



**AGENDA  
CITY OF FERNANDINA BEACH  
SPECIAL MAGISTRATE HEARING  
NOVEMBER 6, 2025  
10:00 AM  
CITY HALL COMMISSION CHAMBERS  
204 ASH STREET  
FERNANDINA BEACH, FL 32034**

- 1. CALL TO ORDER**
- 2. CASES TO BE HEARD**
  - 2.1 TREE FINE APPEAL - BUILT TO LAST CONSTRUCTION INC, AGENT FOR 30 S 3RD STREET.** *Synopsis: Appeal of administrative issuance of fines relating to tree removal on the southern side of the property located at 30 S. 3rd Street. Requesting Special Magistrate determination of the matter, to include upholding, reducing, or removing the fine.*
- 3. ADJOURNMENT**

Quasi-Judicial – Denotes that the item must be conducted as a Quasi -Judicial hearing in accordance with City Commission established procedure and Florida Statutes.

If any person decides to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting he/she 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 made.

Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 310-3115, TDD/TTY 711, at least 24 hours in advance to request such accommodations.

For information regarding this matter, please contact the Legal Department (904) 310-3275.



# FERNANDINA BEACH

FLORIDA

STAFF REPORT  
BOA 2025-0004  
November 6, 2025

<b>Subject Property Owner:</b>	Todd and Soodi Amiri Brown
<b>Subject Property Address:</b>	30 S 3 <sup>rd</sup> Street, Fernandina Beach, FL 32034
<b>Subject Parcel Number:</b>	00-00-31-1800-0013-0100
<b>Applicants:</b>	Rob Psulkowski
<b>Requested action:</b>	The applicant is appealing the assessment of fines for the unauthorized removal of trees in accordance with LDC Section 11.08.04.A
<b>Current zoning:</b>	C-3
<b>FLUM land use category:</b>	Central Business District
<b>Existing uses on the site:</b>	Residential

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

**Aerial View**



## Street View



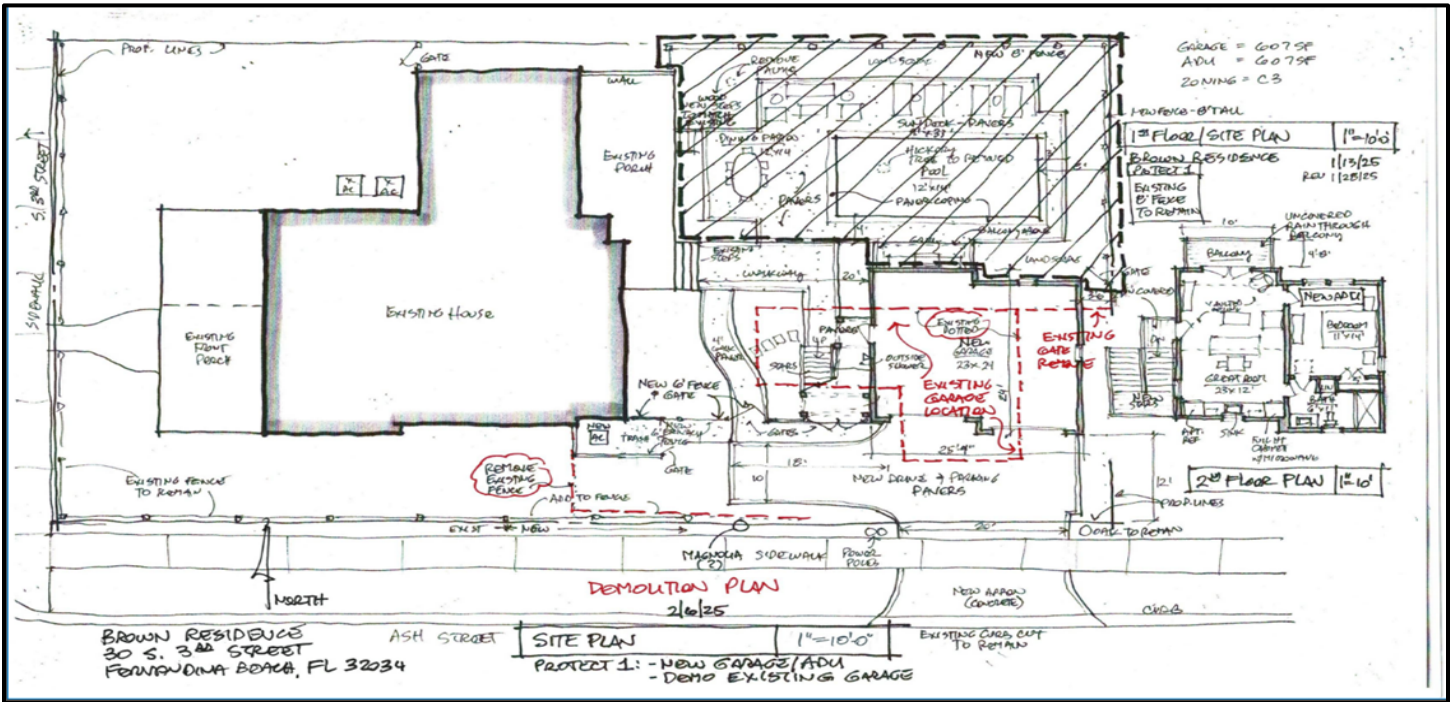
### SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The appellant, Rob Psulkowski, submitted an administrative appeal to the city on September 2, 2025 (Exhibit 1). On page 7 of 11, Mr. Psulkowski states that he is appealing fines for a Notice of Violation issued by the city on July 9, 2025, for tree removal without a permit on the subject property. Mr. Psulkowski is the contractor for the construction of an accessory structure on the subject property at 30 S 3rd St."

The City of Fernandina Beach Land Development Code Section 4.05.14 requires a permit prior to the removal of any protected tree. On July 9, 2025, City staff were performing a Tree Protection Inspection at 30 S. 3<sup>rd</sup> Street, Fernandina Beach, FL 32034. During the site visit, staff witnessed two (2) trees being removed, a 24.5-inch Magnolia tree and a 12.5-inch Mulberry tree shown on Figure 2 below. Work was being performed at the location for an (ADU) accessory dwelling unit (permit BLDR-2025-1151) and a swimming pool (permit BLDR-2025-1049). Staff verified if the removal of these two (2) trees were authorized under any of the associated building permits. No trees were permitted for removal under permit BLDR-2025-1151 and only one (1) 30-inch Pecan tree was permitted for removal under permit BLDR-2025-1049. No permit was issued for the Magnolia tree nor the Mulberry tree. Photos taken during the site visit are provided as Exhibit A. Additionally, the project was split into two cases presented at the March 20, 2025 HDC Regular Meeting, under cases HDC2025-0002 and HDC2025-0003. The first case received conceptual approval for the ADU and the second case received final approval of the pool, deck, and demolition of the existing shed. The plans presented for these cases have the magnolia tree sketched on with no measurement of diameter (below). Case HDC2025-0002 was heard again on May 15, 2025 for final approval of construction of the ADU. The final plans

did not include any landscaping, as the approval pertained solely to the construction of the ADU, rather than the retention of trees on the site.

### Site Plan / Demolition Plan



In accordance with LDC Section 11.08.04.A, when unauthorized removal of trees has occurred, the owner shall submit a Fines and Restoration Plan with the Planning and Conservation Department of the City of Fernandina Beach within 30 days of receipt of this notice.

#### 11.08.04 Specific Penalties for Violation of Tree Permit Requirements

- A. When unauthorized removal of trees has occurred, the owner shall submit a fines and restoration plan within thirty (30) days after being cited for the violation.

Individual residential property owner(s) of a single lot of record will be fined \$1,000 for the first unauthorized tree removal violation and subject to additional fines as provided in Table 11.08.04 and required to comply with restoration planting criteria.

**Table 11.08.04 Fines for Unauthorized Tree Removal (2 or More)**

Size of Tree Removed (DBH)	Fine Amount Per Tree
6-17"	\$1,000
18-25"	\$5,000
26-35"	\$15,000
36" DBH and above	\$20,000

#### Evaluation:

It is staff's determination that there was a violation of LDC Section 4.05.14, since there were trees greater than 5-inch in DBH removed without a Tree Removal permit, resulting in penalties as outlined in LDC Section 11.08.04(A), amounting to \$6,000. Mr. Psulkowski has submitted and obtained City approval for the Restoration Plan; however, he has failed to pay the fines.

#### **4.05.14 TREE PROTECTION REQUIREMENTS**

##### **B. Permitting Requirements:**

Protected Trees are any existing, healthy tree having a five (5) inch DBH, or greater and not identified on the most recent Florida Exotic Pest Plant Council Invasive Plant list (Category I or II). Tree removal permits are required for the removal of any protected tree, except as set forth below. There shall be three categories of exemptions or partial exemptions, as follows:

##### **1. Exemption from permit, permit fee and replacement requirements:**

- a. Trees and landscaping specifically grown as landscape material for resale by duly approved and licensed plant nurseries and botanical gardens.
- b. Damaged or hazardous trees during and for a one (1) month period following a declared disaster.
- c. Minor maintenance activities such as removal of sucker growth, water sprouts, and overhanging branches on mature trees. All work shall be performed in compliance with the current ISA Arborist standards and best practices.

Based on the foregoing evaluation, staff requests the magistrate find the owner in violation and uphold the fine of \$6,000 and retain the appeal application fee that was paid to the City of Fernandina Beach according to the master fee schedule established by the City Commission.

#### **LIST OF EXHIBITS**

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**EXHIBIT 1 – Administrative Appeal Application**

**EXHIBIT 2 – Notice of Violation**

**EXHIBIT 3 – Sections 4.05.14 and Section 11.08.04.A of the Land Development Code**

**EXHIBIT 4 – Historic District Commission Application Site Plan**

**EXHIBIT 5 – Historic District Commission Application Demolition Plan**

# Print

## Board of Adjustment (BOA) - Submission #17030

Date Submitted: 9/2/2025

### 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

 BOA 2025

### 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).



The LDC is available for review at

[www.fbf.us/LDC](http://www.fbf.us/LDC)

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

Appeals of Administrative Action – LDC 11.07.00

## 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?\*

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

### PROPERTY INFORMATION

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

**Site Address\***

30 S 3rd St

**City\***

Fernandina Beach

**State\***

FL

**Zip\***

32034

**Parcel ID #(s)\***

00-00-31-1800-0013-0100

**Zoning District\***

R-1

**Future Land Use Designation\***

Central Business District

**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\***

Soodi

**Last Name\***

Brown

**Company (if applicable)**

**Mailing Address\***

**City\***

**State\***

**Zip\***

**Telephone Number\***

**E-mail Address\***

**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**

Fernandina Beach

**State**

FL

**Zip**

32034

**Telephone Number**

9045560064

**E-mail Address**

btlconstructioninc@gmail.com

## PROJECT INFORMATION

**Variance Requested from LDC Section(s)\***

Request for a reduction/deletion of Fines

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

Re- Magnolia Tree Removal On July 9, we had Paul Manning remove the Magnolia Tree on the southern side of the property at 30 S 3rd st, the side that borders on Ash St. Immediately following we received a call from the city that we were in violation and that we were going to be fined. What I would like to present is how we got to this point. On May 15th we received conceptual approval to build an ADU on the property. You will see that the conceptual approval plans call out a magnolia (?). Video proof via the city website video of that meeting show that the magnolia tree was never mentioned throughout the whole course of the meeting. We then received our final approval by the HDC for our building plans. Once again, during the duration of the meeting, not only was the magnolia tree never mentioned but the tree has not been transferred to our final approved plans Those approved plans then circulated through the planning department so that they could proceed to the building department for permitting. Never in that planning department process was the magnolia tree, or the absence of the tree called into question. The drawings proceeded to permitting. Flash forward to a morning in June, as I am walking the property with the homeowners, discussing the project and how it would proceed. We ended up focussing on the continuation of the fence as shown on the plan. That area was exactly was where the magnolia was. The homeowners told me how earlier in the year during a storm a large branch had fallen off of the tree and landed on the sidewalk. The homeowners immediately started discussing the liability of a tree, in this condition immediately next to the sidewalk. As we were looking at the tree there were sections of the tree that you could see light through the other side. We then started into the planning of new plantings that could take the place of and quickly dwarf the canopy given off by a failing magnolia tree. We knew that we were planting palms around the pool , but started focussing on replacement canopy coverage This is where I made my critical error. I called Paul Manning, he priced it and scheduled the trees removal as soon as the price was accepted. Paul assumed that we had permission and I assumed that because it was not called out on the final plans, and that my personal knowledge was never even discussed at HDC, the removal of the tree was not an issue. That was mv mistake. As you can see from the log sections

that were photographed by Paul Manning, the tree was certainly heading towards its demise. If I had approached the city for permission to remove tree, it would have been obvious why it needed to come down. Also the homeowners accounting of the branch falling off just a couple of months prior to this. In the wake of the tree removal, we have installed the 13 palm trees, installed a Red Maple on the western side of the property, and a stunning 35' live oak on the Ash Street side, that paired with the maple will be a major contributor to the Fernandina Beach canopy for decades to come. What I am requesting, is the reduction or elimination of the \$6,000 Fine that was levied on the homeowner. I appreciate your consideration of this accounting of the events that took place leading up to this BOA hearing.. Built to Last Construction has been carrying on business in the Historic District since 2013 and have only ever endeavored to improve the appearance and the quality of the Historic District. We never were looking to fly under the City's radar. Rob Psulkowski Founder- Built to Last Construction

## 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.\***

This is not a zoning variance request

**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.\***

This is not a zoning variance request

**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.\***

This is not a zoning variance request

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

This is not a zoning variance request

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

This is not a zoning variance request

**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.\***

This is not a zoning variance request

**Upload Supplemental Materials**

Section of Magnolia- Clearly Rotten.jpg

**Upload 2**

Second Section of Magnolia- Clearly rotten.pdf

**Upload 3**

Section of Magnolia Hollow Stump with grinding machine.pdf

**Upload 4**

13 Newly Planted Palm trees around Pool Area.pdf

**Upload 5**

No file chosen

**Upload 6**

No file chosen

**Upload 7**

Manzie and Drake Boundary Survey.pdf

**Certification\***



By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application.



I acknowledge that I understand and have complied with all of the submittal requirements and procedures.



I AGREE THAT A POSTING NOTICE WILL BE INSTALLED ON THE PROPERTY(IES) IN QUESTION AND THAT SAID SIGN WILL ONLY BE REMOVED BY STAFF AFTER THE MEETING OR BROUGHT BACK TO CITY HALL BY APPLICANT.

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

**Applicant's First Name\***

Rob

**Applicant's Last Name\***

Psulkowski

**Today's Date\***

9/2/2025

 City of FB logo  
NEW Reflex

## DEPARTMENT OF PLANNING & CONSERVATION

204 Ash Street | Fernandina Beach, Florida 32034 | 904 310-3480 |  
[www.fbfl.us/planning](http://www.fbfl.us/planning)

**Please make sure to disable pop-up blocker in order to submit.**





**CERTIFIED MAIL**

July 11, 2025

Soodi Amiri  
123 East College Ave  
Greenville, IL 62246

Mrs, Amiri,

The City of Fernandina Beach Land Development Code (LDC) [Section 4.05.14](#) requires a permit prior to the removal of any protected tree. On July 9, 2025, City staff was performing a Tree Protection Inspection at 30 S. 3<sup>rd</sup> Street, Fernandina Beach, FL 32034. During the site visit, staff witnessed two (2) trees being removed, a 24.5 inch Magnolia tree and a 12.5 inch Mulberry tree. Work is being performed at the location for an Accessory Dwelling Unit (permit BLDR-2025-1151) and a swimming pool (permit BLDR-2025-1049). Staff verified if tree removal was issued for these two trees under the two permits. No trees were permitted for removal under permit BLDR-2025-1151 and only one (1) 30-inch Pecan tree was permitted for removal under permit BLDR-2025-1049. No permit was issued for the Magnolia tree nor the Mulberry tree. Photos taken during the site visit are provided as Exhibit A. In summary, staff finds that LDC Section 4.05.14 was violated and is subject to penalties contained in LDC Section 11.08.04(A) equaling **\$6,000**.

In accordance with LDC [Section 11.08.04.A](#), when unauthorized removal of trees has occurred, the owner shall submit a Fines and Restoration Plan filed with the Planning and Conservation Department of the City of Fernandina Beach within 30 days of receipt of this notice.

Individual residential property owner(s) of a single lot of record will be fined \$1,000 for the first unauthorized tree removal violation and subject to additional fines as provided in Table 11.08.04 and required to comply with restoration planting criteria.

**Table 11.08.04 Fines for Unauthorized Tree Removal (2 or More)**

Size of Tree Removed (DBH)	Fine Amount Per Tree
6-17"	\$1,000
18-25"	\$5,000
26-35"	\$15,000
36" DBH and above	\$20,000

Payment may be submitted in the amount of **\$6,000** to the City of Fernandina Beach by mail or in person at the Planning & Conservation Department located at 204 Ash Street, Fernandina Beach, FL, 32034.

In accordance with LDC Section 11.08.04.B, in addition to fines, an approved restoration plan is required for all unauthorized tree removal which replaces "one for one" (one (1) inch for every inch of Diameter at Breast Height (DBH)). The total inches of tree removed equals **37** inches. Tree replacement must meet the City's definition of a "shade tree" and meet the Florida Grades and Standards grade number one (1) or better. At the time of installation, trees must be at least two and a half (2.5) inches in DBH and not be less than eight (8) feet tall to satisfy the replacement requirements. All provisions of LDC Sections 4.05.03 (D) Installation and (E) Maintenance must be achievable in the restoration plan.



In accordance with LDC Section 11.08.04.C, the City Manager shall, within 30 days of submission of a restoration plan, either:

1. Approve the restoration plan after rendering a finding that implementation of the restoration plan will ensure restoration of the quality and screening functions previously provided on site, according to the criteria set forth herein by the removed or otherwise destroyed trees; or
2. Deny the restoration plan and levy appropriate fines based on a finding that said restoration plan, upon implementation, cannot restore the quality and screening functions previously provided by the removed or otherwise destroyed trees; or
3. Deny said plan and inform the owner or developer of what the City requires in order to approve said restoration plan. Such plans shall be resubmitted within thirty (30) days of the denial. Failure to resubmit or appeal within this time period shall subject the property owner to a fine of \$100.00 per day.

In accordance with LDC Section 11.08.04.D, if the City Manager determines that implementation of a restoration plan cannot replace the quality and screening functions of the trees removed or otherwise destroyed then the City Manager may assess a fine of \$500.00 per inch DBH for each tree removed.

If a restoration plan is not submitted within thirty (30) days from the date of this notice, this department will refer this matter to the Code Enforcement Board for legal action. Chapter 162 of the Florida Statutes provides this Board the authority to levy fines of up to \$250.00 per day per violation. If it has been determined that the violation described is irreparable or irreversible in nature, the Code Enforcement Board may issue a fine of up to \$5,000 per violation.

LDC Section 11.08.04.E states that no further permits or inspections shall be issued or performed until all violations of this article are corrected or the City Manager determines a restoration plan to be acceptable based on the criteria provided in Section 11.08.04.B.

Please call (904) 310-3480 to discuss this matter further or email me at KGibson@fbfl.org so I can review the restoration plan before filing. The Planning & Conservation Department of the City of Fernandina Beach is located at 204 Ash Street, Fernandina Beach, FL, 32034.

I appreciate your cooperation and your willingness to move forward on a restoration strategy.

Sincerely,

Kelly Gibson, AICP  
Planning & Conservation Director

Cc: Michelle Forstrom, Code Enforcement  
David Neville, Urban Forester/Arborist  
Sarah Campbell, City Manager

EXHIBITS:

- A- Photos from May 28, 2025, site visit
- B- LDC Section 11.08.04 (Specific Penalties for Violation of Tree Permit Requirements)
- C- LDC Section 4.05.03 (Landscape Materials Standards)

- H. An opening through a buffer area may be provided to facilitate pedestrian or vehicular traffic between developments.
- I. Permitted use of buffer area
  - 1. A buffer may be used for passive recreation and picnic facilities. It may contain pedestrian paths or bike trails, provided that the path or trail is not paved. These paths may cross a required continuous hedge provided that openings to allow such crossing points shall be a maximum of six (6) feet in width and shall be spaced not less than 100 feet apart.
  - 2. Except along the Amelia Island Parkway, a buffer may incorporate water resources including stormwater detention/retention facilities. However, a minimum of ten (10) feet width of the buffer shall be preserved as a planting area without stormwater facilities.
  - 3. Ingress and egress to the proposed development and utilities may cross the buffer provided they minimize the amount of buffer devoted to this use. Ingress and egress shall not be subtracted from the linear dimensions used to determine the minimum amount of landscaping required.
  - 4. The buffer area may be included as part of the calculation of any required open space or as part of the required front, side, or rear yard.
  - 5. Identification signs as specifically allowable pursuant to Section 5.03.00.
  - 6. Except along the Amelia Island Parkway, street lighting may be incorporated into the buffer area.
- J. Prohibited use of buffer area.  
A buffer area shall not be used for any building, parking, storage, or loading area.

#### 4.05.13 HARDSHIP RELIEF

- A. Where a landowner is unduly burdened by the strict application of the landscape sections covered in 4.05, said landowner may apply in writing to the City Manager for hardship relief.

#### 4.05.14 TREE PROTECTION REQUIREMENTS

- A. Intent:  
The intent of this section is to provide standards and regulations to ensure a minimum number of trees on any lot or parcel, protect and preserve native tree species, protect and preserve the natural landscape, foster and encourage maintenance of natural vegetation, and minimize loss of trees to development. It is the intent of the City that:
  - 1. There shall be no net loss of canopy within the City;
  - 2. Preservation of the City's existing canopy is achieved by managing the impact of development and preventing unreasonable or unnecessary damage to the community's existing native tree canopy and vegetative understory;
  - 3. The diversity of tree species indigenous to Amelia Island shall be maintained;
  - 4. Existing mature growth native trees important to the City's tree canopy are protected and maintained to the fullest extent possible;
  - 5. Structures and all impervious surfaces will be placed in such a way as to protect the survivability and substantial growth of the healthiest shade trees on the property;
  - 6. The natural environment is preserved, enhanced, and restored through the protection and establishment of native trees and existing natural systems for the enjoyment of present and future populations;
  - 7. Achieving greater energy conservation by maximizing the shading and cooling effects of existing native, healthy trees and native replacement trees;

8. The health and well-being of Fernandina Beach residents and visitors is protected by providing shade and otherwise moderating potentially dangerous summer temperatures; and
9. The unique aesthetic character of the City is preserved, enhanced, or restored.

**B. Permitting Requirements:**

Protected Trees are any existing, healthy tree having a five (5) inch DBH, or greater and not identified on the most recent Florida Exotic Pest Plant Council Invasive Plant list (Category I or II). Tree removal permits are required for the removal of any protected tree, except as set forth below. There shall be three categories of exemptions or partial exemptions, as follows:

1. *Exemption from permit, permit fee and replacement requirements:*

- a. Trees and landscaping specifically grown as landscape material for resale by duly approved and licensed plant nurseries and botanical gardens.
- b. Damaged or hazardous trees during and for a one (1) month period following a declared disaster.
- c. Minor maintenance activities such as removal of sucker growth, water sprouts, and overhanging branches on mature trees. All work shall be performed in compliance with the current ISA Arborist standards and best practices.

2. *Exemption from fee and replacement requirements.*

A permit shall be required for removal of the following trees, however, removal of these shall be exempt from the permit fee and replacement and replacement plan requirements of this article as follows unless the removal of such tree results in the property not achieving the City's minimum landscape standards as specified in LDC Sections 4.05.05:

- a. Any tree other than a protected or heritage tree;
- b. Trees damaged by disease, fire, windstorm, lightning, insect infestation or other acts of nature, which pose an imminent danger to life, property or other protected trees; The administrative official may require a written certification of the need to remove such a tree or trees, at the property owner's expense, from an ISA certified Arborist prior to authorizing such a removal.
- c. Removal of trees (thinning) within a forested area in order to reduce overcrowding and competition and to promote the health, growth, and resistance to stress may be permitted only when accompanied by written certification of the need to remove such tree(s) at the property owner's expense, from an ISA certified Arborist prior to authorizing such removal.
- d. Major and minor maintenance of trees located adjacent to utility lines; and
- e. Removal of trees by the City on City rights of way.
- f. The tree prevents access to a lot and no feasible alternative access points exist.

3. *Partial Exemptions from replacement requirements for site development.*

A permit and permit fee shall be required for removal of protected trees for purposes of site development provided that mitigation requirements have been met through either on-site retention of existing healthy native trees or through the planting of replacement trees required as follows:

a. For one- and two-family residential properties:

Fifty percent (50%) of the total DBH of the protected trees shall be exempt from replacement. Replacement of fifty percent (50%) of the total DBH of the protected trees located within the area of the building footprint, or within five (5) feet thereof, to be constructed on the property, when such improvements have been authorized by a duly approved and issued building permit shall be required.

**11.08.04 Specific Penalties for Violation of Tree Permit Requirements**

- A. When unauthorized removal of trees has occurred, the owner shall submit a fines and restoration plan within thirty (30) days after being cited for the violation.

Individual residential property owner(s) of a single lot of record will be fined \$1,000 for the first unauthorized tree removal violation and subject to additional fines as provided in Table 11.08.04 and required to comply with restoration planting criteria. Multi-family, subdivisions, mixed use, and non-residential landowner(s) will be fined \$5,000 for the first unauthorized tree removal violation and subject to additional fines as provided in Table 11.08.04 and required to comply with restoration planting criteria.

**Table 11.08.04 Fines for Unauthorized Tree Removal (2 or More)**

Size of Tree Removed (DBH)	Fine Amount Per Tree
6-17"	\$1,000
18-25"	\$5,000
26-35"	\$15,000
36" DBH and above	\$20,000

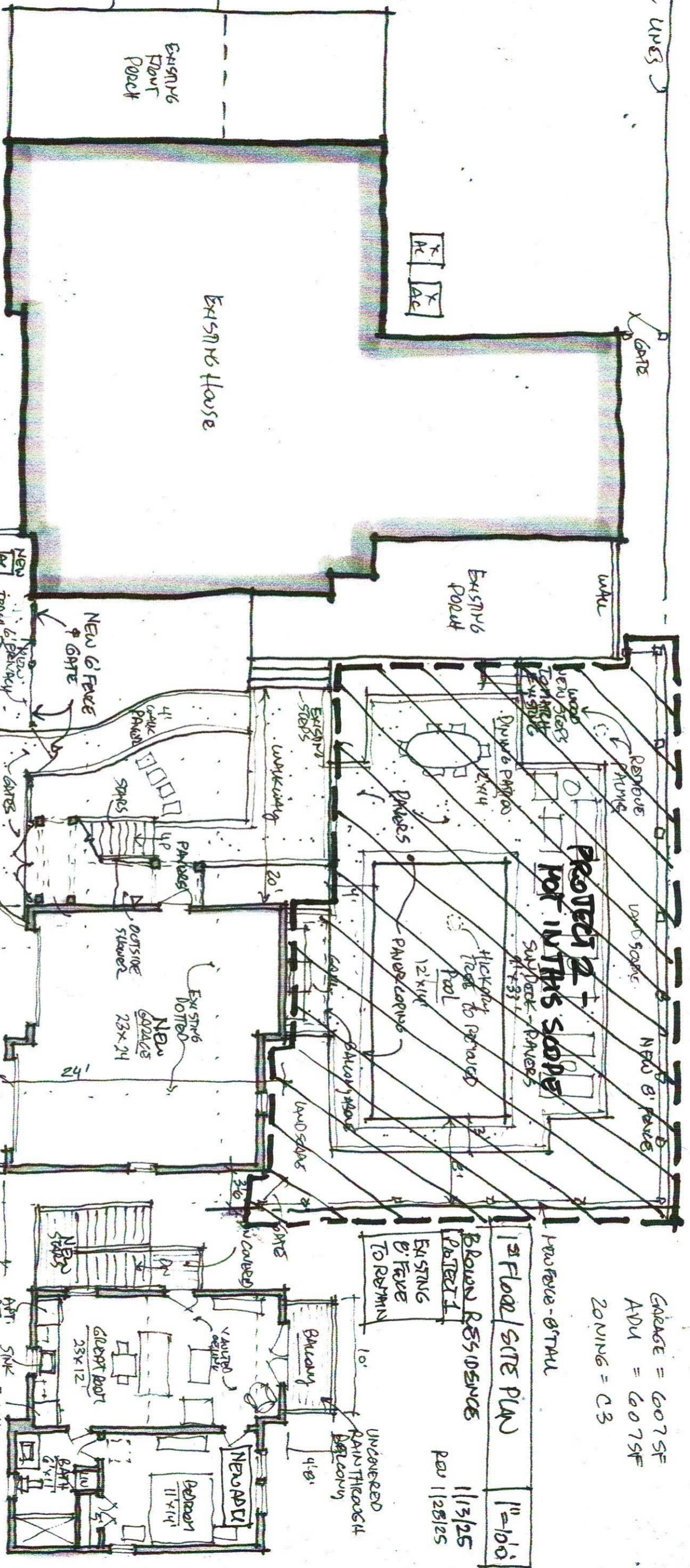
- B. In addition to fines, an approved restoration plan is required for all unauthorized tree removal which replaces "one for one" (one (1) inch for every inch of DBH), any and all trees that are removed without authorization. No preservation credits shall be applicable for the unauthorized removal of trees. Failure to submit a restoration plan within thirty (30) days shall result in a double fine. In the event that an insufficient trunk of the removed tree exists to determine replacement requirements, including the size and number of required replacement trees, these facts shall be determined by the City Manager based upon any available information, including photographs or a survey of trees of the same species existing within the City. In making such determinations, the opinion of the City Manager shall control. If the City Manager cannot determine with reasonable certainty the number of protected trees removed, the violation shall be corrected by paying a civil fine of up to one dollar (\$1.00) per square foot of land cleared. All amounts received by the City pursuant to this section shall be deposited in the Tree Replacement Fund.
  - 1. In evaluating a proposed restoration plan, the City shall consider the following:
    - a. The cross-sectional area of trunk(s) removed;
    - b. The specific aesthetic character of the tree removed;
    - c. Any special function the tree carried out as a screen or buffer;
    - d. Amount of other trees preserved on the site, and the opportunities for planting additional trees;
    - e. Any short-term or long-term negative environmental impacts from the unauthorized tree removal, including, but not limited to, erosion, siltation, impacts on listed plant and/or animal species, water circulation patterns, water quality standards, and floodplain capacity or conveyance (including, but not limited to, swales or overland sheet flow, where pertinent).
  - 2. The City Manager shall review the proposed restoration plan. The City Manager may require any bonding or other guarantees deemed necessary to insure the performance and completion of the restoration plan, and/or the maintenance and survival of the implemented restoration plan. If a bond is required, the bond amount shall be one dollar (\$1.00) for every square foot of land cleared in violation of this section, or \$50,000 if a heritage tree has been removed.
- C. The City Manager shall, within 30 days of submission of a restoration plan, either:
  - 1. Approve the restoration plan after rendering a finding that implementation of the restoration plan, will ensure restoration of the quality and screening functions

GARAGE = 607 SF  
ADU = 607 SF  
ZONING = C3

PROF. LINES

1st FLOOR / SITE PLAN 1/13/25  
1" = 10'

BROWN RESIDENCE PROJECT 1  
EXISTING B/F FENCE TO REMAIN  
REV 1/28/25



2nd FLOOR PLAN 1/13/25  
1" = 10'

BROWN RESIDENCES  
30 S. 3RD STREET  
FERNANDINA BEACH, FL 32034

ASH STREET

SITE PLAN

PROJECT 1: - NEW GARAGE/ADU  
- DEMO EXISTING GARAGE

2/6/25

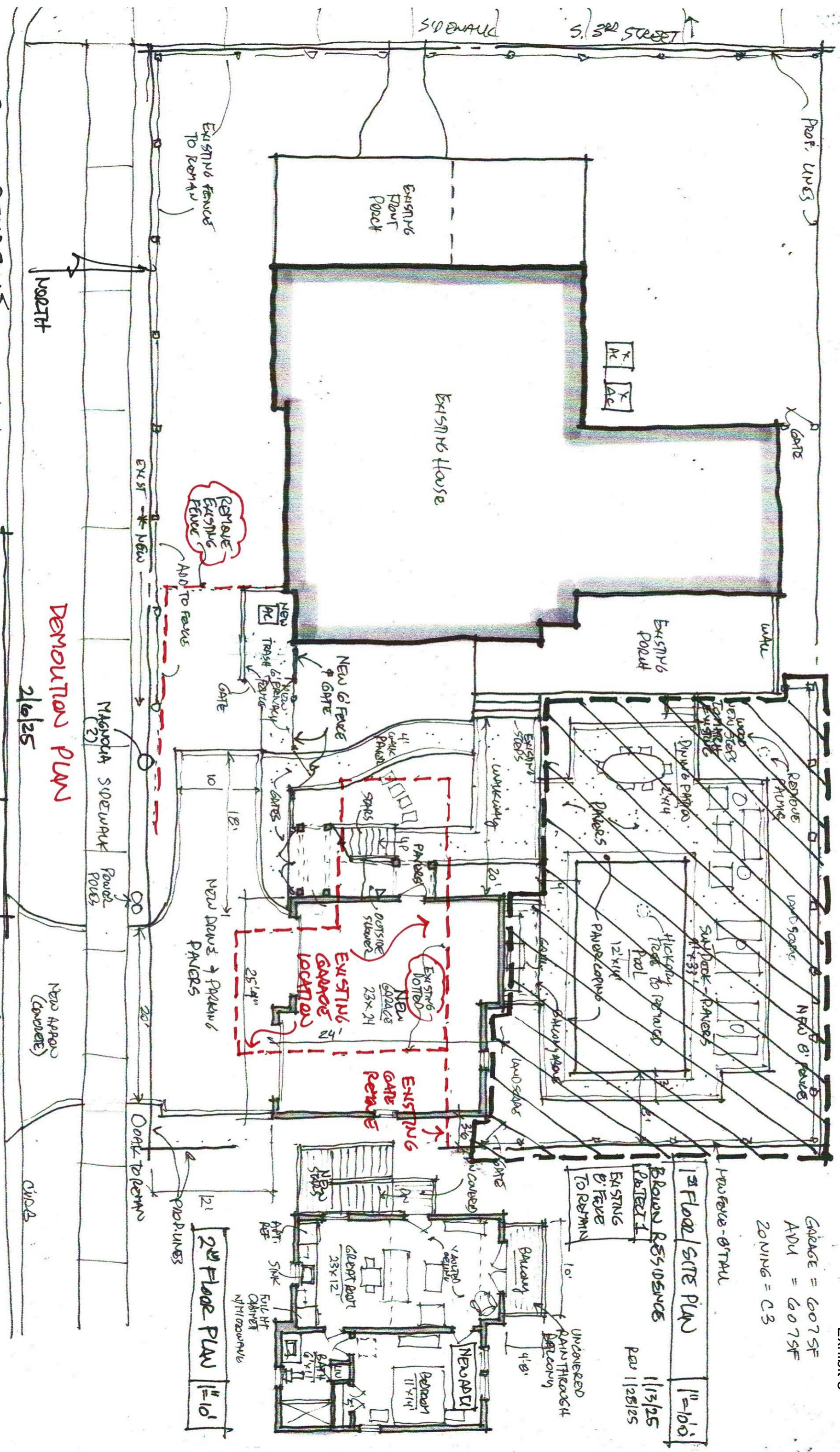
1" = 10'-0"

EXISTING CURB CUT TO REMAIN

NEW APPROX (CONCRETE)

2/28

GARAGE = 607 SF  
 ADD = 607 SF  
 ZONING = C3



**DEMOLITION PLAN**

**SITE PLAN**

BROWN RESIDENCES  
 30 S. 3<sup>RD</sup> STREET  
 FORT LAUDERDALE, FL 33304

EXISTING CURB CUT  
 TO REMAIN

PROJECT 1: - NEW GARAGE/ADU  
 - DEMO EXISTING GARAGE

1<sup>ST</sup> FLOOR/SITE PLAN  
 BROWN RESIDENCES  
 PATENT 1  
 EXISTING BY FENCE TO REMAIN  
 11/3/25  
 PER 1/28/25

2<sup>ND</sup> FLOOR PLAN  
 11/10/25

2/6/25

NEW APPROX (CONCRETE)

CURB

NORTH

SIDEWALK

S. 3<sup>RD</sup> STREET

PROF. LINES

GATE

WALK

EXISTING POOL

EXISTING HOUSE

EXISTING FRONT PORCH

EXISTING FENCE TO REMAIN

REMOVE EXISTING FENCE

ADD TO FENCE

NEW DRIVE & PARKING

GATE

NEW DRIVE & PARKING

GATE

NEW DRIVE & PARKING

GATE

NEW DRIVE & PARKING

GATE

NEW DRIVE & PARKING

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NEW DRIVE & PARKING

GATE

NEW DRIVE & PARKING

GATE

# Print

## Board of Adjustment (BOA) - Submission #17030

Date Submitted: 9/2/2025

### 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

 BOA 2025

### 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).



The LDC is available for review at

[www.fbf.us/LDC](http://www.fbf.us/LDC)

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

Appeals of Administrative Action – LDC 11.07.00

## 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?\*

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

### PROPERTY INFORMATION

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

**Site Address\***

30 S 3rd St

**City\***

Fernandina Beach

**State\***

FL

**Zip\***

32034

**Parcel ID #(s)\***

00-00-31-1800-0013-0100

**Zoning District\***

R-1

**Future Land Use Designation\***

Central Business District

**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\***

Soodi

**Last Name\***

Brown

**Company (if applicable)**

**Mailing Address\***

**City\***

**State\***

**Zip\***

**Telephone Number\***

**E-mail Address\***

**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**

Fernandina Beach

**State**

FL

**Zip**

32034

**Telephone Number**

9045560064

**E-mail Address**

btlconstructioninc@gmail.com

## PROJECT INFORMATION

**Variance Requested from LDC Section(s)\***

Request for a reduction/deletion of Fines

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

Re- Magnolia Tree Removal On July 9, we had Paul Manning remove the Magnolia Tree on the southern side of the property at 30 S 3rd st, the side that borders on Ash St. Immediately following we received a call from the city that we were in violation and that we were going to be fined. What I would like to present is how we got to this point. On May 15th we received conceptual approval to build an ADU on the property. You will see that the conceptual approval plans call out a magnolia (?). Video proof via the city website video of that meeting show that the magnolia tree was never mentioned throughout the whole course of the meeting. We then received our final approval by the HDC for our building plans. Once again, during the duration of the meeting, not only was the magnolia tree never mentioned but the tree has not been transferred to our final approved plans Those approved plans then circulated through the planning department so that they could proceed to the building department for permitting. Never in that planning department process was the magnolia tree, or the absence of the tree called into question. The drawings proceeded to permitting. Flash forward to a morning in June, as I am walking the property with the homeowners, discussing the project and how it would proceed. We ended up focussing on the continuation of the fence as shown on the plan. That area was exactly was where the magnolia was. The homeowners told me how earlier in the year during a storm a large branch had fallen off of the tree and landed on the sidewalk. The homeowners immediately started discussing the liability of a tree, in this condition immediately next to the sidewalk. As we were looking at the tree there were sections of the tree that you could see light through the other side. We then started into the planning of new plantings that could take the place of and quickly dwarf the canopy given off by a failing magnolia tree. We knew that we were planting palms around the pool , but started focussing on replacement canopy coverage This is where I made my critical error. I called Paul Manning, he priced it and scheduled the trees removal as soon as the price was accepted. Paul assumed that we had permission and I assumed that because it was not called out on the final plans, and that my personal knowledge was never even discussed at HDC, the removal of the tree was not an issue. That was my mistake. As you can see from the log sections

that were photographed by Paul Manning, the tree was certainly heading towards its demise. If I had approached the city for permission to remove tree, it would have been obvious why it needed to come down. Also the homeowners accounting of the branch falling off just a couple of months prior to this. In the wake of the tree removal, we have installed the 13 palm trees, installed a Red Maple on the western side of the property, and a stunning 35' live oak on the Ash Street side, that paired with the maple will be a major contributor to the Fernandina Beach canopy for decades to come. What I am requesting, is the reduction or elimination of the \$6,000 Fine that was levied on the homeowner. I appreciate your consideration of this accounting of the events that took place leading up to this BOA hearing.. Built to Last Construction has been carrying on business in the Historic District since 2013 and have only ever endeavored to improve the appearance and the quality of the Historic District. We never were looking to fly under the City's radar. Rob Psulkowski Founder- Built to Last Construction

## 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.\***

This is not a zoning variance request

**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.\***

This is not a zoning variance request

**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.\***

This is not a zoning variance request

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

This is not a zoning variance request

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

This is not a zoning variance request

**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.\***

This is not a zoning variance request

**Upload Supplemental Materials**

Section of Magnolia- Clearly Rotten.jpg

**Upload 2**

Second Section of Magnolia- Clearly rotten.pdf

**Upload 3**

Section of Magnolia Hollow Stump with grinding machine.pdf

**Upload 4**

13 Newly Planted Palm trees around Pool Area.pdf

**Upload 5**

No file chosen

**Upload 6**

No file chosen

**Upload 7**

Manzie and Drake Boundary Survey.pdf

**Certification\***



By signing below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application.



I acknowledge that I understand and have complied with all of the submittal requirements and procedures.



I AGREE THAT A POSTING NOTICE WILL BE INSTALLED ON THE PROPERTY(IES) IN QUESTION AND THAT SAID SIGN WILL ONLY BE REMOVED BY STAFF AFTER THE MEETING OR BROUGHT BACK TO CITY HALL BY APPLICANT.

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

**Applicant's First Name\***

Rob

**Applicant's Last Name\***

Psulkowski

**Today's Date\***

9/2/2025

 City of FB logo  
NEW Reflex

## DEPARTMENT OF PLANNING & CONSERVATION

204 Ash Street | Fernandina Beach, Florida 32034 | 904 310-3480 |  
[www.fbfl.us/planning](http://www.fbfl.us/planning)

**Please make sure to disable pop-up blocker in order to submit.**











# MAP OF BOUNDARY SURVEY

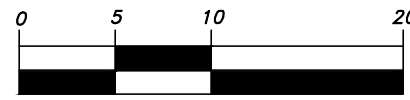
ALL THAT CERTAIN PIECE, PARCEL OF LAND SITUATE, LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), IN THE COUNTY OF NASSAU AND STATE OF FLORIDA AND KNOWN AND DESCRIBED UPON AND ACCORDING TO THE OFFICIAL PLAT OF SAID CITY (AS LITHOGRAPHED AND ISSUED BY THE FLORIDA RAILROAD COMPANY IN 1857 AND ENLARGED, REVISED AND REISSUED BY THE FLORIDA TOWN IMPROVEMENT COMPANY IN 1887 AND 1901), AS:

THE SOUTH SEVENTY-SIX (76) FEET OF LOTS TEN (10), ELEVEN (11), TWELVE (12), THIRTEEN (13) AND FOURTEEN (14), BLOCK THIRTEEN (13), CITY OF FERNANDINA BEACH.

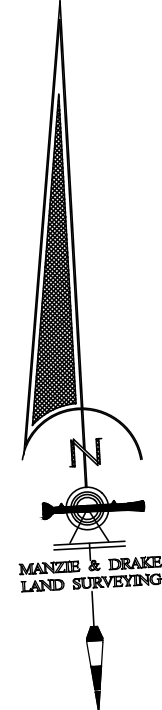
**CERTIFIED TO:** BUILT TO LAST CONSTRUCTION

**PROPERTY ADDRESS:** 30 SOUTH THIRD STREET, FERNANDINA BEACH FL 32034

## GRAPHIC SCALE

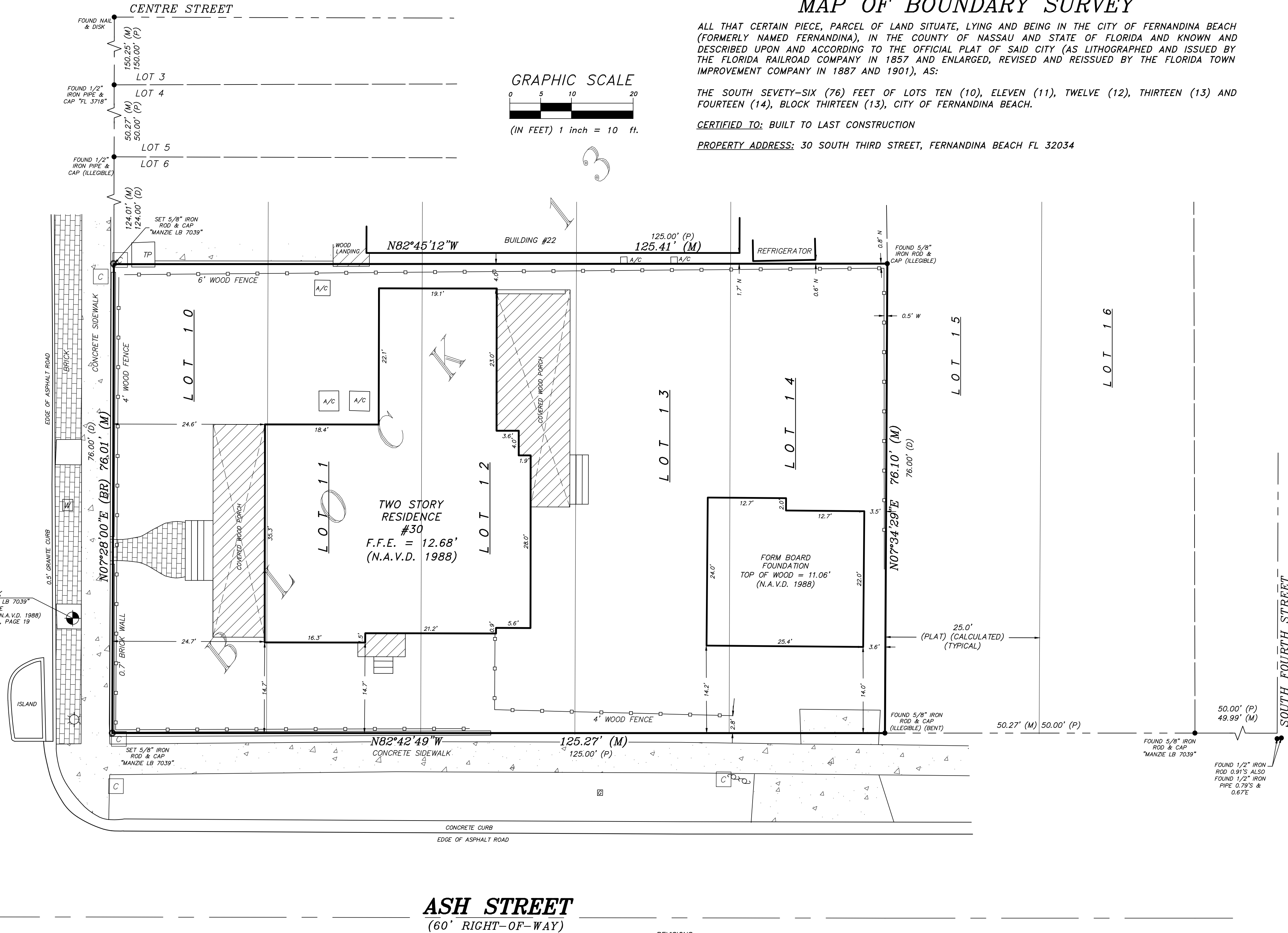


(IN FEET) 1 inch = 10 ft.



**SOUTH THIRD STREET**  
(60' RIGHT-OF-WAY)

**SOUTH FOURTH STREET**



**SITE BENCHMARK**  
NAIL & DISK "MANZIE LB 7039"  
SET IN 12" PALM TREE  
ELEVATION = 11.00' (N.A.V.D. 1988)  
FIELD BOOK = X-394, PAGE 19

## ASH STREET

(60' RIGHT-OF-WAY)

- SURVEY NOTES:**
- Unless it bears the original signature and the original raised seal of a Florida licensed Surveyor and Mapper or Validated Digital Signature by a Florida licensed Surveyor and Mapper, this map/report is for informational purposes only and is not valid.
  - The "Legal Description" hereon is in accord with the description provided by the client.
  - Underground Improvements were not located or shown.
  - Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
  - Bearings shown hereon are based on N07°28'00"E for the easterly right-of-way line of South Third Street. The bearing reference line is indicated as thus (BR).
  - The property shown hereon lies within flood zone X (Shaded) per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel 12089C 0237 G, dated 08/02/2017.
  - Site Benchmark is as shown hereon.
  - Elevations shown hereon refer to North American Vertical Datum of 1988. (N.A.V.D. '88)
  - The Reference Benchmark is a nail & disk "Manzie LB 7039" found in a wood power pole and the southeast quadrant of Third Street & Ash Street. (Elevation = 10.86' N.A.V.D. 1988)

- LEGEND**
- ⊙ = CENTERLINE
  - ▨ = CONCRETE FLATWORK
  - ⊠ = COMMUNICATION PEDESTAL
  - ⊙ = LIGHT POLE
  - ▭ = COVERED AREA
  - A/C = AIR CONDITIONER
  - ⊠ = TELEPHONE PEDESTAL
  - ⊠ = WATER METER
  - = WOOD FENCE
  - ⊙ = WOOD POWER POLE
  - ⊠ = TRANSFORMER PAD

**REVISIONS:**  
1) REVISED ON 06/16/2025 TO SHOW LOCATION OF FORM BOARD FOUNDATION. (LP)

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

**Melanie G Platt** Digitally signed by Melanie G Platt  
Date: 2025.06.17 10:14:48 -04'00'

MICHAEL A. MANZIE, P.L.S. 4069  
 MELANIE G. PLATT, P.S.M. 7605

**MANZIE & DRAKE LAND SURVEYING**  
117 South Ninth Street, Fernandina Beach, FL 32034  
(904) 491-5700 www.ManzieAndDrake.com  
Certificate of Authorization Number "LB 7039"  
"OUR SIGHTS ARE ON THE FUTURE, SET YOUR SITES ON US."

SCALE: 1"=10' JOB NO: 22211 DATE: 04/25/2025 CADD: LP  
F.B. NO: X-394 PAGE NO: 19 CREW: SS FILE NO: B-2092