



**AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
SEPTEMBER 17, 2025
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 June 18, 2025.
- 4. BOARD BUSINESS**
 - 4.1 Introduction of new City Attorney Teresa Prince.
- 5. NEW BUSINESS**
 - 5.1 **BOA 2025-0003 APPEAL - TAINA CHRISTNER**
Administrative Appeal for the issuance of building permits for four (4) triplex units issued for the development of parcels 00-00-31-1800-0012-0210, 00-00-31-1800-0012-0150, 00-00-31-1800-0012-0100, and 00-00-31-1800-0012-0050, relating to a violation of the City of Fernandina Beach Land Development Code Section 1.03.05 and to Judge Roberson's Court Order. (*Quasi-Judicial*)
- 6. STAFF REPORT**
- 7. PUBLIC COMMENT**
- 8. ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR OCTOBER 15, 2025.

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
JUNE 18, 2025
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

**1. CALL TO ORDER 5:00 PM
ROLL CALL / DETERMINATION OF QUORUM**

Steven Papke (Chair)	Barry Hertslet
Margaret Davis	Len Kreger
Taina Christner	Anne Thomas
Kim Wolford	

MEMBERS ABSENT:
None

OTHERS PRESENT:
Kelly Gibson, Planning & Conservation Director
Sylvie McCann, Recording Secretary
Harrison Poole, Attorney Pro Tem

2. PLEDGE OF ALLEGIANCE

Chair Papke asked for Board Members to disclose any ex parte communications and none were disclosed.

Mr. Poole explained the quasi-judicial procedures and appeal process.

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

3. APPROVAL OF MEETING MINUTES

3.1 Approval of Minutes from the Regular Meeting of May 21, 2025.

Member Davis and Member Hertslet provided a few corrections.

ACTION TAKEN: A motion was made by Member Davis, seconded by Member Hertslet, to approve the Minutes for the Regular Meeting of May 21, 2025, with the noted amendments.

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

Member Davis spoke of an item presented on the Regular PAB Meeting of June 11, 2025 relating to the possible merger of the PAB and BOA Boards. She stated that she was present at the meeting and spoke during Public Comments, voicing that she did not support this merger. She asked Mr. Poole if providing a written version of her comments to other BOA members would be a violation of the Sunshine Law. He confirmed that it would not.

4. OLD BUSINESS

There was no Old Business presented for review.

5. NEW BUSINESS

5.1 BOA2025-0002 - CATHERINE DREW, 2747 OCEAN DRIVE

Variance request from LDC Section 5.01.03(H) Accessory Uses and Structures, All Accessory Structures, to allow for the construction of an accessory structure in front of the principal structure. (*Quasi-Judicial*).

Mrs. Gibson presented the Staff Report Analysis for BOA case 2025-0002 and with all criteria being met, she recommended approval.

Member Davis asked about the non-conformity of the structure. Mrs. Gibson noted that it would remain non-conforming even after it is converted to a single family, but not a non-conforming use. Member Davis then asked about the rear yard being sensitive land. Mrs. Gibson answered in the negative but stated that it still should be protected. She spoke about Special Conditions and asked if there were other adjacent properties similarly situated. Mrs. Gibson pointed out a couple of properties showing structures with similar distances from their front lot line. Finally, Member Davis noted that the variance request was for Section 5.01.03(H) but should also include Section 5.01.04(A)(3).

Member Christner asked about the variance being contingent to the conversion to a single family and examples of other front yard ADUs. Mrs. Gibson noted that there are possibly some but that it would not set a precedent. She also confirmed that the application had been reviewed under LDC Section 5.01.03(G) and that the Arborist had reviewed the mitigation plan.

Member Thomas asked about the consistency in the name of the owner of records.

Member Kreger commented that overall, he concurred with the Staff Report aside from the Special Privilege criteria which would be discussed.

Catherine Hardy Drew, 2747 Ocean Drive, applicant, explained the inconsistency in her name noted by Member Thomas with the fact that she is in the process of changing back to her maiden name.

Member Davis asked about removal of trees in the area where the porch would be located.

Chair Papke commented that some trees are in poor conditions. He then asked Mr. Poole about addressing the letters of support received and included in the agenda packet. Mr. Poole noted the rules of evidence in this case are relaxed.

Public Hearing was closed.

Member Davis spoke of the ADU being in front of the property and with that in mind that it should adhere to setback requirements for a principal structure.

ACTION TAKEN: A motion was made by Member Davis, seconded by Member Hertslet, to approve BOA case 2025-0002 granting a variance from the front setback requirement of both LDC Section 5.01.03(H) and 5.01.04(A)(3) and that the BOA make the following findings of fact and conclusions of law as part of the record; that BOA case 2025-0002 as presented is substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time; AND that the BOA case 2025-0002 meets the following criteria for granting a variance: 1. That Special Conditions exist that are peculiar to the land, specifically the presence of significant tertiary dunes and a mature tree canopy in the rear yard, which were not created by the applicant and create hardship; 2. Granting the variance does not confer a Special Privilege, as the relief is tied directly to the unique environmental hardship and the proposal improves the property's overall conformity with the Land Development Code; 3. A literal Interpretation of the code would deprive the applicant of the right to the

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reasonable use of their property, a right commonly enjoyed by others, by forcing the destruction of valuable natural feature; 4. The variance requested is the Minimum Variance needed to make possible reasonable use of the land, as it seeks relief only from the location requirement while complying with all other dimensional standards; 5. Granting the variance is in Harmony with the general intent of the Comprehensive Plan and Land Development Code by promoting environmental preservation and the reduction of non-conformities, and the encouragement of the reuse of existing structures rather than demolition; and 6. The variance is not detrimental to the Public Interest; rather, it serves the public welfare by preserving natural features that contribute to coastal resilience and the community's aesthetic character; with the following conditions: 1. That the existing principal structure on the lot is converted to a single-family residential structure; and 2. That the accessory dwelling unit is set back from both the front and the north side lot lines the same minimum distance as required for a principal building on the lot under Land Development Code Section 4.02.03(D).

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

6. BOARD BUSINESS

6.1 Election of Chair and Vice Chair

Member Davis nominated Chair Papke to remain as Chair, Board Members agreed.

ACTION TAKEN: A motion was made by Member Davis, seconded by Member Hertslet, to elect Member Papke to the position of Chair.

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

Member Wolford nominated Len Kreger as Vice-Chair, Board Members agreed.

ACTION TAKEN: A motion was made by Member Wolford, seconded by Member Davis, to elect Member Kreger to the position of Vice-Chair.

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

6.2 Discussion - Chapter 10, Sections 10.02.01 and 10.02.02 - Variance Criteria # 2 - Special Privilege

Mrs. Gibson spoke of the criteria and stated that Special Privilege would never be answered in the negative.

Member Davis spoke of some historic research she performed within the Florida Statutes adopted back in 1985 that provided insight on where and when the creation of the BOA criteria originated. Mr. Poole and Mrs. Gibson provided additional insight on the Special Privilege criteria. Vice-Chair Kreger suggested that legal research by City Staff be done to see if we can eliminate that criteria from the review altogether and, if possible, be pursued with the next step being to apply for a LDC amendment through the PAB.

7. STAFF REPORT

8. PUBLIC COMMENT

9. ADJOURNMENT 6:00 PM

Sylvie McCann, Recording Secretary

Steven Papke, Chair



SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The City's Land Development Code Section 11.07.00 describes the process and requirements for filing an appeal of administrative action. This report is offered in compliance with Section 11.07.04 (B). Additional supporting materials are included as exhibits hereto.

The appellee, Taina Christner (Christner), submitted a completed administrative appeal to the city on July 16, 2025 (Exhibit 1). On page 4 of 7, Christner states that she is appealing the issuance of building permits by the city on July 7, 2025, for subject properties. Christner owns property at 406 Beech Street (outlined in red in Figure 2. below), approximately 125 feet from the subject property.

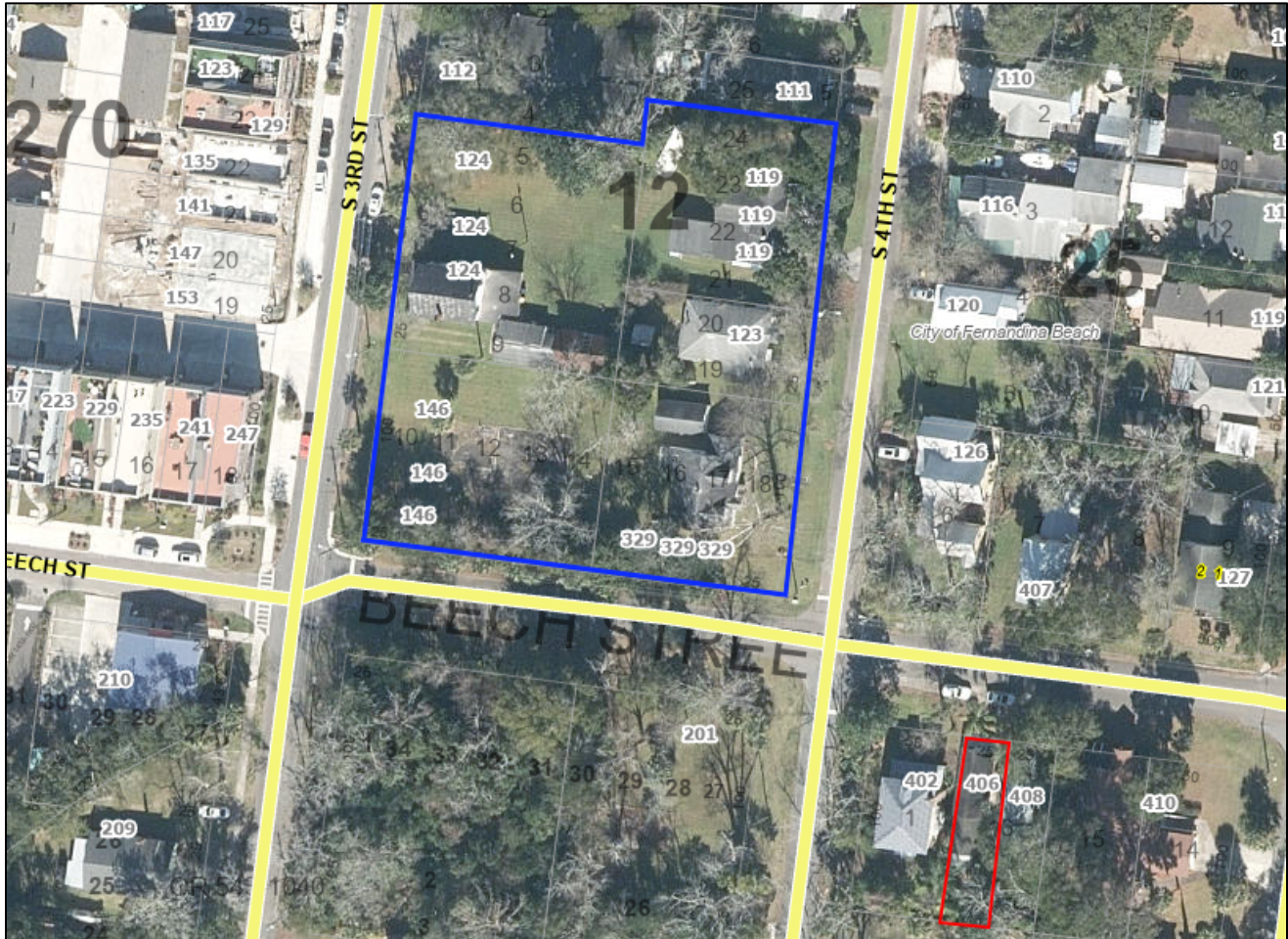


Figure 2

Section 11.07.01 (B) provides for 11 possible administrative decisions that can be appealed (Exhibit 2). Decisions of the Building Official are listed as Item 7. The City's Building Official is responsible for the issuance of building permits. The city agrees that four building permits were issued on July 7, 2025, for the subject properties (one for each building on the site) (Exhibit 3). Mr. James Parr (Parr) currently serves as the City Building Official and has served in that capacity since October 2021. He holds a Florida License as a Building Code Administrator.

City Staff uses an internal workflow software called Energov to track and manage permits. Screenshots (Exhibit 4) indicate that Parr received the plans from the external plans review company on June 24,

2025. The four (4) main permits for the sites as a whole were issued on July 7, 2025, and twelve (12) individual permits for each residential unit were issued between July 7 and July 14, 2025.

APPLICABLE GUIDELINES:

Parr performs his duties as directed by the Florida Building Code. Section 105.3.1, 8th Edition (2023) sets forth the process for approving building permit applications.

105.3.1 Action on application. The *building official* shall examine or cause to be examined applications for *permits* and amendments thereto within a reasonable time after filing. If the application or the *construction documents* do not conform to the requirements of pertinent laws, the *building official* shall reject such application in writing, stating the reasons therefor. If the *building official* is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the *building official* shall issue a *permit* therefor as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for *permits*, the *building official* shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

Figure 3

EVALUATION

It is my evaluation that Parr acted properly based on the requirements of the Florida Building Code. The appeal of his actions should be denied by the Board of Adjustments (BOA).

Any issues raised in Christner's appeal on the matter of the Technical Review Committee's (TRC) actions or the development order are not timely, as the appeal was submitted more than 30 days after the issuance of the development approval letter (Exhibit 5). The TRC is not a quasi-judicial board. Notice of the TRC meeting was properly posted (Exhibit 6). Christner attended the meeting and was given an opportunity to speak on the record. The approved minutes of the TRC meeting (Exhibit 7) show that staff stated approval of the development order was imminent.

The City reserves the right to submit supplemental information at the BOA appeal hearing.

LIST OF EXHIBITS

EXHIBIT 1 – Christner appeal application and supporting documents

EXHIBIT 2 – Section 11.07.00 of the Land Development Code

EXHIBIT 3 – Four building permits issued on July 7, 2025

EXHIBIT 4 – Screenshots of Parr's workflow

EXHIBIT 5 – Development Order Approval Letter

EXHIBIT 6 – TRC Notices

EXHIBIT 7 – TRC Approved Minutes

Yours very truly,



Sarah Campbell
City Manager

11.06.03 Major Amendments

Any proposed change to an approved local development order that is not a minor amendment as described in Section 11.06.01 shall be considered a major amendment. Major amendments are processed in the same manner as the original application.

11.07.00 APPEALS OF ADMINISTRATIVE ACTIONS

11.07.01 Applicability

- A. A person adversely affected by the administrative decisions listed below in subsection (B) may appeal such decision to the BOA. Statements, proposed findings, evaluations, and conclusions contained in a compliance report or other report issued by the City Manager for consideration by a board or commission, or the City Commission will not be construed as an administrative decision and will not be subject to appeal.
- B. Only the following administrative decisions are subject to appeal as set forth herein:
 - 1. Tree permits;
 - 2. Temporary use permits;
 - 3. Lot line adjustments;
 - 4. Minor amendments to local development orders;
 - 5. Administrative waivers;
 - 6. Context Sensitive Setback Determination;
 - 7. Decisions of the Building Official
 - 8. Decisions of the Fire Marshal
 - 9. Determination regarding change of use;
 - 10. Written interpretations regarding use or zoning district boundaries when such interpretations are not contained within a compliance report; and
 - 11. Determination of Sufficiency and Completeness as required by LDC Section 11.03.01 (B).

11.07.02 Time for Filing Administrative Appeal

An application for consideration of an appeal of an administration decisions shall be filed with the City Manager within thirty (30) days of such decision.

11.07.03 Stay of Proceedings

An appeal to the BOA stays all work on the premises and all proceedings in furtherance of the action appealed from, unless the City Manager certifies to the BOA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property.

11.07.04 Hearing before the Board of Adjustment

- A. A public hearing before the BOA shall be scheduled according to the published schedule for hearings.
- B. The City Manager shall prepare a report containing an evaluation of the appeal, including consistency of the administrative decision with the requirements of this LDC and the comprehensive plan.
- C. Notice shall be provided as set forth in Section 11.02.00.
- D. The BOA shall conduct a quasi-judicial hearing, pursuant to the requirements of Section 11.04.00.
- E. Any party may appear in person or be represented by an agent or attorney.
- F. The BOA shall hear the appeal and shall determine whether to:
 - 1. Reverse, wholly or partly, the administrative decision that is the subject of the administrative appeal;

2. Affirm, wholly or partly, the administrative decision that is the subject of the administrative appeal; or
 3. Modify the administrative decision that is the subject of the administrative appeal.
- G. The concurring vote of five (5) members of the BOA shall be necessary to reverse any administrative decision.
- H. The decision shall be in writing and shall contain findings of fact and conclusions of law.

11.08.00 VIOLATIONS

11.08.01 Generally

It shall be a violation of this LDC to:

- A. Use or develop property without a local development order or development permit required by this LDC for such use or development;
- B. Use or develop any property for use that is not permissible in the applicable zoning district;
- C. Use or develop property in violation of the conditions and limitations for such use or development set forth in this LDC;
- D. Use or develop property in violation of the conditions set forth in the applicable local development order;
- E. Violate the terms or conditions of any development permit issued under or pursuant to this LDC; or
- F. Construct or move any structure in violation of the applicable provisions of this LDC.

11.08.02 Enforcement

- A. The City Manager shall be responsible for enforcement of the provisions of this LDC.
- B. The City Manager shall provide a written notice of an alleged violation of this LDC to the property owner. The written notice shall indicate the nature of the violation and the necessary action to correct or abate the violation.
- C. The City Manager, or where required by the Florida Building Code, the Building Official, may order discontinuance of the use of land or buildings; removal of trees; removal of buildings, building additions, or building alterations; removal of structures; discontinuance of work in progress; application to any court for injunctive relief; filing liens against assets of a violator; revocation of any building permit or certificate of occupancy; or any or all other action necessary to correct violations and obtain compliance with all the provisions of this LDC.

11.08.03 Penalties

- A. Except as otherwise specifically provided herein, any person, property owner, or any agency or representative thereof who violates the provisions of this LDC shall be punished by a penalty not exceeding \$500.00 per violation, imprisonment for a term not to exceed sixty (60) days, or both fine and imprisonment.
- B. Each day that a violation shall continue to exist shall be considered a separate violation and may be prosecuted as such.
- C. No further City permits shall be issued or inspections provided until all violations of this LDC are corrected and accepted by the City Manager.
- D. No certificate of occupancy shall be granted unless and until the all corrective actions have been completed or a performance bond satisfactory to the City is submitted and approved.



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit

Permit NO. **BLDR-2025-1201**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **Revision Submitted**

Issue Date: **07/07/2025**

Expiration: **01/05/2026**

Location Address

329 S BEECH ST MAIN, FERNANDINA BEACH, FL 32034

Parcel Number

00-00-31-1800-0012-0150

Contacts

Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Owner	Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com	Applicant
Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Applicant	Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com	Contractor

Description: PRIVATE PROVIDER -(Review & Inspections) Triplex Building 2

Valuation: **\$1,655,250.00**

Total Sq Feet: **9,585.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Address Assignment	\$20.00
Administrative Fee -Residential (non refundable)	\$35.00
Building Dept Permit Fee	\$12,414.38
DBPR Surcharge	\$186.22
DCA Surcharge	\$124.14
Flood Admin Fee - SFHA or Shaded X	\$150.00
Grade, Excavate, Fill	\$1,704.00
Mobility Impact Fee(Low-Rise Attached)	\$6,187.12
Municipal Impact Fee (Fire)	\$2,008.96
Municipal Impact Fee (Parks & Rec)	\$18,143.42
Municipal Impact Fee (Police)	\$1,632.28
Municipal Impact Fee (Public Facilities)	\$2,762.32
Planning/Zoning Review (large scale)	\$250.00
Tree Protection and Site Insp Fee - < 5 trees	\$200.00
Tree Removal (each individual tree)	\$300.00
Total:	\$46,117.84

Payments	Amt Paid
Total Fees	\$46,117.84
Check # 1014	\$46,117.84
Amount Due:	\$0.00

Available Inspections:

Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
MONOLITHIC SLAB	
SLAB	
FLOOR JOIST/GIRDER	
STEM WALL	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
ROOF NAIL OFF/SHEATHING	
WALL NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
External Tie Down/Strapping	
FRAME ALL INSPECTION	
FRAMING	
WINDOW/DOOR ROUGH	
Truss/Engineering/Connectors	
HOUSE WRAP/ZIP TAPE	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit	Permit NO. BLDR-2025-1202
	Permit Type: General Building - Residential
	Work Classification: New Construction
	Permit Status: On Hold
Issue Date: 07/10/2025	
Expiration: 01/06/2026	

Location Address

Parcel Number

329 S BEECH ST UNIT A, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0150

Contacts

Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Owner	Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com	Applicant
Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Applicant	Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com	Contractor

Description: PRIVATE PROVIDER -(Review & Inspections)Triplex Building 2 - Uniit Type A

Valuation: **\$551,750.00**

Total Sq Feet: **2,490.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:	
Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
TIE BEAM/LINTEL	
FOOTING	
FILL CELL/VERTICAL CELL/COLUMNS	
MONOLITHIC SLAB	
FLOOR JOIST/GIRDER SLAB	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
WALL NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
External Tie Down/Strapping	
FRAMING	
Truss/Engineering/Connectors	
WINDOW/DOOR ROUGH	
HOUSE WRAP/ZIP TAPE	
SOFFIT/SIDING - IN PROGRESS	
INSULATION/FOAM	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit

Permit NO. **BLDR-2025-1207**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **On Hold**

Issue Date: **07/14/2025**

Expiration: **01/12/2026**

Location Address

Parcel Number

146 S 3RD ST UNIT B, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0100

Contacts

Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Owner	Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com	Applicant
Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Applicant	Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com	Contractor

Description: PRIVATE PROVIDER -(Review & Inspection)Triplex Building 3 - Unit Type B

Valuation: **\$551,750.00**

Total Sq Feet: **3,179.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:

Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
FLOOR JOIST/GIRDER	
SLAB	
STEM WALL	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
WALL NAIL OFF/SHEATHING	
ROOF NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
FRAME ALL INSPECTION	
FRAMING	
WINDOW/DOOR ROUGH	
External Tie Down/Strapping	
Truss/Engineering/Connectors	
HOUSE WRAP/ZIP TAPE	
SOFFIT/SIDING - IN PROGRESS	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit	Permit NO. BLDR-2025-1204
	Permit Type: General Building - Residential
	Work Classification: New Construction
	Permit Status: On Hold
Issue Date: 07/10/2025	
Expiration: 01/06/2026	

Location Address

Parcel Number

329 S BEECH ST UNIT C, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0150

Contacts

Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Owner	Steve Simmons 2057 S Fletcher AVE, Fernandina Beach, FL 32034 (904)261-4011 steve@amelia-era.com	Owner
Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Applicant	Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com	Contractor
Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com	Contractor		

Description: PRIVATE PROVIDER -(Review & Inspections)Triplex Building 2 - Unit Type C

Valuation: **\$551,750.00**
Total Sq Feet: **2,496.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:	
Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
SLAB	
STEM WALL	
FLOOR JOIST/GIRDER	
MONOLITHIC SLAB	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
ROOF NAIL OFF/SHEATHING	
WALL NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
FRAME ALL INSPECTION	
External Tie Down/Strapping	
FRAMING	
WINDOW/DOOR ROUGH	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit

Permit NO. **BLDR-2025-1197**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **Revision Submitted**

Issue Date: **07/07/2025**

Expiration: **01/05/2026**

Location Address

Parcel Number

119 S 4TH ST MAIN, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0210

Contacts

Worthy Investment LLC
1822 Highland DR, Fernandina Beach, FL 32034

Owner

Ronald Flick
463688 STATE ROAD 200, YULEE, FL 32097
(904)261-0059

Applicant

ron.flick@compassgrp.com

Tamra Krueger
463688 SR 200 Suite 7, Yulee, FL 32097

Applicant

tamra.krueger@compassgrp.com

Grayson Mathewson
961687 Gateway BLVD 201M, Fernandina Beach, FL 32034
(904)318-7991

Contractor

grayson.mathewson@compassgrp.com

Description: PRIVATE PROVIDER -(Review & Inspection)
Trplex Building 1

Valuation: **\$1,655,250.00**

Total Sq Feet: **9,585.00**

Inspection Requests:

Building 904-310-3135

Zoning 904-310-3480

Fees	Amount
Address Assignment	\$20.00
Administrative Fee -Residential (non refundable)	\$35.00
Building Dept Permit Fee	\$12,414.38
DBPR Surcharge	\$186.22
DCA Surcharge	\$124.14
Flood Admin Fee - SFHA or Shaded X	\$150.00
Grade, Excavate, Fill	\$1,704.00
Mobility Impact Fee(Low-Rise Attached)	\$6,187.12
Municipal Impact Fee (Fire)	\$2,047.36
Municipal Impact Fee (Parks & Rec)	\$18,490.22
Municipal Impact Fee (Police)	\$1,663.48
Municipal Impact Fee (Public Facilities)	\$2,815.12
Planning/Zoning Review (large scale)	\$250.00
Tree Protection and Site Insp Fee - < 5 trees	\$200.00
Tree Removal (each individual tree)	\$300.00
Total:	\$46,587.04

Payments	Amt Paid
Total Fees	\$46,587.04
Check # 1014	\$46,587.02
Cash	\$0.02
Amount Due:	\$0.00

Available Inspections:

Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
SLAB	
FLOOR JOIST/GIRDER	
MONOLITHIC SLAB	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
WALL NAIL OFF/SHEATHING	
ROOF NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
WINDOW/DOOR ROUGH	
FRAMING	
External Tie Down/Strapping	
FRAME ALL INSPECTION	
Truss/Engineering/Connectors	
HOUSE WRAP/ZIP TAPE	
SOFFIT/SIDING - IN PROGRESS	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit

Permit NO. **BLDR-2025-1198**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **On Hold**

Issue Date: **07/07/2025**

Expiration: **01/05/2026**

Location Address

119 S 4TH ST UNIT A, FERNANDINA BEACH, FL 32034

Parcel Number

00-00-31-1800-0012-0210

Contacts

Worthy Investment LLC
1822 Highland DR, Fernandina Beach, FL 32034

Owner

Ronald Flick
463688 STATE ROAD 200, YULEE, FL 32097
(904)261-0059

Applicant

ron.flick@compassgrp.com

Tamra Krueger
463688 SR 200 Suite 7, Yulee, FL 32097

Applicant

tamra.krueger@compassgrp.com

Grayson Mathewson
961687 Gateway BLVD 201M, Fernandina Beach, FL 32034
(904)318-7991

Contractor

grayson.mathewson@compassgrp.com

Description: PRIVATE PROVIDER -(Review & Inspection)Trplex
Building 1 - Unit Type A

Valuation: **\$551,750.00**

Total Sq Feet: **3,199.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:

Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
MONOLITHIC SLAB	
FLOOR JOIST/GIRDER	
STEM WALL	
SLAB	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
WALL NAIL OFF/SHEATHING	
ROOF NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
WINDOW/DOOR ROUGH	
FRAMING	
FRAME ALL INSPECTION	
Truss/Engineering/Connections	
External Tie Down/Strapping	
HOUSE WRAP/ZIP TAPE	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit

Permit NO. **BLDR-2025-1200**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **On Hold**

Issue Date: **07/07/2025**

Expiration: **01/05/2026**

Location Address

Parcel Number

119 S 4TH ST UNIT B, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0210

Contacts

Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Owner	Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Applicant
Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com	Applicant	Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com	Contractor

Description: PRIVATE PROVIDER -(Review & Inspection)Trplex
Building 1 - Unit Type B

Valuation: **\$551,750.00**

Total Sq Feet: **3,179.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:

Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
FLOOR JOIST/GIRDER	
SLAB	
MONOLITHIC SLAB	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
WALL NAIL OFF/SHEATHING	
ROOF NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
FRAME ALL INSPECTION	
External Tie Down/Strapping	
FRAMING	
Truss/Engineering/Connectors	
WINDOW/DOOR ROUGH	
HOUSE WRAP/ZIP TAPE	
SOFFIT/SIDING - IN PROGRESS	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
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Permit

Permit NO. **BLDR-2025-1199**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **On Hold**

Issue Date: **07/07/2025**

Expiration: **01/05/2026**

Location Address

Parcel Number

119 S 4TH ST UNIT C, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0210

Contacts

Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Owner	Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Applicant
Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com	Applicant	Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com	Contractor

Description: PRIVATE PROVIDER -(Review & Inspection)Trplex
Building 1 - Unit Type C

Valuation: **\$551,750.00**

Total Sq Feet: **3,207.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:

Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
STEM WALL	
FLOOR JOIST/GIRDER	
MONOLITHIC SLAB	
SLAB	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
ROOF NAIL OFF/SHEATHING	
WALL NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
FRAMING	
Truss/Engineering/Connectors	
WINDOW/DOOR ROUGH	
FRAME ALL INSPECTION	
External Tie Down/Strapping	
HOUSE WRAP/ZIP TAPE	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit

Permit NO. **BLDR-2025-1209**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **Revision Submitted**

Issue Date: **07/07/2025**

Expiration: **01/05/2026**

Location Address

Parcel Number

124 S 3RD ST Main, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0050

Contacts

Steve Simmons 2057 S Fletcher AVE, Fernandina Beach, FL 32034 (904)261-4011 steve@amelia-era.com	Owner	Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Owner
Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Applicant	Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com	Contractor
Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com	Contractor		

Description: PRIVATE PROVIDER -(Review & Inspection)Triplex Building 4
7.16.25 - Revision: Mechanical Plans - Energy Calcs

Valuation: **\$1,655,250.00**

Total Sq Feet: **9,585.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Address Assignment	\$20.00
Administrative Fee -Residential (non refundable)	\$35.00
Building Dept Permit Fee	\$12,414.38
DBPR Surcharge	\$186.22
DCA Surcharge	\$124.14
Flood Admin Fee - SFHA or Shaded X	\$150.00
Grade, Excavate, Fill	\$1,704.00
Mobility Impact Fee(Low-Rise Attached)	\$6,187.12
Municipal Impact Fee (Fire)	\$1,733.12
Municipal Impact Fee (Parks & Rec)	\$15,652.24
Municipal Impact Fee (Police)	\$1,408.16
Municipal Impact Fee (Public Facilities)	\$2,383.04
Planning/Zoning Review (large scale)	\$250.00
Revision Plan Review - Residential	\$45.00
Tree Protection and Site Insp Fee - < 5 trees	\$200.00
Tree Removal (each individual tree)	\$450.00
Total:	\$42,942.42

Payments	Amt Paid
Total Fees	\$42,942.42
Check # 1014	\$42,897.42
Amount Due:	\$45.00

Available Inspections:	
Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
TIE BEAM/LINTEL	
FOOTING	
FILL CELL/VERTICAL CELL/COLUMNS	
PILINGS/PILE CAPS/PIERS	
FLOOR JOIST/GIRDER	
MONOLITHIC SLAB	
SLAB	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
WALL NAIL OFF/SHEATHING	
ROOF NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
FRAMING	
WINDOW/DOOR ROUGH	
FRAME ALL INSPECTION	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
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Permit

Permit NO. **BLDR-2025-1210**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **On Hold**

Issue Date: **07/07/2025**

Expiration: **01/05/2026**

Location Address

Parcel Number

124 S 3RD ST UNIT A, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0050

Contacts

Worthy Investment LLC
1822 Highland DR, Fernandina Beach, FL 32034

Owner

Ronald Flick
463688 STATE ROAD 200, YULEE, FL 32097
(904)261-0059

Applicant

ron.flick@compassgrp.com

Tamra Krueger
463688 SR 200 Suite 7, Yulee, FL 32097

Applicant

tamra.krueger@compassgrp.com

Grayson Mathewson
961687 Gateway BLVD 201M, Fernandina Beach, FL 32034
(904)318-7991

Contractor

grayson.mathewson@compassgrp.com

Description: PRIVATE PROVIDER -(Review & Inspection)Triplex Building 4 - Unit Type A

Valuation: **\$551,750.00**

Total Sq Feet: **2,490.00**

Inspection Requests:

Building 904-310-3135

Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:

Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
MONOLITHIC SLAB	
SLAB	
FLOOR JOIST/GIRDER	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
ROOF NAIL OFF/SHEATHING	
WALL NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
FRAME ALL INSPECTION	
FRAMING	
External Tie Down/Strapping	
WINDOW/DOOR ROUGH	
Truss/Engineering/Connectors	
HOUSE WRAP/ZIP TAPE	
SOFFIT/SIDING - IN PROGRESS	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit

Permit NO. **BLDR-2025-1211**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **On Hold**

Issue Date: **07/07/2025**

Expiration: **01/05/2026**

Location Address

Parcel Number

124 S 3RD ST UNIT B, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0050

Contacts

Worthy Investment LLC
1822 Highland DR, Fernandina Beach, FL 32034

Owner

Ronald Flick
463688 STATE ROAD 200, YULEE, FL 32097
(904)261-0059

Applicant

ron.flick@compassgrp.com

Tamra Krueger
463688 SR 200 Suite 7, Yulee, FL 32097

Applicant

tamra.krueger@compassgrp.com

Grayson Mathewson
961687 Gateway BLVD 201M, Fernandina Beach, FL 32034
(904)318-7991

Contractor

grayson.mathewson@compassgrp.com

Description: PRIVATE PROVIDER -(Review & Inspection)Triplex Building 4 - Unit Type B

Valuation: **\$551,750.00**

Total Sq Feet: **2,470.00**

Inspection Requests:

Building 904-310-3135

Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:	
Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
MONOLITHIC SLAB	
SLAB	
FLOOR JOIST/GIRDER	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
WALL NAIL OFF/SHEATHING	
ROOF NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
External Tie Down/Strapping	
FRAMING	
Truss/Engineering/Connectors	
FRAME ALL INSPECTION	
WINDOW/DOOR ROUGH	
HOUSE WRAP/ZIP TAPE	
SOFFIT/SIDING - IN PROGRESS	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
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Permit	Permit NO. BLDR-2025-1212
	Permit Type: General Building - Residential
	Work Classification: New Construction
	Permit Status: On Hold
Issue Date: 07/07/2025	
Expiration: 01/05/2026	

Location Address

Parcel Number

124 S 3RD ST UNIT C, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0050

Contacts

Owner Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Applicant Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com
Applicant Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Contractor Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com

Description: PRIVATE PROVIDER -(Review & Inspection)Triplex CONDO Building 4 - Unit Type C

Valuation: **\$551,750.00**

Total Sq Feet: **3,207.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:	
Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
FILL CELL/VERTICAL CELL/COLUMNS	
PILINGS/PILE CAPS/PIERS	
MONOLITHIC SLAB	
SLAB	
FLOOR JOIST/GIRDER	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
WALL NAIL OFF/SHEATHING	
ROOF NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
Truss/Engineering/Connectors	
WINDOW/DOOR ROUGH	
External Tie Down/Strapping	
FRAMING	
HOUSE WRAP/ZIP TAPE	



City of Fernandina Beach
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32034

Permit

Permit NO. **BLDR-2025-1205**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **Revision Submitted**

Issue Date: **07/07/2025**

Expiration: **01/05/2026**

Location Address

Parcel Number

146 S 3RD ST MAIN, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0100

Contacts

Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Owner	Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com	Applicant
Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Applicant	Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com	Contractor

Description: PRIVATE PROVIDER -(Review & Inspection)Triplex Building 3

Valuation: **\$1,655,250.00**

Total Sq Feet: **9,585.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Address Assignment	\$20.00
Administrative Fee -Residential (non refundable)	\$35.00
Building Dept Permit Fee	\$12,414.38
DBPR Surcharge	\$186.22
DCA Surcharge	\$124.14
Flood Admin Fee - SFHA or Shaded X	\$150.00
Grade, Excavate, Fill	\$1,704.00
Mobility Impact Fee(Low-Rise Attached)	\$9,280.68
Municipal Impact Fee (Fire)	\$2,684.16
Municipal Impact Fee (Parks & Rec)	\$21,547.84
Municipal Impact Fee (Police)	\$1,938.56
Municipal Impact Fee (Public Facilities)	\$3,280.64
Planning/Zoning Review (large scale)	\$250.00
Tree Protection and Site Insp Fee - < 5 trees	\$200.00
Tree Removal (each individual tree)	\$300.00
Total:	\$54,115.62

Payments	Amt Paid
Total Fees	\$54,115.62
Check # 1014	\$54,115.62
Amount Due:	\$0.00

Available Inspections:	
Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
MONOLITHIC SLAB	
FLOOR JOIST/GIRDER	
SLAB	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
WALL NAIL OFF/SHEATHING	
ROOF NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
FRAME ALL INSPECTION	
Truss/Engineering/Connectors	
External Tie Down/Strapping	
FRAMING	
WINDOW/DOOR ROUGH	
HOUSE WRAP/ZIP TAPE	
SOFFIT/SIDING - IN PROGRESS	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit

Permit NO. **BLDR-2025-1206**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **On Hold**

Issue Date: **07/14/2025**

Expiration: **01/12/2026**

Location Address

Parcel Number

146 S 3RD ST UNIT A, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0100

Contacts

Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Owner	Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Applicant
Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com	Applicant	Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com	Contractor

Description: PRIVATE PROVIDER -(Review & Inspection)Triplex Building 3 - Unit Type A

Valuation: **\$551,750.00**

Total Sq Feet: **3,199.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:

Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
FLOOR JOIST/GIRDER	
MONOLITHIC SLAB	
SLAB	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
WALL NAIL OFF/SHEATHING	
ROOF NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
FRAME ALL INSPECTION	
Truss/Engineering/Connectors	
FRAMING	
WINDOW/DOOR ROUGH	
External Tie Down/Strapping	
HOUSE WRAP/ZIP TAPE	
SOFFIT/SIDING - IN PROGRESS	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit

Permit NO. **BLDR-2025-1207**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **On Hold**

Issue Date: **07/14/2025**

Expiration: **01/12/2026**

Location Address

Parcel Number

146 S 3RD ST UNIT B, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0100

Contacts

Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Owner	Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Applicant
Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com	Applicant	Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com	Contractor

Description: PRIVATE PROVIDER -(Review & Inspection)Triplex Building 3 - Unit Type B

Valuation: **\$551,750.00**

Total Sq Feet: **3,179.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:

Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
FLOOR JOIST/GIRDER	
SLAB	
STEM WALL	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
WALL NAIL OFF/SHEATHING	
ROOF NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
FRAME ALL INSPECTION	
FRAMING	
WINDOW/DOOR ROUGH	
External Tie Down/Strapping	
Truss/Engineering/Connectors	
HOUSE WRAP/ZIP TAPE	
SOFFIT/SIDING - IN PROGRESS	



City of Fernandina Beach
204 Ash Street, Fernandina Beach, Florida
32034

Permit

Permit NO. **BLDR-2025-1208**

Permit Type: **General Building - Residential**

Work Classification: **New Construction**

Permit Status: **On Hold**

Issue Date: **07/14/2025**

Expiration: **01/12/2026**

Location Address

Parcel Number

146 S 3RD ST UNIT C, FERNANDINA BEACH, FL 32034

00-00-31-1800-0012-0100

Contacts

Worthy Investment LLC 1822 Highland DR, Fernandina Beach, FL 32034	Owner	Tamra Krueger 463688 SR 200 Suite 7, Yulee, FL 32097 tamra.krueger@compassgrp.com	Applicant
Ronald Flick 463688 STATE ROAD 200, YULEE, FL 32097 (904)261-0059 ron.flick@compassgrp.com	Applicant	Grayson Mathewson 961687 Gateway BLVD 201M, Fernandina Beach, FL 32034 (904)318-7991 grayson.mathewson@compassgrp.com	Contractor

Description: PRIVATE PROVIDER -(Review & Inspection)Triplex Building 3 - Unit Type C

Valuation: **\$551,750.00**

Total Sq Feet: **3,207.00**

Inspection Requests:

Building 904-310-3135
Zoning 904-310-3480

Fees	Amount
Total:	

Payments	Amt Paid
Total Fees	
Amount Due:	

Available Inspections:

Inspection Type	
NOTICE OF COMMENCEMENT	
TREE PRESERVATION/PROTECTION	
FOUNDATION STAKING SURVEY	
COMPACTION TEST	
SILT FENCE	
FOOTING	
PILINGS/PILE CAPS/PIERS	
FLOOR JOIST/GIRDER	
MONOLITHIC SLAB	
SLAB	
ELEVATION CERTIFICATE - UNDER CONSTRUCTION	
ROOF NAIL OFF/SHEATHING	
WALL NAIL OFF/SHEATHING	
ROOF FLASHING/DRY-IN	
ROOF IN PROGRESS	
FIRE CAULKING/BLOCKING	
WINDOW/DOOR ROUGH	
FRAME ALL INSPECTION	
Truss/Engineering/Connectors	
External Tie Down/Strapping	
FRAMING	
HOUSE WRAP/ZIP TAPE	
SOFFIT/SIDING - IN PROGRESS	

City's Exhibit 4

Manage Permit BLDR-2025-1211 Address 124 S 3RD ST UNIT B

Menu Workflow Details

Permit Details

- Review v.1
 - Residential General Building Review v.1
- Issue Permit v.1
 - Verify Contractor Certification v.1
 - Fees Collected v.1
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- Building Inspections v.1
 - Notice of Commencement v.1
 - Tree Preservation v.1
 - Foundation Staking Plan(Building) v.1
 - Compaction Test v.1
 - Silt Fence v.1
 - Footing v.1
 - Piles/Pile Caps/Piers v.1
 - Floor Joist/ Girder v.1

Workflow Details

Name: General Building Residential Description: Receive Submittal - Residential General Building

Status: Approved Action Priority Order: 2 Sort Order: 2

Received Date: 6/23/2025 Due Date: 7/22/2025 Complete Date: 7/3/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

	Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
>	Arborist	Planning/Zoning	Neville, David	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	all tree removal, mitigat ...
	Stormwater	Stormwater	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
	Planning/Zoning	Planning/Zoning	Sadler, Mia	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Flood Zone	Building	Platt, Jacob	Approved	6/23/2025	6/30/2025	7/3/2025	1	☐	
	Building	Building	Singley, Kevin	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Streets	Streets	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	

Home Permit Search BLDR-2025-1211 BLDR-2025-1210 Address 124 S 3RD ST UNIT A

Menu Workflow Details

Permit Details

- Review v.1
 - Residential General Building Review v.1
- Issue Permit v.1
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 - Fees Collected v.1
 - Issue Permit v.1
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 - Notice of Commencement v.1
 - Tree Preservation v.1
 - Foundation Staking Plan(Building) v.1
 - Compaction Test v.1
 - Silt Fence v.1
 - Footing v.1
 - Piles/Pile Caps/Piers v.1
 - Floor Joist/ Girder v.1

Workflow Details

Name: General Building Residential Description: Receive Submittal - Residential General Building

Status: Approved Action Priority Order: 2 Sort Order: 2

Received Date: 6/23/2025 Due Date: 7/22/2025 Complete Date: 7/3/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

	Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
>	Planning/Zoning	Planning/Zoning	Pearson, Margar	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Streets	Streets	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
	Building	Building	Singley, Kevin	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Arborist	Planning/Zoning	Neville, David	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	all tree removal, mitigat ...
	Flood Zone	Building	Platt, Jacob	Approved	6/23/2025	6/30/2025	7/3/2025	1	☐	
	Stormwater	Stormwater	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	

City's Exhibit 4

Home Permit Search BLDR-2025-1211 BLDR-2025-1210 BLDR-2025-1212

Manage Permit BLDR-2025-1212 Address 124 S 3RD ST UNIT C

Menu

Workflow Details

Name General Building Residential Description Receive Submittal - Residential General Building

Status Approved Action Priority Order 2 Sort Order 2

Received Date 6/23/2025 Due Date 7/22/2025 Complete Date 7/3/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

	Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
>	Planning/Zoning	Planning/Zoning	Pearson, Margar	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Building	Building	Singley, Kevin	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Flood Zone	Building	Platt, Jacob	Approved	6/23/2025	6/30/2025	7/3/2025	1	☐	
	Arborist	Planning/Zoning	Neville, David	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	all tree removal, mitigat ...
	Streets	Streets	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
	Stormwater	Stormwater	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	

Home Permit Search BLDR-2025-1211 BLDR-2025-1210 BLDR-2025-1212 BLDR-2025-1200

Manage Permit BLDR-2025-1200 Address 119 S 4TH ST UNIT B

Menu

Workflow Details

Name General Building Residential Description Receive Submittal - Residential General Building

Status Approved Action Priority Order 2 Sort Order 2

Received Date 6/23/2025 Due Date 7/22/2025 Complete Date 7/3/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

	Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
>	Flood Zone	Building	Platt, Jacob	Approved	6/23/2025	6/30/2025	7/3/2025	1	☐	
	Stormwater	Stormwater	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
	Streets	Streets	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
	Arborist	Planning/Zoning	Neville, David	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	all tree removal, mitigat ...
	Planning/Zoning	Planning/Zoning	Sadler, Mia	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Building	Building	Singley, Kevin	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	

City's Exhibit 4

Home Permit Search BLDR-2025-1211 BLDR-2025-1210 BLDR-2025-1212 BLDR-2025-1200 BLDR-2025-1198 BLDR-2025-1199

Manage Permit BLDR-2025-1198 Address 119 S 4TH ST UNIT 7

Menu Workflow Details

Launch App Refresh Search Action New Delete Save Cancel Geo Rules 0

Name General Building Residential Description Receive Submittal - Residential General Building

Status Approved Action Priority Order 2 Sort Order 2

Received Date 6/23/2025 Due Date 7/22/2025 Complete Date 7/3/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

	Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
>	Building	Building	Singley, Kevin	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Planning/Zoning	Planning/Zoning	Pearson, Margar	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Streets	Streets	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
	Arborist	Planning/Zoning	Neville, David	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	all tree removal, mitigat ...
	Stormwater	Stormwater	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
	Flood Zone	Building	Platt, Jacob	Approved	6/23/2025	6/30/2025	7/3/2025	1	☐	

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 - Compaction Test v.1
 - Silt Fence v.1
 - Footing v.1
 - Piles/Pile Caps/Piers v.1
 - Floor Joist/ Girder v.1
 - Monolithic Slab v.1

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Manage Permit BLDR-2025-1199 Address 119 S 4TH ST UNIT C

Menu Workflow Details

Launch App Refresh Search Action New Delete Save Cancel Geo Rules 0

Name General Building Residential Description Receive Submittal - Residential General Building

Status Approved Action Priority Order 2 Sort Order 2

Received Date 6/23/2025 Due Date 7/22/2025 Complete Date 7/3/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

	Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
>	Arborist	Planning/Zoning	Neville, David	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	all tree removal, mitigat ...
	Building	Building	Singley, Kevin	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Flood Zone	Building	Platt, Jacob	Approved	6/23/2025	6/30/2025	7/3/2025	1	☐	
	Streets	Streets	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
	Planning/Zoning	Planning/Zoning	Pearson, Margar	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Stormwater	Stormwater	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	

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 - Foundation Staking Plan(Building) v.1
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 - Silt Fence v.1
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 - Piles/Pile Caps/Piers v.1
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Home Permit Search BLDR-2025-1211 BLDR-2025-1210 BLDR-2025-1212 BLDR-2025-1200 BLDR-2025-1198 BLDR-2025-1199 BLDR-2025-1204

Manage Permit BLDR-2025-1204 Address 329 S BEECH ST UNIT C

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 - Compaction Test v.1
 - Silt Fence v.1
 - Footing v.1
 - Piles/Pile Caps/Piers v.1
 - Floor Joist/ Girder v.1

Workflow Details

Name: General Building Residential Description: Receive Submittal - Residential General Building

Status: Approved Action Priority Order: 2 Sort Order: 2

Received Date: 6/23/2025 Due Date: 7/22/2025 Complete Date: 7/3/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
Streets	Streets	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
Building	Building	Singley, Kevin	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
Arborist	Planning/Zoning	Neville, David	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	all tree removal, mitigat ...
Stormwater	Stormwater	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
Planning/Zoning	Planning/Zoning	Pearson, Margar	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
Flood Zone	Building	Platt, Jacob	Approved	6/26/2025	7/22/2025	7/3/2025	1	☐	

Home Permit Search BLDR-2025-1211 BLDR-2025-1210 BLDR-2025-1212 BLDR-2025-1200 BLDR-2025-1198 BLDR-2025-1199 BLDR-2025-1204 BLDR-2025-1203

Manage Permit BLDR-2025-1203 Address 329 S BEECH ST UNIT B

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- Building Inspections v.1
 - Notice of Commencement v.1
 - Tree Preservation v.1
 - Foundation Staking Plan(Building) v.1
 - Compaction Test v.1
 - Silt Fence v.1
 - Footing v.1
 - Fill Cell/Vertical Cell/Columns v.1
 - Monolithic Slab v.1
 - Slab v.1

Workflow Details

Name: General Building Residential Description: Receive Submittal - Residential General Building

Status: Approved Action Priority Order: 2 Sort Order: 2

Received Date: 6/23/2025 Due Date: 7/22/2025 Complete Date: 7/10/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
Building	Building	Singley, Kevin	Approved	6/23/2025	7/22/2025	7/9/2025	1	☐	
Streets	Streets	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
Stormwater	Stormwater	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
Planning/Zoning	Planning/Zoning	Pearson, Margar	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
Arborist	Planning/Zoning	Neville, David	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	all tree removal, mitigat ...
Flood Zone	Building	Platt, Jacob	Approved	6/26/2025	7/22/2025	7/3/2025	1	☐	

City's Exhibit 4

Manage Permit BLDR-2025-1202 Address 329 S BEECH ST UNIT A

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 - Foundation Staking Plan(Building) v.1
 - Compaction Test v.1
 - Silt Fence v.1
 - Lintel/Bond Beam v.1
 - Footings v.1
 - Fill Cell/Vertical Cell/Columns v.1

Workflow Details

Name: General Building Residential Description: Receive Submittal - Residential General Building

Status: Approved Action Priority Order: 2 Sort Order: 2

Received Date: 6/23/2025 Due Date: 7/22/2025 Complete Date: 7/10/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

	Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
>	Building	Building	Singley, Kevin	Approved	6/23/2025	7/22/2025	7/9/2025	1	☐	
	Stormwater	Stormwater	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
	Planning/Zoning	Planning/Zoning	Pearson, Margar	Approved	6/23/2025	7/22/2025	6/30/2025	1	☐	
	Arborist	Planning/Zoning	Neville, David	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	all tree removal, mitigat ...
	Streets	Streets	Guadagnino, Vic	Approved	6/23/2025	7/22/2025	6/26/2025	1	☐	
	Flood Zone	Building	Platt, Jacob	Approved	6/23/2025	6/30/2025	7/3/2025	1	☐	

Manage Permit BLDR-2025-1207 Address 146 S 3RD ST UNIT B

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 - Foundation Staking Plan(Building) v.1
 - Compaction Test v.1
 - Silt Fence v.1
 - Footings v.1
 - Piles/Pile Caps/Piers v.1
 - Floor Joist/ Girder v.1

Workflow Details

Name: General Building Residential Description: Receive Submittal - Residential General Building

Status: Approved Action Priority Order: 2 Sort Order: 2

Received Date: 6/24/2025 Due Date: 7/23/2025 Complete Date: 7/3/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

	Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
>	Stormwater	Stormwater	Guadagnino, Vic	Approved	6/24/2025	7/23/2025	6/26/2025	1	☐	
	Building	Building	Singley, Kevin	Approved	6/24/2025	7/23/2025	6/30/2025	1	☐	
	Streets	Streets	Guadagnino, Vic	Approved	6/24/2025	7/23/2025	6/26/2025	1	☐	
	Flood Zone	Building	Platt, Jacob	Approved	6/24/2025	6/30/2025	7/3/2025	1	☐	
	Planning/Zoning	Planning/Zoning	Sadler, Mia	Approved	6/24/2025	7/23/2025	6/30/2025	1	☐	
	Arborist	Planning/Zoning	Neville, David	Approved	6/24/2025	7/23/2025	6/26/2025	1	☐	all tree removal, mitigat ...

City's Exhibit 4

Manage Permit BLDR-2025-1206 Address 146 S 3RD ST UN

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 - Foundation Staking Plan(Building) v.1
 - Compaction Test v.1
 - Silt Fence v.1
 - Footing v.1
 - Piles/Pile Caps/Piers v.1

Workflow Details

Name: General Building Residential Description: Receive Submittal - Residential General Building

Status: Approved Action Priority Order: 2 Sort Order: 2

Received Date: 6/24/2025 Due Date: 7/23/2025 Complete Date: 7/3/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
Flood Zone	Building	Platt, Jacob	Approved	6/24/2025	6/30/2025	7/3/2025	1	☐	
Planning/Zoning	Planning/Zoning	Pearson, Margar	Approved	6/24/2025	7/23/2025	6/30/2025	1	☐	
Streets	Streets	Guadagnino, Vic	Approved	6/24/2025	7/23/2025	6/26/2025	1	☐	
Building	Building	Singley, Kevin	Approved	6/24/2025	7/23/2025	6/30/2025	1	☐	
Arborist	Planning/Zoning	Neville, David	Approved	6/24/2025	7/23/2025	6/26/2025	1	☐	all tree removal, mitigat ...
Stormwater	Stormwater	Guadagnino, Vic	Approved	6/24/2025	7/23/2025	6/26/2025	1	☐	

Manage Permit BLDR-2025-1208 Address 146 S 3RD ST UNIT C

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 - Footing v.1
 - Piles/Pile Caps/Piers v.1
 - Floor Joist/ Girder v.1
 - Monolithic Slab v.1

Workflow Details

Name: General Building Residential Description: Receive Submittal - Residential General Building

Status: Approved Action Priority Order: 2 Sort Order: 2

Received Date: 6/24/2025 Due Date: 7/23/2025 Complete Date: 7/3/2025

☐ Needs Resubmit ☒ Completed ☐ Auto Receive

Item Review Note

Drag a column header and drop it here to group by that column

Name	Department Name	Assigned User	Status	Assigned Date	Due Date	Completed Date	Priority	Not Required	Comments
Streets	Streets	Guadagnino, Vic	Approved	6/24/2025	7/23/2025	6/26/2025	1	☐	
Flood Zone	Building	Platt, Jacob	Approved	6/24/2025	6/30/2025	7/3/2025	1	☐	
Arborist	Planning/Zoning	Neville, David	Approved	6/24/2025	7/23/2025	6/26/2025	1	☐	all tree removal, mitigat ...
Building	Building	Singley, Kevin	Approved	6/24/2025	7/23/2025	6/30/2025	1	☐	
Planning/Zoning	Planning/Zoning	Pearson, Margar	Approved	6/24/2025	7/23/2025	6/30/2025	1	☐	
Stormwater	Stormwater	Guadagnino, Vic	Approved	6/24/2025	7/23/2025	6/26/2025	1	☐	



COMPLIANCE LETTER

June 12, 2025

Asa Gillette
31 S. 4th Street
Fernandina Beach, FL 32034
tricia@gilletteassociates.com

Sent Via Email to Project Team

Applicant Name: (Agent Asa Gillette)

Project Description: 3rd & Beech St. 4 Triplexes

Location: 3rd & Beech St

PIN(s): 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

TRC Case Number: TRC 2025-0001

Mr. Gillette,

The City of Fernandina Beach received your request for official TRC site plan review/approval on March 14, 2025. All submitted documents were routed to the Technical Review Committee (TRC). Based on findings from the Technical Review Committee (TRC) and their review of the plans on March 27, 2025, the site plan dated 3/21/2025 for the above-referenced project is hereby approved with the following condition:

Finalize the school capacity reservation agreement prior to issuance of building permit.

Local Development Orders expire twelve (12) months after the date of issuance, which is the date of this letter. Prior to the expiration of a local development order, the local development order may be extended for a period not to exceed six (6) months, when a written request is submitted to the City. No more than two (2) such six (6) month extensions shall be issued.

Any further revisions to this site plan may require additional review and approval.

If you need further information regarding this compliance report or the next steps for this project, please contact me at trcinfo@fbfl.city or 904-310-3480.

Sincerely,

Margaret Pearson
Margaret Pearson
Senior Planner

CC: File, TRC Members



**AGENDA
TECHNICAL REVIEW COMMITTEE
REGULAR MEETING
MARCH 27, 2025
10:00 AM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF MINUTES**
 - 4.1 Approval of Minutes from the Regular Meeting of December 19, 2024.
- 5. DISCUSSION ITEMS**
- 6. OLD BUSINESS**
- 7. NEW BUSINESS**
 - 7.1 **TRC 2025-0001 - GILLETTE & ASSOCIATES, AGENT FOR WORTHY INVESTMENTS LLC, 124 S. 3RD STREET, 119 S. 4TH STREET, 123 S. 4TH STREET, & 125 S. 4TH STREET**
Site plan review for the construction of four triplex units.
 - 7.2 **TRC 2025-0002 - GILLETTE & ASSOCIATES, AGENT FOR EDWARD BONER, 420 CITRONA DRIVE**
Site plan review for the subdivision of one lot into 7 single-family lots.
 - 7.3 **TRC 2025-0003 - GILLETTE & ASSOCIATES, AGENT FOR COASTAL LEGACY GROUP LLC, 321 S. 3RD STREET**
Site plan review for the construction of four single-family townhomes.
- 8. DEVELOPMENT INQUIRIES FROM APPLICANTS NOT ON THE AGENDA - DISCUSSION ONLY, NO ACTION TO BE TAKEN.**
- 9. COMMITTEE BUSINESS**
- 10. ADJOURNMENT**

NEXT REGULAR TRC MEETING IS SCHEDULED FOR APRIL 24, 2025.

Persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3115, TTY 711, or through the Florida Relay Services at 1-800-955-8771 (TTY number for all City offices) at least 24 hours in advance to request such accommodations.

From: [Lillie Russell](#)
To: [CC Office](#); [Morgan Ohlendorf](#); [Alisha Brown](#); [Joni Johnson](#); [Charzetta Washington](#); [Anne Marie Klosky](#); [Stephanie Delaney](#); [Sylvie McCann](#); [Monica Benischeck](#); [Toni Brown](#); [Barbara Rathmell](#); [John Coverdell](#); [Katie Newton](#); [LaShaundra Richardson](#); [Melissa Howard](#); [Randy Maxwell](#); [Scott Mikelson](#); [Stephen Noden](#); [Tammi Bach](#)
Subject: 2025 03-27 TRC AGENDA
Date: Thursday, March 20, 2025 9:56:05 AM
Attachments: [image873821.png](#)
[image182164.png](#)
[image482692.png](#)
[2025 03-27 TRC AGENDA.pdf](#)

Please post the attached TRC agenda on the bulletin board.

Thank you,



Lillie Russell, CMC, FCRM
Records Coordinator
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 310-3118 | lrussell@fbfl.org
www.fbfl.us

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From: [No Reply](#)
To: [Katie Newton](#)
Subject: CivicClerk Notification - Technical Review Committee Regular Meeting Agenda Packet Published
Date: Thursday, March 20, 2025 9:55:28 AM

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

The following agenda packet has been published to the website:

Agenda: Technical Review Committee Regular Meeting

Meeting Date: March 27, 2025

Cutoff Date: 03/14/2025

Cutoff Time: 12:00 AM

Agenda Created By: Kim Briley, Deputy City Clerk

Link to Agenda: <https://FERNANDINABEACHFL.v8.civicclerk.com/Meetings/Agenda?id=3077>

APPROVED

**MINUTES
TECHNICAL REVIEW COMMITTEE
REGULAR MEETING
MARCH 27, 2025
10:00 AM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER 10:02 AM

2. ROLL CALL

MEMBERS PRESENT:

Kelly Gibson, Planning	Margaret Pearson, Planning
David Neville, Arborist	Victoria Guadagnino, Utilities/Stormwater/Streets
Walter Gray, Utilities/Wastewater	Todd Love, Utilities/Water
Jason Higginbotham, Fire	Michelle Forstrom, Code Enforcement

OTHERS PRESENT:

Morgan Ohlendorf, Recording Secretary

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF MINUTES

4.1 Approval of Minutes from the Regular Meeting of December 19, 2024.

ACTION TAKEN: A motion was made by Member Forstrom, seconded by Member Guadagnino, to approve the Minutes for the Regular Meeting of December 19, 2024, as presented.

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

5. DISCUSSION ITEMS

6. OLD BUSINESS

7. NEW BUSINESS

7.1 TRC 2025-0001 - GILLETTE & ASSOCIATES, AGENT FOR WORTHY INVESTMENTS LLC, 124 S. 3RD STREET, 119 S. 4TH STREET, 123 S. 4TH STREET, & 125 S. 4TH STREET
Site plan review for the construction of four triplex units.

Chair Gibson provided background information about this case and invited the applicant to address the Committee's comments.

Asa Gillette, Gillette & Associates, addressed comments provided by the Board. Ms. Gibson clarified that after the last comment is addressed, this case will be ready for final sign off.

Taina Christner, 406 Beech Street, shared that this case is violating a current court order to adhere to LDC section 1.03.05 and that it should be heard by the Board of Adjustment, as the process requires. She added that if this process is not followed, further legal action would be pursued. She then spoke of the potential Sunshine Law violation regarding

transparency of the TRC and pre-application meeting where both should be publicly noticed.

7.2 TRC 2025-0002 - GILLETTE & ASSOCIATES, AGENT FOR EDWARD BONER, 420 CITRONA DRIVE

Site plan review for the subdivision of one lot into 7 single-family lots.

Chair Gibson provided background information about this case and invited the applicant to address the Committee's comments.

Asa Gillette, Gillette & Associates, Inc. had no comments.

In order to continue the development process, Chair Gibson asked that the applicant apply for the preliminary plat to be presented at a future Planning Advisory Board meeting for review.

7.3 TRC 2025-0003 - GILLETTE & ASSOCIATES, AGENT FOR COASTAL LEGACY GROUP LLC, 321 S. 3RD STREET

Site plan review for the construction of four single-family townhomes.

Chair Gibson provided background information about this case and invited the applicant to address the Committee's comments.

Mr. Gillette addressed comments from the Board regarding landscaping and a mail kiosk. Chair Gibson reminded the applicant that if there are substantial plan changes from what was advertised, these changes would need to be reviewed at the next TRC meeting agenda. Mr. Gillette noted that these changes were not substantial.

Ms. Gibson explained that after these last comments are addressed, the sign off of a local development order can be issued and the applicant can proceed to permitting.

8. DEVELOPMENT INQUIRIES FROM APPLICANTS NOT ON THE AGENDA - DISCUSSION ONLY, NO ACTION TO BE TAKEN.

Chair Gibson invited the public to speak at this time.

Pat Smedley, 1744 S. 15th Street, spoke regarding TRC 2024-0004 and stated that she believed this case disrupts neighborhood character and would create issues regarding parking and traffic. She urged the City to coordinate with Nassau County to install a traffic light at Nectarine and 15th Street.

9. COMMITTEE BUSINESS

10. ADJOURNMENT 10:17 AM


Kelly Gibson, Chair

Sylvie McCann

From: Kelly Gibson
Sent: Wednesday, July 16, 2025 5:25 PM
To: Sarah Campbell; Harrison Poole; Jimmy Parr
Cc: Katie Newton; Margaret Pearson; Sylvie McCann; Angie Lester; Morgan Ohlendorf
Subject: ADMIN APPEAL 2025-0003 - Appeal of 4th and Beech
Attachments: + BOA Appeal Application.pdf; 2006 01-26 PAB SM Approved Minutes (Legislative History of 1.03.05) (2) (1).pdf; e-mail brad clark harrison poole.pdf; E-mail violation of court order.pdf; Judge Roberson Order Dec 2023 (2).pdf; Order-Order (1).pdf; Tringali Exhibits - CC Mtg - 7_15_2025 (1).pptx

Good Evening,

An administrative appeal was filed late this afternoon and has been paid. The appeal application and all associated documents are attached. The administrative appeal will be noticed and scheduled for a hearing before the BOA on **Wednesday, August 20, 2025**. We need to schedule a meeting to discuss preparations and next steps together. Please let me know your earliest availability.

Sincerely,



Kelly Gibson, AICP
Director Planning and Conservation
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 310-3481 | kgibson@fbfl.org
www.fbfl.us

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Margaret Pearson

From: Caroline Best
Sent: Tuesday, July 22, 2025 1:05 PM
To: Margaret Pearson
Subject: Re: APPEALS OF ADMINISTRATIVE ACTIONS

Thank you, ma'am!



Caroline Best, CMC
City Clerk
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 310-3119 | cbest@fbfl.org
www.fbfl.us

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From: Margaret Pearson <mpearson@fbfl.city>
Sent: Tuesday, July 22, 2025 12:42 PM
To: Caroline Best <cbest@fbfl.org>
Subject: APPEALS OF ADMINISTRATIVE ACTIONS

Caroline,

As we discussed, please find the LDO sections listed below:

11.07.00 APPEALS OF ADMINISTRATIVE ACTIONS

11.07.04 Hearing before the Board of Adjustment

A. A public hearing before the BOA will be arranged in accordance with the published schedule for hearings.

Take care,



Margaret Pearson
Sr Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 310-3482 | mpearson@fbfl.city



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Margaret Pearson

From: Caroline Best
Sent: Thursday, July 24, 2025 9:08 AM
To: tainachristner@yahoo.com
Cc: Ralf Brookes; harrisonpoole@pooleandpoolelaw.com; Sarah Campbell; Jeremiah Glisson; Glenn Akramoff; Margaret Pearson
Subject: Re: Clarification of Today's conversation

Good morning, Ms. Christner:

Thank you for the follow up email, it accurately reflects our July 23, 2025, phone conversation.

Additional context:

- The Board of Adjustment ("BOA") operates in a quasi-judicial capacity; proceedings and rulings are similar to those conducted in a court of law. This structure underscores the importance of fairness and impartiality in the BOA's decision-making processes.
- BOA membership is comprised of five regular members and two alternate members.
- Land Development Code ("LDC") Section 11.07.04(g) states in relevant part: *"The concurring vote of five (5) members of the BOA shall be necessary to reverse any administrative decision."*
- BOA members Christner, Kreger, and Wolford have conflicts of interest in the Tringali matter making them ineligible to vote on the administrative appeal (submitted July 17, 2025).
- Due to LDC 11.07.04(g) super majority requirements, one of the conflicted BOA members must resign or be removed by the City Commission.
- City staff is working to identify the date in which the BOA will convene to consider the Tringali administrative appeal (submitted July 17, 2025):

Please contact me with any questions.

Kind regards,



Caroline Best, CMC
City Clerk
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 310-3119 | cbest@fbfl.org
www.fbfl.us

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From: Taina Christner <tainachristner@yahoo.com>
Sent: Wednesday, July 23, 2025 5:17 PM
To: Caroline Best <cbest@fbfl.org>
Cc: Ralf Brookes <ralfbrookes@gmail.com>; harrisonpoole@pooleandpoolelaw.com
<harrisonpoole@pooleandpoolelaw.com>
Subject: Clarification of Today's conversation

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Hello Ms. Best,

Thank you for calling me today. I want to ensure I accurately captured what you shared during our conversation.

You had contacted me regarding the BOA Administrative Appeal I have filed on the 3rd and 4th street Townhome proposal.

Here is my understanding of the conversation:

1. You said the BOA administrative hearing was originally scheduled for August 20, but may need to be rescheduled.
2. The BOA currently has seven members, and at least five are required to vote on the appeal.
3. You stated that members me, Leonard Kreger, and Kim Woolford will need to recuse ourselves.
4. If all three of us recuse, that would leave only four members eligible to vote.
5. Since five voting members are required, the City Commission would need to remove one of us prior to the Administrative Appeal Hearing and appoint a new member.
6. You indicated that if we wanted to avoid being removed by the City Commission, one of us could resign voluntarily to avoid being removed.
7. You said you had already spoken to Leonard Kreger, asking him the same, and he is considering resignation but wants to think about it.

8. I mentioned that I may also consider resigning instead of Leonard Kreger, but would like time to think it over.
9. You informed me that I would need unanimous support—all five BOA votes, including the new appointee—for my appeal to be granted.
10. You are considering setting a special hearing date in the last week of August.
11. I noted that my BOA application states the appeal should be heard on **September 17, 2025**, and e-mailed you application form with the dates showing clearing in the application date/hearing date chart.

Please let me know if I misunderstood or left anything out.

Just to be clear, I have not discussed any of this with members Kreger or Woolford. All the information I know I received from you.

Thank you,

Taina Christner

Margaret Pearson

From: Caroline Best
Sent: Tuesday, July 29, 2025 10:22 AM
To: tainachristner@yahoo.com
Cc: Ralf Brookes; harrisonpoole@pooleandpoolelaw.com; Sarah Campbell; Jeremiah Glisson; Glenn Akramoff; Margaret Pearson
Subject: RE: Clarification of Today's conversation

Hi Ms. Christner,

Following up as promised to let you know that the BOA will consider the Tringali property administrative appeal (submitted to the City July 17, 2025) at their September 17, 2025, regular meeting.

Sincerely,



Caroline Best, CMC
City Clerk
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 310-3119 | cbest@fbfl.org
www.fbfl.us

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To: tainachristner@yahoo.com
Cc: Ralf Brookes <ralfbrookes@gmail.com>; harrisonpoole@pooleandpoolelaw.com; Sarah Campbell <scampbell@fbfl.city>; Jeremiah Glisson <jglisson@fbfl.org>; Glenn Akramoff <GAkramoff@fbfl.city>; Margaret Pearson <mpearson@fbfl.city>
Subject: Re: Clarification of Today's conversation

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- BOA members Christner, Kreger, and Welford have conflicts of interest in the Tringali matter making them ineligible to vote on the administrative appeal (submitted July 17, 2025).
- Due to LDC 11.07.04(g) super majority requirements, one of the conflicted BOA members must resign or be removed by the City Commission.
- City staff is working to identify the date in which the BOA will convene to consider the Tringali administrative appeal (submitted July 17, 2025).

Please contact me with any questions.

Kind regards,

From: Taina Christner <tainachristner@yahoo.com>
Sent: Wednesday, July 23, 2025 5:17 PM
To: Caroline Best <cbest@fbfl.org>
Cc: Ralf Brookes <ralfbrookes@gmail.com>; harrisonpoole@pooleandpoolelaw.com
 <harrisonpoole@pooleandpoolelaw.com>
Subject: Clarification of Today's conversation

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4. If all three of us recuse, that would leave only four members eligible to vote.
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11. I noted that my BOA application states the appeal should be heard on **September 17, 2025**, and e-mailed you application form with the dates showing clearing in the application date/hearing date chart.

Please let me know if I misunderstood or left anything out.

Just to be clear, I have not discussed any of this with members Kreger or Woolford. All the information I know I received from you.

Thank you,
Taina Christner



NOTICE OF PUBLIC HEARING

**Please take notice that an the Board of Adjustment will hold a
Quasi-Judicial hearing for the following property:**

Case #: BOA 2025-0003 (Appeal)
Property: 124 S. 3rd Street, 119 + 125 S. 4th Street & Beech Street
Owner: Worthy Investment LLC
Appeal Applicant: Taina Christner

ADMINISTRATIVE APPEAL

Administrative Appeal for the issuance of sixteen (16) General Building permits issued for the development of parcels 00-00-31-1800-0012-0210, 00-00-31-1800-0012-0150, 00-00-31-1800-0012-0100, and 00-00-31-1800-0012-0050, relating to a violation of the City of Fernandina Beach Land Development Code Section 1.03.05 and to Judge Roberson's Court Order

Date: Wednesday, September 17, 2025
Time: 5:00 PM
Location: City Hall Chambers at
204 Ash Street
Fernandina Beach, FL 32034

The petition and all supporting documents will be made available online approximately one week prior to the date of the public hearing; please visit <https://www.fbfl.us/867/Agendas>. Special Magistrate Hearings are considered in a quasi-judicial proceeding. Copies of the quasi-judicial procedures are available at the Office of the City Clerk and the Department of Planning & Conservation and will be available at the meeting. For information on the application, please contact the Department of Planning & Conservation at (904) 310-3480.

Interested parties may appear at said hearing and be heard as to the advisability of any action, which may be considered. Any persons with disabilities requiring accommodations in order to participate in this program or activity should contact 310-3135, TTY 711 (TTY number for all City offices), or through the Florida Relay Service at 1-800-955-8771 at least 24 hours in advance to request such accommodation.

An applicant aggrieved by any decision may appeal to a court of record of competent jurisdiction in accordance with the procedures of Section 70.51, Florida Statutes. If an applicant decides to appeal any decision made by the Special Magistrate with respect to any matter considered at such hearing, they will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AFFIDAVIT OF POSTING

I, David Neville, being first duly sworn, deposes and states as follows:

That I am an employee of the City of Fernandina, Department of Planning & Conservation; and that one of the requirements for processing Board of Adjustment applications is that a Notice of Public Hearing sign be posted on the subject properties below for the Board of Adjustment meeting scheduled dated September 17, 2025:

BOA CASE #

ADDRESSES

BOA 2025-0003 (Appeal)	124 S. 3 rd St, 119 S. 4 th St, 146 S. 3 rd St., Beech Street

FURTHER AFFIANT SAYETH NAUGHT.



Date of Posting:

September 3, 2025

STATE OF FLORIDA

ss }
}

COUNTY OF NASSAU

Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization,
this 5 day of Sept, 2025,
by David Neville.



Notary Public

SYBIL MCCANN

Printed Name

11/17/2028

My Commission Expires

Personally Known ☒ OR
Produced Identification ☐

ID Produced: _____



PRIVATE
PROPERTY

ADVERTISING
A SIGNAGE
SERVICE
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WARNING
NO SWIMMING
NO BOATING
NO SKIING
NO JUMPING
NO FISHING
NO BIKING
NO DRUGS
NO ALCOHOL
NO TOBACCO
NO FIREARMS
NO WEAPONS
NO GAMING
NO LOUING
NO DRUGS
NO ALCOHOL
NO TOBACCO
NO FIREARMS
NO WEAPONS
NO GAMING
NO LOUING

AFFIDAVIT OF MAILING

I, Sylvie McCann, being first duly sworn, depose and state as follows:

That I am an employee of the City of Fernandina, Department of Planning & Conservation; and that one of the requirements for processing Board of Adjustment applications is that notice in the form of a postcard be mailed by regular U.S. mail to each property owner within a 500ft. radius of the following properties for the Board of Adjustment meeting scheduled on September 17, 2025:

BOA CASE #	ADDRESSES
BOA 2025-0003 (Appeal)	124 S. 3 rd St, 119 S. 4 th St, 146 S. 3 rd St., Beech Street

FURTHER AFFIANT SAYETH NAUGHT.

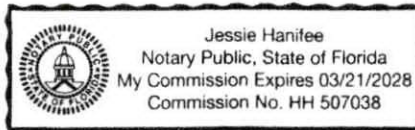


Date of Mailing: September 3, 2025

STATE OF FLORIDA

COUNTY OF NASSAU

} ss



Sworn to (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization,
this 5th day of September, 2025,
by Sylvie McCann.


Notary Public

Jessie Hanifée
Printed Name

3/21/28
My Commission Expires

Personally Known ☒ OR

Produced Identification _____

ID Produced: _____



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

Please take notice that the Board of Adjustment will hold a
Quasi-Judicial Public Hearing for the following application:

ADMINISTRATIVE APPEAL

Case #: BOA 2025-0003 (Appeal)
Property: 124 S. 3rd Street, 119 + 125 S. 4th Street & Beech St.
Property Owner: Worthy Investment LLC
Appeal Applicant: Taina Christner

Administrative Appeal for the issuance of sixteen (16)
General Building permits issued for the development of
parcels 00-00-31-1800-0012-0210, 00-00-31-1800-0012-0150,
00-00-31-1800-0012-0100, and 00-00-31-1800-0012-0050,
relating to a violation of the City of Fernandina Beach Land
Development Code Section 1.03.05 and to Judge Roberson's
Court Order.

Date: Wednesday September 17, 2025
Time: 5:00 PM
Location: City Hall Chambers at
204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

1303 SR 200 LLC
960194 GATEWAY BLVD
SUITE # 101
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

20 SOUTH 5TH STREET LLC
20 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

316 CENTRE STREET LLC
960194 GATEWAY BLVD STE 101
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

887 MYRTLE ATLANTA LLC
3100 S FLETCHER AVE
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

ACOSTA NORMA M L/E
22 S 2ND ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

ADAMS CAROL LEE
211 S 3RD ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

AMELIA COMMUNITY THEATER ASSOCIATION
INC
209 CEDAR ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Development Code Section 1.03.05 and to Judge Roberson's
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Date: Wednesday September 17, 2025
Time: 5:00 PM
Location: City Hall Chambers at
204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

AMELIA HARBOR VIEW, LLC
C/O PARK PLACE HOSPITALITY GRP
136 CORPORATE PARK DR
MOORESVILLE NC 28117



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

Please take notice that the Board of Adjustment will hold a
Quasi-Judicial Public Hearing for the following application:

ADMINISTRATIVE APPEAL

Case #: BOA 2025-0003 (Appeal)
Property: 124 S. 3rd Street, 119 + 125 S. 4th Street & Beech St.
Property Owner: Worthy Investment LLC
Appeal Applicant: Taina Christner

Administrative Appeal for the issuance of sixteen (16)
General Building permits issued for the development of
parcels 00-00-31-1800-0012-0210, 00-00-31-1800-0012-0150,
00-00-31-1800-0012-0100, and 00-00-31-1800-0012-0050,
relating to a violation of the City of Fernandina Beach Land
Development Code Section 1.03.05 and to Judge Roberson's
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Date: Wednesday September 17, 2025
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** see rear of this notice for more information **

AMELIA ISLAND MUSEUM OF HISTORY
233 SOUTH 3RD ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

AMELIA RIVER VIEW LLC
2057 SOUTH FLETCHER AVE
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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** see rear of this notice for more information **

ANDERSON HEIDI LEIGH
PO BOX 767
FERNANDINA BEACH FL 32035



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

ANDERSON JON M
2744 OCEAN OAKS DRIVE NORTH
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

ASTRIN CAL DAVE
119 S 2ND ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

ATKINSON BETTY T L/E
216 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

BEECH AND 5TH LLC
6536 MORET DR S
JACKSONVILLE FL 32244



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

BENNETT CATHERINE K
111 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

BLAIS DAVID N & MARY CATHERINE
115 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY
96135 NASSAU PLACE, SUITE 1
YULEE FL 32097



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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BOAT HOUSE FERNANDINA LLC
608 OCEAN CLUB VILLAS
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

BRADY MARY JANE & MICHAEL
1204 CONSERVANCY DR E
TALLAHASSEE FL 32312



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

BRITAIN MAUREEN
403 CEDAR ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

BROWN TODD & SOODI AMIRI
123 EAST COLLEGE AVE
GREENVILLE IL 62246



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

CARTER JULIEN
217 BEECH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

CARTER ROY H JR & CYNTHIA W
119 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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** see rear of this notice for more information **

CARVER STEVEN W & SANDRA B
110 S 4TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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** see rear of this notice for more information **

CENTRE & FOURTH LLC
960185 GATEWAY BLVD STE #203
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

CASCONE JOHN J & JENNIFER KING
116 S 4TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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CHAMPEAU CHRISTOPHER C
1614 POPE AVE
RICHMOND VA 23227



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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CHAMPION WALTER EST
C/O MARGIE HATTON
95152 HATTON RD
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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CHRISTNER TAINA M
406 BEECH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
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CICCARONE TRUST
225 SOUTH 4TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Time: 5:00 PM
Location: City Hall Chambers at
204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

CITY-MART RETAIL CORP II
C/O STEVE COLWELL FANTASTIC FUDGE
218 CENTRE ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

Please take notice that the Board of Adjustment will hold a
Quasi-Judicial Public Hearing for the following application:

ADMINISTRATIVE APPEAL

Case #: BOA 2025-0003 (Appeal)
Property: 124 S. 3rd Street, 119 + 125 S. 4th Street & Beech St.
Property Owner: Worthy Investment LLC
Appeal Applicant: Taina Christner

Administrative Appeal for the issuance of sixteen (16)
General Building permits issued for the development of
parcels 00-00-31-1800-0012-0210, 00-00-31-1800-0012-0150,
00-00-31-1800-0012-0100, and 00-00-31-1800-0012-0050,
relating to a violation of the City of Fernandina Beach Land
Development Code Section 1.03.05 and to Judge Roberson's
Court Order.

Date: Wednesday September 17, 2025
Time: 5:00 PM
Location: City Hall Chambers at
204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

CLARK BRADFORD R
312 ASH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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** see rear of this notice for more information **

CLARK VANDER JR
502 BEECH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

COALSON DAVID B & MERRY A
111 S 4TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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COLAO IVAN & TIA
1230 GREENRIDGE RD
JACKSONVILLE FL 32207



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

CONWAY ANGELA JONES L/E
510 BEECH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

CORY JOANA
PO BOX 711
FERNANDINA BEACH FL 32035-0711



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

CROMER LYNN R
309 CEDAR ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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CROMER WILLIAM & LYNN
309 CEDAR ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

DAMATO JENNIFER & FRANK
111 S 3RD ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

DAV FLORIDA SERVICES LLC
P.O. BOX 767522
ROSWELL GA 30076



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

DOC SS FLORIDA INVESTMENTS LLC
85109 HARTS RD
YULEE FL 32097



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

DONNA FERREIRA LLC
118 SOUTH 3RD STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

DOUGLAS ALISON B
124 S 5TH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

DUVAL DONN NORMAND
229 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

EARNEST & KHEMANI PROPERTIES LLC
4896 HUGH HOWELL ROAD
STONE MOUNTAIN GA 30087



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

FELDER CAROLYN JULIA
P O BOX 15763
FERNANDINA BEACH FL 32035



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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** see rear of this notice for more information **

FLORIDA HOUSE INN OF FERNANDINA BEACH
LLC
39 SEA MARSH RD
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

FLORIDA HOUSE INN OF FERNANDINA BEACH
LLC
1993 LARGO RD
JACKSONVILLE FL 32207



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

FLOURNOY JAMES & ALISON A
120 S 2ND STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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** see rear of this notice for more information **

FOUR FROM CENTRE LLC
608 OCEAN CLUB COURT
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

FULLERTON SCOTT D
230 S 3RD STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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** see rear of this notice for more information **

GALL JAMES ANTHONY & KATHERINE BURBANK
4 CLIFFSIDE DR
LIVINGSTON NJ 07039



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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** see rear of this notice for more information **

GARVEY PATRICIA M
1655 PLANTATION OAKS LN
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

GIEDRYS NORA
208 BEECH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL, 32034

Please take notice that the Board of Adjustment will hold a
Quasi-Judicial Public Hearing for the following application:

ADMINISTRATIVE APPEAL

Case #: BOA 2025-0003 (Appeal)
Property: 124 S. 3rd Street, 119 + 125 S. 4th Street & Beech St.
Property Owner: Worthy Investment LLC
Appeal Applicant: Taina Christner

Administrative Appeal for the issuance of sixteen (16)
General Building permits issued for the development of
parcels 00-00-31-1800-0012-0210, 00-00-31-1800-0012-0150,
00-00-31-1800-0012-0100, and 00-00-31-1800-0012-0050,
relating to a violation of the City of Fernandina Beach Land
Development Code Section 1.03.05 and to Judge Roberson's
Court Order.

Date: Wednesday September 17, 2025
Time: 5:00 PM
Location: City Hall Chambers at
204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

GODWIN HAROLD LEE & ANNETTE B
1255 S FLETCHER AVE
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL, 32034

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ADMINISTRATIVE APPEAL

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Date: Wednesday September 17, 2025
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204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

HERMANSON DANA R & HEATHER M
73 WADDELL STREET SE
MARIETTA GA 30060



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL, 32034

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Date: Wednesday September 17, 2025
Time: 5:00 PM
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** see rear of this notice for more information **

HAHN TIMOTHY J
127 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL, 32034

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Date: Wednesday September 17, 2025
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** see rear of this notice for more information **

HOMAYER CAROL M
125 S 6TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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** see rear of this notice for more information **

I P HOLDINGS GROUP LLC
316 ASH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

JACKSON PAMELA BREWER
135 S 3RD STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

JBR TRUST
407 CEDAR ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

JONES LANCE T & LAUREN LITTLE
115 S 6TH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

JSU HOLDING LLC
2811 TURTLE SHORES DRIVE
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

KELLY EMMETT COUGHLIN & SHELLY KAY
TUTTLE
821 COPPERHEAD CIR
ST AUGUSTINE FL 32092



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

KEGLER HAROLD A & SUSAN E
212 SOUTH 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

KEMP C TODD LIVING TRUST
PO BOX 402
FERNANDINA BEACH FL 32035



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

KENNEDY DENIS M
141 S 3RD ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

KULLEN STEVEN T & P SUE
2847 GOVERNOR RUN RD
PORT REPUBLIC MD 20676



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

KOZMA MONIKA ANNE
205 BEECH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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** see rear of this notice for more information **

LINZY TRESSAL
110 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL, 32034

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Date: Wednesday September 17, 2025
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204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

LITTLE DENNIS M & MARY JULIA L/E
940514 OLD NASSAUVILLE ROAD
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL, 32034

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** see rear of this notice for more information **

LOUCHHEIM JEFF & LINDA
153 S 3RD ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL, 32034

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Date: Wednesday September 17, 2025
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** see rear of this notice for more information **

LORD WILLIAM E
23 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL, 32034

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** see rear of this notice for more information **

LUCCHESI DONALD A & ELIZABETH
126 S 2ND ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

MAISON REVE LLC
736 WHITE IBIS WAY
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

MAUK DONALD & WANDA JEAN
129 S 3RD STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

MATEER LIVING TRUST
114 S 2ND ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

MCKINNON ELIZABETH ANN PARK
2106 BELVEDERE AV
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

Please take notice that the Board of Adjustment will hold a
Quasi-Judicial Public Hearing for the following application:

ADMINISTRATIVE APPEAL

Case #: BOA 2025-0003 (Appeal)
Property: 124 S. 3rd Street, 119 + 125 S. 4th Street & Beech St.
Property Owner: Worthy Investment LLC
Appeal Applicant: Taina Christner

Administrative Appeal for the issuance of sixteen (16)
General Building permits issued for the development of
parcels 00-00-31-1800-0012-0210, 00-00-31-1800-0012-0150,
00-00-31-1800-0012-0100, and 00-00-31-1800-0012-0050,
relating to a violation of the City of Fernandina Beach Land
Development Code Section 1.03.05 and to Judge Roberson's
Court Order.

Date: Wednesday September 17, 2025
Time: 5:00 PM
Location: City Hall Chambers at
204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

METZ RUSSELL DAVID & JAMI MOORE
1037 SHIPWATCH DR E
JACKSONVILLE FL 32225



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

NASSAU COUNTY BOARD OF COMMISSIONERS
96135 NASSAU PLACE STE 1
YULEE FL 32097



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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MJM 14 DUVAL LLC
3096 VISTA WOOD DRIVE
JACKSONVILLE FL 32226



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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NASSAU TRUST LLC
39 SEA MARSH RD
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

NEW ENGLAND FLAG & BANNER INC
PO BOX 1560
MANCHESTER MA 01944



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

NORRIS KAYE L JOINT REV TRUST
PO BOX 15953
FERNANDINA BEACH FL 32035



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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NORMAN RON JR
235 BEECH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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OGLETHORPE DEVELOPMENT LLC
608 OCEAN CLUB VILLAS
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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ORTAMI LLC
763 CASIANO DR APT B
SANTA BARBARA CA 93105



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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PALMISANO P ANDREW
5338 GREAT OAK CT
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

PADGETT GREGORY J & ROBYN Y L/E
223 BEECH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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PAPAJ RICHARD J JR
10 SELDEN STREET UNIT #1
ROCHESTER NY 14605



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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PARROTT ELIZABETH D TRUST
365 W 37TH ST
SEA ISLAND GA 31561



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

PESTANA INVESTMENTS INC
2181 E LAKE SIDE DR
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

PETERS VICTORIA B
121 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

PRUITT ALMA D
1800 ATLANTIC AVE
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

REID JOAN E ETAL
C/O HUGHES JAMES D
1325 DATE ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

RITCH TIM & DONNA
89 OCEAN COURSE DR
PONTE VEDRA BEACH FL 32082



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

RITTER MICHAEL R & DIANA G REV TRUST
409 CEDAR ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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RIVERFRONT CRAB LLC
8 DUNES ROW
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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ROBERTS ADA EST
C/O AGNES & PHYLLIS EVANS
136 NORTH HENLEY PLACE
SOUTHERN PINES NC 28387



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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ROMAN PM LLC
8694 HEATHER RUN DRIVE SOUTH
JACKSONVILLE FL 32256



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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SCHULTZ CHRISTOPHER & DEBORAH O
315 CEDAR STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
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SCHWARTZ CHARLES R REV TRUST
1900 KANAWHA DRIVE
STONE MOUNTAIN GA 30087



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

Please take notice that the Board of Adjustment will hold a
Quasi-Judicial Public Hearing for the following application:

ADMINISTRATIVE APPEAL

Case #: BOA 2025-0003 (Appeal)
Property: 124 S. 3rd Street, 119 + 125 S. 4th Street & Beech St.
Property Owner: Worthy Investment LLC
Appeal Applicant: Taina Christner

Administrative Appeal for the issuance of sixteen (16)
General Building permits issued for the development of
parcels 00-00-31-1800-0012-0210, 00-00-31-1800-0012-0150,
00-00-31-1800-0012-0100, and 00-00-31-1800-0012-0050,
relating to a violation of the City of Fernandina Beach Land
Development Code Section 1.03.05 and to Judge Roberson's
Court Order.

Date: Wednesday September 17, 2025
Time: 5:00 PM
Location: City Hall Chambers at
204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

SCROGGIN JOHN J & LYNN G
123 S 6TH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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** see rear of this notice for more information **

SMITH-FERNANDEZ LINDA
214 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

SIMPSON JONATHAN P & CHRISTINE L L/E
229 BEECH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

SORTERUP MARY & GERALD JR
111 S 3RD STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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** see rear of this notice for more information **

SOUTH SECOND STREET PARTNERS LLC
136 CORPORATE PARK DR
MOORESVILLE NC 28117



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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SOUTHWICK ASSOCIATES INC
PO BOX 6435
FERNANDINA BEACH FL 32035-6435



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

STEWART MONTIETH
121 N 6TH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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STILLWELL BILLIE DOROTHEA F LIVING TRUST
27 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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TAUBER JASON & JOANNE
222 3RD ST S
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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TAYLOR FREDERIC II REV TRUST
211 S 6TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

TEIXEIRA DAVID LIVING TRUST
509 BEECH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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** see rear of this notice for more information **

THE PATIO AT 5TH AND ASH LLC
416 ASH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

VILLANI NICHOLAS
7838 GRANITE WALK AV
LAS VEGAS NV 89178-8217



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

W HOLDINGS GROUP LLC
4315 N MAIN ST
JACKSONVILLE FL 32206



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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Date: Wednesday September 17, 2025
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** see rear of this notice for more information **

WAAS HOLDINGS LLC
223 N 4TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

WALGER TERRY D LIVING TRUST
28 SEA MARSH RD
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

WARONKER VIVIAN L/E
215 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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** see rear of this notice for more information **

WHITESIDES RANDY D
97652 OVERSEAS HIGHWAY HH24
KEY LARGO FL 33037



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

WECKBACK JEFFREY CHARLES
12833 QUAILBROOK DRIVE
JACKSONVILLE FL 32224



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

WIGGINS CHARLES D LVG TRUST
1830 NIGHT FALL DRIVE
NEPTUNE BEACH FL 32266



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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WILKING JACQUELINE L/E
211 S 5TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
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WILSON CHERYL M & MARK L
508 S ASH STREET
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
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WILLIAMS JAMES A
213 S 6TH ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
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WINTER RONALD M & DEBRA I
132 S 2ND ST
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

Please take notice that the Board of Adjustment will hold a
Quasi-Judicial Public Hearing for the following application:

ADMINISTRATIVE APPEAL

Case #: BOA 2025-0003 (Appeal)
Property: 124 S. 3rd Street, 119 + 125 S. 4th Street & Beech St.
Property Owner: Worthy Investment LLC
Appeal Applicant: Taina Christner

Administrative Appeal for the issuance of sixteen (16)
General Building permits issued for the development of
parcels 00-00-31-1800-0012-0210, 00-00-31-1800-0012-0150,
00-00-31-1800-0012-0100, and 00-00-31-1800-0012-0050,
relating to a violation of the City of Fernandina Beach Land
Development Code Section 1.03.05 and to Judge Roberson's
Court Order.

Date: Wednesday September 17, 2025
Time: 5:00 PM
Location: City Hall Chambers at
204 Ash Street, Fernandina Beach, FL

** see rear of this notice for more information **

WORSLEY GRANT N & JULIE M
504 BEECH ST
FERNANDINA BEACH FL 32034



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** see rear of this notice for more information **

YOUNG RICHARD D & RAYE D
209 S 3RD ST
FERNANDINA BEACH FL 32034



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DEPARTMENT OF PLANNING & CONSERVATION
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WORTHY INVESTMENT LLC
1822 HIGHLAND DRIVE
FERNANDINA BEACH FL 32034



CITY OF FERNANDINA BEACH
DEPARTMENT OF PLANNING & CONSERVATION
204 ASH STREET, FERNANDINA BEACH FL. 32034

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** see rear of this notice for more information **

Board of Adjustment (BOA) - Submission #16678

Date Submitted: 7/16/2025

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

2025 Submission Deadlines + Board Meetings Calendar

Application Deadline (4:30pm)	Nov 06 2024	Dec 04 2024	Jan 08 2025	Feb 05 2025	Mar 05 2025	Apr 09 2025	May 07 2025	June 04 2025	Jul 09 2025	Aug 06 2025	Sep 03 2025	Oct 08 2025	Nov 05 2025	Dec 10 2025
Meeting Date	Dec 18 2024	Jan 15 2025	Feb 19 2025	Mar 19 2025	Apr 16 2025	May 21 2025	June 18 2025	Jul 16 2025	Aug 20 2025	Sep 17 2025	Oct 15 2025	Nov 19 2025	Dec 17 2025	Jan 21 2026

IMPORTANT NOTES

Application Requirements

- ☐ A complete application filed at least forty-five (42) 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-two (42) 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.fbfi.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?*

No ▼

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

mm/dd/yyyy

PROPERTY INFORMATION

Property information can be found at the Nassau County Property Appraiser’s Website → Map Search

Site Address*

119, 123, 125 S 4th street 123 S. 3rd Street

City*

Fernandina Beach

State*

FL

Zip*

32034

Parcel ID #(s)*

00-00-31-1800-0012-0210, 00-00-31-1800-0012-150, 00-00-31-1800-0012-0100, 00-00-31-1800-0012-0050

Zoning District*

R-2

Future Land Use Designation*

Medium Density Residential

Do you authorize the installation of a temporary City notice sign on your property?*

YES

City posting sign must remain on the property until the meeting is held. The sign will then be picked up by City Staff or can be returned to City Hall by the applicant.

OWNER OF RECORD

As recorded with the Nassau County Property Appraiser

First Name*

Worthy Investment, LLC

Last Name*

Worthy Investment LLC

Company (if applicable)

Worthy Investment LLC

Mailing Address*

1822 Highland Drive

City*	State*	Zip*
Fernandina Beach	Florida	32034

Telephone Number*	E-mail Address*
904-583-1234	ron.flick@compassgrp.coma

OWNER'S AGENT / APPLICANT

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)*

Administrative Appeal of July 7, 2025 Building Permits Issued — In Violation of Section 1.03.05 and Judge Roberson’s Court Order

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

Pursuant to Section 11.07.02(B) of the City of Fernandina Beach Land Development Code, I hereby file this administrative appeal of the City's July 7, 2025 decision to issue sixteen (16) building permits to the developer of the "Tringali" site without Board of Adjustment (BOA) approval.

This appeal is being filed within the required 30-day timeframe. I respectfully request that the Board of Adjustment schedule this matter for hearing and issue a stop work order pursuant to Section 11.07.03(A) until such time as the appeal is heard and resolved.

Grounds for Appeal

On December 27, 2023, the Circuit Court of the 4th Judicial Circuit, in Case No. 23-CA-404, ruled that Section 1.03.05 of the Land Development Code controls what the City may permit to be built on the subject site. Judge Roberson explicitly stated:

"Section 1.03.05, by its plain language, clearly applies to this exact scenario.

"This ruling quashed the City Commission's earlier vote to allow multifamily development on the site (12 townhomes in essentially 6 duplex buildings) without a variance from the BOA and remanded the matter for consideration by the BOA. The developers and the City appealed this decision to the 5th District Court of Appeal—and the Court dismissed their appeal on July 14, 2025. The lower court's ruling now stands as final and governs the permissible uses of the property. Despite Judge Roberson's Order, on July 7, 2025, the City administratively issued building permits for a 12-unit multifamily development, consisting of 4 triplexes, with no BOA hearing or variance. These permits were issued in direct violation of a court order instructing the City to apply the plain language of LDC Section 1.03.05 to any permits on the property. The City's July 7, 2025 permits are in clear violation of the requirements of Section 1.03.05, which states:

"wherever there may exist a single-family detached residential unit or, a duplex structure or any auxiliary building or structure . . . which was heretofore constructed on property containing one or more platted lots or portions thereof (excluding walls or fences), such lots thereafter constitute one building site and must be considered the 'lot of record', and no permit will be issued for the construction of more than one residential dwelling unit on the site."

The City and the developer do not dispute that the Tringali properties had previously been combined into four (or at most five) parcels each containing one single-family detached residential unit or auxiliary structure. Thus, under Section 1.03.05, each of these previously combined sites became "one building site" or "lot of record" and the LDC prohibits the City from permitting the construction of more than one residential dwelling unit on each of these sites. The only way the Triplex proposal can legally proceed, as Judge Roberson ruled, is with BOA approval. The City's claim that this is a "different project" because the 12 units are now arranged into 4 buildings instead of 6 is both illogical and legally irrelevant. The number of buildings does not change the fact that multiple dwelling units are being placed on previously combined lots—triggering the same code section and the same judicial ruling.

Supporting Materials

Please find attached the following supporting documents:

- Judge Roberson's Court Order (Dec. 27, 2023)
- Fifth DCA denial of appeal (July 14, 2025)
- E-mail sent to City officials regarding permit violation (July 15, 2025)
- PowerPoint Exhibit from City Commission Meeting (July 15, 2025) showing code references, zoning inconsistencies, and prior BOA precedent
- Public record e-mail from Brad Clark to Harrison Poole, confirming permit issuance
- Meeting Minutes from PAB 2006 meeting PAB Meeting Minutes where 1.03.05 was drafted and approved and meaning behind 1.03.05 was discussed

Relief Requested

I respectfully request that the Board of Adjustment:

1. Accept this appeal as timely and valid under Chapter 11;
2. Immediately suspend the issued permits pending the outcome of this appeal (Section 11.07.03(A));
3. Schedule this matter for hearing;
4. Determine that the permits were issued in violation of Section 1.03.05 and in defiance of a binding court order issued against the City and the developer with respect to the property in question;
5. Direct that all multifamily development on the site must first be reviewed by and obtain a variance from the BOA.

Thank you for your prompt attention to this matter. I am available for any questions and will provide additional documents or testimony upon request.

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.*

Administrative Appeal

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.*

Administrative Appeal

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.*

Administrative Appeal

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

Administrative Appeal

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

Administrative Appeal

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.*

Administrative Appeal

Upload Supplemental Materials

Tringali Exhibits - CC Mtg - 7_15.pptx

Upload 3

2006 01-26 PAB SM Approved Minutes (Legislative History of 1.03.05) (2) (1).pdf

Upload 5

Judge Roberson Order Dec 2023 (2).pdf

Upload 7

e-mail brad clark harrison poole.pdf

Upload 2

Order-Order (1).pdf

Upload 4

E-mail violation of court order.pdf

Upload 6

Choose File No file chosen

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*

Taina

Applicant's Last Name*

Christner

Today's Date*

11/13/2024



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.

“Tringali” property

S. 3rd St and S. 4th St
adjacent to Beech St

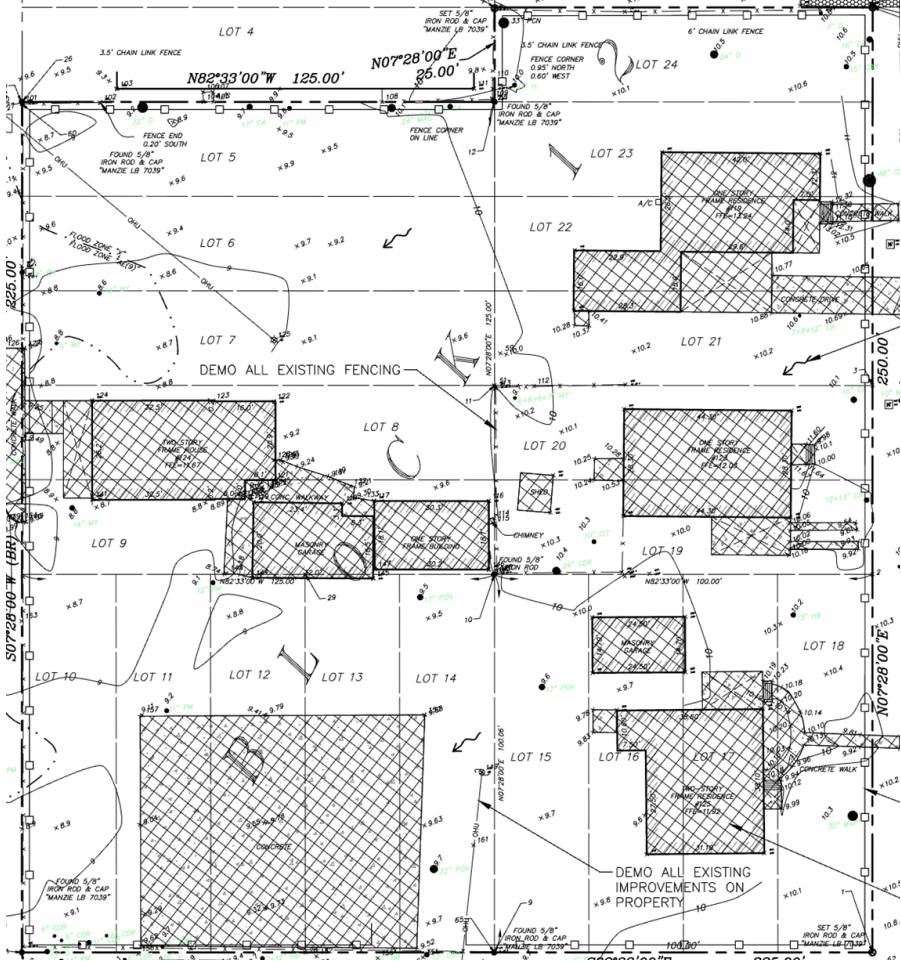
City Commission meeting
Commissioner Tuten
July 15, 2025

Exhibit 1

Tringali Property (2022)



South 3rd St



Beech Street

South 4th St



Exhibit 2a

**4th Circuit Court
Case 23-CA-404**

**Order on
Petition for Writ
of Certiorari**

Judge Roberson

IN THE CIRCUIT COURT, FOURTH JUDICIAL
CIRCUIT, IN AND FOR NASSAU COUNTY,
FLORIDA

CASE NO.: 23-CA-404

DIVISION: A

MERRY COALSON, DAVID COALSON, TAINA
CHRISTNER,

Petitioners,

v.

CITY OF FERNANDINA BEACH, a Florida municipal
corporation, and ANTHONY J. TRINGALI REV.
TRUST AND JOSEPHINE TRINGALI
OWNER/APPLICANT.

Exhibit 2b

4th Circuit Court Case 23-CA-404

Order on Petition for Writ of Certiorari

Judge Roberson

The Court, even with the benefit of Respondents' briefing and responses to questions at the hearing on this Petition, cannot find any plausible interpretation of the 'subdivision' section of the Land Development Code that applies to the actions at issue. The result of the Commission's vote is that 8 parcels were combined into one lot and approved for building a multi-family structure. That action, per the Land Development Code, must be approved by the Board of Adjustment. Deference is not warranted where there is no plausible explanation for the City's erroneous interpretation.

In the end, the Court will apply the plain language of Section 1.03.05 that squarely addresses the dispute at issue. The Court will not defer to the City's interpretation of Section 4.04.00 *et seq.* because the dispute at issue does not involve a subdivision of property. As such, the essential requirements of law were not followed and relief is warranted.

Exhibit 3

1.03.05 Construction or Demolition of Structures on Combined Lots

- A. In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, wherever there may exist a single-family detached residential unit or, a duplex structure or any auxiliary building or structure, including but not limited to, swimming pools, or any other improvement which was heretofore constructed on property containing one or more platted lots or portions thereof (excluding walls or fences), such lots thereafter constitute one building site and must be considered the "lot of record", and no permit will be issued for the construction of more than one residential dwelling unit on the site. All construction on the building site must comply with all existing zoning and density requirements.
- B. The demolition or removal of any residence or structure, whether voluntary or involuntary, does not have the effect of changing the establishment of the building site.
- C. 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.

Exhibit 4a

Building means any structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, chattels, or property of any kind. The term "building" shall include the word "structure."

Dwelling unit means a single housing unit providing complete, independent living facilities, including permanent provisions for living, sleeping, eating, cooking, and sanitation. This definition includes site-built structures and modular structures manufactured under the Florida Manufactured Building Act (553.35, F.S.) and certified by the State of Florida as complying with the structural requirements of the Florida Building Code. Residents of a dwelling unit may be comprised of:

- an individual;
- two (2) or more persons related by blood, adoption, or marriage, together with any number of offspring, foster, step or adopted children;
- a group of not more than four (4) individuals, not related by blood or marriage, or
- groups licensed by the State of Florida as Group Homes, as defined and regulated by Objective 3.05 of the City of Fernandina Beach Comprehensive Plan.

Exhibit 4b

Types of permissible dwelling units include:

- **Multi-family** means a building designed for or occupied exclusively by four (4) or more dwelling units, living independently of each other.
- **Single-family** means a building designed for or occupied exclusively by one (1) dwelling unit.
- **Townhouse** means a single-family dwelling unit which is constructed in a series or group of attached units with property lines separating such units.
- **Triplex** means a building, on a single lot or parcel, designed for, or occupied exclusively by three (3) dwelling units, living independently of each other.
- **Two-family or duplex** means a building, on a single lot or parcel, designed for, or occupied exclusively by two (2) dwelling units, living independently of each other.

Exhibit 5

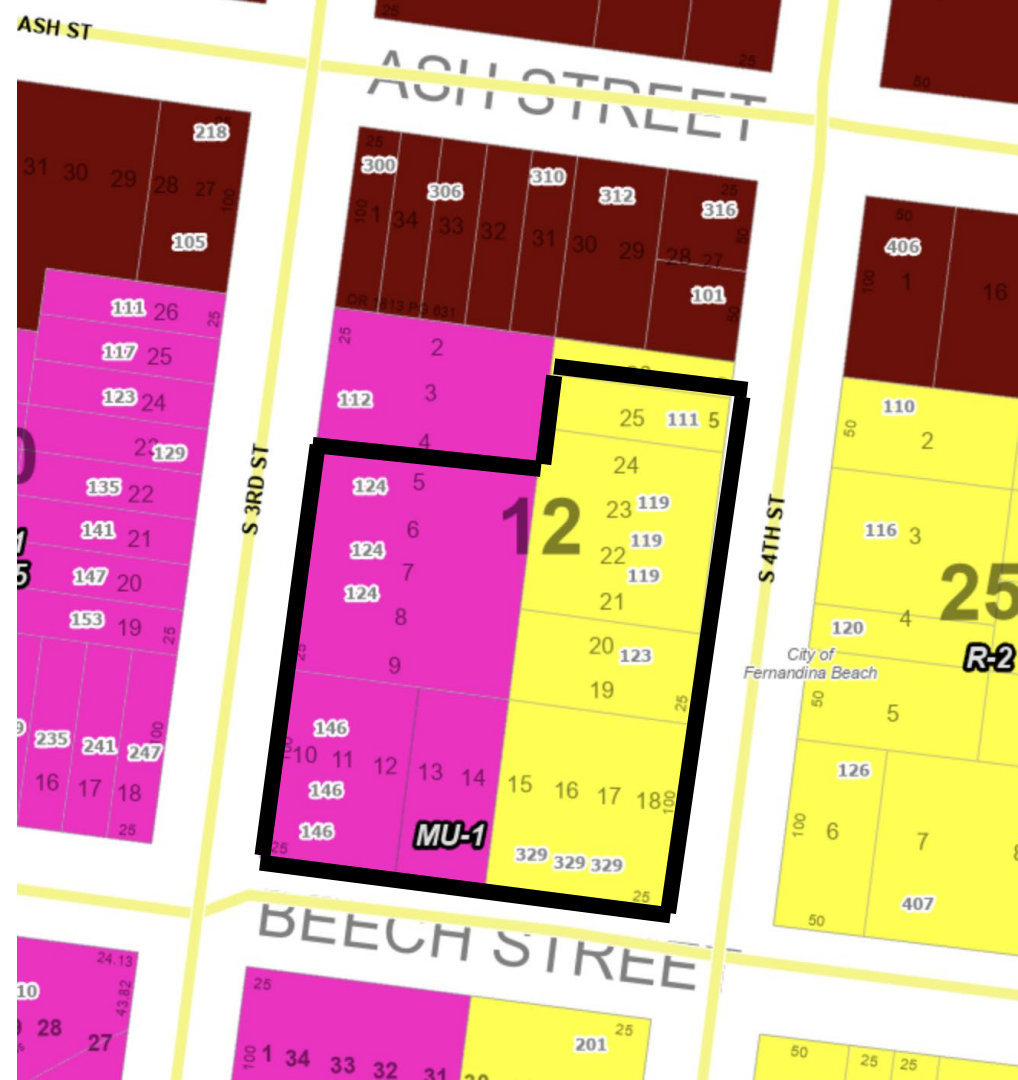
Tringali
Property
Adjacent to the
Historic District



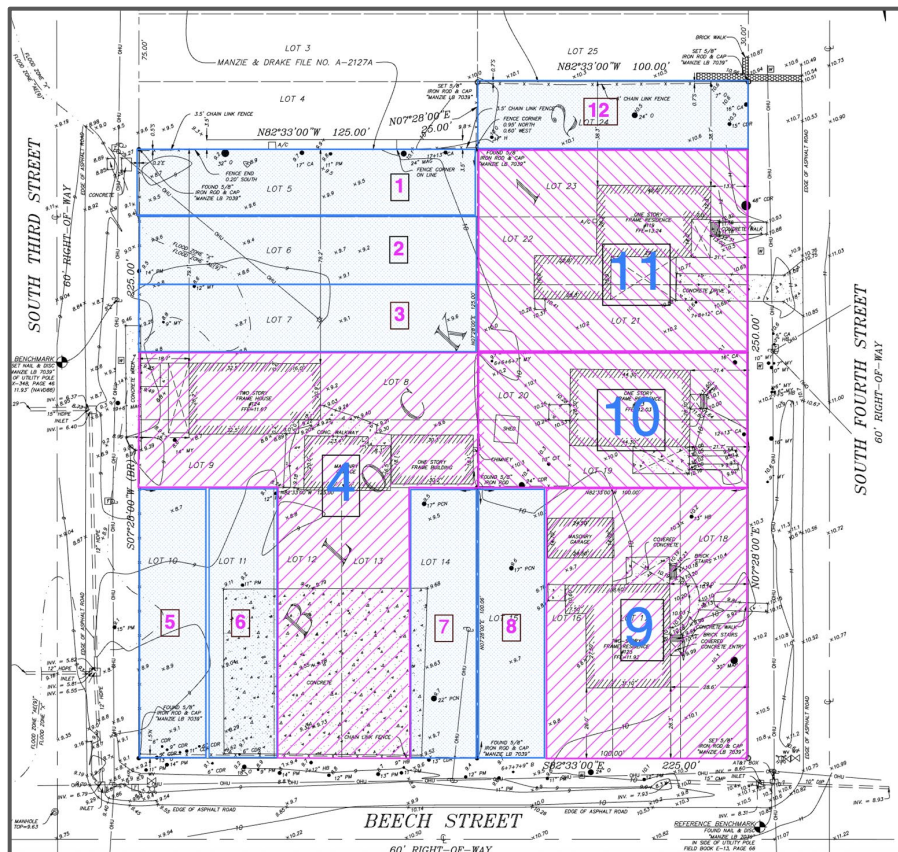
Exhibit 6

Tringali Property Zoning

S 4th Street MU-1
S 3rd Street R-2



Existing conditions 2022



New plan 2025

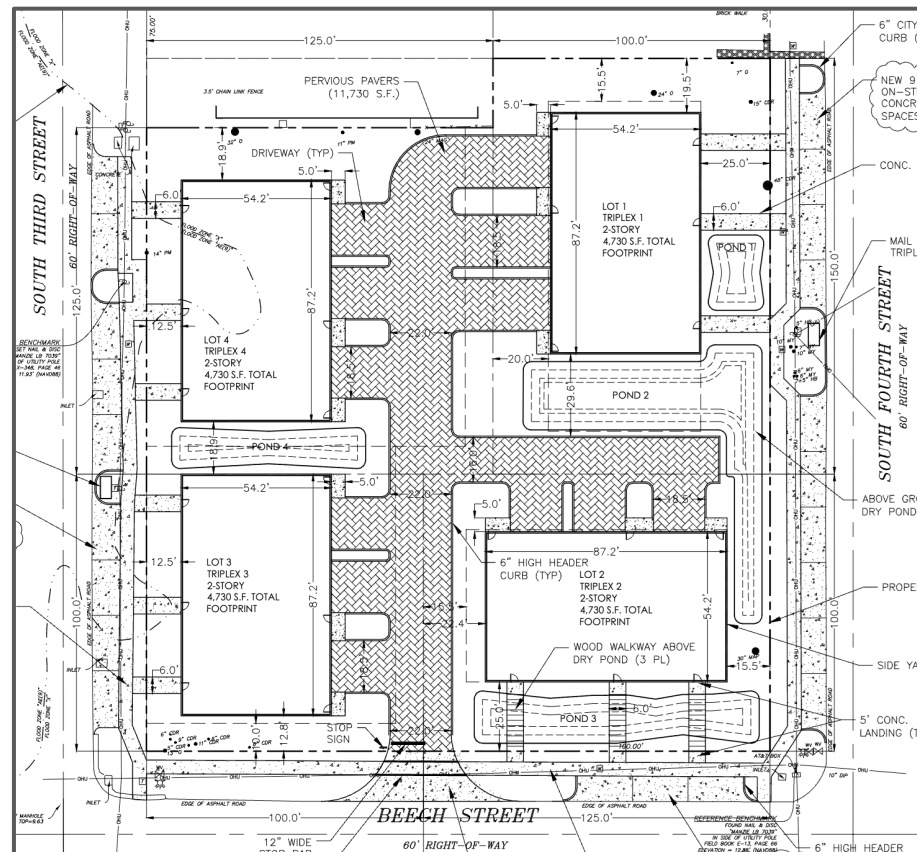


Exhibit 8



LAND DEVELOPMENT CODE

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.

Exhibit 9

1.03.04 Demolition of Structures on Substandard Lots

- A. Applicability. Except as may be provided hereinafter to the contrary, in connection with replats, subdivisions, specific regulations, and specifically described lots or parcels of land, all buildings or structures located in the R-1, R-2, RLM, and R-3 zoning districts shall be constructed or erected upon a building site containing at least one (1) platted lot. Such building site shall have a minimum street frontage of fifty (50) feet.
- B. Building site requirements. Wherever there may exist a single-family residence(s), duplex building(s), or any lawful accessory building(s) or structure(s) which was heretofore constructed on property containing one (1) or more substandard platted lots or portions thereof, such substandard lot or lots shall thereafter constitute only one (1) building site. No permit shall be issued for the construction of more than one (1) single-family residence. Such structures shall include, but not be limited to, swimming pools, tennis courts, walls, fences, or other at-grade or aboveground improvements.
- C. Removal of buildings. If a single-family residence or duplex building which exists on more than one (1) substandard lot is voluntarily demolished or removed, no permit shall be issued for the construction of more than one (1) building on the building site.

Exhibit 10

1.03.04 - “one (1) building”

1.03.05 - “one residential dwelling unit”

Triplex
is NOT Consistent

- ✓ one building
- ✗ one residential dwelling unit

Single Family House
is Consistent

- ✓ one building
- ✓ one residential dwelling unit

Exhibit 11

1.05.00 INTERPRETATIONS

1.05.01 Generally

- A. In the interpretation and application of this LDC, all provisions shall be liberally construed in favor of the objectives and purposes of the City and deemed to neither limit nor repeal any other powers granted to the City under State Statutes.
- B. In interpreting and applying the provisions of this LDC, the provisions shall be held be the minimum requirements for the promotion of the public health, safety, morals, and general welfare of the City.
- C. Specific provisions of this LDC shall be followed in lieu of general provisions that may be in conflict with the specific provision.
- D. Where any provisions of this LDC conflict with any other provisions of this LDC or with other regulations, the more stringent restrictions shall be applied.
- E. If a specific regulation, standard, definition, development criteria, or provision is not included in this Land Development Code, the regulation, standard, definition, development criteria, or provision, shall not be permitted.

Exhibit 12

Tringali Property (underlying lots)



South 3rd St



South 4th St

Beech Street



Exhibit 13

3.05.03 Standards for Stormwater Management

- A. All development must comply with the specifications, standards of design, and detailed technical requirements provided in the manuals adopted by reference in Chapter 1.
- B. No subdivision must be platted, nor must construction commence for any single-family, multi-family, commercial, industrial, or institutional project, until the drainage design for such project has been approved by the City, and proof of permit from the SJRWMD, and the USACOE, if applicable, has been provided to the City.
- C. The drainage design plans for the project must be prepared, signed, and sealed by a Florida registered professional engineer.
- D. All drainage facilities and easements must be documented to ensure the City that capacity and right-of-way are adequate from the source, through the development, to the receiving body of water, without adversely affecting upstream or downstream properties. Any improvements or increase in capacity of those facilities required to keep the project in compliance with all applicable regulations must be made at the expense of the applicant.
- E. Design Basis
 - 1. All subdivisions and multi-family, commercial, industrial, and institutional projects must provide for retention or detention of stormwater within the boundaries of the project.

Exhibit 14

4.04.00 STANDARDS FOR SUBDIVISIONS

4.04.01 Purpose: Subdivisions shall consider the compatibility of the proposed development with the surrounding neighborhood.

- A. Section 4.04.00 regulates the subdivision or re-subdivision of land in order to protect and promote the health, safety, and general welfare of the citizens of Fernandina Beach. The regulations are intended to assure the harmonious, orderly, and progressive development of land by providing for proper legal description, identification, monumentation, and recording of real estate boundaries when parcels are subdivided.
- B. This section applies to the subdivision of parcels into three (3) or more lots.

Order on Petition for Writ of Certiorari Judge Roberson

The section on subdivisions, by its plain terms, cannot apply. Subdivision means the ‘division of a thing into smaller parts.’ Black’s Law Dictionary (11th Ed. 2019). Here, there were 8 separate parcels that were being combined into one building site in order to build a multi-family structure. Nothing was being divided into smaller parts. Even if this section could apply, it is commonly understood that more specific statutory requirements will control over general dictates. Here, the section regarding subdivisions – even if it was applicable – is a general scheme compared to the specific requirements of Section 1.03.05 that address the very situation in dispute.

Exhibit 16

5th District Court of Appeal
July 14, 2025

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

Worthy Investment, LLC, Ron Flick,
Compass Group, Inc., and City of
Fernandina Beach, Florida

Case No.: 5D2024-0228
L.T. No.: 2023-CA-404

v.

Petitioner(s)

Merry Coalson, David Coalson and
Taina Christner,

Respondent(s).

Date: July 14, 2025

BY ORDER OF THE COURT:

ORDERED that the Petition for Writ of Certiorari, filed January 26,
2024, is denied.

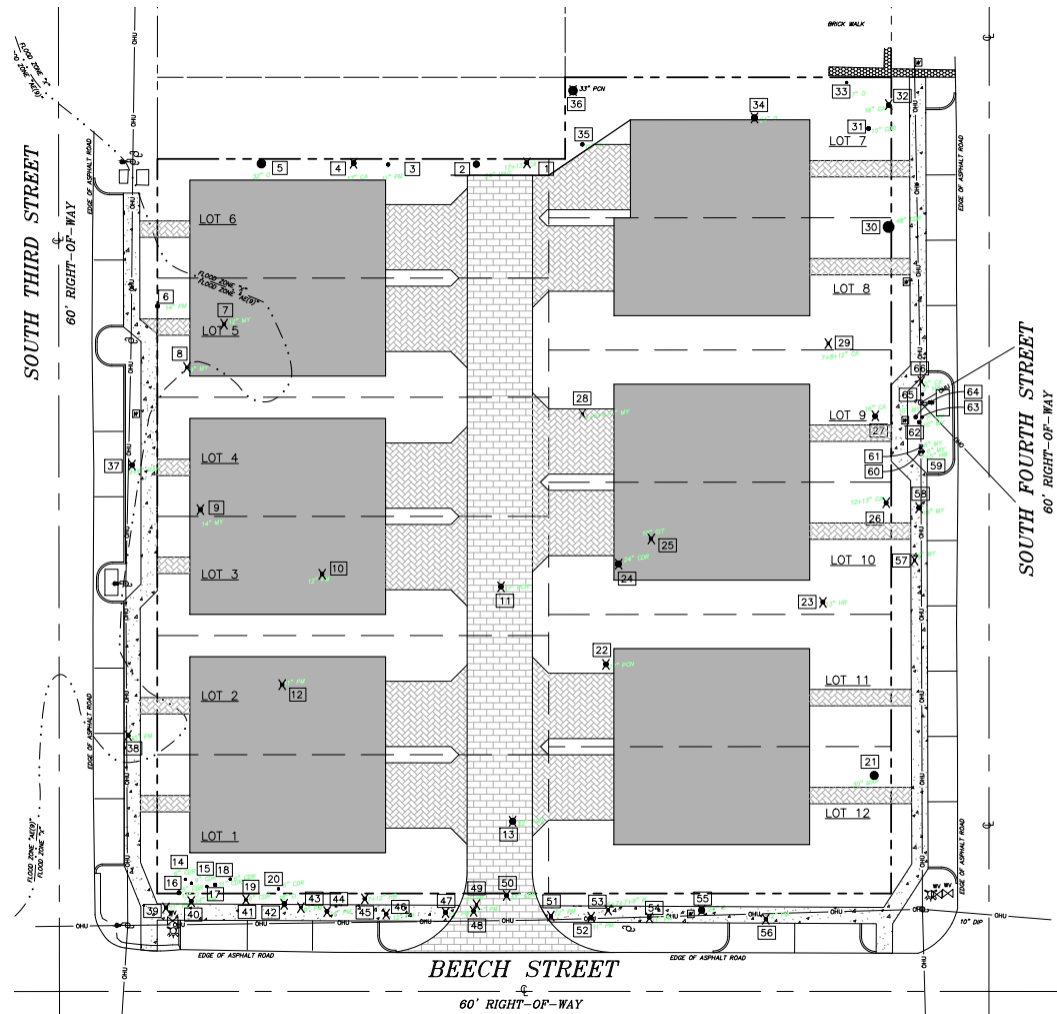
*I hereby certify that the foregoing is
(a true copy of) the original Court order.*

5D2024-0228 7/14/2025
Sandra B. Williams
SANDRA B. WILLIAMS, CLERK

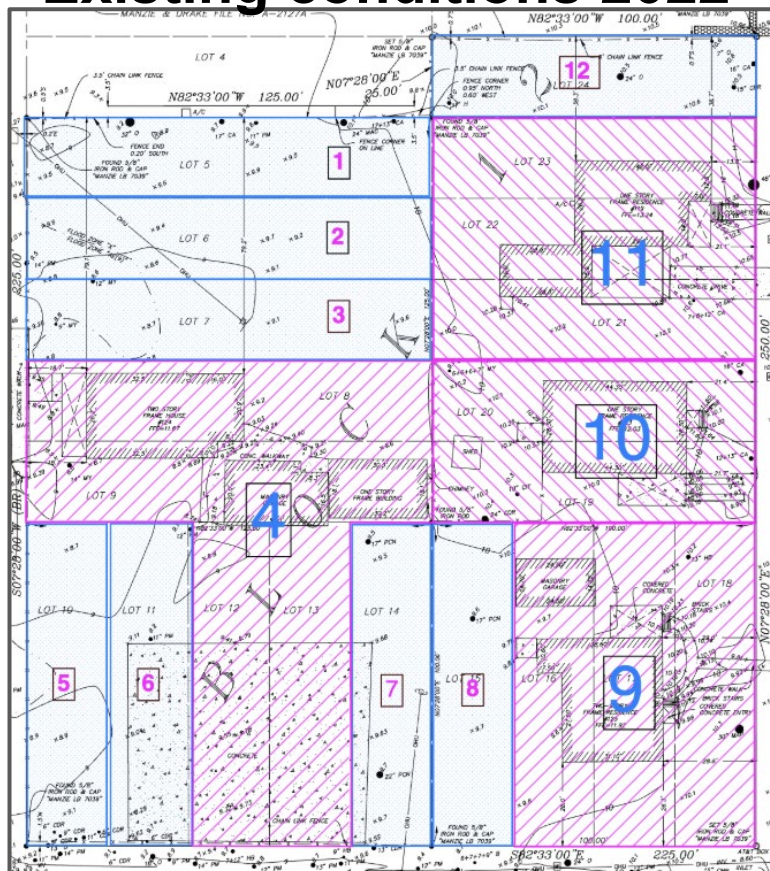


Exhibit 17

Tringali Property Plan
12 townhomes
6 duplexes
October 2022



Existing conditions 2022



New plan 2025

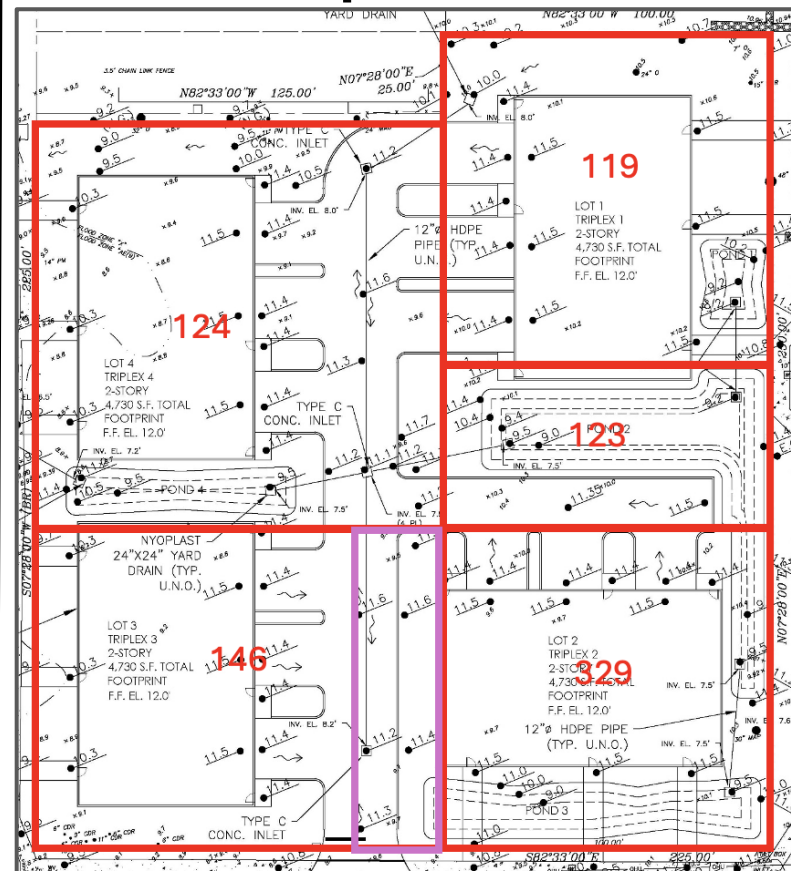


Exhibit 19

Similar Cases

- variances from LDC 1.03.05
- sent to the Board of Adjustment

June 17, 2020	BOA 2020-06	1507 S. Fletcher
Sept 16, 2020	BOA 2020-04	837 Tarpon Ave
Apr 21, 2021	BOA 2020-04	604 Gum St
May 19, 2021	BOA 2021-05	324 Elm St
Mar 15, 2023	BOA 2023-20	701 S. 6th St
Sept 20, 2023	BOA 2023-22	1014 S. 10th St

Exhibit 20

BOA 2021-04
April 21, 2021
604 Gum Street

Variance from LDC 1.03.05

<https://fernandinabeachfl.portal.civicclerk.com/event/2237/files/attachment/16331>

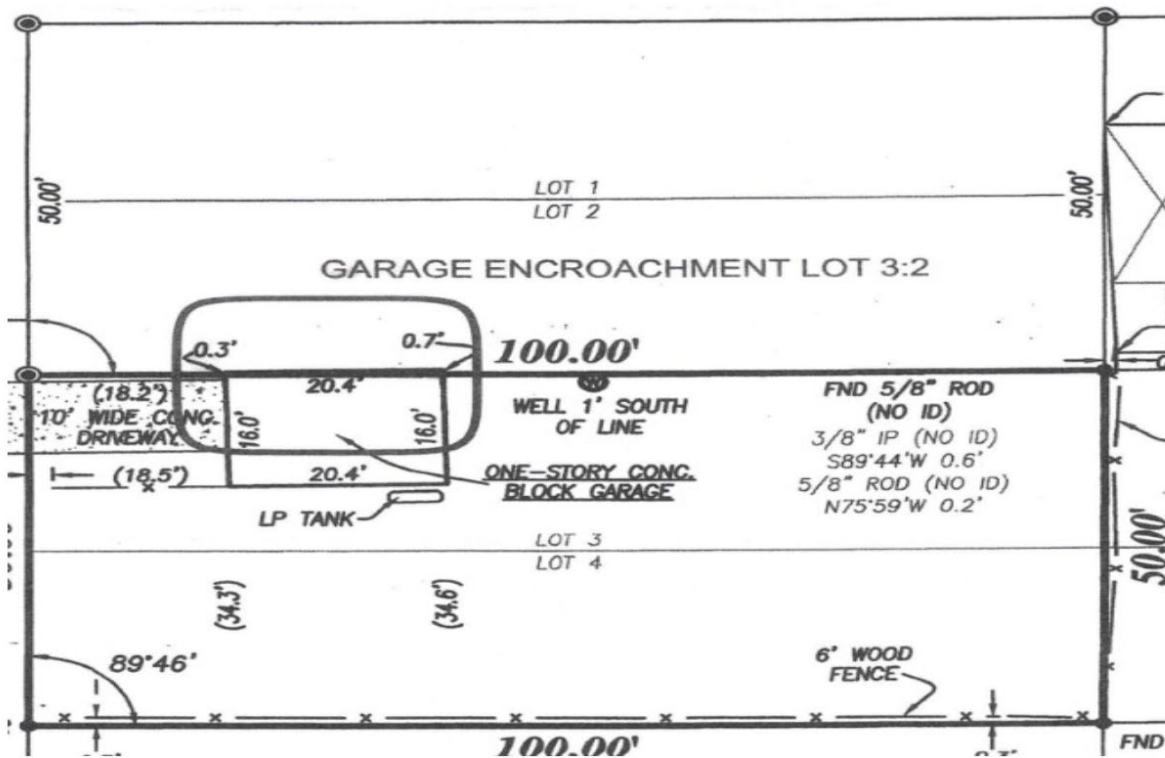


Exhibit 21

Parcel Number

00-00-31-1800-0012-0210
house at 119 S. 4th Street

Permits issued 07-07-2025

- BLDR-2025-1197
- BLDR-2025-1198
- BLDR-2025-1199

Parcel Number

00-00-31-1800-0012-0150
house at 125 S. 4th Street
now address is 329 Beech St

Permits issued 07-07-2025 and 07-10-2025

- BLDR-2025-1201
- BLDR-2025-1202
- BLDR-2025-1203

Parcel Number

00-00-31-1800-0012-0100
was cement pad
now address is 0 S. 3rd Street

Permits on hold

- BLDR-2025-1205
- BLDR-2025-1206
- BLDR-2025-1207

Parcel Number

00-00-31-1800-0012-0050
House at 124 S. 3rd Street

Permits issued 07-07-2025

- BLDR-2025-1209
- BLDR-2025-1210
- BLDR-2025-1211

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA
FIFTH DISTRICT

Worthy Investment, LLC, Ron Flick,
Compass Group, Inc., and City of
Fernandina Beach, Florida

Case No.: 5D2024-0228
L.T. No.: 2023-CA-404

Petitioner(s)

v.

Merry Coalson, David Coalson and
Taina Christner,

Respondent(s).

Date: July 14, 2025

BY ORDER OF THE COURT:

ORDERED that the Petition for Writ of Certiorari, filed January 26,
2024, is denied.

*I hereby certify that the foregoing is
(a true copy of) the original Court order.*

5D2024-0228 7/14/2025

SANDRA B. WILLIAMS, CLERK



Panel: Judges Jay, Lambert and Boatwright

cc:

Sidney F. Ansbacher
Ralf Brookes
Galen R. Flynn
Hon. Eric C. Roberson
Alison H. Sausaman
Frank D. Upchurch, III

MINUTES

I. Call to Order

Chairman Bennett called the meeting to order at 5:42 pm.

APPROVED

II. Roll Call/Determination of Quorum

Board Members Present

Mark Bennett, Chair
David Beal
William A. Conger
Lupita McClenning (was detained)

Paul Condit, Vice-Chair
Richard Bradford
J. Peter Wilking

Board Members Absent

Marilyn Williamson

Shaun Woleshin

Others Present

Debra Braga, City Attorney
Jeffrey Salter, Community Development Department Director
Catherine Hartley, City Planner
Kevin Sullivan, City Planner
Jessica Williams, Recording Secretary

III. Discussion on Land Development Code

Final review of the Land Development Code

Ms. Julie Ferreira, 501 Date Street, inquired how the board would handle things that were already talked about but people may have questions about what was already decided upon. Chairman Bennett explained that some of this stuff has been discussed for almost a year and a half. He stated that to now open it all up again was not productive. There was a brief discussion about this.

Ms. Hartley explained that City staff and the City Attorney went through the final draft and their notes and made changes that had come out of all the public meetings. She stated that they drafted some new language and clarified that the underlined things are suggested changes that Ms. Easley did not do. She explained that the things that were stricken were things that staff thought should be taken out. She suggested going through each policy and coming to some consensus to send to the City Commission. There was some discussion about how to proceed.

Ms. Hartley read from the matrix 1.03.03 and explained that staff suggested this because the City was about to adopt a Comprehensive Plan amendment that says you can put a single-family house on an existing lot of record. Member Conger questioned where the Comprehensive Plan amendment came from. Ms. Hartley replied the board voted on that in September and it went to the Department of Community Affairs (DCA). She stated that it was now back from DCA and was going to the City Commission for second reading on February 7th. *The consensus of the board was to accept this change.*

Ms. Hartley read from the matrix 1.03.04 and pointed out that the new zoning district (RLM) was added per the board's request. *The consensus of the board was to accept this change.*

Ms. Hartley read the proposed 1.03.05 language that was drafted by the City Attorney. She clarified that this zoning and land use restriction is on the property and someone built a house, and now the City doesn't want the property owner to try to maximize their profit and increase density across the board by tearing down their house and putting up two houses. There was some discussion of building site and the proposed language of 1.03.05 (A), (B), and (C). Chairman Bennett suggested including this language with land use and then it is quite clear. He commented that the intent of the board was to allow single buildings, but where lots have been combined and single improvements put on them to keep it that way. Member Conger noted that entrepreneurs would purchase existing building on a lot and then they'll split it in order to build two houses. He questioned if this effectively puts up a barrier to activity like that. Ms. Hartley replied correct. She pointed out that "vacant" could be added to the text amendment. She explained that the purpose of the Comprehensive Plan amendment was to provide a band-aid solution to the density that doesn't make any sense. She stated that it reserves the property owner's right to build a single-family house on their vacant lot even though the land use control was imposed on them. After some discussion about this, Member Conger inquired about people splitting lots. Ms. Hartley replied later in the draft it talks about lot splits and lot line adjustments. She stated that it could be done administratively if they meet certain criteria. She explained that once this was done staff can send a letter to the County tax office to tell them what the City's policy is. There was some discussion about this and the proposed 1.03.05.

Mr. Jeffrey Tomassetti, 406 Ash Street, explained that when he read the language it wasn't limited to a house that is built in the middle of the two lots. He presented an example of two 50 by 100 lots and one is vacant and the other one has a house on it. He explained that if he had a fence around the perimeter and reading the language merely putting a fence around the perimeter of the two lots combines them into one building site. He stated that he thought this was a very dangerous precedence, because there could be two vacant 50 by 100 lots that someone has put a fence around the perimeter. He commented that this would be affecting people that think that they have a land bank of a house site. He explained that he thought the intent was when the primary structure is over the lot line. He stated that he would like to see this rewritten. City Attorney Braga explained that the case that went to court was exactly the situation where there was a fence over the lot line and it was upheld that it was still the building site. She stated that it was considered part of the building site and therefore it was deemed to be one building site. She pointed out that (C) allows that if it is deemed that there is a hardship they can come before the City Commission for an Ordinance and the City Commission can undo it. After some discussion about the proposed language, Member Conger inquired if it had to be done by Ordinance. City Attorney Braga replied that it could go to the Board of Adjustment (BOA), because that is still a quasi-judicial public hearing. Member Conger suggested that it should require application to the BOA. Chairman Bennett inquired about enforcement on this. Ms. Hartley replied most cases are when people are demolishing a structure and wanting to build two. She stated that it would be regulated with the demolition permit. Member Beal explained that he didn't think a fence should be included. *The consensus of the board was to accept the proposed 1.03.05, but to remove fences and remove ordinance from (C) and replace it with the Board of Adjustment.*

Ms. Hartley read 1.05.01(E) from the City Attorney's memo and clarified that if it is not permitted then it is prohibited. Member Beal inquired if there needed to be a provision for remedy. City Attorney Braga stated that the remedy would be to draft an amendment to the Land Development Code that would deal whatever it was that they were suggesting. Ms. Hartley commented that it would be a text amendment to the code. After some discussion about the proposed language,

Member Wilking suggested wording that if a particular application is not addressed a text amendment can be administered through the Planning Department. City Attorney Braga stated that it could be "modification to this code may be requested to address the specific item." Ms. Hartley pointed out that the Planning Department has an application and a fee set for text amendments to the Comprehensive Plan and the Land Development Code. Chairman Bennett inquired if this would be one of the things for the City Manager to ok. Ms. Hartley replied no and explained that it would be just like doing a text amendment to the Comprehensive Plan.

Mr. Jeffrey Tomassetti commented that the land use and development of the City operates under Federal laws, State laws, the Comprehensive Plan, and the Land Development Code and things mentioned in these are also permitted things. City Attorney Braga noted that the Florida Department of Transportation (FDOT) green book was going to be incorporated, the Florida Department of Environmental Protection (FDEP) manual, etc. would be incorporated so that kind of specific things would not be disallowed. She suggested the addition of "or incorporated references". *The consensus of the board was to accept the proposed language with the addition.*

Ms. Hartley read the revised definition of Certificate of Appropriateness from the City Attorney's memo. After a brief discussion about this definition, Mr. Mike Harrison, 820 Someruelus Street, commented that the language appears to allow the City Manager to issue a Certificate of Appropriateness without reference to the Historic District Council (HDC). City Attorney Braga clarified that is staff approval, which was what the City has now. She explained that there are certain items that staff approves. *The consensus of the board was to accept this change.*

Ms. Hartley referred to the matrix and pointed out that she added a new definition for kitchenette. She noted that people still want to have some kind of garage apartment or guesthouse so by having a limited kitchen facility takes away some of the possibility of it being used as a rental unit, but still allows a relative or helper of the household to have some independence on site. Chairman Bennett stated that he thought for hotel/motel the board suggested language reflecting no kitchens. Member Bradford commented that he thought it was limited to microwaves. Chairman Bennett stated that he thought the definition of kitchenette was fine. *The consensus of the board was to accept this definition.*

Ms. Hartley read "building height is the vertical distance from finished grade to the highest point on the structure." Chairman Bennett referred to the minimum floor elevation and commented that going down to the beach where they are 14 feet above the ground on stilts then all of a sudden the City was going to start measuring there up 35 feet, which is not the way it is done today. Mr. Sullivan explained that staff was going to put the wording directly from the Ordinance #2005-15. He referred to page 115 grade, finished and read this definition to the board. Member Conger commented that grade, finished still allows fill to be put in on a lot. He expressed his concern with this. Ms. Hartley explained that in a flood plain they can't do that. Member Conger stated that he didn't think this was prohibitive enough about a builder being able to do anything that he wants. Mr. Sullivan pointed out that the permitting process has tightened up since then. He explained that his note and the Building Official's consensus was that they'll keep an eye on the amount fill. Member Conger questioned if that was part of Technical Review. Mr. Sullivan replied Technical Review, Site Plan Review, and keeping a better eye on clear and fill permits. Ms. Hartley explained that fill is part of the building permit and they would not be able to get a grade and fill permit without a building permit. After some further discussion about this, City Attorney Braga noted a "finished grade" definition and there was also "grade, finished". Ms. Hartley stated that it should be "grade, finished". She pointed out that "finished grade" would be removed. Member Conger questioned if there were restrictions in place on how much you can fill. Ms. Hartley replied there is no Ordinance that says you can only put

one truckload of dirt on your lot, because it depends for every lot site. She explained that for flood prone areas they have to elevate their structure and that is addressed. There was some discussion to clarify this.

Member Conger questioned where 35 feet begins (ground level or at the first level above the pilings). Ms. Hartley replied if they are elevating the house it begins at the ground level. There was some further discussion about the definition of building height and what constitutes an exterior wall to include verbiage about load bearing. Chairman Bennett explained that he had a note that there would be additional language added. He commented that the PAB has the responsibility to get this right. He pointed out that this draft does not incorporate all the changes that the PAB spent months going over. Ms. Hartley explained that not everything the PAB agreed to was a consensus of the City Commission. *The majority of the board agreed to add language for load bearing or pilings to the definition.*

Ms. Hartley read the definition of public beach access as shown on the matrix. After a brief discussion, *the consensus of the board was to accept this definition.*

Ms. Hartley read from the matrix that for table 2.00.00 to remove X from RLM under LDR and clarified that you can't have a zoning with a density higher than the land use. After a brief discussion, *the consensus of the board was to accept this change.*

Ms. Hartley read the proposed change to 2.01.03 as shown on the matrix. She clarified that staff recommended removing "single-family attached homes may be allowed through the PUD process", because if they meet the density on a unified development site why do they have to have a PUD to have two family structures. After a review of this change, *the consensus of the board was to accept removing the sentence.*

Ms. Hartley referred to revised table 2.03.02 and pointed out the changes. She explained that some were things that were talked about at the last hearing as things that weren't added in from the old code. She stated that some things were things that were consistent with the land use. Chairman Bennett inquired which were not in the old code. Ms. Hartley explained that automotive rental agency and bakery plant were stricken out in I-2 because they are inconsistent with the Comprehensive Plan. Chairman Bennett pointed out that bed and breakfast used to be in R-3 was permissible subject to supplemental standards, but was now out. Ms. Hartley corrected this to be a scratch out for R-2 and an "S" under R-3. Ms. Joan Cory questioned where I-1 and I-2 were. Ms. Hartley pointed out on the map where I-1 and I-2 would be and explained that I-1 would include Smurfit-Stone Container Corporation, Rayonier, and the Airport. There was a review and discussion about what was shown on the map.

Ms. Joan Cory noted that the definitions of I-1 and I-2 are going to have to be changed and the intent of the district is going to have to be changed from what it currently says. She commented that it is an all purpose district with I-1 and when it comes to IW waterfront there is no place that says I-2 uses on the waterfront shall be water dependent and water related. She explained that was what the old IW said in the Comprehensive Plan. She stated that it wasn't demonstrated to her that changing the waterfront to I-2 was in compliance with the Comprehensive Plan. Ms. Hartley explained that the way the code currently reads is that anything that is adjacent to the water is water related. Ms. Cory pointed out that the Comprehensive Plan says industrial waterfront provides industrial activities that require waterfront locations. She stated that it allows other uses if they are directly related to the port functions. She explained that the intent of the Comprehensive Plan and Land Development Code is to reserve the waterfront for water dependent and water related uses. She commented that the new I-2 is

really throwing away the chance of maintaining a working waterfront. There was some discussion about the issues raised about the waterfront.

Ms. Hartley clarified that she attempted to amend the table under I-2 to reflect the uses that would be Port or Marina related. Member Wilking inquired if the City loses a category in the whole mix of things. Ms. Hartley replied yes. She noted Ms. Cory's point of mixing together heavy industrial with heavy commercial, but that does make it consistent with the Comprehensive Plan. She explained that if you recognize that across the United States industrial is a declining economic base then you at least have some kind of commercial option for the industrial land. Member Wilking expressed his concern that with I-1 there is a lot of gray area (Smurfit, Rayonier, and the Airport) and one thing that sticks out is the adding of the lodging accommodations. He explained that this basically tells all the City's heavy industry that if they want to make another Hilton or Ritz that could be stamped approved. He questioned if that was what the PAB wanted to do. Chairman Bennett stated that he didn't know that the City needed that third designation just for those two areas. He noted that industrial is a declining use. He inquired about have a zoning category for those two very large industrial use properties.

Mr. Lovick Sudduth, 9 Marsh Hawk, pointed out that the Gillman Paper site in St. Marys had been sold and that property would be made primarily into residential, marinas, etc. He stated that under the City's light industrial they would not be able to do anything that would make sense on that large of a site. He commented that they would have to rezone that property for a multitude of uses.

Member Conger commented that looking at the color map and I-2 and reading the definition of I-2 it doesn't seem to be equitable to the vision of the Waterfront Committee. Ms. Hartley explained that the PAB would be hearing a series of land use and zoning changes next month to address exactly what Member Conger was referring to. She stated that right now there are three separate industrial zoning districts and they were compressed into two districts.

Mr. Shannon O'Conner, 2440 Lynndale Road, explained that their property is one of the largest ILW zonings now in the City. He stated that this came to issue back in the late 1970's where their property was zoned IM and then down zoned to ILW. He commented that he thought the waterfront was going to have to be separate with possibly the mills separate and then the other ILW now would have to be separate as well. He stated that this is trying to lump a multitude of different uses into smaller areas, which may not be applicable. He agreed that the mills do not need to be in ILW. He commented that one of his big tenants is leaving to go to Gurney Illinois. He explained that this is going in another circle back to where they were in the late 1970's. Ms. Hartley pointed out that the way the Comprehensive Plan is worded one land use industrial designation is waterfront type stuff for the Port and Marina and everything else is industrial. She stated that she had to rework this to fit the Comprehensive Plan. There was some further discussion about this table and whether to stay with three districts and do a Comprehensive Plan amendment or to condense down to two districts to be consistent with the Comprehensive Plan.

Mr. Steve Colwell, 1708 Ruskin Lane, explained that he sat on the Waterfront Taskforce for a year and he believed that their recommendation was I-2/C-3 for the waterfront. Ms. Hartley stated that the City is constrained by the Comprehensive Plan in adding residential there. She explained that she worked something out with the State to allow for density transfer, but the board would hear that next month.

Ms. Cory inquired if the City has been out of compliance all these years by having M-1, ILW, and IW as industrial zones. Ms. Hartley replied the City has had non-conforming uses across the board, but that was true for every land use. She commented that basically 60% of island was non-conforming to

the Comprehensive Plan. Ms. Cory questioned if the waterfront was left IW, change ILW to I-1, and change M-1 to I-2 relating to the same Comprehensive Plan why would that be a problem. Ms. Hartley explained that when the City adopts new Land Development Regulations they have to be consistent with the Comprehensive Plan. After a brief discussion about the process that has been followed, Member Wilking noted that nothing is perfect in every zone. He inquired in terms of what has to be done to fit the Comprehensive Plan was I-1 and I-2 a good solution right now or would it cause bigger problems down the road. Ms. Hartley explained that the text in the table provided to the board fits the text of the Comprehensive Plan. She stated that she was not saying it was going to match what is on the ground. Member Wilking inquired if this was the best that could be done now given all the variables. Ms. Hartley replied yes. She explained that this could be adopted now and do a land use study to fix the land use to match what is on the ground later. She stated that at least there would be two consistent policies and that may be the best that can be done. Member Wilking expressed his concern about the time it has taken to get to this point and noted that there is a point that if it can't be done then it has to go back to the drawing board.

Mr. Chuck Hall, 315 Calhoun Street, explained that in his mind I-2 was the light gray area along the waterfront. He stated that looking through the matrix for I-2 everything seems to be fairly acceptable. He commented that he assumed that the big issue was with I-1, because it seems to include almost everything. Member Conger expressed his opinion that I-2 doesn't fit the area on the map whatsoever other than a couple of shrimp boats. He commented that looking forward to waterfront development that would have recreational, shops, and restaurants to make it into a viable waterfront for the people. Chairman Bennett pointed out that the other thing is there are a number of items that have been added and deleted in this table. Ms. Hartley read that industrial uses include manufacturing, assembling and distribution activities, warehousing and storage, general commercial, and other similar land uses (from Comprehensive Plan). She explained that she had to fix the table to match this language. There was some further discussion about I-1 and I-2 zoning districts.

Member Conger pointed out that the definition of I-2 does not match up with what is down there and what he thought people want to be down there. Ms. Hartley noted that the plan said C-3 and pointed out that someone would have to apply to have it changed to C-3. She explained that C-3 allows for mixed-use residential/commercial/marina. Chairman Bennett inquired about the CRA area. Ms. Hartley replied not all of it. Chairman Bennett suggested looking at this subject at a later date. There was an extensive deliberation about how to proceed noting that the draft LDC has to be in compliance with the Comprehensive Plan.

Ms. Julie Ferreira commented that the Planning Department and the PAB needs to be thinking about what is going to happen in the future. She stated that this is the moment to think ahead and not just rubber stamp something because it is going to meet the Comprehensive Plan. Member Condit agreed with Ms. Ferreira and expressed his concern about lodging. He commented that there are also other issues. Member Beal inquired about proper procedure. He questioned if this is adopted in compliance with the Comprehensive Plan and then change the Comprehensive Plan and this or make a statement now by not accepting this. Chairman Bennett noted that some of these uses would be compatible with the items the board talked about for the Airport and lodging facility, but they are certainly not compatible with some of these other areas. Member Bradford inquired about the criteria to change the Comprehensive Plan. Ms. Hartley explained that the City would have to show if we are going to change the uses in each land use that it meets what is on the ground. She stated that the City would have to do a land use study. Member Bradford questioned if there are certain windows of opportunity to do this. Ms. Hartley replied twice per calendar year to do a large-scale amendment to the Comprehensive Plan. She pointed out that the City has one more chance in 2006. Member Wilking explained that he saw I-1 and I-2 as a whole separate issue. He agreed with Ms. Ferreira that

these are huge areas and if we permit just about anything in the Smurfit and Rayonier zones that the City has to be extremely careful, because once it is given to them you can't take it away. Ms. Hartley clarified that this should be a two step process, because she didn't want to throw away all the work that has been done just because Smurfit might close their doors in 5-years and the City would get a hotel. She stated that this draft could be adopted as is, recognize that there is a problem, do a text amendment to the Comprehensive Plan, and then go back and amend the code. Chairman Bennett disagreed and commented that the City rushed through to get the land use done and now the City still has not solved the problems and has created more problems. He questioned why adopt something that doesn't work. He agreed that the Land Development Regulations that the City has now may not work, but they have been working for a long time. He expressed his opinion that they can work until some of these issues are worked through. He stated that the City needed to control these two properties for future planning. There was some further discussion about how to proceed.

Mr. Bill Moore, 5457 Marsh View Lane, noted that the staff made a recommendation regarding how to make the zoning consistent with the Comprehensive Plan. He stated that ought to have great weight. He noted the concerns about the two large tracts of land with the mills that might be redeveloped sometime in the future. He commented that those sites are not suitable for the fear that has been expressed of a big resort, because it allows commercial uses and some lodging, but it doesn't allow for any housing or a lot of mixed uses. He explained that he didn't think what staff recommended would allow any huge door to open for people to take advantage of what you've created.

Mr. Mike Spicer, 1505 Lake Park Drive, stated that the course to change the Comprehensive Plan first makes the most sense to him and seems to be in line with what the citizens feel too.

The board took a brief recess at this time.

A motion was made by Member Conger, seconded by Member Beal, to seat alternate Member McClenning. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.

Ms. Hartley explained that the ILW uses under the current code and allowable uses under Industrial Manufacturing (IM). She pointed out basically the City already has a light industrial and heavy industrial manufacturing mixed use anyway. She suggested that the board figure out whether or not to allow for lodging under I-1 and then move on. After some discussion about this, Chairman Bennett requested direction from the City Attorney. City Attorney Braga stated that if the industrial areas are the ones that everyone is uncomfortable with then just table that section and move onto the rest. She explained that then it could be readdressed at a different meeting. **A motion was made by Member Conger, seconded by Member Bradford, to table industrial until another meeting. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

Ms. Hartley referred to the City Attorney's memorandum #4 and read this into the record. City Attorney Braga explained that this addresses the issue that was brought up earlier. She stated that it would name the specific manuals that would be referenced. *The consensus of the board was to accept this revision.*

Ms. Ferreira commented that she looked at some houses along the beach and it seemed to her that at a certain minimum grade above sea level shouldn't houses and dwellings be required to be built on stilts with knock away walls. Ms. Hartley explained that the Coastal High Hazard Area is not defined by a flood zone, but defined by A1A (a transportation route). She stated that it doesn't make sense to

require structures that are at 65 feet elevation to elevate on stilts. She explained that staff was proposing that it just be in special flood areas. City Attorney Braga noted that Ms. Ferreira was referring to the next page of the memorandum #5. She questioned if the reference to the coastal high hazard should be removed. Ms. Hartley replies yes and explained that it should say "special flood zone". City Attorney Braga noted that "special flood hazard" was defined on page 1-14. Chairman Bennett requested clarification because at one point the Coastal High Hazard had nothing to do with the flood map, but now it was back. Ms. Hartley clarified that staff wanted to delete all of the section that talks about Coastal High Hazard area, except for policy 3.01.05(A) (1) and that would be moved under "Special Flood Zone". Ms. Ferreira inquired what it does to planning if the City removes all references to Coastal High Hazard Zones and the City is concerned about the density in the Coastal High Hazard Zones in the future. Ms. Hartley explained that this language talks about elevating structures not density. She stated that what Ms. Ferreira was talking about is a Comprehensive Planning issue not a structural building issue. She stated that she wanted to delete this entire section of Coastal High Hazard area in the code, but it was staying in the Comprehensive Plan and that is what is going to control density. She explained that this section that talks about Coastal High Hazard area talks about elevating structures and it doesn't make any sense, because one doesn't have anything to do with the other. Chairman Bennett inquired if there was language in other areas about breakaway walls. Ms. Hartley replied yes and explained that it was already in the Special Flood. Chairman Bennett questioned about for no fill permitted for structural support. Member McClenning replied that was in 3.01.04. Ms. Hartley pointed out that (C) talks about breakaway walls and elevated buildings. Chairman Bennett commented that he was apprehensive about deleting a whole section without knowing where these items may be found in other areas. Mr. Sullivan referred to page 3-4 and read that in the 100 year flood plain solid foundation perimeter walls be used to elevate a structure opening sufficient to facilitate the unimpeded movements of flood water shall be provided. Ms. Hartley explained that the fill policy was in 3.03.01(A). There was some further discussion about removing this section. *The consensus of the board was to accept items #4 and #5 as presented in the City Attorney's memo.*

Ms. Hartley referred to 3.02.02 in the matrix and read the proposed changes. Chairman Bennett inquired if there was discussion at the last meeting to include their language for the list. Ms. Hartley replied that was basically what she did. Chairman Bennett commented that the original language talks about the County Construction Control Line. Ms. Hartley replied that was a typo and explained that the Coastal Construction Control Line (CCCL) is established by the Department of Environmental Protection (DEP). Member Conger questioned why remove the 1,000 feet. Ms. Hartley replied because the line is already set. She stated that anything seaward of the CCCL is Coastal Protection Zone (CPZ). Member Conger commented that there were problems with people building 45-foot buildings near the beaches and it was a good deterrent for that. Ms. Hartley pointed out that 800-feet from the high waterline you are still only allowed to be 35 feet. After some discussion about this, Mr. Sullivan suggested changing the 800-feet from the high water mark to the CCCL for no building higher than 35 feet. Mr. Jeffrey Tomassetti stated that the mean high water mark is definable. He explained that surveyors do it all the time and the applicant has to get it. He expressed his opinion that it should be kept as it is. There was some discussion about the mean high water line.

Mr. John Proctor, 731 Tarpon Avenue, explained that he owns a property that there was a question about the 800 feet from the mean high water mark and within the last few weeks the surveyor determined the distance from the mean high water mark. He commented that it cost him a little more money, but the mark was no mystery to the surveyor. He noted that the mark was an average over a period. He expressed his opinion that there is nothing wrong with the reference to the mean high water mark.

Ms. Joan Cory, 408 Beech Street, questioned if the proposal was to get rid of the Coastal Upland Protection Zone (CUPZ). Ms. Hartley replied correct. Ms. Cory commented that the CUPZ appears to be in the Comprehensive Plan. She explained that if this 1,000 feet is thrown out landward from the CCCL it is taking away a lot of protection for the secondary dunes and its vegetation. She stated that it appeared to be in conflict with the Comprehensive Plan. Ms. Hartley explained that the problem was that the way the code was worded it exempted everybody from that provision, because if they had any kind of utility or infrastructure they were exempt. She pointed out that the beach is 95% built out. She stated that the language could be put back in, but everyone would be exempt all over again. There was some further discussion about this.

Ms. Patricia Borns, 314 New Street, commented that it in the history of Daytona Beach its beachfront started out mostly with homes like Fernandina Beach, but now hotels have replaced them all. She stated that it might not be bad to leave it in because there is going to be another wave of development eventually on the waterfront. Ms. Hartley stated that it is not on the waterfront or oceanfront. She explained that the three hotels that the board talked about last week the one that would be affected by this policy is the piece of property that already has a building on it. She stated that the Kuitens case was beyond the CCCL and the other one on Sadler was beyond that area. Member Wilking suggesting going with staff's recommendation. Member Condit agreed. Member Beal agreed.

Ms. Ferreira noted that staff's proposal concedes jurisdiction to proper permitting agencies. She explained that she had a hard time giving away home rule and going to St. Johns River Water Management District, DEP, etc. that are becoming more politicized. She stated that she would like to see some concession given to home rule that the City could make decisions for itself without turning it over to permitting agencies. Member McClenning pointed out that it is required. She provided clarification of what staff's recommendation was. There was some discussion about this proposed change. *The consensus of the board was to accept this revision to 3.02.02.* Member Conger pointed out a lettering correction on the matrix.

Ms. Hartley read 3.03.03 from the matrix and clarified that this is what the City currently practices. Chairman Bennett inquired if the City didn't want someone to mitigate a property, but the permitting agency approved the mitigation where would that put the City. Ms. Hartley pointed out that the board voted on one a month ago and allowed it to be altered. She explained that there are some properties out there that are entirely wetlands. She stated that to not allow them to build anything on their property means the City needs to pay them fair market value for that property. City Attorney Braga clarified that it would be a taking issue if they can get a permit from another agency and the City won't allow them to build anything. After some discussion about this, Ms. Joan Altman, 212 Estrada Street, suggested putting a clause in if it could have an affect on a neighborhood. She related an example of an area that each had $\frac{1}{4}$ acre of wetland in an undeveloped area and each individual was allowed to fill the area. She commented that you are losing something environmentally sound that is very important to the rest of the area. She questioned how to determine what is large enough to be allowed to be filled and what isn't. Ms. Hartley replied the Army Corps determines that. Ms. Altman stated that the Army Corps, St. Johns, and the other agencies allow a certain amount of these decisions to be made by the City. She explained that small wetlands are very important to the survival of the community. She provided some further comments about having a stronger home rule to not allow them to fill wetlands. There was some deliberation about 3.03.03 regarding filling wetlands.

Member Wilking questioned if all the other agencies approves a permit, but the City disapproves it what ground does the City have to defend that disapproval. City Attorney Braga stated that she

thought the City would have legal issues. She explained that the City doesn't have the staff to make those kinds of determinations. Ms. Altman stated that she thought there should be a limit to the size or the amount in a certain area. She commented that there is a lot of undeveloped land like that because it is wet. Chairman Bennett stated that he thought the City should have some input to that. Ms. Hartley stated that if the board goes that route then it should say no fill and then it would have to be fought out in court. City Attorney Braga pointed out that there are situations where it could be an isolated wetland that doesn't contribute to the overall, because it is not draining anywhere. She commented that she was sure there were some areas like Ms. Altman mentioned that are very valuable, but the City does not have the expertise in-house to look at this and make an intelligent determination. There was some further deliberation about 3.03.03 regarding filling wetlands noting that there needs to be a defensible standard for this.

Member Conger suggested language that: "unless the following three conditions are met: 1) concurrency with surrounding neighborhood 2) approval by the City 3) DEP, Corps of Engineers, and/or St. Johns River Water Management District". Ms. Hartley questioned what the City's standards for approval were. Member Conger stated that staff would have to come up with that. There was some further discussion about wetlands and a suggestion was made to reinstate an Environmental Advisory Board for cases like this. There was a brief discussion about where to stop this meeting and the consensus was to stop before going into Chapter 4.

Member Wilking commented that the City can set up all the boards it wants, but if a property owner has permits to fill or do some construction on a wetland from St. Johns, DEP, Corps of Engineers and then the City says no it seems like a futile effort. He stated that the property owner would file a case against the City for taking property. He explained that it doesn't seem like the City would have a whole lot of defensible position in that realm. Member Condit agreed with Member Wilking and noted that the City was not in a position with expertise to make a decision on this. He commented that he hated to defer the whole thing and would like to have an opportunity to have a look at them. Chairman Bennett explained that if there were an Environmental Board and before they turn it down there would be some justifiable data or evidence that would go along with the application.

Mr. Tomassetti questioned if there was a way to send the City's recommendation to these other bodies and then still let them decide. Member Bradford commented that a lot of times it is subject to approval by the agency. Mr. Tomassetti suggested that the board could request the agency consider their concerns. There was some discussion about this suggestion.

City Attorney Braga referred to language in (C) (3) on page 3-13 and explained that this is a requirement that the developer submit this information. She stated that the City would have to get its own consultant to review it and then it could be brought here for a permit that would be passed on. There was some further discussion about this subject noting that the City doesn't have the expertise for this. There was also discussion about the City having a consultant to review the information submitted by the applicant.

City Attorney Braga questioned the difference between someone having to go to St. Johns versus DEP. Mr. Sullivan replied that it depends on where it is. Ms. Altman stated that she thought the agencies would cooperate with the City and could copy the City on every permit that is asked for. Ms. Hartley pointed out that it is available online. She stated that staff could come back to the board with some criteria.

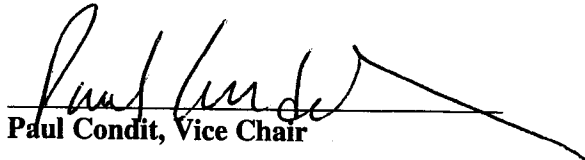
There was some discussion about the next meeting to review Chapters 4, 5, and 6 noting that the members were to review all the materials presented by the staff prior to the meeting.

Mr. Harrison inquired if the changes recommended at the December meeting were incorporated into the revised draft. Ms. Hartley replied that they are either in the draft or the matrix. There was a brief discussion about this. Member Conger requested staff to notify members when information is available for review prior to the next meeting.

Ms. Hartley referred to the February meeting and explained that staff decided because of the size of the agenda to split it up into two meetings in February. She clarified that the first meeting would be February 8th and the second would be February 22nd. There was a brief discussion about the upcoming meetings.

IV. Adjournment

There being no further business to come before the Planning Advisory Board, the meeting was adjourned at 9:21 p.m.


Mark Bennett, Chairman
Paul Condit, Vice Chair

Tringali Permits Issued in Violation of Court Order and LDC 1.03.05

From: Taina Christner (tainachristner@yahoo.com)

To: scampbell@fbfl.city; jantun@fbfl.org; gminshew@fbfl.city; tpoynter@fbfl.city; jtuten@fbfl.city

Date: Tuesday, July 15, 2025 at 11:08 AM EDT

Dear Commissioners and Ms. Campbell,

As you are no doubt aware, the appeal was denied yesterday in the 5th District Court of Appeals case of Worthy Investment LLC, Ron Flick, Compass Group, Inc. and City of Fernandina Beach Florida Petitioners, v. Merry Coalson, David Coalson, and Taina Christner and Judge Roberson's December 2023 ruling stands.

Judge Roberson's order was unequivocal: **Section 1.03.05 of the Land Development Code governs the site**, not the subdivision section the City previously relied on. The judge quashed the City Commission's vote and remanded the matter to the Board of Adjustment, stating that **no permit may be issued without BOA approval**.

Yet on **July 7, 2025 16 building permits were issued** to the developers—**without any BOA hearing or approval**. According to the Fernandina Beach Observer, the developer now claims the new project is “completely different” because it includes **12 units in 4 buildings** instead of **12 units in 6 buildings**.

Let's pause and appreciate that logic. Evidently, if you cram the same number of units into *fewer* buildings, it becomes a different project. That's like saying a dozen eggs are somehow not a dozen if you move them to a smaller carton. **It's still 12 units—on the same building site—triggering the same code and the same judicial order.**

And let's be clear: **Judge Roberson's ruling governs the site—not the original application.** The court's language could not have been plainer: *“Section 1.03.05, by its plain language, clearly applies to this exact scenario.”* The site remains subject to 1.03.05 regardless of how many buildings the developer draws or redraws on a plan. Without BOA approval, **no multi-unit development is legal on that site.** Period.

This isn't a gray area. This is a direct violation of both the **Land Development Code** and a **standing Circuit Court order**. Issuing permits under these circumstances doesn't just risk reversal—it risks the City's credibility and exposes it to further legal action.

I urge you to investigate how these permits were issued, and I respectfully request that you take immediate steps to revoke them and bring the City's actions into full compliance with both the

LDC and the court's ruling.

Sincerely,
Taina Christner
406 Beech Street

IN THE CIRCUIT COURT, FOURTH JUDICIAL
CIRCUIT, IN AND FOR NASSAU COUNTY,
FLORIDA

CASE NO.: 23-CA-404

DIVISION: A

MERRY COALSON, DAVID COALSON, TAINA
CHRISTNER,

Petitioners,

v.

CITY OF FERNANDINA BEACH, a Florida municipal
corporation, and ANTHONY J. TRINGALI REV.
TRUST AND JOSEPHINE TRINGALI
OWNER/APPLICANT.

Respondent.

ORDER ON PETITION FOR WRIT OF CERTIORARI

The Court is called upon to decide what governmental entity gets to vote on the approval of a property investor's request to consolidate 8 single family lots and build 8 townhomes on that consolidated parcel. The parties differ on which section of the Land Development Code applies to this situation. In certiorari terms, the Court must determine whether the essential requirements of law were followed in having the City Commission, instead of the Board of Adjustment, determine whether to approve the development.

Petitioners, who live near and would be affected by the proposed development, claim that Section 1.03.05 controls. It states:

- A. In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, wherever there may exist a single-family detached residential unit or, a duplex structure or any auxiliary building or structure, including but not limited to, swimming pools, or any other improvement which was heretofore constructed on property containing one or more platted lots or portions thereof (excluding walls or fences), such lots thereafter constitute one building

site and must be considered the “lot of record”, and no permit shall be issued for the construction of more than one residential unit on the site.

...

- C. 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 [].

Respondents, on the other hand, argue that the section of the Land Development Code dealing with subdivisions applies. The pertinent language in that section is:

Section 4.04.00 regulates the subdivision or re-subdivision of land in order to protect and promote the health, safety, and general welfare of the citizens of Fernandina Beach. The regulations are intended to assure the harmonious, orderly and progressive development of land by providing for proper legal description, identification, monumentation, and recording of real estate boundaries when parcels are subdivided.

The City Commission, relying on this section, voted to approve the development without sending the issue to the Board of Adjustment for a vote. This timely petition followed.

The Court does not need to go beyond the plain language of the 2 sections to determine which section applies. Section 1.03.05, by its plain language, clearly applies to this exact scenario. The property developers are attempting to combine 8 single-family lots into a single site for the purpose of building multi-family housing (8 separate townhomes).

The section on subdivisions, by its plain terms, cannot apply. Subdivision means the ‘division of a thing into smaller parts.’ Black’s Law Dictionary (11th Ed. 2019). Here, there were 8 separate parcels that were being combined into one building site in order to build a multi-family structure. Nothing was being divided into smaller parts. Even if this section could apply, it is commonly understood that more specific statutory requirements will control over general dictates. Here, the section regarding subdivisions – even if it was applicable – is a general scheme compared to the specific requirements of Section 1.03.05 that address the very situation in dispute.

That, however, does not end the inquiry. The Court must not substitute its judgment for that of the local government. When there is a plausible, albeit wrong, interpretation of local codes, the Court must give substantial deference to the government's interpretation. That does not mean, though, that the Court is a mere "rubber stamp" for any governmental action.

The Court, even with the benefit of Respondents' briefing and responses to questions at the hearing on this Petition, cannot find any plausible interpretation of the 'subdivision' section of the Land Development Code that applies to the actions at issue. The result of the Commission's vote is that 8 parcels were combined into one lot and approved for building a multi-family structure. That action, per the Land Development Code, must be approved by the Board of Adjustment. Deference is not warranted where there is no plausible explanation for the City's erroneous interpretation.

In the end, the Court will apply the plain language of Section 1.03.05 that squarely addresses the dispute at issue. The Court will not defer to the City's interpretation of Section 4.04.00 *et seq.* because the dispute at issue does not involve a subdivision of property. As such, the essential requirements of law were not followed and relief is warranted.

The Petition for Writ of Certiorari is **GRANTED**. The vote of the City Commission is quashed and this matter is remanded for a vote by the Board of Adjustment.

DONE AND ORDERED in Chambers in Nassau County, Florida, this 27th day of December, 2023.



Circuit Court Judge

Copies to counsel of record via electronic filing.

Fwd: New Tringali Property Permits

From: Bradford Clark (brclark@law.gwu.edu)
To: tainachristner@yahoo.com
Date: Thursday, July 10, 2025 at 08:09 PM EDT

Dear Taina,

I sent Harrison Poole the attached email and will let you know when and if I hear back from him.

All best, Brad

--

Bradford R. Clark
William Cranch Research Professor of Law
George Washington University Law School
<https://www.law.gwu.edu/bradford-r-clark>

----- Forwarded message -----

From: **Bradford Clark** <brclark@law.gwu.edu>
Date: Thu, Jul 10, 2025 at 8:07 PM
Subject: New Tringali Property Permits
To: Harrison Poole <hpoole@fbfl.city>

Dear Harrison,

As you may recall, I live at 312 Ash Street and was involved in the effort of the neighborhood to resist the Tringali townhouse development. As the interim City Attorney, you should be aware of some recent disturbing developments. The City recently issued new permits to Worthy Investment to build four triplex units on the Tringali property. This contradicts the outstanding Order of the Circuit Court issued on Dec. 27, 2023. The Order is currently on appeal before the Fifth District Court of Appeal and the court has not taken any action to reverse or alter the Order below, and the case remains on appeal .

I received a copy of an email that Sarah Campbell, the City Manager, sent today to the City Commissioners attempting to justify the City's recent issuance of new permits to build triplex units. There are several erroneous assertions of law and fact in the email and, in my opinion, the City is now in violation of the Dec. 27, 2023 Order. Accordingly, the City should withdraw or suspend the permits pending resolution of the appeal.

In particular, I was surprised by Sarah's assertion that "The City is not involved in a lawsuit between these property owners." This assertion is patently false. The caption of the case, in which the Court issued its Order, is

MERRY COALSON, DAVID COALSON, TAINA
CHRISTNER,

Petitioners,

v.

CITY OF FERNANDINA BEACH, a Florida municipal
corporation, and ANTHONY J. TRINGALI REV.

TRUST AND JOSEPHINE TRINGALI

OWNER/APPLICANT.

Respondent

The only change in the caption of the case has been the intervention of Worthy Investment as successors in interest to the Tringali family trust, etc. The City was, and remains, a party to the case. As I'm sure you know, the City hired two different law firms to contest the case both before Judge Roberson and on appeal, and filed briefs on behalf of the City in both courts. It is true that the City withdrew from the appeal on Dec. 20, 2024, but the City is still a party and bound by the Court's Order. Indeed, by withdrawing from the appeal, the City has tacitly accepted the Order.

More fundamentally, Sarah's email erroneously states that Board of Adjustment review is not required to permit this new project under the Land Development Code. This directly contradicts Judge Roberson's Order and interpretation of the LDC. His Order determined that the plain language of Section 1.03.05 clearly prohibits the City from allowing construction of any multifamily units on the property. Rather, Section 1.03.05 allows the City to issue permits only for single-family dwellings unless the developer obtains a variance from the Board of Adjustment. The developer had not done so, leading the Court to conclude that the City violated Section 1.03.05 by authorizing non-conforming development on its own.

In my opinion, this is the law of the case: the City cannot, consistent with the LDC, issue any permits for the construction of anything other than single family dwellings on the property in question. By issuing new non-conforming permits, the City--a party to the case and the subject of the Court's Order--is ignoring the Judge's ruling. I hope that you, as the Interim City Attorney, will address this matter to correct the City's mistake and circumvention of the Court's Order.

All best,

Brad

Bradford R. Clark
William Cranch Research Professor of Law
George Washington University Law School
<https://www.law.gwu.edu/bradford-r-clark>

485 So.2d 1314

485 So.2d 1314, 11 Fla. L. Weekly 628

(Cite as: 485 So.2d 1314)

C

District Court of Appeal of Florida,
Third District.

CORONA PROPERTIES OF FLORIDA, INC., Appellant,
v.
MONROE COUNTY, Appellee.
No. 85-1786.

March 11, 1986.
Rehearing Denied April 23, 1986.

Property owner sought declaration of rights, injunctive relief and damages when county refused to recognize building permit issued by county zoning authority. The Circuit Court, Monroe County, David P. Kirwan, J., denied requested relief, and property owner appealed. The District Court of Appeal, Hendry, J., held that: (1) section in county code, providing that zoning official would be responsible for general administration and enforcement of zoning ordinance, did not confer on zoning official authority to exempt project from zoning ordinance; (2) county was not estopped, either by letter of zoning official advising owner that it had vested right to construct 58-unit building on property, or by permit illegally issued pursuant to letter, from enforcing 24-unit zoning limitation against property owner; and (3) property owner could not use laches as sword, to compel county to recognize illegally issued building permit.

Affirmed.

West Headnotes

[1] Zoning and Planning 414 ⚔ 353.1

414 Zoning and Planning

414VII Administration in General

414k353 Powers, Duties, and Liabilities

414k353.1 k. In General. [Most Cited Cases](#)

(Formerly 414k353)

Section in county code, providing that zoning official would be responsible for general administration and enforcement of zoning ordinance, did not confer on official authority to exempt project from zoning ordinance, so that letter from zoning official to property owner, advising owner that he had vested right in constructing 58-unit building on property zoned for buildings of no more than 24 units, was ultra vires and void ab initio.

[2] Statutes 361 ⚔ 142

[361](#) Statutes[361IV](#) Amendment, Revision, and Codification[361k142](#) k. Implied Amendment. [Most Cited Cases](#)

Amendments by implication are not favored and will not be upheld in doubtful cases.

[\[3\]](#) **Zoning and Planning 414** **762**[414](#) Zoning and Planning[414XI](#) Enforcement of Regulations[414XI\(A\)](#) In General[414k762](#) k. Defenses to Enforcement. [Most Cited Cases](#)

Ordinarily, governmental entity may not be estopped from enforcement of zoning ordinances by illegally issued permit.

[\[4\]](#) **Zoning and Planning 414** **762**[414](#) Zoning and Planning[414XI](#) Enforcement of Regulations[414XI\(A\)](#) In General[414k762](#) k. Defenses to Enforcement. [Most Cited Cases](#)

County was not estopped, either by letter of county zoning official advising property owner that it had vested right in construction of 58-unit building or by building permit issued pursuant to letter, from enforcing 24-unit zoning limitation against property owner, though property owner spent roughly \$80,000 on project after issuance of letter, where little physical work was done on site, and where vested rights letter and building permit were illegally issued.

[\[5\]](#) **Equity 150** **67**[150](#) Equity[150II](#) Laches and Stale Demands[150k67](#) k. Nature and Elements in General. [Most Cited Cases](#)

Laches is affirmative defense.

[\[6\]](#) **Equity 150** **72(1)**[150](#) Equity[150II](#) Laches and Stale Demands[150k68](#) Grounds and Essentials of Bar[150k72](#) Prejudice from Delay in General[150k72\(1\)](#) k. In General. [Most Cited Cases](#)

Laches is available as defense to plaintiff's claim: where plaintiff, having had notice of defendant's misconduct, and having had opportunity to bring suit, delays in asserting rights; where defendant does not realize that plaintiff will sue; and where injury or prejudice to defendant would result if relief is afforded to plaintiff.

7 Equity 150 ↪84

150 Equity

150II Laches and Stale Demands

150k84 k. Application of Doctrine in General. Most Cited Cases

Property owner could not use laches as sword, to compel county to recognize building permit which was illegally issued by county zoning authority.

*1315 John G. Fletcher, South Miami, for appellant.

Lucien C. Proby, Jr., Co. Atty., and Susan Vernon, Asst. Co. Atty., for appellee.

Before HENDRY, HUBBART and BASKIN, JJ.

HENDRY, Judge.

Plaintiff Corona Properties of Florida, Inc. (Corona Properties) appeals a final judgment finding a building permit issued to it by the defendant Monroe County to be void.

The relevant facts may be briefly stated. Appellant Corona Properties is the owner of a parcel of property located on Key Largo in unincorporated Monroe County. The property is zoned RU-3. Prior to 1979, this zoning category permitted the development of 58 dwelling units on the property. In 1974, Monroe County issued a building permit for a 58-unit building to be constructed on the subject property. The then-owner had pilings driven, but no further improvements were made and the project was abandoned. In 1979, section *1316 19-197 of the Monroe County Code was amended to reduce the number of dwelling units allowed within the RU-3 classification. This amendment decreased the number of dwelling units permitted on the property to approximately 24.

In 1981, Michael Halpern, a representative of the then-owner, requested a determination from Monroe County as to whether the project as originally approved could be completed in light of the 1979 amendment to the RU-3 category. On May 8, 1981, the Monroe County Zoning Official, Henry F. Weinkam, wrote Mr. Halpern assuring him that the owner had "vested rights in and to said project," to construct a 58-unit building on the site. [FN1](#)

[FN1](#). The letter also contained the signature of the County Attorney, Michael H. Cates.

Shortly thereafter, the then-owner filed an application to construct a 40-unit building on the property. The county gave the owner a second building permit on September 21, 1981. This second permit was issued solely on the basis of the vested rights letter. The project was then abandoned for a second time, without further significant construction and the permit expired for lack of use.

The property was sold to Corona Properties in 1982. In 1983, Corona Properties applied for a permit to construct the same 40 units which had been authorized under the 1981 permit. Monroe County issued a building permit to Corona Properties on October 7, 1983, again, on the basis of the vested rights letter. In turn, the county received a permit fee from Corona Properties of approximately \$45,000. Corona Properties obtained an extension on the permit in November, 1983 and received a second extension in January, 1984.

On April 30, 1984, Jeffrey Doyle, the present Monroe County Zoning Official, and Kermit Lewin, the Monroe County Administrator, wrote to Mr. Halpern informing him that the prior zoning official had been in error when he had issued the vested rights letter. Mr. Doyle and Mr. Lewin advised that it was their intention to have Corona Properties' permit cancelled and its permit fee returned. On June 1, 1984, the Monroe County Commission voted to cancel the building permit and to refund the permit fee. When Corona Properties received the refund check, it returned it to the county. At the time of the permit's revocation, Corona Properties had spent roughly \$82,000 on the project. The only physical work done on the site, however, was a minimal restructuring of frames for footers.

Corona Properties filed suit against Monroe County seeking a declaration of rights with regard to the 1983 building permit, as well as injunctive relief and damages. The trial court entered a final judgment denying Corona Properties' requested relief, finding that the permit was void *ab initio* and ordering the return of the permit fee.

The issues presented for our consideration are: (1) whether the Monroe County Zoning Official had the authority to issue a vested rights letter; (2) whether Monroe County may be equitably estopped from revoking Corona Properties' building permit; and (3) whether Monroe County may be barred by laches from revoking Corona Properties' building permit.

The Monroe County Code sections relied upon by Corona Properties as establishing the zoning official's authority to issue a vested rights letter are sections 19-22(b) and 19-132. Section 19-22(b) sets forth the zoning official's duties:

- (1) To serve as secretary to the zoning board.
- (2) To serve as secretary to the board of adjustment.

(3) To receive and review all requests for zoning and use clearance prior to the issuance of any building permit or certificate of occupancy for an individual use.

(4) Refer all requests for zoning and use clearance to the zoning board for action where there is, in the zoning official's opinion, a reasonable doubt as to the likelihood of the proposed use conforming to the applicable performance standards of this chapter. (See section 19-131 of this chapter, which refers to Chapter 403 of the Florida Statutes.)

***1317** (5) To be responsible for general administration and enforcement of the zoning ordinance.

Section 19-132 provides:

Permits for either the construction of buildings or for the use of land or buildings which have been issued prior to the adoption of Ordinance No. 1-1973 and which are in violation of this ordinance shall be declared null and void unless evidence is shown to establish that substantial expenditures have been made either for the preparation of plans for construction or for preliminary planning. Investment in real property shall not be construed as an expenditure towards construction. Unless actual construction work, including grading and excavation, is underway within sixty (60) days after the adoption of Ordinance No. 1-1973, such permit shall become null and void.

[\[1\]\[2\]](#) Neither section 19-22(b), nor section 19-132 grants the Monroe County Zoning Official the authority to make a vested rights determination. The general language of section 19-22(b) does not support a grant of authority to the zoning official to exempt a project from the zoning ordinance. Section 19-132 applies only to permits issued prior to the March 3, 1973 adoption date of Ordinance No. 1-1973. Subsequent amendments to Ordinance No. 1-1973 do not, as Corona Properties argues, establish new adoption dates for the ordinance, triggering a section 19-132 review of any pending building permits. Amendments by implication are not favored and will not be upheld in doubtful cases. [State ex rel. Quigley v. Quigley](#), 463 So.2d 224 (Fla.1985); [State v. J.R.M.](#), 388 So.2d 1227 (Fla.1980); [Miami Water Works Local No. 654 v. City of Miami](#), 157 Fla. 445, 26 So.2d 194 (1946).

Since neither section grants the Monroe County Zoning Official the authority to determine when a property owner's rights have vested, the vested rights letter and the 1983 permit issued pursuant to such letter are *ultra vires* and void *ab initio*. See [Edwards v. Town of Lantana](#), 77 So.2d 245 (Fla.1955); [Abenkay Realty Corp. v. Dade County](#), 185 So.2d 777 (Fla. 3d DCA), *appeal dismissed*, 192 So.2d 495 (Fla.1966).

[\[3\]](#) Second, we are asked to decide whether Monroe County may be equitably estopped from revoking Corona Properties' building permit. Ordinarily, a governmental entity may not be estopped from the enforcement of its ordinances by an illegally issued permit. [Dade County v. Gayer](#), 388 So.2d 1292 (Fla. 3d DCA 1980), *review denied*, 397 So.2d 777 (Fla.1981); [Dade County v. Bengis Associates, Inc.](#), 257 So.2d 291 (Fla. 3d DCA), *cert. denied*, 261 So.2d 839

(Fla.1972); *City of Miami Beach v. Meiselman*, 216 So.2d 774 (Fla. 3d DCA 1968), cert. denied, 225 So.2d 533 (Fla.1969). In ruling that estoppel may not be asserted against a county for a permit issued in error, this court stated:

[w]hile at first blush it seems that the application of the rule may be harsh, it would be inconceivable that public officials could issue a permit, either inadvertently, through error, or intentionally, by design, which would sanction a violation of an ordinance adopted by the legislative branch of government. Only the duly constituted members of the Metropolitan Dade County Commission enjoy that prerogative and then only in accordance with established procedure.

Dade County v. Gayer, 388 So.2d at 1294.

[4] In the instant case, the vested rights letter and Corona Properties' building permit were illegally issued, therefore, estoppel may not be asserted against the county for the revocation of the building permit.^{FN2}

FN2. Monroe County concedes that had the facts been more egregious, equitable estoppel could have been validly asserted against it. See *Fraga v. Dept. of Health & Rehabilitative Services*, 464 So.2d 144, 147 (Fla. 3d DCA), review denied, 475 So.2d 694 (Fla.1985) (the state's "acts of callous non-responsiveness, longstanding and unprotesting payment, and affirmative misleading" estopped it from recovering Medicaid overpayments made to psychiatrist).

[5][6][7] The third issue for our consideration is whether Monroe County may be barred by laches from revoking Corona Properties' building permit. Laches is an *1318 affirmative defense. *Van Meter v. Kelsey*, 91 So.2d 327 (Fla.1956); *Smith v. Town of Bithlo*, 344 So.2d 1288 (Fla. 4th DCA 1977), cert. denied, 355 So.2d 517 (Fla.1978); *Niagara Fire Insurance Co. v. Allied Electrical Co.*, 319 So.2d 594 (Fla. 3d DCA), cert. dismissed, 322 So.2d 925 (Fla.1975); *Tower v. Moskowitz*, 262 So.2d 276 (Fla. 3d DCA), cert. denied, 268 So.2d 906 (Fla.1972). Laches bars relief claimed by plaintiff where there is conduct on the part of the defendant, or one under whom he claims, giving rise to the situation of which complaint is made; the plaintiff, having had notice of the defendant's conduct, and having the opportunity to bring suit, is guilty of delay in asserting his rights by suit; there is a lack of knowledge on the part of the defendant that the plaintiff will assert the right on which he bases his suit; and injury or prejudice to the defendant would result in the event the suit is not held to be barred, or in the event relief is afforded to the plaintiff. *Van Meter v. Kelsey*, 91 So.2d at 330-31; *Niagara Fire Insurance Co. v. Allied Electrical Co.*, 319 So.2d at 595-96; *Tower v. Moskowitz*, 262 So.2d at 279-80. The doctrine of laches is to actions in equity what statutes of limitations are to actions in law. *Steketee v. Ballance Homes, Inc.*, 376 So.2d 873 (Fla. 2d DCA 1979), cert. denied, 385 So.2d 754 (Fla.1980); *Shew v. Kirby*, 135 So.2d 770 (Fla. 2d DCA 1961); see *Wall v. Johnson*, 78 So.2d 371 (Fla.1955); *Jefferies v. Corwin*, 363 So.2d 600 (Fla. 4th DCA 1978); *Tower v. Moskowitz*, 262 So.2d at 279. Laches acts

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as a shield to an action, therefore, it has no application to the case at bar where appellant Corona Properties is seeking to use it as a sword.

For the foregoing reasons and based upon the authorities cited, the final judgment of the trial court is affirmed.

Affirmed.

Fla.App. 3 Dist.,1986.
Corona Properties of Florida, Inc. v. Monroe County
485 So.2d 1314, 11 Fla. L. Weekly 628

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CDistrict Court of Appeal of Florida,
Third District.

Gus H. CROWELL, as Receiver for Bonefish Yacht Club, Ltd., Appellant,
v.
MONROE COUNTY, a political subdivision of the State of Florida, Appellee.
No. 90-1588.

April 30, 1991.

Receiver of landowner brought action against county seeking declaratory and injunctive relief from county's determination that building permit and subsequent extensions were void. The Circuit Court, Monroe County, J. Jefferson Overby, J., entered judgment for county and appeal was taken. The District Court of Appeal, Baskin, J., held that: (1) various 90-day "extension letters" issued by county official, in violation of authority limiting him to one 60-day extension, were ultra vires and void ab initio, and (2) county was not equitably estopped from asserting that permit and extensions were void.

Affirmed.

West Headnotes

[1] Zoning and Planning 🔑 467

[414k467 Most Cited Cases](#)

Purported "extension letters" for building permits sent to owner by an assisting building official, in violation of county code limiting official's authority to the granting of a single 60-day extension, were ultra vires and void ab initio.

[2] Estoppel 🔑 62.5

[156k62.5 Most Cited Cases](#)

Issuance by county building official of series of 90-day extensions to a building permit, even though his authorization was limited to one 60-day extension, was not such an "egregious" act as to warrant application of equitable estoppel doctrine against county.

*837 Mandler & Silver and Scott M. Bernstein, Miami, for appellant.
Joseph H. Kelinson, Miami, for appellee.

Before [SCHWARTZ](#), C.J., and HUBBART and BASKIN, JJ.

BASKIN, Judge.

Gus Crowell, the court-appointed receiver for Bonefish Yacht Club, Ltd., appeals a final judgment. We affirm.

[1][2] Crowell filed an action against Monroe County seeking declaratory and injunctive relief from the county's determination that the building permit and subsequent extensions the county issued to the Bonefish project were void. The trial court made the following findings:

2. The evidence established that the ninety day "extension letters" sent to Bonefish Yacht Club, Ltd. by an assistant building official, Dumont Sterling, between September 13, 1982 and April 2, 1986 purporting to extend the building permit by 90 day increments were beyond the building official's authority under Monroe County Code Section 6-16.1(3)(c) which specifically limits the building official's authority to the granting of a single 60 day extension.

3. The "extension letters" sent by the Assistant Building Official were ultra vires acts and were void ab initio. [*Corona Properties of Florida v. Monroe County*, 485 So.2d 1314 \(Fla. 3d DCA 1986\)](#).

4. Plaintiff has asserted that notwithstanding the illegality of the permit extensions, Monroe County should be equitably *838 estopped from revoking the building permit.

5. Ordinarily, the doctrine of equitable estoppel will not be applied to prevent a government authority from revoking illegally issued or extended permits. *Corona Properties of Florida v. Monroe County, supra*. Plaintiff contends that, in accordance with the holding in [*Fraga v. Department of Health & Rehabilitative Services*, 464 So.2d 144 \(Fla. 3d DCA 1984\)](#), [review denied, [475 So.2d 694 \(Fla.1985\)](#)], the issuance of multiple permit "extensions" to both this project and other projects in Monroe County constituted sufficiently egregious acts upon which the Receiver relied to his detriment to warrant application of the equitable estoppel doctrine against Monroe County. The overwhelming evidence, however, does not support Plaintiff's position.

6. Although there was testimony by Mr. Bob Herman, the present Monroe County Director of Planning, that he believed the Assistant Building Official in the Plantation Key Branch of the Monroe County Building Department had issued multiple permit extensions to a few unidentified projects, he did not know how many extensions were granted and what the circumstances were in connection with the permit extensions. He also knew of no other illegal extensions having been sent out of either the Key West or Marathon branches. The court finds that these facts are not comparable to the egregious circumstances present in the *Fraga* case, *supra*.

7. Mr. Herman also testified that upon his inspection of the construction site prior to April, 1986 it was apparent that there had been no construction activity for a substantial period of time. There was no evidence that any construction had taken place since that inspection.

8. The Receiver testified that, in reliance upon the April 6, 1986 permit extension, he paid a contractor to estimate the cost to recommence and complete construction on the project. This was obviously brought about by the owner's prior abandonment of construction. Although the Receiver was uncertain as to how much was paid for the estimate he did testify that the total was below \$10,000.

9. The Court finds that any expenditures incurred by the Receiver relative to recommencing construction were the result of the owner's having abandoned construction and not due to the illegal permit "extensions" sent by the assistant building official. In any event, these expendi-

tures fall far short of the [sic] incurred by the Plaintiff in the *Corona Properties* case, *supra* at 1316. It follows that Plaintiff's attempt to apply the doctrine of equitable estoppel to the facts in this case must be rejected.

The trial court's findings are supported by competent substantial evidence. [*Marrone v. Miami Nat'l Bank*, 507 So.2d 652 \(Fla. 3d DCA 1987\)](#); [*Randy Int'l, Ltd. v. American Excess Corp.*, 501 So.2d 667, 670 \(Fla. 3d DCA 1987\)](#). We therefore affirm the final judgment.

Affirmed.

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Monroe County v. Hemisphere Equity Realty, Inc., 634 So.2d 745, 748+, 19 Fla. L. Weekly D706, D706+ (Fla.App. 3 Dist. Mar 29, 1994)

HDistrict Court of Appeal of Florida,

Third District.

MONROE COUNTY, Appellant,

v.

HEMISPHERE EQUITY REALTY, INC., and Texas Largo, Inc., Appellees.

No. 93-2306.

March 29, 1994.

Rehearing Denied May 3, 1994.

Real estate developer filed suit seeking certiorari review of decision by Commissioners that final development approval had expired based on developer's failure to comply with ordinance requiring completion of development within two years. The Circuit Court, Monroe County, M. Ignatius Lester, J., quashed order and county appealed. The District Court of Appeal, [613 So.2d 550, Schwartz](#), C.J., held that permit was terminated as matter of law. On remand, the Circuit Court found that county was equitably estopped from enforcing three-year completion requirement. County appealed. The District Court of Appeal, [Jorgenson](#), J., held that: (1) neither county's lax enforcement of two-year completion regulation against other developers nor failure to specifically inform developer of two-year completion requirement could be basis for equitably estopping county from enforcing ordinance; (2) developer could not rely on issuance of second building permit after development approval had expired; and (3) ordinance requiring two-year build-out applied to developer who acquired property rights after ordinance became effective.

Reversed and remanded with directions.

West Headnotes

[1] Zoning and Planning 🔑762

[414k762 Most Cited Cases](#)

County's lax enforcement of its ordinance against other developers and county's failure to refer to ordinance in correspondence with preceding developer did not equitably estop county from enforcing regulation requiring that major development be completed within two years; developer was not entitled to rely on county's dealings with third parties and no positive act required for estoppel occurred.

[2] Zoning and Planning 🔑762

[414k762 Most Cited Cases](#)

Issuance of second building permit after time for completing development had expired did not

estop county from enforcing ordinance requiring that major development be completed within two years; **estoppel cannot be asserted against county for illegally issued permit.**

[3] Zoning and Planning 🔑 467

[414k467 Most Cited Cases](#)

Developer was required to comply with ordinance mandating that major development be completed within two years of issuance of final development approval or to timely seek extension given that two-year requirement was in place when developer acquired development rights.

*746 Joseph H. Kelinson, Asst. County Atty., Key West, for appellant.

Mattson & Tobin and [James S. Mattson](#), Key Largo, for appellees.

Before BASKIN, [JORGENSEN](#) and [LEVY](#), JJ.

[JORGENSEN](#), Judge.

Monroe County appeals from a final judgment determining the development rights of Hemisphere Equity Realty and Texas Largo, Inc., and enjoining Monroe County from impeding the development. For the following reasons, we reverse.

In 1986, a developer known as Tamarind Cove obtained final development approval for a project in the Upper Keys. Hemisphere Realty acted as Tamarind's agent. When the project was approved, the Monroe County Code required that construction be commenced within one year, and completed within two years of the final approval. [\[FN1\]](#) In May, 1987, Tamarind's attorney received a letter from the Monroe County Planning Director in response to inquiries about obtaining dock permits; although the letter emphasized the one-year start-up deadline, it did not mention the two-year rule. In November, 1987, Tamarind sold its realty and development rights to Texas Largo; Hemisphere Realty was Texas Largo's local agent. Seven months remained to complete construction within the two-year build-out limitation period. Texas Largo did not seek an extension of the two-year period and did not apply for relief under the new Monroe County Code, which provided that a project "in the pipeline" could, upon application, be granted vested rights to complete the project.

[FN1.](#) Monroe County Code § 6-226(a) (1975) provided that "[c]onstruction of all major development projects shall be initiated within one (1) year and completed within two (2) years after approval of the final development plan unless otherwise specified or approved by the zoning board."

On February 8, 1989, the County's Building Department posted a stop work order, halting construction activity because the original building permit had expired. Five weeks later, an Upper Keys Building Department employee "reissued" a building permit even though the two-year pe-

riod had expired.

The County attempted to inspect the site at various times, found no work in progress, and observed only one or two poured concrete slabs. When Texas Largo applied in 1990 for a permit to operate a waste sewage treatment facility, the County realized that the development permits had long expired and sent Texas Largo written notice that the major development approval had expired. Texas Largo and Hemisphere filed administrative appeals seeking to reinstate project approval. The Planning Commission denied the relief sought; the Board of County Commissioners approved the Planning Commission's action.

Hemisphere and Texas Largo filed suit in Monroe Circuit Court seeking certiorari review of the County Commission's denial of project reinstatement, and alleging that the County was estopped from enforcing its two-year build-out provision. On the certiorari count, the trial court granted the relief sought by the developer and reinstated the expired development orders. This court granted review and quashed the order of the *747 trial court. "It is apparent that, as a matter of law, the board and the commission correctly decided that the respondents' admitted failure to complete the project within two years after its development plan was approved resulted in the termination of the permit." [*Monroe County v. Hemisphere Equity Realty*, 613 So.2d 550 \(Fla. 3d DCA 1993\)](#). This court then remanded "for further appropriate proceedings" as to the remaining count--that the County was equitably estopped from enforcing the two-year build-out provision. [FN2] The trial court, following a bench trial, issued a 22-page order in which it found that Monroe County had a fifteen-year history of not enforcing the two-year build-out rule; that Monroe County had, through Planning Director Pattison's letter to Tamarind's attorney in 1987, not reminded the original developer of the two-year limitation; that Monroe County had issued a second building permit after the two years had expired; and that Monroe County had not inspected the site regularly so as to ensure compliance with the time limitations. The trial court declared that Texas Largo and Hemisphere had acquired vested rights in the development approval, and that Monroe County was equitably estopped from "enforcing ... any ... provision of law to terminate, delay, restrict, or impede the development...." The trial court further ruled that Texas Largo had three years to complete the development.

[FN2] A third count, brought pursuant to [42 U.S.C. § 1983](#), was dismissed before trial.

[1] The trial court erred in ruling that Monroe County was equitably estopped from enforcing its regulations that established a completion period for major development. The evidence, viewed in a light most favorable to the developer, does not support a finding of estoppel.

Equitable estoppel is to be applied against the state only in rare instances and under exceptional circumstances. To sustain a claim of estoppel against the state or one of its subdivisions, there must be (1) a representation as to some material fact by the party estopped to the party claiming estoppel; (2) reliance upon the representation by the party claiming estoppel; and (3) a change in such party's position caused by his reliance on the representation to his detriment.

Furthermore, the act on which the aggrieved party relied must be one on which he had a right to rely.

[Calusa Golf, Inc. v. Dade County, 426 So.2d 1165, 1167 \(Fla. 3d DCA 1983\)](#) (citations omitted). No such rare instance or unusual circumstance exists in this case. Even if the County had been lax in its enforcement of its regulation as against other developers, Texas Largo was not entitled to rely on the County's failure to enforce its regulations against third parties. See [Calusa Golf, 426 So.2d at 1167](#) (stranger to transaction on which alleged estoppel arises cannot rely on representations made to third parties). Furthermore, the act giving rise to the alleged estoppel "must include *some positive act* on the part of some officer of the state upon which the aggrieved party had a right to rely and did rely to its detriment." [Ogden v. State Dept. of Transportation, 601 So.2d 1300, 1302 \(Fla. 3d DCA 1992\)](#) (emphasis added) (quoting [Greenhut Constr. Co. v. Henry A. Knott, Inc., 247 So.2d 517, 524 \(Fla. 1st DCA 1971\)](#)). Here, the trial court misconstrued the legal doctrine of equitable estoppel when it ruled that Texas Largo was entitled to proceed with its development based upon the County's *failure* to act against third parties.

The trial court further erred when it found that the Planning Director's 1987 letter to Tamarind, the original developer, was an additional basis for estopping the County from enforcing its regulation against Texas Largo. The letter makes no mention of the two-year rule, and simply describes "the necessary procedures to secure the dock permits." [\[FN3\]](#) In construing this letter as a basis for estoppel against the County, the trial court opined that the letter omitted any reference to the two-year limitation "because, in 1987, Monroe County had never enforced that provision, even though it had been on the books for 12 *748 years," and that Texas Largo was entitled to rely on the *omission* of any reference to that regulation. There is no basis in law or fact for the trial court's conclusion. The letter was not written to Texas Largo, but to Tamarind. Texas Largo did not acquire an interest in the property until six months after the letter was written. More importantly, the letter does not, under any conceivable standard, rise to the level of a "positive act" sufficient to create estoppel. Simply put, the letter says nothing, and suggests nothing by omission, regarding the two-year limitation.

[\[FN3\]](#). The letter indicated that a number of issues needed to be addressed, including approval of a hurricane evacuation plan, an approved landscaping plan, and payment of a fee to the Nature Conservancy to offset elimination of 1.61 acres of hardwood hammock.

[\[2\]](#) The issuance of the second building permit by the Upper Keys Building Department employee was also not sufficient to estop the County from enforcing its two-year build-out ordinance. Generally, estoppel cannot be asserted against a county for an illegally issued permit. [Corona Properties of Fla. v. Monroe County, 485 So.2d 1314 \(Fla.App.1986\)](#) (citations omitted).

While at first blush it seems that the application of the rule may be harsh, it would be inconceivable that public officials could issue a permit, either inadvertently, through error, or intentionally, by design, which would sanction a violation of an ordinance adopted by the legislative

branch of government.

[Corona, 485 So.2d 1314 at 1317](#) (quoting [Dade County v. Gayer, 388 So.2d 1292, 1294 \(Fla. 3d DCA 1980\)](#), *rev. denied*, [397 So.2d 777 \(Fla.1981\)](#)). Texas Largo was thus not entitled to rely upon the second permit, which was erroneously issued long after the two-year period had expired.

[3] Texas Largo did not acquire any "vested" right to extend indefinitely the two-year build-out period. When it purchased the property and development rights from Tamarind, the project was already restricted by the Monroe County ordinance that required projects to be completed within two years of the final development approval. Texas Largo could thus only rely on the code provision that was in effect when Tamarind obtained approval for the project; that approval continued even into the new code, provided the project was completed within two years. In finding that Texas Largo had acquired vested development rights, the trial court erroneously relied upon [Hollywood Beach Hotel Co. v. City of Hollywood, 329 So.2d 10 \(Fla.1976\)](#). In *Hollywood Beach*, the Florida Supreme Court held that a property owner had acquired a vested right in continuation of a certain zoning use where, in a politically volatile atmosphere, the City had materially changed the zoning without notice to the landowners. Here, however, there was no zoning change. Texas Largo, having purchased the property and rights from Tamarind, was obligated to abide by the same regulations that bound Tamarind, and to complete the project within two years or seek an extension of time.

In sum, the trial court erred as a matter of law in finding that Monroe County was estopped from enforcing its two-year build-out ordinance. We reverse the final judgment and remand with directions to enter judgment for Monroe County.

REVERSED AND REMANDED WITH DIRECTIONS.

634 So.2d 745, 19 Fla. L. Weekly D706

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KEYCITE

C [Corona Properties of Florida, Inc. v. Monroe County](#), 485 So.2d 1314, 11 Fla. L. Weekly 628 (Fla.App. 3 Dist. Mar 11, 1986) (NO. 85-1786)

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- [41](#) NATIONAL RAILROAD PASSENGER CORPORATION, et al., Plaintiffs-Appellees, v. KISSIMMEE UTILITY AUTHORITY, et al., Defendant-Appellant., 1998 WL 34170174, *34170174+ (Appellate Brief) (11th Cir. Feb 03, 1998) **Brief of Plaintiffs-Appellees CSX Transportation, ...** (NO. 96-3325) ★★**HN: 1,4 (So.2d)**
- [42](#) NATIONAL RAILROAD PASSENGER CORPORATION, et al., Plaintiffs-Appellee, v. KISSIMMEE UTILITY AUTHORITY, et al., Defendant-Appellant., 1998 WL 34170176, *34170176+ (Appellate Brief) (11th Cir. Jan 05, 1998) **Brief of the Appellant, Kissimmee Utility ...** (NO. 96-3325) ★★**HN: 1,4 (So.2d)**
- [43](#) MATECUMBE MARINA, INC, Plaintiff-appellant, v. Monroe COUNTY, Florida, Defendant-Appellee., 1995 WL 17063244, *17063244+ (Appellate Brief) (11th Cir. Mar 10, 1995) **Appellant's Initial Brief** (NO. 94-4986) ★★**HN: 1,4 (So.2d)**
- [44](#) MATECUMBE MARINA, INC, Plaintiff-Appellant, v. MONROE COUNTY, FLORIDA, Defendant-Appellee., 1995 WL 17134707, *17134707+ (Appellate Brief) (11th Cir. Mar 10, 1995) **Appellant's Initial Brief** (NO. 94-4986) ★★**HN: 1,4 (So.2d)**
- [45](#) RESOLUTION TRUST CORPORATION as Receiver for Broad View Federal Savings Bank, Sentinel Communities, Inc. d/b/a Hidden Harbor Development Company, Plaintiff-Appellee, v. TOWN OF HIGHLAND BEACH, Defendant-Appellant., 1995 WL 17061561, *17061561 (Appellate Brief) (11th Cir. Feb 07, 1995) **Reply Brief of Appellant Town of Highland Beach ...** (NO. 92-4462, 92-5097) ★★**HN: 3,4 (So.2d)**
- [46](#) RESOLUTION TRUST CORPORATION as Receiver for Broadview Federal Savings Bank, Sentinel Communities, Inc. d/b/a Hidden Harbor Development Company, Plaintiff-Appellee, v. TOWN OF HIGHLAND BEACH, Defendant-Appellant., 1995 WL 17144181, *17144181 (Appellate Brief) (11th Cir. Feb 07, 1995) **Reply Brief of Appellant Town of Highland Beach ...** (NO. 92-4462, 92-5097) ★★**HN: 3,4 (So.2d)**
- [47](#) RESOLUTION TRUST CORPORATION as Receiver for Broadview Federal Savings Bank, Sentinel Communities, Inc. d/b/a Hidden Harbor Development Company, Plaintiff-Appellee, v. TOWN OF HIGHLAND BEACH, Defendant-Appellant., 1992 WL 12136244, *12136244+ (Appellate Brief) (11th Cir. Sep 30, 1992) **Brief**

of Appellant Town of Highland Beach (NO. 92-4462) ★★**HN: 1 (So.2d)**

[48](#) Kathleen LESLIE, Plaintiff/Appellant, v. SCHOOL BOARD OF BROWARD COUNTY, Florida, Defendant/Appellee., 1992 WL 12136203, *12136203+ (Appellate Brief) (11th Cir. Sep 29, 1992) **Reply Brief of Appellant, Kathleen Leslie** (NO. 92-4365) ★★**HN: 1,4 (So.2d)**

[49](#) Kathleen LESLIE, Appellant, v. THE SCHOOL BOARD OF BROWARD COUNTY, Florida, Appellee., 1992 WL 12136202, *12136202+ (Appellate Brief) (11th Cir. Sep 16, 1992) **Answer Brief of the School Board of Broward ...** (NO. 92-4365) ★★**HN: 1 (So.2d)**

[50](#) AMERICAN HOME ASSURANCE COMPANY, Appellant, v. NATIONAL RAILROAD PASSENGER CORPORATION, etc., et al., Appellees., 2002 WL 32131842, *32131842+ (Appellate Brief) (Fla. May 2002) **Kissimmee Utility Authority (KUA) and Florida ...** (NO. SC02-709) ★★**HN: 1,4 (So.2d)**

[51](#) MUSCULOSKELETAL INSTITUTE, CHARTERED, d/b/a Florida Orthopaedic Institute, Chester E. Sutterlin, III, M.D., Chester E. Sutterlin, III, M.D., P.A., and Gene A. Balis, M.D., Petitioners, v. James S. PARHAM, Respondent., 1998 WL 34087487, *34087487+ (Appellate Brief) (Fla. Jan 30, 1998) **Initial Brief of Musculoskeletal Institute ...** (NO. 91966, 92382, 92451) ★★**HN: 2 (So.2d)**

[52](#) MUSCULOSKELETAL INSTITUTE, CHARTERED, d/b/a Florida Orthopaedic Institute, Chester E. Sutterlin, III, M.D., Chester E. Sutterlin, III, M.D., P.A., and Gene A. Balis, M.D., Petitioners, v. James S. PARHAM, Respondent., 1998 WL 34087502, *34087502+ (Appellate Brief) (Fla. Jan 30, 1998) **Initial Brief of Musculoskeletal Institute ...** (NO. 91966, 92382, 92451) ★★**HN: 2 (So.2d)**

[53](#) Jeffrey BOVE, et al., v. Zoning HEARING Board of Kennett, Township., 2000 WL 34490436, *34490436+ (Appellate Brief) (Pa.Cmwlth. 2000) **Brief of Appellants** (NO. 2408CD2000) ★★**HN: 4 (So.2d)**

Trial Court Documents (U.S.A.)

Trial Motions, Memoranda and Affidavits

[54](#) BRYAN MEDIA, INC., a Florida corporation, Plaintiff, v. CITY OF ST. PETERSBURG, a municipal corporation, Ron Guynn, Gary Bush, and Ron Barton, each individually and in their official capacity as employees for the City of St. Petersburg, Defendants., 2005 WL 3613697, *3613697 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Nov 21, 2005) **Dispositive Motion by Defendant, Ron Barton, to ...** (NO. 805-CV-00291-EAK-MSS) ★★

[55](#) STATE OF FLORIDA, Department of Agriculture and Consumer Services, Plaintiff, v. EXPRESS CONSOLIDATION, INC., a Florida non-profit corporation, Defendant., 2004 WL 3650008, *3650008 (Trial Motion, Memorandum and Affidavit)

(M.D.Fla. Jun 18, 2004) **Plaintiff's Memorandum of Law in Support of ...** (NO. 804-CV-1271-T-30TBM) ★★

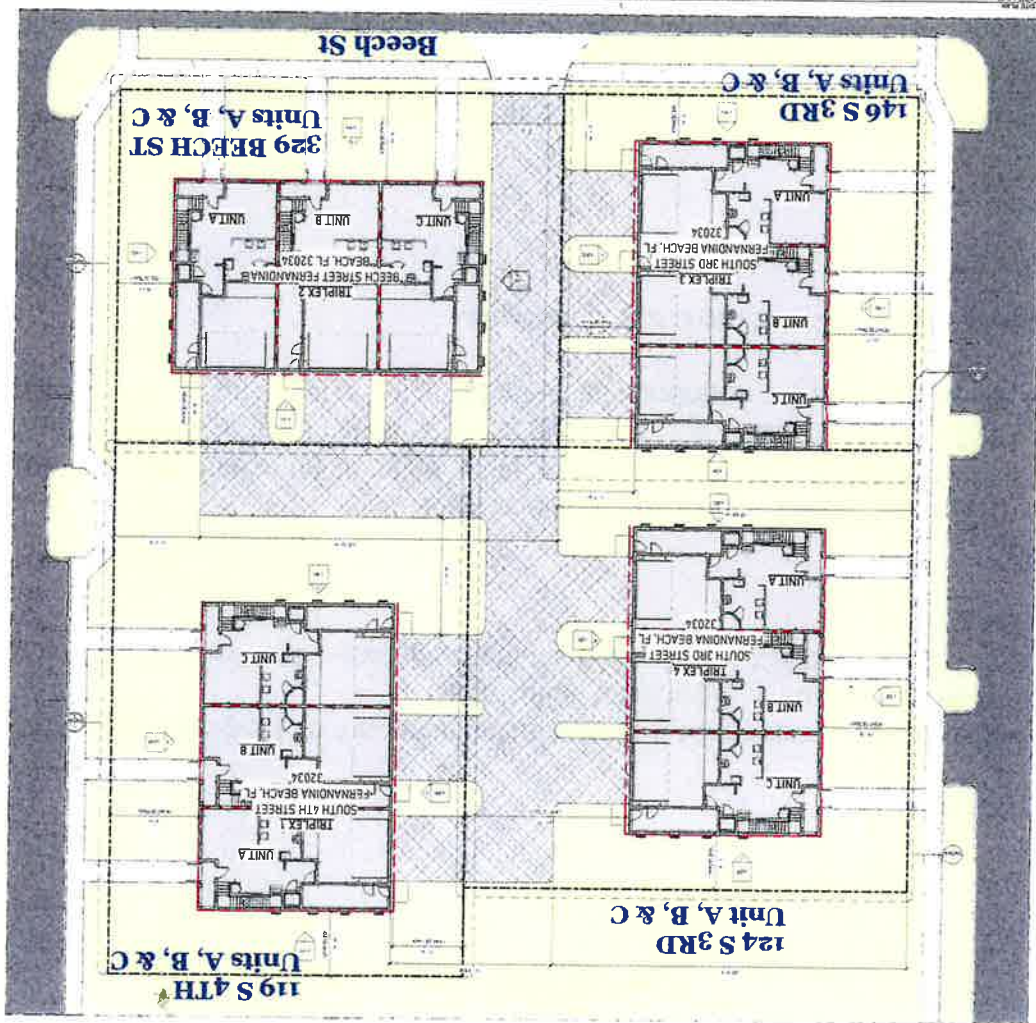
[56](#) Kamil GOWNI and Shenody, Inc., a Florida corporation, Plaintiffs, v. BP PRODUCTS NORTH AMERICA, INC., Defendant., 2003 WL 23899958, *23899958 (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Apr 03, 2003) **Plaintiffs' Motion in Limine and Accompanying ...** (NO. 601-CV-1404-ORL-28KR) ★★

[57](#) FLORIDA WILDLIFE FEDERATION, a Florida not-for-profit corporation, Collier County Audubon Society, a Florida not-for-profit corporation, James L. Swigert, Roger Dykstra, Ann Dukett, and Robert A Wooster, Plaintiffs and Appellants, v. COLLIER COUNTY, Florida Defendant and Appellee, and Twineagles Land Group I, Twineagles Management, Ltd., Twineagles Development, Inc., and Textron Financial Corporation Defendants/Intervenors and Appellees., 2000 WL 34438246, *34438246+ (Trial Motion, Memorandum and Affidavit) (M.D.Fla. Apr 21, 2000) **Initial Brief of Appellants Florida Wildlife ...** (NO. 200-CIV-108-FTM-24D) ★★

[58](#) SOUNDS OF SERVICE RADIO, INC., Plaintiff, v. ISLAMORADA, Village of Islands, Defendant., 2002 WL 32960655, *32960655 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Oct 31, 2002) **Trial Memorandum** (NO. 01-10026-CIV-KING/OS) ★★

[59](#) SOUNDS OF SERVICE RADIO, INC., Plaintiff, v. ISLAMORADA, Village of Islands, Defendant., 2001 WL 34866364, *34866364+ (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Nov 03, 2001) **Plaintiff, Sounds of Service Radio, Inc., ...** (NO. 01-10026-CIV-KING) ★★

[60](#) SOUNDS OF SERVICE RADIO, INC., Plaintiff, v. ISLAMORADA, Village of Islands, Defendant., 2001 WL 34866361, *34866361 (Trial Motion, Memorandum and Affidavit) (S.D.Fla. Oct 2001) **Defendant, Islamorada's, Memorandum of Law in ...** (NO. 01-10026-CIV-KING/OS) ★★



Unit designation will be located as depicted here.

CITY OF FERNANDINA BEACH
Fernandina Beach, Florida
Building Department
(904) 310-3135

STOP WORK

BY ORDER OF THE CITY OF FERNANDINA BEACH

A STOP WORK ORDER IS HEREBY PLACED ON THIS PROJECT FOR
THE FOLLOWING REASONS:



COFB Land Development Code Section 11.07.00 challenging the issuance of building permits
for the below mentioned parcels.

The City Manager has issued a stay of proceedings as required by the Land Development Code Section
11.07.03 until such time as an appeal hearing at the Board of Adjustments has been completed.

CONTRACTOR/OWNER/TENANT: Compass Group, Inc, Worthy Investments LLC

ADDRESS: 146 S 3rdST (00-00-31-1800-0012-0100)

PERMIT NUMBER: BLDR-2025-1205, BLDR-2025-1206, BLDR-2025-1207, BLDR-2025-1208

INSPECTOR: James Parr

DATE: 7.12.25

James Parr, Building Official/Authorized Agent

Compass Group, Inc.: Grayson Mathewson, Ronald Flick, Tamra Krueger, 463688 SR 200, Suite 7, Yulee,
FL 32097

Worthy Investment, LLC: Richard Steve Simmons, 1822 Highland Drive, Fernandina Beach, FL 32034,

Worthy Investment, LLC: Conte, Ronald J, 2057 S Fletcher Ave, Fernandina Beach, FL 32034



City of Fernandina Beach

Sarah Campbell

City Manager

July 17, 2025

delivered via site posting and email:

Richard Simmons
Worthy Investment LLC

steve@amelia-era.com

Grayson Mathewson
Ronald Flick
Tamra Krueger
Compass Group, Inc.

grayson.mathewson@compassgrp.com
ron.flick@compassgrp.com
tamra.krueger@compassgrp.com

Steve Simmons
ERA Fernandina Beach Realty

steve@amelia-era.com

RE: Stop Work Order – Parcels 00-00-31-1800-0012-0210; 00-00-31-1800-0012-0150; 00-00-31-1800-0012-0100; and 00-00-31-1800-0012-0050

Dear Sirs & Madam,

The City of Fernandina Beach is in receipt of an application for administrative appeal in accordance with the City's Land Development Code Section 11.07.00 challenging the issuance of building permits for the above-mentioned parcels. I am issuing a stay of proceedings as required by Land Development Code Section 11.07.03 until such time as an appeal hearing at the Board of Adjustment has been completed. Please be advised that a stop work order has been issued for all work on the premises.

Sincerely,

Sarah Campbell
City Manager

CC: Harrison W. Poole, Esq., City Attorney Pro Tem
Jimmy Parr, Building Official
Kelly Gibson, Director of Planning and Conservation

CITY OF FERNANDINA BEACH
Fernandina Beach, Florida
Building Department
(904) 310-3135

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11.07.03 until such time as an appeal hearing at the Board of Adjustments has been completed.

CONTRACTOR/OWNER/TENANT: Compass Group, Inc, Worthy Investments LLC

ADDRESS: 329 Beech St (00-00-31-1800-0012-0150)

PERMIT NUMBER: BLDR-2025-1201, BLDR-2025-1202, BLDR-2025-1203, BLDR-2025-1204

INSPECTOR: James Parr

DATE: 7.17.25

James Parr, Building Official/Authorized Agent

Compass Group, Inc.: Grayson Mathewson, Ronald Flick, Tamra Krueger, 463688 SR 200, Suite 7, Yulee,
FL 32097

Worthy Investment, LLC: Richard Steve Simmons, 1822 Highland Drive, Fernandina Beach, FL 32034,

Worthy Investment, LLC: Conte, Ronald J, 2057 S Fletcher Ave, Fernandina Beach, FL 32034



City of Fernandina Beach

Sarah Campbell

City Manager

July 17, 2025

delivered via site posting and email:

Richard Simmons
Worthy Investment LLC

steve@amelia-era.com

Grayson Mathewson
Ronald Flick
Tamra Krueger
Compass Group, Inc.

grayson.mathewson@compassgrp.com
ron.flick@compassgrp.com
tamra.krueger@compassgrp.com

Steve Simmons
ERA Fernandina Beach Realty

steve@amelia-era.com

RE: Stop Work Order – Parcels 00-00-31-1800-0012-0210; 00-00-31-1800-0012-0150; 00-00-31-1800-0012-0100; and 00-00-31-1800-0012-0050

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Sincerely,

Sarah Campbell
City Manager

CC: Harrison W. Poole, Esq., City Attorney Pro Tem
Jimmy Parr, Building Official
Kelly Gibson, Director of Planning and Conservation

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Fernandina Beach, Florida
Building Department
(904) 310-3135

STOP WORK

BY ORDER OF THE CITY OF FERNANDINA BEACH

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THE FOLLOWING REASONS:



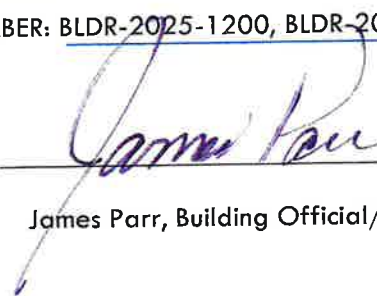
COFB Land Development Code Section 11.07.00 challenging the issuance of building permits for the below mentioned parcels.

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CONTRACTOR/OWNER/TENANT: Compass Group, Inc, Worthy Investments LLC

ADDRESS: 119 S 4th ST (00-00-31-1800-0012-0210)

PERMIT NUMBER: BLDR-2025-1200, BLDR-2025-1197, BLDR-2025-1198, BLDR-2025-1199

INSPECTOR: 

DATE: 7.17.25

James Parr, Building Official/Authorized Agent

Compass Group, Inc.: Grayson Mathewson, Ronald Flick, Tamra Krueger, 463688 SR 200, Suite 7, Yulee, FL 32097

Worthy Investment, LLC: Richard Steve Simmons, 1822 Highland Drive, Fernandina Beach, FL 32034,

Worthy Investment, LLC: Conte, Ronald J, 2057 S Fletcher Ave, Fernandina Beach, FL 32034

CITY OF FERNANDINA BEACH
Fernandina Beach, Florida
Building Department
(904) 310-3135

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CONTRACTOR/OWNER/TENANT: Compass Group, Inc, Worthy Investments LLC

ADDRESS: 329 Beech St (00-00-31-1800-0012-0150)

PERMIT NUMBER: BLDR-2025-1201, BLDR-2025-1202, BLDR-2025-1203, BLDR-2025-1204

INSPECTOR: James Parr

DATE: 7-17-25

James Parr, Building Official/Authorized Agent

Compass Group, Inc.: Grayson Mathewson, Ronald Flick, Tamra Krueger, 463688 SR 200, Suite 7, Yulee,
FL 32097

Worthy Investment, LLC: Richard Steve Simmons, 1822 Highland Drive, Fernandina Beach, FL 32034,

Worthy Investment, LLC: Conte, Ronald J, 2057 S Fletcher Ave, Fernandina Beach, FL 32034



City of Fernandina Beach

Sarah Campbell

City Manager

July 17, 2025

delivered via site posting and email:

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Worthy Investment LLC

steve@amelia-era.com

Grayson Mathewson
Ronald Flick
Tamra Krueger
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tamra.krueger@compassgrp.com

Steve Simmons
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steve@amelia-era.com

RE: Stop Work Order – Parcels 00-00-31-1800-0012-0210; 00-00-31-1800-0012-0150; 00-00-31-1800-0012-0100; and 00-00-31-1800-0012-0050

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Sincerely,

Sarah Campbell
City Manager

CC: Harrison W. Poole, Esq., City Attorney Pro Tem
Jimmy Parr, Building Official
Kelly Gibson, Director of Planning and Conservation

CITY OF FERNANDINA BEACH
Fernandina Beach, Florida
Building Department
(904) 310-3135

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THE FOLLOWING REASONS:



COFB Land Development Code Section 11.07.00 challenging the issuance of building permits
for the below mentioned parcels.

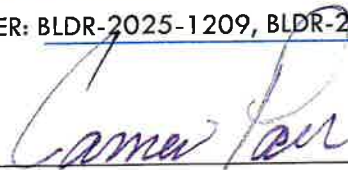
The City Manager has issued a stay of proceedings as required by the Land Development Code Section
11.07.03 until such time as an appeal hearing at the Board of Adjustments has been completed.

CONTRACTOR/OWNER/TENANT: Compass Group, Inc, Worthy Investments LLC

ADDRESS: 124 S 3rd ST (00-00-31-1800-0012-0050)

PERMIT NUMBER: BLDR-2025-1209, BLDR-2025-1210, BLDR-2025-1211, BLDR-2025-1212

INSPECTOR:



DATE:

7.17.25

James Parr, Building Official/Authorized Agent

Compass Group, Inc.: Grayson Mathewson, Ronald Flick, Tamra Krueger, 463688 SR 200, Suite 7, Yulee,
FL 32097

Worthy Investment, LLC: Richard Steve Simmons, 1822 Highland Drive, Fernandina Beach, FL 32034,

Worthy Investment, LLC: Conte, Ronald J, 2057 S Fletcher Ave, Fernandina Beach, FL 32034



City of Fernandina Beach

Sarah Campbell

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July 17, 2025

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Steve Simmons
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Sincerely,

Sarah Campbell
City Manager

CC: Harrison W. Poole, Esq., City Attorney Pro Tem
Jimmy Parr, Building Official
Kelly Gibson, Director of Planning and Conservation

Re: 3rd and 4th Beech Street Project

From: Caroline Best (cbest@fbfl.org)
To: tainachristner@yahoo.com; jglisson@fbfl.org
Cc: kgibson@fbfl.org; kelliott@fbfl.org
Date: Friday, November 8, 2024 at 02:30 PM EST

Hi there,

Staff is happy to give you a call when the City receives a local development order application for the subject property.

Get [Outlook for iOS](#)



Caroline Best, CMC
City Clerk
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 310-3119 | cbest@fbfl.org
www.fbfl.us

If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.

Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including email addresses and other personal information, is public record and must be made available to the public and media upon request, unless otherwise exempted by the Public Records Law. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

From: Taina Christner <tainachristner@yahoo.com>
Sent: Friday, November 8, 2024 2:16:36 PM
To: Jeremiah Glisson <jglisson@fbfl.org>; Caroline Best <cbest@fbfl.org>
Cc: Kelly Gibson <kgibson@fbfl.org>; Kim Briley <kelliott@fbfl.org>
Subject: Re: 3rd and 4th Beech Street Project

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

Dear Mr. Glisson and Ms. Best,

Since the formal system has failed me previously, my main concern is ensuring I receive notification of any permits issued for the "3rd and Beech Street" properties moving forward. Please note when I refer to the "3rd and Beech Street" properties, I am referring to (Parcel

Number 00-00-31-1800-0012-0050 (Lots 5-9 of Block 12) 0 S. 3rd Street, Parcel number 00-00-31-1800-0012-0100 (Lots 10-14 of Block 12) 125 S. 4th Street, Parcel number 00-00-31-1800-0012-0150 (Lots 15-18 of Block 12) 123 S. 4th Street , Parcel number 00-00-31-1800-0012-0190 (Lots 19-20 of Block 12) 119 S. 4th Street , Parcel number, 00-00-31-1800-0012-0210 (Lots 21-24 of Block 12)"

I'm open to handling this in several ways:

1. **Direct Notification:** Someone could contact me when a permit or building order is issued.
2. **Nearly Daily Inquiries:** I could call nearly daily and follow up with written confirmation of the status as well as a FOIA request.

Please let me know which option you prefer.

To provide some context, here is why I have am concerned I may not receive the information...

This summer, I submitted the following FOIA requests:

- **July 15, 2024** (Request #2024-1118)
- **August 8, 2024** (Request #2024-1256)

Both requests returned only the demolition and tree permits from last spring.

Imagine my surprise when I learned much later that an application had been submitted to the Planning and Conservation Department supposedly in late June 2024. Why would my requests in July and August have not had that information?

The text of my FOIA requests was very clear:

"Please provide any applications submitted or any permits issued for the following properties from 01/01/2023 to the present. Please include building, tree, demolition, zoning, environmental, or any other application or permit for these properties. Thank you. 124 S. 3rd Street, Parcel number 00-00-31-1800-0012-0050 (Lots 5-9 of Block 12) 0 S. 3rd Street, Parcel number 00-00-31-1800-0012-0100 (Lots 10-14 of Block 12) 125 S. 4th Street, Parcel number 00-00-31-1800-0012-0150 (Lots 15-18 of Block 12) 123 S. 4th Street , Parcel number 00-00-31-1800-0012-0190 (Lots 19-20 of Block 12) 119 S. 4th Street , Parcel number, 00-00-31-1800-0012-0210 (Lots 21-24 of Block 12)"

Despite the clarity of my request, I did not receive the June 2024 application in question when I asked in July 2024 and in August 2024.

I have pasted both FOIA requests with results below.

Thank you for your attention to this matter. It is important that the city maintains a reputation for sharing information with citizens.

I look forward to your response on how we can ensure I am notified moving forward.

Sincerely,
Taina Christner

Request #2024-1118

Please provide any applications submitted or any permits issued for the following properties from 01/01/2023 to the present. Please include building, tree, demolition, zoning, environmental, or any other application or permit for these properties. Thank you. 124 S. 3rd Street, Parcel number 00-00-31-1800-0012-0050 (Lots 5-9 of Block 12) 0 S. 3rd Street, Parcel number 00-00-31-1800-0012-0100 (Lots 10-14 of Block 12) 125 S. 4th Street, Parcel number 00-00-31-1800-0012-0150 (Lots 15-18 of Block 12) 123 S. 4th Street, Parcel number 00-00-31-1800-0012-0190 (Lots 19-20 of Block 12) 119 S. 4th Street, Parcel number, 00-00-31-1800-0012-0210 (Lots 21-24 of Block 12)

Details

Submitted

Mon, Jul 15, 2024

Status

Completed

Description of Request (Be as specific as possible, including name, dates, case numbers, etc. if known.)

Please provide any applications submitted or any permits issued for the following properties from 01/01/2023 to the present. Please include building, tree, demolition, zoning, environmental, or any other application or permit for these properties. Thank you. 124 S. 3rd Street, Parcel number 00-00-31-1800-0012-0050 (Lots 5-9 of Block 12) 0 S. 3rd Street, Parcel number 00-00-31-1800-0012-0100 (Lots 10-14 of Block 12) 125 S. 4th Street, Parcel number 00-00-31-1800-0012-0150 (Lots 15-18 of Block 12) 123 S. 4th Street, Parcel number 00-00-31-1800-0012-0190 (Lots 19-20 of Block 12) 119 S. 4th Street, Parcel number, 00-00-31-1800-0012-0210 (Lots 21-24 of Block 12)

I request (select one):

NoCopies

Requested Documents

File	Description	Size
125 S 4th St demo.pdf		72.55 KB
123 S 4th demo.pdf		72.43 KB
Note - 20240718(0).txt	Various addresses	104 B
119 S 4th demo.pdf		72.54 KB
00-00-31-1800-0012-0100 trees.pdf		64.89 KB
124 S 3rd St demo.pdf		72.55 KB

Rows per page: 10 1 of 6

DOWNLOAD ALL

Windows

Search

2:04 PM

11/8/2024

Request #2024-1256

Submitted Mon, Jul 15, 2024 Status Completed Please provide any applications submitted or any permits issued for the following properties from 01/01/2024 to the present. Please include building, tree, demolition, zoning, environmental, or any other application or permit for these properties. Thank you. 124 S. 3rd Street, Parcel number 00-00-31-1800-0012-0050 (Lots 5-9 of Block 12) 0 S. 3rd Street, Parcel number 00-00-31-1800-0012-0100 (Lots 10-14 of Block 12) 125 S. 4th Street, Parcel number 00-00-31-1800-0012-0150 (Lots 15-18 of Block 12) 123 S. 4th Street, Parcel number 00-00-31-1800-0012-0190 (Lots 19-20 of Block 12) 119 S. 4th Street, Parcel number, 00-00-31-1800-0012-0210 (Lots 21-24 of Block 12) Please also provide any email communications referencing any of those parcel numbers or addresses with city staff.

Details

Submitted

Thu, Aug 08, 2024

Status

Completed

Description of Request (Be as specific as possible, including name, dates, case numbers, etc, if known.)

Submitted Mon, Jul 15, 2024 Status Completed Please provide any applications submitted or any permits issued for the following properties from 01/01/2024 to the present. Please include building, tree, demolition, zoning, environmental, or any other application or permit for these properties. Thank you. 124 S. 3rd Street, Parcel number 00-00-31-1800-0012-0050 (Lots 5-9 of Block 12) 0 S. 3rd Street, Parcel number 00-00-31-1800-0012-0100 (Lots 10-14 of Block 12) 125 S. 4th Street, Parcel number 00-00-31-1800-0012-0150 (Lots 15-18 of Block 12) 123 S. 4th Street, Parcel number 00-00-31-1800-0012-0190 (Lots 19-20 of Block 12) 119 S. 4th Street, Parcel number, 00-00-31-1800-0012-0210 (Lots 21-24 of Block 12) Please also provide any email communications referencing any of those parcel numbers or addresses with city staff.

I request (select one):

No Copies

Requested Documents

File	Description	Size
119123124 emails.pdf		284.82 KB
00-00-31-1800-0012-0100 trees (4).pdf		64.59 KB
125 S 4th St demo (1).pdf		72.35 KB
Note - 20240809(0).txt	124 S 3rd, 0 S 3rd, 119 S 4th, 123 S 4th, 125 S 4th	147 B
124 S 3rd St demo.pdf		72.35 KB
119 S 4th demo.pdf		72.34 KB
123 S 4th demo.pdf		72.43 KB

Rows per page: 10

1-7 of 7

On Nov 8, 2024, at 12:30 PM, Caroline Best <cbest@fbfl.org> wrote:

Jeremiah,

A search of PRR's submitted by Ms. Christer related to 3rd and 4th Streets indicates she requested "....any applications submitted or any permits...." (PRR 2024-844) on May 23, 2024, which produced four demolition permits and one tree removal permit. PRR 2024-844 was subsequently completed and released on May 25, 2024.

Due to PRR 2024-844 phrasing, it was routed to the Building Department only because the Building Department accepts *permit* applications while the Planning and Conservation Department accepts *local development order* applications.

Ms. Christner,

I apologize for any frustration; the City strives to provide records sought. Please phone me to discuss when convenient: office (904) 310-3119; cell (904) 557-6129.

Sincerely,



Caroline Best, CMC
City Clerk
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034
(904) 310-3119 | cbest@fbfl.org
www.fbfl.us

If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.

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From: Jeremiah Glisson <jglisson@fbfl.org>
Sent: Friday, November 8, 2024 11:51 AM
To: Caroline Best <cbest@fbfl.org>; Kelly Gibson <kgibson@fbfl.org>
Subject: FW: 3rd and 4th Beech Street Project

Caroline, Kelly,
Do we know why PRR were returned blank? Could we pull together what we do have now so that I can share with Ms. Christner? Thanks



Jeremiah Glisson
Interim City Manager
City of Fernandina Beach
1017 South 5th Street Ext.
Fernandina Beach, Florida 32034
(904) 310-3314 | jglisson@fbfl.org
www.fbfl.us

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-----Original Message-----

From: Taina Christner <tainachristner@yahoo.com>

Sent: Friday, November 8, 2024 11:33 AM

To: Jeremiah Glisson <jglisson@fbfl.org>

Subject: 3rd and 4th Beech Street Project

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

Hello Jeremiah,

I would like to be informed when the developers are given approval for the 3rd and Beech project. What is the best way for me to be informed?

The FOIA process did not work for me when I requested any applications on that property so that is not an option. I placed two foia requests asking for any applications - one in July and one in august. Both were returned blank to me, when the application had been received by the city supposedly in June.

Thank you

Taina

Sent from my iPad

AFFIDAVIT OF HEIDI LEIGH ANDERSON

State of FLORIDA

County of NASSAU

BEFORE ME, the undersigned authority, personally appeared in person who, having been by me first duly sworn on oath, states as follows: My name is Heidi Leigh Anderson Address: 227 S. 4th Street, Fernandina Beach, FL 32034 Phone: (904) 607-1010 Email: leighandersonrealtor@gmail.com . This affidavit is based upon my personal knowledge of these facts and circumstances and I swear under oath to the following:

I received **NO notification** of the 3rd and Beech Tri-plex property project proposing tri-plexes on each or any parcel.

SEP102025PM2:28

CITY CLERK'S OFFICE

FURTHER AFFIANT SAYETH NAUGHT

Heidi Leigh Anderson
Affiant, (person submitting sworn statement)

CITY OF FERNANDINA BEACH

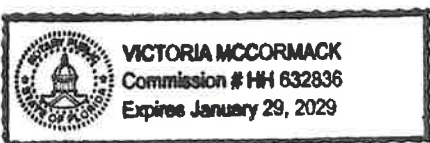
NOTARY PUBLIC

Sworn to (or affirmed) and subscribed before me X in person or _____ virtually this 10 day of September 20 25 by Heidi Anderson (affiant name) who is _____ personally known to me or X produced identification Driver license (type of identification produced)

NOTARY PUBLIC, State of Florida

Seal/My Commission Expires: 01/29/29

Victoria McCormack
Print Notary Name:



AFFIDAVIT OF DAVID B. COALSON

State of FLORIDA

County of NASSAU

BEFORE ME, the undersigned authority, personally appeared in person who, having been by me first duly sworn on oath, states as follows: My name is David B. Coalson

Address: 111 S. 4th Street, Fernandina Beach, FL 32034 Phone: (678) 457-1156 Email:

coalsond@att.net. This affidavit is based upon my personal knowledge of these facts and circumstances and I swear under oath to the following:

I received **NO notification** of the Tringali property proposed tri-plex on each or any parcel.

CITY OF FERNANDINA BEACH

SEP102025PM2:28

FURTHER AFFIANT SAYETH NAUGHT

CITY CLERK'S OFFICE

David B. Coalson 9/10/2025

Affiant, (person submitting sworn statement):

NOTARY PUBLIC

Sworn to (or affirmed) and subscribed before me ✓ in person or virtually this 10th day of September 2025 by David Coalson (affiant name) who is personally known to me or ✓ produced identification DRIVERS LICENSE (type of identification produced)

NOTARY PUBLIC, State of Florida

Seal/My Commission Expires: 07-18-2029

Heidi Leigh Anderson
Print Notary Name:





Certificate Of Completion

Envelope Id: E0E642CD-086E-4FDB-8ABB-9E816EAEA059
Subject: Complete with Docusign: AFFIDAVIT DAVID COALSON.doc
Source Envelope:
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EnvelopeId Stamping: Enabled
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Status: Completed

Envelope Originator:
Larry Redmond
227 s 4th street
227 s 4th street
Fernandina Beach, FL 32034
redmondychachts@gmail.com
IP Address: 50.221.105.162

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Status: Original
9/10/2025 9:37:05 AM

Holder: Larry Redmond
redmondychachts@gmail.com

Location: DocuSign

Signer Events

David B. Coalson
dbcoalson@gmail.com
Security Level: Email, Account Authentication
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Signature

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David B. Coalson
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Sent: 9/10/2025 9:38:47 AM
Viewed: 9/10/2025 9:59:23 AM
Signed: 9/10/2025 10:00:08 AM

Electronic Record and Signature Disclosure:
Accepted: 9/10/2025 9:59:23 AM
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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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Certified Delivered	Security Checked	9/10/2025 9:59:23 AM
Signing Complete	Security Checked	9/10/2025 10:00:08 AM
Completed	Security Checked	9/10/2025 10:00:08 AM
Payment Events	Status	Timestamps
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Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

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To contact us by email send messages to: redmondyachts@gmail.com

To advise Redmond Boats and Yachts of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at redmondyachts@gmail.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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ii. send us an email to redmondyachts@gmail.com and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

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AFFIDAVIT OF MERRY A. COALSON

State of FLORIDA

County of NASSAU

BEFORE ME, the undersigned authority, personally appeared in person who, having been by me first duly sworn on oath, states as follows: My name is Merry Coalson

Address: 111 S. 4th Street, Fernandina Beach, FL 32034 Phone: (678) 457-9775 Email: merrycoalson@gmail.com . This affidavit is based upon my personal knowledge of these facts and circumstances and I swear under oath to the following:

I received **NO notification** of the 3rd and Beech Triplex property project proposing tri-plex: on each or any parcel.

CITY CLERK'S OFFICE

SEP102025PM2:28

FURTHER AFFIANT SAYETH NAUGHT

Dec. Signed by:
Merry A Coalson 9/10/2025

1/57739839958481
Affiant, (person submitting sworn statement)

CITY OF FERNANDINA BEACH

NOTARY PUBLIC

Sworn to (or affirmed) and subscribed before me ☒ in person or ☐ virtually this 10th day of September 2025, by Merry Coalson (affiant name) who is ☐ personally known to me or ☒ produced identification DRIVER'S LICENSE (type of identification produced)

NOTARY PUBLIC, State of Florida

Seal/My Commission Expires: 07-18-2029

Print Notary Name:

Heidi Leigh Anderson





Certificate Of Completion

Envelope Id: A6589031-83F6-4288-88B6-BB18970E7D97
Subject: Complete with Docusign: AFFIDAVIT MERRY COALSON.doc
Source Envelope:
Document Pages: 1
Certificate Pages: 4
AutoNav: Enabled
EnvelopeId Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

SEP 10 2025 PM 2:29

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227 s 4th street
227 s 4th street
Fernandina Beach, FL 32034
redmondyachts@gmail.com
IP Address: 50.221.105.162

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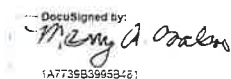
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Signature

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Timestamp

Sent: 9/10/2025 9:57:48 AM
Viewed: 9/10/2025 9:58:37 AM
Signed: 9/10/2025 9:59:15 AM

Electronic Record and Signature Disclosure:
Accepted: 9/10/2025 9:58:37 AM
ID: 99ac4efb-455e-4021-94ca-0e34dd994292

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent

Hashed/Encrypted

9/10/2025 9:57:49 AM

Certified Delivered

Security Checked

9/10/2025 9:58:37 AM

Signing Complete

Security Checked

9/10/2025 9:59:15 AM

Completed

Security Checked

9/10/2025 9:59:15 AM

Payment Events

Status

Timestamps

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To advise Redmond Boats and Yachts of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at redmondyachts@gmail.com and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

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To withdraw your consent with Redmond Boats and Yachts

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Consequences of changing your mind

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All notices and disclosures will be sent to you electronically

AFFIDAVIT OF MERRY A. COALSON

State of FLORIDA

County of NASSAU

BEFORE ME, the undersigned authority, personally appeared in person who, having been by me first duly sworn on oath, states as follows: My name is Merry Coalson:

Address: 111 S. 4th Street, Fernandina Beach, FL 32034 Phone: (678) 457-9775 Email: merry.coalson@gmail.com . This affidavit is based upon my personal knowledge of these facts and circumstances and I swear under oath to the following:

I received **NO notification** of the 3rd and Beach Triplex property project proposing triplex on each or any parcel.

CITY CLERK'S OFFICE

SEP102025PM2:29

FURTHER AFFIANT SAYETH NAUGHT

Designated by:
Merry A Coalson 9/10/2025

Affiant, (person submitting sworn statement)

CITY OF FERNANDINA BEACH

NOTARY PUBLIC

Sworn to (or affirmed) and subscribed before me ____ in person or ____ virtually this ____ day of ____ 20____, by ____ (affiant name) who is ____ personally known to me or ____ produced identification ____ (type of identification produced)

NOTARY PUBLIC, State of Florida

Seal/My Commission Expires: _____

Print Notary Name: _____

IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT
IN AND FOR NASSAU COUNTY, FLORIDA

MERRY COALSON, DAVID COALSON,
TAINA CHRISTNER
Petitioners.

**Filed pursuant to
Fla.R.App.P.9.100(f)(2)**

v.

Case No: 23 CA 000404

CITY OF FERNANDINA BEACH, and
ANTHONEY J. TRINGALI REV. TRUST
AND JOSEPHINE TRINGALI OWNER/APPLICANT.
Respondents.

_____/

PETITION FOR WRIT OF CERTIORARI

Petitioners (collectively “Petitioners”) join together and file this Petition for Writ of Certiorari pursuant to Florida Rules of Appellate Procedure 9.100(b), (c) and 9.190(b)(3) to quash and remand a quasi-judicial decision of the CITY OF FERNANDINA BEACH made by its City Commission that overruled the unanimous vote on December 14, 2022 of the City’s Planning Advisory Board that directed that this applicant’s request be sent to the Board of Adjustment, in accordance with the city’s Land Development Code Section 1.03.05. The City Commission instead granted approval on May 16, 2023 without sending the application to the Board of

Adjustment as required by LDC 1.03.05¹ (App., Ex. A).

JURISDICTION

Jurisdiction is pursuant to Florida Rule of Appellate Procedure 9.030(c)(3), 9.100, Article V, Section 5(b) Florida Constitution.

¹ LDC 1.03.05 **Construction or Demolition of Structures on Combined Lots** provides:

“A. In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, wherever there may exist a single-family detached residential unit or, a duplex structure **or any auxiliary building or structure, including but not limited to**, swimming pools, or any other improvement **which was heretofore constructed on property containing one or more platted lots or portions thereof** (excluding walls or fences), **such lots thereafter constitute one building site and must be considered the “lot of record”, and no permit will be issued for the construction of more than one residential dwelling unit on the site.** All construction on the building site must comply with all existing zoning and density requirements.

B. The demolition or removal of any residence or structure, whether voluntary or involuntary, does not have the effect of changing the establishment of the building site.

C. **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.”**

(emphasis added)

STANDARD OF REVIEW

“In first tier certiorari proceedings, the circuit court must determine: ‘(1) whether procedural due process is accorded, (2) whether the **essential requirements of the law have been observed**, and (3) whether the administrative findings and judgment are supported by competent substantial evidence.” Broward County v. G.B.V. International, Ltd., 787 So.2d 838 at 843 (Fla.2001) quoting Deerfield Beach v. Valliant, 419 So. 2d 624 at 626 (Fla. 1982) (emphasis added). Claims that local development orders are not consistent with land development regulations are subject to certiorari review as a failure to comply with the essential requirements of law. See, *Education Development Center, Inc. vs. Palm Beach County*, 721 So. 2d 1240 (Fla. 4th DCA 1998). Petitioners in this case respectfully request this court reverse and remand the actions of the City on the grounds the City failed to comply with the essential requirements of law as set forth in the City Land Development Code Section 1.03.05.

STATEMENT OF RELEVANT FACTS

The relevant facts regarding the property are not in dispute.

The land in question consists of five parcels (each consisting of various number of platted lots that are currently combined and listed on the Nassau County Property Appraiser's website and interactive property map parcel ID numbers). Four of the parcels currently have single-family homes and the remaining parcel had a garage or auxiliary building in the past. The parcels on S. 3rd Street are zoned MU-1 and the parcels on S. 4th Street are zoned R-2 and are across the street from the Downtown Historic District. Because all five parcels had a single-family home or an auxiliary structure on them, the Planning Advisory Board voted unanimously that the properties were governed by Section 1.03.05 of the Land Development Code ("LDC" or "Code"), which requires that the request to build more than one residential structure on each the buildable parcels/lots of record must be sent to the Board of Adjustment for decision as required by Section 1.03.05 (C). Tr. at 23-24.

The first buildable parcel/lot of record² consists of five platted lots, and is located at 124 S. 3rd Street, is zoned MU-1, and currently has a single-family home on it.

The second buildable parcel/lot of record ³ consists of five platted lots, and is immediately to the south of 124 S. 3rd Street, but has no street number. It is zoned MU-1 and currently has no building or home on the property, although there was a garage or other auxiliary building there in the past (as evidenced by the concrete slab/improvement still on the property).

The third buildable parcel/lot of record⁴ consists of four platted lots, and is located at 119 S. 4th Street, is zoned R-2, and currently has a single-family home on the property.

² This parcel and can be viewed here:
<https://maps.nassauflpa.com/nassautaxmap/?pin=00-00-31-1800-0012-0050>

³ This parcel can be viewed here:
<https://maps.nassauflpa.com/nassautaxmap/?pin=00-00-31-1800-0012-0100>

⁴ This parcel can be viewed here:
<https://maps.nassauflpa.com/nassautaxmap/?pin=00-00-31-1800-0012-0210>

The fourth buildable parcel/lot of record⁵ consists of two platted lots, and is located at 123 S. 4th Street, is zoned R-2, and currently has a single-family home on the property.

The fifth buildable parcel/lot of record⁶ consists of four platted lots and is located at 125 S. 4th Street, is zoned R-2, and currently has a single-family home on the property.

RESPONENTS

The TOWN OF FERNANDINA BEACH is the Respondent, a municipality in the State of Florida, in Nassau County.

The OWNER/ APPLICANT is Anthoney J. Tringali Rev. Trust and Josephine Tringali.

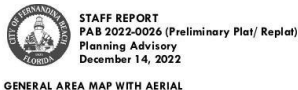
The AGENT is Compass Group, Inc. (Ron Flick) and Gillette and Associates (Asa Gillette).

⁵ This parcel can be viewed here:
<https://maps.nassauflpa.com/nassautaxmap/?pin=00-00-31-1800-0012-0190>

⁶ This parcel consists of four platted lots and can be viewed here:
<https://maps.nassauflpa.com/nassautaxmap/?pin=00-00-31-1800-0012-0150>

PETITIONERS' STANDING

Petitioners Merry Coalson and David Coalson, 111 S 4th Street, Fernandina Beach, FL are immediately adjacent neighbors to the proposed 3rd and 4th Street Townhome subdivision, they are more adversely affected than the community at-large as set forth below due to their adjacent location. The 100th block of S 4th Street, where the Coalson home is located, and where the proposed townhome subdivision is planned, is and always has been a single-family home neighborhood.



GENERAL AREA MAP WITH AERIAL



111 S 4th Street
Coalson Property

<<<<<<<<<<Taina Christner
406 Beech Street

^^ Subject parcels (shown in red)

See, Request Letter(s) for Adversely Affected Party Status.

Petitioner Taina Christner, 406 Beech Street, Fernandina Beach, FL lives steps from the proposed townhome development which would be built on Beech Street between S. 3rd and S. 4th Streets. Taina Christner resides in her home on Beech Street just east of the townhomes. Taina's house is the second house from the corner (of S. 4th St.) going east on Beech Street, so her house is diagonally across the street from the townhomes. Taina Christner's property and home would be adversely affected by the increased density, intensity, elevation of the lots with a raised retaining wall and massing of the townhomes that are not comparable with Tania Christner's home and the historic homes located on the east side of Beech Street.

Common law standing to bring this action is set forth under Renard v. Dade County, 261 So.2d 832 (Fla. 1972); Upper Keys Citizens Coalition v. Wedel, 341 So.2d 1062 (3rd DCA 1987); Save Brickell Ave., Inc. v City of Miami, 393 So.2d 1197 (3rd DCA 1981). The Florida Supreme Court held with regard to (non-statutory) common law standing, in Renard, that: "...proximity to a particular use of land has been found to satisfy this test exceeding the general interest in community good shared in common with all citizens;

however, when determining standing, the courts *should not only consider the proximity of property, but the type and scale of the challenged project in relation to Petitioner's property.* Rinker Materials Corp. v. Metropolitan Dade County 528 So.2d 904, 906-907 (Fla. 3rd DCA., 1987). See also, City of St. Petersburg, Bd. of Adjustment v. Marelli 728 So.2d 1197, 1198 (Fla 2nd DCA, 1999).

Petitioners have standing under Renard and cases set forth above, *Id.*, to challenge the quasi-judicial action that has the effect of approving the application without following the legal process set forth in LDC 1.03.05.

The proposed townhome subdivision would adversely affect the Petitioners. The subject approval would adversely affecting the Petitioners' use and enjoyment of their property and homes that are located within the area in which mailing notice is required adjacent, adjoining (in the case of Coalson's home) or mere steps away across Beech Street (in the case of Tania Christner's home). The adverse impacts directly resulting from approval of additional illegal structures that exceed the number of dwelling units on the subject parcels

allowed by City Code 1.03.05 without first obtaining a variance from this criteria from the Board of Adjustment include the following:

- Increase in density
- Increase in development intensity
- Increase traffic and parking needs on the Petitioners' street (Beech Street)
- Reduce Parking spaces on Beech Street adjacent to Petitioners' home
- Drastically change the character of the view from the homes in the historic district and streetscape on Beech Street
- Removal and loss of eligible historic contributing structures and tree canopy on the subject site,
- Lead to the loss of tree canopy and canopy trees that provide protection from harsh sunlight, albedo and loss of tree benefits that provide energy savings and aesthetic benefits to Coalsons' home
- Increase impervious surface area on the affected property, thereby increasing stormwater and flooding concerns on Coalsons' adjacent property.



ARGUMENT:
THE APPLICANT FAILED TO MEET THE ESSENTIAL
REQUIREMENTS OF LAW

LAND DEVELOPMENT CODE 1.03.05

**I.The City's Land Development Code Section 1.03.05
Governs the Tringali Development Application.**

Section 1.03.05 of the Fernandina Beach Land Development Code currently provides as follows:

A. In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, wherever there may exist a single-family detached residential unit or, a duplex structure or any auxiliary building or structure, including but not limited to, swimming pools, or any other improvement which was heretofore constructed on property containing one or more platted lots or portions thereof (excluding walls or fences), such lots thereafter constitute one building site and must be considered the

“lot of record”, and no permit will be issued for the construction of more than one residential dwelling unit on the site. All construction on the building site must comply with all existing zoning and density requirements.

B. The demolition or removal of any residence or structure, whether voluntary or involuntary, does not have the effect of changing the establishment of the building site.

C. 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.

(emphasis added).

By its clear and express terms, Section 1.03.05 applies to all five of the Tringali parcels at issue in this case. Each parcel constitutes “one building site” or “lot of record” within the meaning of

the Code because each parcel “contain[s] one or more platted lots or portions thereof,” and on each parcel there “exist[s] a single-family detached residential unit,” an auxiliary structure, or “other improvement.” §1.03.05 (A). Whenever these conditions exist, the combined lots “thereafter constitute one building site” or one “lot of record” and “no permit will be issued for the construction of more than one residential dwelling unit on the site.” *Id.*



EXISTING STRUCTURES ON COMBINED LOTS OF RECORD

Even if the homes and structures on these sites shown above were removed, Subsection B provides that such removal “does not have the effect of changing the establishment of the building site.” §1.03.05 (B).

Once established, these “building sites” or “lots of record” can only be changed by seeking and obtaining the approval of the Board of Adjustment under strict standards and procedures. §1.03.05 (C). A change “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.” *Id.* It is undisputed that the Tringali property owners and developers have neither sought nor obtained approval from the Board of Adjustment for a variance in this case.

Instead, the Fernandina Beach City Commission, after a quasi-judicial hearing, ruled that Section 1.03.05 does not apply to the Tringali property owners’ application to subdivide or replat the existing parcels (containing five building sites) into twelve newly drawn lots or building sites (to accommodate twelve townhomes). To support its decision to disregard Section 1.03.05, the Commission relied on two arguments—one made by City’s Staff and the other

made by Harrison Poole, the acting City Attorney who advised the Commission during the proceeding. As explained below, these arguments are unpersuasive and do not relieve the Commission of its obligation under Section 1.03.05 to deny the Tringali Townhome proposal and refer it to the Board of Adjustment for a possible variance.

The clear and express intent and purpose of Section 1.03.05 A—as stated on its face—is “to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas.” §1.03.05 (A). This statutory intent is confirmed by the legislative history which explains that this Section was meant to apply to all requests to subdivide or replat parcels of land that previously combined smaller lots and upon which had been built homes or other structures. The Minutes of the Jan. 26, 2006 Special Meeting of the Planning Advisory Board read as follows:

Ms. Hartley (City Planner) read the proposed 1.03.05 language that was drafted by the City Attorney. She clarified that this zoning and land use restriction is on the property, and someone built a house, and now the City doesn't want the property owner to try to maximize their

profit and increase density across the board by tearing down their house and putting up two houses.

Chairman Bennett suggested including this language with land use and then it is quite clear. He commented that the intent of the board was to allow single buildings, but where lots have been combined and single improvements put on them to keep it that way.

Member Conger noted that entrepreneurs would purchase existing building on a lot and then they'll split it in order to build two houses. He questioned if this effectively puts up a barrier to activity like that. Ms. Hartley replied correct.

The arguments against the application of Section 1.03.05 are unpersuasive. First, Ms. Kelly Gibson's position on behalf of the City Planning Staff was that Section 1.03.05 does not apply in this case because that Section only applies in a narrow class of cases in which the property owner seeks to return to the original underlying lots of record. Tr. at 23-29. The Staff took the position that all subdivisions sent to the Board of Adjustment since 2011 have met this description, and no matters have been sent to the Board seeking to subdivide a

current large “building site” or lot into smaller building sites. Because the Tringali developer is not seeking to return to the original lots of record, the Staff advised the Commission that it could approve the proposal without sending the matter to the Board of Adjustment.

The Staff’s reading contradicts the clear language of Section 1.03.05. That Section applies “whenever . . . one or more platted lots” have been combined and a single family detached home or other auxiliary structure has been built on the property. §1.03.05 (A). Once a such a structure has been built on the combined lots, “such lots thereafter constitute one building site and must be considered the ‘lot of record’, and no permit will be issued for the construction of more than one residential dwelling unit on the site.” §1.03.05 (A).

This is a clear and express prohibition that applies to each of the five Tringali properties in this case. Each parcel combines one or more platted lots and a single-family home or an auxiliary structure has previously been built on each parcel. Thus, under Section 1.03.05, each parcel “thereafter constitute[s] one building site” or “lot of record” and “no permit will be issued to build more than one dwelling unit on the site.” *Id.* The only way for a property owner to seek relief from this prohibition is set forth in Section 1.03.05 (C).

That Section provides that a property owner may seek a “change from the foregoing provisions for the purpose of establishing building sites, or separation of building sites” by seeking and obtaining “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.” *Id.* It is undisputed that the Tringali property owners have neither sought nor obtained such approval from the Board of Adjustment.

Although the text of Section 1.03.05 alone suffices to refute the Staff’s narrow construction of that provision, a review of the cases decided by the Board of Adjustment in recent years also contradicts the Staff’s position. Contrary to the Staff’s position, the Board of Adjustment has decided multiple requests by property owners seeking to subdivide or replat large individual “building sites” or “lots of record” that do not involve requests solely to return to the original lots of record.

For example, on May 19, 2010, the City Staff referred Case No. BOA 2010-10 to the Board of Adjustment for decision. See *Board of Adjustment Agenda, May 19, 2010*. The case involved a request from a property owner for a variance from Section 1.03.05 that did not

seek to return to the original lots of record. Instead, the request sought to divide one large building site (consisting of ten previously combined lots) into two smaller building sites. The Staff Report summarized the request as follows:

This application is for a variance to LDC Section 1.03.05(A) to allow the property owner to separate a building site. The existing parcel is comprised of ten lots (lots 1-5 and 28-32) of block 6 of the Seaview subdivision. There is a single family home on lots 1-3 and 30-32 and there is an auxiliary building on lots 4 and 29. Per the LDC, the eight lots containing the house and auxiliary building constitute one building site and are considered a lot of record. Lots 5 and 28 (25' wide) do not contain any structures and are considered a buildable lot of record. The property owner wishes to subdivide the current parcel in order to create a separate parcel comprised of lots 4, 5, 28 and 29, which would be 50' wide. Due to the presence of the auxiliary structure on lots 4 and 29, lots 4 and 29 are considered part of the lot of record for the single family home and cannot be separated from that building

site without a variance.

Board of Adjustment Agenda, May 19, 2010 at 7.

The Staff recommended denial of this request because it was inconsistent with several of the criteria listed in the LDC for granting a variance. *Board of Adjustment Agenda, May 19, 2010 at 9-10.* After a quasi-judicial hearing on May 19, 2010, the Board of Adjustment unanimously approved the property owner's request for a variance pursuant to LDC Section 1.03.05 (C). *See Board of Adjustment Minutes, May 19, 2010, attached to Board of Adjustment Agenda, Aug. 18, 2010, at 4.* City Attorney Bach was in attendance during this proceeding and made no objection to the jurisdiction of the Board of Adjustment to decide this request under LDC Section 1.03.05 (C).

The Board has decided additional requests for variances under Section 1.03.05 (C) that did not seek solely to return to the original lots of record. *See Board of Adjustment Staff Report, Jan. 10, 2018* (recommending denial of request by Sherri Rinker "seeking a variance so that the 'lot of record,' as established by the existing structure, can be subdivided into two lots"); *Board of Adjustment Staff Report, April 11, 2018* (recommending approval of request by Frederick and Deborah Lewis "seeking a variance in order to restore

two platted lots of record and two partial lots of record”).

Even if the City’s consistent practice (in violation of Section 1.03.05) had been to send only cases seeking a return to the original lots of record to the Board of Adjustment, such misapplication of the Land Development Code would not relieve the City of its obligation to follow Section 1.03.05 in this case. Monroe County v. Hemisphere Equity Realty, Inc., 634 So.2d 745 (Fla. 3rd DCA 1994) Nor is a developer entitled to rely on erroneous advice from City staff that contradicts the Code. Id. A city’s failure to enforce its Land Development Code, or even a city’s erroneous advice that its Code does not apply, creates no entitlement to violate the Code. Id.

The court in Monroe County v. Hemisphere Equity Realty, Inc., 634 So.2d 745 (Fla. 3rd DCA 1994) noted that “While at first blush it seems that the application of the rule may be harsh, it would be inconceivable that public officials could issue a permit, either inadvertently, through error, or intentionally, by design, which would sanction a violation of an ordinance adopted by the legislative branch of government.” Corona Properties v Monroe County, 485 So.2d 1314 at 1317 (quoting Dade County v. Gayer, 388 So.2d 1292, 1294 (Fla. 3d DCA 1980), rev. denied, 397 So.2d 777 (Fla.1981)).

At the hearing in this case, Mr. Flick, the developer representing the Tringali property owners, emphasized that his team started this project by holding meetings with the City planning staff and followed “the staff’s recommendations and insight” in developing their proposal to build twelve townhomes on the property. Tr. at 46-47. He insisted that he shouldn’t “lose an entitlement right” because he followed the “City’s advice.” Tr. at 108. Mr. Flick did not use the term estoppel, but he is essentially arguing that the City should be estopped from following Section 1.03.05 because the planning staff advised him that his proposed townhome development was allowed by the Code.

Florida cases clearly reject such estoppel and require adherence to the Land Development Code. For example, in *Citrus County v. Halls River Development, Inc.*, 8 So.3d 413 (Fla. 5th DCA 2009), a condominium developer sued the County seeking to estop it from applying Land Development Code to his project because the County gave him “erroneous advice about the property’s permitted uses” during the planning process. *Id.* at 421. The Court rejected the developer’s claim because the Land Development Code “enjoys legal primacy regarding allowable land uses.” *Id.* at 422. Accordingly, the

County was not bound by any “misstatements of law” made during the planning process. *Id.* at 423. See also *Santa Rosa Development LLC v. Santa Rosa County*, No. 3:22cv660-MCR-MJF, 2023 WL 3089818, at *8 (N.D. Fl. March 20, 2023) (upholding enforcement of the County’s Land Development Code notwithstanding the plaintiff’s reliance on the planning staff’s erroneous advice due to their “mistake of law”).

The Tringali developer also argued that the City’s Comprehensive Plan gives property owners an “entitlement” to build up to eight units per acre and suggested the Land Development Code should not be read to “remove an entitlement from a party that’s granted by the Comprehensive Plan in the state of Florida.” Tr. at 106. Florida courts have consistently rejected the argument that a Comprehensive Plan takes precedence over the Land Development Code. For example, the Florida Supreme Court has explained that “the comprehensive plan is intended to provide for the *future* use of land, which contemplates a gradual and ordered growth.” Board of County Commissioners of Brevard County, Florida v. Synder, 627 So. 2d 469, 475 (Fla. 1993). Accordingly, “[t]he present use of land may, by zoning ordinance, continue to be more limited than the future use

contemplated by the comprehensive plan.” *Id.* (quoting *Marracci v. City of Scappoose*, 552 P.2d 552, 553 (Or.Ct.App.1976)). See also *City of Jacksonville Beach v. Grubbs*, 461 So.2d 160, 162 (Fla. 1st DCA 1984), *review denied*, 469 So.2d 749 (Fla. 1985) (explaining that a Comprehensive Plan “is intended as a general guideline for community growth for a twenty- or twenty-five-year period” and is “not intended to accomplish immediate land use changes and legally did not do so”). Thus, the developer’s position that the LDC Section 1.03.05 cannot impose greater restrictions than the Comprehensive Plan is wrong as a matter of settled law.

The Equal Protection Issue

The City Attorney, Tammi Bach, has argued that a decision by the City Commission to apply Section 1.03.05 to this case could give the property owners and developers an equal protection claim against the City. Tr. at 43-44. She claimed that the City has previously approved similar development requests from similarly situated property owners without applying Section 1.03.05 and sending the requests to the Board of Adjustment. She conceded, however, that all of the examples she cited involved land that was recently annexed into the City and then redeveloped. In particular, she highlighted the Island View subdivision because it demolished four existing homes and created twelve new home sites. The property in question was annexed by the City in December 2021 (Ordinance 2021-30), and the City Commission approved the replat on April 18, 2023. Thus, in her view, “the demolition permit was pulled from the city after the effective date of the annexation, putting it in exactly the same position as this” case. Tr. at 44. As discussed below, however, the fact that the property was recently annexed into the City is more than sufficient to distinguish it from the present case and defeat an equal protection

claim.⁷

The Supreme Court has recognized that a property owner may assert an “equal protection claim brought by a ‘class of one,’ where the plaintiff alleges that she has been intentionally treated differently from others similarly situated and that there is no rational basis for the difference in treatment.” *Village of Willowbrook v. Olech*, 528 U.S. 562, 564 (2000). This is a very strict test that the would require the Tringali property owners to show that they are being singled out for arbitrary treatment—a showing they cannot make in this case. In *Willowbrook*, the plaintiff asked the Village to connect her property to the municipal water supply. The Village agreed on the condition that the property owner grant it a 33-foot easement. The property owner objected on the ground that in the past the Village had required only a 15-foot easement from other property owners seeking access to the water supply, and that the new condition was “arbitrary” and “irrational.” The Supreme Court held that this differential treatment of

⁷ Indeed, the Staff Report dated July 14, 2021, summarizing the request for voluntary annexation of the Island View property, plainly stated that “The applicant has the desire to construct single family residential homes consistent with the requested land use at a maximum density of 4 dwelling units per acre, and consistent with the applicable design standards for the R-1 zoning district.” Thus, both the property owner and the City understood annexation and subdivision of the property to be intertwined.

similarly situated property owners was “sufficient to state a claim for relief under traditional equal protection analysis.” *Id.* at 565.

The lower courts’ application of the *Willowbrook* standard illustrates why the Tringali property owners cannot assert a valid equal protection claim in this case. In *Campbell v. Rainbow City*, 434 F.3d 1306 (11th Cir. 2006), developers alleged an equal protection violation because the city denied their application for a variance to build a high-density apartment building on property zoned for lower density. The developers pointed to several previous developments approved by the city—including a credit union, a medical office, and lower-density apartment buildings—but the Eleventh Circuit found that these previous buildings were not sufficiently similar to the proposed development to support an equal protection claim. The court stressed that “in order for any development to be similarly situated to Plaintiffs’ proposed project, it must be *prima facie* identical in all relevant respects.” *Id.* at 1314. In *Campbell*, there were several material differences between the proposed development and previous projects, including differences in density.

On the other hand, in *City National Bank of Florida v. City of Tampa*, 67 So. 3d 293 (Fla. App. 2011), the Florida District Court of

Appeal upheld an equal protection challenge because the property owners alleged that their proposed condominium was singled out and treated differently from all other similarly situated properties with no rational basis. In over 10,000 similar situations, the City had interpreted the zoning ordinances for a corner property like the one at issue here to require only one twenty-five foot setback in the front yard. In this case, however, the City zoning administrator—for the first time ever—interpreted the applicable zoning ordinances to require two twenty-five-foot setbacks. The court ruled that “based on the unique facts of this case,” the plaintiff stated an equal protection claim. *Id.* at 300.

These precedents establish that applying LDC Section 1.03.05 to the proposed Tringali development would not create equal protection concerns. This case is much more similar to *Willowbrook* and *Campbell* than *City National Bank*. The City Attorney (Ms. Bach) conceded during the hearing that all of the staff’s examples of previous subdivisions approved without going to the Board of Adjustment involved properties recently annexed by the City. None of these examples involved property—like the Tringali properties—that had been located in the City for over one hundred years. Section

1.03.05 was specifically adopted to preserve the character of the City's existing neighborhoods. Allowing the subdivision of newly annexed properties does not implicate this concern because, by definition, such properties were outside the city limits prior to annexation. This distinction alone provides a rational basis for applying Section 1.03.05 to the Tringali properties even if it has not been applied to recently annexed properties.

There is another rational basis for treating the Tringali properties differently from the annexed properties. The annexed properties, by definition, are all located at the outer limits of the City whereas the Tringali properties are located in the heart of the historic downtown district. It is undisputed that the proposed townhomes on S. 4th Street would be directly across from homes in the downtown Historic District. This fact conclusively establishes that the Tringali development is not "identical in all material respects" to developments involving annexed properties. *Campbell*, 434 F.3d at 1314. Thus, the application of Section 1.03.05 to the Tringali properties is neither arbitrary nor irrational and does not violate the Equal Protection Clause.

Acting City Attorney Poole's Erroneous Interpretation of the LDC

Finally, after the City Commission heard from the parties and the public in this case, Commissioner Anton asked Acting City Attorney Poole whether he had an opinion regarding how the Commission should interpret Section 1.03.05 of the Land Development Code, given the conflicting opinions of the parties. Tr. at 148. Mr. Poole responded that he had anticipated this question and prepared a brief slide presentation to address it. Tr. at 149. Mr. Poole's took the position that the Tringali property owners are seeking "a new subdivision" of their property and that subdivisions are governed by LDC Section 4.04. Tr. at 150. As he put it, their request "is effectively destroying what the original lots were and replacing them. And so our code says section 4.04 regulates re-subdivision of land and there are a lot of requirements that go along with it in addition to or different from what would be required before the Board of Adjustment." Tr. at 150. Mr. Poole proposed to resolve this apparent conflict between Section 1.03.05 and Section 4.04 by looking to LDC Section 1.05.01 (C), "where it says specific provisions of this Land Development Code shall be followed in lieu of general provisions that may be in conflict with the specific provision." Tr. at

151. Mr. Poole's argued that the provisions of Section 4.04 are more specific than, and thus should be followed instead of, Section 1.03.05.

Mr. Poole's interpretation of the Code convinced Commissioner Anton, Tr. at 151 ("I think you pretty much answered that question"), Commissioner Ayscue, Tr. at 158 ("I believe that this is a subdivision, as it was described by Mr. Poole"), Mayor Bean and Commissioner Sturgis. After Poole's remarks, Commissioner Ross moved to deny the Tringali proposal on the ground that it "does not comply with the Land Development Code. 1.03.05," Tr. at 160, but this motion failed for lack of a second. Commissioner Sturgis then moved to approve the proposed subdivision, Tr. at 160, and the Commission voted 4-1 to approve the motion. Tr. at 161.

Mr. Poole's interpretation of the Code—embraced by the Commission—is wrong as a matter of law. Contrary to Mr. Poole's conclusion, Section 1.03.05 is more specific than Section 4.04, meaning the former should govern in the event of a conflict. Moreover, Mr. Poole's interpretation of the Code would render Section 1.03.05 almost entirely superfluous. By contrast, applying Section 1.03.05 as written to preserve combined lots with single-

family homes on the property would not render Section 4.04 superfluous. It would still apply to all subdivisions of land not subject to Section 1.03.05, such as combined lots on which no single-family homes have been built.

Mr. Poole correctly observed that LDC Section 1.05.01 (C) provides that “Specific provisions of this LDC shall be followed in lieu of general provisions that may be in conflict with the specific provision.” He (and the Commission) erred, however, in concluding that Section 4.04 is more specific than Section 1.03.05. Section 4.04 is a general provision of the Code that governs *all* subdivisions of property within the City. Section 1.03.05, by contrast, applies to a smaller subset of properties consisting of combined lots upon which single-family homes or other qualifying structures have been built. With respect to such properties, Section 1.03.05 specifies that “such lots thereafter constitute one building site and must be considered the ‘lot of record’, and no permit will be issued for the construction of more than one residential dwelling unit on the site.” §1.03.05 (A). Section 1.03.05 then goes on to specify the precise procedures that property owners must follow to seek a variance, which entails going to the Board of Adjustment. §1.03.05 (C). It is hard to imagine

provisions more specific than these, and they are certainly more specific than the provisions of Section 4.04 that apply generally to all subdivisions.

A second fundamental problem with Mr. Poole's (and the Commission's) interpretation of the Code is that it would render Section 1.03.05 superfluous. As the Florida Supreme Court has explained, courts "are compelled by well-established norms of statutory construction to choose that interpretation of statutes and rules which renders their provisions meaningful. Statutory interpretations that render statutory provisions superfluous are, and should be, disfavored. Courts are not to presume that a given statute employs useless language." *Johnson v. Feder*, 485 So.2d 409, 411 (Fla. 1986) (internal citations omitted). According to Section 1.03.05 (A), the reason that it prohibits the creation of multiple building sites from previously combined lots upon which single-family homes have been built is "to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas." §1.03.05 (A). Reading the general provisions of Section 4.04 to defeat this specific restriction would render Section 1.03.05 superfluous because this interpretation would permit the subdivision

of all previously combined lots upon which homes have been built, notwithstanding Section 1.03.05 (A)'s direction that such lots must be considered "one building site" or "lot of record."

This Court recently applied *Johnson v. Feder* to reject reading Chapter 10 of the Land Development Code to render the prior version of Section 1.03.05 (C) "entirely superfluous." See *Manganaro v. Board of Adjustment*, No. 2021CA151 (Fla. 4th Cir. Ct. Oct. 3, 2021) (Filing #135796546, E-Filed 10/03/2021). At issue there was whether Section 1.03.05 required the Board of Adjustment to act by majority or supermajority vote when approving the subdivision of single "building site[s]" into multiple sites. The Board voted 3-2 to approve such a request, but the Chairman entered an order denying the application on the ground that "the separation of lots [must] be determined via the variance process described in Chapter 10 of the LDC," which required the Board to act by supermajority vote. Slip Op. at 3. This Court granted the property owners' petition for a writ of mandamus requiring the Chairman to approve the application on the ground that "only a simple majority of the Board of Adjustment was required to approve the Petitioners' application for the lot separation as a special exception." Slip Op. at 6. The Court reasoned that if

Chapter 10 were read to say that the Board of Adjustment “only has the ability to hear lot separations as a variance, then Section 1.03.05 (C) would be rendered entirely superfluous as the owner would have the automatic right to seek a variance under Section 10.02.01 (B) of the LDC.” Slip Op. at 5.

The Court’s decision in *Manganaro* was correct, and the same rule of statutory construction requires reversal of the Commission’s decision in this case. The Commission’s reading of the Code would render Section 1.03.05 superfluous and ineffective. Following the Court’s decision in *Manganaro*, the City Commission amended Section 1.03.05 (C) specifically to permit departures from the restrictions set forth in Section 1.03.05 (A) only if the applicant receives “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.” §1.03.05 (C).⁸ Reading Section 4.04—as Mr. Poole and the Commission did—to allow subdivisions without following this procedure would effectively repeal and render superfluous not only the recent amendments strengthening Part (C),

⁸ The Court decided *Manganaro* on Oct. 3, 2021, and the City Commission responded by amending Section 1.03.05 on Feb. 15, 2022. See City of Fernandina Beach Ordinance 2022-03 (approved Feb. 15, 2022).

but Section 1.03.05 in its entirety.

The Commission's error in reading of Section 4.04 to override Section 1.03.05 is confirmed by the fact that Section 4.04 has not been amended since it was adopted on Oct. 1, 2006 (see Ordinance 2006-14),⁹ whereas Section 1.03.05 was most recently amended on Feb. 15, 2022. As noted, the latter was amended following *Manganaro* in order to make it more difficult for property owners to obtain permission from the Board of Adjustment to depart from Section 1.03.05 (A)'s building restrictions. Upholding the Commission's ruling that the Tringali townhome developers can bypass the Board of Adjustment would render Section 1.03.05 and its 2022 amendments a nullity.

Those who own property and live in a residential area have a legitimate and protectable interest in the preservation of the character of their neighborhood which may not be infringed by an unreasonable or arbitrary act of their government. Allapattah Community Association v. City of Miami, 379 So. 2d 387 (Fla. Dist. Ct. App,

⁹ See E-Mail from Sylvie McCann, Administrative Coordinator, City of Fernandina Beach, to Kim Wolford (resident) (June 9, 2023) (stating that "After research, I found that since the codification of our LDC on October 1, 2006 (by Ordinance 2006-14) there has been no updates to Section 4.04 Standards for Subdivisions").

1980).

In Alvey v. City of N. Miami Beach, the District Court of Appeal quoted *Allapattah Cmty. Ass'n* in the course of explaining why and how zoning protects neighboring property owners:

"[T]hose who own property and live in a residential area have a legitimate and protectable interest in the preservation of the character of their neighborhood which may not be infringed by an unreasonable or arbitrary act of their government." Zoning ordinances are enacted to protect citizens from losing their economic investment or the comfort and enjoyment of their homes by the encroachment of commercial development by an unreasonable or arbitrary act of their government. *Id.* Thus, the burden is upon the landowner who is seeking a rezoning, special exception, conditional use permit, variance, site plan approval, etc. to demonstrate that his petition or application complies with the reasonable procedural requirements of the applicable ordinance *Bd. of Cnty. Comm'rs of Brevard Co. v. Snyder*, 627 So.2d 469, 472 (Fla.1993). Because rezoning actions

have an impact on a limited number of persons or property owners, and the decision is contingent on facts arrived at from distinct alternatives by applying, rather than setting policy, the nature of the proceeding is quasi-judicial subject to strict scrutiny on certiorari review.

Snyder, 627 So.2d at 474–75.

Alvey v. City of N. Miami Beach, 206 So.3d 67 (Fla. App. 2016)

(quoting *Allapattah Cmty. Ass'n*, 379 So.2d at 392).

The Coalsons' counsel emphasized these arguments before the City Commission, as reflected in the transcript:

ATTORNEY BROOKES: "Good evening, my name is Ralf Brookes, Attorney, and I represent Merry Coalson and David Coalson of 111 South 4th Street, which has pointed out earlier, is the property immediately to the north that has a single family home. It's a pleasure to be here and a privilege to be here in front of this city council."... "If we look at 1.03.00, Applicability of the Land Development Code, and you look at 1.03.01, it says generally "(a) except as specifically provided, the provisions of this LDC shall apply to all development in the city." And I'll begin with first with 103.05, because that applies to all. And then I'll go to 103.04, which applies to a portion of the property here, the R2.

"But the 1.03.05 which applies to the whole thing, "construction or demolition of structures on combined lots in - - (a) in order to maintain open space - - and I'm going to read the relevant parts of this - - "in order to maintain open space," dot, dot, dot "neighborhood character, property values and visual attractiveness of residential areas wherever there may exist a single family detached

residential unit” dot, dot, dot “or any auxiliary building or structure.” I’m going “dot” because those are duplexes “including but not limited to swimming pools or other improvements or” - - like a garage - - “which was heretofore constructed on property containing one or more platted lots.” So if there was a structure, a home, a garage that's on a parcel that has more than one platted lot “one or more on a property containing one or more platted, lots or portions thereof, such lots thereafter constitute one building site and must be considered the lot of record.”

“So I think there was a question earlier, does the code define what a building site is? And it does not . . . in the definition section, but it does define it here in 1.03.05(a). So if you have a home, for example, or a garage on a parcel that has more than one lot, that's a lot of record and that becomes combined.

“At Property Appraiser's office, they give it a parcel ID, which is their own separate process. But in your Land Development Code for zoning and land development, if you have a home and it straddles more than one or is on a parcel of ID, even if there's nothing on that particular one, those ones that were empty, if they're all combined in one parcel of record, that is one lot of record and one buildable site.

“And it says after “and no permit will be issued for the construction of more than one residential dwelling unit on the site so that each parcel ID.” So those 5 would each get one home and that equals 6, not 12. And (b) “the demolition or removal of any residence, whether voluntary” - - like in this case or involuntary if there was a hurricane - - “does not have the effect of changing the establishment of the building site.”

“So if you take the home off, it's still one building site where you get one home and then a change from the foregoing provisions for the purpose of establishing building sites, the current code says, “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.” So because we’re departing from A and departing from B, C says that you have to go to the Board of Adjustment.”

“There was a case cited in the staff reports and presentations that I want to take a minute. It was called the 1921 or the 2021 circuit court case. That’s Manganaro versus Board of Adjustment of City of Fernandina Beach. versus Board of Adjustment city of Fernandina Beach 2021 CA 151 in the Circuit in and for Nassau County here in the Circuit Court, the Fourth Judicial circuit. And there in that case, the Circuit Court held yes, it goes to the Board of Adjustment under this code section 1.03.05. And in that case, the language was a little different at that time.”

“And it said “any change from the foregoing provisions for the purpose of establishing building sites shall require approval by the Board of Adjustment, at which all interested persons shall be afforded an opportunity to be heard.” It didn’t say supermajority at that time; it didn’t say variance at that time.”

“So Manganaro, when they went to the Board of Adjustment in September 27th, 2021, they got three votes, but they didn’t get the four votes supermajority. So Manganaro went to Circuit Court and it says it doesn’t say supermajority; it doesn’t say variance. The Circuit Court says, yeah, no, you don’t apply the variance. You apply special exception criteria, standards and criteria. That a little bit different than a variance, easier to meet. You only have to have a simple majority.

“So the court said yes, they went to the right place. They got the Board of Adjustment to review it and the Board of Adjustment approved it by three votes. And the way the code was written at that time, that’s all they needed, just a simple majority.”

“The code still says you have to go to the Board of Adjustment between the time that that case happened, and now the code says supermajority by variance. But it’s really immaterial. We’re not there. Right now, it’s not relevant whether they get a supermajority or a simple

majority, just the fact that they go there right now, they have not gone there [to the Board of Adjustment].”

“The Circuit Court said, you know, you go to the Board of Adjustment under this code. Under 1.03.04 for demolition of structures on substandard lots - - and this is limited to, in this particular case, R1, R2, RLM, R3, zoning districts. Okay, so only part of this is R2, but at least on the part, that's R2, it says the same thing: “Wherever there may exist a single family residence which was heretofore constructed on property containing one or more substandard platted lots, there shall thereafter constitute only one building site. No permit shall be issued for construction of more than one single family residence on that building site.” So there's a difference between a platted lot and then a buildable lot. In this case, you call it a building site and the other 1.03.05, they call it a building site and must be considered the lot of record. So a lot of record is different than a platted lot.”

“ I know it's very confusing. This even happens in Naples where everyone gets confused because lots of record and buildable lot is not the same thing as a platted lot. When they platted back in history, they had very narrow lots and you really can't meet setbacks and the other things that you need to do in a lot. So the main point here is that this application, because it departs from 1.03.05, has to go to the Board of Adjustment to be heard. So one, you shouldn't approve it because it hasn't gone to the Board of Adjustment. Secondly, you shouldn't approve it and should deny it because it's inconsistent with the Comp plan. It's not compatible with the community character of the surrounding neighborhood, the existing lot sizes, the adjoining historic district. It's putting a square peg in a round hole. You'll hear other metaphors tonight, I'm sure.”

“When language in a code is clear and express, you don't go to the legislative history. It's a statutory interpretation is only used when something is ambiguous. But when the language is clear and express, the courts apply what the code says, and neither the council or the court is allowed to insert words or delete words. In other

words, the code says what it means, and it means what it says.”

“If we were to go to the legislative history, however, and we provided this in all the backup - - which we move into the record, all the things that I submitted in time - - it's all part of your agenda that you've already seen in writing. There's minutes from the January 26th, 2006 Planning Advisory Board when they were adopting LDC 1.03.05. And Ms. Hartley, at the time City Planner, read proposed 1.03.05 that was drafted by the city attorney at that time, I believe a different city attorney. She clarified that this zoning and land use restriction applied to property on which someone built a house and implements the city's goal of preventing that property owner from tearing down their house and to put up two houses in its place. So Chairman Bennett said, he commented that the intent of the board was to allow single buildings, but where lots have been combined in single improvements, put on them to keep it that way. And there was some discussion, well, what if that doesn't work in every case? Then city attorney Braga. Braga replied that it could go to the Board of Adjustment because that is still a quasi-judicial public hearing. So they expressly wrote it this way so that it would go to the Board of Adjustment and they would look at unusual circumstances where they would depart from A and B. Then you would go to see if you're not if you're going to put up more than one house on that combined building site, that lot of record, then you have to go to the Board of Adjustment.”

“So I heard an argument and I've read the arguments of the City and they say, well, we can't do 1.03.05 because we've never enforced it , and we can't just start enforcing it now because it's not going to be - - it's going to violate equal protection under the federal Constitution; it'll be a federal court case against us and there were you're going to lose.”

“So I've done section 1983 cases, 1988 cases, all you'll hear from another attorney that's going to speak later, I'm confident you would win that case. Monroe County v Hemisphere Equity Realty 634 So.2nd 745

appellate district court case from 1994. Monroe County had a provision in its Land Development Code that it had not enforced for 15 years. It let everyone go through and then they said, oh, we need to enforce this so they enforce it. The court said ... even though Monroe County had a 15-year history of not enforcing its build-out rule, Monroe County had not reminded the original developer. It didn't matter. They had to comply with it. If you don't enforce the speeding limit on A1A and you let everyone go 75 and then one day you're out there and you decide to give a ticket for that, that ticket is still valid. In fact, you're supposed to enforce the Land Development Code; it's an essential requirements of law. You have to - - once you have a code, you've got to enforce it."

"The code says what it means and means what it says. If you intend to change it, then you need to go amend the code. And there's a process that you go through for that and it involves Planning Advisory Board, public hearings, and then two readings of an ordinance, and you have to do that. You can't just ignore a code and say, well, it's on the books, but you know, we might get hit with a constitutional claim. It's your duty to defend that code until you do get hit with a constitutional claim or if you think it's unconstitutional to amend it. But while it's on the books, you're supposed to apply it. And I think it is constitutional."

In sum, Section 1.03.05 of the City's Land Development Code is clear and unambiguous, and the Commission erred in ruling that it does not apply in this case. As the United States Supreme Court has held numerous times "The statute says what it means and means what it says." *Henson v. Santander Consumer USA Inc.*, 137 S. Ct. 1718, 1725 (2017) (quoting *Dodd v. United States*, 545 U.S. 353, 357 (2005)).

The Florida Supreme Court has also held that in all statutory construction, we must first look to the language of the statute. *Blanton v. City of Pinellas Park*, 887 So. 2d 1224, 1230 (Fla. 2004). When the language of the statute is clear and unambiguous and conveys a clear and definite meaning, there is no occasion for resorting to the rules of statutory interpretation and construction; the statute must be given its plain and obvious meaning.’ *Holly v. Auld*, 450 So. 2d 217, 219 (Fla. 1984).

It is well established that when the language of a statute is clear and unambiguous and conveys a clear and definite meaning, the statute must be given its plain and obvious meaning. *GTC, Inc. v. Edgar*, 967 So.2d 781, 785 (2007).

As Justice Oliver Wendell Holmes explained on behalf of the Supreme Court, “whatever the consequences, we must accept the plain meaning of plain words.” *United States v. Brown*, 206 U.S. 240, 244 (1907). The plain wording of the City’s Land Development Code 1.03.05 must be given its plain and obvious meaning.

LDC 1.03.05

Construction or Demolition of Structures on Combined Lots

“A. In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, **wherever there may exist a single-family detached residential unit or, a duplex structure or any auxiliary building or structure**, including but not limited to, swimming pools, or any other improvement which was heretofore constructed **on property containing one or more platted lots or portions** thereof (excluding walls or fences), **such lots thereafter constitute one building site and must be considered the “lot of record”, and no permit will be issued for the construction of more than one residential dwelling unit on the site**. All construction on the building site must comply with all existing zoning and density requirements.

B. The demolition or removal of any residence or structure, whether voluntary or involuntary, does not have the effect of changing the establishment of the building site.

C. **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.”**

REQUEST FOR RELIEF

Petitioners request an order from this court quashing the decision of the City Commission for failure to comply with essential requirements of law under the City's Land Development Code 1.03.05.

/s/ Ralf Brookes

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email on or before this date, June 15, 2023 to the following:

CITY ATTORNEY TAMMI BACH

MR. ASA GILLETTE, Gillette and Associates Applicant/Owner's Representative

/s/ Ralf Brookes

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the foregoing initial brief is in Arial 14-point font, does not exceed 13,000 words, that the initial brief is 8630 words as indicated by the word count of the word-processing system used to prepare this document (excluding the words in any caption, cover page, table of contents, table of citations, certificate of compliance, certificate of service, and signature block, and the word count includes all other words, including words used in headings, footnotes, and quotations.”), and complies with all font, word count, and other requirements of Fla. R. App. P. 9.045, 9.210, and Florida Rule of General Practice and Judicial Administration 2.520.

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IN THE CIRCUIT COURT FOR THE FOURTH JUDICIAL CIRCUIT
IN AND FOR NASSAU COUNTY, FLORIDA

MERRY COALSON AND DAVID COALSON,
AND TAINA CHRISTNER
Petitioners.

v.

Case No: 23 CA 000404 AXYX

CITY OF FERNANDINA BEACH,
Et al.

Respondents.

_____ /

PETITIONERS' REPLY

I. The Relevant Facts Regarding the Property Are Not in Dispute

The Respondents argue that Petitioners have failed to file adequate portions of the Record with their Petition. Petitioners' attorney initially had difficulty uploading certain documents online but all parts of the Record relevant to Petitioners' claims have since been filed as appendices to the Petition.¹ Most of these documents were also filed by the Respondents in their appendices as well.

¹ The Rules do not require the Petitioners to transmit the entire Record unless specifically ordered to do so by the Court. See Rule 9.100(i). Many of the documents contained in the City Agenda packets failed to upload and had to be digitally re-sized for online e-portal filing system but are now found in the various appendices on the court docket.

The Respondents also object that Petitioners have cited certain Nassau County and City of Fernandina Beach public records outside the Record in this case. For example, Petitioners noted online maps from the official website of the Nassau County Property Appraiser to show that the original lots of record have been combined into larger parcels, and that four of the five combined parcels currently have single family homes on the land. This same information and relevant maps, however, are also contained in the Agenda packets from the City meetings below and can be viewed in the City's Appendix. City Appendix, Pages 5-6. The important facts that the lots were combined and that four (4) of the five (5) combined parcels currently have single family homes on the land are not in dispute.

In addition, Petitioners cited decisions of several Fernandina Beach government boards and commissions, such as the Board of Adjustment. The Court may take judicial notice of such public records pursuant to Sections 90.202 and 90.2035 of Florida Statutes, 2023, but that is not strictly necessary because the undisputed facts and law of the subject case stand on their own merits and point to a clear violation of the essential requirements of law as contained in the plain and clear language of the City Code Section 1.03.05 (A). That Section states that once these four homes were "constructed on property containing one or more platted lots or portions

thereof (excluding walls or fences), such lots thereafter constitute one building site and must be considered the 'lot of record', and no permit will be issued for the construction of more than one residential dwelling unit on the site." This language is unequivocal and applies to all residential property consisting of "one or more platted lots" once residential structures have been built on the combined lots. Neither the essential facts nor the plain language of Section 1.03.05(A) are in dispute.

The Record in this case and the various appendices filed by the parties, establish all material facts relevant to this Petition.

First, the Petitioners live immediately adjacent to the proposed townhome development. David and Merry Coalson live at 111 S. 4th Street, immediately next to the properties under consideration. Petitioners identified themselves and gave their addresses on the record during the proceedings below. [P. Appendix 2, Page 114, Line 5 and P. Appendix 2, Page 120, Line 18, P. Appendix 2, Page 158, Line 16.]. Taina Christner lives at 406 Beech Street, within half a block of the proposed townhome development. See Appendix Vol 4 - Christner Request to Intervene². Thus, all the Petitioners

² "Request to Intervene Affected Parties: Taina Christner, 406 Beech Street, Fernandina Beach, FL ...**Taina Christner lives diagonally across the street** to the proposed 3rd and 4th Street Townhome subdivision, and she is more adversely affected than the community at-large. ..."

own adjacent, adjoining or residential property directly across the street and facing the subject property and have standing to seek judicial review in this petition for writ of certiorari.

One further point of clarification regarding Taina Christner's appearance and presentations below. The City's Response to the Petition erroneously characterized Bradford Clark as Ms. Christner's attorney. See City Resp. Br. At 11. As Ms. Christner's Motion to Intervene clearly indicated, Mr. Clark is a law professor who agreed to testify at the hearing as a "constitutional law expert" on the equal protection issue rather than as her attorney for this matter. See Appendix Vol 4 - Christner Request to Intervene.

Second, all five of the Tringali properties at issue (now owned by Worthy Investment LLC) consist of two or more combined lots of records upon which either a single-family house or a qualifying building has been constructed in the past.

Four of the five parcels currently have houses on them and the fifth has a concrete slab left over from a prior building structure.

These facts—previous combination of smaller lots into larger parcels with residential buildings—are clearly reflected not only on the Nassau County Property Appraiser's website, but also in the various slides, presentations, and exhibits entered into the Record by the City and its staff

during the hearing below. For example, that all five Tringali parcels consist of multiple combined original lots of record is clearly indicated by the City's exhibits, including the application and staff reports below. See City Appendix, Pages 5-6.

The first parcel (located at 124 S. 3rd Street) consists of (5) five (25' x 100') combined original lots of record, and currently has a single-family home on the property. See City Appendix, Pages 6, 40.

The second parcel is immediately south of the first parcel on S. 3rd Street and also consists of (5) five (25' x 100') combined original lots of record. The City's exhibits indicate that the property retains a concrete slab from a prior auxiliary building. City Appendix, Page 5.

The third parcel located at 119 S. 4th Street consists of (4) four (25' x 100') combined original lots and currently has a single-family home on the property. City Appendix, Page 5-6.

The fourth parcel located at 123 S. 4th Street consists of (2) two (25' x 100') combined original lots and currently has a single-family home on the property. City Appendix, Page 5-6

The fifth parcel located at 125 S. 4th Street consists of (4) four (25' x 100') combined original lots and currently has a single-family home on the property. City Appendix, Page 5-6.

None of these facts about the configuration of homes on the current combined parcels consisting of multiple lots of record is in dispute and were acknowledged by the City's own exhibits and reports presented at the hearing before the City Commission.

These undisputed facts form the basis of Petitioner's claim under Section 1.03.05 of the City's Land Development Code ("LDC"), and are sufficient to set aside the Commission's clearly erroneous decision to approve the subdivision of the five Tringali parcels into twelve new building sites in contravention of Section 1.03.05.

As discussed below and in the Petition filed with this court, once the original underlying lots of record were combined into larger parcels and single-family homes or auxiliary buildings were placed thereon, Section 1.03.05 clearly and expressly instructs and requires that each parcel thereafter constitutes "one building site" and that "no permit will be issued for the construction of more than one residential dwelling unit on the site" without obtaining a variance from the Board of Adjustment.

It is undisputed that the property owners and developers in this case neither sought nor obtained such a variance. Thus, as discussed below, the Commission's decision to permit the construction of twelve townhomes on the parcels without the approval of the Board of Adjustment departed from

the essential requirements of law set forth in the LDC.

II. Section 1.03.05 Prohibits Approval of the Proposed Townhome Building Sites

The Respondents make two arguments in an attempt to avoid the restrictions imposed by Section 1.03.05. First, they claim that Section 1.03.05 only applies when the owner of combined lots seeks to restore the original underlying (25' x 100') lots of record. Second, Respondents claim that even if Section 1.03.05 applies to the requested subdivision, City Code Section 4.04 should take precedence over the application of Section 1.03.05. Neither argument is persuasive.³

A. Section 1.03.05 Applies to the subject Tringali Properties

Both at the hearing and in their briefs to this Court, Respondents claim that Section 1.03.05 restricts the subdivision of previously combined lots only when the owner seeks to restore the original underlying lots of record. [P. Appendix 2, Page 11, Line 49]. Because the owners and developers of the Tringali properties are seeking not to restore the original underlying lots of record, but to create twelve new building sites, Respondents claim that

³ Respondents' briefs have not argued that the City's application of Section 1.03.05 to the proposed townhome development would violate the Equal Protection Clause of the Fourteenth Amendment—an argument raised by City Attorney Bach at the hearing below. As Petitioners explained in their initial brief, the equal protection argument is wholly without merit. Thus, it is not surprising that the Respondents have abandoned it before this Court.

Section 1.03.05 is inapplicable. Code Section 1.03.05, however, contains no language whatsoever restricting its application to this narrow circumstance. To the contrary, it clearly, expressly and—as the legislative history confirms—intentionally states that whenever certain residential structures have been “constructed on property containing one or more platted lots or portions thereof (excluding walls or fences), such lots thereafter constitute one building site and must be considered the ‘lot of record’, and no permit will be issued for the construction of more than one residential dwelling unit on the site.” Section 1.03.05 (A).

This language is unequivocal and applies to all property consisting of “one or more platted lots” once residential structures have been built on the combined lots.

Moreover, giving Section 1.03.05 its plain meaning furthers its stated purpose, which is “to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas.” *Id.*

Reading an implied limitation into the Section 1.03.05 by inserting words that are not there would restrict its application to the restoration of the original lots of record. This reading not only contradicts the plain language of the statute, but also is illogical and undermines its stated purpose. It would also render Section 1.03.05 virtually inoperative because relatively few

property owners seek to restore the original 25 feet wide lots.

Instead, requests to subdivide previously combined lots typically seek to establish new building sites considerably wider than 25 feet, as the property owners in this case have proposed. Thus, the Respondents' strained reading of Section 1.03.05 would render it largely—if not entirely—a nullity because that reading would prevent almost no subdivisions of previously combined lots. Such a reading would contravene the essential purpose of Section 1.03.05 to maintain open space and neighborhood character.

Although the text of Section 1.03.05 alone suffices to refute the Respondents' artificial interpretation of the provision, both its legislative history and its prior application confirm the plain meaning of the text. The Section was proposed by the Planning Advisory Board in 2006 to prevent developers from purchasing single homes on previously combined lots and then subdividing the land to build multiple homes—the very strategy being pursued by the proposed townhome development in this case. The public records of the Minutes of the Jan. 26, 2006 Special Meeting of the Planning Advisory Board confirm the clear intent of the provision:

Ms. Hartley (City Planner) read the proposed 1.03.05 language that was drafted by the City Attorney. She clarified that

this zoning and land use restriction is on the property, and someone built a house, and now the City doesn't want the property owner to try to maximize their profit and increase density across the board by tearing down their house and putting up two houses.

Chairman Bennett suggested including this language with land use and then it is quite clear. He commented that the intent of the board was to allow single buildings, but where lots have been combined and single improvements put on them to keep it that way.

Member Conger noted that entrepreneurs would purchase existing building on a lot and then they'll split it in order to build two houses. He questioned if this effectively puts up a barrier to activity like that. Ms. Hartley replied correct.

P. Appendix 3, Page 5.

The City also erroneously claims that it has previously applied Section 1.03.05 only to landowners seeking to restore the original underlying lots of record, but not to proposed subdivisions that would create new lots. P. Appendix 2, Page 49, line 11. For example, at the hearing below, City Attorney Tammi Bach stated that "in my research when I looked back for at

least the last 10 years—but more like 20—. . . [Section 1.03.05] was applied that way.” P, Appendix 2, Page 49, Line 23. Indeed, the City’s Response to the Petition goes so far as to claim that “[i]t is undisputed that the City has uniformly applied Chapter 4, rather than Section 1.03.05, to similar requests for a preliminary plat to develop subdivisions within the City.” City Resp. Br. At 35. In fact, the public records show that on multiple occasions the City has applied Section 1.03.05 to send requests for variances to the Board of Adjustment when property owners sought to subdivide or replat previously combined lots and were not seeking merely to reinstate the original underlying lots of record. For example, on May 19, 2010, the City Staff referred Case No. BOA 2010-10 to the Board of Adjustment for decision. See P. Appendix 3, Page 48. The case involved a request from a property owner for a variance from Section 1.03.05 in order to divide one large building site (consisting of ten previously combined lots) into two smaller building sites. The Staff Report summarized the request as follows:

“This application is for a variance to LDC Section 1.03.05(A) to allow the property owner to separate a building site. The existing parcel is comprised of ten lots (lots 1-5 and 28-32) of block 6 of the Seaview subdivision. There is a single family home on lots 1-3 and 30-32 and there is an auxiliary building on lots 4

and 29. Per the LDC, the eight lots containing the house and auxiliary building constitute one building site and are considered a lot of record. Lots 5 and 28 (25' wide) do not contain any structures and are considered a buildable lot of record. The property owner wishes to subdivide the current parcel in order to create a separate parcel comprised of lots 4, 5, 28 and 29, which would be 50' wide. Due to the presence of the auxiliary structure on lots 4 and 29, lots 4 and 29 are considered part of the lot of record for the single family home and cannot be separated from that building site without a variance [under LDC Section 1.03.05(A)].”

P. Appendix 3, Page 21.

After a quasi-judicial hearing on Aug. 8, 2010, the Board of Adjustment unanimously approved the property owner’s request for a variance pursuant to LDC Section 1.03.05 (C), but importantly still required that a variance be obtained. See P. Appendix 3, Page 51. (Board of Adjustment Agenda, Aug. 8, 2010), at 4.

Public records reveal that the City has also referred other requests for variances to the Board that did not seek solely to return to the original lots of record. See [P. Appendix 3, Page 104] (Board of Adjustment Staff Report,

Jan. 10, 2018) (recommending denial of request by Sherri Rinker “seeking a variance so that the ‘lot of record,’ as established by the existing structure, can be subdivided into two lots”); P. Appendix 3, Page 106 (Board of Adjustment Staff Report, April 11, 2018) (recommending approval of request by Frederick and Deborah Lewis “seeking a variance in order to restore two platted lots of record and two partial lots of record”). These public records refute the City’s claim that it has only applied Section 1.03.05 to requests to return to the original underlying lots of record.

In any event, even if the City had consistently ignored Section 1.03.05 for the last 10-20 years, such misapplication would not justify ignoring its clear requirements in this case. Neither the City’s failure to enforce its Land Development Code nor its erroneous advice to a developer creates an entitlement to violate the Code. *Monroe County v. Hemisphere Equity Realty, Inc.*, 634 So.2d 745 (Fla. App. 1994) (“Monroe County had never enforced that provision, even though it had been on the books for 12 years...While at first blush it seems that the application of the rule may be harsh, it would be inconceivable that public officials could issue a permit, either inadvertently, through error, or intentionally, by design, which would sanction a violation of an ordinance adopted by the legislative branch of government. *Corona*, 485 So.2d 1314 at 1317 (quoting *Dade County v. Gayer*, 388 So.2d 1292, 1294

(Fla. 3d DCA 1980), rev. denied, 397 So.2d 777 (Fla.1981)). See also, *Citrus County v. Halls River Development, Inc.*, 8 So.3d 413, 422 (Fla. 5th DCA 2009) (applying the Land Development Code even though the County gave a condominium developer “erroneous advice about the property’s permitted uses” during the planning process because the Code “enjoys legal primacy regarding allowable land uses”); see also *Santa Rosa Development LLC v. Santa Rosa County*, No. 3:22cv660-MCR-MJF, 2023 WL 3089818, at *8 (N.D. Fl. March 20, 2023) (upholding enforcement of the County’s Land Development Code notwithstanding the plaintiff’s reliance on the planning staff’s erroneous advice due to their “mistake of law”).

B. Section 1.03.05 Applies in the Event of a Conflict with Section 4.04

The Respondents insist that if Section 1.03.05 restricts subdividing (and building additional homes on) the Tringali properties, then it conflicts with Section 4.04 and that the latter should take precedence over the former. In their view, Section 4.04 is the more specific provision of the LDC and therefore controls in the event of a conflict. The principle that the specific controls the general is correct, but applies in this case to confirm the application of Section 1.03.05’s specific constraints to the proposed development rather than Section 4.04’s more general provisions. The restrictions set forth in Section 1.03.05 are clearly more specific than Section

4.04's general provisions because the former apply only to a subset of City properties whereas the latter governs the subdivision of all property within the City. Section 1.03.05 clearly and expressly prohibits the approval of additional buildable lots on the previously combined lots that make up all of the five Tringali properties unless the owners seek and obtain a variance from the Board of Adjustment under Section 1.03.05.

Respondents correctly observe that LDC Section 1.05.01 (C) provides a rule for resolving conflicts between different provisions of the LDC: "Specific provisions of this LDC shall be followed in lieu of general provisions that may be in conflict with the specific provision." LDC §1.05.01 (C). Respondents are clearly wrong, however, in concluding that Section 4.04 is more specific than Section 1.03.05:

Section 1.03.05 specifically governs a discreet subset of City properties consisting of combined lots upon which single-family homes or other qualifying structures have previously been built. Section 4.04, by contrast, is a general provision of the Code that governs all subdivisions of *all* property within the City without regard to previous combination of lots or building history.

For this reason, Section 1.03.05 is clearly the more specific provision and directs that once combined, the affected "lots thereafter constitute one

building site and must be considered the ‘lot of record’, and no permit will be issued for the construction of more than one residential dwelling unit on the site.” §1.03.05 (A).

Section 1.03.05 further specifies precise substantive and procedural requirements that property owners must follow in order to obtain a variance, which include a public quasi-judicial hearing before the Board of Adjustment. §1.03.05 (C). These restrictions and procedures found in Section 1.03.05 apply only to a distinct subset of City properties consisting of combined lots on which certain residential structures have been built. Section 4.04, by contrast, applies more generally to all subdivisions of property within the City and was adopted prior to Section 1.03.05. Section 1.03.05 was adopted in 2006—as the provision itself states— to restrict otherwise available subdivisions and thus “to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas.” Reading the general provisions of Section 4.04 to supersede the subsequently adopted specific restrictions set forth in Section 1.03.05 would nullify the latter provision and completely defeat its purpose.⁴

⁴ See *Johnson v. Feder*, 485 So.2d 409, 411 (Fla. 1986) (explaining that courts “are compelled by well-established norms of statutory construction to choose that interpretation of statutes and rules which renders their provisions meaningful. Statutory interpretations that render statutory provisions superfluous are, and should be, disfavored.”).

On the other hand, applying Section 1.03.05 only to the combined lots as expressly stated and described in that Section, would still leave Section 4.04 free to govern the subdivision of all other property within the City.

This Court has recently rejected an interpretation of City Code LDC Chapter 10 of the LDC that would have rendered the prior version of Section 1.03.05 (C) “entirely superfluous.” See Manganaro v. Board of Adjustment, No. 2021CA151 (Fla. 4th Cir. Ct. Oct. 3, 2021) (Filing #135796546, E-Filed 10/03/2021). At issue in Manganaro was whether Section 1.03.05 (C) required the Board of Adjustment to act by majority or supermajority vote when approving the subdivision of single “building site[s]” into multiple sites otherwise barred by Section 1.03.05 (A). A majority of the Board voted 3-2 to approve such the request, but the Chairman denied the application on the ground that “the separation of lots [must] be determined via the variance process described in Chapter 10 of the LDC,” which requires the Board to act by supermajority vote. Manganaro Op. at 3. This Court granted the property owners’ petition for a writ of mandamus requiring the Chairman to approve the application on the ground that “only a simple majority of the Board of Adjustment was required to approve the Petitioners’ application for the lot separation as a special exception.” Manganaro Op. at 6. The Court concluded that if Chapter 10 were read to say that the Board of Adjustment

“only has the ability to hear lot separations as a variance, then Section 1.03.05 (C) would be rendered entirely superfluous as the owner would have the automatic right to seek a variance under Section 10.02.01 (B) of the LDC.” Manganaro Op. at 5.

This Court should apply the same rule of statutory interpretation in this case to reject the City’s similarly erroneous interpretation of the current version of LDC Section 1.03.05. The Commission’s reading of Chapter 4 of the Code in this case would render Section 1.03.05 wholly superfluous and ineffective.

It is important to note that the City has recently revisited Section 1.03.05 and amended the Section to not only re-affirm, but to strengthen its restrictions. In response to this Court’s decision in *Manganaro*, the City recently amended Section 1.03.05 in 2022 to specifically to make it harder for the Board of Adjustment to approve departures from the restrictions set forth in Section 1.03.05 (A).

Under the amendments adopted in 2022 after the *Manganaro* decision, Section 1.03.05 (A)’s restriction (as amended in 2022 and now applicable to this case), an Applicant who seeks to create multiple building sites from the combined lots is required to receive a “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.” §1.03.05 (C).⁵ Reading Section 4.04 adopted in 2006 to replace, usurp or repeal the necessity to comply with Section 1.03.05 as the Commission did—to allow subdivisions of the combined lots described in Section 1.03.05 without following this precise procedure is not only incorrect, but it would also effectively repeal and render Section 1.03.05 (A) and the most recent amendments to Section 1.03.05 (C) a nullity. The Council cannot adopt a requirement in its legislative capacity and then ignore that requirement in its quasi-judicial capacity.

The current Section—considered by the City Council at the quasi-judicial hearing in this case—provides as follows:

LDC 1.03.05

“Construction or Demolition of Structures on Combined Lots:

“A. In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, **wherever there may exist a single-family detached residential unit or, a duplex structure or any auxiliary building or structure**, including but not limited to, swimming pools, or any other improvement **which was heretofore constructed on property containing one or more platted lots or portions thereof (excluding walls or fences)**, such lots thereafter constitute one building site and **must be considered the “lot of record”, and no permit will**

⁵ See LDC §1.03.05 (C).

be issued for the construction of more than one residential dwelling unit on the site. All construction on the building site must comply with all existing zoning and density requirements.

B. The demolition or removal of any residence or structure, whether voluntary or involuntary, does not have the effect of changing the establishment of the building site.

C. 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.”

Finally, this Court’s decision in *Manganaro* also refutes the Respondents’ assertion that the Court should defer to the City’s clearly erroneous interpretation of Section 1.03.05 of the LDC. The Court gave no such deference to the City’s Board of Adjustment when it misconstrued the Code in *Manganaro*, and it owes no deference to the City Commission’s equally erroneous interpretation of the Code in this case.

Conclusion

Respondents ask this Court to quash and reverse the Commission's decision applying the incorrect law and clearly erroneous interpretation of Section 1.03.05 of the Land Development Code.

The facts regarding the previous use and combination of the Tringali properties at issue are not in dispute.

The express and clear text of Section 1.03.05 requires that **“wherever there may exist a single-family detached residential unit or, a duplex structure or any auxiliary building or structure,... which was heretofore constructed on property containing one or more platted lots or portions thereof (excluding walls or fences), such lots thereafter constitute one building site and must be considered the “lot of record”, and no permit will be issued for the construction of more than one residential dwelling unit on the site”** unless the Respondents seek and obtain a variance from the Board of Adjustment.

The City applied the incorrect law by finding that Section 4.04 replaced or negated the express clear language and requirements of Section 1.03.05 of the City Code. Section 1.03.05 clearly applies to the fact of this case, but was not applied by the City to this application.

Because they have not done so, this Court should grant the Petition,
and quash, reverse and set aside the Commission's unlawful order.

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CERTIFICATE OF SERVICE

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the foregoing reply brief is in Arial 14-point font, does not exceed the allowable word count, (this reply brief is 4500 words) as indicated by the word count of the word-processing system used to prepare this document (excluding the words in any caption, cover page, table of contents, table of citations, certificate of compliance, certificate of service, and signature block, and the word count includes all other words, including words used in headings, footnotes, and quotations.”), and complies with all font, word count, and other requirements of Fla. R. App. P. 9.045, 9.210, and Florida Rule of General Practice and Judicial Administration 2.520.

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IN THE DISTRICT COURT OF APPEAL FIFTH DISTRICT,
STATE OF FLORIDA

WORTHY INVESTMENT LLC, a
Florida limited liability company,
RON FLICK and COMPASS
GROUP, INC., a Florida for profit
corporation,

Petitioners,

v.

CASE NO.: 5D24-228

L.T. CASE NO.: 23-CA-404

MERRY COALSON, DAVID
COALSON, TAINA CHRISTNER,
and CITY OF FERNANDINA
BEACH, a Florida municipal
corporation,

Respondents,

_____ /

**RESPONDENTS MERRY COALSON, DAVID
COALSON, TAINA CHRISTNER's**

RESPONSE

Respondents (i.e., petitioners below), Merry Coalson, David Coalson, and Taina Christner, file this Response to District Court Petitioner Worthy Investment's Petition for a Writ of Certiorari in the District Court of Appeal, Fifth District, (and the City's joinder in the Petition) that seeks to reverse Circuit Court's December 27, 2023 Order.

Respondents Merry Coalson, David Coalson, and Taina Christner respond and oppose the Petitioners' Petition for a Writ of Certiorari on the grounds that the Circuit Court below correctly applied the correct law and plain meaning of Section 1.03.05 of the Fernandina Beach Land Development Code ("LDC" or "Code") and the Circuit Court did not depart from the essential requirements of the law.

STATEMENT OF FACTS AND CASE

This case involves a straightforward application of Section 1.03.05 of the LDC to five parcels of land in Fernandina Beach upon which residential structures were previously built.

The City Commission ignored the clear and specific requirements of the Code by approving Petitioners' plan to divide these five parcels into twelve new building sites for the construction of twelve new townhomes.

Respondents live next to the proposed development and sought relief from the Circuit Court via a writ of certiorari. After briefing and argument, the Court quashed the City's vote to approve the townhome proposal on the ground that it has no plausible basis in the Code.

A. Relevant Provisions of the Land Development Code

The LDC generally permits the “subdivision or re-subdivision of land” within the City of Fernandina Beach. See Section 4.04.00 (Tab J at 762-65).¹ In 2006, however, the City Commission adopted Section 1.03.05 specifically to restrict the practice of subdividing larger parcels of land consisting of one or more lots of record whenever certain residential structures have previously been built on the property. (Tab E, 433-34). This provision prohibits building multiple homes on such parcels without first obtaining a variance from the Board of Adjustment (“BOA”).

According to Section 1.03.05, the purpose of the provision is “to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas.” Section 1.03.05(A) (Tab J, 739). Accordingly, following the enactment of Section 1.03.05, property owners or developers must obtain a variance in order to build more than one residential dwelling unit on any parcel of land (consisting of one or more platted lots) upon which a single-family residential dwelling unit had previously been built.

¹ In this Response, Respondents cite the LDC and other materials by reference to Petitioners’ Appendix, using the Tabs and page numbers therein.

Specifically, Section 1.03.05(A) prohibits the issuance of a permit for the construction of more than one residential dwelling unit on any site consisting of “one or more platted lots or portions thereof” if “a single-family detached residential unit or, a duplex structure or any auxiliary building or structure” had previously been built on the site. Id.

Once such residential structures have been built on one or more platted lots, Section 1.03.05(A) provides that “such lots thereafter constitute one building site and must be considered the ‘lot of record,’ and no permit will be issued for the construction of more than one residential dwelling unit on the site.” Id. (emphasis added).

Section 1.03.05(C) permits property owners to seek a variance from the Board of Adjustment, which can authorize the “separation of building sites” by supermajority vote. Section 1.03.05(C) (Tab J, 739).

Petitioners have neither sought nor obtained a variance from the Board of Adjustment, insisting that they have the right to bypass the Board of Adjustment entirely and obtain approval from the City Commission instead.

Petitioners’ position ignores the plain meaning of Section 1.03.05 and would render the provision superfluous.

In addition, it would violate the principle that specific statutory provisions (such as Section 1.03.05) take precedence over general statutory provisions (such as Section 4.04.00).

Indeed, LDC Section 1.05.01(C) specifically provides that “Specific provisions of this LDC shall be followed in lieu of general provisions that may be in conflict with the specific provision.” LDC §1.05.01(C) (Tab J, 740).

The full text of Section 1.03.05 provides as follows:

1.03.05 Construction or Demolition of Structures on Combined Lots

- A. In order to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas, wherever there may exist a single-family detached residential unit or, a duplex structure or any auxiliary building or structure, including but not limited to, swimming pools, or any other improvement which was heretofore constructed on property containing one or more platted lots or portions thereof (excluding walls or fences), such lots thereafter constitute one building site and must be considered the “lot of record”, and no permit

will be issued for the construction of more than one residential dwelling unit on the site. All construction on the building site must comply with all existing zoning and density requirements.

- B. The demolition or removal of any residence or structure, whether voluntary or involuntary, does not have the effect of changing the establishment of the building site.
- C. 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.

(Tab J, 739).

B. The Relevant Facts Are Not in Dispute

As Petitioners acknowledge, the historical facts regarding the land in question are not in dispute. The five parcels of property at issue were owned for many decades by various members of the Tringali family before Petitioners purchased them with the intent to build a townhome development.

Two parcels are located on South 3rd Street (between Ash and Beech Streets), and three parcels are located on South 4th Street (between Ash and Beech Streets). See Tab J, 689 (City Appendix, Page 20).

Each parcel consists of several original 25' x 100' platted lots of record and, after the lots were combined, single-family homes or other qualifying residential structures were built on each of the five parcels.

Specifically, the first parcel (located at 124 S. 3rd Street) consisted of (5) five (25' x 100') original lots of record, and a single-family home was built on the property. See Tab J, 675, 689, 709 (City Appendix, Pages 6, 19, 40). The second parcel is immediately south of the first parcel on S. 3rd Street and also consisted of (5) five (25' x 100') original lots of record. The City's exhibits showed that the property had a concrete slab from a previous

auxiliary building on the site. See Tab J, 688-89 (City Appendix, Page 18-19).

The third parcel located at 119 S. 4th Street consisted of (4) four (25' x 100') original lots and had a single-family home on the property. See Tab J, 688-89 (City Appendix, Page 18-19).

The fourth parcel located at 123 S. 4th Street consisted of (2) two (25' x 100') original lots and had a single-family home on the property. See Tab J, 688-89 (City Appendix, Page 18-19).

Finally, the fifth parcel located at 125 S. 4th Street consisted of (4) four (25' x 100') original lots and had a single-family home on the property. See Tab J, 688-89 (City Appendix, Page 18-19).

While this case was pending before the Circuit Court, Petitioners completed their purchase of all five parcels as described above from the Tringali Trust on July 13, 2023.

There is no dispute regarding either the size and configuration of these parcels or the fact that each parcel previously had a single-family residential dwelling or other qualifying residential structure on the property, as defined by Section 1.03.05.

These facts were acknowledged by the City’s own exhibits, reports and photographs presented at the hearing before the City Commission.

These undisputed facts establish that there are at most five “building sites” within the meaning of Section 1.03.05, and that no “more than one residential dwelling unit” can be built on each building site unless Petitioners obtain a variance from the Board of Adjustment. Section 1.03.05(A) (Tab J, 739).

Rather than seek a variance, Petitioners persuaded the City Commission unilaterally to approve a subdivision of the five parcels or “building sites” into twelve new building sites for the construction of twelve new townhomes—all in contravention of the clear language of Section 1.03.05.

C. The Circuit Court’s Order Below

The Circuit Court, Fourth Judicial Circuit, for Nassau County, Florida, issued an order on Dec. 27, 2023 quashing the Commission’s approval of the proposed development and remanding the matter for consideration by the Board of Adjustment.

The Circuit Court gave several grounds for its decision—each of which is sufficient to sustain its order.

First, the Court found that “Section 1.03.05, by its plain language, applies to this exact scenario.” (Tab A, 6). At the same time, the Court found that the “section on subdivisions, by its plain terms, cannot apply” because the parcels “were being combined into one building site in order to build a multi-family structure.” Id.

Second, the Court reasoned that even if the section on subdivisions applied, the “more specific statutory requirements [of Section 1.03.05] will control over general dictates” found elsewhere in the Code. Id.

Third, the Court found that it owed no deference to the Commission’s approval of the development because “there is no plausible explanation for the City’s erroneous interpretation” of the LDC. (Tab A, 7).

STANDARD OF REVIEW

The standard of review in this case requires the District Court of Appeal to determine (1) whether the circuit court “afforded procedural due process and applied the correct law.” See City of Deerfield Beach v. Vaillant, 419 So.2d 624, 626 (Fla. 1982). Because the Petitioners have not claimed they were denied procedural due process, the only question for review is whether the Circuit Court applied the correct law. The Florida Supreme Court has explained “that ‘applied the correct law’ is synonymous with ‘observing the

essential requirements of law.” Haines City Comm. Dev. v. Heggs, 658 So.2d 523, 530 (Fla. 1995); see also Town of Longboat Key v. Islandside Property Owners Coalition LLC, 95 So.3d 1037, 1039 (Fla. 2nd DCA 2012) (reviewing “whether the circuit court departed from the essential elements of the law”).

ARGUMENT

Petitioners contend that the court below “applied the incorrect law to the facts of record and departed from the essential elements of law in concluding that the BOA rather than the City Commission was vested with the authority to approve the proposed development and remanding the case to the BOA ‘for a vote.’” Petition at 17. Their theory is that Section 1.03.05 only “requires a landowner to obtain a variance to restore a combined lot of record to the original constituent individual lots.” Petition at 24.

The Circuit Court correctly rejected this imaginative attempt to negate the plain language of the statute. Nothing in Section 1.03.05 limits its application to requests to return to the original underlying lots of record. Rather, it plainly states that once a qualifying residential structure has been built on one or more combined lots, “such lots thereafter constitute one building site . . . and no permit will be issued for the construction of more

than one residential dwelling unit on the site.” Section 1.03.05(A) (Tab J, 739).

The Circuit Court correctly applied this Section to quash the Commission’s approval of twelve new building sites for the construction of twelve new townhomes on the five parcels of land in question.

In summary, this Court should deny the petition because the Circuit Court properly followed the essential requirements of law in this case.

A. The Circuit Court Correctly Required Board of Adjustment Approval

Petitioners’ first argument is that the Circuit Court decided an issue that was not before the Court or presented by the parties. Petition at 18. The Court quashed the City Commission’s vote to approve Petitioners’ townhome development and remanded the matter for a vote by the Board of Adjustment. (Tab A, 7). Petitioners insist that “under Section 1.03.05, the BOA does not have any development approval authority” and that the Opponents of the project were arguing that the matter should have been referred to the BOA not “for a development approval, but rather to consider the possibility of a variance.” Petition at 18. Accordingly, they claim that “[t]he

fact that the Court decided an issue that was not presented by the parties was in itself a departure from the essential requirements of law.” Id. at 19.

This argument rests on mere semantics and is without merit. The central issue in this case is whether the City Commission acting on its own could establish twelve new building sites out of the five existing “building sites” (as defined by Section 1.03.05) or whether this change “requires supermajority approval by the Board of Adjustment.” Section 1.03.05© (Tab J, 739).

The Circuit Court correctly ruled that the City Commission’s unilateral action violates Section 1.03.05, and correctly quashed its vote to approve the development. Petitioners are technically correct that it was unnecessary for the Circuit Court to go further and remanded the matter to the Board of Adjustment for application of Section 1.03.05.

As a practical matter, however, quashing the City Commission’s vote means that the development can only proceed if Petitioners obtain supermajority approval by the Board of Adjustment. Thus, even if a “remand” was technically unnecessary and the City Commission’s action was merely quashed (i.e., reversed), the Circuit Court’s remand to the BOA was harmless. Even if this Court were to strike the remand portion of the Circuit

Court's Order, the substantive outcome would remain the same: the Circuit Court correctly quashed the City Commission's vote because Section 1.03.05 prevents the City from permitting the proposed development without the BOA's approval of a variance.

B. Section 1.03.05 Applies to this Case

Petitioners second argument is that Section 1.03.05 does not apply to the proposed development “because it would simply eliminate the four combined lots of record and replace them with [twelve] new conforming lots.” Petition at 20. This echoes the City's position that Section 1.03.05 only “requires a landowner to obtain a variance to restore a combined lot of record to the original constituent individual lots.” *Id.* at 24. Petitioners in this argument ask this Court to ignore the plain meaning of Section 1.03.05 and instead adopt an artificially narrow reading of the provision based on nothing more than their preferred outcome. Petitioners' strained interpretation of Section 1.03.05 contradicts the clear text of the statute. Nothing in Section 1.03.05 confines its application to requests to restore the original lots of record. This limitation appears nowhere in the Code. To the contrary, the Section 1.03.05(A) clearly states that:

“wherever there may exist a single-family detached residential unit . . . which was heretofore constructed on property containing one or more platted lots . . ., such lots thereafter constitute one building site . . ., and no permit will be issued for the construction of more than one residential dwelling unit on the site.”

Section 1.03.05(A) (Tab J, 739) (emphasis added).

Section 1.03.05(A) clearly establishes that once a qualifying residential structure has been built on property consisting of combined platted lots, the property thereafter becomes “*one building site*” and multiple homes cannot be built on the site without obtaining a variance from the Board of Adjustment.

Each of the five Tringali properties purchased by Petitioners falls within the literal terms of Section 1.03.05, and thus the Section prohibits building more than one residential dwelling unit on each of these sites without a variance from the Board of Adjustment.

As the Circuit Court correctly concluded, Petitioners’ contrary reading is not “plausible” because “the plain language of Section 1.03.05 . . . squarely addresses the dispute at issue.” (Tab A, 7).

C. The Circuit Court correctly held that LDC Section 4.04.00 does not render the clear and express requirements of LDC Section 1.03.05 inapplicable.

Petitioners' primary claim, both here and before the Circuit Court, is that Section 4.04.00 rather than Section 1.03.05 governs their proposed development of the five parcels they purchased from the Tringali Trust.

Petitioners seek to combine these five parcels into one large development site and subdivide the whole into twelve new smaller building sites for the construction of new twelve townhomes without a variance from the Board of Adjustment as required by Section 1.03.05. See Petition at 21 (stating that "what the Applicants were proposing, and what the Commission approved, was to re-subdivide most of Block 12 into a subdivision consisting of 12 new, separate townhome lots") (emphasis in original). Their position is "that the proposed Third and Beech subdivision must meet the subdivision standards of Section 4.04.00," id. at 23, and that Section 4.04.00 negates the plain language of Section 1.03.05 requiring a variance from the Board of Adjustment. In their view, Section 1.03.05 is inapplicable because it "says nothing about re-subdividing or replatting." Id.

The Circuit Court correctly rejected Petitioners’ interpretation of the Code on three separate and independent grounds.

First, the Court found that “Section 1.03.05, by its plain language, clearly applies to this exact scenario.” (Tab A, 6).

Second, the Court found that “[t]he section on subdivisions, by its plain terms, cannot apply” to negate the clear, express and plain language of Section 1.03.05. *Id.*

Third, the Court found that even if Section 4.04.00 could apply, “it is commonly understood that *more specific* statutory requirements will control over general dictates.” *Id.* Here, the Court found, “the section regarding subdivisions—even if applicable—is a general scheme compared to the specific requirements of Section 1.03.05 that addresses the very situation in dispute.” *Id.*

Each ground provides an adequate and independent basis for upholding the Circuit Court’s order. We consider each ground in turn.

First, as discussed in Part B above, the Circuit Court correctly concluded that Section 1.03.05, by its clear and express terms, applies to all attempts to build multiple dwelling units on a building site consisting of previously combined lots upon which a qualifying residential structure has

been built. This is a clear and specific restriction meant “to maintain open space, visual corridors, neighborhood character, property values and visual attractiveness of residential areas.” Section 1.03.05(A) (Tab J, 739). The only way to comply with the Code in light of this clear and express restriction is to seek and obtain a variance from the Board of Adjustment. Section 1.03.05(C) (Tab J, 739).

Second, the Circuit Court ruled that Section 4.04.00 governing subdivisions cannot apply in this case to negate Section 1.03.05 because “[n]othing was being divided into smaller parts.” (Tab A, 6). Petitioners deny that they were “proposing to combine 8 lots into one building site, as the Court recited.” Petition at 21 (emphasis in original). Instead, Petitioners emphasize that they were proposing “to re-subdivide most of Block 12 into a subdivision consisting of 12 new, separate townhome lots.” *Id.* (emphasis in original). Respondents agree that the Court could have described the proposed development more precisely, but that does not alter the court’s conclusion regarding the applicability of the plain and clear language of Section 1.03.05. As described above, the land in question consists of five parcels, each of which combined multiple original platted lots: Specifically, two (2) parcels each combined 5 platted original lots, two (2) other parcels each combined 4 platted original lots, and one (1) parcel combined 2 platted

original lots. This means that there were 5 parcels (or “building sites” in the words of Section 1.03.05) consisting of a total of 20 underlying platted lots of record.

Thus, it would have been more accurate for the Circuit Court to have described the proposed development as involving either 5 parcels (each consisting of multiple combined platted lots) or 20 original platted lots in total. The Court’s description of the lots, however, does not undermine its legal conclusion that the Code does not allow the proposed development to proceed without first obtaining a variance from the Board of Adjustment under Section 1.03.05.

Petitioners also complain that the Circuit Court characterized their proposal as seeking to combine these lots into one building site for a development consisting of 12 townhomes. They insist that they were not seeking to combine lots but to subdivide them into 12 new separate townhome lots. Petition at 21. Their disagreement with the Court’s characterization is open to debate, but again makes no difference to the outcome of this case. Perhaps the most accurate description would be to say that Petitioners were seeking both to combine the 5 existing parcels into one large parcel and then to re-subdivide it into 12 new smaller sites of varying and unequal sizes. It was not possible merely to subdivide the existing 5

parcels into 12 new lots without first combining the parcels because the 12 new lots proposed by Petitioners did not fall within the existing boundaries of the existing parcels. Thus, the only way to subdivide the property to achieve the 12 lots proposed was to both combine and then re-subdivide the 5 Tringali parcels. Thus, the Circuit Court could have reasonably concluded that the Petitioners were in fact seeking to combine parcels before any subdivision could take place.

Even if this Court agreed with Petitioners that they were seeking only to subdivide the parcels in question, the Circuit Court's third ground provides an adequate and independent rationale to support its order. The Court reasoned that "[e]ven if [Section 4.04.00] could apply, it is commonly understood that more specific statutory requirements will control over general dictates." (Tab A, 6). In this case, the Court found that "the section regarding subdivisions—even if applicable—is a general scheme compared to the specific requirements of Section 1.03.05 that addresses the very situation in dispute." Id. The Circuit Court's statement of this principle and its application of the principle to this case are clearly correct.

LDC Section 1.05.01(C) expressly provides that "Specific provisions of this LDC shall be followed in lieu of general provisions that may be in conflict with the specific provision." Section 1.05.01(C) (Tab J, 740). Relying on the

opinion of Acting City Attorney Harrison Poole, the City Commission took the position that Section 4.04.00 is more specific than Section 1.03.05 and thus that it should follow Section 4.04.00 instead of Section 1.03.05. (Tab D, 409-411). As the Circuit Court found, however, this was clear error. Section 4.04.00 is a general provision that governs the subdivision of *all* property within the City. By contrast, Section 1.03.05 is a more specific provision because it applies to only a distinct subset of property within the City—i.e., only parcels of land consisting of one or more platted lots upon which certain residential structures have previously been built. With respect to this subset of City property, only one residential dwelling unit can be built on each site without a variance. Thus, Section 1.03.05 is clearly more specific than the general provisions of Section 4.04.00.

Petitioners do not attempt to defend the City Commission’s view that Section 4.04.00 is more specific than Section 1.03.05, and thus have waived this claim. Instead, Petitioners argue that “Section 1.03.05 does not address the situation presented by the Applicants’ proposed re-subdivision.” Petition at 22. By their own admission, however, Petitioners are seeking to build 12 townhomes on the 5 Tringali parcels they purchased in 2023. As discussed, Section 1.03.05 clearly restricts any effort to build more than one residential unit on any “building site” consisting of one or more platted lots upon which

a qualifying residential unit has previously been built. Each of the 5 Tringali parcels meets these criteria and thus each parcel constitutes one “building site.” Thus, under Section 1.03.05, no permit can be issued for the construction of more than one residential dwelling unit on each of the five sites without a variance. As the Circuit Court put it, “Section 1.03.05, by its plain language, clearly applies to this exact scenario.” (Tab A, 6).

D. The Circuit Court Correctly Interpreted the LDC

Petitioners make three additional arguments in their attempt to overturn the Circuit Court's order, none of which is persuasive.

First, Petitioners argue that the Court should adopt the City's non-textual reading of Section 1.03.05 because "it reconciles two code sections, and avoids the conclusion that Section 1.03.05 conflicts with and implicitly nullifies Section 4.04.00 to bar replatting of combined lots." Petition at 25. The City's interpretation is that Section 1.03.05(C) only "requires a landowner to obtain a variance to restore a combined lot of record to the original constituent individual lots." Petition at 24. Of course, as discussed, that is not what the provision says. It applies "whenever" lots have been combined and qualifying residential structures have been built on the parcel. Accordingly, the City's reading is not a plausible interpretation.

Even if the City's reading were plausible, the principle of interpretation cited by Petitioners actually favors the Circuit Court's interpretation of the LDC rather than the Petitioners' reading. Petitioners invoke the principle that one provision of the Code should be read, whenever possible, to avoid nullifying another provision of the same Code. Petition at 25 (citing cases). Respondents agree with this principle. As the Florida Supreme Court has

explained, courts “are compelled by well-established norms of statutory construction to choose that interpretation of statutes and rules which renders their provisions meaningful. Statutory interpretations that render statutory provisions superfluous are, and should be, disfavored.” Johnson v. Feder, 485 So.2d 409, 411 (Fla. 1986).

This principle, and its application to this case refutes—rather than supports—Petitioner’s reading of the LDC. As discussed, Section 1.03.05 is more specific than Section 4.04.00. Reading the general provisions of Section 4.04.00 to supersede the specific provisions of Section 1.03.05 would largely, if not entirely, nullify the latter Section and defeat its purpose because landowners would be largely free to subdivide land otherwise subject to Section 1.03.05’s restrictions. By contrast, applying Section 1.03.05 to the 5 Tringali “building sites” it defines would still leave Section 4.04.00 available to govern the more general subdivision of lots within the City. Thus, the Circuit Court’s reading of the LDC reconciles these provisions to the extent possible, whereas Petitioners’ reading would render Section 1.03.05 almost entirely superfluous.

Second, Petitioners contend that the City Commission’s interpretation of the LDC is entitled to judicial deference. Petition at 23. Although deference is sometimes appropriate, this principle is subject to an important

reservation. As the very case cited by Petitioners states: “Of course, that deference is not absolute, and when the agency’s construction of the statute amounts to an unreasonable interpretation, or is clearly erroneous, it cannot stand.” Las Olas Tower Co. v. City of Ft. Lauderdale, 742 S.2d 308, 312 (Fla. 4th DCA 1999). As discussed, the City’s convoluted reading of Section 1.03.05 contradicts its express text and thus warrants no deference. As the Circuit Court explained, “Deference is not warranted where there is no plausible explanation for the City’s erroneous interpretation.” (Tab A, 7).

Finally, Petitioners rely on Rinker Materials Corp. v. City of North Miami, 286 So.2d 552 (Fla. 1973), to support their request to overturn the Circuit Court’s Order. See Petition at 26-28. They cite Rinker for the proposition that “zoning regulations are in derogation of private rights of ownership, [so] words used in a zoning ordinance should be given their broadest meaning when there is no definition or clear intent to the contrary and the ordinance should be interpreted in favor of the property owner.” Id. at 553. As explained, however, the text of Section 1.03.05 does clearly and expressly evince the intent to limit the ability of landowners to build multiple homes on combined lots upon which a qualified residential structure has previously been constructed. Thus, the Circuit Court’s reading of the LDC is fully consistent with Rinker.

The more analogous precedent is Town of Longboat Key v. Islandside Property Owners Coalition LLC, 95 So.3d 1037 (Fla. 2nd DCA 2012). There, the Town approved a \$400 million redevelopment plan for the Longboat Key Club. As in this case, nearby property owners petitioned the Circuit Court for a writ of certiorari to quash the development order, citing several conflicts with the Town's Code. The Circuit Court granted the writ, and the developer sought relief from the District Court of Appeal, Second District. The Court limited its review to "whether the circuit court departed from the essential requirements of the law." Id. at 1039.

Like Petitioners in this case, the Town argued that "the circuit court departed from the essential requirements of the law by not 'acknowledg[ing] or apply[ing] controlling principles of Florida law from Rinker Materials Corp.'" Id. at 1040-41. The District Court of Appeal rejected this argument because Rinker Materials made clear that "local ordinances are subject to the same rules of interpretation as are state statutes; a court interpreting local ordinances must first look to the plain and ordinary meaning of the words in the ordinance." Id. at 1041 (citing Rinker Materials Corp., 286 So.2d at 553-54). The Court further pointed out that "[i]n the end, the supreme court determined that the city council's interpretation of its own ordinances was improper because it violated the clear and ordinary meaning of the

ordinance.” Id. Applying these principles, the District Court of Appeal upheld the Circuit Court’s refusal to defer “to the Town’s self-serving interpretation” of its Code in contradiction of its plain and obvious meaning. Id. at 1042.

In addition, the District Court of Appeal in Town of Longboat Key rejected the Town’s argument that its longstanding interpretation of its Code to permit similar developments favored its interpretation over the Circuit Court’s. As the District Court of Appeal explained, “Tradition cannot displace the plain meaning of a local code.” Id. at 1042. “To allow such a result would countenance a shifting-sands approach to Code construction that would deny meaningful judicial review of local quasi-judicial decisions.” Id.

Both before the Circuit Court and in its Petition to this Court, Petitioners have stressed that, according to City Attorney Tammi Bach, “the City historically applies Section 1.03.05 only where an applicant chooses to develop existing combined lots of record, not where the property is being replatted.” Petition at 15. As Respondents pointed out below, however, this claim is historically inaccurate because the City has referred multiple requests that fell outside this description to the Board of Adjustment. (Tab B, 27-30; Tab E, 450, 477, 533; Tab K, 831-34). In any event, even if Ms. Bach’s claim were accurate, Town of Longboat Key correctly holds that no such tradition can override the plain meaning of the Code or bind the judiciary.

Conclusion

For the foregoing reasons, Respondents respectfully request that this Court uphold the Circuit Court's Order and deny the Petition for Writ of Certiorari.

/s/ Ralf Brookes

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email on or before this date, March 4, 2024, to the following:

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the foregoing is in Arial 14-point font and 5,008 words and complies with all the font, 13,000 maximum word count, and other requirements of Fla. R. App. P. 9.210.

/s/ Ralf Brookes

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August 21, 2025

VIA EMAIL DELIVERY

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City Attorney

204 Ash Street

Fernandina Beach, FL 32034-4279

Re: Amended Response to Tringali Tract / Administrative Appeal 2025-0003
(both correcting and adding reliance on 2025 Live Local Act's amended
definition of "mixed use")

Dear Sir and Madam:

This firm represents Worthy Investment, LLC (the Owner), which owns the parcel generally known as the Tringali Tract (Tax ID#s 00-00-31-1800-0012-0100, 00-00-31-1800-0012-0210, 00-00-31-1800-0012-0190, 00-00-31-1800-0012-0050, and 00-00-31-1800-0012-0150). I write to address several issues associated with the pending administrative appeal, in addition to those raised by Ron Flick for the Owner.

The Owner applied for the recently approved twelve-unit condominium, entitled the Courtyard at Amelia, when City staff asked them to consider an alternative to their fully authorized and approved twenty-nine-unit Live Local Act (s. 166.04151, Fla. Stat.) development.

The current configuration is exactly what the City staff stated was appropriate. The twelve-unit condominium was approved in a public meeting, unappealed, and final. The approved plan shows twelve units, with limited common area and common area, all typical of condominiums.

Your Land Development Code (LDC) defines "Condominium":

Condominium means that form of ownership of real property created pursuant to chapter 718, *Florida Statutes*, which is comprised entirely of units that may be owned by one or more persons, and in which there is, appurtenant to each unit, an undivided share in common elements.

Your definition tracks the definition in the Condominium Act S. 718.103(12), Fla. Stat.

The Office of the Attorney General stated in AGO 74-242:

The usual condominium project does not involve a division of land, but only a division of the ownership of individual units of the improvements.... [I]n a typical condominium development the land is not divided, but is owned in common by all of the unit owners of the condominium.

As stated above, this is just such a “typical condominium.”

Furthermore, the current appeal cites to Judge Roberson’s order, which is binding on one point. That order concluded that multiple lots being replaced by one lot is not a subdivision. This is neither a subdivision under that order nor the Condominium Act, nor is it a lot reconfiguration. Instead, “the land is not divided, but is owned in common by all of the unit owners of the condominium.” AGO 74-242, interpreting the Condominium Act.¹ The argument is inapposite.

The current appeal addresses issues that should have been raised concerning the Local Development Order to approve this condominium site plan, which was addressed on March 27, 2025, in a public meeting attended by the complainant. The record reflects the complainant promised to appeal. She did not do so. The appeal was not filed within thirty (30) days as required by LDC s. 11.07.02. The current appeal addresses the issues that should have been appealed from then, but were not.

Additionally, the LDC states: “[A] Local Development Order does not include development permits which may be necessary to authorize construction....” LDC s. 1.07.00. A building permit is therefore not a local development order. This appeal must be dismissed.

If we do not have resolution of the appeal by August 31, 2025, in favor of the Owner, the Owner will utilize the fully authorized Live Local Act maximum density for their whole parcel. That density follows City Code, which the City has long held allows the Owner to assign the use applicable to the larger portion of its property. Here, Mixed Use density may be applied to the whole site.

More to the point, the 2025 amendments to the Live Local Act clarifies the definition of “[m]ixed use”: “[A]ny use that combines multiple types of approved land uses from at least two of the residential use, commercial use, and industrial use categories. The term does not include uses that are accessory, ancillary, incidental to the allowable uses, or allowed only on a temporary basis.”

The City’s R-2 use allows “Stormwater Treatment Park/Facility” as of right.

It defines “[i]ndustrial use” as “activities associated with the manufacture, assembly, processing or storage of products or the performance of services related thereto.

¹ While that act has been recodified, the core nature of a “typical condominium project” remains the same.

Harrison W. Poole, Esq.
Teresa L. Prince, Esq.
Re: Tringali Tract
August 21, 2025
Page 3

The term includes, but is not limited to, such uses or activities as ... water treatment plants, sewage treatment plants.... A parcel zoned to permit such ... uses by right without the requirements to obtain a variance or waiver is considered industrial use for the purposes of this section irrespective of the local land development regulations listed category or title.”

The term "stormwater facility" is undefined. We defer to common usage. It can be anything from a small retention pond to a major stormwater management system. The latter is parallel to the sort of water and wastewater plants listed specifically in the LLA. I note that is an open ended, nonexclusive definition.

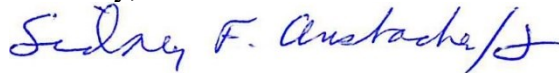
Subsection (7)(k) also authorizes LLA mixed use density for the adjacent parcel owned by the applicant regardless of that parcels planning or zoning designation.

The Owner preliminarily determined that applying Live Local Act density to the whole parcel yields fifty-eight multi-family units. That density would require no fewer than twenty-four units to be Affordable pursuant to the Live Local Act. The City already confirmed the Owner’s rights to the extant twenty-nine-unit Live Local Act project.

If the City attempts to modify the code or its interpretation to attempt to undermine these rights, the Owner is prepared to exercise all available rights under the Live Local Act, Bert J. Harris Act (s. 70.001, Fla. Stat.), the state and federal Fair Housing Acts, and related Civil Rights under 42 U.S.C. s. 1983.

The Owner is willing to try one last time to follow what your staff recommended, and what your Technical Review Committee approved in public hearing. The current appellant appeared, objected, promised to appeal on the record, and let the appellate period lapse. The Owner demands prompt resolution, or else the Owner will immediately exercise its rights under the Live Local Act.

Sincerely,



Sidney F. Ansbacher

SFA/cs

cc: Taina Christner
Client

Katie Newton

From: Sid Ansbacher <Sid.Ansbacher@fishertousey.com>
Sent: Friday, September 5, 2025 12:30 PM
To: Katie Newton; sfansbacher@ubulaw.com; Cindy Strickland
Cc: Teresa Prince
Subject: Re: 4th & Beech Demand Letter Follow Up

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That is correct. Thank you.

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From: Katie Newton <knewton@fbfl.org>
Sent: Friday, September 5, 2025 12:28:35 PM
To: sfansbacher@ubulaw.com <sfansbacher@ubulaw.com>; Cindy Strickland <cindy@ubulaw.com>
Cc: Teresa Prince <tprince@fbfl.city>
Subject: 4th & Beech Demand Letter Follow Up

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

Good Afternoon, Mr. Ansbacher,

I am following up on your conversation with Ms. Prince earlier this week to confirm that the deadline in your demand letter of today will not be enforced. She also wished to confirm that your client will proceed with the BOA hearing scheduled for September 17, 2025, at 5:00pm.

Thank you,

Katie



Katie Newton
Paralegal
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