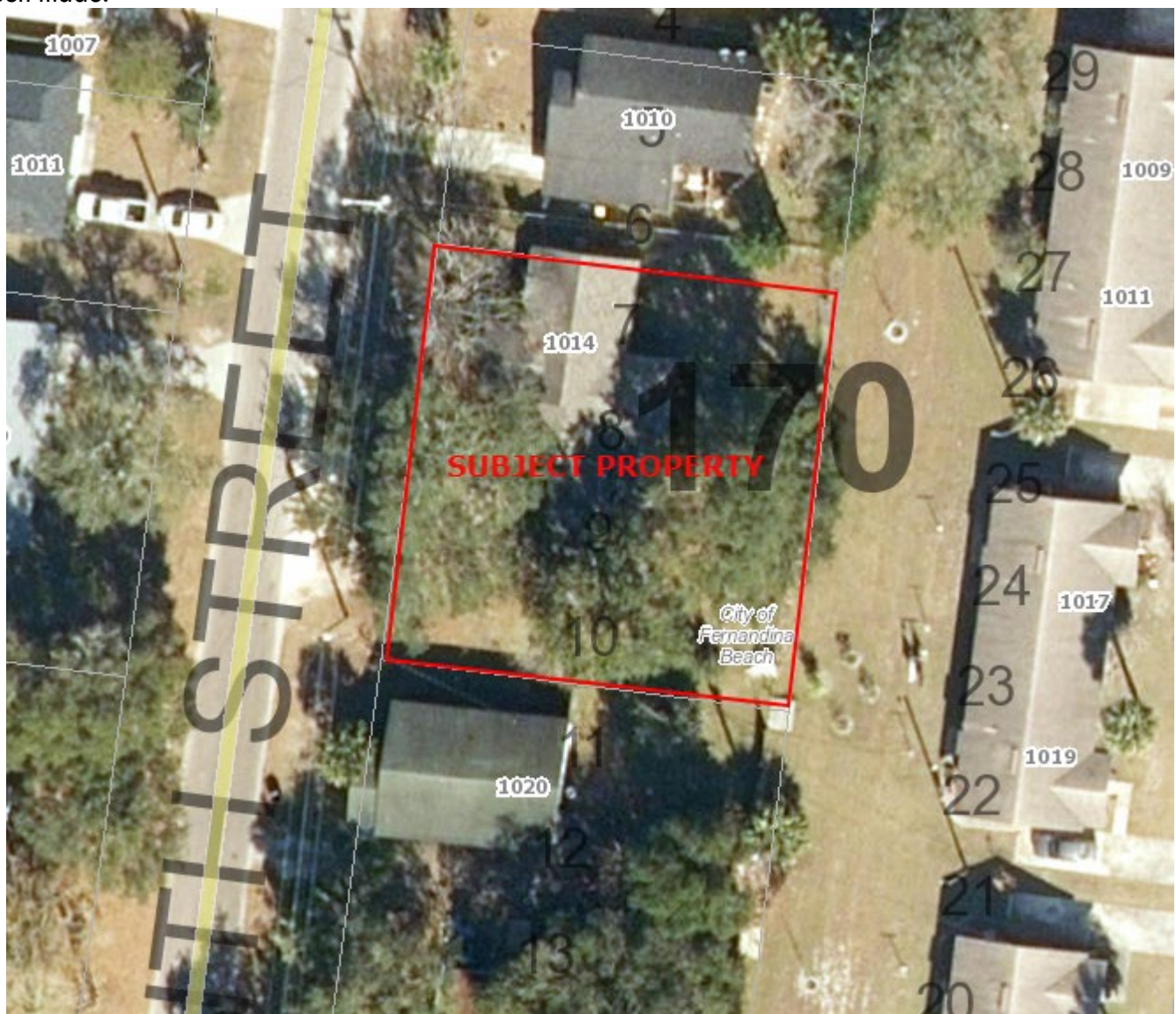
Waiver Approved
CJR
8/14/23



BOARD OF ADJUSTMENT STAFF REPORT
BOA 2023-0022
SEPTEMBER 20, 2023

Agent/Owner:	Barnes Moore, Nassau Habitat for Humanity, Inc., Agent for: Jasmine Scriver
Property Address:	1014 S. 10 th Street
Parcel Number:	00-00-31-1800-0170-0070
Requested action:	Variance Request from LDC Section: 1.03.05(A) to restore 4 original platted lots of record.
Current zoning:	R-2
FLUM land use category:	Medium-density Residential
Existing uses on the site:	Single-family dwelling

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

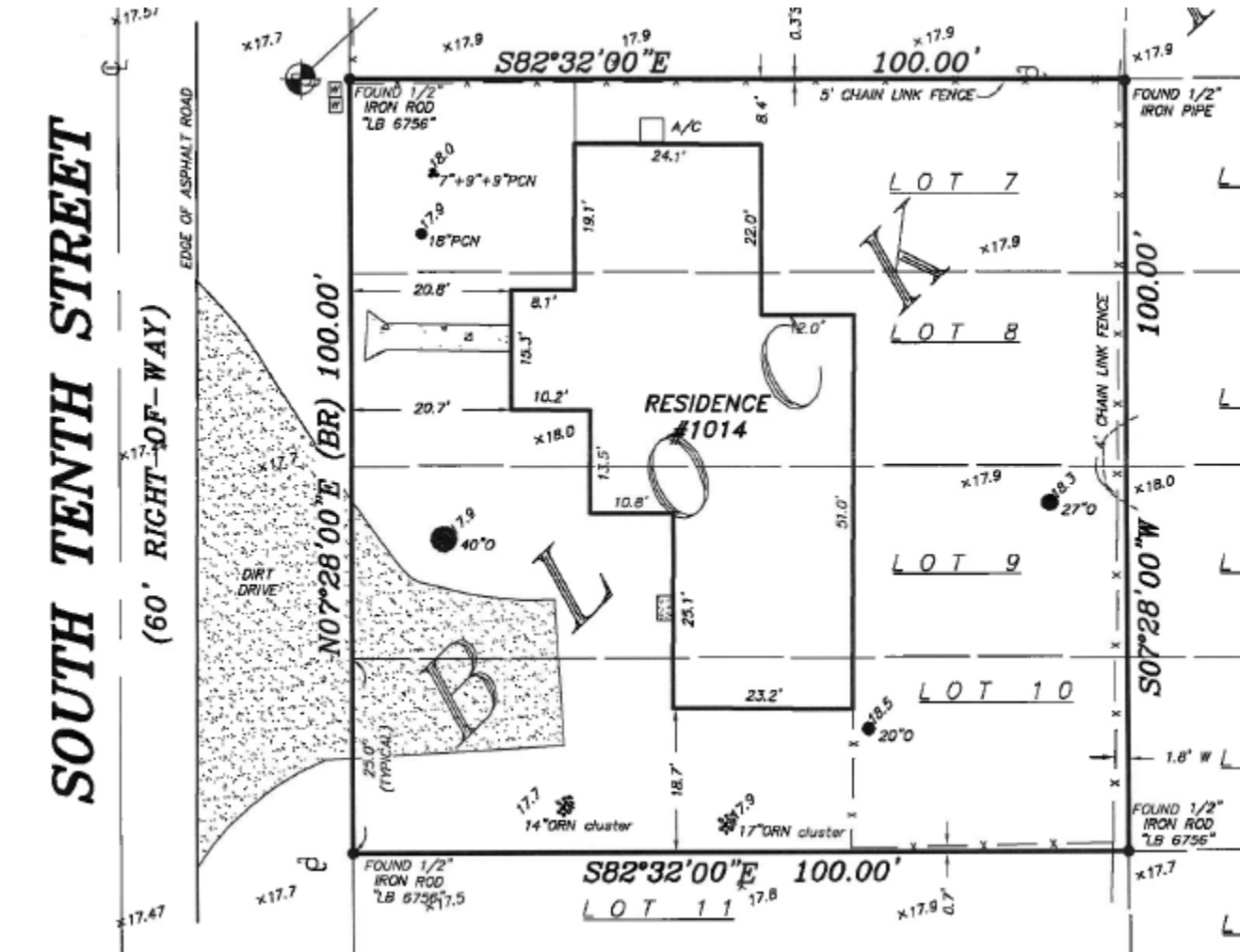


SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The subject property is home to a single-family residence, originally constructed in 1960. Although the parcel measures 100' x 100' it is comprised of four (4) 25' x 100' lots identified on the 1857 plat of the City. The applicant is requesting a variance from LDC section 1.03.05 to restore the four (4) underlying lots of record (Lots 7-10). This section of the LDC states that, "The demolition or removal of any residence or structure, whether voluntary or involuntary, shall not have the effect of changing the establishment of the building site. A change from the foregoing provisions for the purpose of establishing building sites, or separation of building sites requires supermajority approval by the Board of Adjustment in accordance with the variance approval process contained in Section 10.02.00 in a quasi-judicial hearing at which all interested persons will be afforded an opportunity to be heard."

The applicant has indicated that they intend to construct workforce housing which is in keeping with the LDC and Comprehensive Plan's goal to meet the demand for affordable housing types. If granted the variance, the effect would be the separation of the current 100' x 100' parcel into the four (4) platted lots of record capable of supporting one single-family unit each. The resulting 25' X 100' lot would have R-2 setbacks.

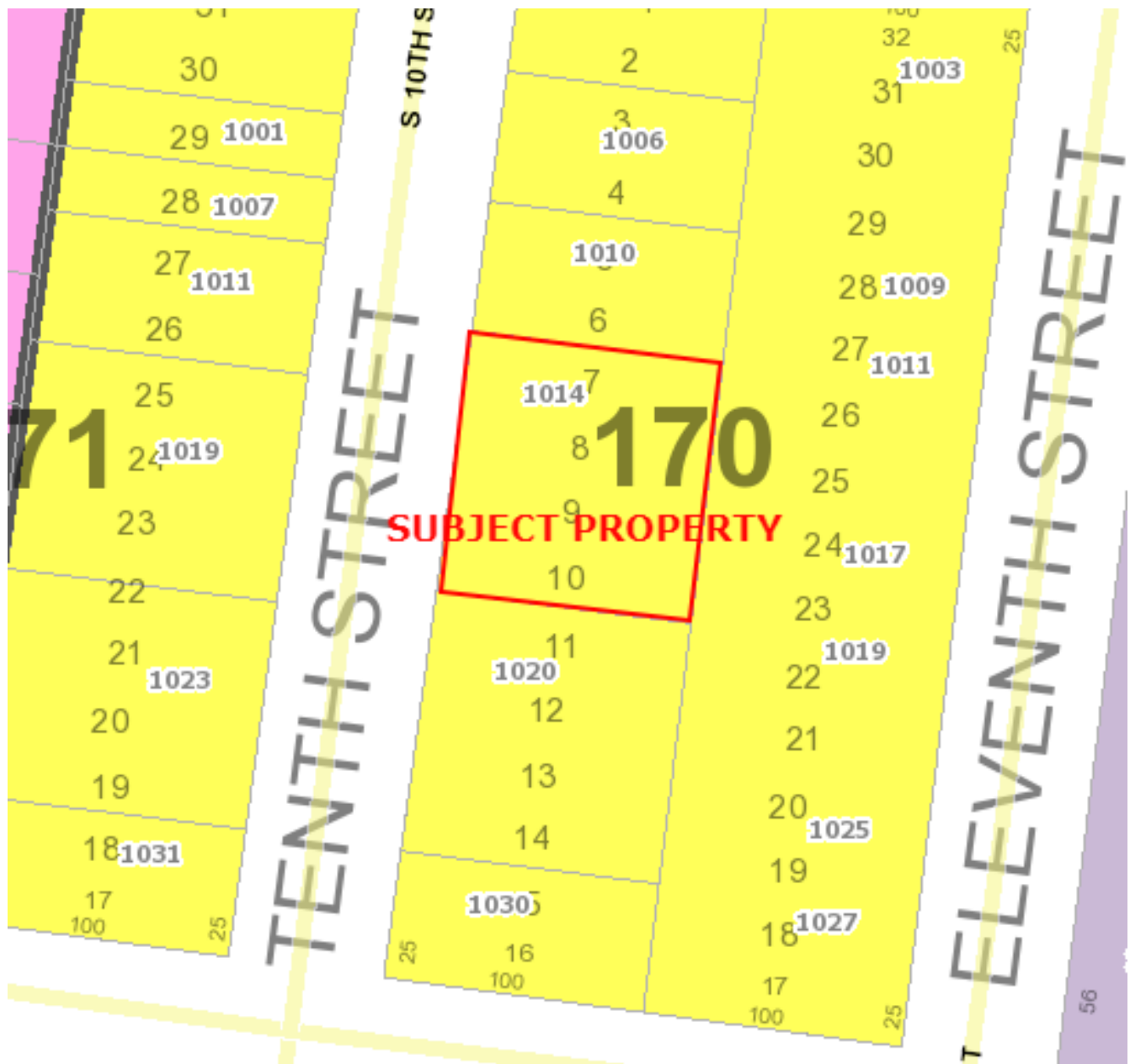
EXHIBIT A: CURRENT SITE CONDITIONS



The map displays a street grid with Third Street running vertically on the left. A red rectangular area highlights a specific intersection, with blue lines indicating the street layout. The text "THIRD STREET" is written vertically on the left, and "170" is written horizontally in the center. The map also shows surrounding streets and lot numbers.

Street	Lot Number
Third Street	1007
Third Street	1011
Third Street	1014
Third Street	1020
Third Street	1026
Third Street	1032
Third Street	1038
Third Street	1044
Third Street	1050
Third Street	1056
Third Street	1062
Third Street	1068
Third Street	1074
Third Street	1080
Third Street	1086
Third Street	1092
Third Street	1098
Third Street	1104
Third Street	1110
Third Street	1116
Third Street	1122
Third Street	1128
Third Street	1134
Third Street	1140
Third Street	1146
Third Street	1152
Third Street	1158
Third Street	1164
Third Street	1170
Third Street	1176
Third Street	1182
Third Street	1188
Third Street	1194
Third Street	1200
Third Street	1206
Third Street	1212
Third Street	1218
Third Street	1224
Third Street	1230
Third Street	1236
Third Street	1242
Third Street	1248
Third Street	1254
Third Street	1260
Third Street	1266
Third Street	1272
Third Street	1278
Third Street	1284
Third Street	1290
Third Street	1296
Third Street	1302
Third Street	1308
Third Street	1314
Third Street	1320
Third Street	1326
Third Street	1332
Third Street	1338
Third Street	1344
Third Street	1350
Third Street	1356
Third Street	1362
Third Street	1368
Third Street	1374
Third Street	1380
Third Street	1386
Third Street	1392
Third Street	1398
Third Street	1404
Third Street	1410
Third Street	1416
Third Street	1422
Third Street	1428
Third Street	1434
Third Street	1440
Third Street	1446
Third Street	1452
Third Street	1458
Third Street	1464
Third Street	1470
Third Street	1476
Third Street	1482
Third Street	1488
Third Street	1494
Third Street	1500
Third Street	1506
Third Street	1512
Third Street	1518
Third Street	1524
Third Street	1530
Third Street	1536
Third Street	1542
Third Street	1548
Third Street	1554
Third Street	1560
Third Street	1566
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Third Street	1704
Third Street	1710
Third Street	1716
Third Street	1722
Third Street	1728
Third Street	1734
Third Street	1740
Third Street	1746
Third Street	1752
Third Street	1758
Third Street	1764
Third Street	1770
Third Street	1776
Third Street	1782
Third Street	1788
Third Street	1794
Third Street	1800
Third Street	1806
Third Street	1812
Third Street	1818
Third Street	1824
Third Street	1830
Third Street	1836
Third Street	1842
Third Street	1848
Third Street	1854
Third Street	1860
Third Street	1866
Third Street	1872
Third Street	1878
Third Street	1884
Third Street	1890
Third Street	1896
Third Street	1902
Third Street	1908
Third Street	1914
Third Street	1920
Third Street	1926
Third Street	1932

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 1.05.04 - Existing platted lots of record located in Central Business District, Mixed Use, and Low, Medium, or High-Density Residential land use districts shall not be prohibited from the construction of one (1) residential unit due to a nonconforming lot size.
- Policy 1.06.04 - The City shall, through appropriate land development regulations, allow and encourage a range of housing patterns.
- Objective 3.01 - Housing Supply And Demand - The City shall ensure that adequate sites for the various housing types, including affordable housing, are available within the City to meet the established demand, or until complete build-out of developable properties.
- Objective 3.03 - Affordable Housing - The City shall ensure that adequate sites for affordable housing, including workforce housing, are available now and in the future. The City shall implement policies that ensure that the supply of affordable housing is consistent with the demand for affordable housing.

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>	25' x 100' lots of record that date back to Fernandina subdivision plat only exist in a few locations throughout the City. Granting the variance request will allow for the redevelopment of these lots of record consistent with Comprehensive Plan Objective 1.04 – Redevelopment and Infill Development by capitalizing on existing infrastructure.	Yes. Special conditions do exist as they relate to the land. The subject parcel is not a standard 100' x 100' lot, found in other parts of the City, but instead made up of (4) four 25' x 100' lots established in 1857.	☒ Yes ☐ No

Criteria	Applicant Response	Staff Analysis	Meets Criteria
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>	Granting the variance does not confer upon the applicant a special privilege that is denied to other lands in the same zoning district.	Yes. Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code. Any similarly situated property owner within this zoning district has the right to request relief from LDC Section 1.03.05.	☒ 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>	A literal interpretation of the specific provision would deprive the applicant of rights commonly enjoyed by other property owners throughout the City.	Yes. The literal interpretation of the Land Development Code would deprive the applicant of rights enjoyed by other properties within this zoning district and prevent the development of housing that is intended for the workforce.	☒ 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>	The requested variance is the minimum needed to make reasonable use of the land and provide much needed affordable housing within the City. If the variance is granted, the structures will be built in accordance with the City's site design requirements.	Yes. The variance requested is the minimum variance needed to make possible the reasonable use of the land. This is the only variance needed to restore the original 25' x 100' parcels.	☒ 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 of the Comprehensive Plan and Land Development. Relief from this section of code will ensure that four affordable housing units be constructed consistent with Comprehensive Plan Objective 3.03 for affordable housing.	Yes. Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and the Comprehensive Plan. The LDC and Comp Plan both recognize the original 1857 plat of Fernandina. In addition, the proposed plan supports Comp Plan policy 1.06.04 relating to varied housing types, and Objectives 3.01 and 3.03. relating to housing supply and demand as well as affordable housing.	☒ 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. The public interest will be served by providing four new affordable housing units in the City of Fernandina Beach.	Yes. Granting the variance is compatible with the surrounding properties, may not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare, or environment. City facilities and infrastructure are able to meet the demand of the intended 4 residential lots, there are no identified environmentally sensitive lands, and the proposed restoration would provide a supply of a much-needed housing type.	☒ Yes ☐ No

STAFF RECOMMENDATION:

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

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

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

Staff recommends:

APPROVAL of BOA 2023-0022.

MOTION TO CONSIDER

I move to **approve or deny** BOA case number 2023-0022;

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

That BOA case 2023-0022, 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 2023-0022 **meets or does not meet** the following criteria for granting a variance:

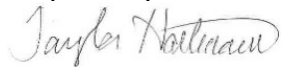
LIST OF EXHIBITS:

EXHIBIT A – CURRENT SITE CONDITIONS

EXHIBIT B – PROPOSED RESTORATION

EXHIBIT C – SURROUNDING AREA PARCELS

Respectfully Submitted,



Taylor Hartmann
Planner I