



AGENDA
BOARD OF ADJUSTMENT
JANUARY 6, 2016
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER

2. ROLL CALL / DETERMINATION OF A QUORUM

3. APPROVAL OF MINUTES

3.1. REVIEW AND APPROVE THE NOVEMBER 18, 2015 MEETING MINUTES

Documents: [BOA-11182015.pdf](#)

4. OLD BUSINESS

4.1. BOA 2015-16, SHAPIRO, 911 S. 8TH ST.

VARIANCE from LDC Section 5.01.10(D) Freestanding sign location:
Setback five feet from the property line.

Documents: [Shapiro BOA 2015-16.pdf](#)

4.2. BOA 2015-17, TERRY, 522 S. 5TH ST.

VARIANCE from LDC Section 5.01.11(F) The following setback shall be maintained and shall be measured from the pool's edge of water to the lot line as follows:

(3) The minimum rear setback shall not be less than eight feet.

Documents: [Terry BOA 2015-17.pdf](#)

5. NEW BUSINESS

5.1. BOA 2016-01, FOBERT, 118 S. 13TH ST.

VARIANCE from LDC Section 4.02.03(E) Standards for Building Heights and Setbacks; LDC Section 10.01.02(B) An expansion in square footage shall be permitted where such expansion meets all requirements of this LDC.

Documents: [Fobert_BOA_2016-01.pdf](#)

5.2. BOA 2016-02, AMELIA ISLAND HOTEL ASSOCIATION, 2549 SADLER RD.

VARIANCE from LDC Section 4.05.06(B)(1) A landscaped area not less than ten feet in width shall be located around the perimeter of the parking lot

Documents: [AI Hotel Assoc_BOA 2016-02.pdf](#)

6. BOARD BUSINESS

7. COMMENTS BY THE PUBLIC

Members of the public are invited to address the BOA on items of concern not listed on the agenda.

8. ADJOURNMENT

THE NEXT REGULAR BOARD OF ADJUSTMENT MEETING IS SCHEDULED FOR
WEDNESDAY, JANUARY 20, 2016

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

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 the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired).

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 Community Development Department (904) 310-3135. If any person decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at such meeting s/he 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.

MINUTES

1. **Call to Order** – The meeting was called to order at 5:00 pm.

2. **Roll Call / Determination of a Quorum**

Board Members Present

Charles Burns, Chair
Marcy Mock
Michael Spino

Tisha Dadd
Lynn Williams

Board Members Absent

Matt Miller (alternate)

Others Present

Tammi Bach, City Attorney
Jacob Platt, City Planner
Brad Franklin, Recording Secretary

There were no ex parte communications to be disclosed by the board members at this time. City Attorney Bach briefly explained the procedures for the quasi-judicial hearings. Recording Secretary Franklin administered the oath to those parties that were about to present testimony.

3. **Approval of Minutes (October 21, 2015)** - After a review of the Minutes, **a motion was made by Member Williams, seconded by Member Mock, to approve the Minutes as submitted. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4. **New Business** - Mr. Platt reported that all application materials were received, all fees paid, and notices were made.

4.1. **BOA 2015-14, ABSHER, 2401 SAFE HARBOR LANE** - Variance from LDC Section 4.02.03(E) Standards for Building Heights and Setbacks

Mr. Platt explained this variance from the minimum rear yard setback of 25 feet for the primary structure was being sought to build a roofed screened enclosure that would encroach 10 feet into the setback. He stated a screen enclosure with a composite roof is considered part of the primary structure. He pointed out the application appears to meet criteria 1, 5, and 6 but does not meet criteria 2, 3, and 4. He commented in the same subdivision BOA 2014-11 was a very similar case in which the board recommended approval.

Ms. Kristie Absher, 2401 Safe Harbor Lane, stated they would like to build a screened enclosure to improve their home. She pointed out it was similar to what many of her neighbors have. Chair Burns inquired if this was the same as the neighbors or bigger or smaller. Ms. Absher commented the lot was pretty standard for their street, and the neighbor across the street that built one last year has a similar size. She explained some of the other neighbors have smaller ones, but the way her house was situated it was 25 feet from the bay window to the back fence line.

Mr. Platt stated this is a platted R-1 subdivision, which are 75 foot wide lots. He pointed out in this case they did not build the home, but the developer maxed out the building envelope so any sort of screened enclosure addition or anything to the rear would be encroaching into the setback requirement. Member Dadd inquired if there was an existing concrete pad there. Ms. Absher

replied they actually have a wooden deck and they would like to replace that deck with concrete that matches the foundation of the house. Member Mock commented she rode by this property and it doesn't appear this would bother anyone. Ms. Absher explained they spoke with the neighbors and the people behind their house. Member Williams inquired how close accessory structures could be to the back property line. Mr. Platt replied three feet from the side or rear property line. There was a brief discussion that there is not a minimum separation between primary and accessory structures.

Member Spino inquired when the house was built. Ms. Absher replied the documents say 2006, but some evidence inside the home makes her think it didn't get finished until 2007. It was noted the current code was from October 2006.

Mr. Joe Burning, 11580 Cypress Bend Court, Jacksonville, explained he would be performing the work for Ms. Absher, and he did the work for the one the board approved before. **A motion was made by Member Williams, seconded by Member Mock, to approve BOA 2015-14; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2015-14 as presented is substantially compliant with the Comprehensive Plan and the Land Development Code to warrant approval at this time. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4.2. BOA 2015-15, BRODIE, 129 S. 17TH STREET - Variance from LDC Section 5.01.03(J) A detached accessory building shall not exceed twenty-five feet in height or exceed a maximum building footprint of 625sq.ft; LDC Section 10.01.02(B) An expansion in square footage shall be permitted where such expansion meets all requirements of this LDC.

Mr. Platt explained this request was seeking a variance from two sections of code for a detached accessory building that is currently non-conforming in size. He stated everything else as far as code requirements for setbacks and height are met in the existing structure and what was proposed. He pointed out the accessory structure is currently 849 square feet, and presented a survey showing what currently exists. He explained the house was built in the 1940's and the accessory structure was built at a later date. He stated Mr. Brodie wants to renovate the space and make it more functional. He commented the proposed renovations the square footage would be 1,171 square feet with 87 square feet being an open covered porch. He presented what the proposed footprint would look like on the property. He explained the applicant appears to meet criteria 1, 5, and 6 but does not meet criteria 2, 3, and 4.

Mr. John Brodie, 129 South 17th Street, referred to the deed of the property and explained even though it is labeled guest house it is a garage. He commented he wanted to make it a functional garage and also consolidate its footprint. He presented slides to explain his request to be able to walk throughout his garage. He pointed out his request is a more consolidated footprint to minimize the impact and so he would be able to get into all areas of the garage. He commented the profile from the road would not change. Mr. Platt clarified it is an accessory structure not a dwelling. He explained the code has the same size limits for accessory structures and dwellings. He stated this would not have a kitchen in it or be a separate living space. Mr. Brodie pointed out this space was for him to do his hobbies, and it would not be an inhabited space. Member Spino inquired about the current square footage and what was being proposed. Mr. Brodie clarified he is reshaping the structure and would be adding approximately 130 square feet to square off the building. He pointed out to the board where the porch would be located. It was noted the porch was included in the square footage calculation, because the definition was footprint under roof.

Member Spino inquired what would stop someone down the road from turning this garage into a house. Mr. Platt explained it is R-1 zoned property and you are only allowed one dwelling per lot. He commented if later on they want to put in a kitchen they can do that, but they would not be permitted to have a separate electric or water meter. He stated you cannot have two primary dwellings on a single R-1 lot. Member Spino questioned if Mr. Brodie would need a variance to build a 625 square foot two-story guest house. Mr. Platt replied no. There was a brief discussion about the rationale for the 625 square foot limitation and it was noted that Mr. Brodie's lot was 129 by 136 (two lots of record). There was further discussion about the details of this case.

Member Williams inquired when the garage was built. Mr. Brodie replied a portion was built in 1949 based on looking at the structure, but it has been added on over the years. He believed the art room was added on in the late 1970's. After a brief discussion about the requested variance, **a motion was made by Member Dadd, seconded by Member Williams, to approve BOA 2015-15; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2015-15 as presented is substantially compliant with the Comprehensive Plan and the Land Development Code to warrant approval at this time. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

5. Board Business

December meeting – Mr. Platt pointed out the next meeting would be on December 16th, and there are six cases. Chair Burns reported that he was not available in December. Member Dadd also reported she would not be available. City Attorney Bach explained that Mr. Platt would call the applicants and let them know at most there would be four members. Mr. Platt reminded the board there were still vacancies on the board and if they have anyone in mind to have them turn in an application to the City Clerk's office.

Member Spino referred to lot scale and commented on his 40 foot lot downtown it is entirely different from Mr. Brodie's 130 by 130 lot. He explained there are a lot of different sizes in town so maybe down the road there may be a place in the code to think about square footage sizes.

Member Williams stated he has counted some 35 listings for residences for rent in the City, and a number of them are in R-1. He commented he didn't know how the City polices it, but it is not in line with the code for R-1. Member Spino pointed out you bring it to the Code Enforcement Officer's attention. City Attorney Bach explained the City responds to the complaints and both the Police Department and Code Enforcement work on that. She pointed out this summer 20 citations were issued. There was a brief discussion about this.

6. Comments by the public - There were no comments from the public at this time.

7. Adjournment - There being no further business to come before the Board of Adjustment the meeting was adjourned 5:42 pm.

Brad Franklin, Secretary

Charles Burns, Chair



BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2015-16
Meeting Date December 16, 2015

Owner/Applicant Joel R. Shapiro Enterprises/Dalton Signs Inc.
Property Location: 911 South 8th Street
Parcel Number: 00-00-31-1800-0166-0260
Requested action: VARIANCE from LDC Section 5.01.10(D) Freestanding sign location:
Setback five feet from the property line.

Current zoning: C-2
FLUM land use category: General Commercial
Existing uses on the site: Professional Office

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

I. SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The requested variance application is to build a freestanding sign perpendicular to the property line in an existing landscape bed in the parking lot. The adjacent property to the South has a building that blocks the view of this property when traveling North on 8th Street. The property/business owner is seeking a variance to give the business better visibility to vehicular traffic traveling North on 8th Street. Placing the sign in the existing landscape bed will alleviate vehicular circulation problems on site with the existing parking lot design.

II. CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The following Comprehensive Plan statements are applicable in this case:

- Policy 1.02.07 – The City shall implement the Fernandina Beach Comprehensive Plan in a manner that acknowledges private property rights.
- Policy 1.02.10 – The City shall protect privacy and access to light, air, and open space. The City shall consider regulations such as building placement on a site, building design, and building orientation as one means to achieve this policy.

III. CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Variance procedures and criteria are set forth in Sections 10.02.01 through 10.02.04.

- Section 10.02.01(B) states that the BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlay or the CRA Overlay, where requirements of Section 10.02.00 are met.
- Section 10.02.02(B) states that the applicant for a variance has the burden of proof of demonstrating that the variance application complies with each of the requirements of Section 10.02.02(A).
- Section 10.02.04 sets forth the application requirements. This application includes information necessary for the BOA to make the required findings.
- Section 10.02.01(C) sets forth the limitations on the grant of a variance:
 - 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.
 - A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
 - 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 grounds for the authorization of a variance.
 - A variance shall not change the requirements for concurrency.
 - A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
 - A variance shall not be granted if the evidence submitted by an applicant is a demonstration of financial hardship or economic considerations.
 - A variance shall not be granted for procedure or process components of this Land Development Code.
 - 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 Avenue, North Fletcher Avenue, or South Fletcher Avenue.

Staff's review of this application finds it is not subject to any of these limitations and can therefore be considered by the Board.

IV. SECTION 10.02.02(A) – REQUIRED FINDINGS FOR GRANTING OF A VARIANCE
In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to each of the following provisions:

Consistent with Criteria? All questions must be answered in the affirmative in order for staff to recommend approval of a variance. Negative answers must be addressed in the findings.

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>1. <u>Special Conditions</u>: <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i></p> <p>Yes. <u>Special conditions do exist</u> as it relates to the land, structure, or features of the parcel that did not result from actions of the applicant. Given the parking lot design, building a freestanding sign with a five foot setback could cause problems for vehicular circulation within site. The adjacent property to the South limits visibility to the property when traveling North on 8th Street and to any and all signage.</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>2. <u>Special Privilege</u>: <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i></p> <p>No. Granting the variance <u>does confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. All new freestanding signs are held to the five foot setback requirement. However, there are examples of existing non-conforming signs up and down 8th Street.</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>3. <u>Literal Interpretation</u>: <i>Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.</i></p> <p>No. Literal interpretation of the Land Development Code <u>would not deprive</u> the applicant of rights enjoyed by others in the same zoning district because all new freestanding signs are required to meet a five foot setback from the property line.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>4. <u>Minimum Variance</u>: <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i></p> <p>Yes. This <u>is the minimum variance</u> needed that will make possible the reasonable use of the land, structure, or building. The applicant is only requesting a deviation from the setback requirement; the size and height requirements in the Land Development Code will be met.</p>

<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>5. <u>General Harmony</u>: <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i></p> <p>Yes. This request for a variance <u>is</u> in general harmony with the Land Development Code and Comprehensive Plan. It will allow the property/business owner to enhance his property with a new sign to promote the business.</p>
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>6. <u>Public Interest</u>: <i>Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</i></p> <p>Yes. Granting of a variance <u>is</u> compatible with nearby development and the character of the surrounding properties, it will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</p>

V. ANALYSIS:

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

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

The applicant appears to meet criteria 1, 4, 5 and 6 but does not meet 2 and 3 therefore staff recommends denial.

VI. MOTION TO CONSIDER:

I move to **approve or deny** BOA case number 2015-16; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2015-16, item, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.



Jacob Platt, Planner I
Community Development Department



OFFICE USE ONLY

REC'D: 10/21/15 BY: 8

PAYMENT: \$ 650- TYPE: CK F7096

APPLICATION #: 2015-0001572

CASE #: 2015-16

BOARD MEETING DATE: 12/16/15

APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: JOEL R. SHAPIRO ENTERPRISES

Mailing Address: 911 S. 8TH STREET, FERNANDINA BEACH, FL 32034

Telephone: 904.730.7343 **Fax:** _____

Email: JSHAPIRO@INSURESIG.COM

Agent Name: DALTON SIGNS INC. (RENEE VILA)

Mailing Address: P.O. BOX 1260, KINGSLAND, GA 31548

Telephone: 912.510.8771 **Fax:** 912.576.8696

Email: RENEE@DALTONSIGNS.COM

PROPERTY INFORMATION

Street Address: 911 S. 8TH STREET, FERNANDINA BEACH, FL 32034

Parcel Identification Number(s): 00-00-31-1800-0166-0260

Lot Number: _____ **Block Number:** _____

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 5.03.10D

Brief description of work proposed (use additional sheets if necessary):
INSTALLATION OF 25 SQ. FT MONUMENT ON THE PROPERTY INSIDE OF THE EXISTING GRASSY AREA
CLOSEST TO THE BUILDING. AREA IS INSIDE OF THE PROPERTY LINE.

In order for an application for a variance to be approved or approved with conditions, the BOA or the HDC 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.

ADJACENT PROPERTY (917 S. 8TH STREET) HAS A BUILDING OBSCURING THE VIEW OF THIS PROPERTY FROM VEHICLES TRAVELING NORTH ON S. 8TH STREET. OTHER PROPERTIES IN THE AREA HAVE SIGNAGE THAT IS IN THE SIMILAR LOCATION ON THEIR PROPERTY THAT IS BEING REQUESTED FOR OUR MONUMENT.

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.

ALLOWANCE WILL NOT INTERFERE WITH ANY OTHER PROPERTY IN THE AREA, NOR WILL IT INTERFERE WITH RIGHT OF WAY. SIGN WILL BE INSTALLED INSIDE OF THE PROPERTY LINE.

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.

905 S. 8TH STREET CURRENTLY HAS A SIGN INSTALLED WITH THE SAME SET BACK AS BEING REQUESTED. 910 S. 8TH STREET CURRENTLY HAS A SIGN INSTALLED DIRECTLY INSIDE OF THE SIDEWALK, SIMILAR TO THE SET BACK BEING REQUESTED.

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

THE MINIMUM VARIANCE WE ARE ASKING IS FOR THE SIGN TO BE INSTALLED JUST INSIDE OF PROPERTY LINE, WHERE IT DOES NOT CAUSE ANY HARDSHIP TO ANY NEIGHBORING PROPERTIES.

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

PROPERTY WILL BE ENHANCED WITH A SLEEK, CUSTOM FABRICATED MONUMENT THAT WILL BE PLEASING TO THE EYE AND WILL BE IN HARMONY WITH THE GENERAL INTENT OF THE CODE.

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.

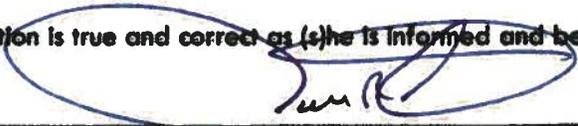
THERE WILL BE NO HARM OR INJURY OR HARM TO THE AREA INVOLVED.

If your property is located within the Historic Districts or the Community Redevelopment Area, please fill out responses to the supplemental variance criteria, attached as Appendix A, on a separate sheet of paper.

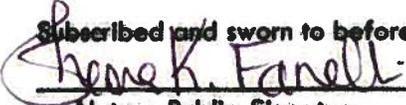
SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

10-12-15
Date

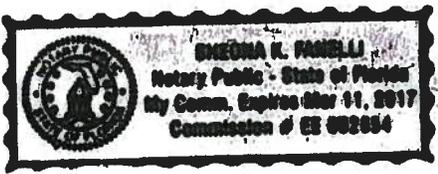

Signature of Applicant

STATE OF FLORIDA }
COUNTY OF NASSAU } ss

Subscribed and sworn to before me this 12th day of October, 2015
 Sharon Fanelli
Notary Public Signature Printed Name

03-11-17
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____



LETTER OF AUTHORIZATION



TO WHOM IT MAY CONCERN:

This letter authorizes DALTON SIGNS, INC. to act as Agent to secure permits or variances required by the local government body, and have approved DALTON SIGNS, INC. to perform sign installation, removals, or maintenance of the property indicated below. It is understood that I am agreeing to allow the installation of signage on my property by Dalton Signs Inc., and understand all aspects of the installation including final electrical connection and source of power for signage (Where applicable).

TENANT NAME: Owner

PROPERTY ADDRESS: 911 S. 8th Street
Fernandina Beach FL 32034

PROPERTY OWNER (PRINT): Joel R Shapiro Enterprises, Inc.

NAME SHOWN ON WARRANTY DEED: Joel R. Shapiro Enterprises, Inc

PROPERTY PURCHASE DATE & YEAR: March 2015

Signature of Owner

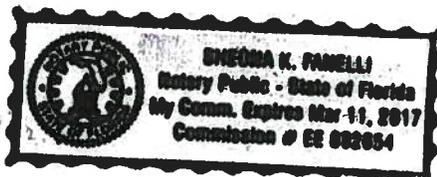
This foregoing instrument was acknowledged before me this 11th day of September, 2015
by Joel R. Shapiro (name of person) as the Owner.

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary

Public/ Commission Number

Personally Known or Produced ID



Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true to the best of my knowledge and belief.

Signature of Owner

NASSAU

A. Michael Hickox, CFA, Cert. Res. 1941
 Nassau County Property Appraiser

Property Search Recent Sales Search Nassau Home

OWNER NAME	JOEL R SHAPIRO ENTERPRISES INC	PARCEL NUMBER	00-00-31-1800-0166-0260
MAILING ADDRESS	9313 OLD KINGS RD S	TAX DISTRICT	FERNANDINA BEACH (DISTRICT 2)
	JACKSONVILLE, FL 32257	MILLAGE	20.6524
LOCATION ADDRESS	911 8TH ST S	PROPERTY USAGE	OFFICE BUILDINGS
	FERNANDINA BEACH 32034	DEED ACRES	0.34
SHORT LEGAL	BLOCK 166 LOTS 5 6 7 26 27 & 28 IN OR 1969/1243 CITY OF FDNA BEACH	HOMESTEAD	N
		PARCEL MAP RECORD	MAP THIS PARCEL
		TAX COLLECTOR SEARCH	NASSAU TAX COLLECTOR LINK
		PROPERTY RECORD CARD	LINK TO PROPERTY RECORD CARD (PDF)

2015 Preliminary Values

JUST VALUE OF LAND	\$120,000
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$85,953
TOTAL MISC VALUE	\$11,947
JUST OR CLASSIFIED TOTAL VALUE	\$217,900
ASSESSED VALUE	\$217,900
EXEMPT VALUE	\$0
TAXABLE VALUE	\$217,900

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
1STORY OFF 001700	7,500	SF	24-3N-28
1STORY OFF 001700	7,500	SF	24-3N-28

Building Information

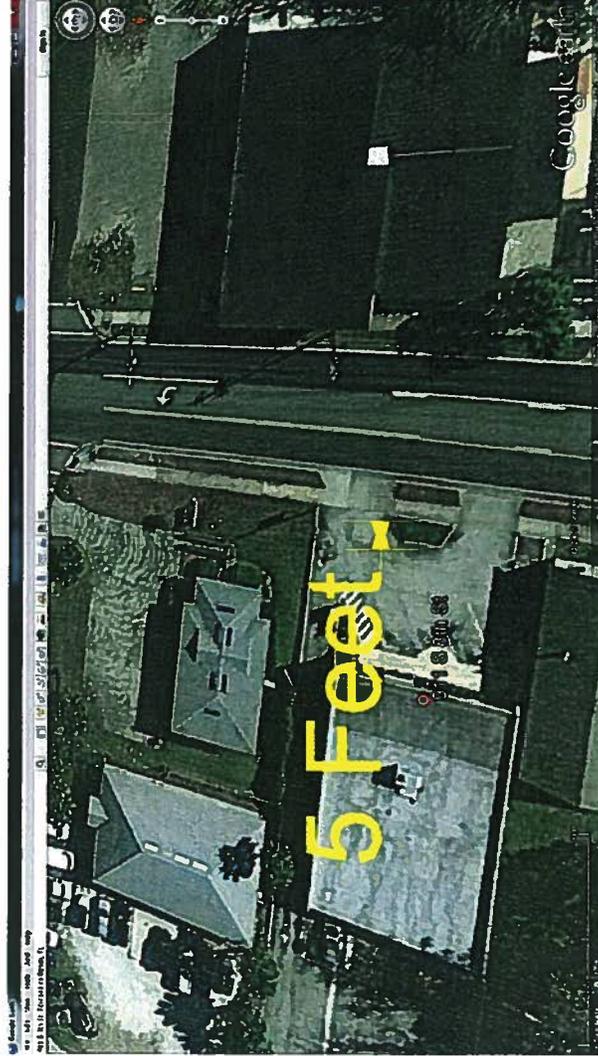
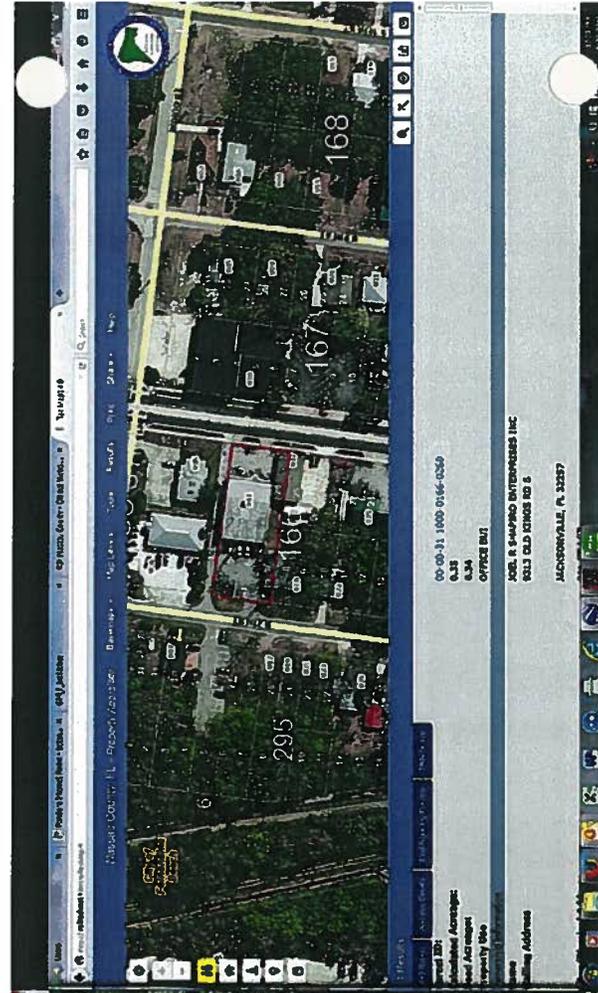
TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
OFFICE LOW	4,553	4,238	0	0	CB STUCCO		AIR DUCTED	AIR DUCTED	1979	SHOW SKETCH

Miscellaneous Information

DESCRIPTION	DIMENSIONS L x W	UNITS	YEAR BUILT
ASPHALT D	0 X 0	3764	1979
ASPHALT D	0 X 0	2	1993
ST LT/ARM	0 X 0	1	1993
BOLLARD	0 X 0	1	2000
LIGHTS-AV	0 X 0	2	2000

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
03/18/2015	1969/1243	1969/1243	345000	SW	Q	Y	FLORIDA PUBLIC UTILITIES COMPANY	JOEL R SHAPIRO ENTERPRISES INC
03/24/1977	235/623	235/623	1000	WD	U	Y	SMITH CHARLES T & RUTH H (H&W)	FLORIDA PUBLIC UTILITIES CO
03/03/1977	235/624	235/624	1500	WD	U	Y	BURNS PAUL C & ANNIE P (H&W)	FLORIDA PUBLIC UTILITIES CO
03/01/1977	235/625	235/625	18000	WD	U	Y	FIRST GUARANTY BANK & TRUST CO OF JAX	FLORIDA PUBLIC UTILITIES CO



13.35 Feet

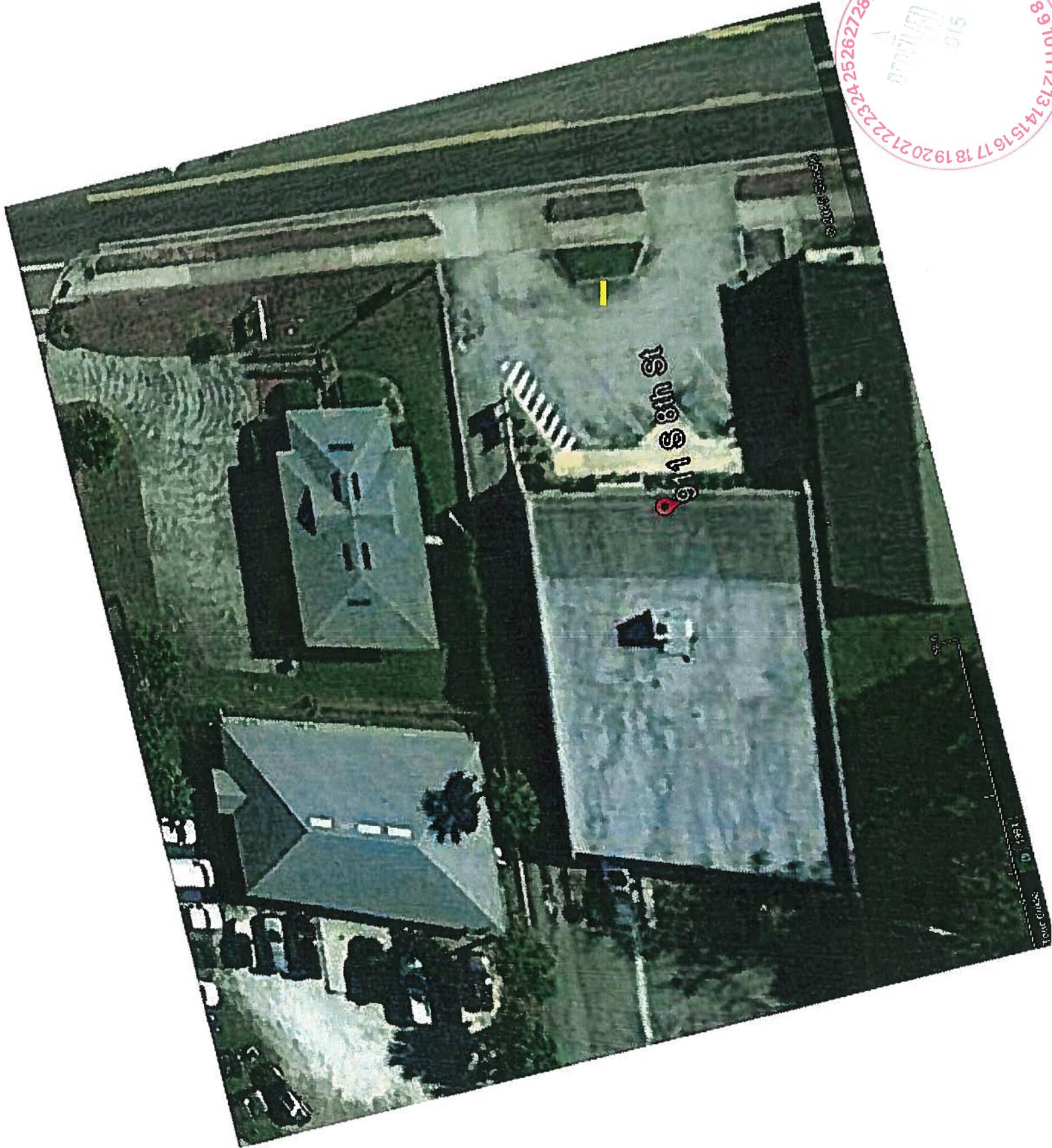


911 8th St

© 2015 Google

300

© 2015 Google



Order Release Form

YOUR ORDER IS ON HOLD UNTIL THIS PROOF SHEET IS RETURNED WITH A SIGNATURE.

Monument



PROOF 1



*NOTE: COLORS ON YOUR SCREEN MAY NOT EXACTLY MATCH PRINTED PRODUCT.

Shapiro Insurance/2015/Monument

Letter Visibility Chart

Viewing Distance	Min. Letter Height
100Ft	4"
250Ft	10"
360Ft (fuzzy block)	16"
500Ft	22"
750Ft	33"
1000Ft	43"
1320Ft	57"

COLORS

- 287C Sulthan Blue
- COLOR
- COLOR
- COLOR
- COLOR
- COLOR

CUSTOMER ASSUMES FINANCIAL RESPONSIBILITY OF ANY DESIGN FEES INCURRED ON CUSTOMER'S BEHALF IN THE EVENT THAT CUSTOMER DECIDES NOT TO FOLLOW THROUGH WITH PRODUCTION OF PRODUCT.

DALTON SIGNS, INC. ALLOWS TWO CHANGE REQUEST BEFORE ADDITIONAL DESIGN FEES ARE INCURRED

I authorize Dalton Signs to begin production on this project. I agree the colors, spelling, layout, verbiage, numbers, punctuation, and positioning are EXACTLY AS I REQUEST AND ACCEPT FINANCIAL RESPONSIBILITY for the production of this product as illustrated.

ACCEPTED AS IS

DATE

Change As Noted:



Dalton Signs Inc.
PO Box 1280
610 N. Lee Street
Kingsland, GA 31548
912.576.5688
877.988.5151 SIGN (7446)
912.576.8696 F

© 2015 Dalton Signs Inc.
This design is the sole property of Dalton Signs Inc. and may not be used, or duplicated in any form without the expressed written permission of Dalton Signs Inc. This drawing was created to assist you in visualizing your sign criteria. We cannot guarantee exact matches due to various materials used. Finished dimensions may vary slightly on any location.

CLIENT:
Jessica McKinnon

CITY, STATE:

CONTACT:
Renee V

DESIGNER:
Britney P

DATE:
3.11.16

ESTIMATE/ORDER #:
22478



BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2015-17
Meeting Date December 16, 2015

Owner/Applicant Robert & Gail Terry/The Pool and Fence Company LLC
Property Location: 522 South 5th St.
Parcel Number: 00-00-31-1800-0139-0050
Requested action: VARIANCE from LDC Section 5.01.11(F) The following setback shall be maintained and shall be measured from the pool's edge of water to the lot line as follows:
(3) The minimum rear setback shall not be less than eight feet.

Current zoning: R-2
FLUM land use category: Medium Density Residential
Existing uses on the site: Single Family House

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

I. SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The requested variance application is to build a swimming pool that will encroach into the required eight foot rear yard setback to the pool's edge of water. The applicant is proposing to build a twelve foot by twenty-eight foot swimming pool that meets both side yard setbacks but would require a four foot eleven inch rear yard setback.

II. CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The following Comprehensive Plan statements are applicable in this case:

- Policy 1.02.07 – The City shall implement the Fernandina Beach Comprehensive Plan in a manner that acknowledges private property rights.
- Policy 1.02.10 – The City shall protect privacy and access to light, air, and open space. The City shall consider regulations such as building placement on a site, building design, and building orientation as one means to achieve this policy.

III. CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Variance procedures and criteria are set forth in Sections 10.02.01 through 10.02.04.

- Section 10.02.01(B) states that the BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlay or the CRA Overlay, where requirements of Section 10.02.00 are met.
- Section 10.02.02(B) states that the applicant for a variance has the burden of proof of demonstrating that the variance application complies with each of the requirements of Section 10.02.02(A).
- Section 10.02.04 sets forth the application requirements. This application includes information necessary for the BOA to make the required findings.
- Section 10.02.01(C) sets forth the limitations on the grant of a variance:
 - 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.
 - A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
 - 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 grounds for the authorization of a variance.
 - A variance shall not change the requirements for concurrency.
 - A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
 - A variance shall not be granted if the evidence submitted by an applicant is a demonstration of financial hardship or economic considerations.
 - A variance shall not be granted for procedure or process components of this Land Development Code.
 - 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 Avenue, North Fletcher Avenue, or South Fletcher Avenue.

Staff's review of this application finds it is not subject to any of these limitations and can therefore be considered by the Board.

IV. SECTION 10.02.02(A) – REQUIRED FINDINGS FOR GRANTING OF A VARIANCE
In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to each of the following provisions:

Consistent with Criteria? All questions must be answered in the affirmative in order for staff to recommend approval of a variance. Negative answers must be addressed in the findings.

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>1. <u>Special Conditions</u>: <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i></p> <p>No. <u>Special conditions do not exist</u> as it relates to the land, structure, or features of the parcel. However, the applicant did not build the existing structure which is almost at the rear setback requirement for the primary structure. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>2. <u>Special Privilege</u>: <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i></p> <p>No. Granting the variance <u>does confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district by allowing a reduced rear setback for the pool.</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>3. <u>Literal Interpretation</u>: <i>Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.</i></p> <p>No. Literal interpretation of the Land Development Code <u>would not deprive</u> the applicant of rights enjoyed by others in the same zoning district. All properties are required to have an eight foot setback requirement to the pool’s edge of water.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>4. <u>Minimum Variance</u>: <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i></p> <p>Yes. This <u>is the minimum variance</u> needed that will make possible the reasonable use of the land, structure, or building. The proposed pool is an average size pool and will meet the required side yard setbacks.</p>

<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>5. <u>General Harmony</u>: <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i></p> <p>Yes. This request for a variance <u>is</u> in general harmony with the Land Development Code and Comprehensive Plan because approval of a variance will preserve private property rights and allow the owners to make reasonable use of their property.</p>
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>6. <u>Public Interest</u>: <i>Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</i></p> <p>Yes. Granting of a variance <u>is</u> compatible with nearby development and the character of the surrounding properties, it will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment. The pool will be protected by a fence as required by the Florida Building Code and Fernandina Beach Land Development Code.</p>

V. ANALYSIS:

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

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

The applicant appears to meet criteria 4, 5 and 6 but does not meet 1, 2 and 3, therefore staff recommends denial.

VI. MOTION TO CONSIDER:

I move to **approve or deny** BOA case number 2015-17; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2015-17, item, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.



Jacob Platt, Planner I
Community Development Department

OFFICE USE ONLY

REC'D: 11/16/15 BY: BF
PAYMENT: \$ 650.00 TYPE: CR 1633
APPLICATION #: _____
CASE #: 2015-17
BOARD MEETING DATE: 12/16/15



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: ROBERT & GAIL TERRY
Mailing Address: 522 S. 5th St. FERNANDINA BEACH, FL 32034
Telephone: 904-557-4357 Fax: _____
Email: RRICHARDTERRY@GMAIL.COM

Agent Name: THE POOL AND FENCE COMPANY LLC
Mailing Address: 4113 ROLLINGWOOD CT
Telephone: 904-600-6796 Fax: _____
Email: POOLANDFENCE@GMAIL.COM

PROPERTY INFORMATION

Street Address: 522 S. 5th St. FERNANDINA BEACH, FL 32034
Parcel Identification Number(s): 00-00-31-1800-0139-0050
Lot Number: 5 Block Number: 139

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): SECTION 5.01.11 LDC

Brief description of work proposed (use additional sheets if necessary):
BUILD A 12' X 24' IN-GROUND OVAL POOL IN THE BACK YARD. REAR PROPERTY LINE SETBACK TO POOL WATER LINE WOULD NEED TO BE 4' 11". SIDE PROPERTY'S AND HOUSE TO POOL SETBACKS FOLLOW SECTION 5.01.11 LDC.

In order for an application for a variance to be approved or approved with conditions, the BOA or the HDC must make a positive finding with regard to each of the provisions below. The applicant has the burden of proof

of demonstrating that the application for a variance complies with each of the requirements. Please explain in detail how your case meets the following requirements:

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

THE PHYSICAL FEATURES OF THE LOT LIMIT
POOL LOCATIONS AND OPTIONS.

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.

APPROVAL OF THE REQUEST WOULD ALLOW THE OWNERS
TO INSTALL AN IN-GROUND POOL ON THE PROPERTY
CONSISTENT IN SIZE WITH OTHER IN-GROUND POOLS IN THE
VICINITY AND ZONE. AERIAL VIEW SHOWS 10 POOLS IN THE
VICINITY.

3. **Literal Interpretation:** Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

LITERAL INTERPRETATION OF LDC WOULD DEPRIVE THE
HOMEOWNERS OF RIGHTS BY OTHERS IN THE SAME DISTRICT
SINCE THE LARGEST WIDTH OF YARD IS 21'11" WHICH FOLLOWING
SECTION 5.01.11 THE POOL WIDTH WOULD BE 8'11".

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 THE MINIMUM VARIANCE REQUIRED TO ACCOMMODATE
THE INSTALLATION OF A AVERAGE SIZE POOL.

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

GRANTING THE VARIANCE WILL NOT PREVENT THE
ORDERLY USE OF OTHER LAND WITHIN THE
AREA.

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.
MR. & MRS. TERRY HAVE CONSULTED WITH NEIGHBORING PROPERTY OWNERS REGARDING THE REQUEST AND HAVE INCLUDED A LETTER SIGNED BY NEIGHBORS IN THE VICINITY STATING NO OPPOSITION TO THE REQUEST.

If your property is located within the Historic Districts or the Community Redevelopment Area, please fill out responses to the supplemental variance criteria, attached as Appendix A, on a separate sheet of paper.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

11/16/15
 Date

[Signature]
 Signature of Applicant

STATE OF FLORIDA }
 COUNTY OF NASSAU } SS



BRADFORD W. FRANKLIN
 Notary Public, State of Florida
 My Comm. Expires Dec. 18, 2017
 Commission No. FF 78042

Subscribed and sworn to before me this 16 day of November, 2015.

[Signature]
 Notary Public: Signature

Bradford W. Franklin
 Printed Name

12/18/17
 My Commission Expires

Personally Known OR Produced Identification ID Produced:





**OWNER'S AUTHORIZATION
FOR AGENT REPRESENTATION**

I/WE Gail Terry and Robert R. Terry
(print name of property owner(s))

hereby authorize: Chad Weaver (Pool and Fence Company)
(print name of agent)

to represent me/us in processing an application for: Planning Variance
(type of application)

on our behalf. In authorizing the agent to represent me/us, I/we, as owner/owners, attest that the application is made in good faith and that any information contained in the application is accurate and complete.

Gail Terry
(Signature of owner)

Robert R. Terry
(Signature of owner)

Gail Terry
(Print name of owner)

Robert R. Terry
(Print name of owner)

STATE OF FLORIDA }
COUNTY OF NASSAU }
ss

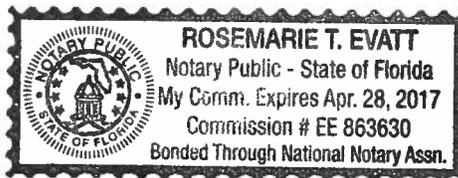
Subscribed and sworn to before me this 11th day of November, 2015.

Rosemarie T. Evatt
Notary Public: Signature

ROSEMARIE T. EVATT
Printed Name

04-28-2017
My Commission Expires

Personally Known _____ OR Produced Identification ID Produced: DRIVER LICENSE



PREPARED BY & RETURN TO:

Name: Wood & Smith, P.A.
Address: 303 Centre Street
Suite 100
Fernandina Beach, FL 32034
File No. 15-103631
Sales Price: \$175,000.00

Parcel No.: 000031180001390050

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

This **WARRANTY DEED**, made the 23rd day of March, 2015, by **DEBORAH L. SISLEY**, a single person, hereinafter called the Grantor, to **ROBERT R. TERRY**, a married man and **GAIL E. TERRY**, his wife, whose post office address is 522 5th St S, Fernandina Beach, FL 32034, hereinafter called the Grantees:

WITNESSETH: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable consideration, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the Grantees all that certain land situate in County of Nassau, State of Florida, viz:

All that certain lot, piece or parcel of land situate, lying and being in the City of Fernandina Beach, (formerly named Fernandina), County of Nassau and State of Florida and being further described according to the official map or plat of said City (as lithographed and issued by the Florida Railroad Company in 1857 and enlarged, revised and reissued by the Florida Town Improvement Company in 1887 and 1901) as:

Lot 5 in Block 139.

TOGETHER WITH all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

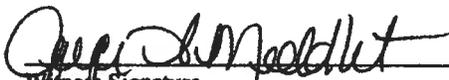
SUBJECT TO TAXES FOR THE YEAR 2015 AND SUBSEQUENT YEARS, RESTRICTIONS, RESERVATIONS, COVENANTS AND EASEMENTS OF RECORD, IF ANY.

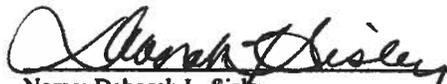
TO HAVE AND TO HOLD the same in fee simple forever.

And the Grantor hereby covenants with the Grantees that the Grantor is lawfully seized of said land in fee simple, that the Grantor has good right and lawful authority to sell and convey said land and that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever. Grantor further warrants that said land is free of all encumbrances, except as noted herein and except taxes accruing subsequent to December 31, 2014.

IN WITNESS WHEREOF, the said Grantor has signed and sealed these presents, the day and year first above written.

Signed, sealed and delivered in the presence of:


Witness Signature
Printed Name: Joyce A. Middleton


Name: Deborah L. Sisley
Address: 522 S. 5th Street, Fernandina Beach, FL 32034
L.S.


Witness Signature
Printed Name: Chrystal C. Dietz

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument was acknowledged before me this 23rd day of March, 2015, by Deborah L. Sisley, who is personally known to me or who has produced Florida license as identification.

Joyce A. Middleton

Signature of Notary

Printed Name:

My commission expires:



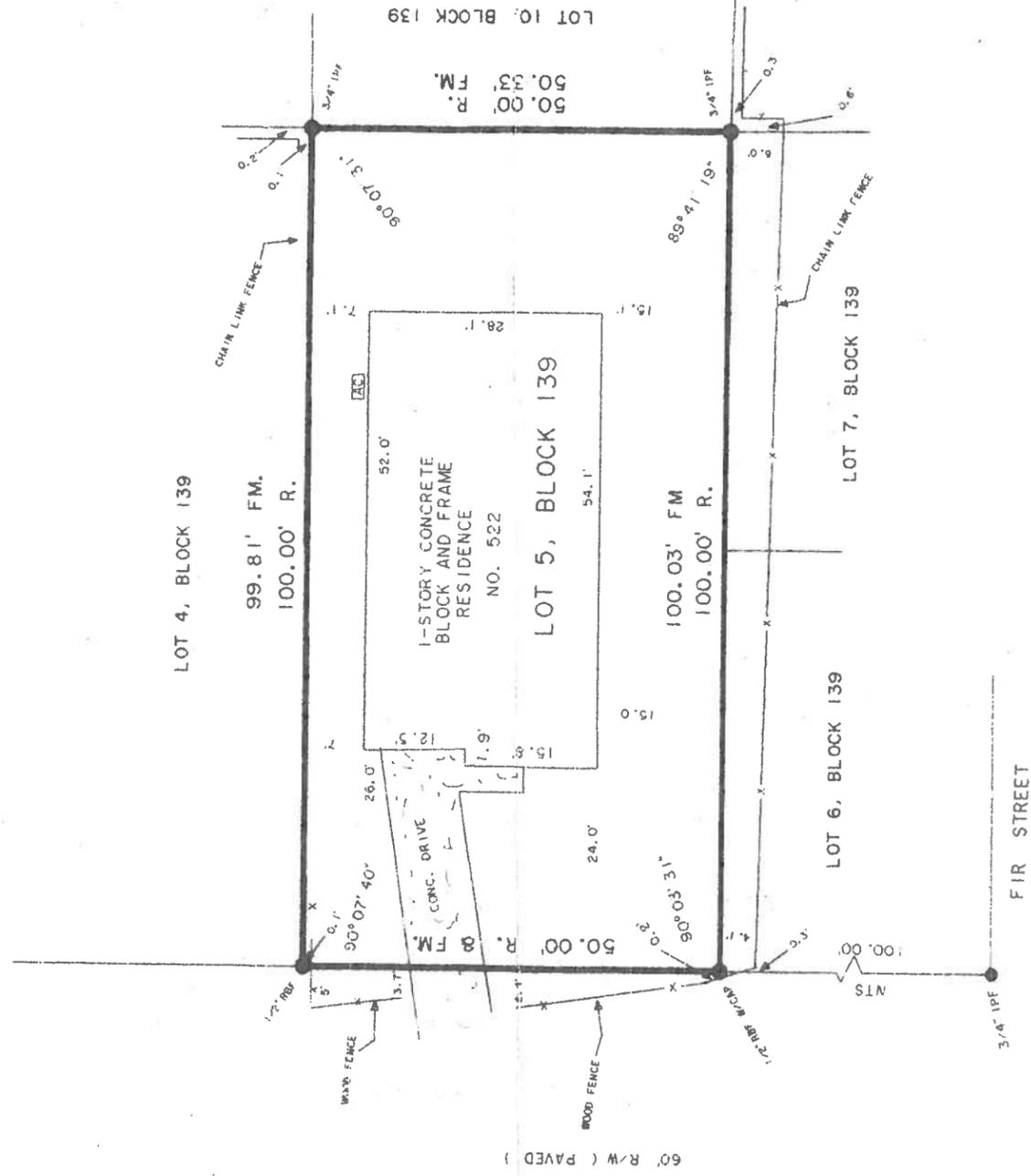
MAP SHOWING BOUNDARY SURVEY OF
LOT 5, BLOCK 139,

LYING AND BEING IN THE CITY OF FERNANDINA BEACH (FORMERLY NAMED FERNANDINA), IN THE COUNTY OF NASSAU AND THE 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).

CERTIFIED TO:

ROBERT R. TERRY AND GAIL E. TERRY,
QUICKEN LOANS, INC.,
FIRST AMERICAN TITLE INSURANCE CO.
WOOD & SMITH, P.A.

SOUTH
5TH
STREET



COASTAL LAND SURVEYORS

& MAPPERS, INC.
34 NORTH FOURTEENTH STREET
FERNANDINA BEACH, FLORIDA 32032
TEL. 904-261-8950 FAX 904-277-6650

I HEREBY CERTIFY THE INFORMATION DEPICTED HEREON AS MEETING THE MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING, CHAPTER 5J-17.050, FLORIDA ADMIN. CODE, AND/OR CHAPTER 180-7, GEORGIA STATUTES.

James C. Peacock
JAMES C. PEACOCK, PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 3718
GEORGIA CERTIFICATE NO. 2365
NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

LICENSED BUSINESS NO. 6412
3-16-15

BEARINGS BASED ON N/A
PROPERTY SHOWN HEREON LIES WITHIN
FLOOD ZONE X AS SHOWN ON
FEMA FLOOD INSURANCE RATE MAP, 0237F
COMMUNITY NO. 120172 PANEL NO. 0237F
DATED 12-17-10

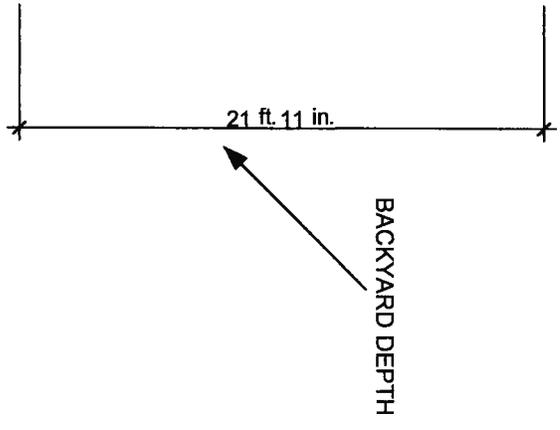
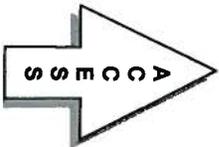
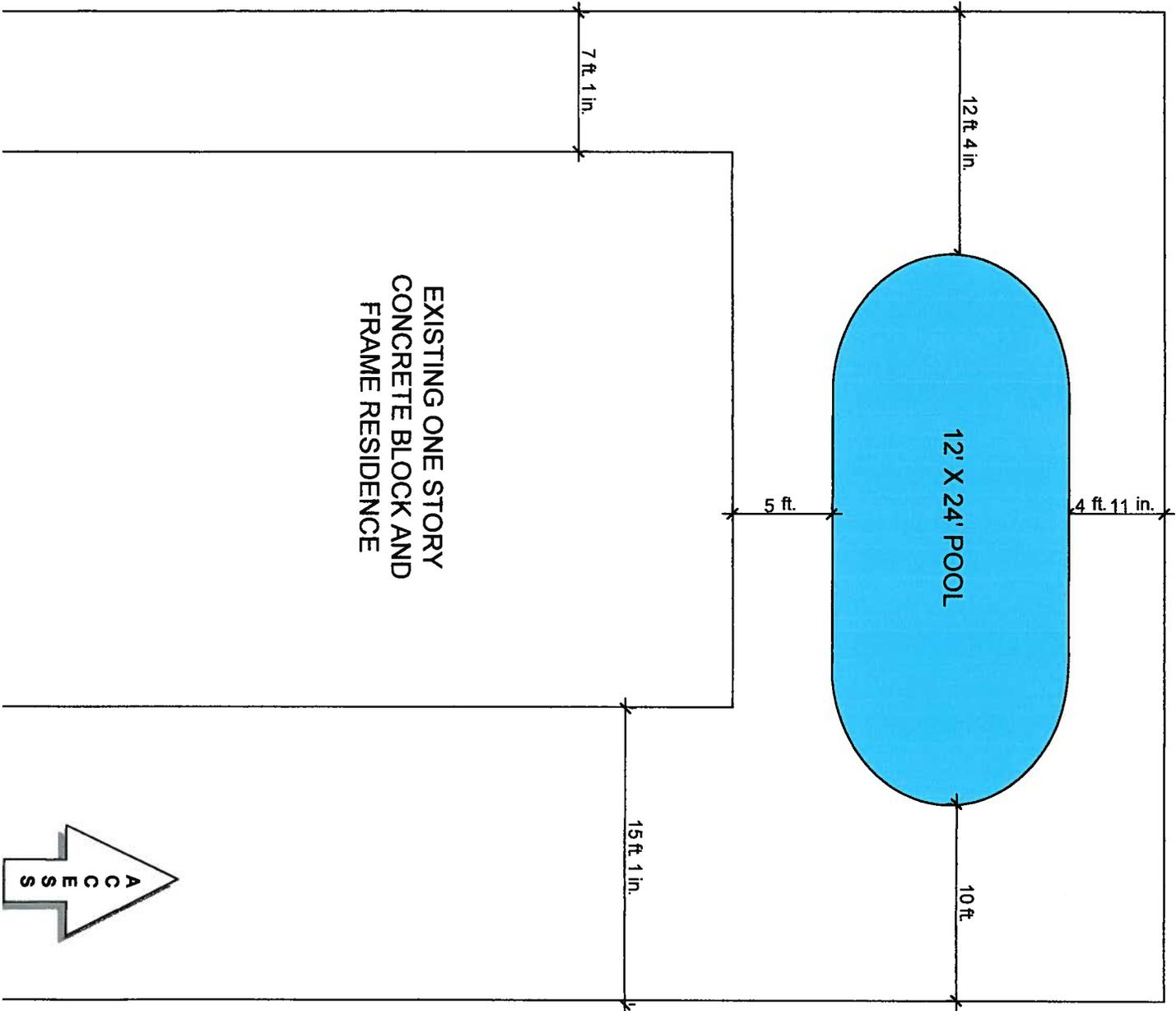
DATE OF SURVEY: MARCH 16, 2015
SCALE 1"=20'

JOB NO. 0109-15 F.B. 221

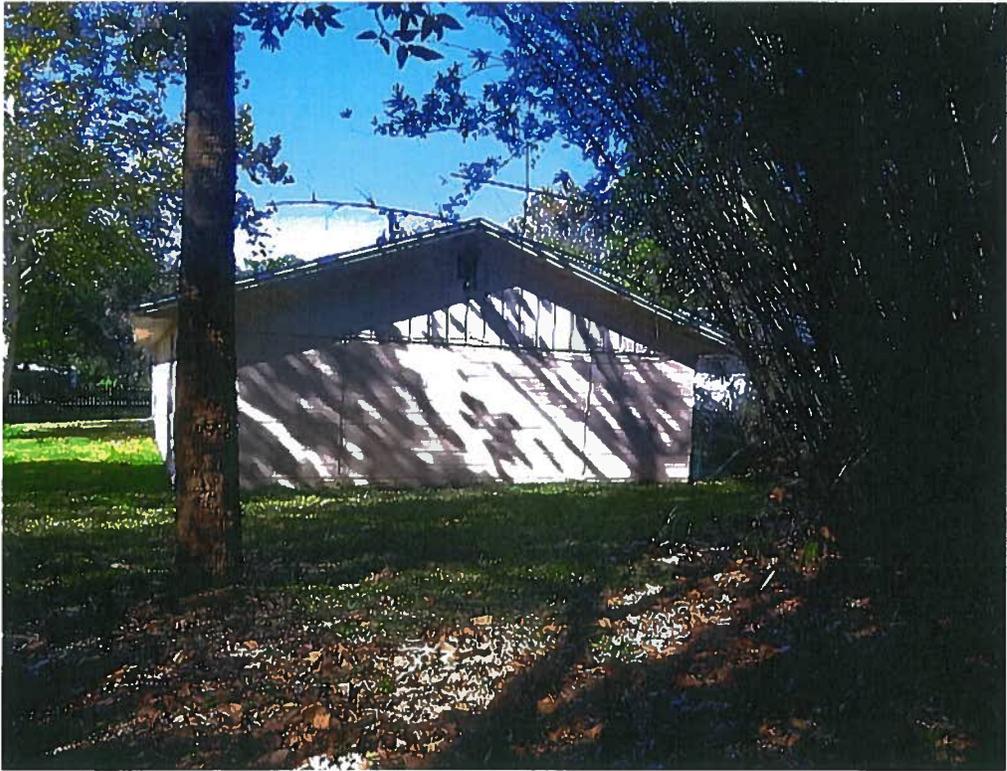
CORNER MARKERS HAVE NO IDENTIFICATION U.N.O.

LEGEND:
IRON PIPE FOUND - IPF
IRON PIPE SET - IPS
REBAR FOUND - RFB
NOT TO SCALE - NTS
BUILDING RESTRICTION LINE - BRL
CONCRETE MONUMENT FOUND - CMF
STAINLESS STEEL PIPE FOUND - SSPF
RIGHT-OF-WAY - R/W
POINT OF CURVE - PC
CENTERLINE - CL
POWER LINE - P
PLAT - P
FIELD MEASURED - FM
RECORD - R
DEED - D.
POWER POLE - B
CONCRETE - CONC.
FENCE - X
RIGHT-OF-WAY - R.W
POINT OF REVERSE CURVE - PRC
OFFICIAL RECORDS BOOK - O.R.B.

THE SURVEY DEPICTED HERE IS NOT COVERED
BY PROFESSIONAL LIABILITY INSURANCE.





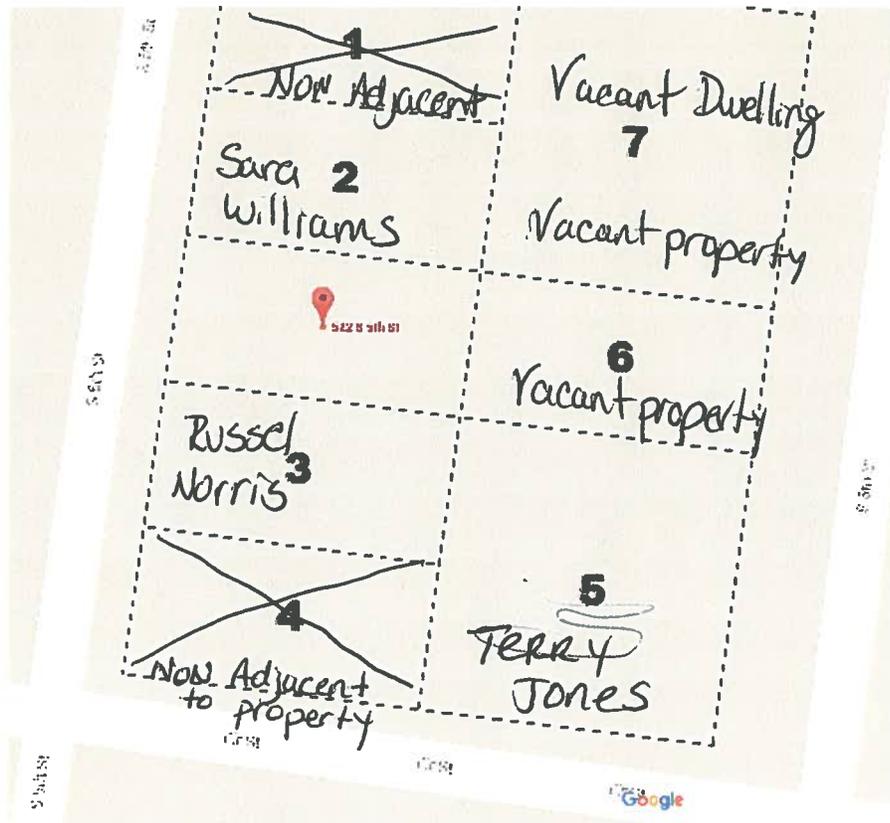




WE (RICHARD AND GAIL TERRY) OF 522 S. 5TH STREET WOULD LIKE TO BUILD AN INGROUND POOL IN OUR BACK YARD.

PLEASE SIGN BELOW IF YOU ARE 100% APPROVE OF US BUILDING A POOL IN OUR BACK YARD. THANK YOU

PROPERTY	ADDRESS	PRINT NAME	SIGNATURE	DATE
1	VACANT	<i>Sarah Williams</i> Sarah Williams	<i>Sarah Williams</i>	10-4-15
2		↓ Sarah Williams	↓	↓
3		Russell Norris	<i>Russell Norris</i>	11-4-2015
4	<i>Non adjacent to property</i>			
5		TERRY JONES	<i>Terry Jones</i>	11.4.2015
6	VACANT			
7	<i>vacant property and Dwelling</i>			



Signatures obtained From:

- Property 2 - Sara Williams
- Property 3 - Russel Norris
- Property 5 - Terry Jones

Vacant property and Dwellings / Non Adjacent

- Property 1 - Non Adjacent to 522
- Property 7 - Vacant Dwelling/property
- Property 6 - Vacant
- Property 4 - Non Adjacent to 522



BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2016-01
Meeting Date January 6th 2016

Owner/Applicant Gary & Nancy Fobert
Property Location: 118 S. 13th Street
Parcel Number: 00-00-31-1800-0243-0042
Requested action: VARIANCE from LDC Section 4.02.03(E) Standards for Building Heights and Setbacks; LDC Section 10.01.02(B) An expansion in square footage shall be permitted where such expansion meets all requirements of this LDC.

Current zoning: R-2
FLUM land use category: Medium Density Residential
Existing uses on the site: Duplex

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

I. SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The requested variance application is to increase the covered landing/deck on the North side of the structure to five foot wide by ten foot long. The existing non-conforming stairs and landing are in disrepair and need to be replaced. The structure was built in 1900 as a single family residence, at some point the structure was converted into a duplex. The outside stairs are the only point of ingress/egress for the second floor unit. The existing landing starts/ends at the door opening; the property owner hopes to alleviate their safety concerns with the increased size. A variance would not be required for the removal and replacement of the existing non-conformity as long as the square footage was not increased.

II. CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The following Comprehensive Plan statements are applicable in this case:

- Policy 1.02.07 – The City shall implement the Fernandina Beach Comprehensive Plan in a manner that acknowledges private property rights.
- Policy 1.02.10 – The City shall protect privacy and access to light, air, and open space. The City shall consider regulations such as building placement on a site, building design, and building orientation as one means to achieve this policy.

III. CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Variance procedures and criteria are set forth in Sections 10.02.01 through 10.02.04.

- Section 10.02.01(B) states that the BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlay or the CRA Overlay, where requirements of Section 10.02.00 are met.
- Section 10.02.02(B) states that the applicant for a variance has the burden of proof of demonstrating that the variance application complies with each of the requirements of Section 10.02.02(A).
- Section 10.02.04 sets forth the application requirements. This application includes information necessary for the BOA to make the required findings.
- Section 10.02.01(C) sets forth the limitations on the grant of a variance:
 - 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.
 - A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
 - 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 grounds for the authorization of a variance.
 - A variance shall not change the requirements for concurrency.
 - A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
 - A variance shall not be granted if the evidence submitted by an applicant is a demonstration of financial hardship or economic considerations.
 - A variance shall not be granted for procedure or process components of this Land Development Code.
 - 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 Avenue, North Fletcher Avenue, or South Fletcher Avenue.

Staff's review of this application finds it is not subject to any of these limitations and can therefore be considered by the Board.

IV. SECTION 10.02.02(A) – REQUIRED FINDINGS FOR GRANTING OF A VARIANCE
In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to each of the following provisions:

Consistent with Criteria? All questions must be answered in the affirmative in order for staff to recommend approval of a variance. Negative answers must be addressed in the findings.

<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>1. <u>Special Conditions</u>: <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i></p> <p>Yes. <u>Special conditions do exist</u> as it relates to the land, structure, or features of the parcel that did not result from actions of the applicant. The structure was built in 1900 as a single family residence, at some point it was converted to a duplex. The only means of ingress/egress for the second floor unit is by way of the stairs on the North side of the structure. The existing stairs and covered landing are non-conforming with regard to side yard setback requirements. The proposed expansion of the covered landing is intended to provide for a safer means of ingress/egress to the second floor unit.</p>
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>2. <u>Special Privilege</u>: <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i></p> <p>Yes. Granting the variance <u>does not confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. The existing stairs and landing are non-conforming to side yard setbacks. The expansion in square footage is to help reduce safety concerns with the current design.</p>
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>3. <u>Literal Interpretation</u>: <i>Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.</i></p> <p>No. Literal interpretation of the Land Development Code <u>would not deprive</u> the applicant of rights enjoyed by others in the same zoning district because the stairs and landing could be rebuilt as an existing non-conforming structure without the need for a variance. All new construction including side entry steps are required to meet side yard setbacks.</p>

<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>4. <u>Minimum Variance</u>: <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i></p> <p>Yes. This is the minimum variance needed that will make possible the reasonable use of the land, structure, or building. This staircase and landing are the only means of ingress/egress for the second floor unit. The increased size of the covered landing will help alleviate the owner's safety concerns with the current design.</p>
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>5. <u>General Harmony</u>: <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i></p> <p>Yes. This request for a variance <u>is</u> in general harmony with the Land Development Code and Comprehensive Plan. Given the fact that the structure was built in 1900, a minor expansion to the only means of ingress/egress is in keeping with the Land Development Code and Comprehensive Plan.</p>
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>6. <u>Public Interest</u>: <i>Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</i></p> <p>Yes. Granting of a variance <u>is</u> compatible with nearby development and the character of the surrounding properties, it will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment. The applicant has provided letters from the surrounding property owners, including the neighbor directly to the north who is impacted the most.</p>

V. ANALYSIS:

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

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

The applicant appears to meet criteria 1, 2, 4, 5 and 6 but does not meet 3 therefore staff recommends denial.

VI. MOTION TO CONSIDER:

I move to approve or deny BOA case number 2016-01; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2016-01, item, as presented, is or is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.



Jacob Platt, Planner I
Community Development Department

iplatt@fbfl.org

aburke@fbfl.org

904.310.3135

OFFICE USE ONLY

REC'D: 11/5/15 BY: JP
PAYMENT: \$ 650.00 TYPE: CK# 112
APPLICATION #: 2015-000
CASE #: 2016-01
BOARD MEETING DATE: 12/16/15

1/6/16
Special
meeting



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: GARY & NANCY FOBERT

Mailing Address: 118 S. 13th Street

Telephone: (904) 642-8466 Fax:

Email: garyfobert1@gmail.com

Agent Name: N/A

Mailing Address:

Telephone: Fax:

Email:

PROPERTY INFORMATION

Street Address: 118 S. 13th Str FERNANDINA BEACH FL

Parcel Identification Number(s): 1694 / 1298 City of FERNANDINA

Lot Number: 1/2 of Lot 4 Block Number: 243

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 4.02.03(E)
10.01.02(B)

Brief description of work proposed (use additional sheets if necessary):
Replace disintegrating steps & hazardous
landing to upper unit, REQUEST to expand
the current 5x5 landing to a safer
and covering to 5x10 measurement.

In order for an application for a variance to be approved or approved with conditions, the BOA or the HDC 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 home was built in 1900 with an EXTENSIVE EXTERIOR RENOVATION in the 1990's. THE SETBACK REQUIREMENTS WERE DIFFERENT AT THE TIME THE STAIRS, LANDING AND COVERING WERE BUILT.

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.

~~###~~ WE ARE NOT FAMILIAR WITH OTHER LOCAL PROPERTIES THAT HAVE SIMILAR SITUATION. THIS PROPERTY IS UNIQUE IN AGE - 1900's & THAT IT WAS CHANGED FROM SINGLE DWELLING TO UPPER & LOWER UNITS

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 A MATTER OF A SAFER SITUATION TO ACCESS THE UPPER UNIT OF OUR HOME.

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

THE CURRENT 5x5 LANDING IS HAZARDOUS WHEN ENTERING OR EXITING THE UPPER UNIT DOOR. WE ARE REQUESTING TO REPLACE & EXPAND THE LANDING TO A SAFER 5x10 LANDING AND COVERING.

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

~~###~~ WE HAVE SPOKEN TO OUR NEIGHBORS REGARDING THIS REQUEST AND HAVE RECEIVED ONLY POSITIVE RESPONSES AS TO HOW THIS WOULD IMPROVE THE SAFETY & AESTHETICS OF OUR HOME AND NEIGHBORHOOD.

NASSAU

A. Michael Hickox, CFA, Cert. Res. RD1941
Nassau County Property Appraiser

Property Search Recent Sales Search Nassau Home

OWNER NAME FOBERT GARY & NANCY
MAILING ADDRESS PO BOX 91

READING CENTER, NY 148760091
LOCATION ADDRESS 118 13TH ST S (UNIT) A&B
FERNANDINA BEACH 32034
SHORT LEGAL BLOCK 243 LOT S1/2 OF N1/2 OF 4 IN OR
1694/1298

PARCEL NUMBER 00-00-31-1800-0243-0042
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.6524
PROPERTY USAGE MULTI-FAMILY
DEED ACRES 0
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2015 Preliminary Values

JUST VALUE OF LAND	\$21,500
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$82,118
TOTAL MISC VALUE	\$3,974
JUST OR CLASSIFIED TOTAL VALUE	\$107,592
ASSESSED VALUE	\$107,592
EXEMPT VALUE	\$0
TAXABLE VALUE	\$107,592

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
MULTI-FAM 000800	43	FF	23-3N-28

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
DUPLEX	2,414	1,902	4	2	WD FR STUC		AIR DUCTED	FORCED AIR	1900	SHOW SKETCH

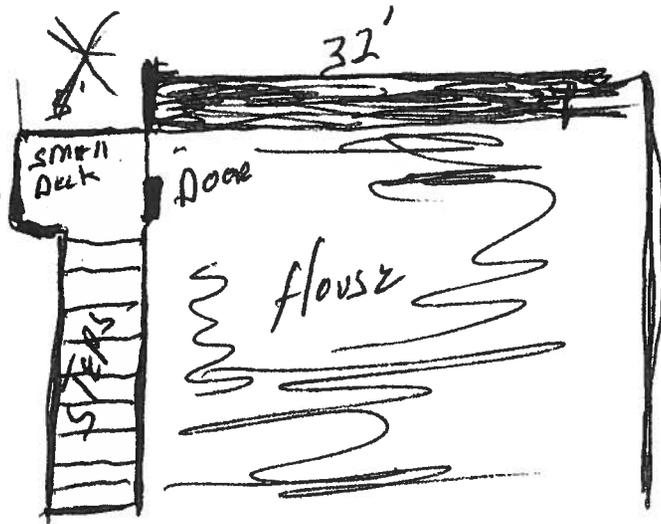
Miscellaneous Information

DESCRIPTION	DIMENSIONS L x W	UNITS	YEAR BUILT
CONCRETE A	0 X 0	1475	1990
CONCRETE A	12 X 10	120	2010

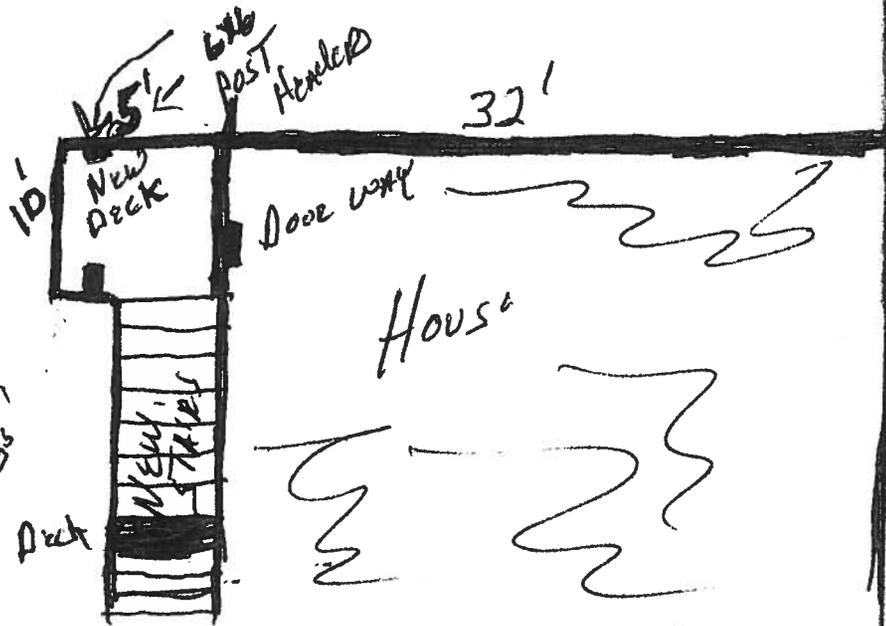
Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
08/09/2010	1694/1298	1694/1298	62500	WD	U	Y	COMMUNITY FIRST CREDIT UNION	FOBERT GARY & NANCY
11/09/2009	1648/114	1648/114	300	CT	U	Y	CLERK OF COURT	COMMUNITY FIRST CREDIT UNION
10/30/2009	1646/914	1646/914	100	SD	U	Y	CLERK OF COURT	COMMUNITY FIRST CREDIT UNION
05/22/2007	1500/927	1500/927	100	QC	U	Y	TYLER ONEAL JR ETAL	TYLER ONEAL JR TRUSTEE
05/20/2004	1232/255	1232/255	100	QC	U	Y	TYLER ONEAL JR & MELVIN TYLER ET AL	ONEAL TYLER SR FAMILY IRREVOCABLE TRUST
08/12/2003	1161/1168	1161/1168	100	PR	U	Y	TYLER O'NEAL JR P/R FOR ONEAL TYLER ESTATE	TYLER ONEAL JR ET AL (JTROS)
08/30/1996	769/1718	769/1718	100	QC	U	Y	TYLER FLORA R	TYLER ONEAL
07/01/1980	317/528	317/528	13500	WD	Q	Y		

REPLACE
EXISTING
DECK & STAIRS
& COVERED
AREA



Treated
&
Composite
Decking
New
Deck & STAIRS
using
6x6 post &
2x8 joist
proper footings

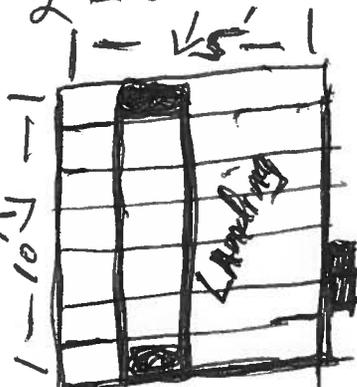


17/2/05

2 - 6x6 TREATED POST WITH PROPER FOOTER

2 - 2x10 TREATED HEADER

2x8
Treated JOIST
COMPOSITE
Decking



2nd story
ENTRY
Door

RAILINGS →

STEPS →

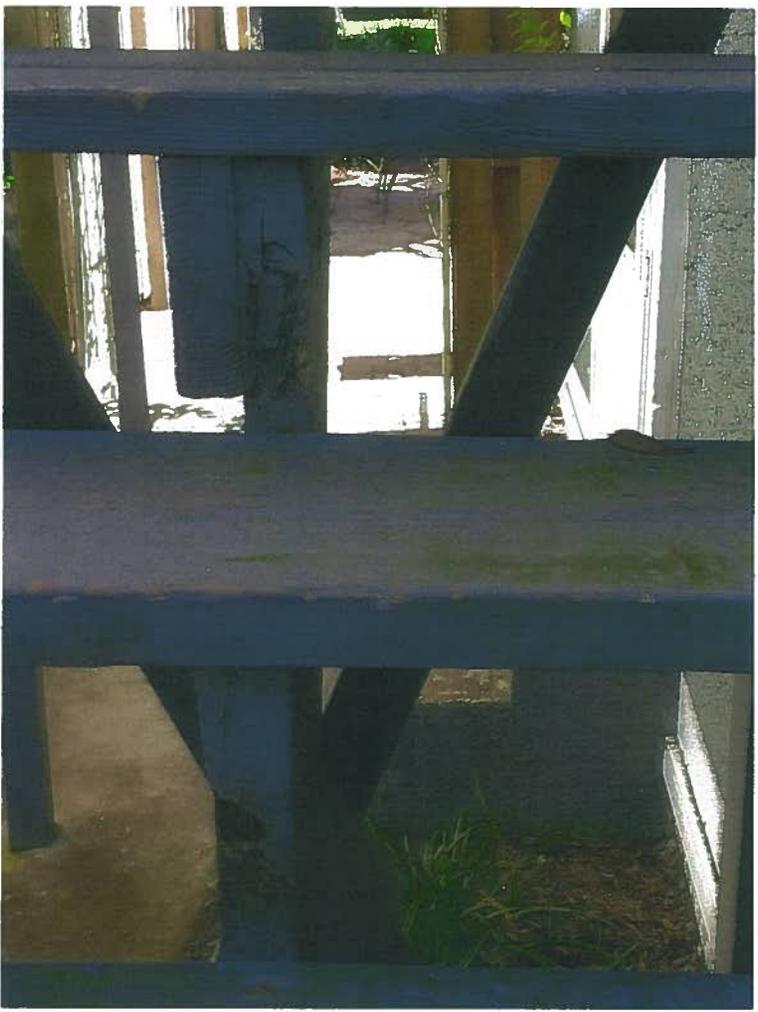
6x6 POST
with proper footer

4x4 POST with footer



STEPS →







City of Fernandina Beach
Letter in Reference to Application from the LDC

Property Information

118 South 13th Street

Fernandina Beach, Fl 32034

Property Owners; Gary & Nancy Fobert

We are requesting variances from the LDC Sections;

4.02.03 4.02.03 Standards for Buildings and Building Placement

E. Standards for Building Heights and Setbacks

10.01.02 Expansion or Modification of Nonconforming Uses or Structures

B. An expansion in square footage shall be permitted where such expansion meets all requirements of this LDC.

A bit of history of our home, it was built in 1900 as a two story single family dwelling and is one of the oldest properties on South 13th Street. According to our long time neighbors, in the 1960's the home was converted to a 2 unit duplex with an upper and lower unit. The lower unit is accessible by a front and side door. The upper unit accessible by stairs and a landing on the north side of the property. Approximately 20 plus years ago in the 1990's the home received a stucco exterior finish, new stairs and small landing to the upper unit, this was done prior to the above referenced setback requirements. The home was abandoned at some point and the mid 2000's; it went into foreclosure and was left in very poor condition. We purchased the home in that condition in 2009 and have poured our time, passion and money with the goal of making it our long term home and Fernandina Beach our community. As of to date, we have repaired the foundation, put a new roof one, renovated much of the upper unit, replaced half of the windows, and landscaped the back yard, with the goal of gutters this year along with the below request.

Scope of variation request, we are requesting that we replace the disintegrating steps that were built in the 1900's and expand the existing hazardous landing and covering currently 5 x 5 to a 5 x 10 landing and covering to allow a safer entrance into the upper unit. We are not requesting to expand any further to the setbacks towards our neighbor's property to the north; it will still be only 5 feet wide, but are asking to expand it to towards the back of our property by an additional 5 feet. As can be seen in the pictures, it is especially hazardous because there is currently very little room from the steps to the actual door way. This is especially challenging if you are carrying anything up the steps allowing for very little room to maneuver yourself, the packages and unlocking the door without potentially losing your balance.

Neighbors Approval, we have spoken to our neighbors regarding this request and have received only positive responses. Those who are familiar with our steps and landing situation are looking forward to a safer means of entering and exiting. The neighbor that would be the most affected by this request is owns the property directly to the north has given us only positive feedback.

Thank you for your time and we look forward to many more years in the community of Fernandina Beach!

Gary & Nancy Fobert

City of Fernandina Beach
Letter in Reference to Application from the LDC

Property Information

118 South 13th Street

Fernandina Beach, FL 32034

Property Owners; Gary & Nancy Fobert

Requesting variances from the LDC Sections;

4.02.03 4.02.03 Standards for Buildings and Building Placement

E. Standards for Building Heights and Setbacks

10.01.02 Expansion or Modification of Nonconforming Uses or Structures

B. An expansion in square footage shall be permitted where such expansion meets all requirements of this LDC.

This letter is in reference to my neighbors' Gary and Nancy Fobert seeking the above referenced variances to replace the existing stairs and expand the landing and covering to the upper unit of their home from a 5x5 feet measurement to a 5x10 feet measurement.

Personal feelings of this variance request:

I am pleased that the Foberts want to further improve our neighborhood with this plan. It does seem a shame that one has to pay for and attain permission to refurbish what had previously been allowed to run down for free!

Signature: Hym West

Address & phone number; 34 South 13th St.

Fernandina Beach, FL 32034

City of Fernandina Beach
Letter in Reference to Application from the LDC

Property Information

118 South 13th Street

Fernandina Beach, Fl 32034

Property Owners; Gary & Nancy Fobert

Requesting variances from the LDC Sections;

4.02.03 4.02.03 Standards for Buildings and Building Placement

E. Standards for Building Heights and Setbacks

10.01.02 Expansion or Modification of Nonconforming Uses or Structures

B. An expansion in square footage shall be permitted where such expansion meets all requirements of this LDC.

This letter is in reference to my neighbors' Gary and Nancy Fobert seeking the above referenced variances to replace the existing stairs and expand the landing and covering to the upper unit of their home from a 5x5 feet measurement to a 5x10 feet measurement.

Personal feelings of this variance request:

I fully endorse the proposed modifications.

Signature: _____

Address & phone number; _____

_____ F.B. FL

_____ 231-750-2409

City of Fernandina Beach
Letter in Reference to Application from the LDC

Property Information

118 South 13th Street

Fernandina Beach, FL 32034

Property Owners: Gary & Nancy Fobert

Requesting variances from the LDC Sections;

4.02.03 4.02.03 Standards for Buildings and Building Placement

E. Standards for Building Heights and Setbacks

10.01.02 Expansion or Modification of Nonconforming Uses or Structures

B. An expansion in square footage shall be permitted where such expansion meets all requirements of this LDC.

This letter is in reference to my neighbors' Gary and Nancy Fobert seeking the above referenced variances to replace the existing stairs and expand the landing and covering to the upper unit of their home from a 5x5 feet measurement to a 5x10 feet measurement.

Personal feelings of this variation request:

That is fine with me.

Signature: _____

Address & phone number; _____



BOARD OF ADJUSTMENT STAFF REPORT

Case Number 2016-02
Meeting Date January 6, 2016

Owner/Applicant Amelia Island Hotel Associates / Gillette & Associates, Inc.
Property Location: 2549 Sadler Road
Parcel Number: 00-00-30-0600-0001-0060
Requested action: VARIANCE from LDC Section 4.05.06(B)(1) A landscaped area not less than ten feet in width shall be located around the perimeter of the parking lot
Current zoning: C-1
FLUM land use category: Community Commercial
Existing uses on the site: Hotel

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

I. SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The requested variance application is to reduce the required ten foot landscape strip around the perimeter of the parking lot proposed as part of an expansion. The Hampton Inn is proposing a 5,477 square foot addition with 27 rooms. This increases the parking requirement by 27 spaces, which can be met as shown by Gillette & Associates. The applicant proposes reducing the landscape requirement to a minimum of 4.93 feet. This will allow a drive isle wide enough for a fire truck to maneuver the parking lot as required by the National Fire Protection Association. The survey provided shows that the existing parking lot is non-conforming with regard to this section of code. The applicant has presented the project to the Technical Review Committee with no objections other than this section of Land Development Code.

II. CONSISTENCY WITH THE COMPREHENSIVE PLAN:

The following Comprehensive Plan statements are applicable in this case:

- Policy 1.02.07 – The City shall implement the Fernandina Beach Comprehensive Plan in a manner that acknowledges private property rights.
- Policy 1.02.10 – The City shall protect privacy and access to light, air, and open space. The City shall consider regulations such as building placement on a site, building design, and building orientation as one means to achieve this policy.

III. CONSISTENCY WITH THE LAND DEVELOPMENT CODE:

Variance procedures and criteria are set forth in Sections 10.02.01 through 10.02.04.

- Section 10.02.01(B) states that the BOA may authorize a variance from the design and improvement standards of the LDC, except for areas within the Historic District Overlay or the CRA Overlay, where requirements of Section 10.02.00 are met.
- Section 10.02.02(B) states that the applicant for a variance has the burden of proof of demonstrating that the variance application complies with each of the requirements of Section 10.02.02(A).
- Section 10.02.04 sets forth the application requirements. This application includes information necessary for the BOA to make the required findings.
- Section 10.02.01(C) sets forth the limitations on the grant of a variance:
 - 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.
 - A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
 - 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 grounds for the authorization of a variance.
 - A variance shall not change the requirements for concurrency.
 - A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
 - A variance shall not be granted if the evidence submitted by an applicant is a demonstration of financial hardship or economic considerations.
 - A variance shall not be granted for procedure or process components of this Land Development Code.
 - 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 Avenue, North Fletcher Avenue, or South Fletcher Avenue.

Staff's review of this application finds it is not subject to any of these limitations and can therefore be considered by the Board.

IV. SECTION 10.02.02(A) – REQUIRED FINDINGS FOR GRANTING OF A VARIANCE
In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to each of the following provisions:

Consistent with Criteria? All questions must be answered in the affirmative in order for staff to recommend approval of a variance. Negative answers must be addressed in the findings.

<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>1. <u>Special Conditions</u>: <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i></p> <p>No. <u>Special conditions do not exist</u> as it relates to the land, structure, or features of the parcel. The expansion could be reconfigured to meet all requirements of the Land Development Code. However, this would ultimately require the applicant to reduce the square footage and most likely a reduction in the number of rooms.</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>2. <u>Special Privilege</u>: <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i></p> <p>No. Granting the variance <u>does confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. All new construction is required to meet the requirements of the Land Development Code.</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>3. <u>Literal Interpretation</u>: <i>Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.</i></p> <p>No. Literal interpretation of the Land Development Code <u>would not deprive</u> the applicant of rights commonly enjoyed by others in the same zoning district. The Land Development Code requirement for perimeter landscaping around the parking lot does not restrict this property from operating in a reasonable manner.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>4. <u>Minimum Variance</u>: <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i></p> <p>Yes. This <u>is the minimum variance</u> needed that will make possible the reasonable use of the land, structure, or building. The reduction of the landscape buffer is the minimum variance needed to allow for this particular expansion of the hotel. All other requirements of the Land Development Code will be met.</p>

<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>5. <u>General Harmony</u>: <i>Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</i></p> <p>Yes. This request for a variance <u>is</u> in general harmony with the Land Development Code and Comprehensive Plan. This variance will allow the Hampton Inn to increase the number rooms available to people wanting to visit the City Fernandina Beach.</p>
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>6. <u>Public Interest</u>: <i>Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</i></p> <p>Yes. Granting of a variance <u>is</u> compatible with nearby development and the character of the surrounding properties, it will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment. The applicant will provide aesthetically pleasing landscaping in the reduced buffer, while also providing enough room for the required life safety vehicles. The properties to the west of the Hampton Inn are commercially zoned, with compatible land uses.</p>

V. ANALYSIS:

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

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

The applicant appears to meet criteria 4, 5 and 6 but does not meet 1, 2 and 3, therefore staff recommends denial.

VI. MOTION TO CONSIDER:

I move to approve or deny BOA case number 2016-02; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2016-02, item, as presented, is or is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.



Jacob Platt, Planner I
Community Development Department

OFFICE USE ONLY

REC'D: 11/9/15 BY: BF
PAYMENT: \$ 650.00 TYPE: CK 471238
APPLICATION #: 2015-0001619
CASE #: 2016-02
BOARD MEETING DATE: 12/16/15

*1/6/16
Special
meeting*



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: Amelia Island Hotel Associates
Mailing Address: P.O. Box 21427 Columbia, SC 21427
Telephone: 904-507-2900 Fax: N/A
Email: 1perpall@windstream.net

Agent Name: Gillette & Associates, Inc.
Mailing Address: 20 S. 4th St. Fernandina Beach, FL 32034
Telephone: (904) 261-8819 Fax: N/A
Email: asa@gilletteassociates.com

PROPERTY INFORMATION

Street Address: 2549 Sadler Rd. Fernandina Beach, FL 32034
Parcel Identification Number(s): 00-00-30-0600-0001-0060
Lot Number: 6+7 Block Number: 1

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 4.05.06(B)(1) Parking lot Landscaping - Perimeter
4.05.05 - Buffer Requirements

Brief description of work proposed (use additional sheets if necessary):
Proposing a 5,477 square foot addition onto the Hampton Inn. The 3 story
addition will include 27 rooms, therefor increasing the parking
requirements. The proposed plan meets the requirement for 109 spaces.

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

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

The hotel on the parcel is required to undergo an expansion and renovation in accordance with corporate policy. Based on the requirements, the building size shown is the only logical development avenue. It is not the intent of the owner to utilize this variance to reduce costs. The reduction in landscape buffer is required to facilitate life safety and fire truck maneuvering in accordance with NFPA.

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.

The granting of a minimally reduced landscape buffer has been allowed by the city in the past for special circumstances. This minor adjustment is required for life safety purposes.

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.

The adjacent property contains parking stalls the entire length of the common property line. This eliminates the argument of incompatibility between adjacent land uses. Reducing the buffer will not increase potential nuisances to the adjacent property.

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

By reducing the buffer to 4.93' (minimum), the fire equipment used by the city will have sufficient space to navigate around the building, while still maintaining an area shrubs can be planted.

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

Granting the variance will not only uphold the ability to provide an aesthetically pleasing barrier between properties, but allow the appropriate safety features for an establishment that helps bring revenue to the community.

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

Since the surrounding properties are commercial uses (one of which is another hotel) this variance will not cause injury to the area or be detrimental to the public health, safety, welfare, or environment.

If your property is located within the Historic Districts or the Community Redevelopment Area, please fill out responses to the supplemental variance criteria, attached as Appendix A, on a separate sheet of paper.

SIGNATURE/NOTARY

The undersigned states the above information is true and correct as (s)he is informed and believes.

11/9/15
Date

[Signature]
Signature of Applicant agent

STATE OF FLORIDA }
 } ss
COUNTY OF NASSAU }

Subscribed and sworn to before me this 9 day of November, 2015.

[Signature]
Notary Public: Signature

TRICIA D. BOWEN
Printed Name

04/12/18
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____





Gillette & Associates, Inc.

Civil & Environmental Engineering • Mechanical & Structural Engineering • Construction Management

AGENT AUTHORIZATION

I, Leon Perpa III, of Amelia Island Hotel Associates Limited Partnership, the owner of the following property(s) do hereby authorize, Gillette & Associates, Inc., to act as my Agent in conjunction with all site plan applications, concurrency applications, preliminary plat applications, and any other Local, State and/or Federal development permits necessary for development of the following property, without any further notice.

Location: 2549 Sadler Rd, Fernandina Beach
Parcel No.: 00-00-30-0600-0001-0060

Leon Perpa III
Signature

8-10-2015
Date

904507-2900
Telephone Number

STATE OF FLORIDA
COUNTY OF Nassau

Subscribed and sworn to before me this 27 day of August, 2015.

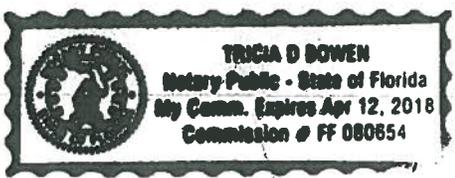
Who is personally known to me or has produced identification _____

Tricia D. Bowen
Notary Public: Signature

Tricia D. Bowen
Printed Name

My Commission Expires: 04/12/2018

20 SOUTH 4TH STREET • AMELIA ISLAND, FLORIDA 32034 PHONE: (904) 261-8819 FAX: (904) 261-9905



NASSAU

W. Michael Hickox, CFA, Cert. Res. RD1941
Nassau County Property Appraiser

Property Search

Recent Sales Search

Nassau Home

OWNER NAME AMELIA ISLAND HOTEL ASSOCIATES
MAILING ADDRESS LIMITED PARTNERSHIP
P O BOX 21427
COLA, SC 292211427
LOCATION ADDRESS 2549 SADLER RD
FERNANDINA BEACH 32034
SHORT LEGAL BLK 1 LOTS 6,7 & N 200FT OF E 65FT OF
LOT 8 IN OR 767/460 & OR 919/807

PARCEL NUMBER 00-00-30-0600-0001-0060
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.6524
PROPERTY USAGE HOTELS AND MOTELS
DEED ACRES 2.13
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2015 Preliminary Values

JUST VALUE OF LAND	\$883,500
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$1,614,356
TOTAL MISC VALUE	\$156,975
JUST OR CLASSIFIED TOTAL VALUE	\$2,654,831
ASSESSED VALUE	\$2,654,831
EXEMPT VALUE	\$0
TAXABLE VALUE	\$2,654,831

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
HOTEL 003910	80,000	SF	20-3N-29E
HOTEL 003910	13,000	SF	20-3N-29E

Building Information

TYPE	TOTAL AREA	HEATED AREA	BED ROOMS	BATHS	PRIMARY EXTERIOR	SECONDARY EXTERIOR	HEATING	COOLING	ACTUAL YEAR BUILT	BUILDING SKETCH
MOTEL HIGH	42,580	41,250	0	0	C B STUCCO		AIR DUCTED	FORCED AIR	1997	SHOW SKETCH

Miscellaneous Information

DESCRIPTION	DIMENSIONS L x W	UNITS	YEAR BUILT
FIRE SPRNK	0 X 0	40920	1997
FIRE SPRNK	0 X 0	1	1997
CONCRETE D	0 X 0	3629	1997
CONC CURB	0 X 0	1726	1997
ASPHALT D	0 X 0	33803	1997

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
02/08/2000	919/807	919/807	65000	WD	Q	N	BENNETT JULIA NEWTON	AMELIA ISLAND HOTEL ASSOCIATES LTD
08/01/1996	767/460	767/460	304000	TD	Q	N	PERPALL LEON A III TRUSTEE	AMELIA ISLAND HOTEL ASSOCIATES LIMITED PARTNE
12/02/1994	719/733	719/733	100	WD	U	Y	PERPALL LEON A III	PERPALL LEON A III REVOCABLE LIVING TRUST
07/01/1980	318/791	318/791	100	FS	U	Y		
01/01/1967	76/568	76/568	13500	TA	U	Y		



Civil & Environmental Engineering • Mechanical & Structural Engineering • Construction Management

November 9, 2015

Mr. Jacob Platt, Planner
City of Fernandina Beach
204 Ash Street
Fernandina Beach, Florida 32034

**Re: Synopsis Letter: Hampton Inn Addition
2549 Sadler Road
Fernandina Beach, Florida**

Dear Mr. Platt:

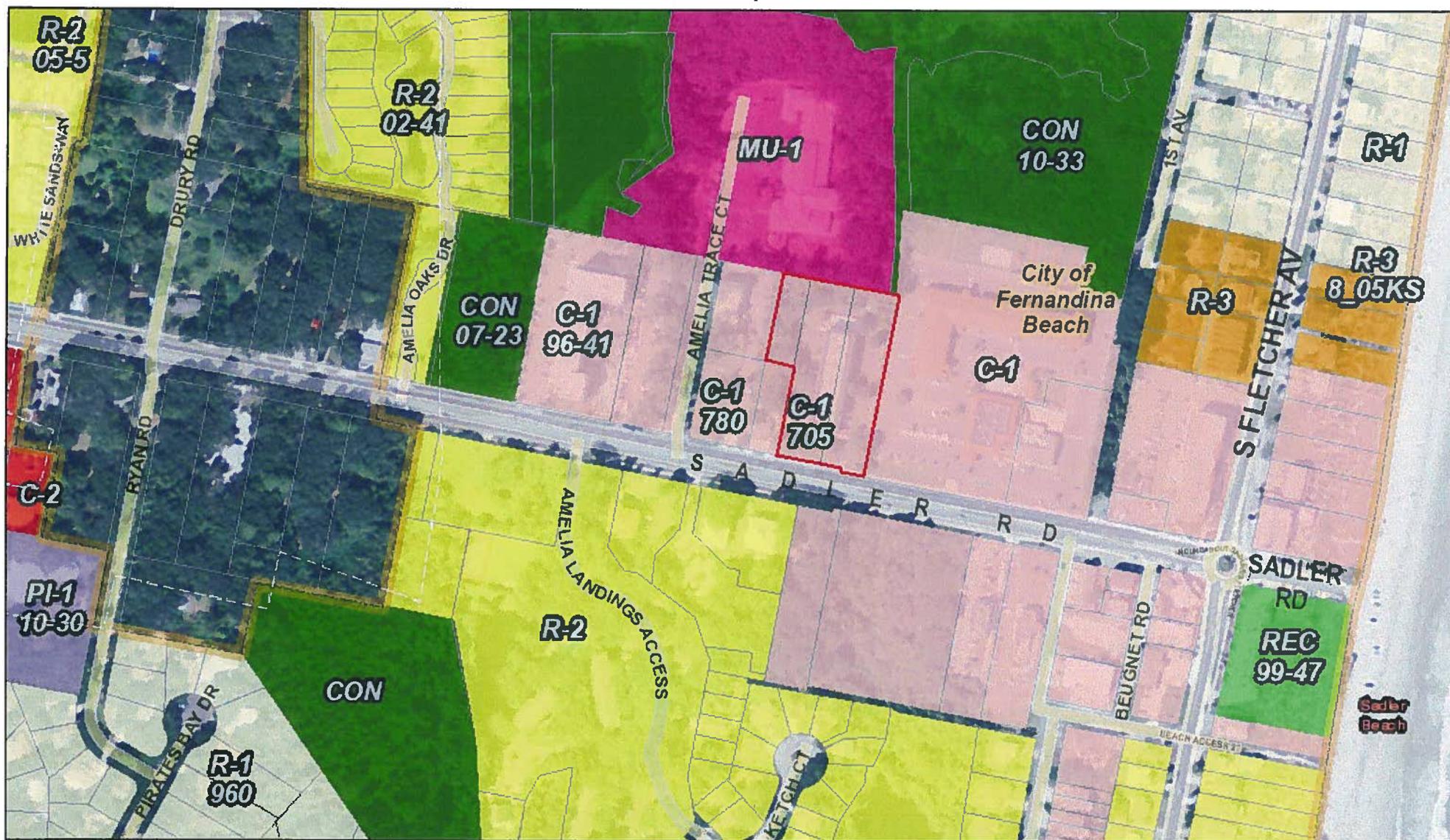
Gillette & Associates, Inc., on behalf of our client, is pleased to submit the attached application for a variance for the above-referenced project. The variance is being sought from the Land Development Code, Section ~~4.05.05~~ for the relief of the buffer requirements on the subject property. 4.05.06(B)(1)

Thank you for your time and consideration on this application, and please contact me at your earliest convenience with any questions that you may have.

Sincerely,

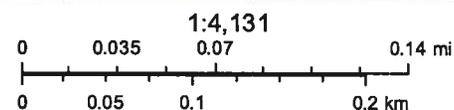
Asa R. Gillette, P.E.
Gillette & Associates, Inc
Principal & Engineer

GoMaps



December 29, 2015

Land Parcels	C-2	R-1	R-3	OT-1	IW	PI-1
City of F.B. Zoning	C-3	RLM	RE	OT-2	I-1	CON
C-1	MU-1	R-2	R-1G	W-1	IA	REC



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the

General Notes:

PIN: 00-00-30-0600-0001-0060

Flood Zone is AE
FEMA Map 120172 0239 F

109 room hotel
(82 rooms existing - 27 rooms in addition)

All handicap spaces 12' x 15'
(max 2% cross slope)
All handicap ramps 5' wide -
(max slope = 12:1)

All Regular Spaces - 9' x 18'

Parking Provided:
1 space per room x 109 rooms =
109 spaces required
106 Regular Parking Spaces
5 Handicap Spaces
(111 spaces total provided)

See sheet DT-1 for parking stall details

Electric Service provided
by FPU

All Dimensions in feet unless
otherwise noted

All Radii 3' unless otherwise noted

Water & Sewer provided by City of FB

No Wetlands identified on site

All street lighting to be performed
by FPU in accordance with FPU
protocol

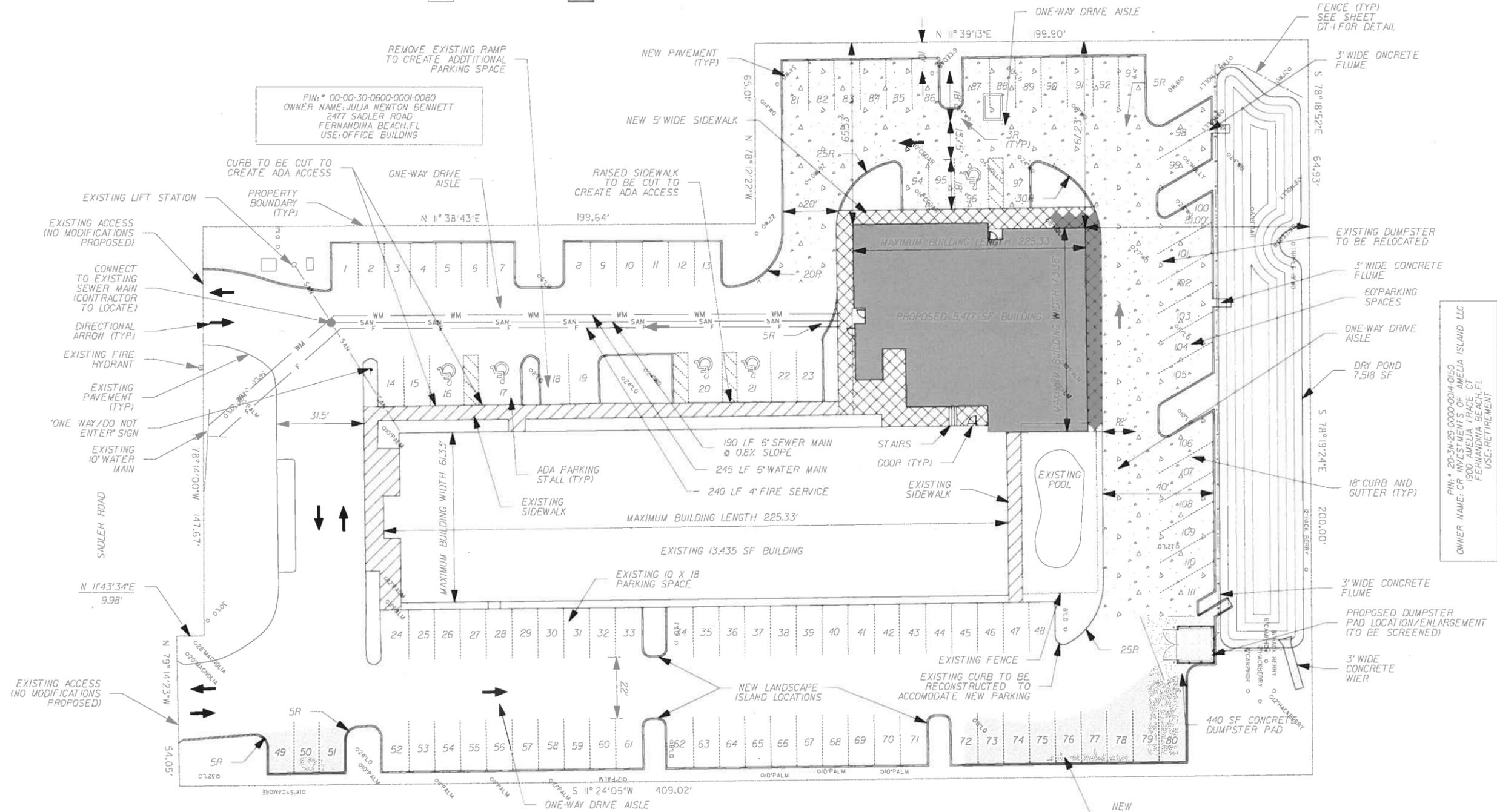
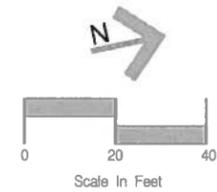
PLANNING NOTES:

1. FLUM - GENERAL COMMERCIAL
2. CIZONING DISTRICT
3. TOTAL SITE ACREAGE - 93,794 SF - 2.15 ACRES
4. TOTAL COMMERCIAL SQUARE FOOTAGE - 93,794 SF
5. DENSITY CALCULATION IS N/A SINCE ALL COMMERCIAL USE
6. TOTAL IMPERVIOUS AREA - 120 ACRES (55.92%); 75% ALLOWED
7. TOTAL PARKING REQUIRED - 109 REQUIRED, 109 PROVIDED
8. 40 TREES TO BE PROTECTED, 24 TREES TO BE REMOVED,
5 TREES TO BE PLANTED

HATCHING LEGEND

- EXISTING SIDEWALK
- NEW SIDEWALK
- NEW CONCRETE
- NEW PAVEMENT (IMPERVIOUS)
- NEW PAVEMENT (PERVIOUS)
- NEW BUILDING

PIN: * 00-00-30-0600-0001-0060
OWNER NAME: PLANTATION DEVELOPMENT LLC
2425 SADLER ROAD
FERNANDINA BEACH, FL
USE: PROFESSION



PIN: * 00-00-30-0600-0001-0080
OWNER NAME: JULIA NEWTON BENNETT
2477 SADLER ROAD
FERNANDINA BEACH, FL
USE: OFFICE BUILDING

PIN: * 20-31-29-0000-0014-0150
OWNER NAME: CR INVESTMENTS OF AMELIA ISLAND LLC
1900 AMELIA TRACE CT
FERNANDINA BEACH, FL
USE: RETIREMENT

PIN: * 00-00-30-0600-0001-0010
OWNER NAME: FERNANDINA BEACH HOTEL GROUP LLC
2707 SADLER ROAD
FERNANDINA BEACH, FL
USE: HOTEL

S:\Projects\1111111111\1111111111.dwg

No.	By	Date	Revision
A	AG	11/01/15	VARIANCE APPLICATION MODIFICATIONS
B	AG	8/10/15	TRC PRE-APP. REVIEW

Scale:	
Project Mgr:	AG
Designed by:	AG/EM
Drawn by:	BM
QA/QC:	NG

Gillette & Associates, Inc.
20 South 4th Street
Fernandina Beach, FL 32034
Certificate of Authorization No. 9332
DO NOT SCALE THIS DRAWING - DIMENSIONS AND NOTES TAKE PREFERENCE. DRAWING IS REDUCED IF LESS THAN 22" x 34"

G & A
GILLETTE & ASSOCIATES, INC.
20 SOUTH 4TH STREET
FERNANDINA BEACH, FL 32034
PHONE: (904) 261-8819

LEON PERPALL

HAMPTON INN
ADDITION

GEOMETRY PLAN

SHEET NO.	GE-1
Issue Date	AUGUST 2015
Project No.	14-10-27

Registered Professional

