



AGENDA
BOARD OF ADJUSTMENT
FEBRUARY 17, 2016
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER

2. ROLL CALL / DETERMINATION OF A QUORUM

3. APPROVAL OF MINUTES

3.1. REVIEW AND APPROVE THE JANUARY 20, 2016 MEETING MINUTES

Documents: [2016 01-20 BOA RM Minutes.pdf](#)

4. NEW BUSINESS

**4.1. BOA 2016-07, BRIGHT VISION INVESTMENTS LLC, NATURES GATE - LOT 8
VARIANCE from LDC Section 4.02.03(E) Front Yard Setback**

Documents: [Bright Vision Investments LLC BOA 2016-07.pdf](#)

**4.2. BOA 2016-08, BRIGHT VISION INVESTMENTS LLC, NATURES GATE - LOT 10
VARIANCE from LDC 3.03.03(B)(1) Wetland Buffer**

Documents: [Bright Vision Investments LLC BOA 2016-08.pdf](#)

5. BOARD BUSINESS

5.1. BOARD ELECTIONS

Chairperson and Vice-Chairperson

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

THE NEXT REGULAR BOARD OF ADJUSTMENT MEETING IS SCHEDULED FOR
WEDNESDAY, MARCH 16, 2016

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

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact the City Clerk at (904) 310-3115 or TTY/TDD 711 (for the hearing or speech impaired).

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter.

.....
please contact the Community Development Department (904) 310-3135. If any person decides to appeal any decision made by the Board of Adjustment with respect to any matter considered at such meeting s/he will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

MINUTES

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

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

Board Members Present

Charles Burns, Chair
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 due to the absence of Member Mock. City Attorney Bach briefly explained the quasi-judicial procedures. Recording Secretary Franklin administered the oath to the parties that were about to present testimony.

3.1 Approval of Minutes – The January 6, 2016 Minutes were presented for approval. **A motion was made by Member Williams, seconded by Member Dadd, to approve the Minutes. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4. **New Business**

Mr. Platt announced that the required application materials were received, all fees were paid, and notices were made for each of the cases.

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.

Mr. Platt reported this request was a variance from two sections of the code as outlined above. He explained Ms. Meyer was requesting a variance to build an 816 square foot accessory structure, but the property has two existing accessory structure. He pointed out this property is unique in that it is 3 acres. He stated the structure would have a bedroom and a bathroom, but it was not an accessory dwelling. He explained the owner wanted to preserve the dogtrot cracker vernacular style of the existing home that was built in 1900, and add a detached accessory structure connected with an open air breezeway to allow the owner to have additional space while maintaining the character of the primary structure. He stated it appears the applicant meets criteria 1, 4, 5, and 6 but not criteria 2 or 3 so staff had to recommend denial.

There were no ex parte communications to be disclosed by the board for this case. Member Spino inquired about the difference between an accessory structure and accessory dwelling. Mr. Platt clarified an accessory dwelling has to have everything you need for a dwelling unit (kitchen, bathroom, bedroom) and pointed out this structure does not have kitchen. Member Spino inquired about the other accessory structures. Mr. Platt replied there was a shed and a greenhouse.

Ms. Pam Meyer referred to photographs of the property and explained there are 3 acres and the majority of it is flood zone "X". She stated there is a small section towards the creek that is lower than she wouldn't consider building on. She presented a picture of the existing home, the utility structure, and the location of the garage with one bedroom and bathroom that would be attached with a breezeway. She commented since the utility building would be relocated she would like to have a painting studio on the other side of the driveway section. It was noted that Ms. Meyer bought this property a year ago. Ms. Meyer stated she would be adding on to the main house to get a second bedroom. Chair Burns inquired if there were any neighbors to the east. Ms. Meyer replied no. There was a brief discussion about this property.

Member Spino requested clarification from staff about the variances being requested. Mr. Platt replied there were two sections of code that Ms. Meyer was requesting a variance. He clarified one was for being over 625 square feet and the other was the total number of accessory structures. Member Miller inquired about the zoning of the property. Member Spino replied the staff report shows R-1. Member Williams commented this is a unique property. **A motion was made by Member Williams, seconded by Member Dadd, to approve BOA 2016-03; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2016-03 as presented is substantially compliant with the Comprehensive Plan and the Land Development Code to warrant approval at this time. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4.2. BOA 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.

There were no ex parte communications to be disclosed by the board for this case. Mr. Platt stated this is another unique property on the island and the requested variance was to install a second non-illuminated wall sign. He explained WestRock has the same non-illuminated wall sign on the east side of the facility. He pointed out the facility is a 214 acre campus with multiple buildings, multiple street frontages, and significant amount of waterfront. He stated the applicant was requesting this variance to identify itself to travelers on the waterway. He commented the proposed sign was smaller than actually allowed per the code. He stated the application appears to meet criteria 1, 4, 5, and 6 but does not meet 2 and 3 so staff had to recommend denial.

Mr. Mike Zaffaroni, sign representative, 1925 South 14th Street, presented pictures of an identical sign his business installed since the application was filed. He explained local tour boat operators contacted the mill that when they are traveling on the water they like to identify properties and local businesses and suggested putting a sign on one of the buildings that face the water. He stated when WestRock approached his business they understood that it was outside of the normal allowances of one wall sign, one awning sign, and one projecting sign. He pointed out a projecting sign like what you see on Centre Street is not a very practical type of sign for an industrial use. He stated WestRock chose to do non-illuminated signs so there would be no effect on wildlife or nearby properties. Member Williams inquired how big the letters were. Mr.

Zaffaroni replied the “W” was 6 feet tall and the lowercase letters are a little bit smaller. The sign would be 128 inches by 583 inches. There was a brief discussion about this sign that would be visible from the waterway.

Chair Burns questioned if the variance could be strictly limited to what was presented tonight and not be expanded beyond that. City Attorney Bach replied yes. Member Spino suggested including that in the motion as well. There was some discussion about the requested variance.

Mr. Colin Campbell, 600 North 8th Street, WestRock, stated what they are proposing does not go to any commercial boat traffic or water traffic that they have coming into the mill. Member Dadd questioned the purpose of the sign to be facing the waterfront. Mr. Campbell replied it was merely from the tour boat operators and WestRock was looking to do more outreach to bring them into the facility to help them understand what the mill does. He commented there is a sense of ownership and pride that goes along with having your name prominently out there on the building. Member Dadd inquired if tours are offered to the public on a regular basis. Mr. Campbell replied currently they do not, but they are working on that with the retiree group and other internal people. Mr. Zaffaroni commented that WestRock is a business that is involved in the community, and explained when installing the sign on the building the employees take a lot of pride seeing the name of their business up on the building. He stated the sign is a way to identify the structure, and the fact that WestRock does not want it to be illuminated was their attempt to take pride in the building in a non-offensive way.

A motion was made by Member Dadd, seconded by Member Williams, to deny BOA 2016-04; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2016-04 as presented is not substantially compliant with the Comprehensive Plan and the Land Development Code to warrant approval at this time. City Attorney Bach explained for a variance to be denied it requires a simple majority vote (3 members to vote yes to deny the variance), but if the motion does not pass then another motion can be made to approve which takes 4 votes to approve. **Vote upon passage of the motion was taken by ayes and nays and was as follows:**

Member Williams:	Aye
Member Miller:	Nay
Member Spino:	Nay
Member Dadd:	Aye
Chair Burns:	Aye

Motion carried.

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.

There were no ex parte communications to be disclosed by the board for this case. Mr. Platt provided an overview of this variance request to build a deck that meets the north and east setbacks, but on the common property line for the townhome they are seeking to build the deck to that property line. He stated it would be a non-covered open air second floor deck. He provided further clarification about the requested deck and showed the board an aerial of the property. It

was noted that a lot of the structures in the area are non-conforming structures. Mr. Platt explained the code allows someone to remove and replace a deck even if it is an existing non-conforming deck. He stated the request appears to meet criteria 2, 3, 5, and 6 but does not meet criteria 1 and 4 so staff had to recommend denial. Member Miller inquired if what the applicant was asking for was what their neighbors already have. Mr. Platt replied according to the aerial photo it looks like it.

Mr. Phillip Smith, contractor, 1324 South 14th Street, explained when he spoke with Ms. Gibson he was told the code was not written for duplexes it was written for single-family homes. He commented it seemed silly they couldn't use the full amount of Mr. Christenson's backyard to build this deck like his neighbor's. He stated they could follow the setback, but that would limit the size of the deck. Member Spino inquired if the neighbor's deck was built to the property line. Mr. Smith replied yes.

Mr. George Venieris, 438 Tarpon Avenue, stated his house is to the north of this property. He commented the southern part of the townhome wanted to put a similar deck there, and they did so without obtaining a variance. He stated they obtained a building permit, and now the northern part of the townhome wants to do the same thing. He explained the way the City code was written it doesn't limit the height of the decks. He commented if they build to the height limit and add a railing that would take away not only his views, but also his view of the sun. He expressed his opinion that the construction of the deck would completely take the sun away from him. There was some discussion about Mr. Venieris concern that the applicant could build a 35 foot uncovered deck, and it was noted a three story structure could build a uncovered open air balcony that encroaches into the require side and rear yard setbacks.

Member Spino referred to precedent and questioned the City Attorney that what happened before in this neighborhood should not impact his decision because that would be precedent. City Attorney Bach clarified if someone says their neighbor got the same variance so they should get a variance and that is a precedent, but that does not apply here. She stated you can look at the character of the neighborhood that have the same features on the property and that can be taken into consideration. She provided further clarification about precedent and what can be considered. Member Miller commented in the application the deck drawing appears to be 8-9 feet tall. Mr. Platt stated the drawings show it as a second story deck. It was noted the variance was limited to what was presented to the board. There was further discussion about the proposed variance, and if approved it was for the plan that was submitted as part of the application to be built within the 5 foot setback.

Mr. Venieris provided further comments and expressed his concern about setting a precedent. It was explained that this board considers each case on its own, and it was not bound by precedent. **A motion was made by Member Spino, seconded by Member Dadd, to approve BOA 2016-05; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2016-05 as presented is substantially compliant with the Comprehensive Plan and the Land Development Code to warrant approval at this time based on a single story deck structure (second floor deck).** After a brief discussion about the 5 foot setback, **vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4.4. BOA 2016-06, BAGLEY, 1660 N. FLETCHER AVE. - Variance from LDC Section 4.02.01(J) Design Standards for Lots

There were no ex parte communications to be disclosed by the board for this case. Mr. Platt explained this was a R-1 zoned property with an existing single-family home. He commented first they talked to Mr. Bagley about doing a minor subdivision, and R-1 has a minimum 75 foot lot width requirement and a maximum density of 4 units per acre. He stated this variance was to reduce the minimum lot width to 50 feet so that Mr. Bagley can apply for a minor subdivision with two 50 foot lots. He pointed out both lots would be conforming to density. He explained these properties on the beach are much longer so that makes up the square footage needed to meet the density requirement. He stated since there is an existing structure on the site that structure has to meet all setback requirements, and the survey demonstrates that the structure meets all the setback requirements. He pointed out the height of the structure was 26.4 feet, which requires an additional foot on the five foot setback. He explained the applicant appears to meet criteria 4, 5, and 6 but does not meet criteria 1, 2, and 3 so staff had to recommend denial.

Member Dadd referred to the minor subdivision and inquired if that was subdividing so it would be two lots – 50 by 100 each. Mr. Platt replied the minor subdivision is an administrative process to create two lots. Member Dadd questioned how many dwellings can be on each lot. Mr. Platt replied R-1 only allows for one single-family dwelling per lot. There was a review of the area from the Property Appraiser's website noting there were a variety of lot sizes in the area. It was noted this area was platted as 100 foot lots with a few irregular shaped lots. Mr. Platt commented many of the 50 foot lots have homes on them. There was a brief discussion about this case.

Mr. Charles Bagley Jr., 984 Tilden Street, Atlanta Georgia, stated his parents have reached an age where they can't live there. He explained his parents need to liquidate the house and move on. He commented the nature of the neighborhood is 50 foot. He pointed out the lot is 100 by 235 feet and they were requesting to make two lots. He stated the house was already potentially sold, and the lot probably was as well if it can be subdivided. He referred to the map and stated that 1737 North Fletcher is a 50 foot lot; 1729 North Fletcher is a 50 foot lot; and 1727 North Fletcher was also a 50 foot lot. He commented the nature of the transactions in the neighborhood are 50 foot lots. Mr. Platt explained the only reason Mr. Bagley was before the board for this minor subdivision was that the two lots that would be created would be 50 feet wide and the minimum lot width is 75 feet. He pointed out if Mr. Bagley didn't meet the density requirement he couldn't apply for this variance, but with the larger lot it allows Mr. Bagley to make this request. Mr. Bagley briefly explained that the house was built in the 1970's and the builder built it like it was a 50 foot lot because it appears that everyone had the plan that the lots would be subdivided at some point. There was a brief discussion about this request and Mr. Bagley pointed out he hasn't had any push back from any of the neighbors about this.

Ms. Tammy Weigel, 125 Creekview Circle, Dublin Georgia, 1546 Lisa Avenue (2nd home), explained they wanted to move into the house and as they were about to close on the house they found out they would have to get a variance.

Recording Secretary Franklin administered the oath to the party that was about to present testimony. Ms. Gloria Youngblood, 1732 North Fletcher Avenue, explained she also has a 100 foot wide lot. She commented her lot, his lot, and another lot were only built on half the property. She stated she thought the idea back then was that people in the future would subdivide the property to sell the other half. She commented when they purchased the property back in

1989 there were two signs (one in front of the house and one on the empty lot). She noted the rules have changed where the lots have to be 75 feet wide, and explained when they remodeled their home part of the roof line hangs over the property line in the back. She expressed her support of the requested variance.

Recording Secretary Franklin administered the oath to the party that was about to present testimony. Mr. Paul Clark Jr., 1742 North Fletcher Avenue, stated he lives on a 50 foot lot that he has had since 1961 and he had no problem with what Mr. Bagley was trying to do.

After a brief discussion, **a motion was made by Member Williams, seconded by Member Miller, to approve BOA 2016-06; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2016-06 as presented is substantially compliant with the Comprehensive Plan and the Land Development Code to warrant approval at this time. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

5. Board Business – Mr. Platt reminded the board members there was a vacancy on the board, and explained that Mr. Barry Hertslet submitted an application for consideration. Chair Burns commented that he was previously on the board. It was noted the board has the option to make a recommendation, but the board declined to make comment.

Mr. Platt reported that next month there were at least two cases (February 17th).

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

7. Adjournment - There being no further business to come before the Board of Adjustment the meeting was adjourned 6:36 pm.

Brad Franklin, Secretary

Charles Burns, Chair



BOARD OF ADJUSTMENT STAFF REPORT

Meeting Date February 17, 2016
Owner/Applicant Bright Vision Investments, LLC / Gulfstream Design Group, LLC
Property Location: Natures Gate Subdivision – Lot 8
Parcel Number: 00-00-31-147G-0008-0000
Requested action: Variance from LDC Section 4.02.03(E) Standards for Building Heights and Setbacks
Current zoning: R-1
FLUM land use category: Low Density Residential
Existing uses on the site: Vacant

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 front yard setback requirement by twenty feet. The Natures Gate plat¹ requires a twenty-five foot front yard setback; this variance would reduce that setback requirement to five feet from the property line. Lot 8 is a platted lot of record. Wetlands are present in the rear portion of the property. Due to the location and presence of wetlands on lot 8, the applicant seeks a reduction in the front yard setback in order to avoid wetland and wetland buffer impacts.

On May 26, 1988, Permit 42-089-43768-1² was issued by St. Johns River Water Management District (SJRWMD) for the development of a single family residential subdivision, known as “Natures Gate.” To avoid impacts to District regulated wetlands, several lots were not included in the permitted project development unless a modification to the permit was requested and issued by the District. Since the lots were not to be developed, stormwater treatment was not provided in this area. Lots 8, 9, and 10 were included in the list of undeveloped lots.

In 1995 a Conservation Easement Deed was recorded in the Official Records of Nassau County³. This easement was placed on lots 3, 8, 9, 10, 21, and 22 as part of the restitution for multiple violations found by the Florida Department of Environmental Regulation (Currently known as the Florida Department of Environmental Protection (FDEP)) within the development. Ownership of lots 8, 9 and 10 was retained by the original developer until the property taxes fell delinquent and were subsequently sold by the County in a Tax Deed Sale to Bright Vision Investments, LLC in 2013. After purchasing lots 8, 9, and 10, the applicant purchased property in a property at the Longleaf Mitigation Bank located in southwest Nassau County to offset impacts anticipated from the development of these lots. Following the purchase of mitigation lands, FDEP released the conservation easement on lots 8, 9 and 10.

On December 23, 2015 the St. Johns Water Management District issued *Permit Number 43768-4 for Natures Gate Subdivision, lots 8, 9 and 10*. This permit authorized construction of a stormwater management system on lots 8 and 10. Stormwater is to be collected in roof and area drains, conveyed through underground pipes and discharged in one of two underground vault systems. When the vaults reach treatment volume capacity, pumps will engage to provide irrigation to wetland buffers and the yard portions of the three lots. Ownership of Lot 9 will be tied to lot 8 and will never be built on. It will serve as a drainage easement.

¹ Natures Gate Subdivision Plat 1988-1989 (Exhibit A)

² St. Johns River Water Management District *Individual Environmental Resource Permit Technical Staff Report, Application # 43768-4; “Permitting History”* (Exhibit B)

³ Conservation Easement Deed (Exhibit C)



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:
 1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
 2. A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
 3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.
 4. A variance shall not change the requirements for concurrency.
 5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
 6. A variance shall not be granted if the evidence submitted by an applicant is a demonstration of financial hardship or economic considerations.
 7. A variance shall not be granted for procedure or process components of this Land Development Code.
 8. A variance shall not be granted to deviate from LDC section 4.02.02 to combine two (2) or more lots which would result in a lot width greater than 100 feet for lots or parcels that abut Ocean Avenue, North Fletcher Avenue, or South Fletcher Avenue.

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



IV. SECTION 10.02.02(A) – REQUIRED FINDINGS FOR GRANTING OF A VARIANCE

In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to each of the following provisions:

**Consistent
with
Criteria?**

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

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>1. <u>Special Conditions</u>: <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i></p> <p>Yes. Special conditions <u>do</u> 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. Lot 8 is a platted lot of record even though it was not part of the original FDER permit issued on May 26, 1988. Since the lots were not to be developed, stormwater treatment was not accounted for on lot 8. The applicant was granted a permit from SJWMD for stormwater treatment on December 23, 2015. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development cost.</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>2. <u>Special Privilege</u>: <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i></p> <p>No. Granting the variance <u>does confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. The Natures Gate Subdivision plat requires a twenty-five foot front yard setback from the property line. Properties within this subdivision have been constructed as consistent with the plat requirement.</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>Yes. Literal interpretation of the Land Development Code <u>would deprive</u> the applicant of rights enjoyed by others because the building envelope for this lot would not be sufficient to support a single family home and avoid wetland buffer impacts. The applicant's request to bring the structure closer to the property line is a result of existing wetlands on the back portion of the lot. The applicant is required to meet wetland buffer setbacks as set forth in LDC Section 3.03.03 (B)(1).</p>



<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>4. <u>Minimum Variance</u>: <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i></p> <p>Yes. This <u>is the minimum variance</u> needed that will make possible the reasonable use of the land, structure, or building. The applicant is only requesting a variance from the front yard setback requirement. No other variance is required. The applicant's request seeks to avoid development within the City's established wetland buffer of 25 feet (LDC Section 3.03.03 (B)(1)).</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<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>No. This request for a variance <u>is not</u> in general harmony with the Land Development Code because granting a five foot front yard setback will be substantially different from the existing homes in the subdivision and inconsistent with the Natures Gate plat.</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<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>No. Granting of a variance <u>is not</u> compatible with nearby development; a new single family home with a five foot front yard setback will not align with the character of the surrounding properties. However, the property owner was granted a permit from the St. Johns Water Management District which found that the applicant had demonstrated by calculations that the proposed project does not cause adverse offsite impacts for the 25year/24 hour storm event.</p>

V. ANALYSIS:

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

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

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



BOA 2016-07
Natures Gate Subdivision - Lot 8
February 9, 2016

Page 5 of 5

VI. MOTION TO CONSIDER:

I move to approve or deny BOA case number 2016-07; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2016-07, item, as presented, is or is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

A handwritten signature in blue ink, appearing to read "J. Platt", is written over a horizontal line.

Jacob M. Platt, Planner I
Community Development Department

EXHIBIT A

Nature's Gate

LOTS 24, 25, 26 AND 27, AND PART OF KELP STREET AS SHOWN ON MAP OF CITRONA (UNPLATTED) LYING IN SEC. 15 & 27, TOWNSHIP 3 NORTH, RANGE 28 EAST, FERNANDINA BEACH, NASSAU COUNTY, FLORIDA.

CAPTION

A portion of Sections 15 and 27, Township 3 North, Range 28 East, Nassau County, Florida, and being ALL OF CITRONA LOTS 24, 25, 26 and 27, and a portion of Kelp Street, Fernandina Beach, Florida, as shown on the official map 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), TOGETHER WITH ALL THAT PART OF Citrona Drive (Shell Avenue), Fernandina Beach, Florida, recorded in Official Records Book 409, Page 620, conveyed by Nassau County, to Egmont Investment Company, public records of Nassau County, Florida, being more particularly described as follows: For the Point of Beginning commence at the intersection of the east line of Range Line Twenty-eight (28) East and the southerly right-of-way of Jasmine Street and run thence North 82° 38' 47" West along the said southerly right-of-way of Jasmine Street, a distance of 941.22 feet to the intersection of the said southerly right-of-way of Jasmine Street with the easterly right-of-way of Will Hardee Road (also known as Citrona Street); run thence South 08° 25' 52" West along the easterly right-of-way of Will Hardee Road, a distance of 860.57 feet to the intersection of the easterly right-of-way of Will Hardee Road, and the northerly right-of-way of Lime Street; run thence South 82° 36' 01" East along the northerly right-of-way of Lime Street, a distance of 1,082.31 feet to the intersection of the northerly right-of-way of Lime Street and the previously mentioned east line of Range Line Twenty-eight (28) East; run thence North 00° 53' 55" West along said east line of Range Line Twenty-eight (28) East, a distance of 870.28 feet to the Point of Beginning.

The above described lands contain 19.997 acres, more or less. Density - 255 Lots per Acre

CLERK'S CERTIFICATE

This is to certify that this plat has been approved by the City Commission of Fernandina Beach, Florida, submitted to me for recording and is recorded in Plat Book 5, Page 200 of the public records of Nassau County, Florida, this 30th day of April, A.D., 1988.

Attest: Karen Hyers, Jr. City Clerk

APPROVED FOR RECORD

This is to certify that this plat has been approved by the City Manager of the City of Fernandina Beach, Nassau County, Florida. Witness by signature this 12th day of April, A.D., 1988.

By: Francis R. Jones, City Manager

APPROVED FOR RECORD

This plat has been examined and is hereby accepted and approved by the City Commission of Fernandina Beach, Nassau County, Florida, pursuant to a resolution of said commission adopted this 1st day of March, A.D., 1988.

By: Ronnie Soy, Mayor; Attest: Vicki P. Wigate, City Clerk

SURVEYOR'S CERTIFICATE

This is to certify that the above plat is a true and correct representation of the lands surveyed, platted and described in the caption, that the survey was made under the undersigned's responsible direction and supervision, that the survey data complies with all requirements of Florida Statutes, Chapter 177, that the survey and legal description are accurate and permanent reference monuments have been placed and permanent control points will be placed according to the laws of the State of Florida and the City of Fernandina Beach, Nassau County, Florida.

Signed this 12th day of APRIL, A.D., 1988.

RICHARD P. CLARSON & ASSOCIATES, INC. 1683 Naldo Avenue Jacksonville, Florida

Jose A. Hill, Registered Land Surveyor No. 2361 State of Florida

Affidavit to error in plat recorded in CL 064 p. 416 # 8902588 3-1-89. J.G. Breason/K.H.

ADOPTION AND DEDICATION

This is to certify that the undersigned, Trevett Homes, Inc., is the lawful owner of the lands described in the caption hereon known as Nature's Gate, and it has caused the same to be surveyed and subdivided, and that this plat, made in accordance with said survey, is hereby adopted as the true and correct plat of said land, and that the roads and easements are dedicated to the use of the public.

In witness whereof, that Trevett Homes, Inc., has caused these presents to be signed by its President, by and with the authority of its Board of Directors, in its name and with its corporate seal affixed.

Michael W. Smith, Witness

Harry R. Trevett, President

TREVETT HOMES, INC.

STATE OF FLORIDA COUNTY OF DUVAL

This is to certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Harry R. Trevett, President of Trevett Homes, Inc. A Corporation under the laws of the State of Florida, to me well known to be the person described in and who executed the foregoing dedication and who severally acknowledged before me that he executed the same freely and voluntarily as the act and deed of said Corporation, with the official seal of said Corporation affixed thereto.

Witness my hand and official seal in said State and County this 31st day of March, A.D., 1988.

Clifford Winton, Notary Public, State of Florida at Large My Commission Expires 4/15/92

DEDICATION FOR MORTGAGEE:

This is to certify that AMERICAN NATIONAL BANK OF JACKSONVILLE being the Mortgagee of the lands described in the foregoing caption of this plat, does hereby join in and make itself a party to the dedication of said lands and plat for the uses and purposes therein expressed, and dedicate all roads and easements shown on this plat, to be public.

In witness whereof, AMERICAN NATIONAL BANK OF JACKSONVILLE has caused these presents to be signed by its VP and President and with the authority of its Board of Directors, in its name, and with its Corporate Seal affixed this 31st day of March, A.D., 1988.

Michael W. Smith, Witness

Stephen C. Madson, Vice President

AMERICAN NATIONAL BANK OF JACKSONVILLE

STATE OF FLORIDA COUNTY OF DUVAL

This is to certify that on this day personally appeared before me, an officer duly authorized to administer oaths and take acknowledgements, Stephen C. Madson of American National Bank of Jacksonville, corporation under the laws of the State of Florida, to me well known to be the person described in and who executed the foregoing dedication and who severally acknowledged before me that he executed the same freely and voluntarily as the act and deed of said corporation, with the official seal of said corporation affixed thereto.

Witness my hand and official seal in said State and County this 31st day of March, A.D., 1988.

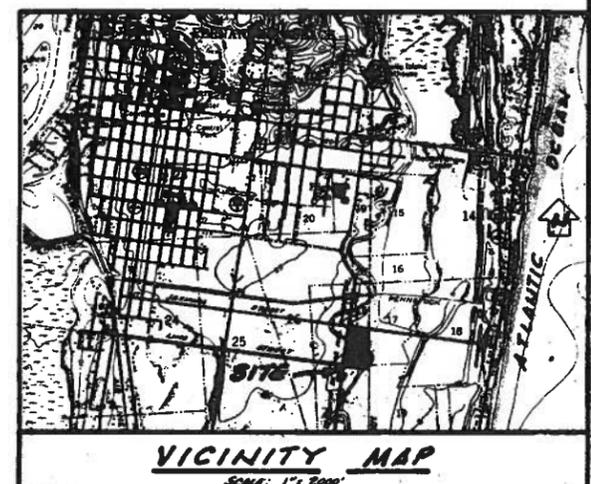
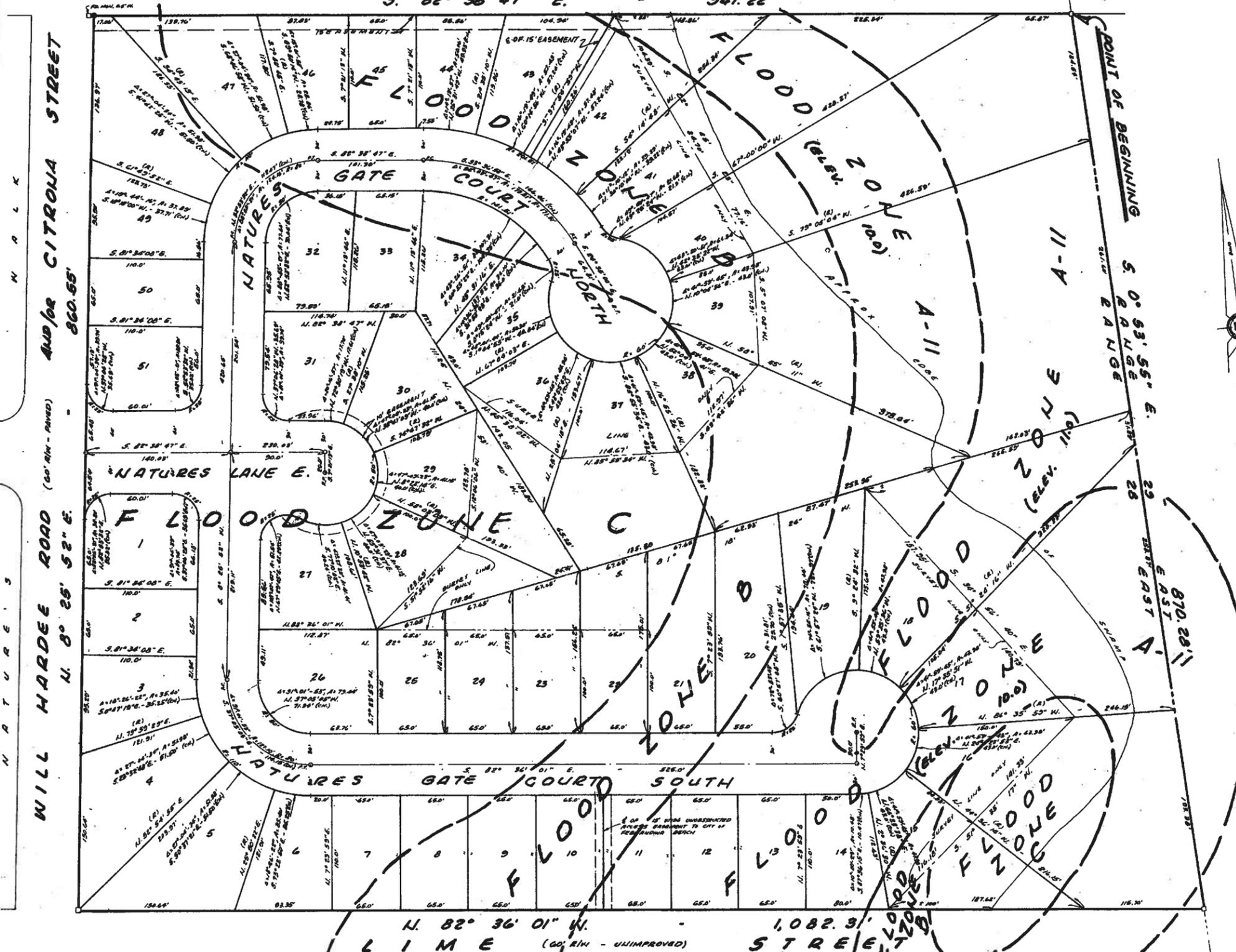
Clifford Winton, Notary Public, State of Florida at Large My Commission Expires 4/15/92

Nature's Gate

GRAPHIC SCALE: 1" = 50'

LOTS 24, 25, 26 AND 27, AND PART OF KELP STREET AS SHOWN ON MAP OF CITRONA (UNPLATTED) LYING IN SEC. 15 & 27, TOWNSHIP 3 NORTH, RANGE 28 EAST, FERNANDINA BEACH, NASSAU COUNTY, FLORIDA.

JASMINE (60' R/W - PAVED) STREET
S. 82° 38' 47" E. - 941.22'



- NOTES:**
1. BEARINGS SHOWN HEREIN REFER TO THE BEARING OF N. 82° 38' 47" E. FOR THE SOUTHWESTLY R/W LINE OF JASMINE AS RECORDED IN OFFICIAL RECORD BOOK 586, PAGE 118 OF THE PUBLIC RECORD OF NASSAU COUNTY, FLORIDA.
 2. THIS PROPERTY APPEARS TO BE IN ZONE "A-11, B, C" AS PER FLOOD HAZARD MAP (FEMA) COMMUNITY PANEL NR 120178-0008 C DATED APRIL 6, 1983.
 3. EASEMENTS SHOWN HEREON ARE FOR DEEDS, UTILITIES AND SERVICES, UNLESS OTHERWISE NOTED.
 4. NOTICE: THERE MAY BE ADDITIONAL RESTRICTIONS NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.
 5. BUILDING RESTRICTION LINES:
FRONT - 25'
SIDE - 5'
REAR - 5'

- LEGEND**
- PERMANENT EVIDENCE MONUMENT (SET) 1/2 2 3/4"
 - PERMANENT EVIDENCE MONUMENT (ROUND) 1/2 2 3/4"
 - PERMANENT CENTRAL POINT
 - (A) RADIAL LOT LINE
 - P.F. RADIAL POINT
 - P.C. POINT OF CURVATURE
 - P.T. POINT OF TANGENCY

PREPARED BY
CLARSON AND ASSOCIATES, INC.
ENGINEERS - LAND SURVEYORS
1643 WALDO AVENUE
JACKSONVILLE, FLORIDA 32207

EXHIBIT B

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT TECHNICAL STAFF REPORT
23-Dec-2015
APPLICATION #: 43768-4

Applicant: David Beddard
Bright Vision Investments LLC
516 Wetherby Ln
St Augustine, FL 32092-1024
(904) 813-9848

Owner: David Beddard
Bright Vision Investments LLC
516 Wetherby Ln
St Augustine, FL 32092-1024
(904) 813-9848

Consultant: Matthew Lahti
Gulfstream Design Group, LLC
Ste A
906 Anastasia Blvd
St Augustine, FL 32080-4664
(904) 806-2898

Project Name: Nature's Gate Subdivision, Lots 8, 9, and 10
Acres Owned: 20.0
Project Acreage: 0.49
County: Nassau

STR:

Section(s):	Township(s):	Range(s):
9	3N	29E

Receiving Water Body:

Name	Class
Egans Creek	III Fresh, IW

Authority: 62-330.020 (2)(b), 62-330.020 (2)(j)
Existing Land Use: Wetland Forested Mixed(6300), Residential - Medium Density(1200)
Mitigation Drainage Basin: Middle & Lower St. Marys River
Special Regulatory Basin:
Final O&M Entity: Bright Vision Investments LLC
ERP Conservation Easements/Restrictions: No
Interested Parties: No
Objectors: No

Authorization Statement:

Construction of a Stormwater Management System with stormwater treatment by stormwater harvesting for Nature's Gate Subdivision, Lots 8, 9, and 10, a 0.49 - acre project to be constructed and operated as per plans received by the District on December 21, 2015.

Recommendation: Approval

Reviewers: Rocky Thompson; Cara Perron

Staff Comments

Project Applicant and Sufficient Real Property Interest:

In accordance with rule 62-330.060, F.A.C., and subsection 4.2.3(d), ERP A.H., Volume I, The permit applicant is the record title holder over the property on which the proposed activities will be conducted.

Project Location and Brief Description:

The project is located on the south side of Natures Gate Court South in the Natures Gate Subdivision, west of Citrona Drive, between Lime Street and Jasmine Street on Amelia Island in the City of Fernandina Beach, Nassau County.

The applicant is proposing to install a stormwater harvesting system in order to accommodate the development of three residential lots that had previously been placed under a FDEP conservation easement which has since been released. Only lots 8 and 10 will have houses constructed. The majority of the lot 9 is placed under a drainage easement to maintain historic surface water flow patterns.

Permitting History:

On May 26, 1988, Permit 42-089-43768-1 was issued for the development of a single-family residential subdivision. To avoid impacts to District regulated wetlands, several lots were not included the permitted project development unless a modification to the permit was requested and issued. Since the lots were not to be developed, stormwater treatment was not provided in this area. Lots 8, 9 and 10 were included in the list of undeveloped lots.

Eventually, Lots 8, 9 and 10 were placed under a conservation easement to offset wetland impacts regulated by the Florida Department of Environmental Regulation (currently known as the Florida Department of Environmental Protection or FDEP). Ownership of these lots was retained by the developer until the property taxes fell delinquent and the lots were sold by the County. The current owner provided mitigation to FDEP to release the lots from the conservation easement. Sequence 2 and sequence 3 were applications to develop lots 8, 9 and 10 but were subsequently withdrawn. The current application is again for the residential development of Lots 8, 9 and 10, which will include construction of two homes.

Financial Assurance Mechanism: N/A

Off-Site Mitigation: N/A

Engineering

Description of Project (Surface Water Management System):

Stormwater will be collected in roof and area drains, conveyed in underground pipes and discharged to one of two underground vault systems. The vaults are located on lots 8 and 10. When the vaults reach treatment volume capacity, pumps will engage to provide irrigation to wetland buffers and the yard portions of the three lots.

Water Quality:

The receiving waterbody for the project is Egan's Creek. The project is located in the Egan's Creek WBID which has been identified as impaired for Mercury in fish. The proposed development type does not generate that type of impairment. Therefore, best management practices (BMPs) are acceptable. However, the lots are not over-sized and are located in an established neighborhood, leaving very little room for typical BMPs.

The applicant has provided a design that does not impact wetlands and utilizes the acceptable technique of stormwater harvesting on a small scale. The applicant has shown by calculation that the detention vaults can hold the treatment volume equivalent to wet detention in accordance with District presumptive criteria, chapter 62-330, F.A.C. Recovery of the treatment volume is achieved through irrigation pumping.

Flood Protection:

The applicant has demonstrated by calculation that the proposed project does not cause adverse offsite impacts for the 25-year/24-hour storm event. In addition, lot 9 will not be developed. And, a drainage easement will be placed across all three lots where the existing ditch is located to provide continued conveyance of historic surface water flows.

Special Basin Criteria:

There is no special basin criteria associated with this project.

Operation and Maintenance:

In accordance with section 12.3.2. ERP, A.H., Volume I, a construction permittee is an acceptable operation and maintenance entity. The developer will split transfer the permit to each lot owner after construction, leaving each lot owner responsible to operate and maintain the storm water harvesting system on their lot.

Site Description:

The project site consists of uplands (120) with a 0.16 acre wetland (630) located in the center of the lots. This previously inventoried wetland is part of a ditched and piped drainage way through the site.

Impacts: *Subsection 10.2.2, ERP A.H. Volume I, states that an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to: (a) the abundance and diversity of fish, wildlife and listed species; and (b) the habitat of fish, wildlife and listed species.*

There are no wetland impacts proposed for this project.

Secondary impacts: *Subsection 10.2.7, ERP A.H. Volume I, contains a four-part criterion that addresses additional impacts that may be caused by a proposed activity:*

(a) adverse impacts to wetland (and other surface water) functions and water quality violations that may result from the intended or reasonably expected uses of a proposed activity; (b) adverse impacts to the upland nesting habitat of bald eagles and aquatic or wetland dependent listed animal species; (c) impacts to significant historical and archaeological resources that are very closely linked and causally related to any proposed dredging or filling of wetlands or other surface waters; and (d) adverse wetland (and other surface) impacts and water quality violations that may be caused by future phases of the project or by activities that are very closely linked and causally related to the project.

The applicant has proposed buffers to prevent any adverse secondary impacts to the wetland. Those these buffers will not be preserved under conservation easement, they are located outside the limits of construction. The permitted activity will not result in impacts to nesting habitat of listed species or impacts to historical or archaeological resources. There are no future phases to this project.

Elimination/Reduction of Impacts: *Pursuant to subsection 10.2.1.1, ERP A.H. Volume I, the applicant must implement practicable design modifications to reduce or eliminate adverse impacts to wetlands and other surface waters. A proposed modification that is not technically capable of being completed, is not economically viable, or that adversely affects public safety through endangerment of lives or property is not considered "practicable". Alternatively, an applicant may meet this criterion by demonstrating compliance with section 10.2.1.2.a. or 10.2.1.2.b.*

There are no wetland impacts proposed for this project.

Mitigation:

As there are no wetland impacts, no mitigation is required.

Cumulative Impacts: *Subsection 10.2.8, ERP A.H. Volume I, requires applicants to provide reasonable assurances that their projects will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the project for which a permit is sought. This analysis considers past, present, and likely future similar impacts and assumes that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications. Under section 10.2.8, when an applicant proposes mitigation that offsets a project's adverse impacts within the same basin as the impacts, the project does not cause unacceptable cumulative impacts.*

This project is consistent with 10.2.8 of the Applicant's Handbook.

Wetland Summary Table

Nature's Gate Subdivision, Lots 8, 9, and 10 Residential Single Family

	<u>Acres</u>
Total Surface Water, Upland RHPZ and Wetlands in Project	
Wetlands previously inventoried	0.160
OSW	0.000
Upland RHPZ	0.000
Total	0.160

Impacts that Require Mitigation	Total	0.000
Impacts that Require No Mitigation	Total	0.000
Mitigation On-Site	Total	0.000
Off-Site	Total	0.000
Other		0.000

Conclusion:

The applicant has provided reasonable assurance that the proposed project meets the conditions for issuance of permits specified in rules 62-330.301 and 62-330.302, F.A.C.

Conditions

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C. If available, an District website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities — "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the District in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries

shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
22. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record

available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

23. The surface water management system must be constructed and operated in accordance with plans received by the District on December 21, 2015.
24. The issuance of this permit allows for residential construction within lots 8 and 10 only.
25. The permittee is required to maintain the stormwater management system, consisting of: storm water vaults, roof and yard drains, underground stormwater conveyance pipes, irrigation pump, underground irrigation pipes in perpetuity.
26. Activity on lots 8, 9 and 10 within the drainage easement (depicted in the survey received by the District on December 21, 2015) must be done such that historic flow patterns within the existing ditch are maintained. Placement of pipes, pavement or any other structure within the easement will require District review and the issuance of the proper District authorization. The removal of vegetation and trees within the easement also requires prior District approval.
27. This permit does not authorize any impacts to wetlands or other surface waters.

EXHIBIT C

FEB 15 1995

CONSERVATION EASEMENT DEED

BK 0723 PG 1928

OFFICIAL RECORDS

R 191.50
ds .70

STATE OF FLORIDA
COUNTY OF NASSAU

KNOW ALL PERSONS BY THESE PRESENTS THAT in consideration for the issuance of Florida Department of Environmental Protection (hereinafter "the Department") Consent Order OGC File Number 94 - 0513 (hereinafter "the Consent Order"), issued pursuant to the requirements of Chapters 373 and 403, Florida Statutes, and Section 17-312, Florida Administrative Code, between the Department and Trevett Homes, Inc. on December 2, 1994, Trevett Homes, Inc. (hereinafter "Grantor") has granted to the Department (hereinafter "Grantee"), a conservation easement in accordance with Section 704.06, Florida Statutes, in and over the real property in Nassau County, Florida as set forth in the legal description attached hereto as Exhibit A.

As used herein, the term Grantor shall include any successor or assignee of the Grantor, and the term Grantee shall include any successor or assignee of the Grantee.

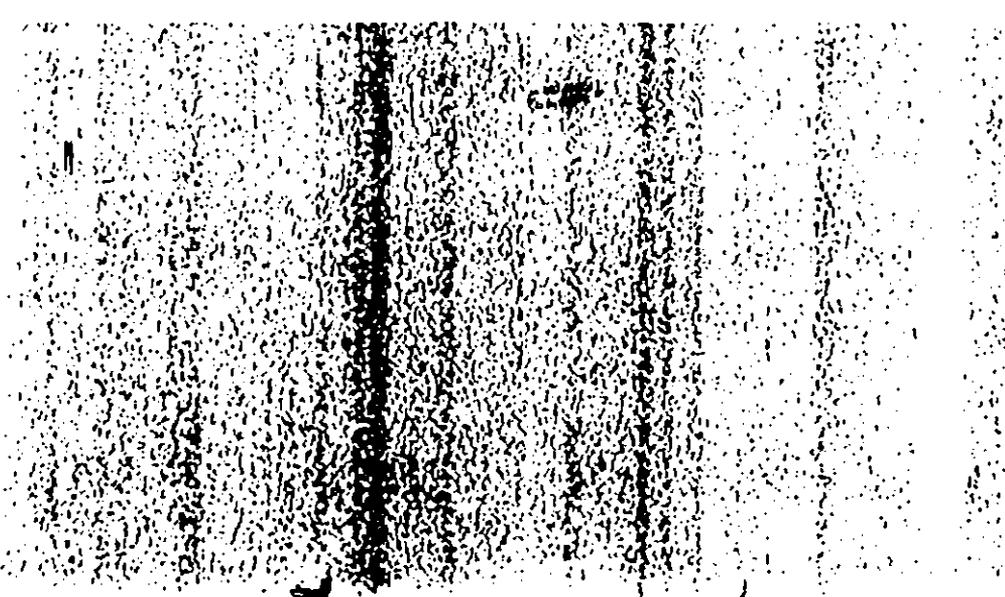
It is the purpose and intent of this Conservation Easement to assure that the subject lands (with the exception of included wetlands which are to be enhanced or created as specified in the aforementioned Consent Order) will be retained and maintained forever predominantly in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement. The included wetlands which are to be enhanced or created shall be maintained forever in the enhanced or created conditions required by the aforementioned permit.

Except for such specific activities as authorized pursuant to the Consent Order, including but not limited to creation, enhancement and maintenance of wetlands as specified mitigation in said Consent Order, the following activities are prohibited on the property subject to this Conservation Easement:

1. Construction or placing of buildings, roads, signs, billboards, or other advertising, utilities, or other structures on or above the ground;
2. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
3. Removal or destruction of trees, shrubs, or other vegetation; with the exception of nuisance and exotic plant species as may be required by Grantee;
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface;

Prepared By and Return To:
Marcia Penman Parker
Rogers, Towers, Bailey, Jones & Gay
1301 Riverplace Boulevard, Suite 1500
Jacksonville, FL 32207

*



5. Surface use except for purposes that permit the water area to remain predominantly in its natural condition;
6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;
7. Acts or uses detrimental to such aforementioned retention and maintenance of land or water areas; and
8. Acts or uses detrimental to the preservation of any features or aspects of the property having historical, archaeological or cultural significance.

It is understood that the granting of this Conservation Easement entitles the Grantee or its authorized representatives to enter the above-described land in a reasonable manner and at reasonable times to assure compliance.

The Grantor on behalf of itself and its successors or assigns hereby agrees to bear all costs and liability relating to the operation and maintenance of the lands subject to this Conservation Easement in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement, including the maintenance of enhanced or created wetlands in the vegetative and hydrologic condition required by the aforementioned Consent Order, and Grantor does hereby indemnify and hold harmless the Grantee from same. The Conservation Easement hereby granted and the obligation to retain and maintain the land forever predominantly in the vegetative and hydrologic condition as herein specified shall run with the land and shall be binding upon the Grantor and its successors and assigns, and shall inure to the benefit of the Grantee and its successor and assigns.

The terms and conditions of this Conservation Easement may be enforced by the Grantee by injunctive relief and other appropriate available remedies, and Grantor consents that venue for such enforcement actions shall lie exclusively in the circuit court of the Second Judicial Circuit, in Leon County, Florida. In any enforcement action in which the Grantee prevails, Grantee shall be entitled to recover reasonable attorneys' fees and costs in the trial and appellate courts, in addition to the cost of restoring the land to the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement. These remedies are in addition to any other remedy, fine or penalty which may be applicable under Chapter 403, Florida Statutes.

Any forbearance on behalf of the Grantee to exercise its rights in the event of the failure of Grantor to comply with the provisions of this Conservation Easement shall not be deemed or construed to be a waiver of the Grantee's rights hereunder in the event of any subsequent failure of the Grantor to comply.

IN WITNESS WHEREOF, Grantor has hereunto set Gr ~~OFFICIAL RECORDS~~
and seal on this 19th day of January, 1995.

Signed, sealed, and
delivered in our presence of:

[Signature]
WITNESS

[Signature]
TREVETT HOMES, INC.
by: Harry R. Trevett, President

The foregoing instrument was acknowledged before me this
January 19, 1995 (date) by Harry R. Trevett, who is personally
known to me or who has produced _____ (type of
identification) as identification an who did (did not) take an
oath.

(SEAL)

[Signature]
SIGNATURE



SHEILA EVANS
MY COMMISSION EXPIRES OCTOBER 1, 1998
April 13, 1995
SHEILA EVANS NOTARY PUBLIC, INC.

PRINT NAME

TITLE

SERIAL NUMBER

130523
STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
PA IN FLORIDA
11-29
00.70

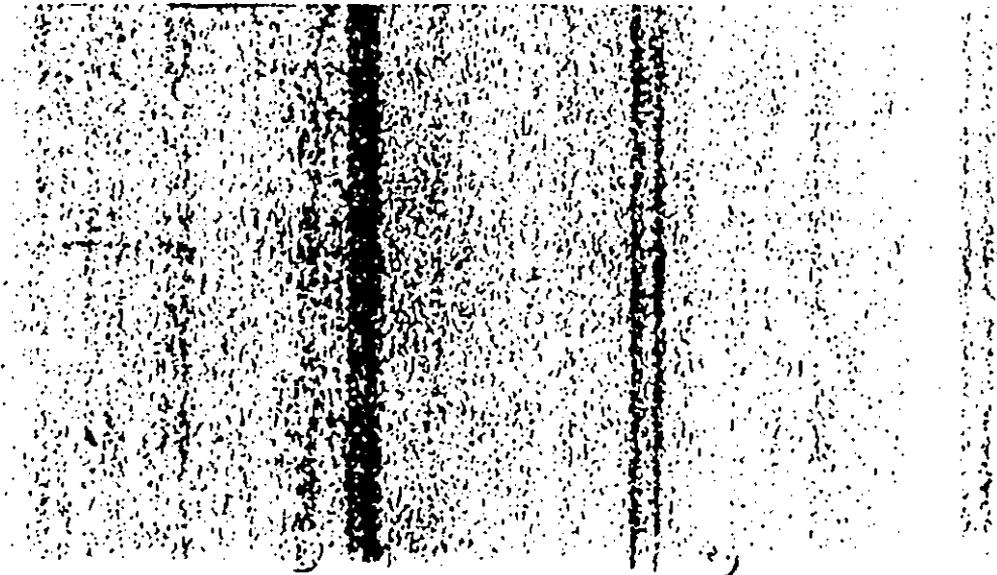


Exhibit A

BK0723PG1931

OFFICIAL RECORDS

Legal Description

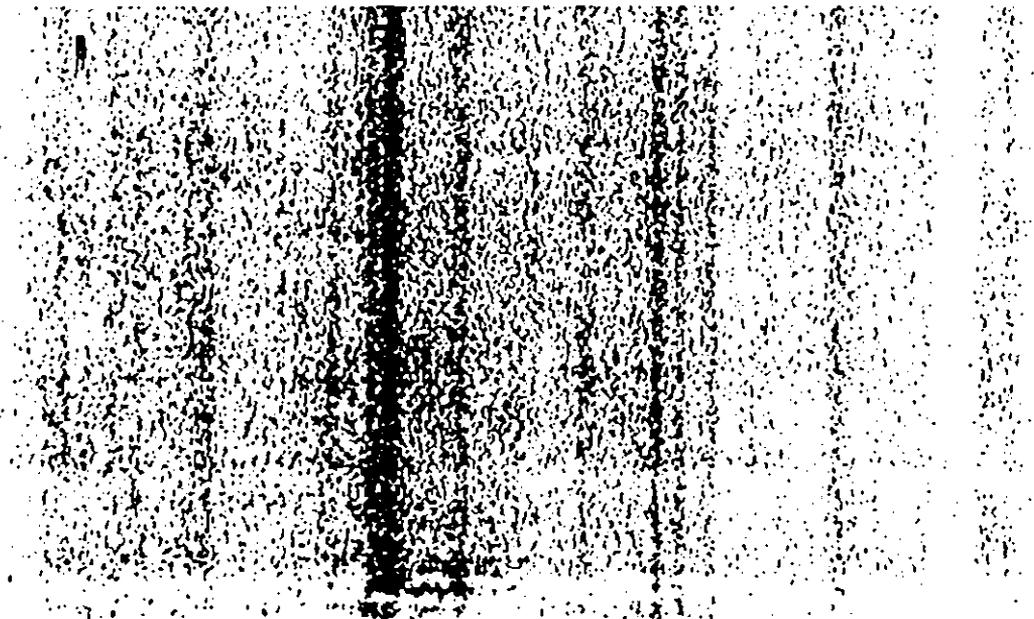
Lots 3, 8, 9, 10, 21, and 22, Plat Book 5, Pages 200 and 201,
as recorded in the Records of the Nassau County, Florida.

9502663

OFFICIAL RECORDS
CLERK OF THE COUNTY OF NASSAU
FLORIDA

95FEB 15 PM 2:03

[Handwritten Signature]
CLERK OF THE COUNTY OF NASSAU
FLORIDA



OFFICE USE ONLY

REC'D: KG BY: 1/7/16

PAYMENT: \$ _____ TYPE: BOA

APPLICATION #: 2016-000023

CASE #: BOA 2016-07

BOARD MEETING DATE: 2/17



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: Bright Vision Investments, LLC

Mailing Address: 851 S. State Road 434, Ste 1070-345, Altamonte Springs, FL 32714

Telephone: (904) 813-9848 **Fax:** (800) 511-7141

Email: dbeddard@bvillc.com

Agent Name: Matt Lahti / Gulfstream Design Group, LLC

Mailing Address: 906 Anastasia Blvd., Saint Augustine, FL 32080

Telephone: (904) 794-4231 **Fax:** _____

Email: matt@gulfstreamdesign.com

PROPERTY INFORMATION

Street Address: Natures Gate Court South, Fernandina Beach, FL 32034

Parcel Identification Number(s): 00-00-31-147G-0008-0000

Lot Number: 8 **Block Number:** _____

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): Table 4.02.03 (E)

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

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.

Special conditions and circumstances which exist or are peculiar to the land include a jurisdictional wetland line and an unfinished and non-approved drain pipe.

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 variance does not confer upon the owner any special privilege.

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 literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the neighborhood and same residential zoning district because the Land Development Code does not adequately address properties abutting City right of ways.

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 variance requested is the minimum variance needed to allow the applicant to construct a single family home consistent in size with others in the neighborhood and on the same street without impacting the wetland buffer.

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

Granting a variance will be in harmony with the general intent and purpose of the Land Development Code in that the proposed structure will be setback twenty-five (25) feet from the road.

6. **Public Interest:** Granting the variance is compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.
 Granting a variance for the front yard setback is compatible with surrounding properties and will not cause injury to the area involved or otherwise be detrimental to the public health, safety, welfare, or environment. In addition the proposed home will have a permeable driveway and a self-contained water storage and irrigation system that will capture the rain water and utilize it for irrigation.

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

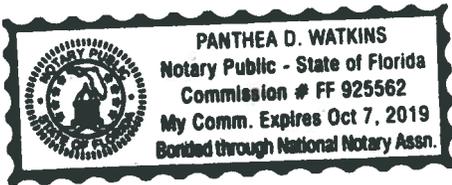
The undersigned states the above information is true and correct as (s)he is informed and believes.

01-06-2016 *[Signature]*
 Date Signature of Applicant

STATE OF FLORIDA }
 ss }
 COUNTY OF NASSAU }

Subscribed and sworn to before me this 6th day of January, 2016.
Panthea Watkins *Panthea Watkins* 10-07-2019
 Notary Public: Signature Printed Name My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____





OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE Bright Vision Investments, LLC
(print name of property owner(s))

hereby authorize: Matthew Lahti of Gulfstream Design Group, LLC
(print name of agent)

to represent me/us in processing an application for: Variance Request
(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.

David F. Beddard
(Signature of owner)

(Signature of owner)

David F. Beddard, Managing Member
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
 ss }
COUNTY OF NASSAU }

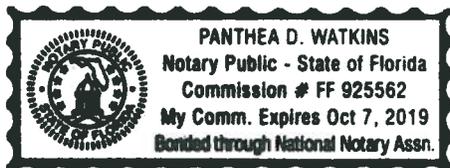
Subscribed and sworn to before me this 10th day of January, 2016.

Panthea Watkins
Notary Public: Signature

Panthea Watkins
Printed Name

10-07-2019
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____



NASSAU

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

[Property Search](#)
[Recent Sales Search](#)
[Nassau Home](#)

OWNER NAME BRIGHT VISION INVESTMENTS LLC
MAILING ADDRESS 516 WETHERBY LN
 ST AUGUSTINE, FL 32092
LOCATION ADDRESS NATURES GATE CT
 FERNANDINA BEACH 32034
SHORT LEGAL LOT 8 IN OR 1855/612 CONSERVATION
 ESMT OR 723/1928

PARCEL NUMBER 00-00-31-147G-0008-0000
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.6524
PROPERTY USAGE VACANT RESIDENTIAL
DEED ACRES 0
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2015 Preliminary Values

JUST VALUE OF LAND	\$7,000
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$0
TOTAL MISC VALUE	\$0
JUST OR CLASSIFIED TOTAL VALUE	\$7,000
ASSESSED VALUE	\$7,000
EXEMPT VALUE	\$0
TAXABLE VALUE	\$7,000

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
VAC RES 000000	1	UT	9-3N-29

Building Information

There is no Building Information for this record.

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
06/13/2013	1864/1998	1864/1998	100	QC	U	N	GATE'S END HOLDINGS LLC	BRIGHT VISION INVESTMENTS LLC
05/07/2013	1855/612	1855/612	2200	TX	U	N	TAX COLLECTOR	BRIGHT VISION INVESTMENTS LLC
11/21/2005	1368/939	1368/939	100	WD	U	N	TREVETT HOMES INC	GATES END HOLDINGS LLC

Brief Description of Work Proposed

Bright Vision Investments owns residential lot 8 on Natures Gate Court South, Fernandina Beach, Florida. The owner requests a twenty (20) foot variance from the front yard setback in order to build a single family home consistent in size with others on the same street. The proposed home will be twenty-five (25) feet from the road and five (5) feet from the property line as there is a twenty (20) foot City right of way between the front property line and the actual road. See Exhibits for the proposed site plan.

SYNOPSIS LETTER

To fully understand the variance request it is also important to understand the history, the neighborhood, and Lots 8, 9, and 10 with Natures Gate. The City approved the Plat for Natures Gate in 1988 and included Lots 8, 9, and 10 as buildable lots within this subdivision. In the nearly thirty (30) years since that approval these lots have been listed on the County Property Appraiser as Vacant Residential and there has been no change in use.

During the mid 1990's the original developer was issued a compliance notification by the Florida Department of Environmental Protection (FDEP) due to multiple violations within the development. The violations did not take place on Lots 8, 9, or 10; but these lots did become part of the restitution. The developer agreed to place Lots 8, 9, and 10 into conservation by recording a conservation easement against them. The developer did this with a couple other lots as well. The developer was also restricted from building on some other lots but did not put them into conservation. These lots included Lots 4 and 5 of the Natures Gate Plat. The developer eventually moved some of the remaining lots to a holding company and then stopped paying taxes on them. Lots 8, 9, and 10 went to a Tax Deed Sale which is where Bright Vision Investments purchased them on May 7, 2013.

Conservation Easements require that they remain in their natural state and cannot be altered in any way. If the easement is violated the owner must restore the property to its natural state, at their cost, regardless of who violated the easement or caused the damage.

Lots 8, 9, and 10 were not being treated by certain neighbors as conservation easements. Both known violators retained an attorney. Despite requests from the owner, the owner's attorney, and multiple requests from the DEP one (1) of the neighbors refused to treat the property as a conservation easement. This neighbor (owner of lot 7) encroached onto the property with their irrigation system, sidewalk, and landscaping. They continued to mow, plant, and fertilize the property. She has since moved but the new neighbor(s) continue to treat Lot 8 as if it is their personal property.

The FDEP communicated to Bright Vision Investments that it would be their financial responsibility to restore the lots even though they were not the ones damaging them. The DEP suggested fencing the Lots which met with resistance from the neighbors. They also suggested mitigating the parcels and having the conservation easements lifted. This is a process where other land that will be protected is purchased in a mitigation bank. Bright Vision Investments made the decision to purchase other land in a mitigation bank and the conservation easement on Lots 8, 9, and 10 were lifted.

Now Lots 8, 9, and 10 had been deemed buildable by FDEP. Due to potential wetland issues St. Johns River Water Management District (SJRWMD) was recommended by FDEDP to process the permit application. They indicated the original jurisdictional wetland line was forever altered by Lots 4, 5, 6, and 7. An illegal culvert had been placed through lots 6 and 7 with no permit. This pipe stops at the beginning of Lot 8 and was allowed to remain (this was one of the items that triggered restitution for the original developer). Lots 6 and 7 were filled and built on in the 90's without taking into any account the wetland impacts. These homes/lots were also not part of the approved storm water system. In 2002 a home was built on Lot 4 and 5. The City issued a permit for this home even though it violated side yard setbacks, filled wetlands, violated wetland buffers, and was not part of the approved storm water system.

When SJRWMD visited Lots 8, 9, and 10 on May 1, 2014 their original suggestion was to continue the pipe through Lots 8, 9, and 10 and fill all three (3) lots. This position was based on their view of the wetland serving as a drainage ditch accepting flow from the Lime Street right of way. This suggestion met with resistance from the neighbors and the permit application for Bright Vision Investments was altered. The approved permit from SJRWMD now includes single family homes on Lots 8 and 10 only. These lots will have an onsite system for collecting and storing rain water. This water will then be used to irrigate those lots. Ownership of Lot 9 will be tied to lot 8 and will never be built on as it will be a drainage easement.

In addition to FDEP and SJRWMD Bright Vision Investments has worked with the Army Corp of Engineers and the City of Fernandina Beach Utility Department. Bright Vision Investments has followed all of the proper steps and has approval from all of the above to build on Lots 8 and 10.

SJRWMD Permit Included.

File No. 2013-011-TD
Certificate No. 3408
Parcel ID. 00-00-31-147G-0008-0000

TAX DEED

State of FLORIDA
County Of NASSAU

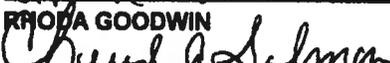
INSTR # 201312536, OR Book1855Page 612 2.00
Recorded 5/7/2013 at 2 40:49PM
John A. Crawford, Nassau County Clerk of the Circuit Court
Deed Doc. 15.40Rec. Fee \$18.50

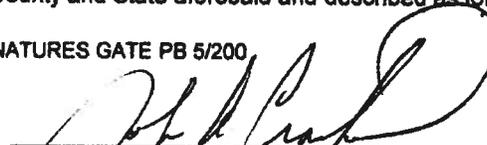
The following Tax Sale Certificate Numbered 3408 issued on May 26, 2010 was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was sold on the 7th day of May, 2013, offered for sale as required by law for cash to the highest bidder and was sold to BRIGHT VISION INVESTMENTS LLC whose address is 516 WETHERBY LN SAINT AUGUSTINE, FL, 32092 being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

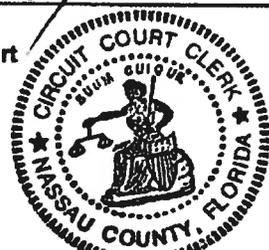
Now, on the 7th day of May, 2013, in the County of Nassau, State of Florida, in consideration of the sum of (\$2,157.41) two thousand one hundred fifty-seven dollars and forty-one cents only, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:

LOT 8 PT OR 1368/939 CONSERVATION ESMT OR 723/1928 NATURES GATE PB 5/200

Witness:


RHODA GOODWIN

CHERYL A. SALMON

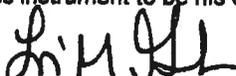

JOHN A. CRAWFORD
Clerk of the Circuit Court
NASSAU COUNTY, FL (Seal)



State of FL
County Of NASSAU

On the 7th DAY OF MAY 2013, before me LORI M. GAMBLE personally appeared JOHN A. CRAWFORD Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and office seal date aforesaid.


LORI M. GAMBLE, Notary Public

Prepared by:
John A. Crawford
Clerk of the Circuit Court
76347 Veterans Way
Yulee, Florida 32097



LORI M. GAMBLE
Notary Public, State of Florida
My Comm. Expires Aug. 18, 2013
Commission No. DD 913981

File No. 2013-012-TD
Certificate No. 3409
Parcel ID. 00-00-31-147G-0009-0000

TAX DEED

State of FLORIDA
County Of NASSAU

The following Tax Sale Certificate Numbered 3409 issued on May 26, 2010 was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was sold on the 7th day of May, 2013, offered for sale as required by law for cash to the highest bidder and was sold to BRIGHT VISION INVESTMENTS LLC whose address is 616 WETHERBY LN SAINT AUGUSTINE, FL, 32092 being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

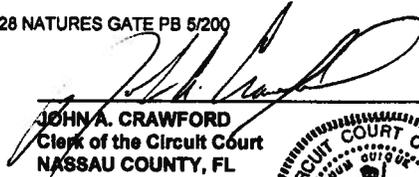
Now, on the 7th day of May, 2013, in the County of Nassau, State of Florida, in consideration of the sum of (\$2,144.45) two thousand one hundred forty-four dollars and forty-five cents only, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:

LOT 9 PT OR 1368/839 CONSERVATION ESMT OR 723/1928 NATURES GATE PB 5/200

Witness:


RHODA GOODWIN

CHERYL A. SALMON

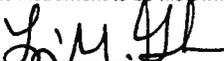

JOHN A. CRAWFORD
Clerk of the Circuit Court
NASSAU COUNTY, FL



State of FL
County Of NASSAU

On the 7th DAY OF MAY 2013, before me LORI M. GAMBLE personally appeared JOHN A. CRAWFORD Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and office seal date aforesaid.


LORI M. GAMBLE, Notary Public

Prepared by:
John A. Crawford
Clerk of the Circuit Court
76347 Veterans Way
Yulee, Florida 32097



LORI M. GAMBLE
Notary Public, State of Florida
My Comm Expires Aug. 18, 2013
Commission No. DD 913981

File No. 2013-010-TD
Certificate No. 3410
Parcel ID. 00-00-31-147G-0010-0000

TAX DEED

State of FLORIDA
County Of NASSAU

The following Tax Sale Certificate Numbered 3410 issued on May 26, 2010 was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was sold on the 30th day of April, 2013, offered for sale as required by law for cash to the highest bidder and was sold to BRIGHT VISION INVESTMENTS LLC whose address is 516 WETHERBY LN ST AUGUSTINE, FL, 32092 being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

Now, on the 30th day of April, 2013, in the County of Nassau, State of Florida, in consideration of the sum of (\$2,125.00) Two thousand one hundred twenty-five dollars only, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:

LOT 10 PT OR 1368/939 CONSERVATION ESMT OR 723/1928 NATURES GATE PB 5/200

Witness:

Rhoda Goodwin
RHODA GOODWIN
Cheryl A. Salmon
CHERYL A. SALMON

State of FL
County Of NASSAU

John A. Crawford
JOHN A. CRAWFORD
Clerk of the Circuit Court
NASSAU COUNTY, FL (Seal)



On the 30th DAY OF APRIL 2013, before me LORI M. GAMBLE personally appeared JOHN A. CRAWFORD Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and office seal date aforesaid.

Lori M. Gamble
LORI M. GAMBLE, Notary Public

Prepared by:
John A. Crawford
Clerk of the Circuit Court
76347 Veterans Way
Yulee, Florida 32097



LORI M. GAMBLE
Notary Public, State of Florida
My Comm Expires Aug 18, 2013
Commission No. DD 913381



View from proposed front
of home looking to the
right.



View from proposed front
of home looking to the
left.



St. Johns River Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at floridaswater.com.

December 23, 2015

Bright Vision Investments LLC
516 Wetherby Ln
St Augustine, FL 32092-1024

SUBJECT: Permit Number 43768-4
Nature's Gate Subdivision, Lots 8, 9, and 10

Dear Sir/Madam:

Enclosed is your individual permit issued by the St. Johns River Water Management District on December 23, 2015. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

Technical Staff Report:

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at floridaswater.com/permitting. Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number and then on the TSR folder.

Noticing Your Permit:

For noticing instructions, please refer to the noticing materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become nonfinal and any activities that you choose to undertake pursuant to your permit will be at your own risk.

Compliance with Permit Conditions:

To submit your required permit compliance information, go to the District's website at floridaswater.com/permitting. Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form. The forms to comply with your permit conditions are available at floridaswater.com/permitting under the section "Handbooks, forms, fees, final orders". Click on forms to view all permit compliance forms, then scroll to the ERP application forms section and select the applicable compliance forms. Alternatively, if you have difficulty finding forms or need copies of the appropriate forms, please contact the Office of Business and Administrative Services at (386) 329-4570.

Transferring Your Permit:

Your permit requires you to notify the District within 30 days of any change in ownership or control of the project or activity covered by the permit, or within 30 days of any change in ownership or control of the real property on which the permitted project or activity is located or

GOVERNING BOARD

John A. Miklos, CHAIRMAN
ORLANDO

Fred N. Roberts Jr., VICE CHAIRMAN
OCALA

Chuck Draks, SECRETARY
ORLANDO

Carla Yetter, TREASURER
FERRANGLINA BEACH

Douglas C. Bourmiquet
VERO BEACH

Douglas Burnett
ST. AUGUSTINE

Maryam H. Ghyabi
ORMOND BEACH

Ron Howse
COCOA

George W. Robbins
JACKSONVILLE

occurs. You will need to provide the District with the information specified in rule 62-330.340, Florida Administrative Code (F.A.C.). Generally, this will require you to complete and submit Form 62-330.340(1), "Request to Transfer Permit," available at <http://www.floridaswater.com/permitting/permitforms.html>.

Please note that a permittee is liable for compliance with the permit before the permit is transferred. The District, therefore, recommends that you request a permit transfer in advance in accordance with the applicable rules. You are encouraged to contact District staff for assistance with this process.

Thank you and please let us know if you have additional questions. For general questions contact e-permit@sjrwmd.com or (386) 329-4570.

Sincerely,



Margaret Daniels, Office Director
Office of Business and Administrative Services
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529
(386) 329-4570

Enclosures: Permit

cc: District Permit File

Engineering Consultant:	Matthew Lahti Gulfstream Design Group, LLC Ste A 906 Anastasia Blvd St Augustine, FL 32080-4664
------------------------------------	-------------------------------------------------------------------------------------------------------------

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO: 43768-4

DATE ISSUED: December 23, 2015

PROJECT NAME: Nature's Gate Subdivision, Lots 8, 9, and 10

A PERMIT AUTHORIZING:

Construction of a Stormwater Management System with stormwater treatment by stormwater harvesting for Nature's Gate Subdivision, Lots 8, 9, and 10, a 0.49 - acre project to be constructed and operated as per plans received by the District on December 21, 2015.

LOCATION:

SECTION(S): 9
Nassau County

TOWNSHIP(S): 3N

RANGE(S): 29E

ISSUED TO:

Bright Vision Investments LLC
516 Wetherby Ln
St Augustine, FL 32092-1024

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated December 23, 2015

AUTHORIZED BY: St. Johns River Water Management District
Division of Regulatory, Engineering and Environmental Services

By: 

David Dewey
Regulatory Coordinator

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 43768-4
Nature's Gate Subdivision, Lots 8, 9, and 10
DATE ISSUED December 23, 2015

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice," [10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C. If available, an District website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities — "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the District in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
22. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity

shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

23. The surface water management system must be constructed and operated in accordance with plans received by the District on December 21, 2015.
24. The issuance of this permit allows for residential construction within lots 8 and 10 only.
25. The permittee is required to maintain the stormwater management system, consisting of: storm water vaults, roof and yard drains, underground stormwater conveyance pipes, irrigation pump, underground irrigation pipes in perpetuity.
26. Activity on lots 8, 9 and 10 within the drainage easement (depicted in the survey received by the District on December 21, 2015) must be done such that historic flow patterns within the existing ditch are maintained. Placement of pipes, pavement or any other structure within the easement will require District review and the issuance of the proper District authorization. The removal of vegetation and trees within the easement also requires prior District approval.
27. This permit does not authorize any impacts to wetlands or other surface waters.

Notice Of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

Notice Of Rights

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at floridaswater.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

NOR.Decision.DOC.001
Revised 12.7.11

Notice Of Rights

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been sent to the permittee:

Bright Vision Investments LLC
516 Wetherby Ln
St Augustine, FL 32092-1024

This 23rd day of December, 2015.

M. Daniels

Margaret Daniels, Office Director
Office of Business and Administrative Services
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529
(386) 329-4570

Permit Number: 43768-4

NOTICING INFORMATION

Dear Permittee:

Please be advised that the St. Johns River Water Management District will not publish a notice in the newspaper advising the public that it has issued a permit for this project.

Newspaper publication, using the District's notice form, notifies members of the public of their right to challenge the issuance of the permit. If proper notice is given by newspaper publication, then there is a 21-day time limit for someone to file a petition for an administrative hearing to challenge the issuance of the permit.

To close the point of entry for filing a petition, you may publish (at your own expense) a one-time notice of the District's decision in a newspaper of general circulation within the affected area as defined in Section 50.011 of the Florida Statutes. If you do not publish a newspaper notice to close the point of entry, the time to challenge the issuance of your permit will not expire and someone could file a petition even after your project is constructed.

A copy of the notice form and a partial list of newspapers of general circulation are attached for your convenience. However, you are not limited to those listed newspapers. If you choose to close the point of entry and the notice is published, the newspaper will return to you an affidavit of publication. In that event, it is important that you either submit a scanned copy of the affidavit by emailing it to compliancesupport@sjrwmd.com (preferred method) or send a copy of the original affidavit to:

Margaret Daniels, Office Director
Office of Business and Administrative Services
4049 Reid Street
Palatka, FL 32177

If you have any questions, please contact the Office of Business and Administrative Services at (386) 329-4570.

Sincerely,



Margaret Daniels, Office Director

Office of Business and Administrative Services

NOTICE OF AGENCY ACTION TAKEN BY THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Notice is given that the following permit was issued on _____:

(Name and address of applicant) _____
permit# _____. The project is located in _____ County, Section
_____, Township _____ South, Range _____ East. The permit authorizes a surface
water management system on _____ acres for
_____ known as
_____. The receiving water body is _____.

A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P.O. Box 1429, Palatka FL 32178-1429 (4049 Reid St, Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwm.com, within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax). Mediation pursuant to Section 120.573, F.S., may be available and choosing mediation does not affect your right to an administrative hearing.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8 a.m. – 5 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at floridaswater.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile (fax) is prohibited and shall not constitute filing.

The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. **Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.).**

If you wish to do so, please visit http://floridaswater.com/nor_dec/ to read the complete Notice of Rights to determine any legal rights you may have concerning the District's decision(s) on the permit application(s) described above. You can also request the Notice of Rights by contacting the Director of Regulatory Support, 4049 Reid St., Palatka, FL 32177-2529, tele. no.

NEWSPAPER ADVERTISING

ALACHUA

The Alachua County Record, Legal Advertising
P. O. Box 806
Gainesville, FL 32602
352-377-2444/ fax 352-338-1986

BRAFORD

Bradford County Telegraph, Legal Advertising
P. O. Drawer A
Starke, FL 32901
904-964-6305/ fax 904-964-8628

CLAY

Clay Today, Legal Advertising
1560 Kinsley Ave., Suite 1
Orange Park, FL 32073
904-264-3200/ fax 904-264-3285

FLAGLER

Flagler Tribune, c/o News Journal
P. O. Box 2831
Daytona Beach, FL 32120-2831
386-681-2322

LAKE

Daily Commercial, Legal Advertising
P. O. Drawer 490007
Leesburg, FL 34749
352-365-8235/fax 352-365-1951

NASSAU

News-Leader, Legal Advertising
P. O. Box 766
Fernandina Beach, FL 32035
904-261-3696/fax 904-261-3698

ORANGE

Sentinel Communications, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

PUTNAM

Palatka Daily News, Legal Advertising
P. O. Box 777
Palatka, FL 32178
386-312-5200/ fax 386-312-5209

SEMINOLE

Seminole Herald, Legal Advertising
300 North French Avenue
Sanford, FL 32771
407-323-9408

BAKER

Baker County Press, Legal Advertising
P. O. Box 598
Macclenny, FL 32063
904-259-2400/ fax 904-259-6502

BREVARD

Florida Today, Legal Advertising
P. O. Box 419000
Melbourne, FL 32941-9000
321-242-3832/ fax 321-242-6618

DUVAL

Daily Record, Legal Advertising
P. O. Box 1769
Jacksonville, FL 32201
904-356-2466 / fax 904-353-2628

INDIAN RIVER

Vero Beach Press Journal, Legal Advertising
P. O. Box 1268
Vero Beach, FL 32961-1268
772-221-4282/ fax 772-978-2340

MARION

Ocala Star Banner, Legal Advertising
2121 SW 19th Avenue Road
Ocala, FL 34474
352-867-4010/fax 352-867-4126

OKEECHOBEE

Okeechobee News, Legal Advertising
P. O. Box 639
Okeechobee, FL 34973-0639
863-763-3134/fax 863-763-5901

OSCEOLA

Little Sentinel, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

ST. JOHNS

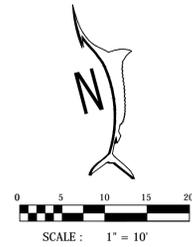
St. Augustine Record, Legal Advertising
P. O. Box 1630
St. Augustine, FL 32085
904-819-3436

VOLUSIA

News Journal Corporation, Legal Advertising
P. O. Box 2831
Daytona Beach, FL 32120-2831
(386) 681-2322

NOTES:

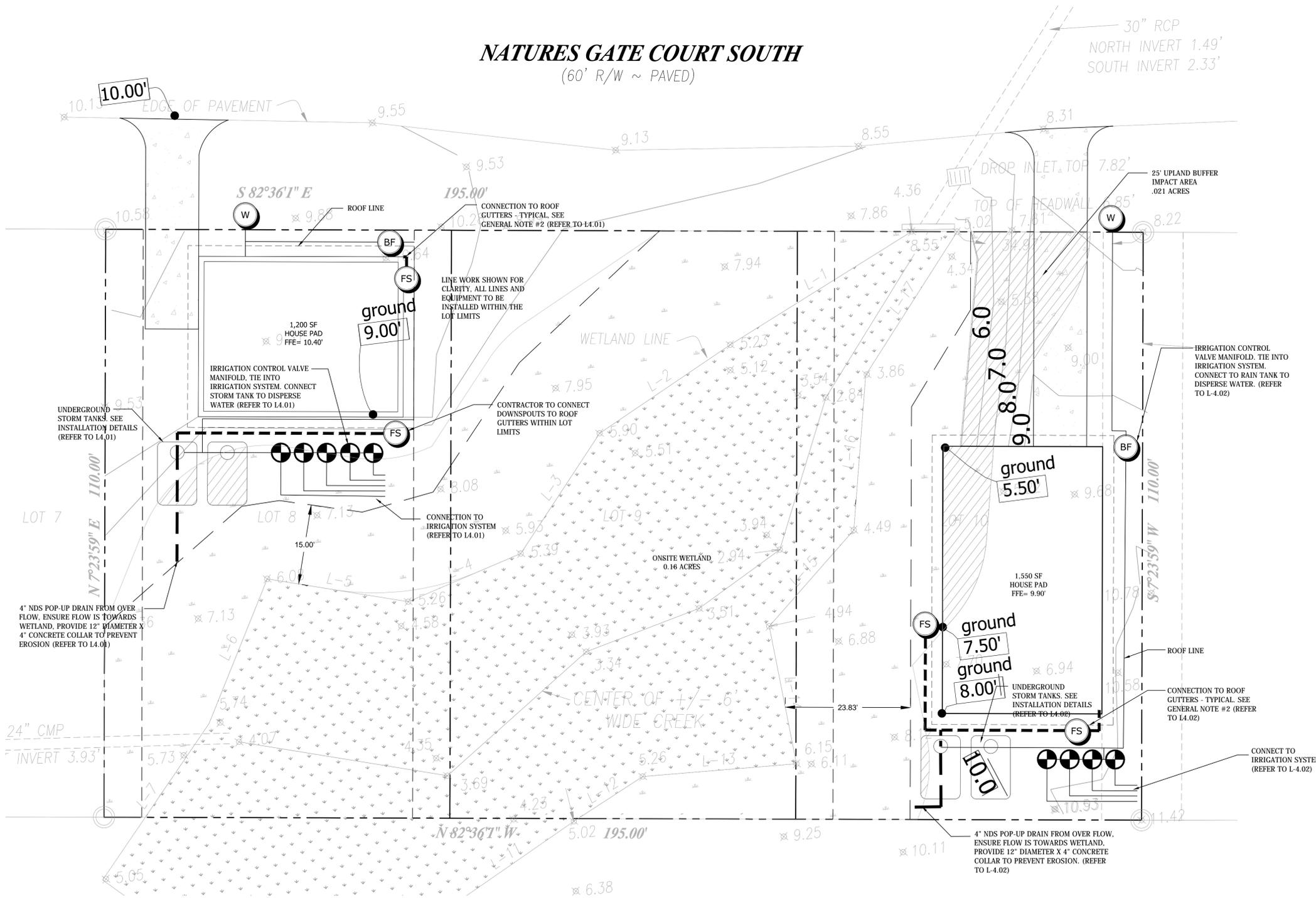
- FOR COMPLETE BUILDING DIMENSIONS AND LAYOUT REFER TO ARCHITECTURAL PLANS.
- CONTRACTOR TO LAYOUT EACH STAGE IN ADVANCE OF CONSTRUCTION TO VERIFY DIMENSIONING. ANY DISCREPANCIES FROM THE PLANS SHALL BE PROVIDED TO ENGINEER IMMEDIATELY IN WRITING FOR COORDINATION WITH OTHER DISCIPLINES.
- PRIOR TO FINAL ACCEPTANCE, CONTRACTOR SHALL PERFORM SITE CLEANUP TO REMOVE ALL TRASH, DEBRIS, AND EXCESS MATERIALS FROM THE SITE.
- AS-BUILTS REQUIRED FOR SUBMITTAL TO THE LOCAL AGENCY & ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.



SITE DATA TABLE	
TOTAL SITE	21,450 SF ~ 0.492 AC
PROPOSED BUILDING	2,750 SF
PROPOSED PAVEMENT/SWALKS	586 SF
TOTAL IMPERVIOUS	7,462 SF
TOTAL PERVIOUS	13,988 SF
OPEN SPACE	13,988 SF
% OPEN SPACE	65.21 %
% BUILDING COVERAGE	12.82 %
% IMPERVIOUS AREA	34.79 %
WETLAND AREA	6,970 SF
PARCEL NUMBER(S)	00-00-31-147G-0008-0000
	00-00-31-147G-0009-0000
	00-00-31-147G-0010-0000
911 ADDRESS	2140 NATURES GATE COURT S
CURRENT ZONING	R-1
LAND USE	LDR
FEMA PANEL NUMBER	12089C0239F

REVISIONS	
NO.	DATE
1	11/10/2015
2	12/16/2015
3	1/28/2016

NATURES GATE COURT SOUTH
(60' R/W ~ PAVED)



LEGEND:

- PROPOSED CONCRETE DRIVEWAY
- EXISTING WETLANDS
- PROPOSED WETLAND BUFFER
- WETLAND BUFFER IMPACTS
- CONSERVATION EASEMENT
- PROPOSED 7FT LANDSCAPE SETBACK
- CONTRACTOR TO INSTALL ONE (1) 4" RainHarvesting® FIRST FLUSH DOWNSPOUT FLUSH DIVERTER WITH A 4" STORAGE CHAMBER AND ONE (1) RAINWATER SYSTEMS LEAF EATER ADVANCED DOWNSPOUT FILTER - 4" OUTLET AT EACH DOWNSPOUT LOCATION. CONTRACTOR TO INSTALL FILTER AT GUTTER AND PROVIDE 3" SCH 40 PVC DOWNSPOUT. CONNECT DRAIN LINE TO STORM TANK. SECURE PVC DOWNSPOUT TO HOUSE AND PAINT TO MATCH. PROVIDE SS FINE MESH MOSQUITO SCREEN.
- 4" DRAIN LINE FROM GUTTER SYSTEM. PROVIDE A MINIMUM OF 1/8" DROP PER FOOT OF PIPE. CONNECT TO STORM TANK(S). SEE LANDSCAPE DETAILS.
- DRAINAGE/OVERFLOW FROM STORM TANK TO 4" NDS POP-UP EMITTER MINIMUM OF 1/8" DROP PER FOOT OF PIPE. INSTALL POP-UP EMITTER FLUSH WITH TURF. ENSURE FLOW IS TOWARDS WETLAND. PROVIDE 12" DIAMETER X 4" CONCRETE COLLAR TO PREVENT EROSION.
- 1 1/2" REDUCED PRESSURE BACKFLOW PREVENTER CONNECT POTABLE WATER LINE TO 3-WAY BACKUP VALVE WITH 1 1/2" SCH 40 PVC
- 3/4" WATER METER - APPROXIMATE LOCATION ASSUMED 15 GPM AT 50 PSI STATIC PRESSURE

CONCEPTUAL ENGINEERING PLANS FOR NATURE'S GATE LOTS 8, 9 & 10
SITE PLAN



PROJECT NO:	GDC 14-002
ISSUE DATE:	10/19/2015
DRAWING FILE:	14002PROJ
XREFS:	14002BASE 14002TIB
DRAFTED BY:	SCS
DESIGNED BY:	MHL
CHECKED BY:	MHL
SCALE:	AS NOTED



BOARD OF ADJUSTMENT STAFF REPORT

Meeting Date	February 17, 2016
Owner/Applicant	Bright Vision Investments, LLC / Gulfstream Design Group, LLC
Property Location:	Natures Gate Subdivision – Lot 10
Parcel Number:	00-00-31-147G-0010-0000
Requested action:	Variance from LDC Section 3.03.03(B)(1) Wetland Buffer
Current zoning:	R-1
FLUM land use category:	Low Density Residential
Existing uses on the site:	Vacant

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 wetland buffer requirement by ten feet. All new development and redevelopment adjacent to jurisdictional wetlands shall be required to provide a buffer zone of native vegetation at least twenty-five feet wide. This variance would reduce that buffer requirement to fifteen feet from the onsite wetlands.

On May 26, 1988, Permit 42-089-43768-1¹ was issued by St. Johns River Water Management District (SJRWMD) for the development of a single family residential subdivision, known as “Natures Gate.” To avoid impacts to District regulated wetlands, several lots were not included in the permitted project development unless a modification to the permit was requested and issued by the District. Since the lots were not to be developed, stormwater treatment was not provided in this area. Lots 8, 9, and 10 were included in the list of undeveloped lots.

In 1995 a Conservation Easement Deed was recorded in the Official Records of Nassau County². This easement was placed on lots 3, 8, 9, 10, 21, and 22 as part of the restitution for multiple violations found by the Florida Department of Environmental Regulation (Currently known as the Florida Department of Environmental Protection (FDEP)) within the development. Ownership of lots 8, 9 and 10 was retained by the original developer until the property taxes fell delinquent and were subsequently sold by the County in a Tax Deed Sale to Bright Vision Investments, LLC in 2013. After purchasing lots 8, 9, and 10, the applicant purchased property in a property at the Longleaf Mitigation Bank located in southwest Nassau County to offset impacts anticipated from the development of these lots. Following the purchase of mitigation lands, FDEP released the conservation easement on lots 8, 9 and 10.

On December 23, 2015 the St. Johns Water Management District issued *Permit Number 43768-4 for Natures Gate Subdivision, lots 8, 9 and 10*. This permit authorized construction of a stormwater management system on lots 8 and 10. Stormwater is to be collected in roof and area drains, conveyed through underground pipes and discharged in one of two underground vault systems. When the vaults reach treatment volume capacity, pumps will engage to provide irrigation to wetland buffers and the yard portions of the three lots. Ownership of Lot 9 will be tied to lot 8 and will never be built on. It will serve as a drainage easement.

¹ St. Johns River Water Management District *Individual Environmental Resource Permit Technical Staff Report, Application # 43768-4; “Permitting History”* (Exhibit A)

² Conservation Easement Deed (Exhibit B)



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:
 1. A variance shall not be granted which authorizes a use that is not permissible in the zoning district in which the property subject to the variance is located.
 2. A variance shall not be granted which authorizes any use or standard that is prohibited by the City's Comprehensive Plan.
 3. No nonconforming use of adjacent lands, structures, or buildings in the same zoning district, and no permitted use of land, structures, or buildings in other zoning districts, shall be considered grounds for the authorization of a variance.
 4. A variance shall not change the requirements for concurrency.
 5. A variance shall not be granted to permit the use of a single media peonia for the construction of a dwelling unit.
 6. A variance shall not be granted if the evidence submitted by an applicant is a demonstration of financial hardship or economic considerations.
 7. A variance shall not be granted for procedure or process components of this Land Development Code.
 8. A variance shall not be granted to deviate from LDC section 4.02.02 to combine two (2) or more lots which would result in a lot width greater than 100 feet for lots or parcels that abut Ocean 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.



I. SECTION 10.02.02(A) – REQUIRED FINDINGS FOR GRANTING OF A VARIANCE

In order for an application for a variance to be approved or approved with conditions, the BOA shall make a positive finding with regard to each of the following provisions:

Consistent with Criteria?

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

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>1. <u>Special Conditions</u>: <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i></p> <p>Yes. Special conditions <u>do</u> 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. Lot 10 is a platted lot of record although it was not part of the original FDER permit issued on May 26, 1988. Since the lots were not to be developed, stormwater treatment was not provided for lot 10. The applicant was granted a permit from SJWMD for stormwater treatment on December 23, 2015. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development cost.</p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>2. <u>Special Privilege</u>: <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i></p> <p>No. Granting the variance <u>does confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. All new development and redevelopment adjacent to jurisdictional wetlands shall be required to provide a buffer zone of native vegetation at least twenty-five feet wide.</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>Yes. Literal interpretation of the Land Development Code <u>would deprive</u> the applicant of rights enjoyed by others because the building envelope for this lot would not be sufficient to support a single family home.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>4. <u>Minimum Variance</u>: <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i></p> <p>Yes. This <u>is the minimum variance</u> needed that will make possible the reasonable use of the land, structure, or building. The applicant is only requesting a variance to reduce the wetland buffer requirement from twenty-five feet to fifteen feet. No other variance is required.</p>



<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>5. <u>General Harmony</u>: Granting the variance will be in harmony with the general intent and purpose of the Land Development Code and Comprehensive Plan.</p> <p>No. This request for a variance <u>is not</u> in general harmony with the Land Development Code and Comprehensive Plan because buffer zones of native vegetation are required around wetlands to prevent erosion, retard runoff, and provide habitat.</p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>6. <u>Public Interest</u>: 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.</p> <p>Yes. Granting of a variance <u>is</u> compatible with surrounding properties and will not cause injury to the area involved; all of other applicable Land Development Code requirements can be achieved. The permit granted by the SJWMD states, "the proposed design does not impact wetlands and utilizes the acceptable technique of stormwater harvesting on a small scale. The applicant has demonstrated by calculation that the proposed project does not cause adverse offsite impacts for the 25 year/24 hour storm event.</p>

V. ANALYSIS:

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

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

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



BOA 2016-08
Natures Gate Subdivision - Lot 10
February 9, 2016

Page 5 of 5

VI. MOTION TO CONSIDER:

I move to approve or deny BOA case number 2016-08; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2016-08, item, as presented, is or is not substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

A handwritten signature in blue ink, appearing to be "J. Platt", is written over a faint, illegible printed name.

Jacob M. Platt, Planner I
Community Development Department

EXHIBIT A

INDIVIDUAL ENVIRONMENTAL RESOURCE PERMIT TECHNICAL STAFF REPORT
23-Dec-2015
APPLICATION #: 43768-4

Applicant: David Beddard
Bright Vision Investments LLC
516 Wetherby Ln
St Augustine, FL 32092-1024
(904) 813-9848

Owner: David Beddard
Bright Vision Investments LLC
516 Wetherby Ln
St Augustine, FL 32092-1024
(904) 813-9848

Consultant: Matthew Lahti
Gulfstream Design Group, LLC
Ste A
906 Anastasia Blvd
St Augustine, FL 32080-4664
(904) 806-2898

Project Name: Nature's Gate Subdivision, Lots 8, 9, and 10
Acres Owned: 20.0
Project Acreage: 0.49
County: Nassau

STR:

Section(s):	Township(s):	Range(s):
9	3N	29E

Receiving Water Body:

Name	Class
Egans Creek	III Fresh, IW

Authority: 62-330.020 (2)(b), 62-330.020 (2)(j)
Existing Land Use: Wetland Forested Mixed(6300), Residential - Medium Density(1200)
Mitigation Drainage Basin: Middle & Lower St. Marys River
Special Regulatory Basin:
Final O&M Entity: Bright Vision Investments LLC
ERP Conservation Easements/Restrictions: No
Interested Parties: No
Objectors: No

Authorization Statement:

Construction of a Stormwater Management System with stormwater treatment by stormwater harvesting for Nature's Gate Subdivision, Lots 8, 9, and 10, a 0.49 - acre project to be constructed and operated as per plans received by the District on December 21, 2015.

Recommendation: Approval

Reviewers: Rocky Thompson; Cara Perron

Staff Comments

Project Applicant and Sufficient Real Property Interest:

In accordance with rule 62-330.060, F.A.C., and subsection 4.2.3(d), ERP A.H., Volume I, The permit applicant is the record title holder over the property on which the proposed activities will be conducted.

Project Location and Brief Description:

The project is located on the south side of Natures Gate Court South in the Natures Gate Subdivision, west of Citrona Drive, between Lime Street and Jasmine Street on Amelia Island in the City of Fernandina Beach, Nassau County.

The applicant is proposing to install a stormwater harvesting system in order to accommodate the development of three residential lots that had previously been placed under a FDEP conservation easement which has since been released. Only lots 8 and 10 will have houses constructed. The majority of the lot 9 is placed under a drainage easement to maintain historic surface water flow patterns.

Permitting History:

On May 26, 1988, Permit 42-089-43768-1 was issued for the development of a single-family residential subdivision. To avoid impacts to District regulated wetlands, several lots were not included the permitted project development unless a modification to the permit was requested and issued. Since the lots were not to be developed, stormwater treatment was not provided in this area. Lots 8, 9 and 10 were included in the list of undeveloped lots.

Eventually, Lots 8, 9 and 10 were placed under a conservation easement to offset wetland impacts regulated by the Florida Department of Environmental Regulation (currently known as the Florida Department of Environmental Protection or FDEP). Ownership of these lots was retained by the developer until the property taxes fell delinquent and the lots were sold by the County. The current owner provided mitigation to FDEP to release the lots from the conservation easement. Sequence 2 and sequence 3 were applications to develop lots 8, 9 and 10 but were subsequently withdrawn. The current application is again for the residential development of Lots 8, 9 and 10, which will include construction of two homes.

Financial Assurance Mechanism: N/A

Off-Site Mitigation: N/A

Engineering

Description of Project (Surface Water Management System):

Stormwater will be collected in roof and area drains, conveyed in underground pipes and discharged to one of two underground vault systems. The vaults are located on lots 8 and 10. When the vaults reach treatment volume capacity, pumps will engage to provide irrigation to wetland buffers and the yard portions of the three lots.

Water Quality:

The receiving waterbody for the project is Egan's Creek. The project is located in the Egan's Creek WBID which has been identified as impaired for Mercury in fish. The proposed development type does not generate that type of impairment. Therefore, best management practices (BMPs) are acceptable. However, the lots are not over-sized and are located in an established neighborhood, leaving very little room for typical BMPs.

The applicant has provided a design that does not impact wetlands and utilizes the acceptable technique of stormwater harvesting on a small scale. The applicant has shown by calculation that the detention vaults can hold the treatment volume equivalent to wet detention in accordance with District presumptive criteria, chapter 62-330, F.A.C. Recovery of the treatment volume is achieved through irrigation pumping.

Flood Protection:

The applicant has demonstrated by calculation that the proposed project does not cause adverse offsite impacts for the 25-year/24-hour storm event. In addition, lot 9 will not be developed. And, a drainage easement will be placed across all three lots where the existing ditch is located to provide continued conveyance of historic surface water flows.

Special Basin Criteria:

There is no special basin criteria associated with this project.

Operation and Maintenance:

In accordance with section 12.3.2. ERP, A.H., Volume I, a construction permittee is an acceptable operation and maintenance entity. The developer will split transfer the permit to each lot owner after construction, leaving each lot owner responsible to operate and maintain the storm water harvesting system on their lot.

Site Description:

The project site consists of uplands (120) with a 0.16 acre wetland (630) located in the center of the lots. This previously inventoried wetland is part of a ditched and piped drainage way through the site.

Impacts: *Subsection 10.2.2, ERP A.H. Volume I, states that an applicant must provide reasonable assurances that a regulated activity will not impact the values of wetland and other surface water functions so as to cause adverse impacts to: (a) the abundance and diversity of fish, wildlife and listed species; and (b) the habitat of fish, wildlife and listed species.*

There are no wetland impacts proposed for this project.

Secondary impacts: *Subsection 10.2.7, ERP A.H. Volume I, contains a four-part criterion that addresses additional impacts that may be caused by a proposed activity:*

(a) adverse impacts to wetland (and other surface water) functions and water quality violations that may result from the intended or reasonably expected uses of a proposed activity; (b) adverse impacts to the upland nesting habitat of bald eagles and aquatic or wetland dependent listed animal species; (c) impacts to significant historical and archaeological resources that are very closely linked and causally related to any proposed dredging or filling of wetlands or other surface waters; and (d) adverse wetland (and other surface) impacts and water quality violations that may be caused by future phases of the project or by activities that are very closely linked and causally related to the project.

The applicant has proposed buffers to prevent any adverse secondary impacts to the wetland. Those these buffers will not be preserved under conservation easement, they are located outside the limits of construction. The permitted activity will not result in impacts to nesting habitat of listed species or impacts to historical or archaeological resources. There are no future phases to this project.

Elimination/Reduction of Impacts: *Pursuant to subsection 10.2.1.1, ERP A.H. Volume I, the applicant must implement practicable design modifications to reduce or eliminate adverse impacts to wetlands and other surface waters. A proposed modification that is not technically capable of being completed, is not economically viable, or that adversely affects public safety through endangerment of lives or property is not considered "practicable". Alternatively, an applicant may meet this criterion by demonstrating compliance with section 10.2.1.2.a. or 10.2.1.2.b.*

There are no wetland impacts proposed for this project.

Mitigation:

As there are no wetland impacts, no mitigation is required.

Cumulative Impacts: *Subsection 10.2.8, ERP A.H. Volume I, requires applicants to provide reasonable assurances that their projects will not cause unacceptable cumulative impacts upon wetlands and other surface waters within the same drainage basin as the project for which a permit is sought. This analysis considers past, present, and likely future similar impacts and assumes that reasonably expected future applications with like impacts will be sought, thus necessitating equitable distribution of acceptable impacts among future applications. Under section 10.2.8, when an applicant proposes mitigation that offsets a project's adverse impacts within the same basin as the impacts, the project does not cause unacceptable cumulative impacts.*

This project is consistent with 10.2.8 of the Applicant's Handbook.

Wetland Summary Table

Nature's Gate Subdivision, Lots 8, 9, and 10 Residential Single Family

	<u>Acres</u>
Total Surface Water, Upland RHPZ and Wetlands in Project	
Wetlands previously inventoried	0.160
OSW	0.000
Upland RHPZ	0.000
Total	0.160

Impacts that Require Mitigation	Total	0.000
Impacts that Require No Mitigation	Total	0.000
Mitigation On-Site	Total	0.000
Off-Site	Total	0.000
Other		0.000

Conclusion:

The applicant has provided reasonable assurance that the proposed project meets the conditions for issuance of permits specified in rules 62-330.301 and 62-330.302, F.A.C.

Conditions

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.

4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice,"[10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C. If available, an District website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities — "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.
7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.

9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the District in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.
13. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries

shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
22. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record

available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

23. The surface water management system must be constructed and operated in accordance with plans received by the District on December 21, 2015.
24. The issuance of this permit allows for residential construction within lots 8 and 10 only.
25. The permittee is required to maintain the stormwater management system, consisting of: storm water vaults, roof and yard drains, underground stormwater conveyance pipes, irrigation pump, underground irrigation pipes in perpetuity.
26. Activity on lots 8, 9 and 10 within the drainage easement (depicted in the survey received by the District on December 21, 2015) must be done such that historic flow patterns within the existing ditch are maintained. Placement of pipes, pavement or any other structure within the easement will require District review and the issuance of the proper District authorization. The removal of vegetation and trees within the easement also requires prior District approval.
27. This permit does not authorize any impacts to wetlands or other surface waters.

EXHIBIT B

FEB 15 1995

CONSERVATION EASEMENT DEED

BK 0723 PG 1928

OFFICIAL RECORDS

STATE OF FLORIDA
COUNTY OF NASSAU

R 191.50
ds .70

KNOW ALL PERSONS BY THESE PRESENTS THAT in consideration for the issuance of Florida Department of Environmental Protection (hereinafter "the Department") Consent Order OGC File Number 94 - 0513 (hereinafter "the Consent Order"), issued pursuant to the requirements of Chapters 373 and 403, Florida Statutes, and Section 17-312, Florida Administrative Code, between the Department and Travett Homes, Inc. on December 2, 1994, Travett Homes, Inc. (hereinafter "Grantor") has granted to the Department (hereinafter "Grantee"), a conservation easement in accordance with Section 704.06, Florida Statutes, in and over the real property in Nassau County, Florida as set forth in the legal description attached hereto as Exhibit A.

As used herein, the term Grantor shall include any successor or assignee of the Grantor, and the term Grantee shall include any successor or assignee of the Grantee.

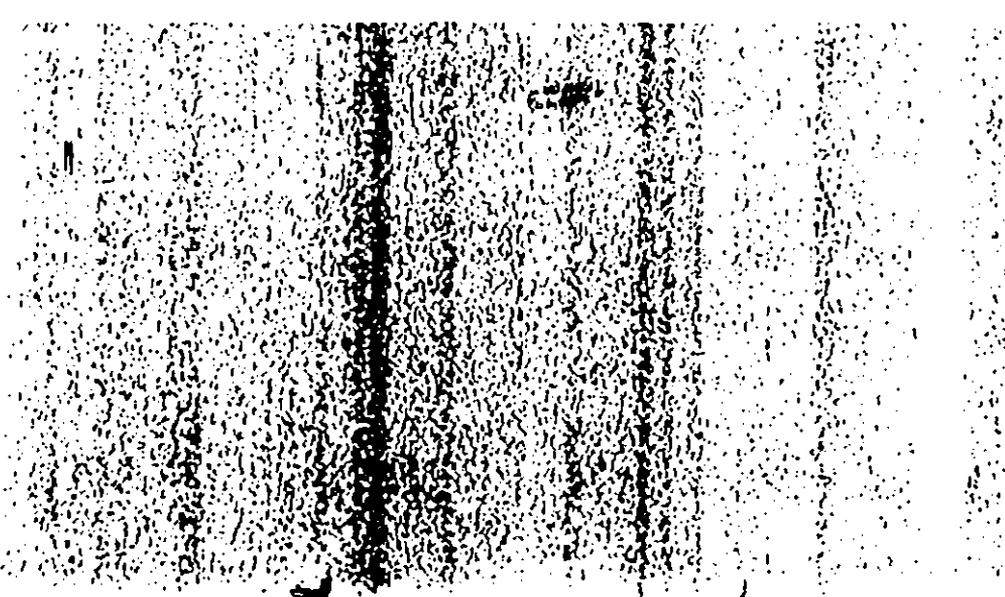
It is the purpose and intent of this Conservation Easement to assure that the subject lands (with the exception of included wetlands which are to be enhanced or created as specified in the aforementioned Consent Order) will be retained and maintained forever predominantly in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement. The included wetlands which are to be enhanced or created shall be maintained forever in the enhanced or created conditions required by the aforementioned permit.

Except for such specific activities as authorized pursuant to the Consent Order, including but not limited to creation, enhancement and maintenance of wetlands as specified mitigation in said Consent Order, the following activities are prohibited on the property subject to this Conservation Easement:

1. Construction or placing of buildings, roads, signs, billboards, or other advertising, utilities, or other structures on or above the ground;
2. Dumping or placing of soil or other substances or material as landfill, or dumping or placing of trash, waste, or unsightly or offensive materials;
3. Removal or destruction of trees, shrubs, or other vegetation; with the exception of nuisance and exotic plant species as may be required by Grantee;
4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock or other material substance in such manner as to affect the surface;

Prepared By and Return To:
Marcia Penman Parker
Rogers, Towers, Bailey, Jones & Gay
1301 Riverplace Boulevard, Suite 1500
Jacksonville, FL 32207

*



5. Surface use except for purposes that permit the water area to remain predominantly in its natural condition;

6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation;

7. Acts or uses detrimental to such aforementioned retention and maintenance of land or water areas; and

8. Acts or uses detrimental to the preservation of any features or aspects of the property having historical, archaeological or cultural significance.

It is understood that the granting of this Conservation Easement entitles the Grantee or its authorized representatives to enter the above-described land in a reasonable manner and at reasonable times to assure compliance.

The Grantor on behalf of itself and its successors or assigns hereby agrees to bear all costs and liability relating to the operation and maintenance of the lands subject to this Conservation Easement in the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement, including the maintenance of enhanced or created wetlands in the vegetative and hydrologic condition required by the aforementioned Consent Order, and Grantor does hereby indemnify and hold harmless the Grantee from same. The Conservation Easement hereby granted and the obligation to retain and maintain the land forever predominantly in the vegetative and hydrologic condition as herein specified shall run with the land and shall be binding upon the Grantor and its successors and assigns, and shall inure to the benefit of the Grantee and its successor and assigns.

The terms and conditions of this Conservation Easement may be enforced by the Grantee by injunctive relief and other appropriate available remedies, and Grantor consents that venue for such enforcement actions shall lie exclusively in the circuit court of the Second Judicial Circuit, in Leon County, Florida. In any enforcement action in which the Grantee prevails, Grantee shall be entitled to recover reasonable attorneys' fees and costs in the trial and appellate courts, in addition to the cost of restoring the land to the natural vegetative and hydrologic condition existing at the time of execution of this Conservation Easement. These remedies are in addition to any other remedy, fine or penalty which may be applicable under Chapter 403, Florida Statutes.

Any forbearance on behalf of the Grantee to exercise its rights in the event of the failure of Grantor to comply with the provisions of this Conservation Easement shall not be deemed or construed to be a waiver of the Grantee's rights hereunder in the event of any subsequent failure of the Grantor to comply.

IN WITNESS WHEREOF, Grantor has hereunto set Gr ~~Official Seal~~ and seal on this 19th day of January, 1995.

Signed, sealed, and delivered in our presence of:

[Signature]
WITNESS

[Signature]
TREVETT HOMES, INC.
by: Harry R. Trevett, President

The foregoing instrument was acknowledged before me this January 19, 1995 (date) by Harry R. Trevett, who is personally known to me or who has produced _____ (type of identification) as identification an who did (did not) take an oath.

(SEAL)

[Signature]
SIGNATURE



SHIRLA EVANS
MY COMMISSION EXPIRES OCTOBER 31, 1997
April 13, 1995
COUNTY CLERK, FLORIDA

PRINT NAME

TITLE

SERIAL NUMBER

130523
STATE OF FLORIDA
DOCUMENTARY STAMP TAX
DEPT. OF REVENUE
PA IN FLORIDA
11-29
00.70

db

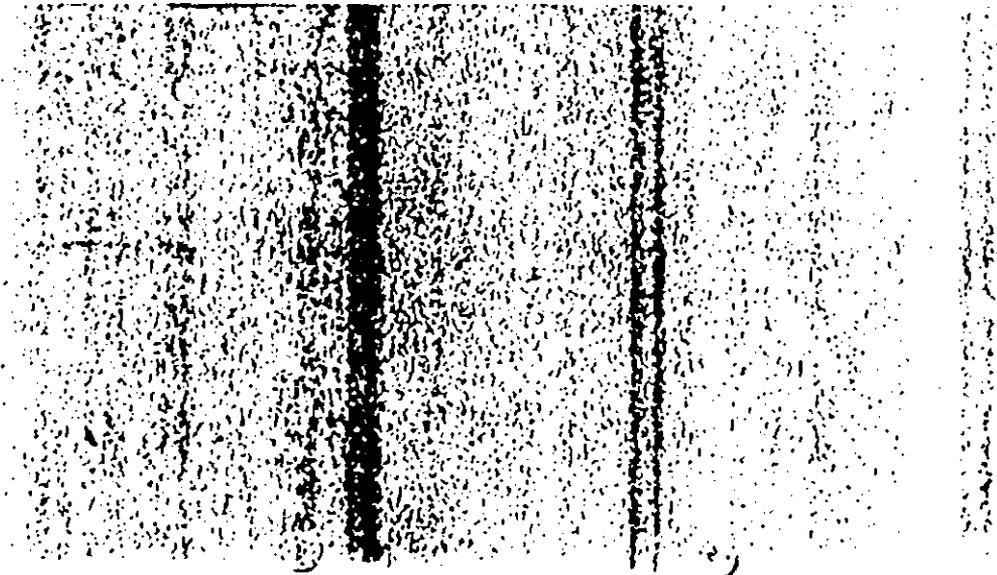


Exhibit A

BK0723PG1931

OFFICIAL RECORDS

Legal Description

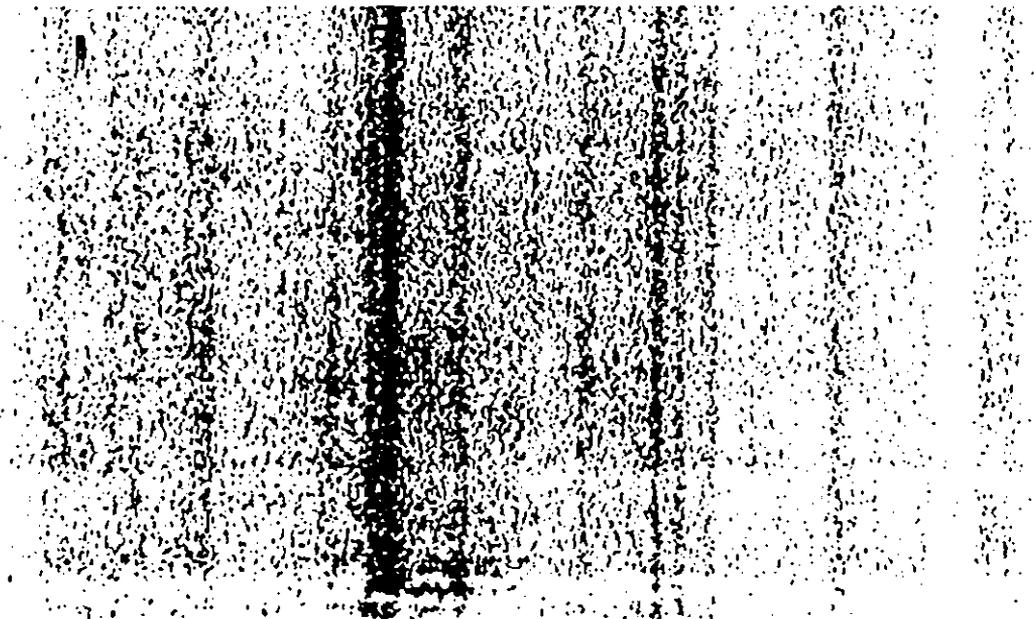
Lots 3, 8, 9, 10, 21, and 22, Plat Book 5, Pages 200 and 201,
as recorded in the Records of the Nassau County, Florida.

9502663

RECORDED
CLERK OF THE COUNTY OF NASSAU
FLORIDA

95FEB 15 PM 2:03

[Handwritten Signature]
CLERK OF THE COUNTY OF NASSAU
FLORIDA



OFFICE USE ONLY

REC'D: 2/7/16 BY: KG

PAYMENT: \$ 650- TYPE: BOA

APPLICATION #: 2016-000024

CASE #: BOA 2016-08

BOARD MEETING DATE: 2/17/16



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: Bright Vision Investments, LLC

Mailing Address: 851 S. State Road 434, Ste 1070-345, Altamonte Springs, FL 32714

Telephone: (904) 813-9848 **Fax:** (800) 511-7141

Email: dbeddard@bvillc.com

Agent Name: Matt Lahti / Gulfstream Design Group, LLC

Mailing Address: 906 Anastasia Blvd., Saint Augustine, FL 32080

Telephone: (904) 794-4231 **Fax:** _____

Email: matt@gulfstreamdesign.com

PROPERTY INFORMATION

Street Address: Natures Gate Court South, Fernandina Beach, FL 32034

Parcel Identification Number(s): 00-00-31-147G-0010-0000

Lot Number: 10 **Block Number:** _____

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 3.03.03

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

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.

Special conditions and circumstances which exist or are peculiar to the land include a jurisdictional wetland line which requires a custom footprint to develop the home.

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 variance does not confer upon the owner any special privilege.

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 literal interpretation of the provisions of the Land Development Code deprives the applicant of rights commonly enjoyed by other properties in the neighborhood and same residential zoning district because the Land Development Code does not adequately address or classify types of wetlands.

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 variance requested is the minimum variance needed to allow the applicant to construct a single family home consistent in size with others in the neighborhood and on the same street.

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

Granting a variance will be in harmony with the general intent and purpose of the Land Development Code as the requested variance is the minimum needed to provide the owner the same privilege as others in the same position and still provide proper protection to the wetland.



OWNER'S AUTHORIZATION FOR AGENT REPRESENTATION

I/WE Bright Vision Investments, LLC
(print name of property owner(s))

hereby authorize: Matthew Lahti of Gulfstream Design Group, LLC
(print name of agent)

to represent me/us in processing an application for: Variance Request
(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.

David F. Beddard
(Signature of owner)

(Signature of owner)

David F. Beddard, Managing Member
(Print name of owner)

(Print name of owner)

STATE OF FLORIDA }
 ss }
COUNTY OF NASSAU }

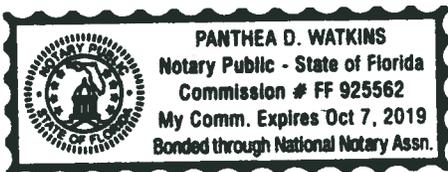
Subscribed and sworn to before me this 10th day of January, 2016.

Panthea Watkins
Notary Public: Signature

Panthea Watkins
Printed Name

10-07-2019
My Commission Expires

Personally Known OR Produced Identification _____ ID Produced: _____



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

Property Search Recent Sales Search Nassau Home

OWNER NAME BRIGHT VISION INVESTMENTS LLC
MAILING ADDRESS 516 WETHERBY LN

 ST AUGUSTINE, FL 32092
LOCATION ADDRESS NATURES GATE CT
 FERNANDINA BEACH 32034
SHORT LEGAL LOT 10 IN OR 1853/1386 CONSERVATION
 ESMT OR 723/1928

PARCEL NUMBER 00-00-31-147G-0010-0000
TAX DISTRICT FERNANDINA BEACH (DISTRICT 2)
MILLAGE 20.6524
PROPERTY USAGE VACANT RESIDENTIAL
DEED ACRES 0
HOMESTEAD N
PARCEL MAP RECORD [MAP THIS PARCEL](#)
TAX COLLECTOR SEARCH [NASSAU TAX COLLECTOR LINK](#)
PROPERTY RECORD CARD [LINK TO PROPERTY RECORD CARD \(PDF\)](#)

2015 Preliminary Values

JUST VALUE OF LAND	\$7,000
LAND VALUE AGRICULTURAL	\$0
TOTAL BUILDING VALUE	\$0
TOTAL MISC VALUE	\$0
JUST OR CLASSIFIED TOTAL VALUE	\$7,000
ASSESSED VALUE	\$7,000
EXEMPT VALUE	\$0
TAXABLE VALUE	\$7,000

Land Information

LAND USE	LAND UNITS	LAND UNIT TYPE	SEC-TWN-RNG
VAC RES 000000	1	UT	9-3N-29

Building Information

There is no Building Information for this record.

Miscellaneous Information

There is no Miscellaneous Information for this record.

Sales Information

SALE DATE	BOOK / PAGE	BOOK / PAGE	PRICE	INSTRUMENT	QUALIFICATION	IMPROVED? (AT TIME OF SALE)	GRANTOR	GRANTEE
06/13/2013	1864/2000	1864/2000	100	QC	U	N	GATE'S END HOLDINGS LLC	BRIGHT VISION INVESTMENTS LLC
04/30/2013	1853/1386	1853/1386	2200	TX	U	N	TAX COLLECTOR	BRIGHT VISION INVESTMENTS LLC
11/21/2005	1368/939	1368/939	100	WD	U	N	TREVETT HOMES INC	GATES END HOLDINGS LLC

Brief Description of Work Proposed

Bright Vision Investments own residential lot 10 on Natures Gate Court South, Fernandina Beach, Florida. The owner requests a ten (10) foot variance from the wetland buffer setback in order to build a single family home consistent in size with other on the same street. The footprint of the proposed home has been modified to minimize the buffer impacts. The proposed home meets all other front, rear, and side yard setback requirements per the City of Fernandina Beach Land Development Code.

SYNOPSIS LETTER

To fully understand the variance request it is also important to understand the history, the neighborhood, and Lots 8, 9, and 10 with Natures Gate. The City approved the Plat for Natures Gate in 1988 and included Lots 8, 9, and 10 as buildable lots within this subdivision. In the nearly thirty (30) years since that approval these lots have been listed on the County Property Appraiser as Vacant Residential and there has been no change in use.

During the mid 1990's the original developer was issued a compliance notification by the Florida Department of Environmental Protection (FDEP) due to multiple violations within the development. The violations did not take place on Lots 8, 9, or 10; but these lots did become part of the restitution. The developer agreed to place Lots 8, 9, and 10 into conservation by recording a conservation easement against them. The developer did this with a couple other lots as well. The developer was also restricted from building on some other lots but did not put them into conservation. These lots included Lots 4 and 5 of the Natures Gate Plat. The developer eventually moved some of the remaining lots to a holding company and then stopped paying taxes on them. Lots 8, 9, and 10 went to a Tax Deed Sale which is where Bright Vision Investments purchased them on May 7, 2013.

Conservation Easements require that they remain in their natural state and cannot be altered in any way. If the easement is violated the owner must restore the property to its natural state, at their cost, regardless of who violated the easement or caused the damage.

Lots 8, 9, and 10 were not being treated by certain neighbors as conservation easements. Both known violators retained an attorney. Despite requests from the owner, the owner's attorney, and multiple requests from the DEP one (1) of the neighbors refused to treat the property as a conservation easement. This neighbor (owner of lot 7) encroached onto the property with their irrigation system, sidewalk, and landscaping. They continued to mow, plant, and fertilize the property. She has since moved but the new neighbor(s) continue to treat Lot 8 as if it is their personal property.

The FDEP communicated to Bright Vision Investments that it would be their financial responsibility to restore the lots even though they were not the ones damaging them. The DEP suggested fencing the Lots which met with resistance from the neighbors. They also suggested mitigating the parcels and having the conservation easements lifted. This is a process where other land that will be protected is purchased in a mitigation bank. Bright Vision Investments made the decision to purchase other land in a mitigation bank and the conservation easement on Lots 8, 9, and 10 were lifted.

Now Lots 8, 9, and 10 had been deemed buildable by FDEP. Due to potential wetland issues St. Johns River Water Management District (SJRWMD) was recommended by FDEDP to process the permit application. They indicated the original jurisdictional wetland line was forever altered by Lots 4, 5, 6, and 7. An illegal culvert had been placed through lots 6 and 7 with no permit. This pipe stops at the beginning of Lot 8 and was allowed to remain (this was one of the items that triggered restitution for the original developer). Lots 6 and 7 were filled and built on in the 90's without taking into any account the wetland impacts. These homes/lots were also not part of the approved storm water system. In 2002 a home was built on Lot 4 and 5. The City issued a permit for this home even though it violated side yard setbacks, filled wetlands, violated wetland buffers, and was not part of the approved storm water system.

When SJRWMD visited Lots 8, 9, and 10 on May 1, 2014 their original suggestion was to continue the pipe through Lots 8, 9, and 10 and fill all three (3) lots. This position was based on their view of the wetland serving as a drainage ditch accepting flow from the Lime Street right of way. This suggestion met with resistance from the neighbors and the permit application for Bright Vision Investments was altered. The approved permit from SJRWMD now includes single family homes on Lots 8 and 10 only. These lots will have an onsite system for collecting and storing rain water. This water will then be used to irrigate those lots. Ownership of Lot 9 will be tied to lot 8 and will never be built on as it will be a drainage easement.

In addition to FDEP and SJRWMD Bright Vision Investments has worked with the Army Corp of Engineers and the City of Fernandina Beach Utility Department. Bright Vision Investments has followed all of the proper steps and has approval from all of the above to build on Lots 8 and 10.

SJRWMD Permit Included.

File No. 2013-011-TD
Certificate No. 3408
Parcel ID. 00-00-31-147G-0008-0000

TAX DEED

State of FLORIDA
County Of NASSAU

INSTR # 201312536, OR Book1855Page 612 2.00
Recorded 5/7/2013 at 2:40:49PM
John A. Crawford, Nassau County Clerk of the Circuit Court
Deed Doc 15.40Rec Fee \$18.50

The following Tax Sale Certificate Numbered 3408 issued on May 26, 2010 was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was sold on the 7th day of May, 2013, offered for sale as required by law for cash to the highest bidder and was sold to BRIGHT VISION INVESTMENTS LLC whose address is 516 WETHERBY LN SAINT AUGUSTINE, FL, 32092 being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

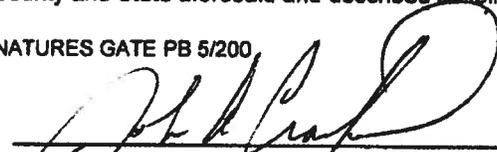
Now, on the 7th day of May, 2013, in the County of Nassau, State of Florida, in consideration of the sum of (\$2,157.41) two thousand one hundred fifty-seven dollars and forty-one cents only, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:

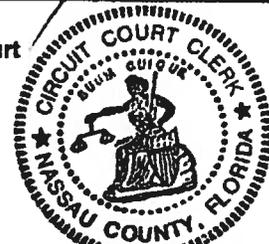
LOT 8 PT OR 1368/939 CONSERVATION ESMT OR 723/1928 NATURES GATE PB 5/200

Witness:


RHODA GOODWIN

CHERYL A. SALMON

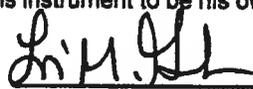

JOHN A. CRAWFORD
Clerk of the Circuit Court
NASSAU COUNTY, FL (Seal)



State of FL
County Of NASSAU

On the 7th DAY OF MAY 2013, before me LORI M. GAMBLE personally appeared JOHN A. CRAWFORD Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and office seal date aforesaid.


LORI M. GAMBLE, Notary Public

Prepared by:
John A. Crawford
Clerk of the Circuit Court
76347 Veterans Way
Yulee, Florida 32097



LORI M. GAMBLE
Notary Public, State of Florida
My Comm. Expires Aug 18, 2013
Commission No. DD 913981

File No. 2013-012-TD
Certificate No. 3409
Parcel ID. 00-00-31-147G-0009-0000

TAX DEED

State of FLORIDA
County Of NASSAU

The following Tax Sale Certificate Numbered **3409** issued on **May 26, 2010** was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was sold on the **7th day of May, 2013**, offered for sale as required by law for cash to the highest bidder and was sold to **BRIGHT VISION INVESTMENTS LLC** whose address is **516 WETHERBY LN SAINT AUGUSTINE, FL, 32092** being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

Now, on the **7th day of May, 2013**, in the County of Nassau, State of Florida, in consideration of the sum of **(\$2,144.45)** two thousand one hundred forty-four dollars and forty-five cents only, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:

LOT 9 PT OR 1368/939 CONSERVATION ESMT OR 723/1928 NATURES GATE PB 5/200

Witness:

Rhoda Goodwin
RHODA GOODWIN
Cheryl A. Salmon
CHERYL A. SALMON

John A. Crawford
JOHN A. CRAWFORD
Clerk of the Circuit Court
NASSAU COUNTY, FL (Seal)



State of FL
County Of NASSAU

On the 7th DAY OF MAY 2013, before me LORI M. GAMBLE personally appeared JOHN A. CRAWFORD Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

Witness my hand and office seal date aforesaid.

Lori M. Gamble
LORI M. GAMBLE, Notary Public

Prepared by:
John A. Crawford
Clerk of the Circuit Court
76347 Veterans Way
Yulee, Florida 32097



LORI M. GAMBLE
Notary Public, State of Florida
My Comm Expires Aug 18, 2013
Commission No. DD 913981

File No. 2013-010-TD
Certificate No. 3410
Parcel ID. 00-00-31-147G-0010-0000

TAX DEED

State of FLORIDA
County Of NASSAU

The following Tax Sale Certificate Numbered 3410 issued on May 26, 2010 was filed in the office of the tax collector of this County and application made for the issuance of a tax deed, the applicant having paid or redeemed all other taxes or tax sale certificates on the land described as required by law to be paid or redeemed, and the costs and expenses of this sale, and due notice of sale having been published as required by law, and no person entitled to do so having appeared to redeem said land; such land was sold on the 30th day of April, 2013, offered for sale as required by law for cash to the highest bidder and was sold to BRIGHT VISION INVESTMENTS LLC whose address is 516 WETHERBY LN ST AUGUSTINE, FL, 32092 being the highest bidder and having paid the sum of his bid as required by the Laws of Florida.

Now, on the 30th day of April, 2013, in the County of Nassau, State of Florida, in consideration of the sum of (\$2,125.00) Two thousand one hundred twenty-five dollars only, being the amount paid pursuant to the Laws of Florida does hereby sell the following lands, including any hereditaments, buildings, fixtures and improvements of any kind and description, situated in the County and State aforesaid and described as follows:

LOT 10 PT OR 1368/939 CONSERVATION ESMT OR 723/1928 NATURES GATE PB 5/200

Witness:

Rhoda Goodwin
RHODA GOODWIN
Cheryl A. Salmon
CHERYL A. SALMON

John A. Crawford
JOHN A. CRAWFORD
Clerk of the Circuit Court
NASSAU COUNTY, FL



State of FL
County Of NASSAU

On the 30th DAY OF APRIL 2013, before me LORI M. GAMBLE personally appeared JOHN A. CRAWFORD Clerk of the Circuit Court in and for the State and this County known to me to be the person described in, and who executed the foregoing instrument, and acknowledged the execution of this instrument to be his own free act and deed for the use and purposes therein mentioned.

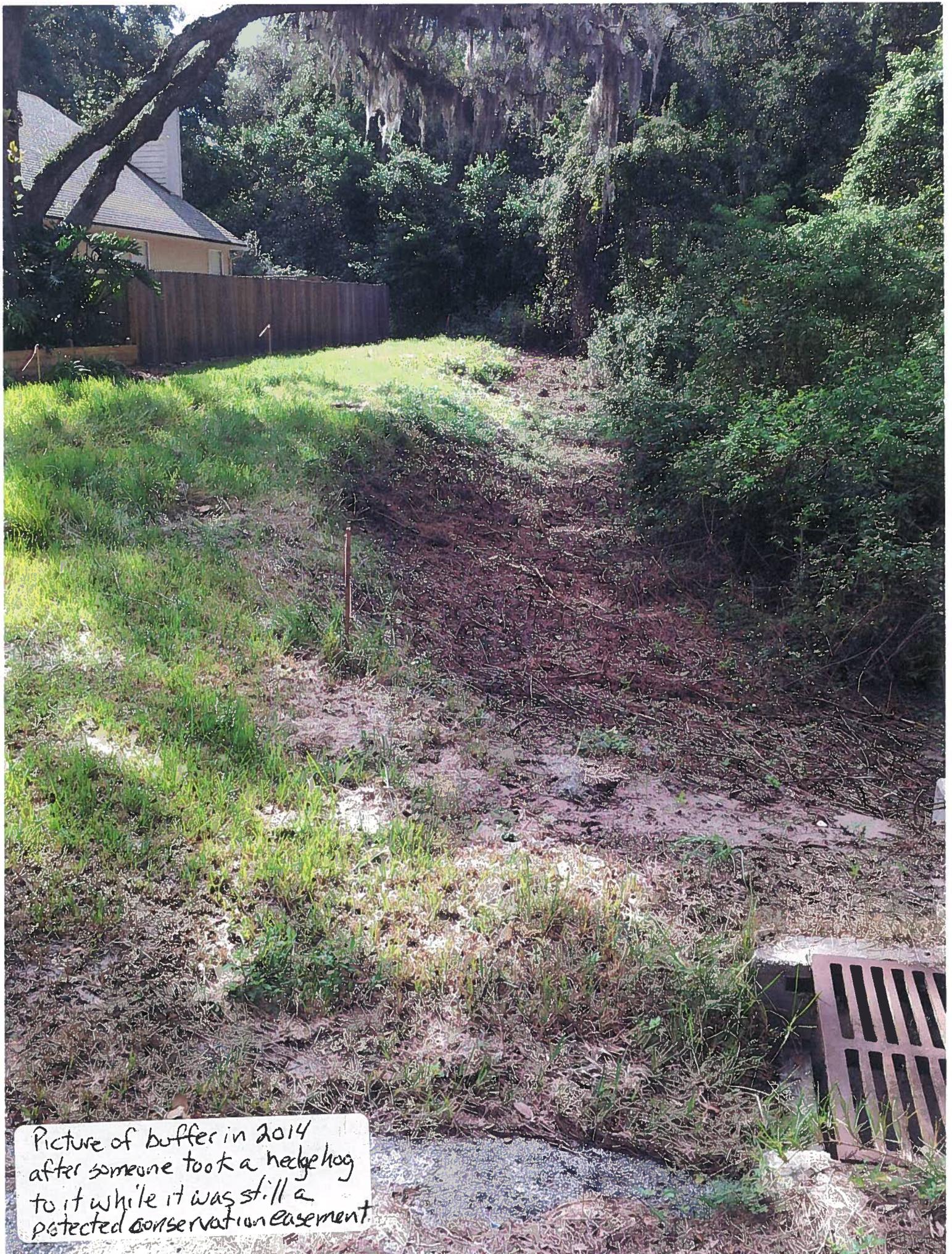
Witness my hand and office seal date aforesaid.

Lori M. Gamble
LORI M. GAMBLE, Notary Public

Prepared by:
John A. Crawford
Clerk of the Circuit Court
76347 Veterans Way
Yulee, Florida 32097



LORI M. GAMBLE
Notary Public, State of Florida
My Comm Expires Aug 18, 2013
Commission No. DD 913981



Picture of buffer in 2014
after someone took a hedgehog
to it while it was still a
protected conservation easement.



St. Johns River Water Management District

Ann B. Shortelle, Ph.D., Executive Director

4049 Reid Street • P.O. Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500
On the Internet at floridaswater.com.

December 23, 2015

Bright Vision Investments LLC
516 Wetherby Ln
St Augustine, FL 32092-1024

SUBJECT: Permit Number 43768-4
Nature's Gate Subdivision, Lots 8, 9, and 10

Dear Sir/Madam:

Enclosed is your individual permit issued by the St. Johns River Water Management District on December 23, 2015. This permit is a legal document and should be kept with your other important documents. Permit issuance does not relieve you from the responsibility of obtaining any necessary permits from any federal, state, or local agencies for your project.

Technical Staff Report:

If you wish to review a copy of the Technical Staff Report (TSR) that provides the District's staff analysis of your permit application, you may view the TSR by going to the Permitting section of the District's website at floridaswater.com/permitting. Using the "search applications and permits" feature, you can use your permit number or project name to find information about the permit. When you see the results of your search, click on the permit number and then on the TSR folder.

Noticing Your Permit:

For noticing instructions, please refer to the noticing materials in this package regarding closing the point of entry for someone to challenge the issuance of your permit. Please note that if a timely petition for administrative hearing is filed, your permit will become nonfinal and any activities that you choose to undertake pursuant to your permit will be at your own risk.

Compliance with Permit Conditions:

To submit your required permit compliance information, go to the District's website at floridaswater.com/permitting. Under the "Apply for a permit or submit compliance data" section, click to sign-in to your existing account or to create a new account. Select the "Compliance Submittal" tab, enter your permit number, and select "No Specific Date" for the Compliance Due Date Range. You will then be able to view all the compliance submittal requirements for your project. Select the compliance item that you are ready to submit and then attach the appropriate information or form. The forms to comply with your permit conditions are available at floridaswater.com/permitting under the section "Handbooks, forms, fees, final orders". Click on forms to view all permit compliance forms, then scroll to the ERP application forms section and select the applicable compliance forms. Alternatively, if you have difficulty finding forms or need copies of the appropriate forms, please contact the Office of Business and Administrative Services at (386) 329-4570.

Transferring Your Permit:

Your permit requires you to notify the District within 30 days of any change in ownership or control of the project or activity covered by the permit, or within 30 days of any change in ownership or control of the real property on which the permitted project or activity is located or

GOVERNING BOARD

John A. Miklos, CHAIRMAN
ORLANDO

Fred N. Roberts Jr., VICE CHAIRMAN
OCALA

Chuck Drake, SECRETARY
ORLANDO

Carla Yetter, TREASURER
FERNANDINA BEACH

Douglas C. Bourmique
VERO BEACH

Douglas Burnett
ST. AUGUSTINE

Maryam H. Ghyabi
ORMOND BEACH

Ron Howse
COCOA

George W. Robbins
JACKSONVILLE

occurs. You will need to provide the District with the information specified in rule 62-330.340, Florida Administrative Code (F.A.C.). Generally, this will require you to complete and submit Form 62-330.340(1), "Request to Transfer Permit," available at <http://www.floridaswater.com/permitting/permitforms.html>.

Please note that a permittee is liable for compliance with the permit before the permit is transferred. The District, therefore, recommends that you request a permit transfer in advance in accordance with the applicable rules. You are encouraged to contact District staff for assistance with this process.

Thank you and please let us know if you have additional questions. For general questions contact e-permit@sjrwmd.com or (386) 329-4570.

Sincerely,



Margaret Daniels, Office Director
Office of Business and Administrative Services
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529
(386) 329-4570

Enclosures: Permit

cc: District Permit File

Engineering Consultant:	Matthew Lahti Gulfstream Design Group, LLC Ste A 906 Anastasia Blvd St Augustine, FL 32080-4664
------------------------------------	-------------------------------------------------------------------------------------------------------------

ST. JOHNS RIVER WATER MANAGEMENT DISTRICT
Post Office Box 1429
Palatka, Florida 32178-1429

PERMIT NO: 43768-4

DATE ISSUED: December 23, 2015

PROJECT NAME: Nature's Gate Subdivision, Lots 8, 9, and 10

A PERMIT AUTHORIZING:

Construction of a Stormwater Management System with stormwater treatment by stormwater harvesting for Nature's Gate Subdivision, Lots 8, 9, and 10, a 0.49 - acre project to be constructed and operated as per plans received by the District on December 21, 2015.

LOCATION:

SECTION(S): 9
Nassau County

TOWNSHIP(S): 3N

RANGE(S): 29E

ISSUED TO:

Bright Vision Investments LLC
516 Wetherby Ln
St Augustine, FL 32092-1024

The permittee agrees to hold and save the St. Johns River Water Management District and its successors harmless from any and all damages, claims, or liabilities which may arise from permit issuance. Said application, including all plans and specifications attached thereto, is by reference made a part hereof.

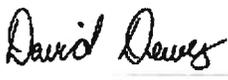
This permit does not convey to the permittee any property rights nor any rights or privileges other than those specified herein, nor relieve the permittee from complying with any law, regulation or requirement affecting the rights of other bodies or agencies. All structures and works installed by permittee hereunder shall remain the property of the permittee.

This permit may be revoked, modified or transferred at any time pursuant to the appropriate provisions of Chapter 373, Florida Statutes.

PERMIT IS CONDITIONED UPON:

See conditions on attached "Exhibit A", dated December 23, 2015

AUTHORIZED BY: St. Johns River Water Management District
Division of Regulatory, Engineering and Environmental Services

By: 

David Dewey
Regulatory Coordinator

"EXHIBIT A"
CONDITIONS FOR ISSUANCE OF PERMIT NUMBER 43768-4
Nature's Gate Subdivision, Lots 8, 9, and 10
DATE ISSUED December 23, 2015

1. All activities shall be implemented following the plans, specifications and performance criteria approved by this permit. Any deviations must be authorized in a permit modification in accordance with Rule 62-330.315, F.A.C. Any deviations that are not so authorized may subject the permittee to enforcement action and revocation of the permit under Chapter 373, F.S.
2. A complete copy of this permit shall be kept at the work site of the permitted activity during the construction phase, and shall be available for review at the work site upon request by the District staff. The permittee shall require the contractor to review the complete permit prior to beginning construction.
3. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be installed immediately prior to, and be maintained during and after construction as needed, to prevent adverse impacts to the water resources and adjacent lands. Such practices shall be in accordance with the State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007), and the Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), which are both incorporated by reference in subparagraph 62-330.050(9)(b)5, F.A.C., unless a project-specific erosion and sediment control plan is approved or other water quality control measures are required as part of the permit.
4. At least 48 hours prior to beginning the authorized activities, the permittee shall submit to the District a fully executed Form 62-330.350(1), "Construction Commencement Notice," [10-1-13], incorporated by reference herein (<http://www.flrules.org/Gateway/reference.asp?No=Ref-02505>), indicating the expected start and completion dates. A copy of this form may be obtained from the District, as described in subsection 62-330.010(5), F.A.C. If available, an District website that fulfills this notification requirement may be used in lieu of the form.
5. Unless the permit is transferred under Rule 62-330.340, F.A.C., or transferred to an operating entity under Rule 62-330.310, F.A.C., the permittee is liable to comply with the plans, terms and conditions of the permit for the life of the project or activity.
6. Within 30 days after completing construction of the entire project, or any independent portion of the project, the permittee shall provide the following to the Agency, as applicable:
 - a. For an individual, private single-family residential dwelling unit, duplex, triplex, or quadruplex — "Construction Completion and Inspection Certification for Activities Associated With a Private Single-Family Dwelling Unit" [Form 62-330.310(3)]; or
 - b. For all other activities — "As-Built Certification and Request for Conversion to Operational Phase" [Form 62-330.310(1)].
 - c. If available, an Agency website that fulfills this certification requirement may be used in lieu of the form.

7. If the final operation and maintenance entity is a third party:
 - a. Prior to sales of any lot or unit served by the activity and within one year of permit issuance, or within 30 days of as-built certification, whichever comes first, the permittee shall submit, as applicable, a copy of the operation and maintenance documents (see sections 12.3 thru 12.3.3 of Volume I) as filed with the Department of State, Division of Corporations and a copy of any easement, plat, or deed restriction needed to operate or maintain the project, as recorded with the Clerk of the Court in the County in which the activity is located.
 - b. Within 30 days of submittal of the as- built certification, the permittee shall submit "Request for Transfer of Environmental Resource Permit to the Perpetual Operation Entity" [Form 62-330.310(2)] to transfer the permit to the operation and maintenance entity, along with the documentation requested in the form. If available, an Agency website that fulfills this transfer requirement may be used in lieu of the form.
8. The permittee shall notify the District in writing of changes required by any other regulatory District that require changes to the permitted activity, and any required modification of this permit must be obtained prior to implementing the changes.
9. This permit does not:
 - a. Convey to the permittee any property rights or privileges, or any other rights or privileges other than those specified herein or in Chapter 62-330, F.A.C.;
 - b. Convey to the permittee or create in the permittee any interest in real property;
 - c. Relieve the permittee from the need to obtain and comply with any other required federal, state, and local authorization, law, rule, or ordinance; or
 - d. Authorize any entrance upon or work on property that is not owned, held in easement, or controlled by the permittee.
10. Prior to conducting any activities on state-owned submerged lands or other lands of the state, title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund, the permittee must receive all necessary approvals and authorizations under Chapters 253 and 258, F.S. Written authorization that requires formal execution by the Board of Trustees of the Internal Improvement Trust Fund shall not be considered received until it has been fully executed.
11. The permittee shall hold and save the District harmless from any and all damages, claims, or liabilities that may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any project authorized by the permit.
12. The permittee shall notify the District in writing:
 - a. Immediately if any previously submitted information is discovered to be inaccurate; and
 - b. Within 30 days of any conveyance or division of ownership or control of the property or the system, other than conveyance via a long-term lease, and the new owner shall request transfer of the permit in accordance with Rule 62-330.340, F.A.C. This does not apply to the sale of lots or units in residential or commercial subdivisions or condominiums where the stormwater management system has been completed and converted to the operation phase.

13. Upon reasonable notice to the permittee, District staff with proper identification shall have permission to enter, inspect, sample and test the project or activities to ensure conformity with the plans and specifications authorized in the permit.
14. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.
15. Any delineation of the extent of a wetland or other surface water submitted as part of the permit application, including plans or other supporting documentation, shall not be considered binding unless a specific condition of this permit or a formal determination under Rule 62-330.201, F.A.C., provides otherwise.
16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed materials shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.
17. This permit is issued based on the applicant's submitted information that reasonably demonstrates that adverse water resource-related impacts will not be caused by the completed permit activity. If any adverse impacts result, the District will require the permittee to eliminate the cause, obtain any necessary permit modification, and take any necessary corrective actions to resolve the adverse impacts.
18. A Recorded Notice of Environmental Resource Permit may be recorded in the county public records in accordance with Rule 62-330.090(7), F.A.C. Such notice is not an encumbrance upon the property.
19. This permit for construction will expire five years from the date of issuance.
20. At a minimum, all retention and detention storage areas must be excavated to rough grade prior to building construction or placement of impervious surface within the area to be served by those facilities. To prevent reduction in storage volume and percolation rates, all accumulated sediment must be removed from the storage area prior to final grading and stabilization.
21. All wetland areas or water bodies that are outside the specific limits of construction authorized by this permit must be protected from erosion, siltation, scouring or excess turbidity, and dewatering.
22. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity

shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

23. The surface water management system must be constructed and operated in accordance with plans received by the District on December 21, 2015.
24. The issuance of this permit allows for residential construction within lots 8 and 10 only.
25. The permittee is required to maintain the stormwater management system, consisting of: storm water vaults, roof and yard drains, underground stormwater conveyance pipes, irrigation pump, underground irrigation pipes in perpetuity.
26. Activity on lots 8, 9 and 10 within the drainage easement (depicted in the survey received by the District on December 21, 2015) must be done such that historic flow patterns within the existing ditch are maintained. Placement of pipes, pavement or any other structure within the easement will require District review and the issuance of the proper District authorization. The removal of vegetation and trees within the easement also requires prior District approval.
27. This permit does not authorize any impacts to wetlands or other surface waters.

Notice Of Rights

1. A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code, the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P. O. Box 1429, Palatka Florida 32178-1429 (4049 Reid St., Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-six (26) days of the District depositing the notice of District decision in the mail (for those persons to whom the District mails actual notice), within twenty-one (21) days of the District emailing the notice of District decision (for those persons to whom the District emails actual notice), or within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes, and Chapter 28-106, Florida Administrative Code. The District will not accept a petition sent by facsimile (fax), as explained in paragraph no. 4 below.
2. Please be advised that if you wish to dispute this District decision, mediation may be available and that choosing mediation does not affect your right to an administrative hearing. If you wish to request mediation, you must do so in a timely-filed petition. If all parties, including the District, agree to the details of the mediation procedure, in writing, within 10 days after the time period stated in the announcement for election of an administrative remedy under Sections 120.569 and 120.57, Florida Statutes, the time limitations imposed by Sections 120.569 and 120.57, Florida Statutes, shall be tolled to allow mediation of the disputed District decision. The mediation must be concluded within 60 days of the date of the parties' written agreement, or such other timeframe agreed to by the parties in writing. Any mediation agreement must include provisions for selecting a mediator, a statement that each party shall be responsible for paying its pro-rata share of the costs and fees associated with mediation, and the mediating parties' understanding regarding the confidentiality of discussions and documents introduced during mediation. If mediation results in settlement of the administrative dispute, the District will enter a final order consistent with the settlement agreement. If mediation terminates without settlement of the dispute, the District will notify all the parties in writing that the administrative hearing process under Sections 120.569 and 120.57, Florida Statutes, is resumed. Even if a party chooses not to engage in formal mediation, or if formal mediation does not result in a settlement agreement, the District will remain willing to engage in informal settlement discussions.
3. A person whose substantial interests are or may be affected has the right to an informal administrative hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes, where no material facts are in dispute. A petition for an informal hearing must also comply with the requirements set forth in Rule 28-106.301, Florida Administrative Code.

Notice Of Rights

4. A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8:00 a.m. – 5:00 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8:00 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at floridaswater.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile is prohibited and shall not constitute filing.
5. Failure to file a petition for an administrative hearing within the requisite timeframe shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, Florida Administrative Code).
6. The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. A person whose substantial interests are or may be affected by the District's final action has the right to become a party to the proceeding, in accordance with the requirements set forth above.
7. Pursuant to Section 120.68, Florida Statutes, a party to the proceeding before the District who is adversely affected by final District action may seek review of the action in the District Court of Appeal by filing a notice of appeal pursuant to Rules 9.110 and 9.190, Florida Rules of Appellate Procedure, within 30 days of the rendering of the final District action.
8. A District action is considered rendered, as referred to in paragraph no. 7 above, after it is signed on behalf of the District and filed by the District Clerk.
9. Failure to observe the relevant timeframes for filing a petition for judicial review as described in paragraph no. 7 above will result in waiver of that right to review.

Notice Of Rights

Certificate of Service

I HEREBY CERTIFY that a copy of the foregoing Notice of Rights has been sent to the permittee:

Bright Vision Investments LLC
516 Wetherby Ln
St Augustine, FL 32092-1024

This 23rd day of December, 2015.

M. Daniels

Margaret Daniels, Office Director
Office of Business and Administrative Services
St. Johns River Water Management District
4049 Reid Street
Palatka, FL 32177-2529
(386) 329-4570

Permit Number: 43768-4

NOTICING INFORMATION

Dear Permittee:

Please be advised that the St. Johns River Water Management District will not publish a notice in the newspaper advising the public that it has issued a permit for this project.

Newspaper publication, using the District's notice form, notifies members of the public of their right to challenge the issuance of the permit. If proper notice is given by newspaper publication, then there is a 21-day time limit for someone to file a petition for an administrative hearing to challenge the issuance of the permit.

To close the point of entry for filing a petition, you may publish (at your own expense) a one-time notice of the District's decision in a newspaper of general circulation within the affected area as defined in Section 50.011 of the Florida Statutes. If you do not publish a newspaper notice to close the point of entry, the time to challenge the issuance of your permit will not expire and someone could file a petition even after your project is constructed.

A copy of the notice form and a partial list of newspapers of general circulation are attached for your convenience. However, you are not limited to those listed newspapers. If you choose to close the point of entry and the notice is published, the newspaper will return to you an affidavit of publication. In that event, it is important that you either submit a scanned copy of the affidavit by emailing it to compliancesupport@sjrwm.com (preferred method) or send a copy of the original affidavit to:

Margaret Daniels, Office Director
Office of Business and Administrative Services
4049 Reid Street
Palatka, FL 32177

If you have any questions, please contact the Office of Business and Administrative Services at (386) 329-4570.

Sincerely,



Margaret Daniels, Office Director

Office of Business and Administrative Services

NOTICE OF AGENCY ACTION TAKEN BY THE
ST. JOHNS RIVER WATER MANAGEMENT DISTRICT

Notice is given that the following permit was issued on _____:

(Name and address of applicant) _____
permit# _____. The project is located in _____ County, Section
_____, Township _____ South, Range _____ East. The permit authorizes a surface
water management system on _____ acres for
_____ known as
_____. The receiving water body is _____.

A person whose substantial interests are or may be affected has the right to request an administrative hearing by filing a written petition with the St. Johns River Water Management District (District). Pursuant to Chapter 28-106 and Rule 40C-1.1007, Florida Administrative Code (F.A.C.), the petition must be filed (received) either by delivery at the office of the District Clerk at District Headquarters, P.O. Box 1429, Palatka FL 32178-1429 (4049 Reid St, Palatka, FL 32177) or by e-mail with the District Clerk at Clerk@sjrwmd.com, within twenty-one (21) days of newspaper publication of the notice of District decision (for those persons to whom the District does not mail or email actual notice). A petition must comply with Sections 120.54(5)(b)4. and 120.569(2)(c), Florida Statutes (F.S.), and Chapter 28-106, F.A.C. The District will not accept a petition sent by facsimile (fax). Mediation pursuant to Section 120.573, F.S., may be available and choosing mediation does not affect your right to an administrative hearing.

A petition for an administrative hearing is deemed filed upon receipt of the complete petition by the District Clerk at the District Headquarters in Palatka, Florida during the District's regular business hours. The District's regular business hours are 8 a.m. – 5 p.m., excluding weekends and District holidays. Petitions received by the District Clerk after the District's regular business hours shall be deemed filed as of 8 a.m. on the District's next regular business day. The District's acceptance of petitions filed by e-mail is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation (issued pursuant to Rule 28-101.001, Florida Administrative Code), which is available for viewing at floridaswater.com. These conditions include, but are not limited to, the petition being in the form of a PDF or TIFF file and being capable of being stored and printed by the District. Further, pursuant to the District's Statement of Agency Organization and Operation, attempting to file a petition by facsimile (fax) is prohibited and shall not constitute filing.

The right to an administrative hearing and the relevant procedures to be followed are governed by Chapter 120, Florida Statutes, Chapter 28-106, Florida Administrative Code, and Rule 40C-1.1007, Florida Administrative Code. Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means the District's final action may be different from the position taken by it in this notice. **Failure to file a petition for an administrative hearing within the requisite time frame shall constitute a waiver of the right to an administrative hearing. (Rule 28-106.111, F.A.C.).**

If you wish to do so, please visit http://floridaswater.com/nor_dec/ to read the complete Notice of Rights to determine any legal rights you may have concerning the District's decision(s) on the permit application(s) described above. You can also request the Notice of Rights by contacting the Director of Regulatory Support, 4049 Reid St., Palatka, FL 32177-2529, tele. no.

NEWSPAPER ADVERTISING

ALACHUA

The Alachua County Record, Legal Advertising
P. O. Box 806
Gainesville, FL 32602
352-377-2444/ fax 352-338-1986

BRAFORD

Bradford County Telegraph, Legal Advertising
P. O. Drawer A
Starke, FL 32901
904-964-6305/ fax 904-964-8628

CLAY

Clay Today, Legal Advertising
1560 Kinsley Ave., Suite 1
Orange Park, FL 32073
904-264-3200/ fax 904-264-3285

FLAGLER

Flagler Tribune, c/o News Journal
P. O. Box 2831
Daytona Beach, FL 32120-2831
386- 681-2322

LAKE

Daily Commercial, Legal Advertising
P. O. Drawer 490007
Leesburg, FL 34749
352-365-8235/fax 352-365-1951

NASSAU

News-Leader, Legal Advertising
P. O. Box 766
Fernandina Beach, FL 32035
904-261-3696/fax 904-261-3698

ORANGE

Sentinel Communications, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

PUTNAM

Palatka Daily News, Legal Advertising
P. O. Box 777
Palatka, FL 32178
386-312-5200/ fax 386-312-5209

SEMINOLE

Seminole Herald, Legal Advertising
300 North French Avenue
Sanford, FL 32771
407-323-9408

BAKER

Baker County Press, Legal Advertising
P. O. Box 598
Maclenny, FL 32063
904-259-2400/ fax 904-259-6502

BREVARD

Florida Today, Legal Advertising
P. O. Box 419000
Melbourne, FL 32941-9000
321-242-3832/ fax 321-242-6618

DUVAL

Daily Record, Legal Advertising
P. O. Box 1769
Jacksonville, FL 32201
904-356-2466 / fax 904-353-2628

INDIAN RIVER

Vero Beach Press Journal, Legal Advertising
P. O. Box 1268
Vero Beach, FL 32961-1268
772-221-4282/ fax 772-978-2340

MARION

Ocala Star Banner, Legal Advertising
2121 SW 19th Avenue Road
Ocala, FL 34474
352-867-4010/fax 352-867-4126

OKEECHOBEE

Okeechobee News, Legal Advertising
P. O. Box 639
Okeechobee, FL 34973-0639
863-763-3134/fax 863-763-5901

OSCEOLA

Little Sentinel, Legal Advertising
633 N. Orange Avenue
Orlando, FL 32801
407-420-5160/ fax 407-420-5011

ST. JOHNS

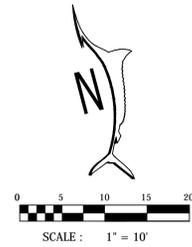
St. Augustine Record, Legal Advertising
P. O. Box 1630
St. Augustine, FL 32085
904-819-3436

VOLUSIA

News Journal Corporation, Legal Advertising
P. O. Box 2831
Daytona Beach, FL 32120-2831
(386) 681-2322

NOTES:

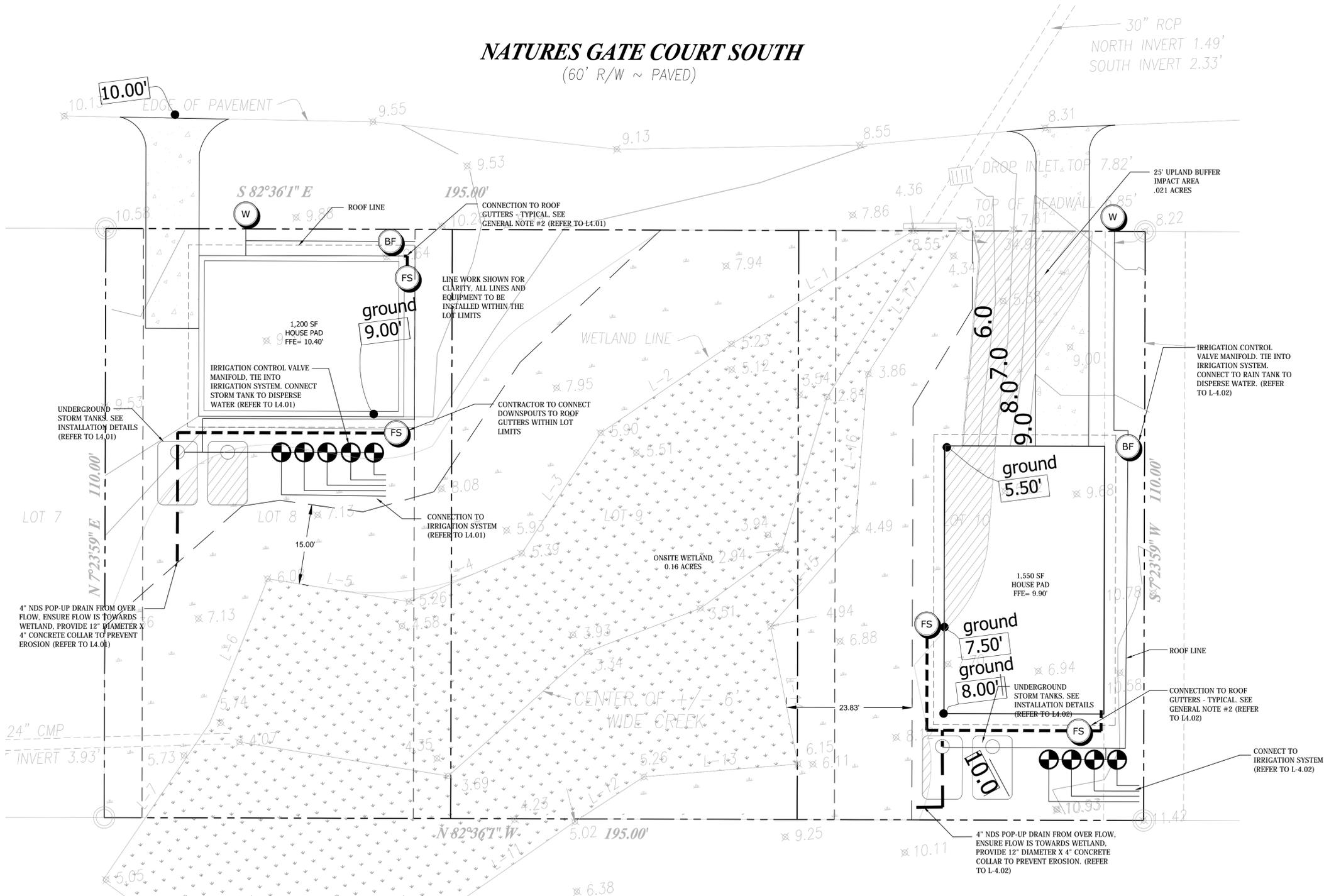
- FOR COMPLETE BUILDING DIMENSIONS AND LAYOUT REFER TO ARCHITECTURAL PLANS.
- CONTRACTOR TO LAYOUT EACH STAGE IN ADVANCE OF CONSTRUCTION TO VERIFY DIMENSIONING. ANY DISCREPANCIES FROM THE PLANS SHALL BE PROVIDED TO ENGINEER IMMEDIATELY IN WRITING FOR COORDINATION WITH OTHER DISCIPLINES.
- PRIOR TO FINAL ACCEPTANCE, CONTRACTOR SHALL PERFORM SITE CLEANUP TO REMOVE ALL TRASH, DEBRIS, AND EXCESS MATERIALS FROM THE SITE.
- AS-BUILTS REQUIRED FOR SUBMITTAL TO THE LOCAL AGENCY & ST. JOHNS RIVER WATER MANAGEMENT DISTRICT.



SITE DATA TABLE	
TOTAL SITE	21,450 SF ~ 0.492 AC
PROPOSED BUILDING	2,750 SF
PROPOSED PAVEMENT/SWALKS	586 SF
TOTAL IMPERVIOUS	7,462 SF
TOTAL PERVIOUS	13,988 SF
OPEN SPACE	13,988 SF
% OPEN SPACE	65.21 %
% BUILDING COVERAGE	12.82 %
% IMPERVIOUS AREA	34.79 %
WETLAND AREA	6,970 SF
PARCEL NUMBER(S)	00-00-31-147G-0008-0000
	00-00-31-147G-0009-0000
	00-00-31-147G-0010-0000
911 ADDRESS	2140 NATURES GATE COURT S
CURRENT ZONING	R-1
LAND USE	LDR
FEMA PANEL NUMBER	12089C0239F

REVISIONS	
NO.	DESCRIPTION
R-1	11/16/2015 MHL/SCS REVISED PER SURROUND COMMENTS
R-2	12/16/2015 MHL/SCS REVISED PER SURROUND COMMENTS
R-3	1/28/2016 MHL/SCS REVISED PER CLIENTS REQUEST

NATURES GATE COURT SOUTH
(60' R/W ~ PAVED)



LEGEND:

- PROPOSED CONCRETE DRIVEWAY
- EXISTING WETLANDS
- PROPOSED WETLAND BUFFER
- WETLAND BUFFER IMPACTS
- CONSERVATION EASEMENT
- PROPOSED 7FT LANDSCAPE SETBACK
- CONTRACTOR TO INSTALL ONE (1) 4" RainHarvesting® FIRST FLUSH DOWNSPOUT FLUSH DIVERTER WITH A 4" STORAGE CHAMBER AND ONE (1) RAINWATER SYSTEMS LEAF EATER ADVANCED DOWNSPOUT FILTER - 4" OUTLET AT EACH DOWNSPOUT LOCATION. CONTRACTOR TO INSTALL FILTER AT GUTTER AND PROVIDE 3" SCH 40 PVC DOWNSPOUT. CONNECT DRAIN LINE TO STORM TANK. SECURE PVC DOWNSPOUT TO HOUSE AND PAINT TO MATCH. PROVIDE SS FINE MESH MOSQUITO SCREEN.
- 4" DRAIN LINE FROM GUTTER SYSTEM. PROVIDE A MINIMUM OF 1/4" DROP PER FOOT OF PIPE. CONNECT TO STORM TANK(S). SEE LANDSCAPE DETAILS.
- DRAINAGE/OVERFLOW FROM STORM TANK TO 4" NDS POP-UP EMITTER MINIMUM OF 1/4" DROP PER FOOT OF PIPE. INSTALL POP-UP EMITTER FLUSH WITH TURF. ENSURE FLOW IS TOWARDS WETLAND. PROVIDE 12" DIAMETER X 4" CONCRETE COLLAR TO PREVENT EROSION.
- 1 1/2" REDUCED PRESSURE BACKFLOW PREVENTER CONNECT POTABLE WATER LINE TO 3-WAY BACKUP VALVE WITH 1 1/2" SCH 40 PVC
- 3/4" WATER METER - APPROXIMATE LOCATION ASSUMED 15 GPM AT 50 PSI STATIC PRESSURE

**CONCEPTUAL ENGINEERING PLANS FOR
NATURE'S GATE
LOTS 8, 9 & 10
SITE PLAN**



PROJECT NO:	GDC 14-002
ISSUE DATE:	10/19/2015
DRAWING FILE:	14002PROJ
XREFS:	14002BASE 14002TIB
DRAFTED BY:	SCS
DESIGNED BY:	MHL
CHECKED BY:	MHL
SCALE:	AS NOTED