



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
APRIL 17, 2024
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 March 20, 2024.
- 4. NEW BUSINESS**
 - 4.1 **BOA 2024-0002 - SEASIDE LEARNING ACADEMY LLC, DONNA FERREIRA, AGENT FOR CLAY TIMES LLC, POLLY BEACH, 112 S. 3RD STREET**
Variance request from LDC Section 6.02.12(B-D) Supplemental standards for a day care center in the MU-1 zoning district. (*Quasi-Judicial*)
- 5. BOARD BUSINESS**
- 6. PUBLIC COMMENT**
- 7. ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR MAY 15, 2024

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
MARCH 20, 2024
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT

Steven Papke (Chair)

Barry Hertslet

Jag Pagnucco

Margaret Davis (Alt 2)

Faith Ross

Kelly Powers (Alt 1)

MEMBERS ABSENT

Chuck Oliva

OTHERS PRESENT

Kelly Gibson, Deputy Director

Tammi Bach, Attorney to Staff

Sylvie McCann, Recording Secretary

2. PLEDGE OF ALLEGIANCE

Chair Papke announced that upon the departure of Member Mann, Member Powers will move to the Alternate 1 seat and that new Member Margaret Davis will be seated as Alternate 2. Since Vice-Chair Oliva is absent, Chair Papke seated Member Powers as a voting member for this meeting.

Ms. Bach explained the Quasi-Judicial procedures for variances and appeals.

Ms. McCann administered the oath to all parties wishing to provide testimony.

3. APPROVAL OF MEETING MINUTES

3.1 Approval of the Minutes for the Regular Meeting of January 17, 2024.

Member Ross and Member Hertslet noted some corrections.

ACTION TAKEN: A motion was made by Member Hertslet, seconded by Member Ross, to approve the Minutes for the regular meeting of January 17, 2024, as corrected.

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

4. NEW BUSINESS

4.1 BOA 2024-0001 - GILLETTE & ASSOCIATES, AGENT FOR MICHAEL GIBBS, 1110 S. 13TH STREET

Variance Request from LDC Section 4.04.02(E) requiring that a subdivision shall have at least two (2) vehicular access points to an improved right-of-way. (*Quasi-Judicial*)

Ms. Gibson presented the Staff Analysis Report. She presented the 6 criteria: 1. Special Condition – not met, Special Privilege - met, Literal Interpretation – not met, Minimum Variance - met, General Harmony - met, and Public Interest - met. In summary, criteria 1 and 3 were not met and with that analysis, Staff recommended denial of the variance request.

Member Hertslet asked about the access and the safety requirements.

Member Ross asked if TRC comments from the Fire Department addressed and approved the T shape access design. Ms. Gibson answered in the affirmative.

Member Powers brought up the access design at Hickory Ridge for comparison.

Asa Gillette, Gillette & Associates, 31 S. 4th Street, agent for the owner, provided a handout to the Board Members and Staff, and spoke of the variance request from the code's requirements for 2 vehicular accesses.

Member Hertslet asked about the number of ponds located on the project.

Member Ross asked about the current number access on neighboring properties.

Member Davis asked Mr. Gillette about other alternative zoning categories used then R-3 zoning to calculate density. Mr. Gillette mentioned that only R-3 zoning was considered.

Board Discussion was opened.

Members discussed the request briefly.

ACTION TAKEN: A motion was made by Member Ross, seconded by Member Hertslet, to approve BOA 2024-0001; AND moved that the BOA make the following findings of fact and conclusions of law part of the record: that the Board finds that; 1. A Special Condition does exist, that the property is located on a quiet narrow street with little traffic, the size of the property is limited to 1.31 acres which place an excessively high percentage of access space on a small property. The property is also heavily vegetated with a significant number of trees, the application states that proposed site plan is limited to the development of 9 units; 2. No Special Privilege will be conferred to the applicants and several high density properties are larger than 1.31 acres; 3. Though the Literal Interpretation of the Land Development code would not provide the applicant the rights enjoyed by others, in the same zoning district, it is in the public interest of safety to grant the variance to avoid consecutive driveway cuts; 4. The variance granted is the minimum required to provide reasonable use of the land in compliance with the Comprehensive Plan's intent to alleviate vehicular congestion; 5. The development with 9 units will be in harmony with the apartment complex across the street which contains 38 units which has 2 entrances; 6. The granted variance is in compliance with the following Comprehensive Plan policies: Policy 2.07.02, the multi-modal network shall be designed to avoid minimized adverse impact upon the cultural, natural, historic resources, and scenic quality during the siting design construction operations and maintenance of the transportation system; Policy 2.07.11, the City shall develop and apply access management standards to minimize the frequency of individualize driveways and intersections through the consolidation of existing driveways; and Policy 2.03.10, residential developments of 25 units or more in size or that generate more than 250 daily trips shall provide a minimum of 2 functional access points. Exceptions for secondary access are permitted where it's feasible due to original tract dimension.

DRAFT

However, to further protect the public interest in granting this variance, the following conditions shall be incorporated: 1. A letter from the Fire Department of acceptable fire and safety access for the proposed development shall be placed in the plan's Director's Planning file and the development of the parcel as stated in this application shall not exceed 9 units and offer that our Land Development Code requirements will be fully met; and finds that That BOA case 2024-0001, as presented with these conditions, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

Vote upon passage of the motion being all ayes, carried.

Mr. Gillette asked if a Land Development Order would suffice. The Board answered that a simple letter from the Fire Marshall would be acceptable.

5. **BOARD BUSINESS**
6. **STAFF REPORT**
7. **PUBLIC COMMENT**
8. **ADJOURNMENT 5:38**

Sylvie McCann, Recording Secretary

Steven Papke, Chair

Print

Board of Adjustment (BOA) - Submission #13445

Date Submitted: 3/5/2024

BOARD OF ADJUSTMENT (BOA)

USE THIS FORM TO Apply for a variance to obtain relief from the design standards of this Land Development Code (LDC) where otherwise hardship would occur. A person who is adversely affected by any administrative decision may appeal such decision to the BOA.

Fees

Once application is submitted it will be reviewed for completeness. Once verified complete, an invoice will be emailed to the applicant.

☐

Residential Properties \$1,500

☒

Non-Residential properties \$3,500

☐

Administrative Appeals \$500

2024 Submission Deadlines + Board Meetings Calendar

 **BOA 2024**

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.fbfl.us/LDC

Appeals

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

Limitations on the Grant of a Variance



1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.



2. A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.



3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered g



4. A variance shall not change the requirements for concurrency.



5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.



6. A variance shall not be granted if the evidence submitted by an applicant is solely a demonstration of financial hardship or economic considerations.



7. A variance shall not be granted for procedure or process components of this Land Development Code.



8. A variance shall not be granted to deviate from LDC section 4.02.02 to combine two (2) or more lots which would result in a lot width greater than 100 feet for lots or parcels that abut Ocean Ave



9. A variance will not be granted which authorizes the filling of wetlands prohibited by Land Development Code Section 3.03.03(A)



10. No variance shall be granted to exceed the maximum building height of 35 feet for a building on any lot within 800 feet of the mean highwater line of the Atlantic Ocean under LDC Section 4.02.03(D)



11. A variance shall not be granted for any residential or residential mixed-use structure to exceed the maximum building height requirements contained in Table 4.02.03(E).



12. A variance shall not be granted to exceed the minimum side yard setbacks listed in Table 4.02.03(E) for any building within 800 feet of the mean high-water mark of the Atlantic Ocean.

REVIEW TYPE*



Variance



Appeal of Administrative Decision

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

Yes



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

2/16/2024

PROPERTY INFORMATION

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

Site Address*

112 S 3rd St

City*

FERNANDINA BEACH

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-31-1800-0012-0020

Zoning District*

MU-1



Future Land Use Designation*

Mixed Use



OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Polly

Last Name*

Beach

Company (if applicable)

Clay Time, LLC

Mailing Address***City*****State*****Zip*****Telephone Number*****E-mail Address*****OWNER'S AGENT**

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

First Name**Last Name****Company (if applicable)****Mailing Address****City****State****Zip****Telephone Number****E-mail Address****PROJECT INFORMATION****Variance Requested from LDC Section(s)***

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

I would like to purchase the property at 112 S 3rd St that operated as Early Impressions Day Care from 2006-2012 and then became Clay Times, LLC offering art classes and room rentals for artists to create and showcase their work. My intent is to improve the existing structure by cleaning up landscaping, painting the exterior, replacing the roof, fence and doing extensive cosmetic work on the inside. As you can see in the pictures and floor plan attached, there is no structural work that needs to be completed - it is completely designed as a preschool building. The areas where it does not meet current code include the lot size, setbacks for the playground, location of the playground and the location of the parking area being at the front of the building (as opposed to the rear or side which isn't accessible in this instance).

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.*

Correct. Special circumstances exist which are peculiar to the land, structure and building at 112 S 3rd St. The building is situated on a 75x100 lot and was formally operated as a frame shop, child care center and most recently, an Art Studio. It was completely remodeled and designed as an early learning center in 2006, with 7 classrooms, an office, ADA accessible bathroom, bathrooms and sinks in every room, wired for security cameras in each room and exterior exits from each room. In addition, this property is adjacent to the C-3 district and properties on Ash St, with restaurants, shops and offices nearby. This part of Downtown Fernandina is an eclectic mix of business and residences that would certainly benefit from the services provided at Seaside Learning Academy.

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.*

Correct. Granting this variance would not grant me a special privilege denied to others in an MU District. Returning this property to a former use, would make best use of the structure as it is already designed. While the lot does not meet the minimum property square footage, it does meet the Department of Children and Families minimum square footage for the number of children being served. The entire property will be fenced and the side yard utilized for natural, blending play structures.

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.*

Correct. Given the literal interpretation of the Land Development Code I would have to purchase 9 lots to obtain the required 21,780 sq ft currently found in the LDC. This property consists of 3 combined lots. As stated previously, this property was granted the right to operate as a day care in 2006. The parking at the front of the structure has ample of room to accommodate staff and parent drop off and pick up off of 3rd St., including a paved ADA parking space. There will be a new 6' privacy fence installed around the property to help buffer activity from adjacent neighbors, 7 of which are commercial properties, not residential.

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

Correct. The variances being requested are the minimum variances needed to make reasonable use of the property at 112 S.13th St. The building is designed as a preschool/learning academy and would be the best use of the structure and land. The way in which the structure is situated on the land only allows for parking to be in the front and the playground to be on the side. Working with a Certified Education Facilities Planner, we plan on creating a first class building and educational environment. We are asking for a return to previous use and plan on staying in line with the design of the townhouses across the street and the 2 local businesses, Garden Street Bistro and Twisted Table.

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

Correct. Granting these variances would be in harmony and keeping with the general intent and purpose of the Land Development Code and Comprehensive Plan. On the north and central parts of Amelia Island, we have many full time residents that make downtown an ideal location for Seaside Learning Academy. Downtown Fernandina is a place where locals work and play as much as our visitors. The plan for Seaside Learning Academy will keep in harmony with the LDC and Comprehensive Plan by: - Fostering and preserving public health, safety, comfort, and welfare, and aid in the harmonious, orderly, aesthetically pleasing, and socially beneficial development of the City in accordance with the comprehensive plan Seaside Learning Academy will be provide those who live and work in Fernandina Beach a safe, engaging, clean learning environment in which to rely on for their child care and educational needs. - Protecting the character and maintaining the stability of residential, business, industrial, recreation, and public areas, and enhance property values, stabilize older neighborhoods and business centers, and increase the economic benefits to the City arising out of its cultural resources Seaside Learning Academy plans on working with a local Certified Educational Facilities Planner to execute our plan for the best design and use of the indoor and outdoor space at 112 S 3rd St. We plan on being the premiere learning academy in Fernandina Beach and all of Nassau County. We will help maintain the stability of residential, business, industrial and public areas by providing workers and residents with a safe and beautiful space in which to send their children while they work. We will maintain the landscaping and overall apperance of the property in accordance with the neighborhood. - Control and regulate growth of the City - I believe if someone else were to purchase this lot it would be for the purpose of buliding a multi-family structure, thereby increasing residential density. We hope to add to the residential landscape as it already exists to provide a service that is greatly needed in our community.

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.*

Correct. Granting the variance is compatible with surrounding properties and will not cause injury to the area involved or be detrimental in any imaginable way. The activity at the property would mostly be during the day and should not create any issues for surrounding properties. There is ample room for off street drop off for parents and this would only happen between 7-8am and 4-6pm. The exterior of the property will be greatly improved and maintained in a way that will benefit the surrounding properties, not only with a cleaner, more professional look but also help cut down on debris, rodents or other activity with improved lighting, regular maintenance, and security measures.

Upload Supplemental Materials

Letter of Intent - FINAL.docx

Upload 2

No file chosen

Upload 3

survey and owner affidavit.pdf

Upload 4

No file chosen

Upload 5

SunBiz Clay Times LLC.pdf

Upload 6 No file chosen**Upload 7**

Nassau-County-Real-Estate-00-00-31-1800-0012-0020-2023-Annual-bill.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 AGREE THAT A POSTING NOTICE WILL BE INSTALLED ON THE PROPERTY(IES) IN QUESTION AND THAT SAID SIGN WILL ONLY BE REMOVED BY STAFF AFTER THE MEETING OR BROUGHT BACK TO CITY HALL BY APPLICANT.

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*

Donna

Applicant's Last Name*

Ferreira

Today's Date*

3/5/2024

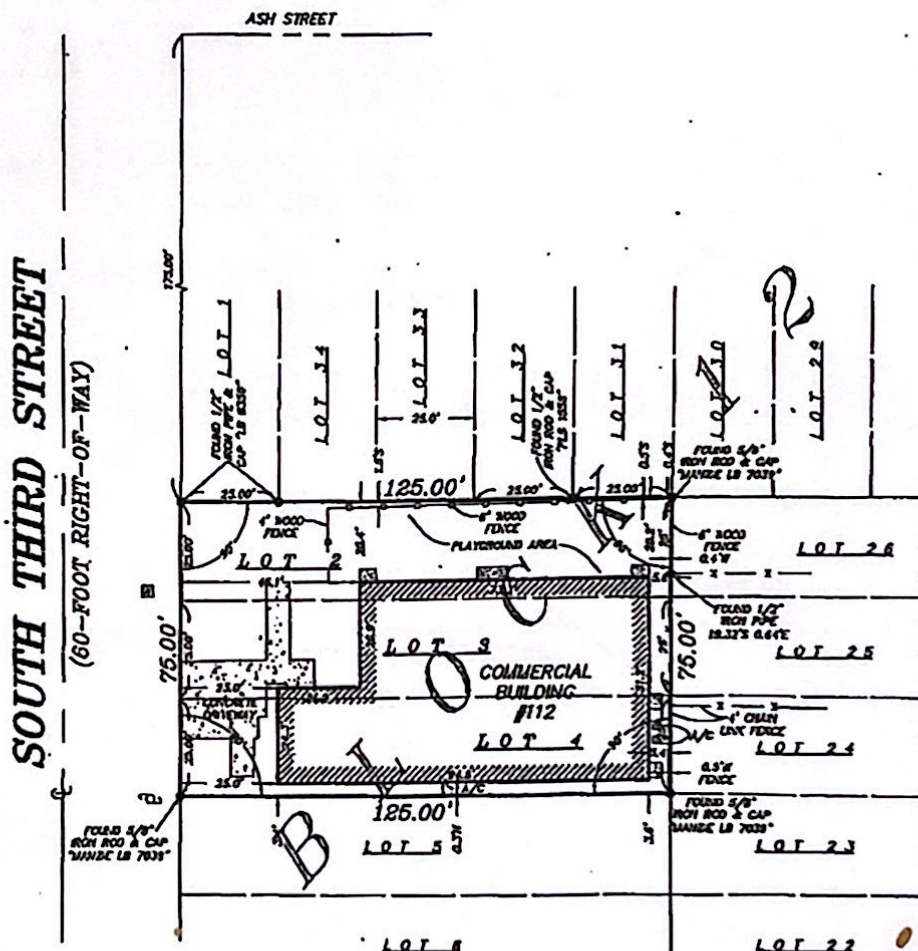
 City of FB logo
NEW Reflex

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.

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY 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 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS:



E = CENTERLINE
 = 1000 POWER POLE
 = CHAIN LINK FENCE
 = WATER METER
 = CONCRETE SLABWORK
 = ROAD FENCE

- 1) The "Legal Description" herein is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown herein were not disturbed by this office for easements, rights-of-way ownership or other instruments of record.
- 4) Internal lot angles shown herein are based on recovered measurements.
- 5) "Unless it bears the signature and the original raised seal of a Florida Licensed surveyor and appears this map/report is for informational purposes only and is not valid."
- 6) The property shown herein has within dead ends "JL 10" as per F.E.M.A. Flood Insurance Study Map, Panel 1704020212C, dated 12/18/90. Flood Zone information listed above and shown on this survey is provided as a courtesy and is representative of best available data. This information is not warranted by the surveyor. For more information on flood risk, the surveyor is advised to consult the Federal Emergency Management Agency (FEMA) Flood Insurance Study, Chapter 85-12, Florida Administrative Code, pursuant to Section 47.26727, Florida Statutes.
- 7) This survey is protected by copyright and is entitled only to the authors listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is prohibited. The surveyor hereby disclaims any liability for any damages or losses suffered by any person or entity in reliance on this survey. No other party shall be liable for any damages or losses suffered by any person or entity in reliance on this survey.

CERTIFIED TO:
CLAY TIMES, LLC
CBC NATIONAL BANK
WOOD & SMITH, P.A.
FIRST AMERICAN TITLE INSURANCE COMPANY
PROPERTY ADDRESS:
112 SOUTH THIRD STREET
FERNANDINA BEACH, FLORIDA 32034

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, P.L.S. 4069
☐ GUY L. MELVIN, P.L.S. 4729

2/8/17.

117 South Ninth Street, Fernandina Beach, FL 32034
(904) 491-5700 FAX (904) 491-5777
Certificate of Authorization Number "B 7039"

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

SCALE: 1"=30' JOB NO: 16658 DATE: 02/03/17 CADD: BH

F.B. NO: X-203 PAGE NO: 70 FIELD CREW: BP FILE NO: A-2127A

Donna Ferreira
Seaside Learning Academy
118 S 13th St
Fernandina Beach, FL
drunyeon@gmail.com
904-705-4891

Representing Polly Beach
Clay Times, LLC
112 S 3rd St
Fernandina Beach, FL 32034
ctartcenter@gmail.com
904-624-5824

City of Fernandina Beach
Board of Adjustment
Taylor Hartmann
904-310-3485
Fernandina Beach, Florida 32034

Dear Ms. Hartmann and Board Members,

I am writing to you today to ask for variances for the property located at 112 S 3rd St. for the purpose of re-establishing a preschool and learning center. As a long-time resident of Fernandina Beach with a deep-rooted connection to the community, I am passionate about providing high-quality educational opportunities for the children of our area. From the time my grandparents' department store sold the school uniforms for St. Michael Academy in the 1960's, to more recent years when I was the Director of VPK for the same school, education and helping others achieve their goals has always been important to my family.

During my 18 years in Fernandina Beach, I have absolutely loved watching the first children I taught, including my son, grow from their days at Lamb Christian all the way to FBHS. I have also enjoyed the adult friendships and community I have built through teaching. Many families in our community face lengthy waitlists to enroll their children in existing programs. Recognizing this need, I am eager to contribute to our community by offering comprehensive programming in a nurturing and enriching environment for young learners.

The property at 112 S 3rd St., formerly known as "Early Impressions Day Care," presents an ideal opportunity for the establishment of a preschool and learning center. The existing layout, with seven classrooms equipped with necessary facilities, such as sinks and toilets, along with a fully functioning industrial kitchen and security features, provides a solid foundation for our educational endeavors. While some cosmetic enhancements may be required, the infrastructure is well-suited to support our mission.

Furthermore, the location of the property holds tremendous value for our students, their families and our employees. Situated downtown, we have convenient access to various amenities and cultural landmarks that can enhance the learning experiences of our students exposing them to the rich history of Fernandina Beach. From educational field trips to local institutions like City Hall, public library, and historical sites, to engaging community events such as Trick or Treating on Centre Street, our proximity to these resources will enrich our curriculum and foster a sense of connection to our surroundings.

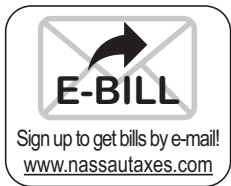
Beyond preschool education, I am committed to exploring innovative programming to serve a broader range of age groups. From afterschool homework help and tutoring to workshops on essential life skills, including test preparation, anxiety management, and time management, we aim to support the holistic development of young people in Fernandina Beach. By providing a safe and nurturing environment downtown, we can empower our youth to thrive academically, socially, and emotionally.

In conclusion, I firmly believe that the establishment of a preschool and learning center at 112 S 3rd St. aligns with the community's needs and aspirations as outlined in the Comprehensive Plan and Land Development Code. I am committed to realizing this vision and contributing positively to the educational landscape of Fernandina Beach.

Thank you for considering my letter of intent. I look forward to the opportunity to discuss this further and explore how we can collaborate to make this vision a reality.

Sincerely,

Donna Ferreira



JOHN M. DREW, CFC · Nassau County Tax Collector

www.nassautaxes.com

2023 REAL ESTATE

Notice of Ad Valorem and Non-Ad Valorem Assessments



TAX YEAR	ACCOUNT NUMBER	ALT KEY	MILLAGE CODE	ESCROW CODE
2023	00-00-31-1800-0012-0020	11223	002	

CLAY TIMES LLC
112 S 3RD ST
FERNANDINA BEACH, FL 32034

Property Address and Legal Description:

112 S 3RD ST
BLOCK 12 LOTS 2 3 & 4
IN OR 2107/719
CITY OF FDNA BEACH

Exemptions:

AD VALOREM TAXES

TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE VALUE	TAXES LEVIED
BOARD OF COUNTY COMMISSIONERS					
GENERAL FUND	6.3356	426,865	0	426,865	2,704.44
GENERAL FUND CONSERVATION/RESILIENT	0.1400	426,865	0	426,865	59.76
GENERAL FUND DEBT/CAPITAL	0.0531	426,865	0	426,865	22.67
TRANSPORTATION	0.5553	426,865	0	426,865	237.04
AI BEACH RENOURISHMENT MSTU	0.0960	426,865	0	426,865	40.98
SCHOOL BOARD					
ADDITIONAL VOTER MILLAGE	1.0000	495,880	0	495,880	495.88
BASIC DISCRETIONARY	0.7480	495,880	0	495,880	370.92
CAPITAL OUTLAY	1.5000	495,880	0	495,880	743.82
SCHOOL BOARD LOCAL EFFORT	3.2120	495,880	0	495,880	1,592.77
ST JOHNS RIVER MGMT DIST	0.1793	426,865	0	426,865	76.54
FL INLAND NAVIGATION DIST	0.0288	426,865	0	426,865	12.29
MOSQUITO CONTROL DISTRICT	0.1144	426,865	0	426,865	48.83
CITY OF FERNANDINA BEACH					
FERNANDINA BEACH	4.8298	426,865	0	426,865	2,061.67
VOTER APPROVED DEBT	0.0000	426,865	0	426,865	0.00
TOTAL MILLAGE		18.7923	TOTAL AD VALOREM TAXES		\$8,467.61

NON-AD VALOREM ASSESSMENTS

TAXING AUTHORITY	PHONE	RATE	AMOUNT
TOTAL NON-AD VALOREM TAXES			\$0.00
TOTAL COMBINED TAXES AND ASSESSMENTS			\$8,467.61

AMOUNT DUE IF PAID BY	Feb 29, 2024				
	\$0.00				

RETAIN FOR YOUR RECORDS

2023 REAL ESTATE

DETACH HERE AND RETURN THIS PORTION WITH YOUR PAYMENT

ACCOUNT NUMBER
00-00-31-1800-0012-0020
PROPERTY ADDRESS
112 S 3RD ST
ALT KEY
11223

CLAY TIMES LLC
112 S 3RD ST
FERNANDINA BEACH, FL 32034

Make checks payable to:
JOHN M. DREW, CFC
Nassau County Tax Collector

86130 License Rd, Ste 3, Fernandina Beach, FL 32034

Pay online at www.nassautaxes.com

Payments in U.S. funds from a U.S. bank

PAY ONLY ONE AMOUNT

If Paid By Feb 29, 2024

☐ \$0.00

If Paid By

☐

If Paid By

☐

If Paid By

☐

If Paid By

☐

DO NOT FOLD, STAPLE, OR MUTILATE

RETURN WITH PAYMENT

Paid 02/28/2024

Receipt # INT-23-00070299

\$8,382.93

Paid By POLLY BEACH



MAP OF BOUNDARY SURVEY

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY 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 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901) AS:

LOTS 2, 3 AND 4 IN BLOCK 12

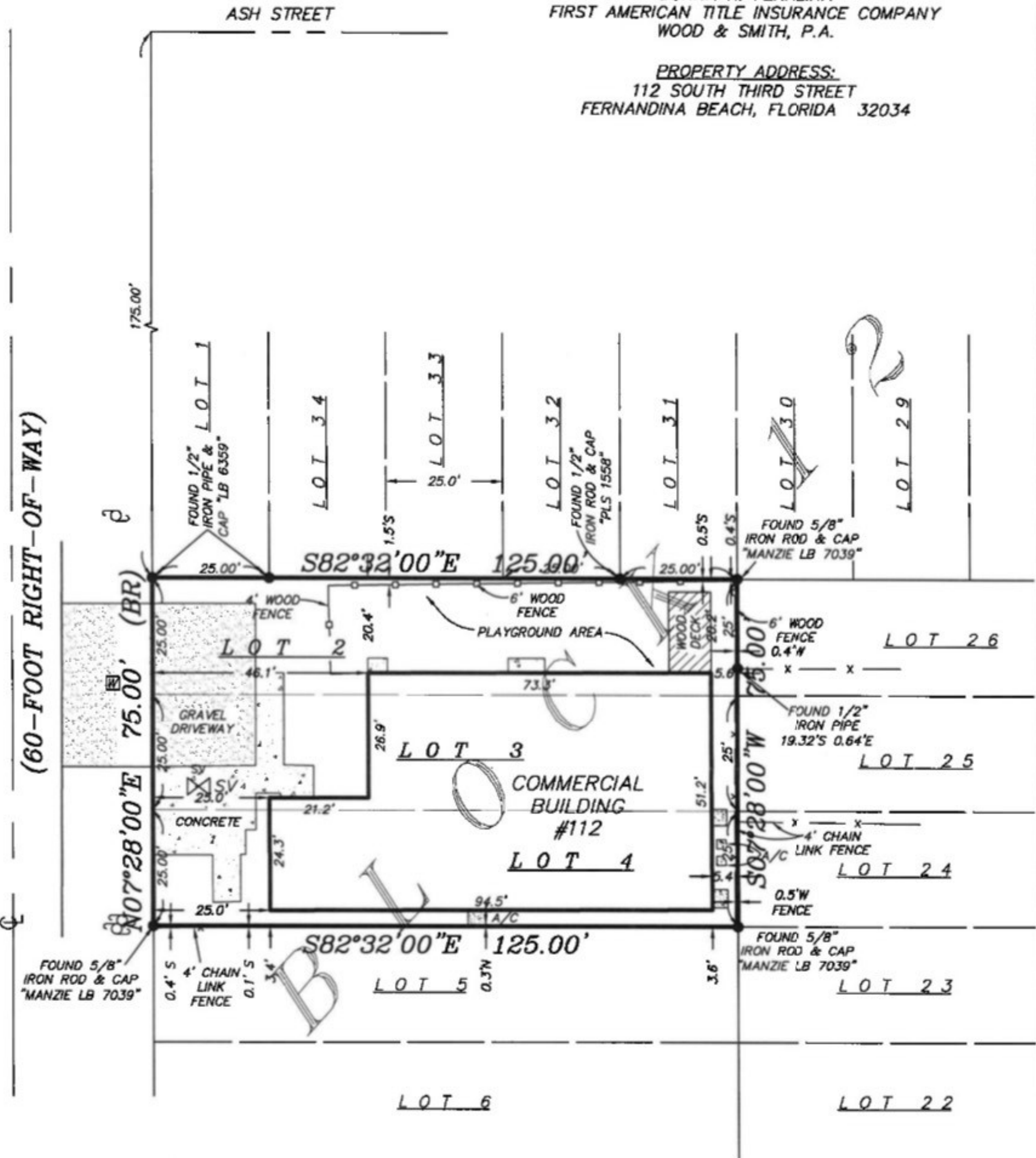
CERTIFIED TO:
DONNA K. FERREIRA
FIRST AMERICAN TITLE INSURANCE COMPANY
WOOD & SMITH, P.A.

PROPERTY ADDRESS:
112 SOUTH THIRD STREET
FERNANDINA BEACH, FLORIDA 32034



SOUTH THIRD STREET

(60-FOOT RIGHT-OF-WAY)



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 Third 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.

LEGEND

- CL = CENTERLINE
- CF = CONCRETE FLATWORK
- WP = WOOD POWER POLE
- SV = SEWER VALVE
- WF = WOOD OR VINYL FENCE
- XX = CHAIN LINK OR WIRE FENCE
- WM = WATER METER

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 FAX (904) 491-5777
Certificate of Authorization Number "LB 7039"

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

SCALE: 1"=30' JOB NO: 16656 DATE: 02/23/2024 CADD: AR

F.B. NO: X-385 PAGE NO: 22 FIELD CREW: SS FILE NO: A-2127A

2023 FLORIDA LIMITED LIABILITY COMPANY ANNUAL REPORT

DOCUMENT# L14000067247

Entity Name: CLAY TIMES LLC

Current Principal Place of Business:

1393 PLANTATION POINT DR.
AMELIA ISLAND, FL 32034

Current Mailing Address:

112 S 3RD ST.
FERNANDINA BEACH, FL 32034 US

FEI Number: 46-5497080

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

BEACH, POLLY
1393 PLANTATION POINT DR.
AMELIA ISLAND, FL 32034 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: POLLY BEACH

05/01/2023

Electronic Signature of Registered Agent

Date

Authorized Person(s) Detail :

Title AMBR
Name BEACH, POLLY
Address 1393 PLANTATION POINT DR.
City-State-Zip: AMELIA ISLAND FL 32034

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am a managing member or manager of the limited liability company or the receiver or trustee empowered to execute this report as required by Chapter 605, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: POLLY A BEACH

PRESIDENT

05/01/2023

Electronic Signature of Signing Authorized Person(s) Detail

Date



State of Florida
Department of Children and Families

Ron DeSantis
Governor

Shevaun L. Harris
Secretary

March 6, 2024

Certified Mail # 7019 0700 0001 4550 9444

Seaside Learning Academy
Donna Ferreira
118 S 13th St
Fernandina Beach, FL 32034

Dear Donna Ferreira,

The Department received your licensure questionnaire describing the operation and activities of your proposed program. Based on a review of your questionnaire, it has been determined that your program located at **112 S 3rd St, Fernandina Beach, FL 32034** meets the definition of a child care facility pursuant to s. 402.302(2), Florida Statutes and therefore is **required to be licensed**.

s. 402.302(2) "Child care facility" includes any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit.

The local licensing office has been notified of the requirement for licensure of your program. Please contact the licensing supervisor listed below at (904)-485-9740 to begin the licensing process for your program. Any changes to the program in the future would require a new questionnaire be submitted to the Department for review and a new determination would be issued. If you have additional questions regarding this determination, please contact the child care program office at (850) 488-4900.

RIGHT TO ADMINISTRATIVE PROCEEDING

IF YOU BELIEVE THE PROPOSED ACTION DESCRIBED IN THE ADMINISTRATIVE COMPLAINT IS IN ERROR, YOU MAY REQUEST AN ADMINISTRATIVE HEARING IN ACCORDANCE WITH THE ENCLOSED "NOTIFICATION OF RIGHTS UNDER CHAPTER 120, FLORIDA STATUTES"

Thank you,

Andrew Warnock

Andrew Warnock
Family Services Counselor Supervisor

Cc: Erin Wilson, Program Analyst
Mala Ramoutar, Regional Safety Program Manager
Carl Smith, Eva Jallah Licensing Supervisors

Enclosure: Notice of Rights Under Chapter 120, Florida Statutes

2415 North Monroe Street, Suite 400, Tallahassee, Florida 32303-4190

NOTIFICATION OF RIGHTS UNDER CHAPTER 120, FLORIDA STATUTES

IF YOU BELIEVE THE DEPARTMENT'S DECISION IS IN ERROR, YOU MAY REQUEST AN ADMINISTRATIVE HEARING UNDER SECTIONS 120.569 AND 120.57, FLORIDA STATUTES, TO CONTEST THE DECISION. YOUR REQUEST FOR AN ADMINISTRATIVE HEARING MUST BE RECEIVED BY THE DEPARTMENT BY 5:00, P.M., NO LATER THAN 21 CALENDAR DAYS AFTER YOU RECEIVED NOTICE OF THE DEPARTMENT'S DECISION.

You must submit your request for an administrative hearing to the Department at the following address:

Agency Clerk
Department of Children and Families
2415 North Monroe St., Suite 100
Tallahassee, FL 32303

IF YOUR REQUEST FOR AN ADMINISTRATIVE HEARING IS NOT RECEIVED BY THE DEPARTMENT BY THE ABOVE DEADLINE, YOU WILL HAVE WAIVED YOUR RIGHTS TO A HEARING AND THE DEPARTMENT'S PROPOSED ACTION WILL BE FINAL.

If you disagree with the facts stated in the Department's decision, you may request a formal administrative hearing under section 120.57(1), Florida Statutes. At a formal hearing, you may present evidence and arguments on all issues involved, and question the witnesses called by the Department.

If you do not disagree with the facts stated in the notice, you may request an informal administrative hearing under section 120.57(2), Florida Statutes. At an informal hearing, you may present your argument or a written statement for consideration by the Department.

Whether you request a formal hearing or an informal hearing, your request for an administrative hearing must meet the requirements of Rule 28-106.201(2) or Rule 28-106.301(2), Florida Administrative Code. In either event, your request for an administrative hearing must:

1. Include a copy of the decision received from the Department;
2. Be prepared legibly on 8½ by 11-inch white paper, and
3. Include all the following items:
 - (a) The Department's file or identification number, if known;
 - (b) Your name, address, email address (if any) and telephone number and the name, address, email address (if any) and telephone number of your representative, if any;
 - (c) An explanation of how your rights or interests will be affected by the action described in the notice of the Department's decision;

- (d) A statement of when and how you received notice of the Department's decision;
- (e) A statement of all facts in the notice of the Department's decision with which you disagree. If you do not disagree with any of the facts stated in the notice, you must say so;
- (f) A statement of the facts you believe justify a change in the Department's decision;
- (g) A statement of the specific rules or statutes you believe require reversal or modification of the Department's proposed action;
- (h) A statement explaining how the facts you have alleged above relate to the specific rules or statutes you have identified above; and
- (i) A statement of the relief you want, including precisely the action you want the Department to take.

Section 120.569(2)(c), Florida Statutes, requires the Department to dismiss your request for hearing if it is not in substantial compliance with the requirements above.

Mediation as described in section 120.573, Florida Statutes, is not available. However, other forms of mediation or informal dispute resolution may be available after a timely request for an administrative hearing has been received, if agreed to by all parties, and on such terms as agreed to by all parties. The right to an administrative proceeding is not affected when mediation or informal dispute resolution does not result in a settlement.

Florida Department of Children and Families Child Care Services
certifies that

Donna Ferreira

has successfully met all requirements for the
Florida Child Care and Education Program
Director Credential

Level I
Renewal

Active Date:
07/09/2020

VPK Endorsed

Inactive Date:
07/09/2025

Certificate No:
6535985




Director
Office of Child Care Regulation



FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES

STAFF CREDENTIAL VERIFICATION

Donna Ferreira

Name

276382

Student ID

Nassau

County

118 S 13th ST

Street Address

Fernandina Beach

City

FL

State

32034

Zip

Individual meets the following qualification:

Formal Education Qualifications

Does Not Expire

B.A. DEGREE

Associate's degree or higher with 6 credits in field and 480 hours experience.

Meets or exceeds the minimum VPK lead teacher requirement during the school year program.

Summer VPK teacher requirements differ from the school year requirements. Please check with your Early Learning Coalition to determine if you are qualified to be a Summer VPK teacher.

Pursuant to Section 402.305(3), F.S., a licensed child care facility must have one (1) credentialed staff member for every 20 children. This individual has met the Staff Credential requirement, pursuant to 65C-22, Florida Administrative Code.

Verification Date: 09/05/2007

Verification Number: 1800843

Deborah Russo

Director
Child Care Services

A copy of this form must be maintained in the facility personnel file at all times. This form can be reprinted from the Department's website www.myflorida.com/childcare by accessing the individual's training transcript.



BOARD OF ADJUSTMENTS STAFF REPORT
BOA 2024-0002
APRIL 17, 2024

Owner/Applicant:	Polly Beach, Owner/Donna Ferreira, Agent
Property Address:	112 South 3 rd Street
Parcel Number:	00-00-31-1800-0012-0020
Requested action:	VARIANCE from LDC Sections: 6.02.12(B-D) Supplemental standards for a day care center in the MU-1 zoning district.
Current zoning:	MU-1
FLUM land use category:	Mixed-use
Existing uses on the site:	Art studio

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



SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

Subject Property: 0.21-acre parcel

Proposed Project: The applicant's intent is to establish a child daycare facility.

Consistency: Proposed business is an allowable use within the MU-1 zoning district as long as it meets the following supplemental standards:

- B. Day care centers are allowable in the MU-1 and C-1 zoning districts subject to the standards of the zoning district and the supplemental standards set forth below.
- C. Playgrounds shall be provided in a size and type required by State standards. The following additional standards shall apply:
 - 1. The playground shall be located in the rear yard. Where site characteristics prevent location of a playground in the rear yard, and adequate space is available in the side yard, a playground may be located in the side yard. Location of a playground in the front yard is prohibited.
 - 2. The playground shall be fully fenced. The fence shall meet the standards set forth in Section 5.01.10.
 - 3. The playground shall be located not closer than twenty-five (25) feet to any adjacent property zoned for residential use.
- D. The site design standards for day care centers are set forth in Table 6.02.10(D).

Table 6.02.12(D). Standards for Day Care Centers in MU-1 and C-1

Development Feature	Standard
Minimum lot area	21,780 square feet
Buffer requirements	As set forth in Section 4.05.05, but not less than a buffer "B"
Parking requirements ▪ Location ▪ On-street parking	Side or rear of the principal structure Shall not count toward meeting parking requirements
Access requirements	Separate off-street drop off area required

The applicant is requesting relief from this section of code, for adaptive reuse of an existing structure, because the site is unable to meet the requirements identified in Table 6.02.12(D).

Current Land Area: 9,375 square feet

Current Buffer: MU-1 to C-3 typically requires a Type A buffer (10 FT minimum width containing 2 understory trees per 100 linear feet of property line) and MU-1 to R-2 requires a Type B buffer (15 FT minimum width containing 4 understory trees per 100 linear feet of property line)

Current Parking Location: Adjacent to the public right-of-way in front of the existing building

Current Access: There is no separate off-street drop-off area nor is there adequate space to accommodate such an area.

Staff notes that the subject property will be regulated by the Florida Department of Children and Families with regard to student/teacher ratios, having credentialed staff onsite, and adequate resources for childcare.

EXHIBIT A: PORTION OF THE EXISTING SURVEY

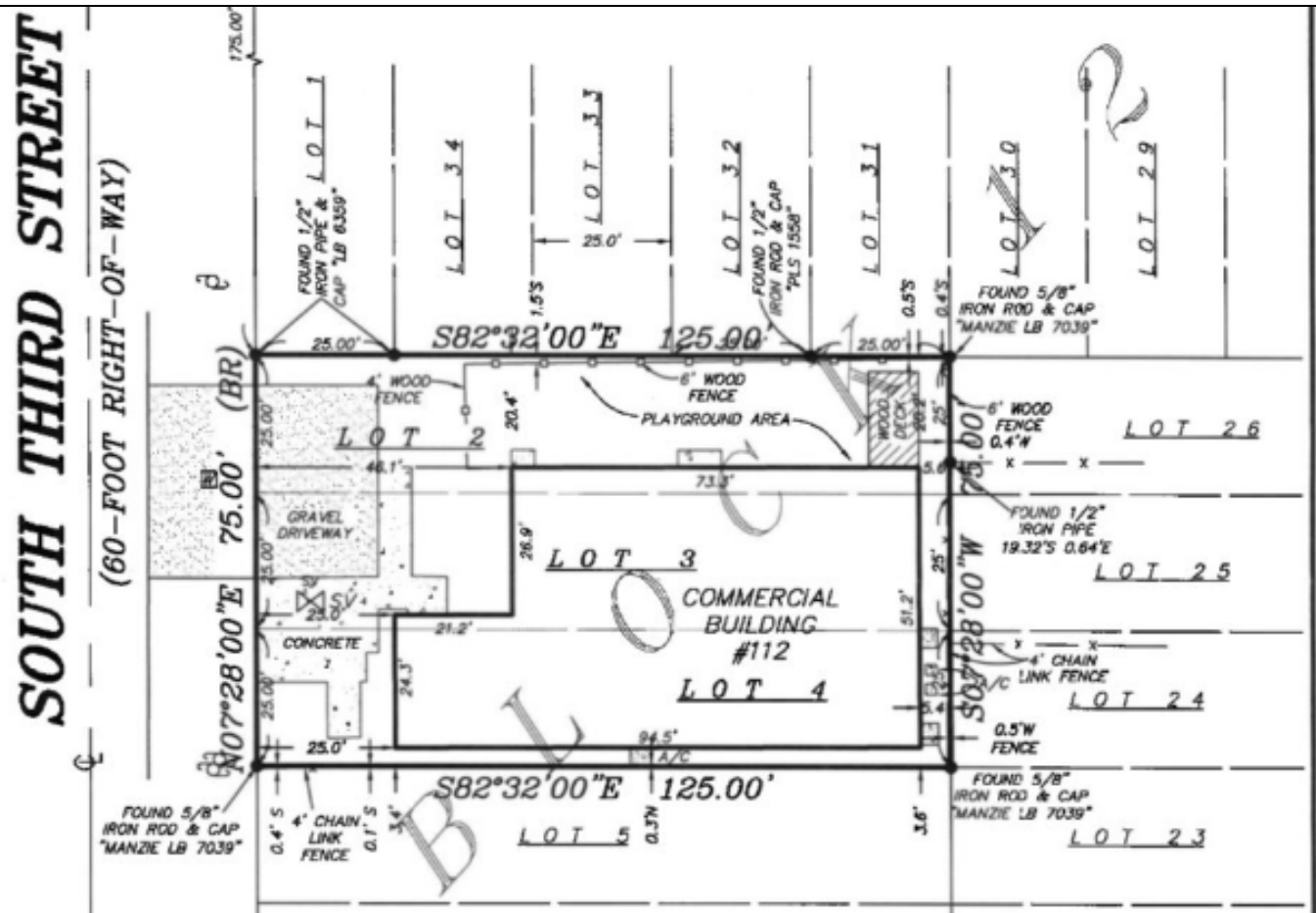
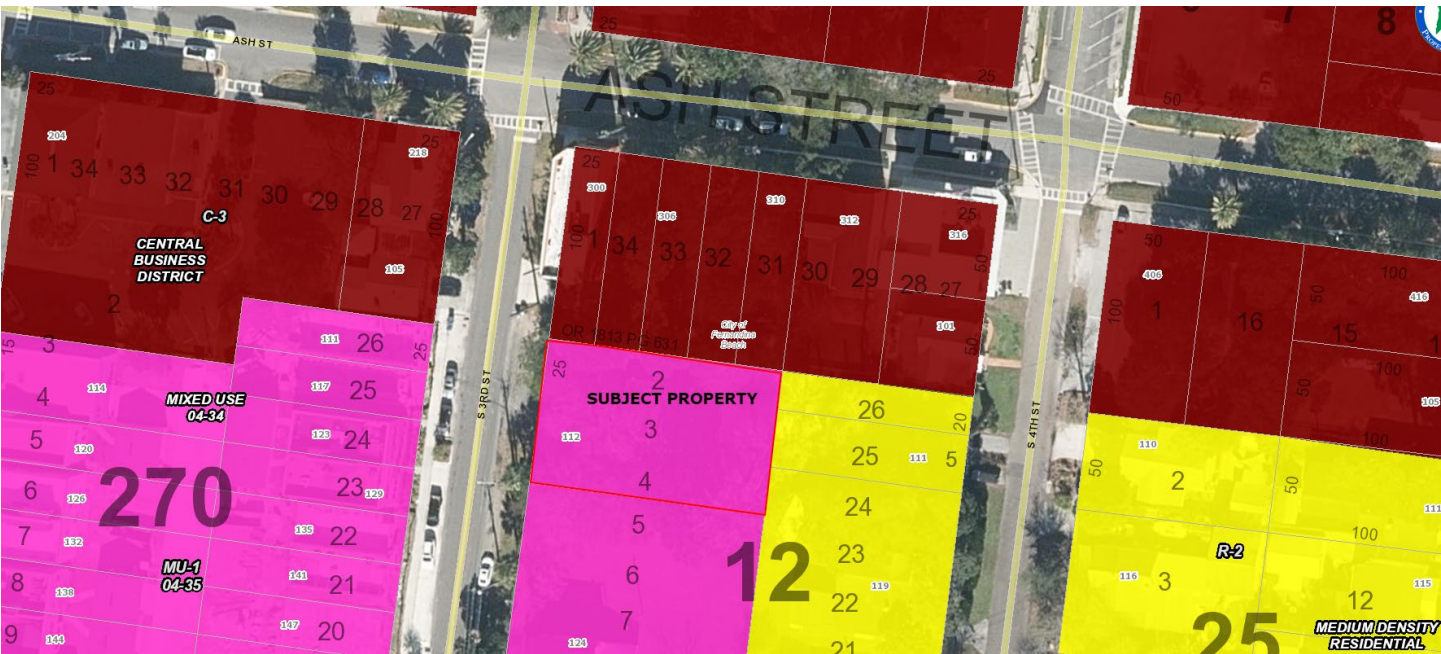


EXHIBIT B: SURROUNDING AREA PARCELS WITH FUTURE LAND USE CATEGORY AND ZONING DISTRICT



APPLICABLE GUIDELINES:

CITY OF FERNANDINA BEACH LAND DEVELOPMENT CODE:

The 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 1.01.03 - The City shall encourage the maintenance, restoration and adaptive reuse of existing urban areas, including buildings, infrastructure and other assets, to reduce energy use and Vehicle Miles Traveled (VMTs).
- Policy 1.02.03 - The City shall ensure that the location, scale, timing, and design of development are coordinated with the availability of public facilities and services. The City seeks to ensure compact development patterns that integrate neighborhood and commercial activities and promote connectivity through the use of sidewalks, bike lanes and alternative low-speed shared-use vehicle paths in order to achieve a reduction in vehicular trips on arterial roadways. The purpose of this policy is to prevent the proliferation of urban sprawl and to achieve cost effective and energy efficient land development patterns and avoid or eliminate existing patterns that may be described as:
 - a. Areas of urban development or uses, which are not functionally related to land uses which predominate the adjacent area;
 - b. Areas of urban development or uses which fail to maximize the use of existing public facilities;
 - c. Areas of urban development or uses which fail to use areas within which public services are currently provided; and
 - d. Leapfrog/scattered development or ribbon/strip commercial development patterns.
- OBJECTIVE 1.06. COMMUNITY CHARACTER - Community character is reflected in lot sizes, house sizes, site placement, height, architectural features and existing vegetation. The City shall strive to stabilize and preserve neighborhoods and establish urban design standards which protect and promote quality of life, in order to prevent teardowns, encourage re-use, infill and new development.

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's 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>	Correct. Special circumstances exist which are peculiar to the land, structure and building at 112 S 3rd St. The building is situated on a 75x100 lot and was formally operated as a frame shop, child care center and most recently, an Art Studio. It was completely remodeled and designed as an early learning center in 2006, with 7 classrooms, an office, ADA accessible bathroom, bathrooms and sinks in every room, wired for security cameras in each room and exterior exits from each room. In addition, this property is adjacent to the C-3 district and properties on Ash St, with restaurants, shops and offices nearby. This part of Downtown Fernandina is an eclectic mix of business and residences that would certainly benefit from the services provided at Seaside Learning Academy.	Yes. Special conditions and circumstances do 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 subject building was originally constructed in 1976 and underwent significant renovations in 2006 to establish a childcare facility. Permits to make these changes were applied for prior to the adoption of the current LDC and its supplemental standards allowing for the building to be "grandfathered" in as a legal nonconformity.	☒ Yes ☐ No
2. Special Privilege <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i>	Correct. Granting this variance would not grant me a special privilege denied to others in an MU District. Returning this property to a former use, would make best use of the structure as it is already designed. While the lot does not meet the minimum property square footage, it does meet the Department of Children and Families minimum square footage for the number of children being served. The entire property will be fenced and the side yard utilized for natural, blending play structures.	Yes. 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. Any similarly situated property owner within this zoning district has the right to request relief from LDC Section 6.02.12.	☒ 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>	Correct. Given the literal interpretation of the Land Development Code I would have to purchase 9 lots to obtain the required 21,780 sq ft currently found in the LDC. This property consists of 3 combined lots. As stated previously, this property was granted the right to operate as a day care in 2006. The parking at the front of the structure has ample of room to accommodate staff and parent drop off and pick up off of 3rd St., including a paved ADA parking space. There will be a new 6' privacy fence installed around the property to help buffer activity from adjacent neighbors, 7 of which are commercial properties, not residential.	Yes. Literal interpretation of the Land Development Code would deprive the applicant of rights enjoyed by others in the same zoning district. A literal reading of the LDC's supplemental standards does not factor in the vibrant urban environment surrounding the subject property or the adaptive reuse of structures encouraged by the Comprehensive Plan.	☒ 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>	Correct. The variances being requested are the minimum variances needed to make reasonable use of the property at 112 S.13th St. The building is designed as a reschool/learning academy and would be the best use of the structure and land. The way in which the structure is situated on the land only allows for parking to be in the front and the playground to be on the side. Working with a Certified Education Facilities Planner, we plan on creating a first class building and educational environment. We are asking for a return to previous use and plan on staying in line with the design of the townhouses across the street and the 2 local businesses, Garden Street Bistro and Twisted Table.	Yes. The variance requested is the minimum variance needed to make possible the reasonable use of the land, structure, or building. Relief from the supplemental standards is the only request received.	☒ 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>	Correct. Granting these variances would be in harmony and keeping with the general intent and purpose of the Land Development Code and Comprehensive Plan. On the north and central parts of Amelia Island, we have many full time residents that make downtown an ideal location for Seaside Learning Academy. Downtown Fernandina is a place where locals work and play as much as our visitors. The plan for Seaside Learning Academy will keep in harmony with the LDC and Comprehensive Plan by: - Fostering and preserving public health, safety, comfort, and welfare, and aid in the harmonious, orderly, esthetically pleasing, and socially beneficial development of the City in accordance with the comprehensive plan Seaside Learning Academy will be provide those who live and work in Fernandina Beach a safe, engaging, clean learning environment in which to rely on for their child care and educational needs. - Protecting the character and maintaining the stability of residential, business, industrial, recreation, and public areas, and enhance property values, stabilize older neighborhoods and business centers, and increase the economic benefits to the City arising out of its cultural resources Seaside Learning Academy plans on working with a local Certified Educational Facilities Planner to execute our plan for the best design and use of the indoor and outdoor space at 112 S 3rd St. We plan on being the premiere learning academy in Fernandina Beach and all of Nassau County. We will help maintain the stability of residential, business, industrial and public areas by providing workers and residents with a safe and beautiful space in which to send their children while they work. We will maintain the landscaping and overall appearance of the property in accordance with the neighborhood. - Control and regulate growth of the City - I believe if someone else were to purchase this lot it would be for the purpose of building a multi-family structure, thereby increasing residential density. We hope to add to the residential	Yes. Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan. The supplemental standards of the LDC were originally adopted as part of a brand-new code, however they do not allow for any flexibility when considering the reuse of structures or the nature of downtown Fernandina. The general intent of the code and Comp Plan code are to respect the established community character while also allowing for respectful redevelopment.	☒ Yes ☐ No

	landscape as it already exists to provide a service that is greatly needed in our community.		
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>	Correct. Granting the variance is compatible with surrounding properties and will not cause injury to the area involved or be detrimental in any imaginable way. The activity at the property would mostly be during the day and should not create any issues for surrounding properties. There is ample room for off street drop off for parents and this would only happen between 7-8am and 4-6pm. The exterior of the property will be greatly improved and maintained in a way that will benefit the surrounding properties, not only with a cleaner, more professional look but also help cut down on debris, rodents or other activity with improved lighting, regular maintenance, and security measures.	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. Establishing a new child-care facility in an existing building, previously renovated for the same use, would utilize fewer resources than total demolition and reconstruction. Furthermore, the expansion of impervious surfaces for parking and an off-street drop-off area would contribute to more of an urban sprawl which is inconsistent with the City's vision for walkability.	☒ Yes ☐ No

STAFF RECOMMENDATION:

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

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

The requested variance is consistent with all 6 criteria for granting of a variance.

Staff recommends: **APPROVAL of BOA 2024-0002.**

MOTION TO CONSIDER

I move to **approve or deny** BOA case number 2024-0002;

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

That BOA case 2024-0002, item, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time;

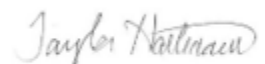
AND that BOA case number 2024-0002 **meets or does not meet** the following criteria for granting a variance:

LIST OF EXHIBITS:

EXHIBIT A – SURVEY

EXHIBIT B – SITE PLAN

Respectfully Submitted,



Taylor Hartmann
Planner I