



AGENDA  
BOARD OF ADJUSTMENT  
JANUARY 20, 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**

**Documents:** [2016 01-06 BOA RM Minutes Draft.pdf](#)

**4. NEW BUSINESS**

**4.1. BOA 2016-03, MEYER, 2203 CEDAR ST.**

VARIANCE from LDC Section 5.01.03(C) There shall be no more than one detached accessory dwelling and not more than a total of two other detached accessory buildings on a lot; 5.01.03(J)A detached accessory building shall not exceed twenty-five feet in height of exceed a maximum building footprint of 625sq.ft.

**Documents:** [Meyer BOA 2016-03.pdf](#)

**4.2. BOA 2016-04, WESTROCK, 600 N. 8TH ST.**

VARIANCE from LDC Section 5.03.10(C) Number and types of Permanent on-site signs in specified non-residential zoning districts.

**Documents:** [WestRock BOA 2016-04.pdf](#)

**4.3. BOA 2016-05, CHRISTENSON, 528-B TARPON AVE.**

VARIANCE from LDC Section 4.02.03(A)(6) Wooden decks and porches with a finished floor level of 12" or less from natural grade or non-covered open air balconies are permissible encroachments into required yard spaces, subject to the following:

(a) A five foot minimum setback is required for all side and rear yards.

**Documents:** [Christenson BOA 2016-05.pdf](#)

**4.4. BOA 2016-06, BAGLEY, 1660 N. FLETCHER AVE.**

VARIANCE from LDC Section 4.02.01(J) Design Standards for Lots

**Documents:** [Bagley BOA 2016-06.pdf](#)

**5. BOARD BUSINESS**

Board member application for consideration.

**Documents:** [Hertslet Application.pdf](#)

**6. COMMENTS BY THE PUBLIC**

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

**7. ADJOURNMENT**

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*THE NEXT REGULAR BOARD OF ADJUSTMENT MEETING IS SCHEDULED FOR  
WEDNESDAY FEBUARY 17, 2016*

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

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  
Lynn Williams  
Matt Miller (alternate)

Tisha Dadd  
Michael Spino

**Board Members Absent**

Marcy Mock

**Others Present**

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

Member Miller was seated as a voting member for this meeting due to the absence of Member Mock.

**3.1 Review and Approval the November 18, 2015 and December 16, 2015 Meeting Minutes** – Mr. Platt clarified that the December 16<sup>th</sup> Minutes were to reflect there was not a voting quorum. **A motion was made by Member Williams, seconded by Member Dadd, to approve the Minutes of November 18, 2015 and December 16, 2015. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4. **Old Business**

City Attorney Bach briefly explained the quasi-judicial procedures. Recording Secretary Franklin administered the oath to the parties that were about to present testimony. Mr. Platt announced that the required application materials were received, all fees were paid, and notices were made.

**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 property line.

Mr. Platt reported this request was a variance from the 5 foot setback for a freestanding sign. He stated the request was to build a freestanding sign perpendicular to property in an existing landscape bed of the parking lot. He explained the adjacent property to the south has a building that blocks the view of this property when traveling north on 8<sup>th</sup> Street. He pointed out the variance was being sought to give the business better visibility to vehicular traffic traveling north on 8<sup>th</sup> Street. He commented that placing the sign in the existing landscape bed will alleviate vehicular circulation problems with the parking lot. He referred to the criteria for granting a variance and reported it appears the applicant has met criteria 1, 4, 5, and 6.

Ms. Renee Vila, 610 North Lee Street, Kingsland, Georgia, stated the building just north blocks any view in the parking when traveling north until you are right on top of the building. She commented they didn't have a problem putting the sign on the inside where the mark was shown, but it was just within that five feet. She explained that any further back the sign was right in the middle of the parking lot, and it does not allow any vehicular traffic to go in or out or around the building. Mr. Platt clarified the graphic shows where it would be required to be placed with the

setback. Ms. Vila pointed out the building to the south has a sign in the same location and across the street the business offices have one directly up against the sidewalk.

Chair Burns inquired if the sign conform to all other respects. Mr. Platt replied yes. Member Williams inquired why a sign couldn't be placed on the north edge of the parking lot parallel to the driveway that goes to the rear of the building. Ms. Vila replied currently there is not power there, and explained they were trying to use the existing power and location for that sign. Ms. Jessica McKinnon, Shapiro Insurance, replied that area is completely blocked from the building next to them. There was some discussion about the proposed location of the sign, and it was noted that was where the "For Sale" sign was for this property.

Member Spino referred to the sign on the adjacent lot to the north and questioned if that sign was conforming. Mr. Platt replied it didn't appear to be 5 feet back. Member Spino commented the building to the south looks like it is out to the sidewalk, and questioned if that was conforming. Mr. Platt replied in C-2 you can have a zero front yard setback. There was further discussion about this case, and it was noted without the variance they would have to do without a sign.

*A motion was made by Member Williams, seconded by Member Miller, to deny BOA 2015-16; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2015-16 as presented is not substantially compliant with the Comprehensive Plan and the Land Development Code to warrant approval at this time.* Member Dadd pointed out the corridor is commercial, and questioned if the zoning was the same for the buildings. Mr. Platt replied they are zoned C-2. Member Dadd inquired how long the lights would be on the sign and if there was a time the lights have to be turned off. Chair Burns replied they can be backlit all night. Mr. Platt commented up and down 8<sup>th</sup> Street there are a lot of non-conforming signs. Member Dadd explained she didn't see how this would disturb this particular corridor. Chair Burns noted the rules are clear, but 8<sup>th</sup> Street is not. He commented the City wants good traffic flow and for businesses to work on 8<sup>th</sup> Street, and it appears the sign will help with both of those things. Member Miller pointed out the parking lot is in a "U" and questioned if the sign is put in the center does that limit visibility for a driver in or out or a pedestrian in the walkway. Mr. Platt replied there are requirements for visibility triangles, which are measured 15 feet in either direction of an intersecting driveway. He stated on an interior lot like this there wasn't anything saying they cannot. Member Williams commented it seems that the City should be tightening the sign ordinance up and down 8<sup>th</sup> Street, and to work within the current guidelines. He stated the hodgepodge signs came up before there were any rules at all. He pointed out there are people working to see what can be done to make 8<sup>th</sup> Street a more attractive place. He provided further comments about this case and expressed his opinion that the need was not demonstrated that the sign even has to be there. Member Dadd inquired about the sign parameters that anyone on 8<sup>th</sup> Street needs to abide by. Mr. Platt replied the current code is very clear, and the 8<sup>th</sup> Street Working Group had a meeting and they are looking to be "Centre Street like" on 8<sup>th</sup> Street. He pointed out the Historic District has its own sign code, which is more restrictive. There was a review of the current sign code for the Historic District. City Attorney Bach briefly explained that it would take three votes for the motion to deny to pass, and in order for a variance to be approved it requires four affirmative votes. *Vote upon passage of the motion was taken by ayes and nays and was as follows:*

<i>Member Williams:</i>	<i>Aye</i>
<i>Member Dadd:</i>	<i>Nay</i>
<i>Member Miller:</i>	<i>Aye</i>
<i>Member Spino:</i>	<i>Nay</i>
<i>Chair Burns:</i>	<i>Nay</i>

*Motion failed.*

**A motion was made by Member Spino, seconded by Member Dadd, to approve BOA 2015-16; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2015-16 as presented is substantially compliant with the Comprehensive Plan and the Land Development Code to warrant approval at this time.** Member Spino commented given the lack of consistency with the immediate neighborhood that this was an appropriate sign placement. He pointed out this is a new business to the community and the City wants to do everything we can to help businesses in our community be successful within reasonable limits. Member Williams stated there are alternatives and those alternatives are sufficiently adequate to not jeopardize the business. He suggested sticking with staff's recommendation. Chair Burns questioned what happens if it doesn't get four votes. City Attorney Bach replied that is a no vote and it fails. It was noted the applicant would have to wait a year to come back to apply. After a brief discussion about the requested variance, **vote upon passage of the motion was taken by ayes and nays and was as follows:**

<b>Member Spino:</b>	<b>Aye</b>
<b>Member Dadd:</b>	<b>Aye</b>
<b>Member Miller:</b>	<b>Aye</b>
<b>Member Williams:</b>	<b>Nay</b>
<b>Chair Burns:</b>	<b>Aye</b>

**Motion carried.**

**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 be not less than eight feet.

Mr. Platt explained the requested variance was to build a swimming pool that would encroach in the rear yard setback. He stated the proposal was a 12 foot by 28 foot swimming pool that meets both side yard setbacks, but would require a 4 foot 11 inch rear yard setback. He pointed out the applicant appears to meet criteria 4, 5, and 6. Member Spino questioned why the City has a 8 foot setback. Mr. Platt replied the Land Development Code (LDC) was adopted in 2006, and Amelia Park was the only Planned Unit Development (PUD) that allows for it closer than 8 feet with a 3 foot side and rear setback for a pool. Member Spino inquired if there is a subsidence issue with that pool getting too close to the property line or engineering problem or was it a policy decision that was made. Chair Burns explained an outside consultant gave the City proposals, which turned out to be a boiler plate type thing. He commented they went through to pick out things that didn't work for Fernandina, but he didn't remember a discussion about the 8 foot setback. There was a brief discussion about this, and City Attorney Bach pointed out when staff sees variances over and over for the same thing they consider that when going through the LDC review. Member Spino suggested having an engineer weigh in to see if there are any issues. He pointed out in the Historic District there could be someone with a garage right up against the property line.

Member Miller disclosed that Ms. Terry moved in not far from where he is building, and they talked in general terms of how the hearing would go. There were no other ex parte communications disclosed by the board members.

Mr. Chad Weaver, 4113 Rolling Wood Court, Jacksonville, Florida, owner of the pool and fence company, explained they were asking for 4 feet 11 inches instead of 8 feet. He stated the property behind the house is vacant, and everything else was up to code. Member Miller referred

to the vacant lot and inquired if they signed off on the sheet. Mr. Weaver replied they were unable to contact him. Member Miller inquired if the owner was mailed a letter. Mr. Platt replied yes and reported he did not receive a phone call. City Attorney Bach noted there were letters of support, and pointed out if there was anyone that sent a letter that was not here tonight that evidence cannot be considered by the board. She explained since this is a quasi-judicial hearing that person has to be here in person so the City can cross examine them. There was a brief discussion about this.

Member Spino inquired about subsidence. Mr. Weaver replied it is a structural engineering issue. He stated 5 feet from the house is the norm throughout Florida, and there is an angle you have to have. He related an example of 6 feet down you have to be 7 feet out from the house.

**A motion was made by Member Dadd, seconded by Member Williams, to approve BOA 2015-17; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2015-17 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. 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.

There were no ex parte communications to be disclosed for this case. Mr. Platt explained this property the house was built in 1900 as a single family home and at some point it was converted to a split level duplex with an exterior stair to the second floor. He stated the stair was in disrepair and needs to be replaced. He pointed out there would be no variance required to remove and replace the stairs as they are. He explained the applicant was requesting to increase their covered landing to the second floor unit by five feet. He pointed out there would not be any additional encroachment towards the property to the north. He stated this request was to make a 5 by 10 covered landing for the second floor unit. He provided further details of this request including it appears that this request meets criteria 1, 2, 4, 5, and 6.

Mr. Gary Fobert, 118 South 13<sup>th</sup> Street, presented a picture of the current steps and explained they would like to expand the landing area for the door. He stated currently when you step out the door you are stepping out onto a step. He pointed out the 4x4 posts would be replaced with 6x6 posts with proper footers. He referred to the concrete landing and explained they would be adding a wood deck. He provided additional information about the renovations done to this property.

There were no comments from the floor about this case. **A motion was made by Member Williams, seconded by Member Dadd, to approve BOA 2016-01; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2016-01 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.**

**5.2. 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

There were no ex parte communications to be disclosed for this case. Mr. Platt provided details that the Hampton Inn was looking at doing an expansion of over 5,000 square feet for 27 additional rooms. He pointed out current parking requirements are one space per room, and Gillette & Associates have demonstrated they can meet the parking requirements. He stated the applicant was proposing to reduce the western perimeter landscape requirement to 4.93 feet to give them extra room for fire trucks to get around. He explained the current survey shows the existing perimeter landscaping is consistent with what was being proposed. He stated the request appears to meet criteria 4, 5, and 6 but does not meet 1, 2, or 3.

Mr. Asa Gillette, 20 South 4<sup>th</sup> Street, stated they were asking for relief of 5 feet width for the landscape buffer on the western side. He pointed out the adjustment in width was being made in order to meet National Fire Protection Association (NFPA) guidelines for a fire truck to be able to completely circle the building. He explained they still would be providing landscaping, and more than likely it would be higher landscaping to provide more privacy. He commented this would also help the owner with his renewal of the franchise license that comes up next year. He pointed out the whole hotel would be renovated next year. Member Spino inquired who the neighbor was to the west. Mr. Gillette replied Plantation Housing, and from communications with them they didn't have any problem with what was proposed. There was a review of the surrounding properties, and it was noted the request was just for a portion of the landscape buffer for parking in order to give adequate space for a fire truck to go around the building.

There were no comments from the floor about this case. **A motion was made by Member Dadd, seconded by Member Spino, to approve BOA 2016-02; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2016-02 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.**

6. **Board Business** – Mr. Platt reminded the board members of the meeting on January 20<sup>th</sup>.
7. **Comments by the public** – There were no comments from the public at this time.
8. **Adjournment** - There being no further business to come before the Board of Adjustment the meeting was adjourned 6:11 pm.

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Brad Franklin, Secretary

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Charles Burns, Chair



## BOARD OF ADJUSTMENT STAFF REPORT

**Case Number** 2016-03  
**Meeting Date** January 20<sup>th</sup> 2016

**Owner/Applicant** Pamela S. Meyer  
**Property Location:** 2203 Cedar Street  
**Parcel Number:** 00-00-31-1180-0012-0010  
**Requested action:** VARIANCE from LDC Section 5.01.03(C) There shall be no more than one detached accessory dwelling and not more than a total of two other detached accessory buildings on a lot; 5.01.03(J)A detached accessory building shall not exceed twenty-five feet in height of exceed a maximum building footprint of 625sq.ft.

**Current zoning:** R-1  
**FLUM land use category:** Low Density Residential  
**Existing uses on the site:** Single Family Dwelling

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 an 816 square foot accessory structure. The property has two existing accessory structures, one being a shed and the other a greenhouse. Although the new accessory structure will have a bedroom and bathroom it is not an accessory dwelling. Therefore, the applicant is requesting one additional accessory structure to be allowed on the property. The owner wants to preserve the Dog Trot Cracker Vernacular of the existing house that was built in 1900. A detached accessory structure connected with an open air breezeway will give the owner the additional space needed and preserve the character of the home.

### 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><b>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 size of the property, one additional accessory structure is not going to over crowd the site. The owner wants to preserve the character of the existing structure in keeping the Dog Trot Cracker Vernacular. This detached accessory structure will give the owner the additional space needed and help preserve the existing structure that was built in 1900.</b></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><b>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 residential properties are limited in the number and size of accessory structures no matter the size of the property. A two story structure with a 625sq.ft. footprint could be built providing more conditioned space then proposed.</b></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><b>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 properties are limited in the number and size of accessory structures.</b></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><b>Yes. This <u>is the minimum variance</u> needed that will make possible the reasonable use of the land, structure, or building. 816 square feet is a reasonable size one story accessory structure that provides enough space for a two car garage with one bedroom and one bathroom.</b></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><b>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 house was built in 1900 and the owner is looking to preserve the architectural character of the primary structure with their design.</b></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><b>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.</b></p>

**V. ANALYSIS:**

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

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

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 2016-03; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2016-03, 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: [Signature]

PAYMENT: \$ 650 TYPE: C/E 11/16/15

APPLICATION #: 2015-001853

CASE #: BOA-2016-03

BOARD MEETING DATE: \_\_\_\_\_



**APPLICATION FOR VARIANCE FROM THE LDC**

**APPLICANT INFORMATION**

Owner Name: Pam Meyer

Mailing Address: 2203 Cedar St. FB

Telephone: 415-0303 Fax: \_\_\_\_\_

Email: pamsmeyr@earthlink.net

Agent Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**PROPERTY INFORMATION**

Street Address: 2203 Cedar St.

Parcel Identification Number(s): \_\_\_\_\_

Lot Number: \_\_\_\_\_ Block Number: \_\_\_\_\_

**PROJECT INFORMATION**

Variance(s) requested from LDC Section(s): 5.01.03(c) & 5.01.03(d)

Brief description of work proposed (use additional sheets if necessary):

2 car garage with attached one bedroom one bath suite attached via breezeway to the main structure.

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.

*see attached*

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.

*see attached*

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.

*see attached*

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

*see attached*

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

*see attached*

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.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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                      [Signature]  
Date                                      Signature of Applicant

STATE OF FLORIDA }  
                                  ss }  
COUNTY OF NASSAU }

**KAREN M. AUSTIN**  
Notary Public, State of Florida  
My Comm. Expires June 18, 2018  
Commission No. FF 126104

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

Karen M. Austin                      Karen M. Austin  
Notary Public: Signature                      Printed Name

My Commission Expires \_\_\_\_\_

Personally Known \_\_\_\_\_ OR Produced Identification  ID Produced: FL DL exp 4-2-22

November 16, 2015

Attention: Board of Adjustment  
Planning Department COFB

RE: Pam Meyer request for Variance at 2203 Cedar Street

1. **Special Conditions:** Special conditions do exist pertaining to the historic nature and architectural style of the home. In attempting to keep with the 'Dog Trot Cracker' vernacular which is designed for passive cooling features (air flow and shared porches) while meeting my life needs consisting of a two car garage with an attached one bedroom one bath suite for family use. The structure will attach to the home, but cannot be conditioned space. The structure will exceed 625 square feet and is planned at 816 square feet.
2. **Special Privilege:** The structure meets all requirements with the exception of the size. The design and nature of this style of home prevents a traditional garage and third bedroom without altering the character and usable space in accessible proximity to the home.
3. **Literal Interpretation:** Applicant requires a two car garage and a third bedroom and bath similarly enjoyed by other homes in R-1 zones. The literal interpretation prevents applicant from keeping with the historic style of the home while providing a space for her mother to stay. The literal interpretation would mean the 'Dog Trot' breezeway would have to be enclosed and this would remove the historic character and purpose of the style of this home.
4. **Minimum Variance:** 816 square feet is the minimum square footage which could accurately meet my needs. The setbacks will be more than met.
5. **General Harmony:** This structure will be in harmony with other homes in this area. This property is situated on approximately 3 acres and is not easily visible from other homes. The gate would have to be approached to see this addition. The addition will be reflect the character of the existing home
6. **Public Interest:** This structure is compatible with surrounding properties and is not detrimental in any way to the public.

2203 Cedar Street  
Pam Meyer

Supplement to Board of Adjustment request for variance. Meeting date 1/16/16

In addition to the request for an increase in size on the garage/bedroom I would like to request an increase in the number of outbuildings currently allowable to one additional outbuilding to use as my studio. This will be located near the Cedar St side of the property (south of the house) on the north side of the existing frame deck. This would be to the side of the house at a substantial distance rather than truly in the rear yard. Size not to exceed the maximum of 625 square feet.

# MEYER ADDITION AND RENOVATION

CEDAR ST, FERNANDINA BEACH, FL

**PROJECT INFORMATION:**

ADDRESS: 2203 CEDAR STREET  
FERNANDINA BEACH, FLORIDA

NEW ADDITION: S.F.

DESIGN BASIS: FLORIDA BUILDING CODE, RESIDENTIAL 2014  
FLORIDA BUILDING CODE, EXISTING BUILDING 2014

WIND VELOCITY: 130 MPH  
IMPORTANCE FACTOR: 1.0  
EXPOSURE CATEGORY: C

STRUCTURAL ENGINEER: ASA GILLETTE  
GILLETTE & ASSOCIATES  
20 SOUTH 4TH STREET  
FERNANDINA BEACH, FL 32034  
904-261-8819

**GENERAL NOTES:**

- DIMENSIONS FOR NEW CONSTRUCTION ARE TO FACE OF STUD OR MASONRY UNLESS NOTED OTHERWISE. DIMENSIONS TO EXISTING ARE TO SURFACE.
- CONTRACTOR SHALL VERIFY ALL DIMENSIONS BEFORE CONSTRUCTION.
- ALL WORK TO BE PERFORMED USING ACCEPTABLE CONSTRUCTION PRACTICES AND IN ACCORDANCE WITH CURRENT VERSIONS OF ALL APPLICABLE BUILDING CODES.
- APPROVED TERMITE TREATMENT SHALL BE PROVIDED AT ALL NEW CONSTRUCTION.

**STRUCTURAL NOTES:**

**CONCRETE NOTES:**

- ALL REINF. IN CONTACT WITH GROUND SHALL HAVE A MINIMUM OF 3" CONCRETE COVER. ALL OTHER AREAS SHALL HAVE 1 1/2" COVER.
- ALL CONCRETE SHALL BE MINIMUM 3000 PSI AT 28 DAYS.
- SEE FOUNDATION PLANS AND CROSS SECTION FOR ADDITIONAL NOTES.

**WOOD NOTES:**

- ALL WOOD WITH STRUCTURAL LOAD TO BE #2 SOUTHERN PINE OR EQUAL, U.N.O. ALL WOOD EXPOSED TO EXTERIOR, WITHIN CRAWL SPACE OR IN CONTACT WITH CONCRETE SHALL BE PRESSURE PRESERVATIVE TREATED.
- ALL SHEATHING SHALL BE RATED.
- PREFABRICATED TRUSSES SHALL BE DESIGNED BY MANUFACTURER'S FLORIDA REGISTERED ENGINEER.

**WOOD CONNECTOR NOTES:**

- SPECIFIED CONNECTORS ARE SIMPSON-STRONGTIE. CONNECTORS OF EQUAL OR GREATER VALUES FOR ALL LOADS MAY BE SUBSTITUTED. STEEL CONNECTORS EXPOSED TO WEATHER OR PRESERVATIVE TREATED WOOD SHALL HAVE APPROPRIATE CORROSION PROTECTION.
- PROVIDE ALL FASTENERS AS RECOMMENDED BY MANUFACTURER.

**WIND LOAD PARAMETERS (FULLY ENCLOSED STRUCTURE)**

V=130 MPH  
EXP. CAT. C  
RISK CATEGORY II

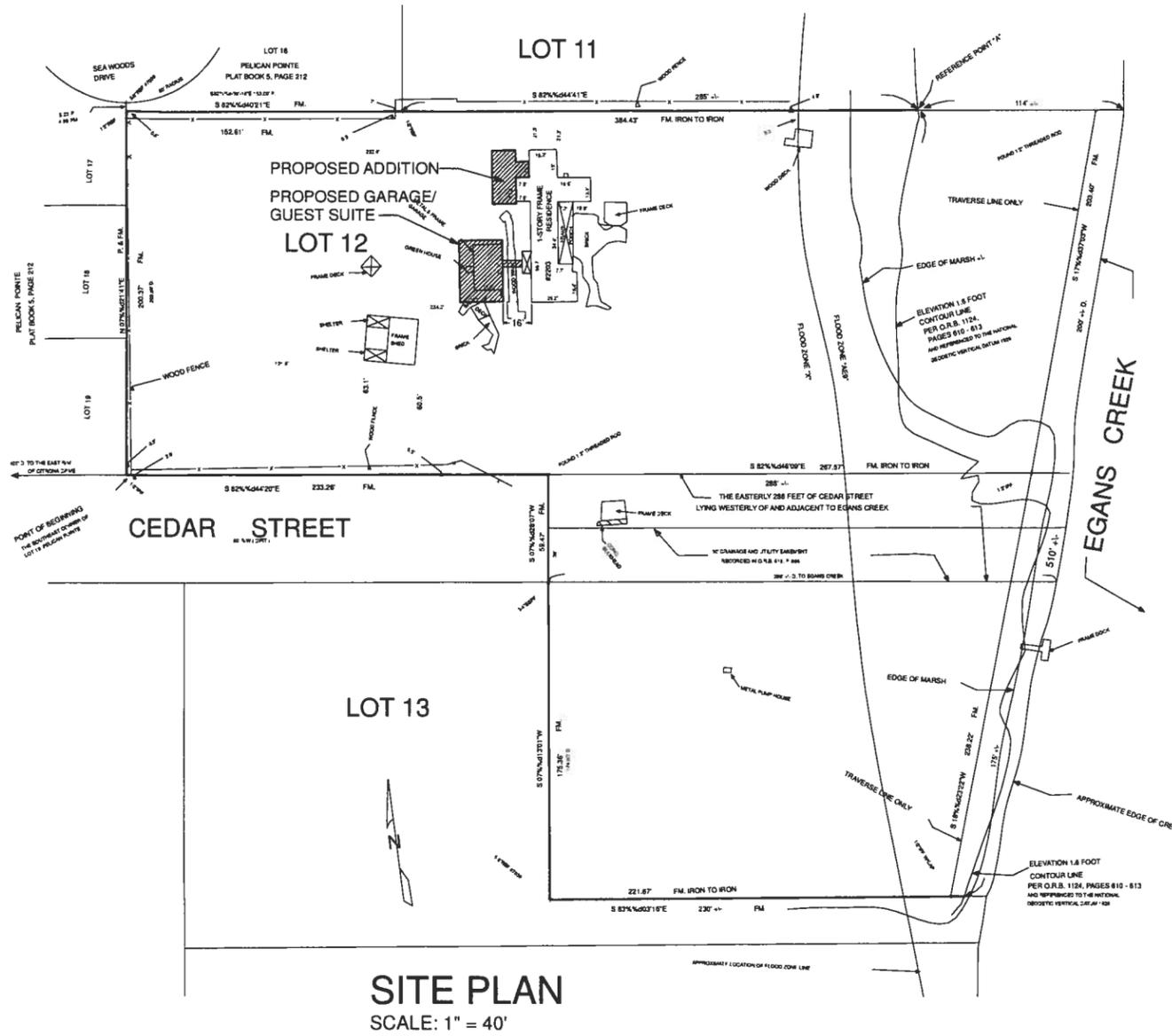
ITEM	AREA	PRESSURE FORCE	
		- / -	PSF
MWFRS	ROOF	- / -	PSF
	WALL	+ / -	PSF
C & C	ROOF - ZONE 1 (CENTER)	+ / -	PSF
	ROOF - ZONE 2 (EDGE)	+ / -	PSF
	ROOF - ZONE 3 (CORNERS)	+ / -	PSF
	WALL - ZONE 4 (INTERIOR)	+ / -	PSF
	WALL - ZONE 5 (END)	+ / -	PSF

NOTE: PRESSURE FORCES LISTED ARE BASED ON ASCE 7-10 ULTIMATE DESIGN. ADJUST PRESSURE FORCES FOR ALLOWABLE STRESS DESIGN AS ALLOWED PER F.B.C. 2010, SECTION 1609.3.1

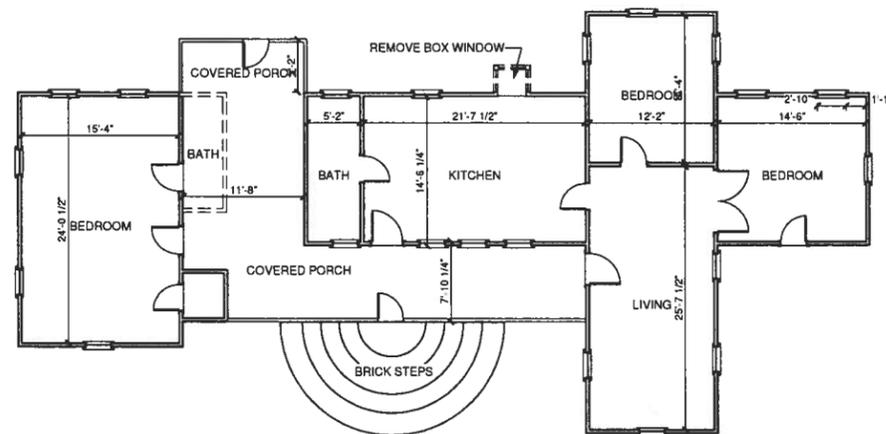
**DESIGN PRESSURES FOR WINDOWS & GLASS DOORS (PER FBC R612.5)**

ZONE 4	20 SF	+22.4 PSF	-24.5 PSF
ZONE 5	20 SF	+22.4 PSF	-29.4 PSF

ZONE 4 = WITHIN 4' OF OUTSIDE CORNER



**SITE PLAN**  
SCALE: 1" = 40'



**EXISTING PLAN**  
SCALE: 1/8" = 1'-0"

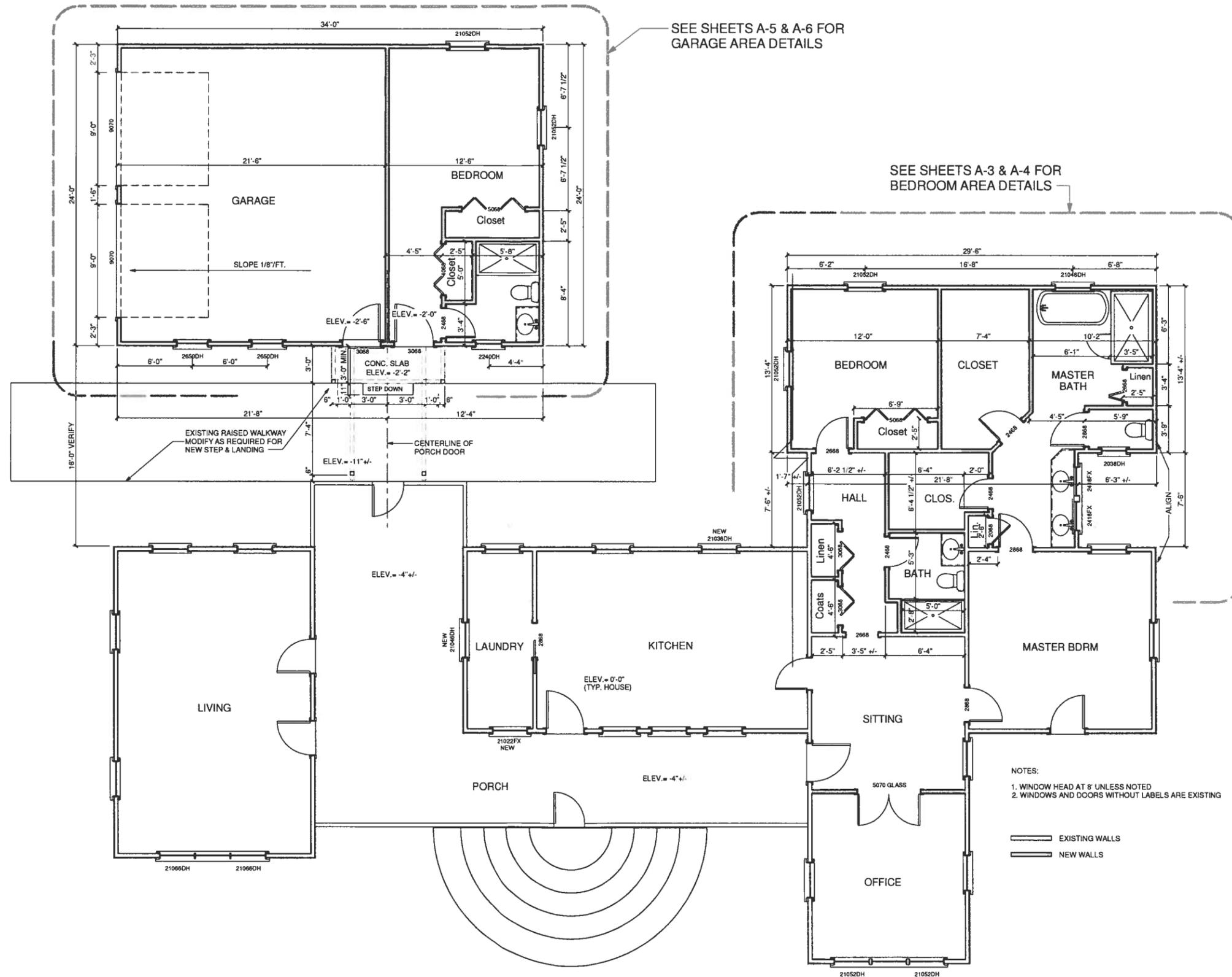
ELIZABETH A. DION, R.A.

ELIZABETH A. DION, ARCHITECT  
2740 OKLAWAHA AVE, UNIT B  
FERNANDINA BEACH, FL 32034  
904-556-9065 AR-7529

ISSUE DATE  
REVIEW SET 11-3-15

MEYER ADDITION & RENOVATION  
FERNANDINA BEACH, FLORIDA

SHEET NO.  
**A-1**  
OF 6



**FLOOR PLAN**  
 SCALE: 1/4" = 1'-0"



ELIZABETH A. DION, R.A.

ELIZABETH A. DION, ARCHITECT  
 2740 OKLAWAHA AVE, UNIT B  
 FERNANDINA BEACH, FL 32034  
 904-556-9065 AR-7529

ISSUE DATE  
 REVIEW SET 11-3-15

**MEYER ADDITION & RENOVATION**  
 FERNANDINA BEACH, FLORIDA

SHEET NO.

**A-2**

OF 6

Prepared by:  
Andrea F. Lennon, P.A.  
961687 Gateway Blvd. Suite 101L  
Amelia Island, Florida 32034

File Number: 14-528

### General Warranty Deed

Made this January 26, 2015 A.D. By Robert H. Allen, an unmarried man, whose post office address is: 7816 Sierra Azul NE, Albuquerque, NM 87110, hereinafter called the grantor, to Pamela S. Meyer, an unmarried woman, whose post office address is: 2203 Cedar St., Fernandina Beach, Florida 32034, hereinafter called the grantee:

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

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Nassau County, Florida, viz:

#### See Attached Schedule "A"

Parcel ID Number: 000031118000120010

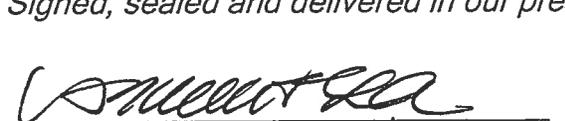
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

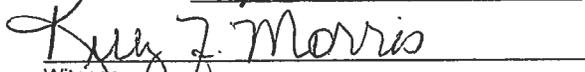
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful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

  
Witness  
Printed Name: Andrea F. Lennon

  
Robert H. Allen (Seal)

  
Witness  
Printed Name: Kelly F. Morris

State of Florida  
County of Nassau

The foregoing instrument was acknowledged before me this 26th day of January, 2015, by Robert H. Allen, an unmarried man, who has produced drivers license as identification.

  
Notary Public  
Print Name: Andrea F. Lennon

My Commission Expires:

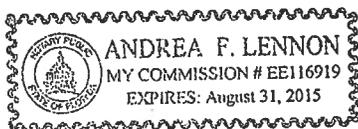


EXHIBIT A

A PORTION OF CITRONA LOTS 12 AND 13, FERNANDINA BEACH, FLORIDA, ACCORDING TO PLAT RECORDED IN DEED BOOK A-4, PAGE 377 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, TOGETHER WITH A PORTION OF CEDAR STREET, LYING WESTERLY OF AND ADJACENT TO THE ELEVATION 1.6 CONTOUR LINE REFERENCED TO THE NATIONAL GEODETIC VERTICAL DATUM OF 1929, 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).

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF LOT 19, PELICAN POINTE, AS RECORDED IN PLAT BOOK 5, PAGE 212 OF THE PUBLIC RECORDS OF SAID NASSAU COUNTY, FLORIDA, THENCE NORTH 07 DEGREES 21 MINUTES 41 SECONDS EAST ALONG THE EASTERLY LINE OF LOTS 17, 18 AND 19 OF SAID PELICAN POINTE, A DISTANCE OF 200.37 FEET TO THE SOUTHWEST CORNER OF LOT 16, OF SAID PELICAN POINTE, SAID POINT ALSO BEING ON THE NORTHERLY LINE OF LOT 12, CITRONA, AFOREMENTIONED; THENCE SOUTH 82 DEGREES 40 MINUTES 21 SECONDS EAST, A DISTANCE OF 152.61 FEET TO A POINT (SOUTH 82 DEGREES 38 MINUTES 19 SECONDS EAST, 153.00 FEET PER PLAT) TO AN ANGLE POINT IN SAID NORTHERLY LINE OF LOT 12; THENCE SOUTH 82 DEGREES 44 MINUTES 41 SECONDS EAST CONTINUING ALONG SAID NORTHERLY LINE OF LOT 12, A DISTANCE OF 285 FEET, MORE OR LESS, TO THE ELEVATION 1.6 CONTOUR LINE REFERENCED TO NATIONAL GEODETIC VERTICAL DATUM 1929, SAID POINT BEING DESIGNATED AS REFERENCE POINT "A" FOR THIS DESCRIPTION; THENCE RETURN TO THE POINT OF BEGINNING AND RUN SOUTH 82 DEGREES 44 MINUTES 20 SECONDS EAST ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF CEDAR STREET (A 60 FOOT RIGHT-OF-WAY), A DISTANCE OF 233.26 FEET TO A POINT; THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE RUN SOUTH 07 DEGREES 28 MINUTES 07 SECONDS WEST, A DISTANCE OF 59.47 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID CEDAR STREET; THENCE SOUTH 07 DEGREES 13 MINUTES 01 SECONDS WEST, A DISTANCE OF 175.36 FEET (174.00 FEET PER DEED) TO A POINT; THENCE SOUTH 83 DEGREES 03 MINUTES 16 SECONDS EAST, A DISTANCE OF 230 FEET, MORE OR LESS, TO THE ELEVATION 1.6 CONTOUR LINE, AFOREMENTIONED; THENCE RUN NORTHERLY ALONG SAID ELEVATION 1.6 CONTOUR LINE 510 FEET, MORE OR LESS, TO REFERENCE POINT "A", AFORMENTIONED, AND THE CLOSE OF THIS DESCRIPTION.

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**BOARD OF ADJUSTMENT STAFF REPORT**

**Case Number** 2016-04  
**Meeting Date** January 20<sup>th</sup> 2016

**Owner/Applicant** RockTenn CP LLC / Fastsigns  
**Property Location:** 600 North 6<sup>th</sup> Street  
**Parcel Number:** 00-00-31-1860-0000-0000  
**Requested action:** VARIANCE from LDC Section 5.03.10(C) Number and types of Permanent on-site signs in specified non-residential zoning districts.

**Current zoning:** I-1  
**FLUM land use category:** Industrial  
**Existing uses on the site:** Pulp Mill

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 install a second non-illuminated wall sign. WestRock currently has the same non-illuminated wall sign on the east side of the facility. This property is a 214 acre campus with multiple buildings, multiple street frontages and a significant amount of water frontage. The applicant is requesting this variance to identify itself to travelers on the waterway. The proposed wall sign in smaller than allowed by the Land Development Code.

Zoning District	Sign Type				
	Freestanding	Wall	Awning	Projecting	Sandwich Board or Sidewalk Sign
MU-1	1	1			1 per business
C-1	1	1			1 per business
C-2	1 per street frontage	1	1	1	1 per business
C-3	1 per street frontage, except within the Historic District; see Section 5.03.11	1	1	1	1 per business except within the Historic District; see Section 5.03.11
I-1	2	1	1	1	1 per business
I-A	2	1	1	1	1 per business
PI-1	1 per street frontage	1	1	1	1 per business

**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><b>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. This industrial site totaling 214 acres has multiple buildings and multiple frontages, including a large frontage on the Amelia River. The applicant is seeking to identify itself to waterway travels and a wall sign in the only practical sign that will work on this side of the facility.</b></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><b>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 Industrially zoned properties are limited to one wall sign no matter the number of frontages or the size of the facility.</b></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><b>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 other properties in the same zoning district are limited to one wall sign.</b></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><b>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 the one non-illuminated wall sign facing Amelia River. A proposed sign could be much larger, up to 30% of the signable area of the wall.</b></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><b>Yes. This request for a variance <u>is</u> in general harmony with the Land Development Code and Comprehensive Plan. This sign will allow WestRock to advertise and be identifiable with waterway travelers.</b></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><b>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. Given that the proposed sign is to be non-illuminated, it will not adversely affect the neighboring residential properties or wildlife at night.</b></p>

**V. ANALYSIS:**

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

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

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 2016-04; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2016-04, 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: ZF  
PAYMENT: \$650 TYPE: CK 1669  
APPLICATION #: 2015-0001852  
CASE #: BOA 2016 04  
BOARD MEETING DATE: 12/16/15



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: ROCKTENN CP LLC  
Mailing Address: PO BOX 4068 NORCROSS, GA 30091  
Telephone: (904) 277-1732 Fax:  
Email: tom.keenan@westrock.com

Agent Name: FASTSIGNS (Mike Zaffaroni)  
Mailing Address: 1925 S. 14th St. Suite 7 F.B., FL 32034  
Telephone: (904) 261-0340 Fax:  
Email: mike.zaffaroni@fastsigns.com

PROPERTY INFORMATION

Street Address: 600 N. 8th St.  
Parcel Identification Number(s): 00-00-31-1860-0000-0000  
Lot Number: 3,4,5,6,7 Block Number: 26,27

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 5.03.10 : TABLE 5.03.10(c)

Brief description of work proposed (use additional sheets if necessary):  
INSTALL NON-ILLUMINATED, FLUSH MOUNT CHANNEL LETTERS SIGN TO WOODYARD BUILDING WALL FACING RIVER. SIGN WILL IDENTIFY PROPERTY TO WATER TRAVELERS. SEE ATTACHMENTS FOR CLARITY.

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.

SEE ATTACHED

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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.

SEE ATTACHED

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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.

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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## Application for Variance from the LDC

### 1. Special conditions:

This is a manufacturing facility that has been maintained as a single parcel of over 214 acres of land comprised of multiple buildings and multiple street frontages as well as significant water frontage. Due to the nature of the sprawling campus and the fact that this is not a retail environment, there is no need for an awning or projecting sign which would be permissible for this zoning district. However, there is a need for one (1) additional non-illuminated wall sign which would allow this company to identify itself to travelers utilizing our waterway. This is a unique opportunity to convert what is a nameless industrial landscape viewed from the water into being an identifiable local link to a prominent United States based corporation and significant local employer.

### 2. Special Privilege:

This variance consideration is not a request to allow a sign that is not permitted to others within the zoning district. The request is for flexibility in allowing this establishment to choose (2) signs from the permissible wall, awning and projecting signs rather than (1) of each.

### 3. Literal Interpretations:

The property owner, by keeping the parcel whole and undivided while maintaining the facility as a single entity has limited their ability to properly identify the company through signage due to the size of the campus. There may be ways to circumvent the current limitations placed on the property owner by dividing up the parcel or creating additional entities that would in turn give additional signage allowance, but this is not the desire of the property owner.

### 4. Minimum Variance:

The request is for flexibility by allowing the property owner to choose (2) signs from the permissible wall, awning and projecting signs rather than (1) of each. This flexibility would allow the property owner to evaluate signage needs on a best fit basis and then proceed through the permitting process as required.

### 5. General Harmony:

It is following the intent of the code to review implications of proposed development. The variance being requested has no net impact on the property owners or citizens at large of the City of Fernandina Beach. As the sign is non-illuminated it will have no adverse impact during the day or night on neighboring properties, community residents or wildlife.

### 6. Public Interest:

If the property owner were to install the aforementioned wall sign, the sign proposed would not be illuminated and would face out to the water, not to be seen by any surrounding properties within Nassau County or the City of Fernandina Beach. There would be no impact to public health, safety, welfare or the environment due to the nature of this type of sign and the fact it would be affixed to the

property owner's building which is fully located within the confines of the property. It will simply serve as an identity marker on the abnormally large property and a swap for a different sign type. The applicant is not requesting any additional signs beyond what is allowed in the LDC but a swap of sign type.



# OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I /WE ROCKTENN CP LLC  
(print name of property owner(s))

hereby authorize: FASTSIGNS (MIKE ZAFFARONI)  
(print name of agent)

to represent me/us in processing an application for: VARIANCE FROM THE LDC  
(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.

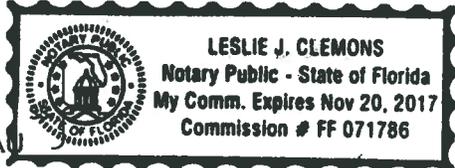
[Signature]  
(Signature of owner)

\_\_\_\_\_  
(Signature of owner)

THOMAS KEENAN  
(Print name of owner)

\_\_\_\_\_  
(Print name of owner)

STATE OF FLORIDA  
COUNTY OF NASSAU



Subscribed and sworn to before me this 16<sup>th</sup> day of November, 2015.

Leslie J. Clemons  
Notary Public: Signature

Leslie J. Clemons  
Printed Name

Nov. 20, 2017  
My Commission Expires

Personally Known X OR Produced Identification \_\_\_\_\_ ID Produced: \_\_\_\_\_



## Property Details

												<a href="#">SHOW SKETCH</a>
HEAVY IND	2,448	2,448	0	0	VINYL/COMP		NONE	NONE	1990			<a href="#">SHOW SKETCH</a>
HEAVY IND	189	189	0	0	AVERAGE		NONE	NONE	1985			<a href="#">SHOW SKETCH</a>
HEAVY IND	720	720	0	0	REINF CONC	VINYL/COMP	NONE	NONE	1982			<a href="#">SHOW SKETCH</a>
HEAVY IND	702	702	0	0	REINF CONC	VINYL/COMP	NONE	NONE	1982			<a href="#">SHOW SKETCH</a>
HEAVY IND	1,392	1,392	0	0	REINF CONC		NONE	NONE	1982			<a href="#">SHOW SKETCH</a>
HEAVY IND	8,468	10,069	0	0	PRECAST PL		NONE	NONE	1989			<a href="#">SHOW SKETCH</a>
WAREH STOR	5,946	6,589	0	0	ALUM SIDNG		NONE	NONE	1980			<a href="#">SHOW SKETCH</a>
HEAVY IND	1,600	512	0	0	CONC BLOCK		FORCED AIR	NONE	1982			<a href="#">SHOW SKETCH</a>
GARAGE	5,300	5,300	0	0	ALUM SIDNG		CONVECTION	NONE	1980			<a href="#">SHOW SKETCH</a>
HEAVY IND	1,742	2,031	0	0	COMMON BRK		NONE	NONE	1938			<a href="#">SHOW SKETCH</a>
OFFICE LOW	1,617	1,617	0	0	CONC BLOCK		CONVECTION	CONVECTION	1980			<a href="#">SHOW SKETCH</a>
OFFICE LOW	510	486	0	0	FACE BRICK		FORCED AIR	CONVECTION	1983			<a href="#">SHOW SKETCH</a>

Copyright © 2015 Nassau County, FL Property Appraiser. All rights reserved.

**PROPOSED WEST ELEVATION**

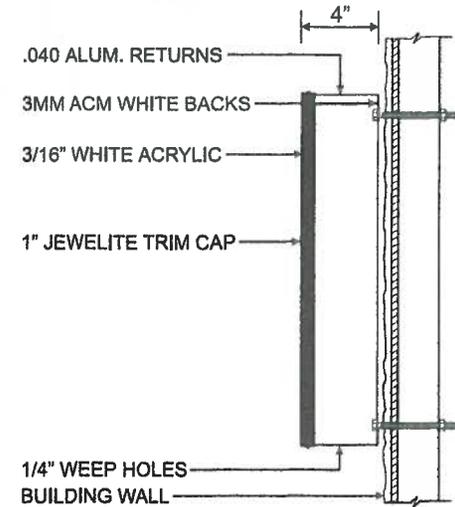


**Non-Illuminated, Flush-Mount, Channel Letters. Mounted directly to building wall with stainless steel bolts and anchors.**

**EXISTING WEST ELEVATION**



**Flush Mount Channel Letters**



**FASTSIGNS**  
More than fast. More than signs.™

ACCOUNT: **WestRock**  
ACCOUNT CONTACT: **Tom Keenan**

FILE: **Permit Drawings**

PRODUCTION NOTES: **X**  
**Material:**  
Channel Letters  
Acrylic Faces with  
Digitally Printed  
Vinyl Applied to faces.  
Non-Illuminated.

- Colors:**
- PMS 301C
  - Process Blue
  - PMS 151C
  - PMS 000
  - PMS 000

ORIGINAL DRAWING DATE: **07/02/15**

ORIGINAL DRAWING BY: **JT**

REVISION #: **0** DATE: **00/00/00**

As a regular part of the sign-making process we will submit to you a proof and the option of two revisions.

FASTSIGNS reserves the right to charge additional design fees at the rate of \$80/hour for any additional revisions.

THIS DRAWING IS THE PROPERTY OF FASTSIGNS. THE BORROWER AGREES, IT SHALL NOT BE REPRODUCED NOR USED FOR ANY OTHER PURPOSE WITHOUT PERMISSION.



**APPROVAL REQUIRED TO BEGIN PRODUCTION**

PLEASE SIGN AND RETURN TO FASTSIGNS.

SIGNATURE INDICATES APPROVAL OF BOTH DESIGN AND PLACEMENT OF SIGN(S)

APPROVED AS SHOWN

CHANGES NEEDED

**X**

DATE \_\_\_\_\_

# PROPERTY MAP



**PROPOSED SIGN PLACEMENT**

**APPROVAL REQUIRED TO BEGIN PRODUCTION**

PLEASE SIGN AND RETURN TO FASTSIGNS.

SIGNATURE INDICATES APPROVAL OF BOTH DESIGN AND PLACEMENT OF SIGN(S)

APPROVED AS SHOWN

CHANGES NEEDED

X

**FASTSIGNS.**  
More than fast. More than signs.™

ACCOUNT: **WestRock**

ACCOUNT CONTACT: **Tom Keenan**

FILE: **Permit Drawings**

PRODUCTION NOTES: X

**Material:**  
Channel Letters  
Acrylic Faces with  
Digitally Printed  
Vinyl Applied to faces.  
Non-Illuminated.

**Colors:**

- PMS 301C
- Process Blue
- PMS 151C
- PMS 000
- PMS 000

ORIGINAL DRAWING DATE: **07/02/15**

ORIGINAL DRAWING BY: **JT**

REVISION #: **0** DATE: **00/00/00**

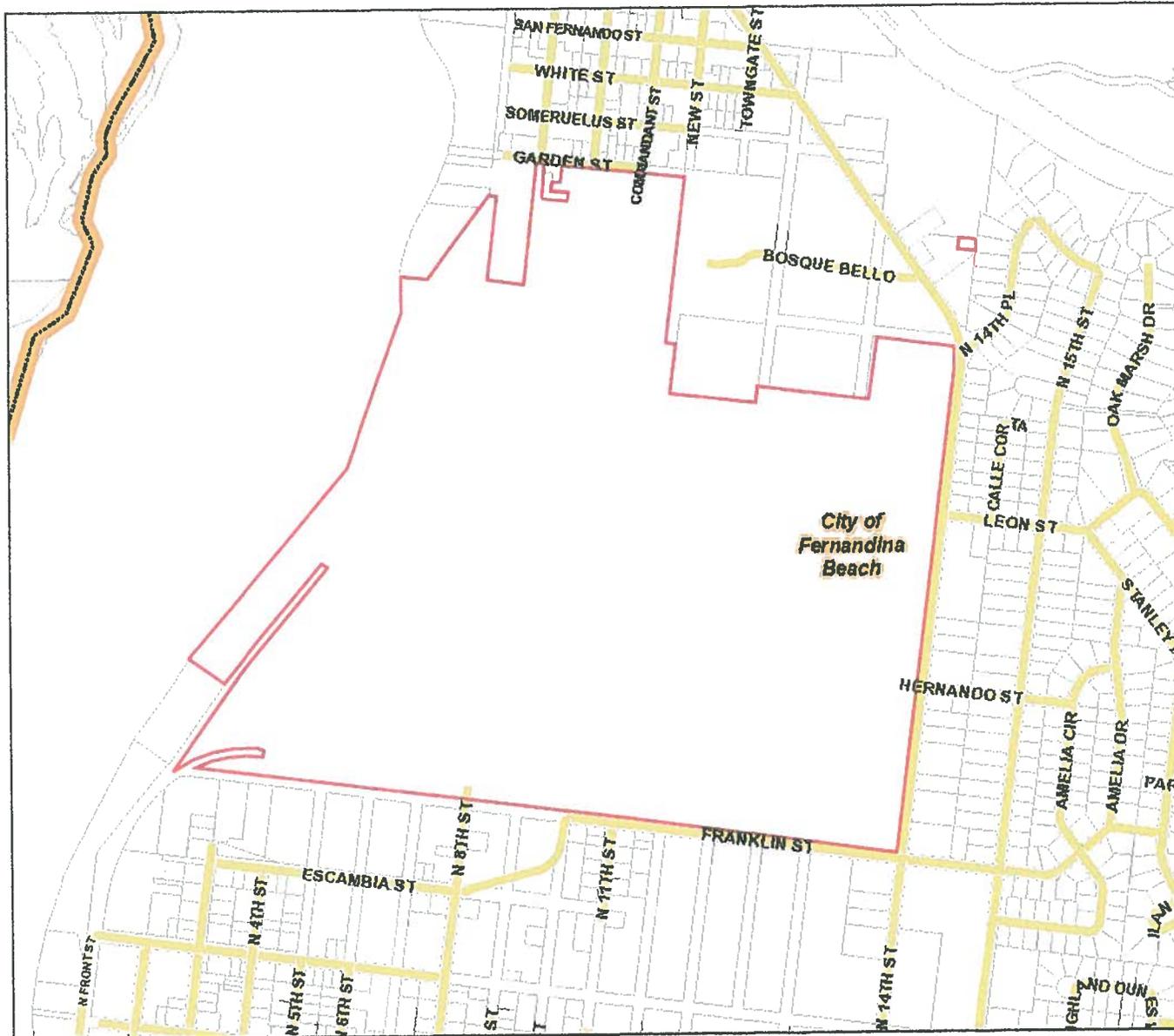
As a regular part of sign-making process, we will submit to you a proof and the option of two revisions.

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DATE \_\_\_\_\_

# PROPERTY MAP



**FASTSIGNS**  
More than fast. More than signs.™

ACCOUNT: **WestRock**  
ACCOUNT CONTACT: **Tom Keenan**

FILE: **Permit Drawings**

PRODUCTION NOTES: **X**  
**Material:**  
Channel Letters  
Acrylic Faces with  
Digitally Printed  
Vinyl Applied to faces.  
Non-Illuminated.

- Colors:**
- PMS 301C
  - Process Blue
  - PMS 151C
  - PMS 000
  - PMS 000

ORIGINAL DRAWING DATE: **07/02/15**  
ORIGINAL DRAWING BY: **JT**  
REVISION #: **0** DATE: **00/00/00**

As a regular part of sign-making process will submit to you a proof and the option of two revisions.

FASTSIGNS reserves the right to charge additional design fees at the rate of \$80/hour for any additional revisions.

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**APPROVAL REQUIRED TO BEGIN PRODUCTION**

PLEASE SIGN AND RETURN TO FASTSIGNS.  
SIGNATURE INDICATES APPROVAL OF BOTH DESIGN AND PLACEMENT OF SIGN(S)

APPROVED AS SHOWN

CHANGES NEEDED

**X** \_\_\_\_\_ DATE \_\_\_\_\_



## BOARD OF ADJUSTMENT STAFF REPORT

**Case Number** 2016-05  
**Meeting Date** January 20<sup>th</sup> 2016

**Owner/Applicant** Thomas & Jennifer Christenson / Phillip Smith  
**Property Location:** 528-B Tarpon Avenue  
**Parcel Number:** 00-00-31-134B-0244-00B0  
**Requested action:** VARIANCE from LDC Section 4.02.03(A)(6) Wooden decks and porches with a finished floor level of 12” or less from natural grade or non-covered open air balconies are permissible encroachments into required yard spaces, subject to the following:  
(a) A five foot minimum setback is required for all side and rear yards.

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

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 second floor non-covered open air deck up to the South property line. Non-covered open air balconies are allowable encroachments into side and rear yards with a five foot minimum setback. This property is an existing non-conforming townhouse with regard to minimum lot width. A townhouse is an attached single family dwelling where a duplex is one structure with two dwelling units on a single parcel. A duplex property could build a deck to the common wall where a townhouse is required to meet this five foot side yard setback. The proposed deck will meet the five foot rear and north side yard setbacks.

### 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><b>No. <u>Special conditions do not exist</u> as it relates to the land, structure, or features of the parcel. This townhouse is existing non-conforming with regard to the minimum lot width of fifty feet for an R-2 zoned property. However, townhouses are required to comply with the standards and criteria of the zoning district in which they are constructed.</b></p>
<input checked="" type="checkbox"/> Yes <input 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><b>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. Based on aerial photography it appears that the four townhouses to the North all non-covered open air decks like the one being proposed. The Land Development Code would allow those decks to be rebuilt, as long as the non-conformity did not expand in anyway.</b></p>
<input checked="" type="checkbox"/> Yes <input 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><b>Yes. Literal interpretation of the Land Development Code <u>would deprive</u> the applicant of rights enjoyed by other properties in the same zoning district because based on aerial photography it appears that the four townhouses to the North all have non-covered open air decks like the one being proposed. The Land Development Code would allow those decks to be rebuilt, as long as the non-conformity did not expand in anyway.</b></p>
<input type="checkbox"/> Yes <input checked="" 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><b>No. This is <u>not the minimum variance</u> needed that will make possible the reasonable use of the land, structure, or building. A Variance is not needed to make reasonable use of an allowable non-covered open air deck in the rear yard of this property.</b></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><b>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. However, approving this variance will also be increasing the non-conformity of an existing non-conforming structure.</b></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><b>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.</b></p>

**V. ANALYSIS:**

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

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

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

**VI. MOTION TO CONSIDER:**

I move to approve or deny BOA case number 2016-05; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2016-05, 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: 12/21/15 BY: [Signature]  
PAYMENT: \$ 650- TYPE: ck # 1363  
APPLICATION #: 2015-0001818  
CASE #: BOA 2016-05  
BOARD MEETING DATE: \_\_\_\_\_



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: Tom Christenson  
Mailing Address: 528-B Tarpon Avenue  
Telephone: 904-556-0855 Fax: \_\_\_\_\_  
Email: tchristenson13@gmail.com

Agent Name: Phillip Smith  
Mailing Address: 1324 South 14th Street  
Telephone: 904-277-3636 Fax: 904-277-2626  
Email: phillip@phillipsmithcustomhomes.com

PROPERTY INFORMATION

Street Address: 528-B Tarpon Avenue  
Parcel Identification Number(s): 00-00-31-134B-0244-0080  
Lot Number: 244 Block Number: \_\_\_\_\_

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): \_\_\_\_\_

Brief description of work proposed (use additional sheets if necessary):  
Construct Deck in back yard w/ 5' setbacks  
on all property lines ~~except~~ common property  
line of duplex

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.

No codes in existence to deal w/ duplex's

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.

No - there are no codes governing duplexes w/ a common wall and ~~prop~~ common 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.

Yes - if by using single family home LDC's we are denied the full use of our 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.

Yes - this is the minimum variance

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

Initially yes - the intent of LDC & comprehensive plan was to provide setbacks for single family homes

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.

We are one in a group of duplexes in this neighborhood.  
Due to lack of code definition, others may be coming  
before you soon. This variance will not cause injury to  
the area be detrimental to 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.

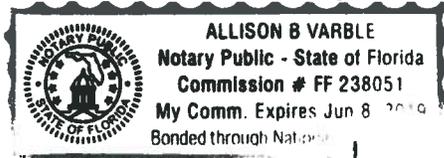
**SIGNATURE/NOTARY**

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

11-5-15  
Date

[Signature]  
Signature of Applicant

STATE OF FLORIDA }  
                                  } SS }  
COUNTY OF NASSAU }



Subscribed and sworn to before me this 20<sup>th</sup> day of November, 2015.

Allison B Varble  
Notary Public: Signature

Allison B. Varble  
Printed Name

6/8/2019  
My Commission Expires

Personally Known X OR Produced Identification \_\_\_\_\_ ID Produced: \_\_\_\_\_



# OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I / WE Thomas P. Christenson and Jennifer L. Moore Christenson  
(print name of property owner(s))

hereby authorize: Phillip Smith  
(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.

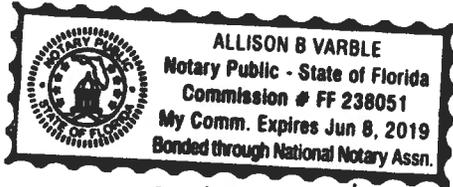
[Signature]  
(Signature of owner)

[Signature]  
(Signature of owner)

Thomas P. Christenson  
(Print name of owner)

Jennifer L. Moore Christenson  
(Print name of owner)

STATE OF FLORIDA }  
COUNTY OF NASSAU } SS



Subscribed and sworn to before me this 20<sup>th</sup> day of November, 2015.

[Signature]  
Notary Public: Signature

Allison B. Varble  
Printed Name

6/8/2019  
My Commission Expires

Personally Known X OR Produced Identification \_\_\_\_\_ ID Produced: \_\_\_\_\_

Prepared By and Return To:

Name: Patricia M. Katz  
Tyler A. Gold, P.A.  
1000 S. Pine Island Rd. #310  
Plantation, FL 33324

TG 10-6478  
Folio Number: 00-00-31-134B-0244-00B0

## Special Warranty Deed

THIS INDENTURE, made effective the 25<sup>th</sup> day of February, 2011, between DEUTSCHE BANK NATIONAL TRUST COMPANY AS TRUSTEE UNDER THE POOLING AND SERVICING AGREEMENT DATED AS OF NOVEMBER 1, 2005, GSAMP TRUST 2005-WMC2, whose address is: 4828 LOOP CENTRAL DRIVE, HOUSTON, TX 77081, hereinafter called the Grantor, and THOMAS P. CHRISTENSON and JENNIFER MOORE CHRISTENSON, husband and wife, hereinafter called the Grantee, whose address is: 528 B TARPON AVE., FERNANDINA ISLAND, FL 32034.

(Wherever used herein the terms "Grantor and Grantee" include the parties to this instrument and their heirs, legal representatives and assignees of individuals, and assigns of corporations)

**WITNESSETH:** the Grantor, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, receipt whereof is hereby acknowledged by these presents does grant, bargain and sell, alien, remise, release, convey and confirm unto the Grantee, all that certain land situate in Nassau County, Florida, viz:

### SEE ATTACHED EXHIBIT "A" LEGAL DESCRIPTION

**AKA: 528 B TARPON AVE., FERNANDINA ISLAND, FL 32034**

**Subject to: Restrictions, limitations, conditions, reservations, covenants and easements of Record, if any, all applicable zoning ordinances, and Taxes for the current year and all subsequent years.**

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple, that it has good right and lawful authority to sell and convey said land, that it hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under the said Grantor.

# MAP OF BOUNDARY SURVEY

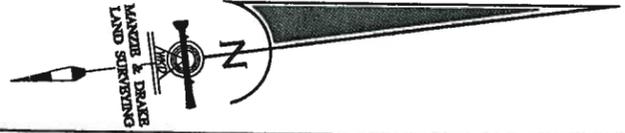
OFFICIAL RECORDS BOOK 1729, PAGES 1939 THROUGH 1941

LOT 244B, SECTION TWO, GEORGIA'S FERNANDINA BEACH:

THE NORTH 1/2 OF LOT 244, SECTION TWO, GEORGIA'S FERNANDINA BEACH (AN UNRECORDED SUBDIVISION), FERNANDINA BEACH, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

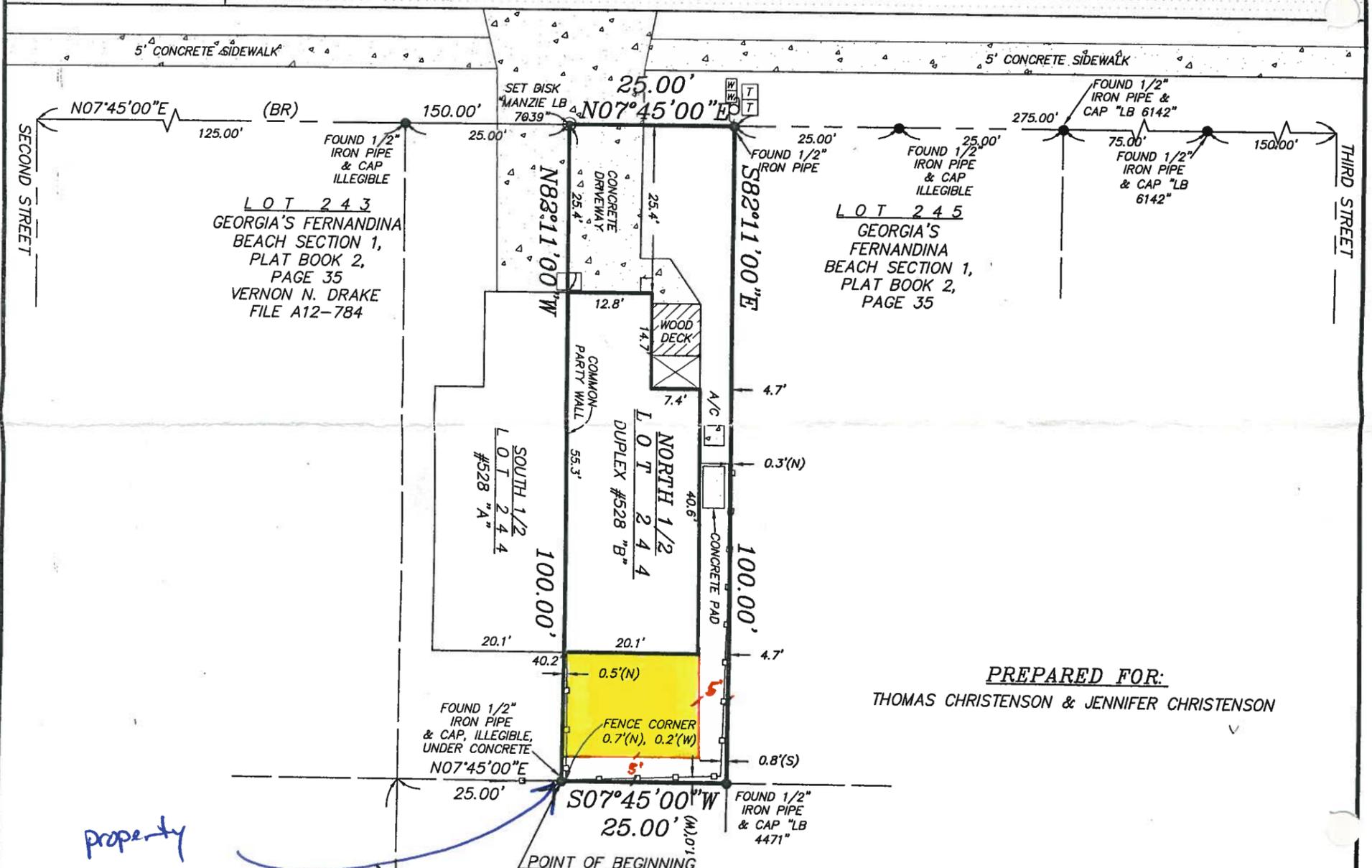
FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWESTERLY CORNER OF LOT 101, GEORGIA'S FERNANDINA BEACH, SECTION 1, FERNANDINA BEACH, NASSAU COUNTY, FLORIDA, ACCORDING TO PLAT RECORDED IN THE PUBLIC RECORDS OF THE AFORESAID COUNTY IN PLAT BOOK 2, PAGE 35 AND RUN NORTH 82 DEGREES 11 MINUTES 00 SECONDS WEST, ALONG A WESTERLY PROLONGATION OF THE SOUTHERLY LINE OF LOT 101, AFOREMENTIONED, A DISTANCE OF 250.0 FEET TO THE SOUTHEASTERLY CORNER OF LOT 244, AFOREMENTIONED; RUN THENCE NORTH 07 DEGREES 45 MINUTES 00 SECONDS EAST, ALONG THE EASTERLY LINE OF SAID LOT 244, A DISTANCE OF 25.0 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN NORTH 82 DEGREES 11 MINUTES 00 SECONDS WEST, PARALLEL WITH THE SOUTHERLY LINE OF SAID LOT 244, A DISTANCE OF 100.0 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF TARPON AVENUE (A 60 FOOT RIGHT-OF-WAY); RUN THENCE NORTH 07 DEGREES 45 MINUTES 00 SECONDS EAST, ALONG SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 25.0 FEET TO THE NORTHWESTERLY CORNER OF LOT 244, AFOREMENTIONED; RUN THENCE SOUTH 82 DEGREES 11 MINUTES 00 SECONDS EAST, ALONG THE NORTHERLY LINE OF SAID LOT 244, A DISTANCE OF 100.0 FEET TO THE NORTHEASTERLY CORNER OF LOT 244, AFORESAID; RUN THENCE SOUTH 07 DEGREES 45 MINUTES 00 SECONDS WEST, ALONG THE EASTERLY LINE OF SAID LOT 244, A DISTANCE OF 25.0 FEET TO THE POINT OF BEGINNING.



## TARPON AVENUE

60-FOOT RIGHT-OF-WAY



PREPARED FOR:

THOMAS CHRISTENSON & JENNIFER CHRISTENSON

*Property line in question*

### LEGEND

- A/C = AIR CONDITIONER
- AKA = ALSO KNOWN AS
- ⊕ = CENTERLINE
- ▨ = CONCRETE FLATWORK
- OHU— = OVERHEAD UTILITY WIRES
- ▩ = COVERED AREA
- ⊠ = TELEPHONE PEDESTAL
- ⊡ = WATER METER
- ▨ = WOOD FLATWORK

COPYRIGHT © 2015 BY MANZIE AND DRAKE LAND SURVEYING

LOT 207  
GEORGIA'S  
FERNANDINA BEACH  
SECTION 2  
UNRECORDED

POINT OF REFERENCE  
SOUTHWESTERLY CORNER LOT 101,  
GEORGIA'S FERNANDINA BEACH,  
SECTION 1, PLAT BOOK 2, PAGE 35

### SURVEY NOTES:

- 1) The "Legal Description" hereon is in accord with the description provided by the client.
- 2) Underground improvements were not located or shown.
- 3) Lands shown hereon were not abstracted by this office for easements, rights-of-way, ownership or other instruments of record.
- 4) Bearings shown hereon are based on N07°45'00"E for the Easterly right-of-way line of Tarpon Avenue. The bearing reference line is indicated as thus (BR).
- 5) "Unless it bears the signature and the original raised seal of a Florida licensed surveyor and mapper, this map/report is for informational purposes only and is not valid."
- 6) The property shown hereon lies within flood zone "X" as per F.E.M.A. Flood Insurance Rate Map, Panel 12089C 0241E, Dated 12/17/2010. Flood Zone information listed above and shown on this survey is provided as a courtesy and is approximate at best. All data should be verified by Nassau County Building Department for accuracy. We assume no liability for its accuracy. Flood Zone information is not covered by the certification hereon and is not required to be shown per Chapter 5J-17, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.
- 7) This survey is protected by copyright and is certified only to the entities listed and only for this particular transaction. Any use or reproduction of this survey without the express written permission of the surveyor is prohibited. Use of this survey in any subsequent transactions is expressly prohibited and is not authorized. The surveyor expressly disclaims any certification to any parties in future transactions. No entity other than those listed should rely upon this survey.

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

*Michael A. Manzie*

MICHAEL A. MANZIE, P.L.S. 4069

9/30/15

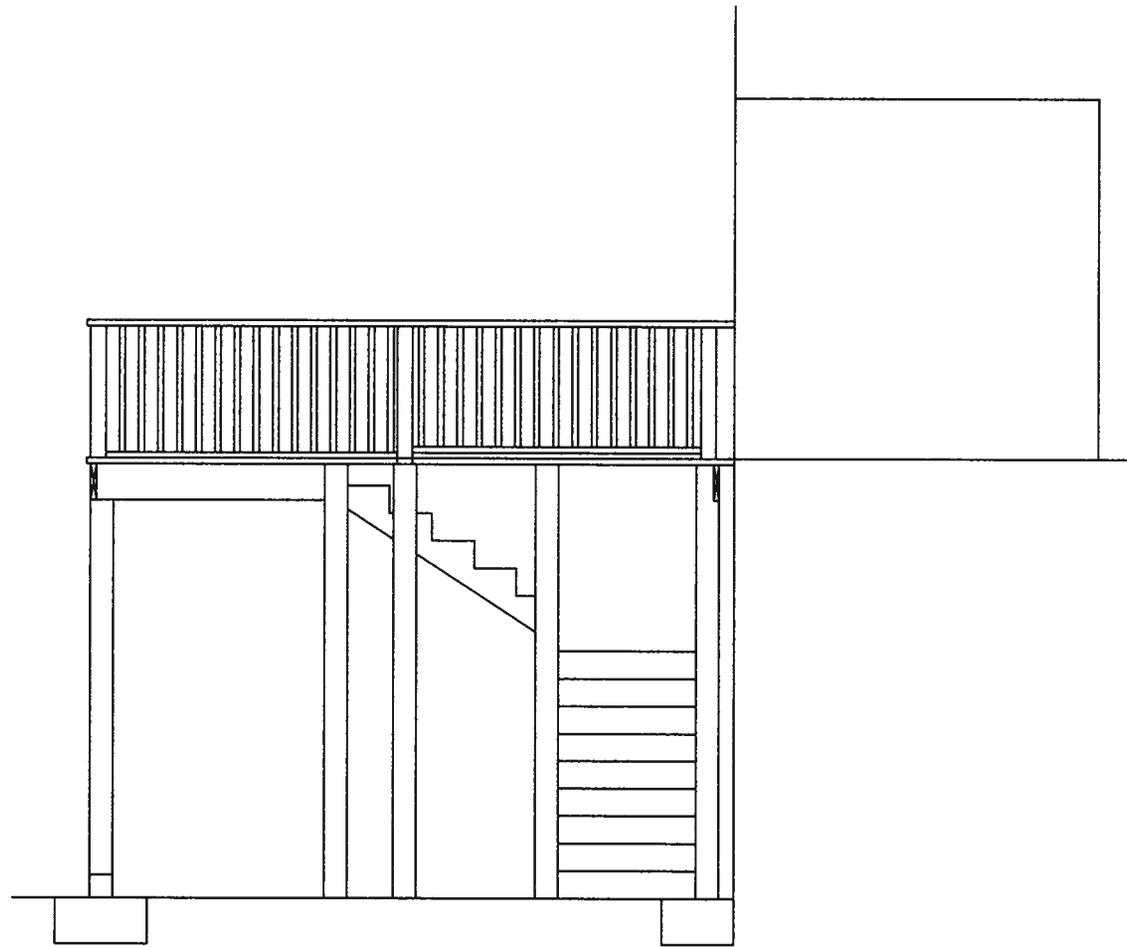
## MANZIE & DRAKE LAND SURVEYING

117 South Ninth Street, Fernandina Beach, FL 32034  
(904) 491-5700 FAX (904) 491-5777

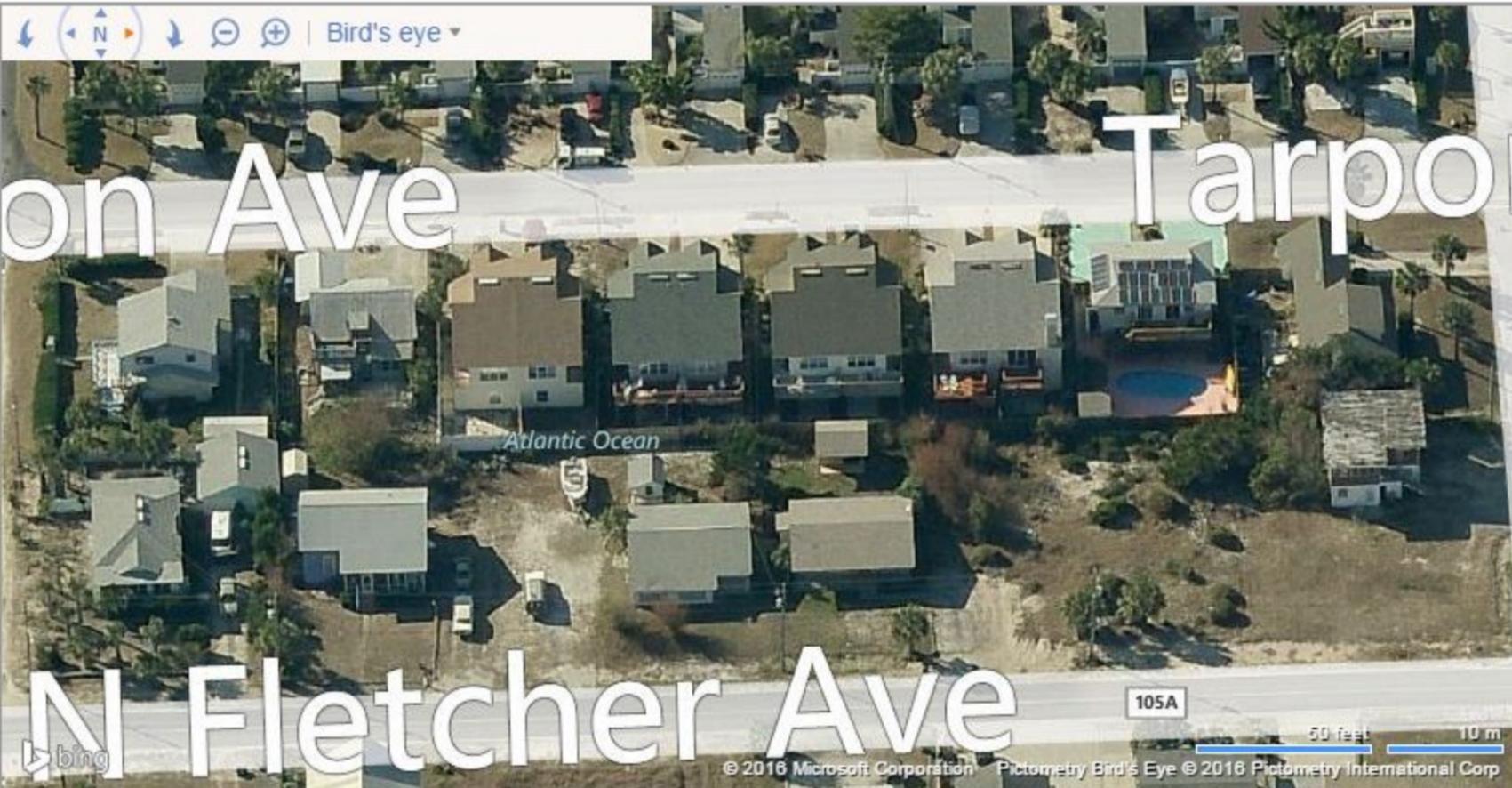
Certificate of Authorization Number "LB 7039"

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

SCALE: 1"=20' JOB NO: 19345 DATE: 09/28/15 CADD: BH  
F.B. NO: X-280 PAGE NO: 45 FIELD CREW: SS FILE NO: A-3921



NORTH ELEVATION



on Ave

Tarpol

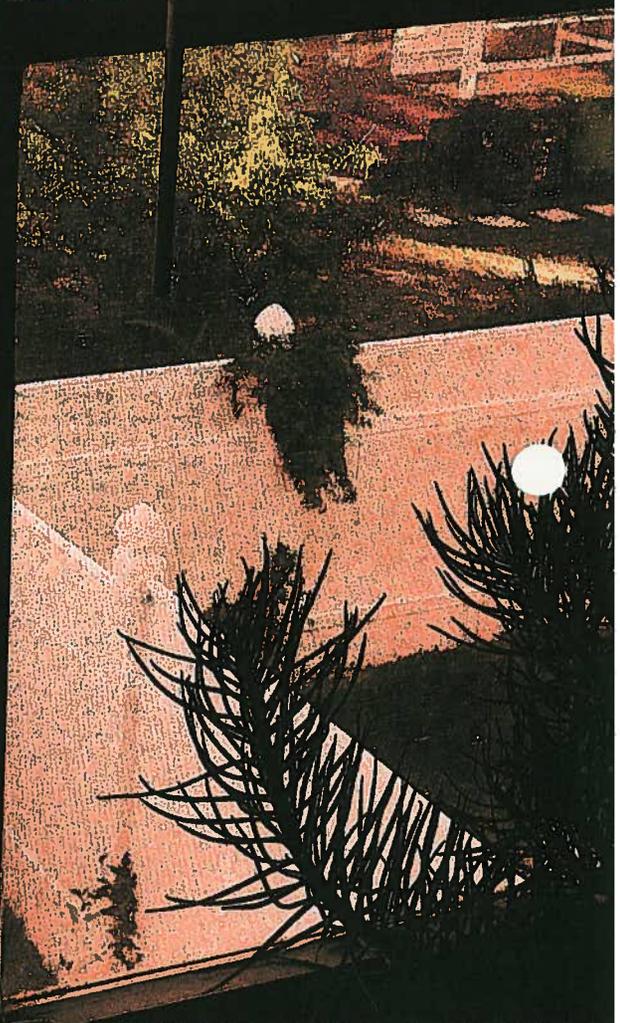
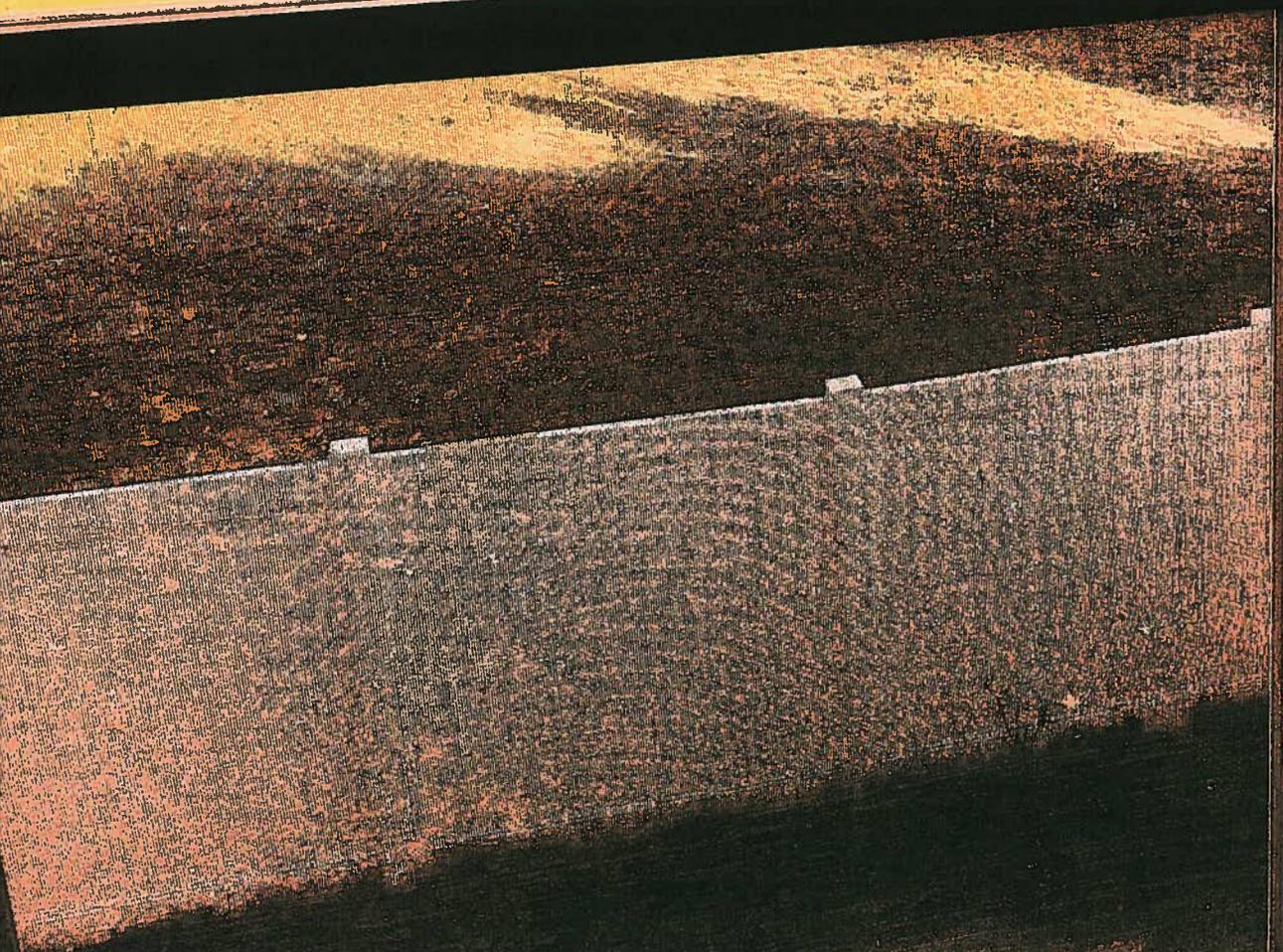
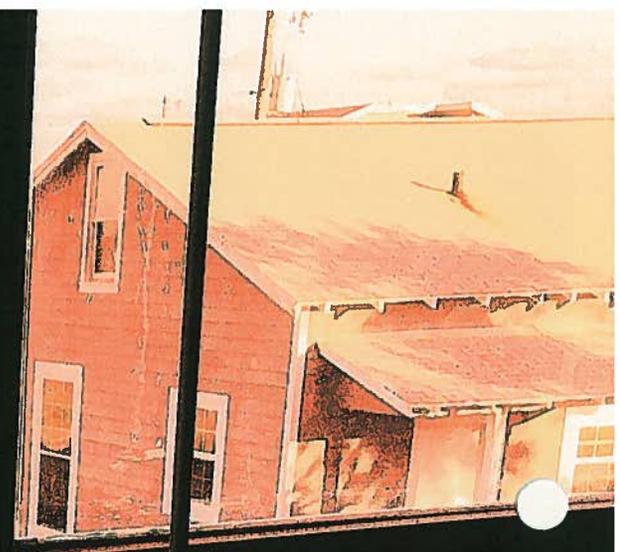
Atlantic Ocean

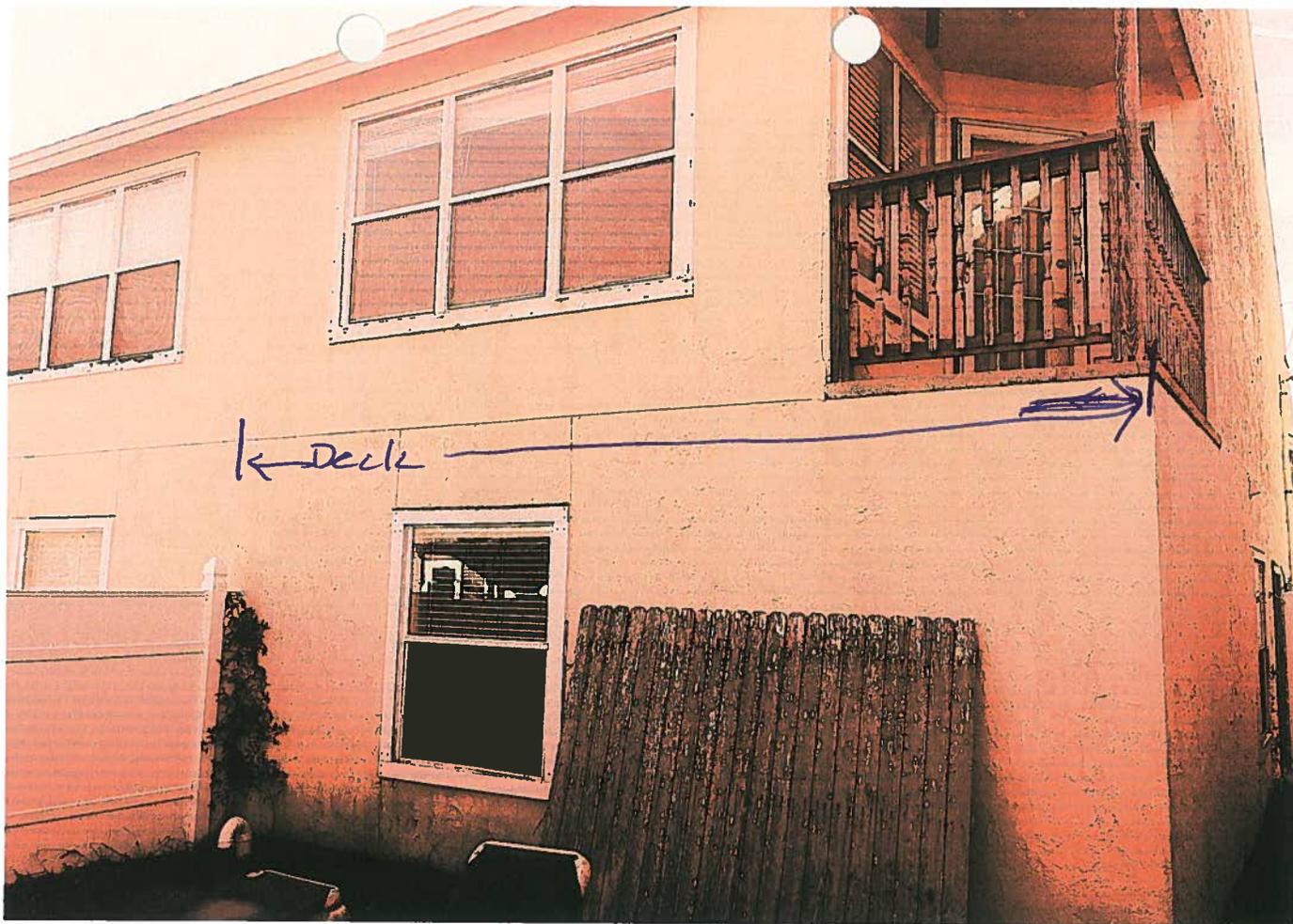
N Fletcher Ave

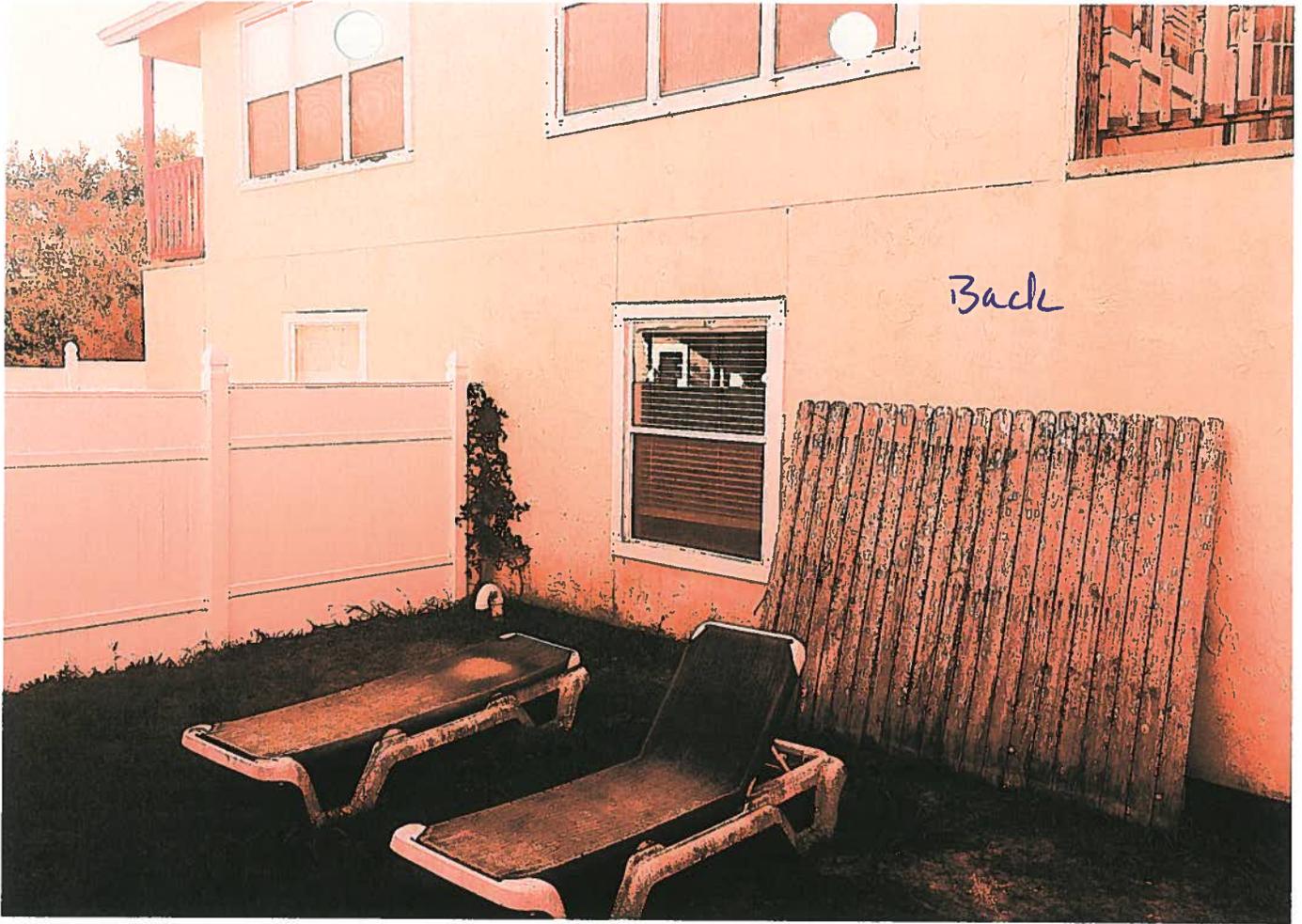
105A

50 feet 10 m











## BOARD OF ADJUSTMENT STAFF REPORT

**Case Number** 2016-06  
**Meeting Date** January 20<sup>th</sup> 2016

**Owner/Applicant** Charles & Christine Bagley / Charles Bagley Jr.  
**Property Location:** 1660 North Fletcher Avenue  
**Parcel Number:** 00-00-31-1401-008A-0020  
**Requested action:** VARIANCE from LDC Section 4.02.01(J) Design Standards for Lots

**Current zoning:** R-1  
**FLUM land use category:** Low Density Residential  
**Existing uses on the site:** Single Family Dwelling

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 minimum lot width requirement for an R-1 zoned parcel from 75 feet to 50 feet. The subject property is a 100 foot ocean front parcel. If the application for variance is approved the owner is going to apply for a minor subdivision to create two 50 foot lots. A minor subdivision is an administrative process that requires posting the property for ten days. The Cities Low Density Residential has a requirement of four units per acre. This requirement equates to a minimum of 10,890sq.ft. per one dwelling unit. A typical 100 foot by 100 foot R-1 zoned parcel would not be able to apply for variance and then apply for a minor subdivision because the two lots would not meet the minimum density requirement. In this case, because of the extra depth of the lot they have enough square footage to create two 50 foot lots and meet the density requirement. The existing structure on the Southerly 50 foot lot meets all of the setbacks as required based on the lot width and a height of 26.4 feet from grade, as verified by a licensed surveyor.

### 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><b>No. <u>Special conditions do not exist</u> as it relates to the land, structure, or features of the parcel. Lot two was platted as a 100 foot lot in the Interlachen-By-The-Sea Replat in 1982; as were all of the lots expect the irregular shape ones.</b></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><b>Yes. 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. Only R-1 zoned parcels platted prior to the effective date of the Land Development Code can less than 75 feet. However, there are numerous houses built on feet foot lot in the Interlachen-By-The-Sea Replat subdivision.</b></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><b>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 minimum lot width for lots platted after the effective date of the Land Development Code is 75 feet.</b></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><b>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 variance from the minimum lot width requirement. No variance is needed for the existing structure on the south half of the lot because it meets all setback requirements.</b></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><b>Yes. This request for a variance <u>is</u> in general harmony with the Land Development Code and Comprehensive Plan because granting the variance will preserve private property rights and allow the property owner to sell his property as others have in the subdivision.</b></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><b>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.</b></p>

**V. ANALYSIS:**

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

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

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 2016-06; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2016-06, 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

jplatt@fbfl.org

aburke@fbfl.org  
904.310.3135

**OFFICE USE ONLY**

REC'D: 12/21/15 BY: [Signature]

PAYMENT: \$ 650.00 TYPE: ck# 675

APPLICATION #: 2015-0001824

CASE #: BOA 2016-06

BOARD MEETING DATE: \_\_\_\_\_



**APPLICATION FOR VARIANCE FROM THE LDC**

**APPLICANT INFORMATION**

**Owner Name:** Charles Bagley and Christine Bagley

**Mailing Address:** P.O. Box 220, Alma GA, 31510

**Telephone:** 912-632-8917 **Fax:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Agent Name:** Charles Bagley Jr

**Mailing Address:** 894 Tilden St, Atlanta GA, 30318

**Telephone:** 404-550-0096 **Fax:** \_\_\_\_\_

**Email:** bagleyce@yahoo.com

**PROPERTY INFORMATION**

**Street Address:** 1660 Fletcher Avenue N, Fernandina Beach FL, 32043

**Parcel Identification Number(s):** 00-00-31-1401-008A-0020

**Lot Number:** 2 **Block Number:** 8A

**PROJECT INFORMATION**

**Variance(s) requested from LDC Section(s):** 4.02.01(J)

**Brief description of work proposed (use additional sheets if necessary):**  
We request a minor variance to subdivide the existing lot into 2 50 foot lots.

\_\_\_\_\_

\_\_\_\_\_

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

City of Fernandina Beach Community Development Department · 204 Ash Street Fernandina Beach, FL 32034

P: 904.310.3135 F: 904.310.3460 www.fbfl.us/cdd

Revised June 2015

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 existing house was built based on the 50 foot frontage zoning that existed in the 1970s. Recognizing that in the future the existing house and lot would be sold separately. Further in 1990s the house underwent a complete renovation be careful to stay within the existing limitations of the existing house so to insure the subdivision and sell of the house and lot could be sold separately.

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 purpose of the variance is to allow the applicants to sale the existing home that is build on the southern portion of the lot like other homeowner have done so in the past and will do so in the future. LDC 4.02.01(J) note 2 acknowledges that the norm of 50 foot frontage lots has existed in the area for many years. A high percentage of the houses located in in the area are built based up the 50 foot frontage zoning and setbacks.

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 applicants wish to be allowed to have the minimum variance so they can sell the house as all other homeowners with similarly situated have done and will do in the future. The only difference would be to penalize the applicants for not subdividing earlier.

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 will allow for the sell of the existing home which has been there for over 40 years. The northern portion will allow for the possible of a similar house to be build at some date in the future. The northern lot can easy support a house that follows all existing setbacks and code requirements.

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

The purpose of the LDC to protect the existing nature of the area. The purpose of this variance is to allow the continued use and enjoyment of the home that has existed there for over 40 years and the possible building of a new home that will be in keeping with the nature of the majority of area homes that have existed there almost as long.

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.  
The variance will allow for the possibility of a single residential home to be build on the northern portion of exiting lot.  
The area is zoned for that exact use. There are many single family homes on similar sized lots near 1660 N Fletcher Avenue

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.

1/7/16 Date Chad B... Signature of Applicant

*George*  
~~STATE OF FLORIDA~~  
*Fulton* <sup>SS</sup>  
~~COUNTY OF NASSAU~~

Subscribed and sworn to before me this 7<sup>th</sup> day of January, 2016.

[Signature] Notary Public: Signature Maria Cruz Printed Name 2-3-18 My Commission Expires

Personally Known  OR Produced Identification \_\_\_\_\_ ID Produced: \_\_\_\_\_





**OWNER'S AUTHORIZATION  
FOR AGENT REPRESENTATION**

I /WE Charles E Bagley and Christine Bagley  
(print name of property owner(s))

hereby authorize: Charles E Bagley Jr  
(print name of agent)

to represent me/us in processing an application for: \_\_\_\_\_  
(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.

Charles E. Bagley  
(Signature of owner)

Christine Bagley  
(Signature of owner)

Charles E. Bagley  
(Print name of owner)

Christine Bagley  
(Print name of owner)

Georgia  
STATE OF FLORIDA }  
BACON SS }  
COUNTY OF NASSAU }

Subscribed and sworn to before me this 15 day of December, 2015

Chandra L Jarrard  
Notary Public: Signature

Chandra L. Jarrard  
Printed Name



10-21-2019  
My Commission Expires

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_ ID Produced: \_\_\_\_\_

The applicants have owned the property since 1975. The present position and dimensions of the have remained the same since it was originally built.

They completely remodeled the house in 1996 and stayed within the existing "foot print" of the house due based on the zoning of 50 foot frontage width in order to be able sell the northern portion separately from the house if the applicants ever decided to do so.

The present lot is .49 acres. 230+ feet long and 100 feet wide. The overall square footage of the lot allows for a reasonable single family home that is keeping with the area homes. The proposed sub-division is illustrated in the attached survey.

The applicants want to be able to sell the house and the lot as many of the other home owners with homes built at the same time on 50 foot lots have been allowed to and will be allowed to in the future. The applicants presently have both the proposed southern and northern lots under contract dependent on the proposed approval of the variance.

**JOHN M. DREW, CFC****NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

NASSAU COUNTY TAX COLLECTOR

ACCOUNT NUMBER	TAX YEAR	TYPE	ALT KEY	MILLAGE CODE	ESCROW
00-00-31-1401-008A-0020	2015	REAL ESTATE	7596	002	

BAGLEY CHARLES MD & CHRISTINE  
 PO BOX 15459  
 FERNANDINA BEACH, FL 32035-3108

1660 FLETCHER N  
 BLOCK 8A LOT 2  
 IN OR 818 PG 875  
 INTERLACHEN-BY-THE-SEA-REPLA  
 See Additional Legal on Tax Roll

AD VALOREM TAXES					
TAXING AUTHORITY	MILLAGE RATE	ASSESSED VALUE	EXEMPTION AMOUNT	TAXABLE VALUE	TAXES LEVIED
BOARD OF COUNTY COMMISSIONERS					
GENERAL FUND (C100)	5.9768	506,806	50,000	456,806	2,730.24
TRANSPORTATION (C100)	0.5902	506,806	50,000	456,806	269.61
SCHOOL BOARD					
BASIC DISCRETIONARY (S200)	0.7480	506,806	25,000	481,806	360.39
CAPITAL OUTLAY (S200)	1.4000	506,806	25,000	481,806	674.53
SCHOOL BOARD LOCAL EFFORT	5.0050	506,806	25,000	481,806	2,411.44
ST JOHNS RIVER MGMT DIST	0.3023	506,806	50,000	456,806	138.09
FL INLAND NAVIGATION DIST	0.0320	506,806	50,000	456,806	14.62
MOSQUITO CONTROL DISTRICT	0.1472	506,806	50,000	456,806	67.24
CITY OF FERNANDINA BEACH					
FERNANDINA BEACH	6.1021	506,806	50,000	456,806	2,787.48
VOTER APPROVED DEBT	0.2023	506,806	50,000	456,806	92.41
<b>TOTAL MILLAGE</b>	<b>20.5059</b>			<b>AD VALOREM TAXES</b>	<b>\$9,546.05</b>

NON-AD VALOREM ASSESSMENTS		
LEVYING AUTHORITY	RATE	AMOUNT
<b>NON-AD VALOREM ASSESSMENTS</b>		<b>\$0.00</b>

<b>COMBINED TAXES AND ASSESSMENTS</b>					<b>\$9,546.05</b>
If Paid By	Dec 31, 2015				
Please Pay	\$0.00				

**JOHN M. DREW, CFC****NOTICE OF AD VALOREM TAXES AND NON-AD VALOREM ASSESSMENTS**

NASSAU COUNTY TAX COLLECTOR

ACCOUNT NUMBER	TAX YEAR	TYPE	ALT KEY	MILLAGE CODE	ESCROW
00-00-31-1401-008A-0020	2015	REAL ESTATE	7596	002	

BAGLEY CHARLES MD & CHRISTINE  
 PO BOX 15459  
 FERNANDINA BEACH, FL 32035-3108

1660 FLETCHER N  
 BLOCK 8A LOT 2  
 IN OR 818 PG 875  
 INTERLACHEN-BY-THE-SEA-REPLA  
 See Additional Legal on Tax Roll

PLEASE PAY IN U.S. FUNDS TO JOHN M. DREW, CFC TAX COLLECTOR -86130 LICENSE ROAD, FERNANDINA BEACH FL 32034, OR ONLINE AT WWW.NASSAUTAXES.COM

If Paid By	Dec 31, 2015				
Please Pay	\$0.00				

Paid 12/04/2015

Receipt # HSI-15-00029028 \$9,259.67 Paid By



RETURN WITH PAYMENT

# Coastal Land Surveyors

Boundary ▪ Subdivisions ▪ Topographic ▪ Construction

34 North 14th Street  
Fernandina Beach, FL 32034  
(904) 261-8950 Voice  
(904) 277-6650 Fax

MR. CHARLES BAGLEY  
1660 NORTH FLETCHER AVE.  
FERNANDINA BEACH, FLORIDA

DECEMBER 19, 2015

MR. BAGLEY,

AFTER COMPLETING THE ELEVATION SURVEY YOU REQUESTED AT YOUR RESIDENCE AT 1660 NORTH FLETCHER AVENUE I HAVE THE DETERMINED THE FOLLOWING:

- A. THE DISTANCE FROM THE LOWEST FINISHED FLOOR TO THE HIGHEST POINT OF THE ROOF IS 25.9 FEET.
- B. THE DISTANCE FROM THE AVERAGE NATURAL GRADE AROUND THE HOUSE TO THE HIGHEST POINT OF THE ROOF IS 26.4 FEET.

IF I CAN BE OF ANY FURTHER ASSISTANCE PLEASE CONTACT ME.

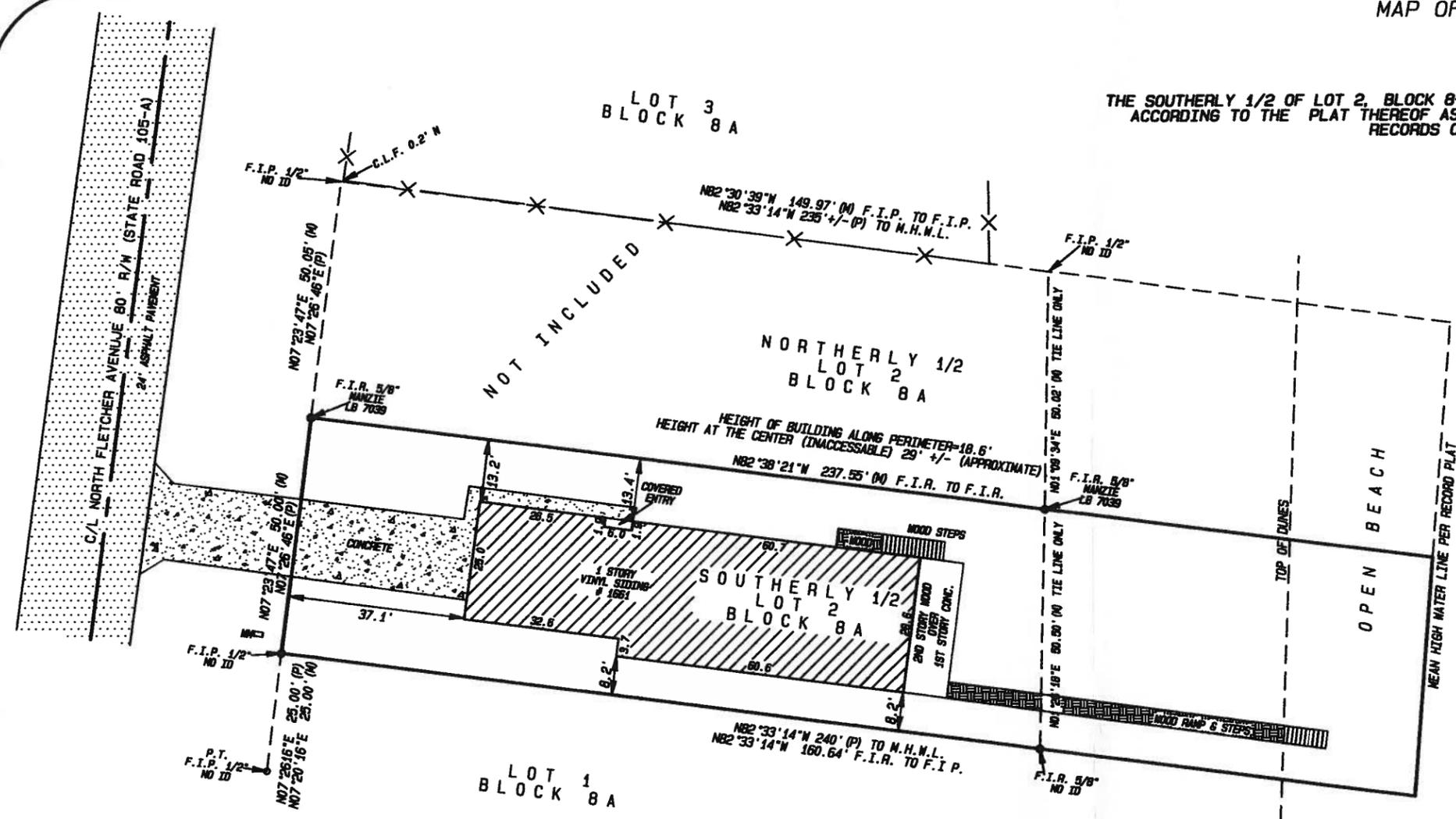
SINCERELY,  
JIM PEACOCK,  
FLORIDA PROFESSIONAL LAND SURVEYOR  
NO. 3718

*Jim Peacock*  
*PSM #3718*  
*12-19-15*

MAP OF BOUNDARY SURVEY  
OF

DESCRIPTION:

THE SOUTHERLY 1/2 OF LOT 2, BLOCK 8-A, REPLAT OF PORTIONS OF INTERLACHEN-BY-THE-SEAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4 PAGE 10, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA



SCALE: 1" = 30'

REVISED 12/11/2015 TO ADD HEIGHT OF BUILDING.

SURVEY NOTES:

- #1 BEARINGS ARE BASED ON PLAT WITH THE SOUTH LINE OF LOT 2, BLOCK 8-A, BEING N82°33'14"W.
- #2 UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED BY THIS SURVEY.
- #3 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP PANEL NO. 12089C 0233 F, EFFECTIVE 12/17/2010, THE PROPERTY DESCRIBED HEREON APPEARS TO LIE IN ZONE "AE".
- #4 THIS SURVEY PERFORMED WITHOUT BENEFIT OF AN ABSTRACT, TITLE SEARCH, TITLE OPINION OR TITLE INSURANCE.
- #5 DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF AND ARE PLAT AND MEASURED UNLESS SHOWN OTHERWISE.
- #6 ALL EASEMENTS ARE PER PLAT UNLESS SHOWN OTHERWISE.
- #7 THERE MAY BE ADDITIONAL RESTRICTIONS THAT APPLY WHICH ARE NOT SHOWN ON THIS SURVEY WHICH CAN BE FOUND IN PUBLIC RECORDS OF SAID COUNTY.
- #8 THIS SURVEY DOES NOT GUARANTEE OWNERSHIP.
- #9 TEMPORARY, NON-PERMANENT IMPROVEMENTS AND/OR MAN-MADE ITEMS SUCH AS, BUT NOT LIMITED TO THE FOLLOWING: BUILDING MATERIAL, STORAGE POOLS, PAVER BLOCKS, RUBBERMAID OR PLASTIC UTILITY BUILDINGS NOT ON FOUNDATIONS, VEHICLES ON BLOCKS MAY BE ON THIS PROPERTY BUT NOT LOCATED OR SHOWN.
- #10 LEGAL DESCRIPTION PROVIDED BY CLIENT.

THE SHORELINE AS SHOWN ON THIS MAP IS NOT A TITLE PROPERTY BOUNDARY LINE OR A D.E.P. REGULATION JURISDICTIONAL LINE AND WAS NOT LOCATED IN ACCORDANCE WITH PROCEDURES SPECIFIED IN THE ACT AND RULES OF CHAPTER 16-3, RULES OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF FLORIDA, AND WILL NOT BE USED AS REPRESENTED TO BE, OR BE ADMISSIBLE AS A TITLE PROPERTY BOUNDARY OR JURISDICTIONAL LINE BEFORE ANY ADMINISTRATIVE BODY OF COURT OF LAW.

CERTIFIED TO AND FOR THE EXCLUSIVE BENEFIT OF:  
**CHARLES BAGLEY**  
STREET ADDRESS:  
1660 NORTH FLETCHER AVE  
FERNANDINA BEACH, FL 32034

*[Signature]*  
CLYDE O. VAN KLEECK  
FLORIDA REGISTERED SURVEYOR AND MAPPER NO. 2546

NOT VALID WITHOUT THE SIGNATURE & THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT EXPRESS WRITTEN CONSENT OF THE SURVEYOR.

FILE NAME: \\FCLSSVR\TerraMode1 Jobs\JOBS\26000-26999\26264.prj

F.C.M. - FOUND CONCRETE MONUMENT	C.M. - CONCRETE MONUMENT	D - DEED	F/H - FIRE HYDRANT	OHE - OVERHEAD ELECTRIC
F.I.R.C. - FOUND IRON ROD AND CAP	P.T. - POINT OF TANGENCY	P.I. - POINT OF INTERSECTION	BVR - BURR VALVE	C.L.F. - CHAIN LINK FENCE
F.I.R. - FOUND IRON ROD	P.C. - POINT OF CURVATURE	A/C - AIR CONDITIONING UNIT	FB - FOUND	N.F. - NODD FENCE
F.I.P. - FOUND IRON PIPE	U.E. - UTILITY EASEMENT	R - RADIUS	(P) - PLAT	C.B. - CHORD BEARING
S.I.R.C. - SET IRON ROD AND CAP	D.E. - DRAINAGE EASEMENT	L - ARC LENGTH	EL - ELEVATION	WM - WATER METER
F.N&D - FOUND NAIL AND DISK	C & S - CURB & GUTTER	PB - PHONE BOX	CONC. - CONCRETE	WP - WOOD POLE
(M) - FIELD MEASUREMENT	R/W - RIGHT OF WAY	CB - CABLE BOX	ESMT - EASEMENT	C - CURVE
(C) - CALCULATED MEASUREMENT	C/L - CENTERLINE	EB - ELECTRIC BOX	COR - CORNER	LP - LIGHT POLE
6" M.F. - 6" METAL FENCE				
4" C.L.F. - 4" CHAIN LINK FENCE				

FIELD SURVEY DATE	
PLOT PLAN	
BOUNDARY	10/08/15
FORMBOARD	
FOUNDATION	
FINAL	

**FIRST COAST LAND SURVEYING, INC.**  
840-222 EDGEWOOD AVE SOUTH, JACKSONVILLE, FL 32205  
PHONE (904) 779-2062 FAX (904) 779-7784  
CERTIFICATE NO. LB 7261  
DADSURVEYOR@AOL.COM  
WWW.FIRSTCOASTLANDSURVEYING.COM

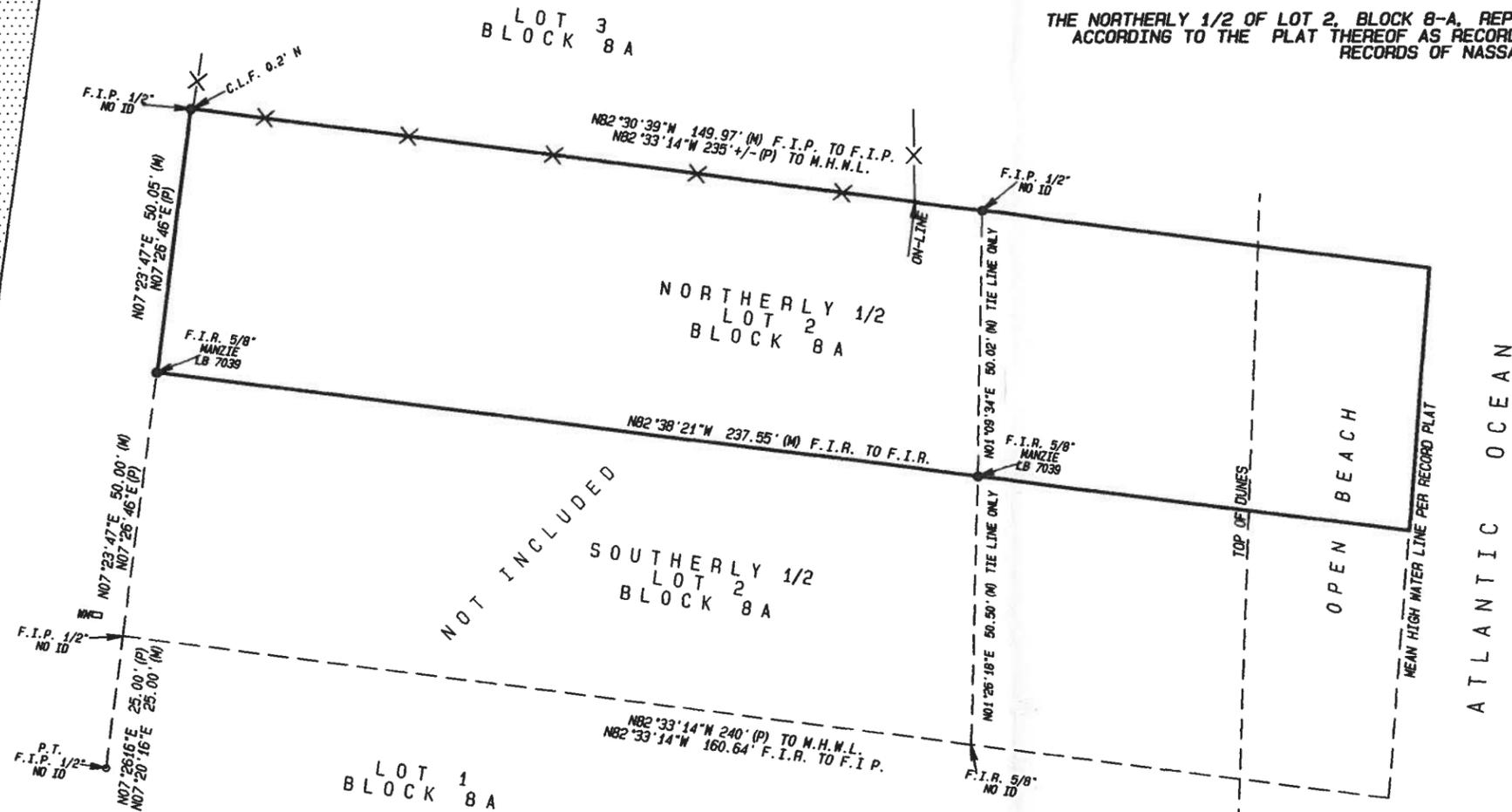
PROJECT INFORMATION
ORDER NO: 26264
DRAWN BY: VAN KLEECK
REVIEWED BY: TNP
CHECKED BY: VAN

FILE NAME: \\FCLSSVR\TerraModel\Jobs\26000-26999\26264A.prn

MAP OF BOUNDARY SURVEY  
OF

DESCRIPTION:

THE NORTHERLY 1/2 OF LOT 2, BLOCK 8-A, REPLAT OF PORTIONS OF INTERLACHEN-BY-THE-SEAM, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4 PAGE 10, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA



SCALE: 1" = 30'

SURVEY NOTES:

- #1 BEARINGS ARE BASED ON PLAT WITH THE SOUTH LINE OF LOT 2, BLOCK 8-A, BEING N82°33'14"W.
- #2 UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED BY THIS SURVEY.
- #3 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FIRM MAP PANEL NO. 12089C 0233 F, EFFECTIVE 12/17/2010, THE PROPERTY DESCRIBED HEREON APPEARS TO LIE IN ZONE "AE".
- #4 THIS SURVEY PERFORMED WITHOUT BENEFIT OF AN ABSTRACT, TITLE SEARCH, TITLE OPINION OR TITLE INSURANCE.
- #5 DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF AND ARE PLAT AND MEASURED UNLESS SHOWN OTHERWISE.
- #6 ALL EASEMENTS ARE PER PLAT UNLESS SHOWN OTHERWISE.
- #7 THERE MAY BE ADDITIONAL RESTRICTIONS THAT APPLY WHICH ARE NOT SHOWN ON THIS SURVEY WHICH CAN BE FOUND IN PUBLIC RECORDS OF SAID COUNTY.
- #8 THIS SURVEY DOES NOT GUARANTEE OWNERSHIP.
- #9 TEMPORARY, NON-PERMANENT IMPROVEMENTS AND/OR MAN-MADE ITEMS SUCH AS BUT NOT LIMITED TO THE FOLLOWING: BUILDING MATERIAL, STORAGE PODS, PAVEMENT BLOCKS, RUBBERMAID OR PLASTIC UTILITY BUILDINGS NOT ON FOUNDATIONS, VEHICLES ON BLOCKS MAY BE ON THIS PROPERTY BUT NOT LOCATED OR SHOWN.
- #10 LEGAL DESCRIPTION PROVIDED BY CLIENT.

THE SHORELINE AS SHOWN ON THIS MAP IS NOT A TITLE PROPERTY BOUNDARY LINE OR A D.E.P. REGULATION JURISDICTIONAL LINE AND WAS NOT LOCATED IN ACCORDANCE WITH PROCEDURES SPECIFIED IN THE ACT AND RULES OF CHAPTER 16-3, RULES OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF FLORIDA, AND WILL NOT BE USED AS, REPRESENTED TO BE, OR BE ADMISSIBLE AS A TITLE PROPERTY BOUNDARY OR JURISDICTIONAL LINE BEFORE ANY ADMINISTRATIVE BODY OF COURT OF LAW.

CERTIFIED TO AND FOR THE EXCLUSIVE BENEFIT OF:

CHARLES BAGLEY

STREET ADDRESS:

VACNAT LAND  
NORTH FLETCHER AVE  
FERNANDINA BEACH, FL 32034

CLYDE G. VAN KLEECK  
FLORIDA REGISTERED SURVEYOR AND MAPPER NO. 2546  
NOT VALID WITHOUT THE SIGNATURE & THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTICE OF LIABILITY: THIS SURVEY IS CERTIFIED TO THOSE INDIVIDUALS SHOWN ON THE FACE THEREOF. ANY OTHER USE, BENEFIT OR RELIANCE BY ANY OTHER PARTY IS STRICTLY PROHIBITED AND RESTRICTED. SURVEYOR IS RESPONSIBLE ONLY TO THOSE CERTIFIED AND HEREBY DISCLAIMS ANY OTHER LIABILITY AND HEREBY RESTRICTS THE RIGHTS OF ANY OTHER INDIVIDUAL OR FIRM TO USE THIS SURVEY, WITHOUT EXPRESS WRITTEN CONSENT OF THE SURVEYOR.

F.C.M. - FOUND CONCRETE MONUMENT  
F.I.R.C. - FOUND IRON ROD AND CAP  
F.I.R. - FOUND IRON ROD  
F.I.P. - FOUND IRON PIPE  
S.I.R.C. - SET IRON ROD AND CAP  
F.N&D - FOUND NAIL AND DISK  
(M) - FIELD MEASUREMENT  
(C) - CALCULATED MEASUREMENT  
6" M.F. - METAL FINISH  
4" C.L.F. - CENTERLINE

C.M. - CONCRETE MONUMENT  
P.T. - POINT OF TANGENCY  
P.C. - POINT OF CURVATURE  
U.E. - UTILITY EASEMENT  
D.E. - DRAINAGE EASEMENT  
C & G - CURB & GUTTER  
R/W - RIGHT OF WAY  
C/L - CENTERLINE

D - DEED  
P.I. - POINT OF INTERSECTION  
A/C - AIR CONDITIONING UNIT  
R - RADIUS  
L - ARC LENGTH  
PB - PHONE BOX  
CB - CABLE BOX  
EB - ELECTRIC BOX

F/H - FIRE HYDRANT  
B/V - BARRIER VALVE  
FND - FOUND  
(P) - PLAT  
EL - ELEVATION  
CONC - CONCRETE  
ESMT - EASEMENT  
COR - CORNER

OHE - OVERHEAD ELECTRIC  
C.L.F. - CHAIN LINK FENCE  
M.F. - WOOD FENCE  
C.B. - CHORD BEARING  
WM - WATER METER  
MP - MUD POLE  
C - CURVE  
LP - LIGHT POLE

FIELD SURVEY DATE

PLOT PLAN  
BOUNDARY 10/08/15  
FORMBOARD  
FOUNDATION  
FINAL

FIRST COAST LAND SURVEYING, INC.

840-222 EDGEWOOD AVE SOUTH, JACKSONVILLE, FL 32205  
PHONE (904) 779-2062 FAX (904) 779-7784  
CERTIFICATE NO. LB 7261  
DADSURVEYOR@AOL.COM  
WWW.FIRSTCOASTLANDSURVEYING.COM

PROJECT INFORMATION

ORDER NO: 26264A  
DRAWN BY: VAN KLEECK  
REVIEWED BY: TNP  
CHECKED BY: VAN

P.C.L.S.





2013 JAN 30 PM 12:25  
CITY CLERK'S OFFICE  
CITY OF FERNANDINA BEACH

**City of Fernandina Beach  
Advisory Board/Committee Application**

This application is intended to provide information that will enable the City Commission to select the most qualified Board/Committee members. Please complete all applicable sections and return the form along with your current résumé to the City Clerk's Office.

City of Fernandina Beach  
City Clerk's Office  
204 Ash Street  
Fernandina Beach, FL 32034  
904/277-7305  
904/277-7308 (Fax)

**Nominee Information:** (Please type or print)

Name BARRY HERTSLET  
Home Address: Street (Do not use P. O. Box) 2705 ROBERT OLIVER AVE  
City FERNANDINA BEACH FL Zip 32034  
Home Phone 904 491 0720 Email barry.hertslet@gmail.com

Please note that board materials are distributed electronically; please check if you require a paper copy:

Employer ATKINS, NA Position Title PROJECT DIRECTOR  
Business Address (Street) 1030 W. BOY SCOUT BLVD # 700  
City TAMPA, FL Zip 33607  
Business Phone 813 282 7275 Fax  Email

Preferred Mailing Address:  Residence  Business

How long have you lived in the City of Fernandina Beach? 13 YEARS

Select the board(s) you are applying for:

BOARD OF ADJUSTMENTS  
  
  
  
  
Other

Reset Form

Submit by Email

Print Form

Why are you interested in serving on this Board? Please explain.

COMMUNITY SERVICE. ALSO A MEMBER OF THE FERNANDINA BEACH POLICE AUXILIARY CORPS. IN 2010-2012 WAS OFFICE MANAGER OF STATE ATTY GEN'L PROJECT

Major Affiliations:

SENIORS VS. CRIME. WROTE COLUMN IN LOCAL NEWS-LEADER ON SCAMS.

List community, professional, or other applicable policy-making Boards on which you have served. Note the length of service and office held (if any):

EGAN'S LANDING HOMEOWNERS ASSOCIATION BOARD OF DIRECTORS (PRESIDENT, 2011-2013)

Qualifications:

Please list any specific qualifications, education or experience that would directly relate to the Board for which you are being recommended:

CURRENTLY A REGISTERED PROFESSIONAL ENGINEER IN TWO STATES & THE DISTRICT OF COLUMBIA.

List all (Board) related experience (Board, staff, volunteer, etc.):

NONE

Organization or Commissioner sponsoring nomination (if applicable):

NONE

Educational Background: (Check all that apply)

High School  AA  BS/A  MS/A  Ph.D.  J.D.

Other

Major areas of study:

CIVIL ENGINEERING, URBAN PLANNING, TRAFFIC

Other experience or skills that may be valuable to the Board:

EXCELLENT COMMUNICATION SKILLS ENGINEERING.

Attendance:

Are you willing to meet at least monthly for a Board meeting?  Yes  No

Are you generally available should a special meeting of the Board be necessary?  Yes  No

Do you understand the duties and responsibilities of the Board?  Yes  No

Signature

*[Handwritten Signature]*

Date

1-29-13

## **Barry S. Hertslet, PE**

### **Education:**

M.S., Civil Engineering, West Virginia University, 1969

B.S., Civil Engineering, Duke University, 1964

### **Professional Engineering Registrations:**

West Virginia, 5272 (1968)

Georgia, 10162 (1976)

District of Columbia, 6380 (1971)

Mr. Hertslet has over 40 years of extensive experience in managing highway, bridge and rail transit projects and has specialized in the design and construction management of major transit projects throughout the United States and Asia. He has held key executive-level positions throughout his career. Currently he is president of his homeowner's association and a volunteer with the Fernandina Beach Police auxiliary corps.

**Atkins, N.A.** Project director working from home on review of various proposals for rail project and construction management. Completed advanced maintenance of traffic course. (2010- Present).

**PBS&J, Norfolk, Virginia.** Construction manager responsible for construction of a new \$288 million light rail line through downtown Norfolk for the Hampton Roads Transit Agency (HRT). (2007-2009).

**Hatch Mott MacDonald, Pleasanton, California.** Assistant resident engineer responsible for assisting in the administration and construction management of a \$45 million construction contract for the Santa Clara Valley Transportation Authority (SCVTA). Construction included building a six-lane bridge over a major interstate freeway without interrupting traffic. (2004-2006) . Light Rail Expansion Program, San Jose, California. Resident engineer responsible for construction management of a \$17 million construction contract in downtown San Jose for SCTVA. Supervised inspection staff and managed contractor's schedule and construction of light rail line. Construction included bridges, retaining walls and track work. Also coordinated the work with the transit authority and the City of San Jose to minimize disruptions to businesses, vehicular traffic and rail operations during construction. (2002-2003).

**Metropolitan Transit Authority, Houston, Texas.** Transportation consultant hired by the President of Houston Metro to review and assess the operations of the Department of Planning, Engineering and Construction. Recommended organizational improvements and management changes as well as ways to mitigate the impact of light rail construction in the downtown Houston community. (2000)

**Taiwan High Speed Rail Project, Taipei, Taiwan.** Director of the Taiwan High Speed Rail Corporation responsible for review of bid documents, design/constructibility reviews and recommending the selection of design/build contractors on two of the ten civil works contracts for the 175-mile High Speed Rail project. Recommended award of two contracts that included 15 miles of aerial structures and a total value of over \$1 billion. (1998-1999)

**Commuter Rail Line, Altamont Commuter Express (ACE), Stockton, California.** Project manager responsible for design support and construction of six rail and bus/rail transit stations for a new commuter rail line between San Jose and Stockton. (1997-1998)

**Pasadena Gold Line, Pasadena, California.** Construction manager responsible for construction management of the \$1.1 billion, 14-mile light rail line. Supervised the construction of three major bridges, two new and one originally built in 1898 that was seismically and operationally retrofitted (added another track) to carry light rail trains. Also rebuilt six existing bridges along the 210-freeway corridor to carry two way light rail. (1994-1997)

**Heavy Rail Line, Metropolitan Atlanta Rapid Transit Authority (MARTA), Atlanta, Georgia.** Construction manager responsible for directing in-house construction management team on two new heavy rail extensions including bridges, cut/cover subway boxes, a mined tunnel and four rail stations. (1989-1993)

**Heavy Rail Line, MARTA, Atlanta, Georgia.** Area manager responsible for directing the construction of five miles of rail line including two rail stations. Also, project director for the \$14 million MARTA Headquarters Building project. (1980-1988)

**Heavy Rail Line, MARTA, Atlanta, Georgia.** Assistant director of construction responsible for supervising the consultant construction manager; project engineer responsible for preparation of bid documents for construction of a \$2 billion heavy rail system. (1973-1979)

**District of Columbia (DC) Subway, Washington Metropolitan Area Transit Authority (WMATA), Washington, DC.** Acting project manager for the contractor building the Union Station underground rail station. Project engineer for underpinning subcontractor on the first four rail contracts for the subway. (1970-1973).