



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
MAY 15, 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 April 17, 2024.
- 4. NEW BUSINESS**
 - 4.1 **BOA2024-0003 - COMPASS GROUP INC., AGENT FOR WORTHY INVESTMENT LLC, 119, 123, and 125 S. 4TH STREET**
Variance request from LDC Section 1.03.05 Construction or Demolition of Structures on Combined Lots, to restore 25 ft underlying lots of record. (*Quasi-Judicial*)
- 5. BOARD BUSINESS**
- 6. STAFF REPORT**
- 7. PUBLIC COMMENT**
- 8. ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR JUNE 26, 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
APRIL 17, 2024
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER 5:01 PM

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT

Steven Papke (Chair)

Faith Ross

Chuck Oliva

Margaret Davis (Alt 2)

Jag Pagnucco

Kelly Powers (Alt 1)

MEMBERS ABSENT

Barry Hertslet

OTHERS PRESENT

Taylor Hartmann, Planner

Tammi Bach, City Attorney

Sylvie McCann, Recording Secretary

2. PLEDGE OF ALLEGIANCE

Chair Papke seated Member Powers as a voting member for this meeting.

Tammi Bach, City Attorney, explained the Quasi-Judicial procedures regarding variances and the appeal process.

Member Powers disclosed that she is the neighbor of the applicant in BOA case 2024-0002. No other ex-parte communications were disclosed by Board Members.

Ms. McCann administered the oath to any parties that wished to give testimony.

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes for the Regular Meeting of March 20, 2024.

Member Davis provided 1 correction and 2 typos under BOA case 2024-0001.

ACTION TAKEN: A motion was made by Member Ross, seconded by Member Oliva, to approve the Minutes for the regular meeting of March 20, 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 2024-0002 - 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*)

Ms. Hartmann presented the Staff Report Analysis and recommended approval with all the criteria being met.

Member Ross inquired about the non-conformity of this property along with properties located on Citrona Drive and S. 7th Street. She also addressed these property's pick up and drop off zones and her concern for congestion.

Member Davis also brought up a concern about congestion because of pending litigation regarding abutting properties that could be developed into townhomes. She also asked about the Comprehensive Plan's aim to remove non-conformity when the chance arises.

Donna Ferreira, applicant, spoke of the drop off situations which she noted will be staggered. She also spoke of the opportunity and positive impact of exposing children to the greatness of Downtown. Member Ross asked about the number of children that would be served by this facility. Ms. Ferreira spoke of DCF regulations and answered that her maximum allowance would tentatively be close to 82 children, focusing on 2-5 years old, with no infants, and with approximately 12 full-time and part-time staffers. She added that the number of parking spaces is planned for 8. She also noted that there are no interior modifications to be made as this structure was originally built with childcare in mind. Member Ross emphasized her concern regarding the drop off and parking.

Member Davis asked if the applicant did a marketability study. Ms. Ferreira noted that she has done a feasibility study and found that in her opinion more young families are moving to the downtown area.

Board Members asked the applicant about fencing. The applicant provided insight on her plans to replace some fencing.

Public Hearing was opened.

One speaker from the audience voiced approval for this case.

Taina Christner, 406 Beech Street, welcomed the addition of childcare to the downtown area.

Kathie Haynes, 2251 Ryan Road, also welcomed the addition of childcare to the downtown area.

Public Hearing was closed.

Board Discussion was opened.

Member Ross reiterated her concern about parking.

Ms. Hartmann clarified Comprehensive Plan policy 1.05 with regards to non-conforming structures. Ms. Bach confirmed that the variance, if granted, mitigates the current non-conformity.

ACTION TAKEN: A motion was made by Member Pagnucco, seconded by Member Oliva, that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2024-0002, as presented, is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; AND that BOA case number 2024-0002 meets all of the criteria for granting a variance.

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

5. BOARD BUSINESS

Ms. Bach gave an update on the appeal to the Context Sensitive Review case regarding the property located at 1133 Ocean Ave and stated that the Judge's ruling upheld Staff's decision of approval.

6. PUBLIC COMMENT

7. ADJOURNMENT 5:54 PM

Sylvie McCann, Recording Secretary

Steven Papke, Chair

Print

Board of Adjustment (BOA) - Submission #13597

Date Submitted: 3/29/2024

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.fbf1.us/LDC

Appeals

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

Limitations on the Grant of a Variance



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



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



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



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



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



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



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



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



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



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



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



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

REVIEW TYPE*



Variance



Appeal of Administrative Decision

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

Yes



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

3/27/2024

PROPERTY INFORMATION

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

Site Address*

124 and 0 S. 3rd Street and 119, 123, and 125 S. 4th Street

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-31-1800-0012-0100, 00-00-31-1800-0012-0050

Zoning District*

MU-1



Future Land Use Designation*

Mixed Use



OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Steve

Last Name*

Simmons

Company (if applicable)

Worthy Investment 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)*

Request to restore the underlying/original 25" wide platted lots of record as provided at: 00-00-31-1800-0012-0050 (Lots 5-9 of Block 12): 124 S. 3rd Street, Zoned; MU-1, FLUM Mixed Use 00-00-31-1800-0012-0100 (Lots 10-14 of Block 12): 0 S. 3rd Street, Zoned; MU-1, FLUM Mixed Use 00-00-31-1800-0012-0150 (Lots 15-18 of Block 12): 125 S. 4th Street, Zoned; R-2, FLUM Medium Density 00-00-31-1800-0012-0190 (Lots 19-20 of Block 12): 123 S. 4th Street, Zoned; R-2, FLUM Medium Density 00-00-31-1800-0012-0210 (Lots 21-26 of Block 12): 119 S. 4th Street, Zoned: R-2, FLUM Medium Density

REQUIRED FINDINGS FOR A GRANT OF A VARIANCE

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

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

The Special conditions and or circumstances which exist for these parcels are (but not limited to): 1) Previous development/structures within the parcels were developed prior to the creation of the LDC Section 1.03.05, therefore the footprint locations, size, setbacks in relation to the underlying recorded Platted Lots of Record could not have been known by the owners to be restrictive since parcels were developed prior to the year of Section 1.03.05 as we know it today. Referenced by the 1903 Sanborn Map Excerpt; 1909 Sanborn Map Excerpt; 1926 Sanborn Map Excerpt; 1949 Sanborn Map; (Note: all of these references are provided by the records of the CoffB Planning Department. 2) The structures removed were non-conforming buildings with finished floor elevations (FFE) below the requirements of the minimum flood plain (Minimum of 13.3' to 13.6' FFE; all previous FFE were at 13.2' to 11.6') and required significant asbestos abatement. 3) The structures platted lots of record were created and have not been replated since records indicate from described on the Plat Excerpts, "Rail Road Ground" on Map of Fernandina, Amelia Island Florida" dated 1857, as provided by the City of FB Planning Department for Block 12; again, from Plat Excerpt of 1887 for Block 12; again, from Plat Excerpt of 1901 showing Block 12; again, from 1954 Hunnicutt maps sheet 4, for Block 12 highlighting lots 5-24;

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.*

There are no special privileges granted to these parcels that have not been granted to others in the same zoning district due to this variance by allowing the applicant to see to have use of the underlying platted lots of record restored for use under the LDC. (LDC Section 1.03.03 Lots of Record, A. "One dwelling unit may be constructed on a substandard, platted lot of record in a residential or mixed-use 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.*

Literal interpretation would deny the applicant the ability to construct one unit per 25' platted lot allowing for 20 units of which will result in 2-3 unit townhomes: allowing for the development of single-family residences, revitalizing of the neighborhood in accordance with Chapter 8 of the LDC. This will further create the option for off-street parking in the rear of the units and a pedestrian oriented streetscape.

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

Yes, this variance is the minimum authorization for use of the original platted lot of record being 25' wide.

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

Granting the variance will be in harmony with the general intent and purpose of the LDC and the Comprehensive Plan

6. Public Interest: Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.*

Granting this variance for use of the underlying 25' wide lots would be compatible with the surrounding properties as it will follow similar development in the area being granted use of the same. Additionally, the development under the LDC site development requirements will not be detrimental to the public health, safety, welfare, or environment; it will result in infill development supporting the site development rules of improving infrastructure (sidewalks, community street parking, stormwater system of self- storage, underground power, etc.), and furthering the continued economic growth, expanding the tax base of the community.

Upload Supplemental Materials

Survey Extract Pages.pdf

Upload 2

1857 Extract Pages.pdf

Upload 3

LOI March 27 for BOA.pdf

Upload 4

1887 Plat Extract Pages.pdf

Upload 5

Warranty Deed.pdf

Upload 6

1901 Plat Extract Pages.pdf

Upload 7

Agent Authorization by Worthy Investment.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*

Ron

Applicant's Last Name*

Flick

Today's Date*

3/28/2024

 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.

Prepared by and return to:

Ronald J. Conte, Esq.

The Law Office of Ronald J. Conte, P.L.

5850 T.G. Lee Blvd., #180

Orlando, FL 32822

File Number: **22-0027**

(Space Above This Line For Recording Data)

Warranty Deed

This Warranty Deed made this 13th day of July, 2023, between **David W. Sapp, individually and as Successor Trustee of the Anthony J. Tringali Revocable Trust dated March 27, 2017, (as to Parcels 1, 2, 3 & 4),** whose post office address is 225 BENJAMIN STREET, FERNANDINA BEACH, FL 32034, **Josephine Tringali, (as to Parcel 2 & 5)** whose post office address is 96585 BLACKROCK ROAD, YULEE, FL 32097, **Francesca Smith, (as to Parcel 2)** whose post office address is 5204 ARGALL AVE., NORFOLK, VA 23508, **Margaret Williams, (as to Parcel 2)** whose post office address is 7710 ISLAND CREEK COURT, KINGSTOWNE, VA 22315, **Michael Williams, (as to Parcel 2)** whose post office address is 103 MCCLELLAN COURT, YORKTOWN, VA 23692, **Phyllis Beaman, (as to Parcel 2)** whose post office address is 525 HOGAN DRIVE, HARKER HEIGHTS, TX 76548, **Robert J. Burrell, as Personal Representative of the Estate Carolyn Burrell, deceased (as to Parcel 2)** whose post office address 74 STONY BROOK LANE, PORTSMOUTH, RI 02871-1044, **Patricia Saunders, (as to Parcel 2)** whose post office address is 96064 BARNWELL CIRCLE, FERNANDINA BEACH, FL 32034, **Philip A. Sapp, (as to Parcel 2)** whose post office address is 96064 BARNWELL CIRCLE, FERNANDINA BEACH, FL 32034, **David W. Sapp, (as to Parcel 2)** whose post office address is 225 BENJAMIN STREET, FERNANDINA BEACH, FL 32034, **Mary Thompson a/k/a Mary Sapp Thompson a/k/a Paula Sapp Thompson, (as to Parcel 2)** whose post office address is 2102 WYNCHASE DRIVE, PRATTVILLE, AL 36067, **Glenda Luckie, (as to Parcel 2)** whose post office address is 2045 DRIFTWOOD CIRCLE, FORT MILL, SC 29708, **Sandra Jubito (as to Parcel 2)** whose post office address is 96585 BLACKROCK ROAD, YULEE, FL 32097, and **Elizabeth Benson, (as to Parcel 2)** whose post office address is 1120 BOCA GRANDE AVE., ATLANTIC BEACH, FL 32233, grantors, and **Worthy Investment LLC, a Florida limited liability company**, whose post office address is 1822 HIGHLAND DRIVE, FERNANDINA BEACH, FL 32034, grantee:

(Whenever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of **TEN AND 00/100 DOLLARS (U.S. \$10.00)** and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in the **Nassau County, Florida**, to-wit:

Parcel 1:

All those certain lots or parcels of land situate, lying and being in the City of Fernandina Beach, County of Nassau and State of Florida and known and described on the official 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: All of Lots Numbered Five (5), Six (6), Seven (7), Eight (8), and Nine (9), in Block Numbered Twelve (12) of said City of Fernandina, Nassau County, Florida.

Parcel Identification Number: 00-00-31-1800-0012-0050

Parcel 2:

All those certain lots or parcels of land situate, lying and being in the City of Fernandina Beach, County of Nassau and State of Florida and known and described on the official 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: All of Lots Numbered Ten (10), Eleven (11), Twelve (12), Thirteen (13), and Fourteen (14), in Block Numbered Twelve (12) of said City of Fernandina, Nassau County, Florida.

Parcel Identification Number: 00-00-31-1800-0012-0100

Parcel 3:

All those certain lots or parcels of land situate, lying and being in the City of Fernandina Beach, County of Nassau and State of Florida and known and described on the official 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: All of Lots Numbered Twenty one (21), Twenty two (22), Twenty three (23), and Twenty four (24), in Block Numbered Twelve (12) of said City of Fernandina, Nassau County, Florida.

Parcel Identification Number: 00-00-31-1800-0012-0210

Parcel 4:

All those certain lots or parcels of land situate, lying and being in the City of Fernandina Beach, County of Nassau and State of Florida and known and described on the official 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: All of Lots Numbered Nineteen (19), and Twenty (20), in Block Numbered Twelve (12) of said City of Fernandina, Nassau County, Florida.

Parcel Identification Number: 00-00-31-1800-0012-0190

Parcel 5:

All those certain lots or parcels of land situate, lying and being in the City of Fernandina Beach, County of Nassau and State of Florida and known and described on the official 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: All of Lots Numbered Fifteen (15), Sixteen (16), Seventeen (17), and Eighteen (18), in Block Numbered Twelve (12) of said City of Fernandina, Nassau County, Florida.

Parcel Identification Number: 00-00-31-1800-0012-0150

Subject to taxes for 2023 and subsequent years; covenants, conditions, restrictions, easements, reservations and limitations of record, if any.

Grantors warrant that at the time of this conveyance, the subject property is not the Grantors' homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2022.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

David W. Sapp, individually and as
SUCCESSOR TRUSTEE OF THE ANTHONY J. TRINGALI
REVOCABLE TRUST DATED MARCH 27, 2017

David W. Sapp, individually and as Successor Trustee
of the Anthony J. Tringali Revocable Trust dated
March 27, 2017, (as to Parcels 1, 2, 3 & 4)

Ronald J. Conte

First Witness Signature

Printed Name: RONALD J. CONTE

Rachel L. Mack

Second Witness Signature

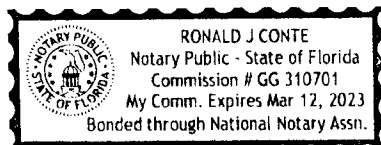
Printed Name: RACHEL L. MACK

State of FLORIDA

County of NASSAU

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this
3 day of FEBRUARY, 2023, by **David W. Sapp, individually and as Successor Trustee of the**
Anthony J. Tringali Revocable Trust dated March 27, 2017, (as to Parcels 1, 2, 3 & 4), who (☐) is personally known to
me or (☒) has produced DRIVER LICENSE as identification.

(SEAL)



Ronald J. Conte

Notary Public

Printed Name: _____

My Commission Expires: _____

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Josephine Tringali by Sandra Jubito
her Attorney in Fact
Josephine Tringali, by Sandra Jubito, her Attorney in
Fact (as to Parcel 2 & 5)

Ronald J. Conte

First Witness Signature

Printed Name: RONALD J. CONTE

James Boehmer

Second Witness Signature

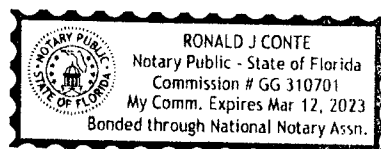
Printed Name: James Boehmer

State of FLORIDA

County of NASSAU

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this
25 day of JANUARY, 2023, by **Sandra Jubito as Attorney in Fact for Josephine Tringali, (as to**
Parcel 2 & 5), who () is personally known to me or (☒) has produced DRIVER LICENSE as identification.

(SEAL)



Ronald J. Conte

Notary Public

Printed Name: _____

My Commission Expires: _____

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Francesca Smith

Francesca Smith (Feb 2, 2023 15:36 EST)

Francesca Smith, (as to Parcel 2)

Donna McGee Christie

Donna McGee Christie (Feb 2, 2023 15:40 EST)

First Witness Signature

Printed Name: **Donna McGee Christie**

Rose Etta Hall

Rose Etta Hall (Feb 2, 2023 15:43 EST)

Second Witness Signature

Printed Name: **Rose Etta Hall**

State of **Virginia**

County of **City of Lynchburg**

The foregoing instrument was acknowledged before me by means of: ☐ physical presence or ☒ online notarization, this
2nd day of February, 2023, by **Francesca Smith, (as to Parcel 2)**, who () is personally known to
me or (☒) has produced **VA DL** as identification.

(SEAL)

Digitally signed by Rose

Rose Etta Hall

Etta Hall

Date: 2023.02.02 19:56:02

-05'00'

Notary Public

Printed Name: **Rose Etta Hall**

My Commission Expires: **03/31/2025**



In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Margaret Williams

Margaret Williams (Feb 3, 2023 11:54 EST)

Margaret Williams, (as to Parcel 2)

Shannon Coffey

Shannon Coffey (Feb 3, 2023 11:54 EST)

First Witness Signature

Printed Name: Shannon Coffey

Rose Etta Hall

Rose Etta Hall (Feb 3, 2023 11:56 EST)

Second Witness Signature

Printed Name: Rose Etta Hall

State of Virginia

County of City of Lynchburg

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 3rd day of February, 2023, by **Margaret Williams, (as to Parcel 2)**, who (☐) is personally known to me or (☒) has produced VA DL as identification.

(SEAL)

Digitally signed by Rose

Etta Hall

Date: 2023.02.03 11:57:51

-05'00'

Rose Etta Hall

Notary Public

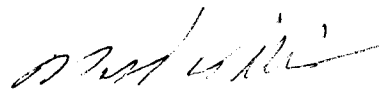
Printed Name: Rose Etta Hall

My Commission Expires: 03/31/2025



In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

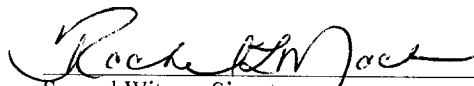


Michael Williams, (as to Parcel 2)



First Witness Signature

Printed Name: Ronald J. Conte



Second Witness Signature

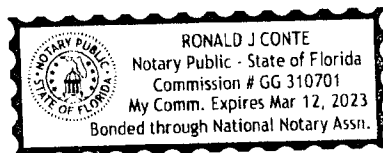
Printed Name: Rachel L. Mack

State of FLORIDA

County of NASSAU

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3 day of FEBRUARY, 2023, by **Michael Williams, (as to Parcel 2)**, who () is personally known to me or ☒ has produced DRIVER LICENSE as identification.

(SEAL)



Notary Public

Printed Name: _____

My Commission Expires: _____

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Phyllis Beaman

Phyllis Beaman, (as to Parcel 2)

Donna McGee Christie

Donna McGee Christie (Feb 2, 2023 15:40 EST)

First Witness Signature

Printed Name: Donna McGee Christie

Rose Etta Hall

Rose Etta Hall (Feb 2, 2023 15:43 EST)

Second Witness Signature

Printed Name: Rose Etta Hall

State of Virginia
County of City of Lynchburg

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this
2nd day of February, 2023, by **Phyllis Beaman, (as to Parcel 2)**, who ☐ is personally known to
me or ☒ has produced TX DL as identification.

(SEAL)



Digitally signed by

Rose Etta Hall Rose Etta Hall

Date: 2023.02.02

19:56:19 -05'00'

Notary Public

Printed Name: Rose Etta Hall

My Commission Expires: 03/31/2025

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Robert J Burrell, Personal Representative

**Robert J. Burrell, as Personal Representative of the
Estate Carolyn Burrell, deceased (as to Parcel 2)**

Melissa K Garner

First Witness Signature

Printed Name: Melissa K. Garner

Rose Etta Hall

Second Witness Signature

Printed Name: Rose Etta Hall

State of Virginia

County of Lynchburg City

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this
13th day of July, 2023, by **Robert J. Burrell, as Personal Representative of the Estate
Carolyn Burrell, deceased (as to Parcel 2), who ()** is personally known to me or **(X)** has produced
driver's license as identification.

(SEAL)

Rose Etta Hall

Notary Public

Printed Name: Rose Etta Hall

My Commission Expires: 03/31/2025



In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Patricia Saunders
Patricia Saunders, (as to Parcel 2)

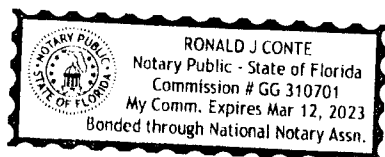
Ronald J Conte
First Witness Signature
Printed Name: Ronald J Conte

Rachel L Mack
Second Witness Signature
Printed Name: Rachel L. Mack

State of FLORIDA
County of NASSAU

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3 day of FEBRUARY, 2023, by **Patricia Saunders, (as to Parcel 2)**, who () is personally known to me or ☒ has produced DRIVER LICENSE as identification.

(SEAL)



Ronald J Conte
Notary Public
Printed Name: _____
My Commission Expires: _____

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Philip A. Sapp

Philip A. Sapp (Feb 3, 2023 13:51 EST)

Philip A. Sapp, (as to Parcel 2)

Isa Antepara

Isa Antepara (Feb 3, 2023 13:53 EST)

First Witness Signature

Printed Name: **Isa Antepara**

Rose Etta Hall

Rose Etta Hall (Feb 3, 2023 13:54 EST)

Second Witness Signature

Printed Name: **Rose Etta Hall**

State of **Virginia**

County of **City of Lynchburg**

The foregoing instrument was acknowledged before me by means of: ☐ physical presence or ☒ online notarization, this
3rd day of February, 2023, by **Philip A. Sapp, (as to Parcel 2)**, who () is personally known to
me or (☒) has produced passport as identification.

(SEAL)

Digitally signed by

Rose Etta Hall

Rose Etta Hall

Date: 2023.02.03

13:55:54 -05'00'

Notary Public

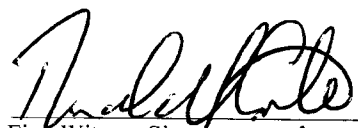
Printed Name: **Rose Etta Hall**

My Commission Expires: **03/31/2025**



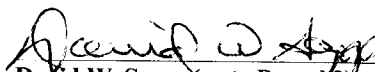
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



First Witness Signature

Printed Name: Ronald J. Conte


David W. Sapp, (as to Parcel 2)



Second Witness Signature

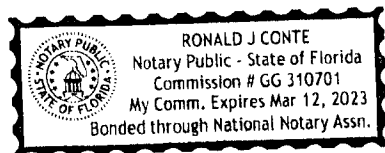
Printed Name: Rachel L. Mack

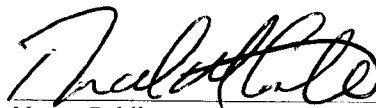
State of FLORIDA

County of NASSAU

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3 day of FEBRUARY, 2023, by **David W. Sapp, (as to Parcel 2)**, who () is personally known to me or (x) has produced DRIVER LICENSE as identification.

(SEAL)





Notary Public

Printed Name: _____

My Commission Expires: _____

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Mary Thompson a/k/a Mary Sapp Thompson a/k/a Paula Sapp Thompson

**Mary Thompson a/k/a Mary Sapp Thompson a/k/a
Paula Sapp Thompson, (as to Parcel 2)**



Donna McGee Christie (Feb 2, 2023 15:40 EST)

First Witness Signature

Printed Name: Donna McGee Christie



Rose Etta Hall (Feb 2, 2023 15:43 EST)

Second Witness Signature

Printed Name: Rose Etta Hall

State of Virginia

County of City of Lynchburg

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this
2nd day of February, 2023, by **Mary Thompson a/k/a Mary Sapp Thompson a/k/a Paula Sapp
Thompson, (as to Parcel 2),** who (☐) is personally known to me or (☒) has produced AL DL as
identification.

(SEAL)



Digitally signed by



Rose Etta Hall

Date: 2023.02.02

19:56:39 -05'00'

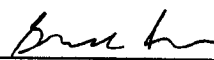
Notary Public

Printed Name: Rose Etta Hall

My Commission Expires: 03/31/2025

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



Glenda Luckie (Feb 2, 2023 15:22 EST)

Glenda Luckie, (as to Parcel 2)



Donna McGee Christie (Feb 2, 2023 15:40 EST)

First Witness Signature

Printed Name: **Donna McGee Christie**



Rose Etta Hall (Feb 2, 2023 15:43 EST)

Second Witness Signature

Printed Name: **Rose Etta Hall**

State of **Virginia**

County of **City of Lynchburg**

The foregoing instrument was acknowledged before me by means of ☐ physical presence or ☒ online notarization, this 2nd day of February, 2023, by **Glenda Luckie, (as to Parcel 2)**, who (☐) is personally known to me or (☒) has produced SC DL as identification.

(SEAL)

Digitally signed by

 Rose Etta Hall

Date: 2023.02.02

19:56:53 -05'00'

Notary Public

Printed Name: **Rose Etta Hall**

My Commission Expires: 03/31/2025



In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Sandra Jubito
Sandra Jubito (Feb 2, 2023 15:24 EST)

Sandra Jubito, (as to Parcel 2)

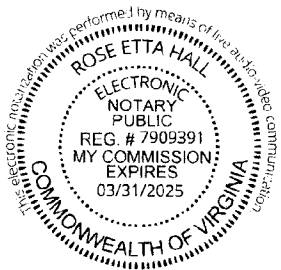
Donna McGee Christie
Donna McGee Christie (Feb 2, 2023 15:40 EST)
First Witness Signature
Printed Name: **Donna McGee Christie**

Rose Etta Hall
Rose Etta Hall (Feb 2, 2023 15:43 EST)
Second Witness Signature
Printed Name: **Rose Etta Hall**

State of **Virginia**
County of **City of Lynchburg**

The foregoing instrument was acknowledged before me by means of physical presence or ☒ online notarization, this
2nd day of February, 2023, by **Sandra Jubito, (as to Parcel 2)**, who () is personally known to
me or ☒ has produced oath of credible witness as identification.

(SEAL)



Digitally signed by Rose
Etta Hall
Date: 2023.02.02 19:57:06
-05'00'
Rose Etta Hall
Notary Public
Printed Name: **Rose Etta Hall**
My Commission Expires: **03/31/2025**

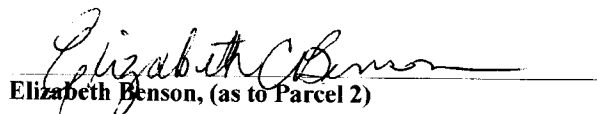
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:



First Witness Signature

Printed Name: Ronald J. Conte


Elizabeth Benson, (as to Parcel 2)



Second Witness Signature

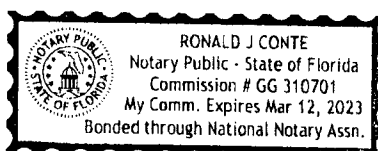
Printed Name: Rachel L. Mack

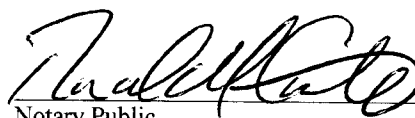
State of FLORIDA

County of NASSAU

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 3 day of FEBRUARY, 2023, by **Elizabeth Benson, (as to Parcel 2)**, who () is personally known to me or (x) has produced DRIVER LICENSE as identification.

(SEAL)





Notary Public

Printed Name: _____

My Commission Expires: _____



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE WORTHY INVESTMENT LLC

(print name of property owner(s))

hereby authorize: RON V. FLICK

(print name of agent)

to represent me/us in processing an application for: ALL DEVELOPMENTAL PERMITS AND APPLICATIONS AS REQUIRED FOR ALL FEDERAL, STATE, LOCAL, AND OTHER JURISDICTIONAL GOVERNING BODIES/AGENCIES/BOARDS (SUCH AS, BUT NOT LIMITED TO: BOARD OF ADJUSTMENTS, PLANNING AND ZONING, TECHNICAL REVIEW, SJRWMD, ETC.) AS REQUIRED FOR THIS PROPERTY 00-00-31-1800-0012-0050, 00-00-31-1800-0012-0100, 00-00-31-1800-0012-0150, 00-00-31-1800-0012-0190, AND 00-00-31-1800-0012-0210

(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.

Steve Simmons

(Signature of owner)

(Signature of agent)

STEVE SIMMONS

(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 ☐ online notarization, this 26th day of March, 20 24, by Steve Simmons.

[Signature]
Notary Public

Amy Shuster
Printed Name

Personally Known X OR Produced Identification _____ ID Produced: _____



AMY SHUSTER

Notary Public

State of Florida

Comm# HH447618

Expires 10/23/2027



March 27, 2024

961687 Gateway Boulevard
Suite 201M
Amelia Island, FL 32034

904 / 261 0059 phone
904 / 261 3438 fax

City of Fernandina Beach
ATTN: Kelly Gibson, Planning Director
214 Ash Street
Fernandina Beach, Florida 32034

RE: LETTER OF INTENT (LOI) for LDC 1.03.05 Variance for Use of 25' Wide Lots of Record for Parcels:

00-00-31-1800-0012-0050
00-00-31-1800-0012-0100
00-00-31-1800-0012-0150
00-00-31-1800-0012-0190
00-00-31-1800-0012-0210

Dear Ms. Gibson:

Please incorporate this LOI as referenced above on behalf of WORTHY INVESTMENTS LLC requesting a variance from LDC Section 1.03.05 as required for the referenced and entitled use of the underlying Platted "Lots of Record". Furthermore, the request is with intent to provide for use to develop on each of the individually plated lots of record for residential use. Public hearings of the past have been echoed by some in our community and the Planning & Zoning Board, that we should consider the residential use of the 25' wide lots like many of the surrounding community.

Therefore, it is our intent to create up to one unit per 25' wide plated lot allowing for a mix of townhome unit development, using the 25' plated lots (varying in depth as plated from 100'-125') for fee simple ownership of a single-family residence. Furthermore, the intent of the community site will include interior parking, on site stormwater storage per the LDC, other misc. infrastructure improvements to the street scape such as community sidewalks, underground power, street scape with parking. Additionally, the development under the LDC site development requirements will not be detrimental to the public health, safety, welfare, or environment; it will result in infill development supporting the site development rules of improving infrastructure (sidewalks, community street parking, stormwater system of self-storage, underground power, etc.), and furthering the continued economic growth, expanding the tax base of the community.

Please let me know if you have any questions and or need any additional information.

Regards,

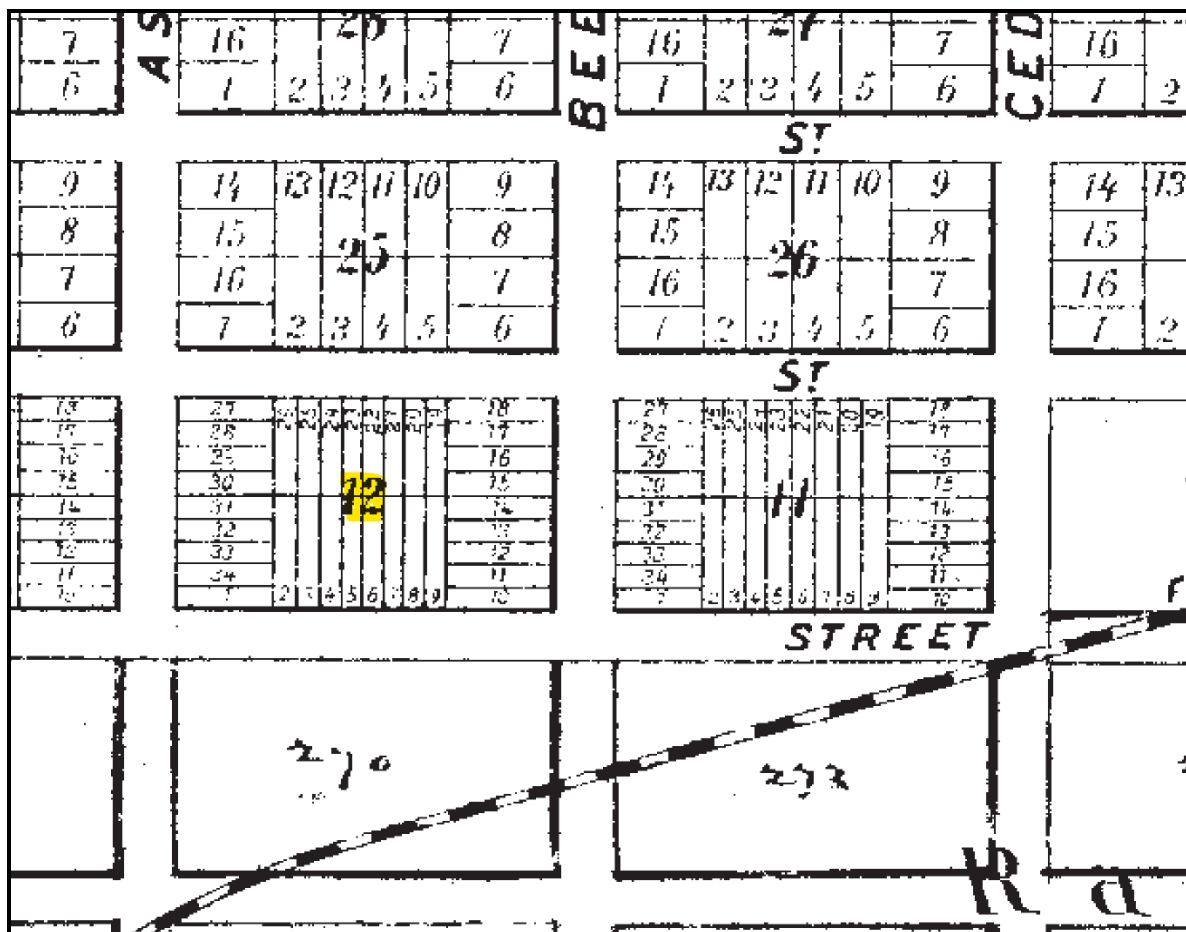
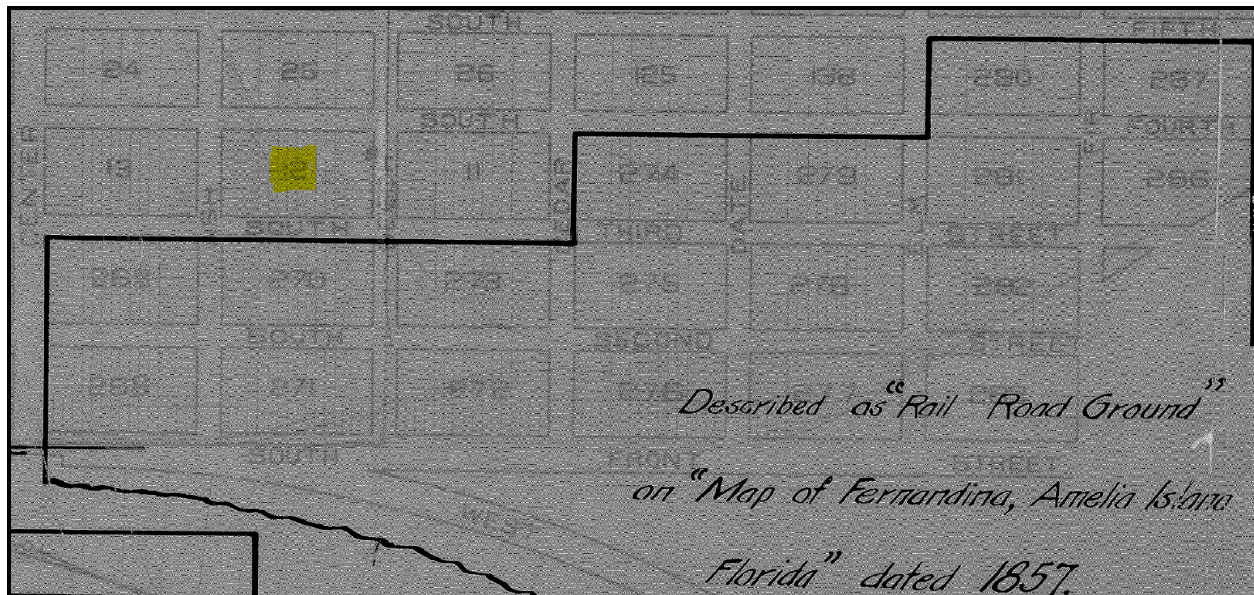

Ron V. Flick

Compass Group, Agent for WORTHY INVESTMENTS LLC



STAFF REPORT
PAB 2022-0026 (Preliminary Plat/ Replat)
Planning Advisory
April 12, 2023

1857 PLAT EXCERPTS:





STAFF REPORT
PAB 2022-0026 (Preliminary Plat/ Replat)
Planning Advisory
April 12, 2023

1887 PLAT EXCERPT:





STAFF REPORT
PAB 2022-0026 (Preliminary Plat/ Replat)
Planning Advisory
April 12, 2023

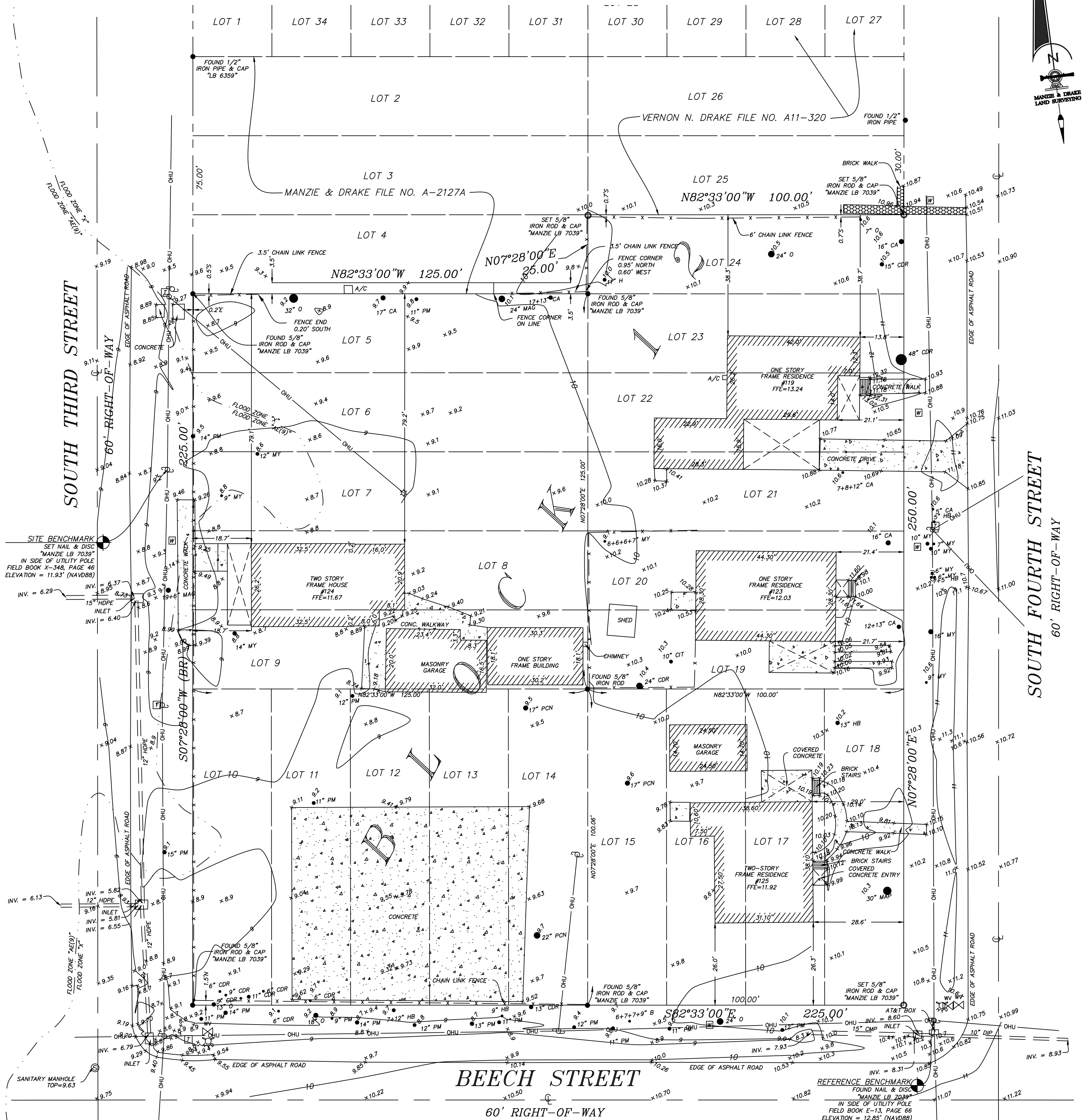
1901 PLAT EXCERPT:



MAP OF BOUNDARY & TOPOGRAPHIC SURVEY LOTS 5 THROUGH 24, BLOCK 12, FERNANDINA BEACH, FLORIDA

AS SHOWN ON THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901).

CERTIFIED TO:
TONY TRINGALI



NOTE:
INTERNAL LOT DIMENSIONS:
LOTS 5-9, 19-24 ARE 25' X 125'
LOTS 10-18 ARE 25' X 100'

SURVEY NOTES:

- The "Legal Description" hereon is in accord with the description provided by the client
- Underground Improvements were not located or shown.
- Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- Bearings shown hereon are based on as assumed bearing of S07°28'00"W. The bearing reference line is indicated as thus (BR).
- The property shown hereon lies within flood zone "X & AE(9)" as per F.E.M.A. Flood Insurance Rate Map, Panel "12089C 0237 G", Dated "08/02/2012". Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- Site Benchmark is as shown hereon.
- Elevations shown hereon refer to North American Vertical Datum of 1988. (N.A.V.D. '88)
- The Reference Benchmark is a nail & disc in the East face of a utility pole at the Northwest corner of 4th Street and Beech Street. (Elevation = 12.85' (NAVD88))

LEGEND

- OHU— = OVERHEAD UTILITY WIRES
- CONC— = CONCRETE FLATWORK
- FIRE— = FIRE HYDRANT
- LIGHT— = LIGHT POLE
- COVERED— = COVERED AREA
- SEWER— = SEWER MANHOLE
- TELEPHONE— = TELEPHONE PEDESTAL
- WATER— = WATER METER
- WOOD— = WOOD OR VINYL FENCE
- WOOD— = WOOD POWER POLE
- CENTERLINE— = CENTERLINE
- A/C = AIR CONDITIONER
- x-x-x = CHAIN LINK FENCE
- WV— = WATER VALVE
- BENCH— = BENCHMARK
- FFE = FINISHED FLOOR ELEVATION
- HDPE = HIGH-DENSITY POLYETHYLENE

GRAPHIC SCALE



(IN FEET) 1 inch = 20 ft.

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

TREE DISCLAIMER:

NUMBER OF TREES SHOWN ON SURVEY: 65

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.

TREE LEGEND

- CA = CAMPHOR
- CDR = CEDAR
- CT = CITRUS
- H = HOLLY
- HB = HACKBERRY
- MAG = MAGNOLIA
- MAP = MAPLE
- MY = MYRTLE
- O = OAK
- PCN = PECAN
- PM = PALM

MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034

(904) 491-5700 www.ManzieAndDrake.com

Certificate of Authorization Number "LB 7039"

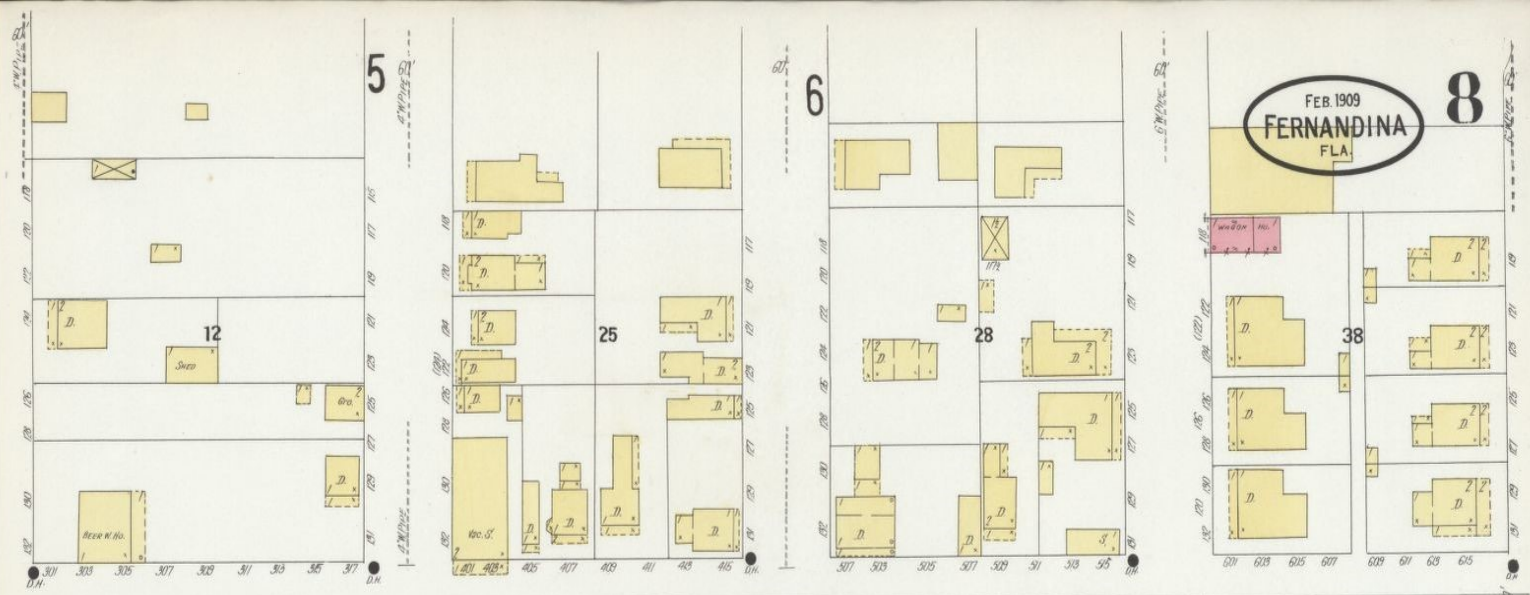
"OUR SIGHTS ARE ON THE FUTURE,
SET YOUR SITES ON US."

SCALE: 1"=20' JOB NO: 16642 DATE: 3/23/2022 CADD: B. DAVIS

F.B. NO: X-348 PAGE NO: 46 CREW: GS FILE NO: B-1698

Symbol	Franchise given to:-	Ordinance Date	Ordinance book No	Page	Franchise duration Years expires	Number of tracks	Location of tracks	
	Florida Improvement Co. by ordinance changed to Fernandina & Amelia Beach Railway Co.	May 20, 1885	1	99	Indefinite	?	One	Center of streets
	H. R. Duval, Receiver & Trustees etc. for Florida Railway & Navigation Co. & its component railway companies.	Sept. 2, 1885	1	101	Indefinite	?	2 or more	One in center, other on West side of str.
	Western Peninsular Railroad Co.	Aug. 24, 1885	2	63	Indefinite	?	No limit	Practically any place on any street
	Florida Railway Co.	Apr. 12, 1890	2	123	50.	No limit	Various & numerous streets	Franchise conditioned on Ry. Co. constructing and operating railway to the City within 2 yrs. after passage of ordinance in compliance with its charter. Ordinance not signed by Mayor or Pres. of Council, & said Co. never built its line to City hence this Ordinance is Null & Void.
	Seaboard Air Line Railway Co.	Apr. 24, 1897	2	201	30	1 or more	Any parts of Front St. bet. Browne & Esplanade	Said railway shall be constructed into the City and begin operation under franchise within 20 months after adoption of ordinance otherwise franchise may, by ordinance, be revoked. Conditions were never met & line never built hence this Ordinance is Null & Void.
	Seaboard Air Line Railway Co.	Apr. 24, 1897	2	202	30	1 or more	Across foot of Calhoun St.	(a) Tracks so constructed & maintained that vehicles may safely & conveniently pass over & along said Front St.
	Seaboard Air Line Railway Co.	Apr. 24, 1897	2	202	30	1 or more	Across foot of Ash St.	(b) & (g) above
								(b) & (g) above

Described "as Rail Road Ground" on "Map of Fernandina, Amelia Island Florida" dated 1857.



BEECH



CEDAR





BOARD OF ADJUSTMENTS STAFF REPORT
BOA 2024-0003
MAY 15, 2024

Owner/Applicant:	Steve Simmons, Owner/Ron Flick, Compass Group, Inc., Agent
Property Address:	119, 123, & 125 South 4 th Street
Parcel Number:	00-00-31-1800-0012-0210; 00-00-31-1800-0012-0190; 00-00-31-1800-0012-0150
Requested action:	VARIANCE from LDC Section: 1.03.05
Current zoning:	R-2
FLUM land use category:	Medium-density Residential
Existing uses on the site:	Vacant – Previously: single-family residential

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 Properties: 119 S. 4th St. - 0.23-acre parcel
123 S. 4th St. - 0.11-acre parcel
125 S. 4th St. - 0.24-acre parcel

Proposed Project: Restoration of nine (9) 25-foot underlying lots identified on the 1857 plat of Fernandina Beach.

Background: As identified on the Nassau County Property Appraiser's website, all 3 subject properties were home to single-family residences, originally constructed between 1940 and 1953, until their demolition in 2023.

Although the parcels currently have at least 50' of right-of-way frontage, they are comprised of 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 nine (9) underlying lots of record (Lots 15-23). Lot 24, currently shown as part of the parcel addressed as 119 S. 4th Street, is not hindered by a structure, nor was it required to make the previous single-family residence conforming with regard to setbacks. Whereas, Lots 15 and 18, addressed as 125 S. 4th Street, are necessary to make the previous structure's setbacks compliant. Depending on the property's owners desired development strategy and each property's supporting land area the available housing types could include single family, townhome, duplex, or triplex structures.

Section 1.03.05 of the LDC states, "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."

If granted the variance, the effect would be the separation of the three (3) current parcels into nine (9) platted lots of record capable of supporting one single-family unit each. The resulting 25 ft X 100 ft lot would have R-2 setbacks. Setback standards for this zoning district require 25 ft front yard, 20 ft rear yard, 10% of lot width side yards (with a minimum of 3 ft per the Florida Building Code).

Staff notes that of the like-zoned properties within a 500-foot circumference:

- 4 – Have 25' of frontage
- 2 – Have 45' of frontage
- 34 – Have 50' of frontage
- 1 – Has 72' of frontage
- 5 – Have 75' of frontage
- 1 – Has 78' of frontage
- 5 – Have 100' of frontage

The remaining parcels within this specific geographic area are comprised of C-3 and MU-1-zoned properties, some of which also have the Downtown Historic District or Community Redevelopment Area Overlay. The result is a development pattern with a wide variety of design guidelines, housing types, and lot sizes which are encouraged and supported by Comprehensive Plan Objective 1.06 and Policy 1.06.04. Furthermore, it is important to note that LDC section 1.03.05 does not apply to the C-3 and MU-1 zoning districts which exist on the same block and several of the surrounding blocks. This section of code only restricts lot separation for properties within the R-1, R-2, R-3 and RLM zoning districts.

This is a detailed plat map of a residential subdivision in the City of Chicago. The map shows lots 15 through 24, with lot boundaries and dimensions clearly marked. Key features include:

- Lot 24:** A 6' chain link fence, a 3.5' chain link fence, a fence corner (0.95' north, 0.60' west), and a found 5/8" iron rod & cap (Manzie LB 7039).
- Lot 23:** A 6' chain link fence.
- Lot 22:** A one-story frame residence (#19, FFE=13.24) with a concrete walk and a concrete drive.
- Lot 21:** A one-story frame residence (#19, FFE=13.24) with a concrete walk and a concrete drive.
- Lot 20:** A one-story frame residence (#23, FFE=12.03) with a shed and a chimney.
- Lot 19:** A one-story frame residence (#123, FFE=12.03) with a shed and a chimney.
- Lot 18:** A two-story frame residence (#125, FFE=11.92) with a masonry garage, a covered concrete walk, and a brick stairs.
- Lot 17:** A two-story frame residence (#125, FFE=11.92) with a masonry garage, a covered concrete walk, and a brick stairs.
- Lot 16:** A two-story frame residence (#125, FFE=11.92) with a masonry garage, a covered concrete walk, and a brick stairs.
- Lot 15:** A two-story frame residence (#125, FFE=11.92) with a masonry garage, a covered concrete walk, and a brick stairs.

The map also shows the edge of the asphalt road, a reference benchmark (found nail & disc, Manzie LB 7039), and various utility lines (CHU, INV, etc.). The map is oriented with North at the top and is labeled with 'SOUTH FOURTH STREET' and '60' RIGHT-OF-WAY' on the right side.

[illegible]

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 1.02.10 - 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.
- 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.
- Policy 1.06.04 - The City shall, through appropriate land development regulations, allow and encourage a range of housing patterns.

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>	The Special conditions and or circumstances which exist for these parcels are (but not limited to): 1) Previous development/structures within the parcels were developed prior to the creation of the LDC Section 1.03.05, therefore the footprint locations, size, setbacks in relation to the underlying recorded Platted Lots of Record could not have been known by the owners to be restrictive since parcels were developed prior to the year of Section 1.03.05 as we know it today. Referenced by the 1903 Sanborn Map Excerpt; 1909 Sanborn Map Excerpt; 1926 Sanborn Map Excerpt; 1949 Sanborn Map; (Note: all of these references are provided by the records of the CoffB Planning Department. 2) The structures removed were non-conforming buildings with finished floor elevations (FFE) below the requirements of the minimum flood plain (Minimum of 13.3' to 13.6' FFE; all previous FFE were at 13.2' to 11.6') and required significant asbestos abatement. 3) The structures platted lots of record were created and have not been replated since records indicate from described on the Plat Excerpts, "Rail Road Ground" on Map of Fernandina, Amelia Island Florida" dated 1857, as provided by the City of FB Planning Department for Block 12; again, from Plat Excerpt of 1887 for Block 12; again, from Plat Excerpt of 1901 showing Block 12; again, from 1954 Hunnicutt maps sheet 4, for Block 12 highlighting lots 5-24.	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 3 subject parcels are not standard lots, found in other parts of the City, but instead made up of 10 (ten) 25' x 100' lots established in 1857.	☒ Yes ☐ No

<u>2. Special Privilege</u> <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>	There are no special privileges granted to these parcels that have not been granted to others in the same zoning district due to this variance by allowing the applicant to see to have use of the underlying platted lots of record restored for use under the LDC.(LDC Section 1.03.03 Lots of Record, A. "One dwelling unit may be constructed on a substandard, platted lot of record in a residential or mixed-use zoning district.")	<u>Yes.</u> Granting the variance <u>does not confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. Any similarly situated property owner within this zoning district has the right to request relief from LDC Section 1.03.05.	☒ Yes ☐ No
<u>3. Literal Interpretation</u> <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>	Literal interpretation would deny the applicant the ability to construct one unit per 25' platted lot allowing for 20 units of which will result in 2-3 unit townhomes: allowing for the development of single-family residences, revitalizing of the neighborhood in accordance with Chapter 8 of the LDC. This will further create the option for off-street parking in the rear of the units and a pedestrian oriented streetscape.	<u>No.</u> Literal interpretation of the Land Development Code <u>would not deprive</u> the applicant of rights enjoyed by others in the same zoning district. A literal reading of the LDC would not prevent the applicant from developing each of the 3 parcels in a way that is consistent with the R-2 zoning district and the surrounding built environment. For example, 125 S. 4th St. would support any housing type allowed in R-2 including a triplex, 123 S. 4th Street would support a single-family residence, and 119 S. 4th Street would support permissible housing types up to a duplex. All of these are in keeping with Comp Plan policy 1.06.04.	☐ Yes ☒ No
<u>4. Minimum Variance</u> <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i>	Yes, this variance is the minimum authorization for use of the original platted lot of record being 25' wide.	<u>Yes.</u> The variance requested <u>is the minimum</u> variance needed to make possible the reasonable use of the land, structure, or building. This is the only variance needed to restore the 25' x 100' platted lots of 1857.	☒ Yes ☐ No
<u>5. General Harmony</u> <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i>	Granting the variance will be in harmony with the general intent and purpose of the LDC and the Comprehensive Plan	<u>No.</u> Granting the variance <u>will not be</u> in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan. Both the LDC and Comp Plan emphasize the preservation of "...open space, visual corridors, and neighborhood character...", however, restoration of the 25' wide lots is inconsistent with the development pattern of the neighborhood. Using 2023 aerial imagery provided by the Nassau County Property Appraiser's office and the 1909 Sanborn map, parcel configuration and sizes remain largely unchanged.	☐ 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 this variance for use of the underlying 25' wide lots would be compatible with the surrounding properties as it will follow similar development in the area being granted use of the same. Additionally, the development under the LDC site development requirements will not be detrimental to the public health, safety, welfare, or environment; it will result in infill development supporting the site development rules of improving infrastructure (sidewalks, community street parking, stormwater system of self- storage, underground power, etc.), and furthering the continued economic growth, expanding the tax base of the community.	No. Granting the variance is not compatible with the surrounding properties, will cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare, or environment. 25' wide lots would severely limit the type of dwelling able to be built resulting in a much more uniform block face than what is consistent for the subject neighborhood and the Comprehensive Plan and LDC. Additionally, a narrower dwelling typically necessitates a taller structure which will drastically reduce the established visual corridors.	☐ Yes ☒ No
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STAFF RECOMMENDATION:

The variance requested is consistent/inconsistent with the criteria for granting a variance as follows:			
	Consistent	Inconsistent	
1. Special Conditions	X		
2. Special Privilege	X		
3. Literal Interpretations		X	
4. Minimum Variance	X		
5. General Harmony		X	
6. Public Interest		X	

The requested variance is inconsistent with 3 of the 6 criteria for granting a variance.

Staff recommends: DENIAL of BOA 2024-0003.

MOTION TO CONSIDER

I move to **approve or deny** BOA case number 2024-0003;

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

That BOA case 2024-0003, 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 2024-0003 **meets or does not meet** the following criteria for granting a variance:

LIST OF EXHIBITS:

- EXHIBIT A – BOUNDARY SURVEY**
- EXHIBIT B – SURROUNDING AREA PARCELS WITH ZONING DISTRICTS**

Respectfully submitted,



Taylor Hartmann
Planner I