



AGENDA  
BOARD OF ADJUSTMENT  
NOVEMBER 16, 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**

Approval of Minutes from the BOA Regular Meeting of September 21, 2016.

**Documents:**

[2016 09-21 BOA RM Minutes Draft.pdf](#)

**4. NEW BUSINESS**

**4.1. MATTHEW E. NACHBAUER C/O JOHN H. DODD ARCHITECT, INC., 1125 N. FLETCHER AVENUE (BOA 2016-19)**

VARIANCE from LDC Section 4.02.03(E) Standards for Building Heights and Setbacks reducing required 25 foot front setback to 22 feet. (*Quasi-Judicial*)

**Documents:**

[BOA 2016-19\\_Nachbauer\\_AgendaPacket.pdf](#)

**5. COMMENTS BY THE PUBLIC**

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

**6. BOARD BUSINESS**

**7. STAFF REPORT**

**8. ADJOURNMENT**

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***NEXT BOA REGULAR MEETING IS SCHEDULED FOR DECEMBER 21, 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 he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

MINUTES

1. **Call to Order** – The meeting was called to order at 5:01 pm.
2. **Roll Call / Determination of a Quorum**

**Board Members Present**

Michael Spino, Vice-Chair  
Matt Miller (alternate)

Lynn Williams  
Barry Hertslet (alternate)

**Board Members Absent**

Tisha Dadd, Chair  
Marcy Mock

Charles Burns

**Others Present**

Tammi Bach, City Attorney  
Jacob Platt, City Planner  
Sylvie McCann, Recording Secretary

Recording Secretary McCann administered the oath to those that were about to present testimony. Vice-Chair Spino briefly explained to the applicants that it would take four affirmative votes for approval and that it was up to them whether to proceed or come back next month. It was noted the applicant could request a continuance before the vote and the applicant decided to proceed with the hearing. City Attorney Bach briefly described the quasi-judicial procedures, and that it would take four affirmative votes to receive approval of the requested variance.

Member Miller and Member Hertslet were seated as voting members for this meeting.

3. **Approval of Minutes** - The July 20, 2016 Meeting Minutes were presented for approval. Member Hertslet corrected the spelling of his name in the Minutes. **A motion was made by Member Williams, seconded by Member Miller, to approve the Minutes as corrected. Vote upon passage of the motion was taken by ayes and nays and being all ayes, carried.**

4. **New Business**

There were no ex parte communications to be disclosed by the board members.

**4.1 HIGHBEAM INC. C/O JARZYNA & ASSOCIATES ARCHITECTS, 2100 S. FLETCHER AVENUE (BOA 2016-18)** Variance to add a second story to an existing non-conforming structure.

Mr. Platt explained this request was a variance was from Section 10.01.02(B) to construct a 1,197 square foot second story on an existing structure on the northeast side of the property. He pointed out the existing structure footprint is 1,197 square feet and is an existing non-conforming structure, because the Land Development Code (LDC) has a maximum square footage for accessory structures at 625 square feet. He stated the LDC does allow for expansion of non-conforming structures, but they have to meet all sections of the LDC. He reviewed the criteria for granting a variance as outlined in the staff report, and stated that the request seems to meet criteria 5 and 6. He pointed out the request was inconsistent with criteria 1, 2, 3, and 4 so staff had to recommend denial.

Member Miller questioned the ability of a non-conforming building coming before the board. Mr. Platt stated there are specific requirements for existing non-conforming structures and non-conforming uses. He explained existing non-conforming uses cannot be expanded in any way. He pointed out the section of code the variance was being requested from says existing non-conforming structures can be expanded where those structures meet all requirements of the LDC. He explained the actual structure is larger than what the current LDC would allow for an accessory structure. Member Williams inquired if the accessory structure was attached to the primary structure would that be allowed. Mr. Platt explained then it would be part of the primary structure and would need to meet primary structure side yard setback requirements. He stated the standard 10% of the lot width would apply to this 50 foot lot and they have 3.8 on one side and 4.3 on the other. Member Williams questioned if this building was built prior to the codes being put in place. Mr. Platt replied yes and explained the accessory structure according to the property appraiser's website was built in 1973. There was a brief discussion about the information presented. It was pointed out the structure was forward of the Coastal Construction Control Line (CCCL) and it was noted the applicant would have to receive permitting from the Department of Environmental Protection (DEP) for construction.

Mr. Platt explained the design professional would have to determine if the foundation can support the addition and whether could they do what they want to do under the 50% threshold, which triggers full compliance with the building code. Vice-Chair Spino noted the board was dealing with the variance for the construction of the second story and there are DEP issues as well as building code issues that are outside the purview of the board. He questioned if the applicants were adding a 625 square foot addition could that have been approved through the building department. Mr. Platt replied yes, because that would be allowable per code today. He stated that expansion would meet current code requirements. There was some discussion about this, and it was noted that detached structures can be three feet from the side or rear setbacks.

Mr. Anthony Jarzyna, 4 Juniper Court, explained the information they had from the DEP was as long as they do not go outside the footprint they could do what they want vertically as long it meets the building code of Fernandina Beach. Member Hertslet inquired if they were considering putting pilings in or something else to support the second floor. Mr. Jarzyna replied they have to do the investigation from the inside of the house. He stated the addition they are adding the floor system is going to be lighter in weight than the existing timber construction. He commented there would be a living space upstairs and the bedroom downstairs. Vice-Chair Spino noted engineering was not done, but the applicant was here for a variance. Mr. Jarzyna replied it was for the square footage. He explained if they don't get the variance they may do some interior renovations and add the 625 square feet. Vice-Chair Spino commented there have been cases in the past where an applicant sought a variance and then had to come back again after they got into the engineering because they found it would not work. Mr. Jarzyna pointed out they were restricted by the City and the DEP. He explained they couldn't touch outside the existing structure, because it is in the CCCL.

Mr. Roger Jackson, 2120 South Fletcher and 19 Skipper Lane, Salem South Carolina, explained his house was just south of the subject property. He commented if his neighbor is allowed to put a second story over the pool house/garage it would have a major impact on his property. He stated adding the second story would have a substantial impact. He presented a handout to the board to show how the proposed addition would block his view. He expressed his concern with the addition being able to look right in his living area, and expressed concerns about

security/privacy. It was noted the addition would not be allowed to be rented out as a separate dwelling unit.

Mr. Platt explained this property had made an application to rezone to R-3 and that was postponed. He stated if it was R-3 they could do vacation rentals, but as it is zoned today they cannot. Mr. Jackson commented he assumed the variance request and the rezoning were related. City Attorney Bach pointed out the ownership of the property has changed since the last application. Mr. Jackson stated he didn't see any positive evidence that this expansion does meet the requirements of the LDC. Mr. Platt explained it specifically fits 10.01.02(B) which says existing non-conforming structures can be expanded where those expansions meet the requirements of the LDC. He stated the City would allow a second story on a 625 square foot structure. Mr. Jackson disagreed with that. There was some discussion about this.

Mr. Dave Augspurger, 2122 South Fletcher Avenue, commented he was also shocked about this request because of the view. He noted the structure was built as a garage to the primary structure before there were coastal setback lines, and he thought that was why it was non-conforming. He stated he didn't think it could ever be developed because of the different permitting requirements with the State and DEP. Vice-Chair Spino pointed out even if the board approves it they still have to go through DEP. Mr. Jarzyna explained as long as they stay within the footprint of the existing structure they do not have to go back to DEP. He stated if they are limited to the 625 square feet it could be pulled back over the garage. He inquired if they could do open deck. Vice-Chair Spino suggested keeping with the requested variance for 1,197 square feet. Mr. Platt inquired if there was a letter from the DEP. Mr. Jarzyna replied DEP would send a letter if needed. ]

Vice-Chair Spino questioned if staff saw this as impacting a view corridor. Mr. Platt explained the City's setbacks are there to protect view corridors, and given this is an existing structure some account should be taken of other property owners' views. He pointed out the City allows accessory structures to be three feet from the property line even when the primary structure has to come in with the additional height requirements. He stated you wouldn't have a structure this far back in the toe of the dune, but you could still have a two-story accessory structure up to 25 feet in height and three feet from the side property line. There was further discussion about this existing non-conforming structure.

Member Williams noted the dunes have gone well to the east of where they were, and commented if a new CCCL were drawn it may be well to the east of where it is currently. He stated the DEP is going to redraw the CCCL since the dunes are shifting. Mr. Platt pointed out the Federal Emergency Management Agency (FEMA) is rolling out new flood maps, which puts a lot of properties on the beach into velocity zones (wave action zones). Mr. Jarzyna inquired about the view line that he would be blocking. Mr. Platt stated it would not be blocking the view corridor, and explained it would be something specific to this property that is affecting the neighbors view corridor. Mr. Jarzyna explained the starting point of the addition on the west side would be the same even if he was restricted to the 625 square feet. There was some discussion about view corridors. The board deliberated and discussed the information presented for the requested variance.

Vice-Chair Spino reminded the applicant that it requires four affirmative votes to grant the variance. Mr. Jarzyna referred to the rezoning and explained this property was purchased from the gentleman that was going to rezone it. He stated his client purchased this beach house for

family getaways, and they would do what they have to do to have the foundation support the second floor. City Attorney Bach pointed out the question before the board is the 1,197 square foot variance. Mr. Jarzyna requested the board to vote today.

*A motion was made by Member Williams, seconded by Member Miller, to deny BOA 2016-18; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2016-18 as presented is not 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 was as follows:*

*Member Williams: Aye  
Member Hertslet: Nay  
Member Miller: Aye  
Vice-Chair Spino: Nay*

*Motion failed.*

*A motion was made by Member Hertslet, seconded by Vice-Spino, to approve BOA 2016-18; and that the BOA make the following findings of fact and conclusions of law part of the record that BOA case 2016-18 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 was as follows:*

*Vice-Chair Spino: Aye  
Member Hertslet: Aye  
Member Miller: Nay  
Member Williams: Nay*

*Motion failed.*

- 5. **Comments by the public** – There were no comments from the public at this time.
- 6. **Board Business – Ms. Dadd to be reappointed for a three year term.** Ms. McCann explained this was considered at the May meeting and Ms. Dadd has already been reappointed by the City Commission.
- 7. **Staff Report** – Mr. Platt reported there are no cases for next month and it was noted that the next regular meeting date would be November 16, 2016.
- 8. **Adjournment** - There being no further business to come before the Board of Adjustment the meeting was adjourned 6:02 pm.



BOA 2016-19  
1125 N. Fletcher Avenue  
November 8, 2016

## BOARD OF ADJUSTMENT STAFF REPORT

<b>Case Number</b>	2016-19
<b>Meeting Date</b>	November 16, 2016
<b>Owner/Applicant</b>	Matthew E Nachbauer / John Dodd Architect
<b>Property Location:</b>	1125 N. Fletcher Avenue
<b>Parcel Number:</b>	00-00-31-126B-0014-0000
<b>Requested action:</b>	VARIANCE from LDC Sections 4.02.03(E) Standards for Building Heights and Setbacks, specifically reducing the required 25 foot front yard setback to 22 feet.
<b>Current zoning:</b>	R-2
<b>FLUM land use category:</b>	Medium Density Residential
<b>Existing uses on the site:</b>	Duplex

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

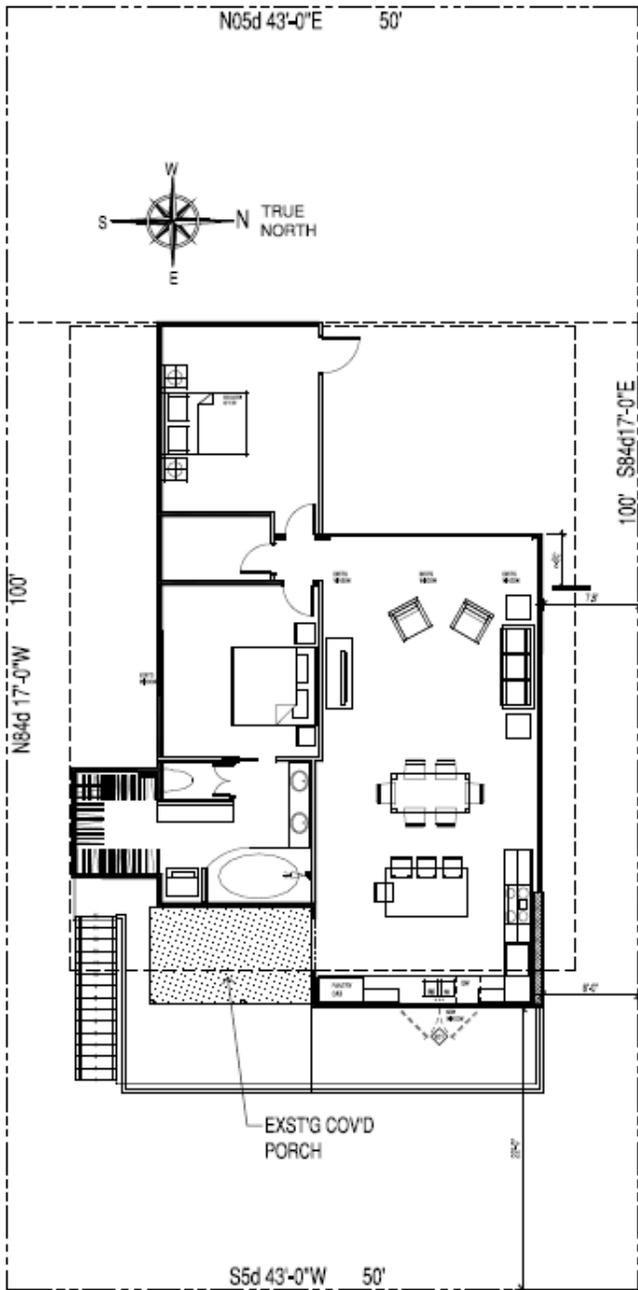
### I. SUMMARY OF REQUEST AND BACKGROUND INFORMATION:

The two story structure was originally constructed as an up down duplex in 1957. The current owners occupy the structure as a single family residence; however, because it was built as a duplex there is not an internal stair. The duplex is an existing nonconforming use because the lot does not have enough land area to support two dwelling units. Nonconforming uses cannot be expanded in any way, so the expansion is contingent upon the removal of the second electric meter as part of the renovations.

This structure is also nonconforming with regard to the front yard setback, which is why the applicant is seeking a three foot variance to bring the southeast corner of the second floor even with the front of the house. This will allow the applicant to construct an internal stair and utilize the structure as a single family residence in a more practical manner.



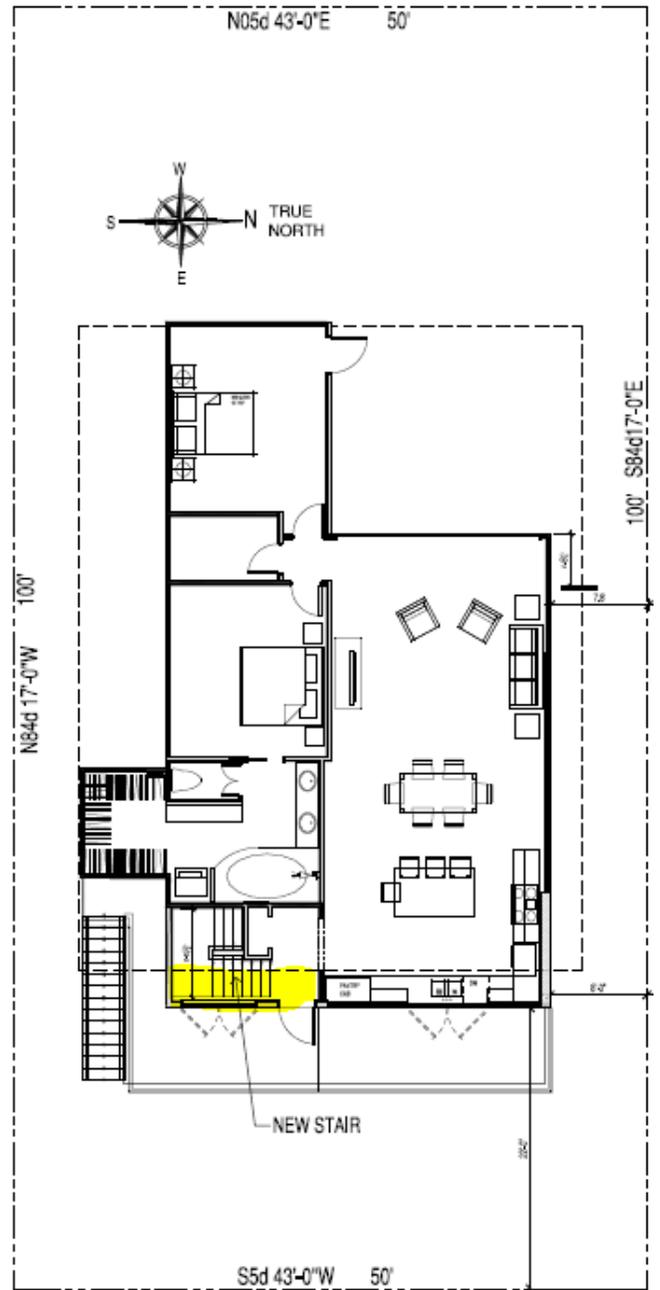
BOA 2016-19  
 1125 N. Fletcher Avenue  
 November 8, 2016



**NORTH FLETCHER AVENUE**

60' R/W ( PAVED )

2nd FLOOR EXST'G  
 SITE PLAN



**NORTH FLETCHER AVENUE**

60' R/W ( PAVED )

2nd FLOOR NEW  
 SITE PLAN



BOA 2016-19  
1125 N. Fletcher Avenue  
November 8, 2016

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

**CONSISTENCY WITH THE COMPREHENSIVE PLAN:**

**II.**

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.**



BOA 2016-19  
 1125 N. Fletcher Avenue  
 November 8, 2016

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

**Consistent with Criteria?**

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

<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>1. <u>Special Conditions</u>: <i>Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district. Special conditions or circumstances do not result from actions of the applicant and are not based on a desire to reduce development costs.</i></p> <p><b>Yes. 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. This lot does not support two dwelling units, it is a nonconforming use. Nonconforming uses cannot be expanded in any way. The applicant is going to remove the separate meters and convert the structure to a single family residence. The up down duplex did not have an internal stair.</b></p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>2. <u>Special Privilege</u>: <i>Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district.</i></p> <p><b>No. Granting the variance <u>does confer</u> upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. Other properties with existing nonconforming structures can only be expanded in square footage where such expansion meets all requirements of the LDC, per section 10.01.02(B).</b></p>
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<p>3. <u>Literal Interpretation</u>: <i>Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.</i></p> <p><b>No. Literal interpretation of the Land Development Code <u>would not</u> deprive the applicant of rights enjoyed by others properties. All new development, redevelopment and additions to existing structures must comply with all LDC requirements.</b></p>
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<p>4. <u>Minimum Variance</u>: <i>The variance requested is the minimum variance needed that will make possible the reasonable use of the land, structure, or building.</i></p> <p><b>Yes. The variance requested <u>is</u> the minimum variance needed to make possible the reasonable use of the land, structure, or building. As a single family residence it is reasonable to have an internal stair. Given the layout, a three foot variance is required to make the internal stair work. It is not extending past the existing building envelope.</b></p>
<input checked="" type="checkbox"/> Yes <input 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><b>Yes. Granting the variance <u>will</u> be in harmony with the general intent and purpose of Land Development Code and Comprehensive Plan. Granting of the variance will allow this property owner to convert the existing residence into a single family residence, eliminating an existing nonconforming use.</b></p>



BOA 2016-19  
 1125 N. Fletcher Avenue  
 November 8, 2016

<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><b>Yes. Granting of a variance <u>is</u> compatible with surrounding properties, will not cause injury to the area involved, or otherwise be detrimental to the public health, safety, welfare or environment.</b></p>
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**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, 4, 5 and 6 but does not meet criteria 2 and 3 for granting a variance, therefore staff has to recommend denial.

**VI. MOTION TO CONSIDER:**

I move to **approve or deny** BOA case number 2016-19; AND I move that the BOA make the following findings of fact and conclusions of law part of the record: That BOA case 2016-19, item, as presented, **is or is not** substantially compliant with the Comprehensive Plan and Land Development Code to warrant approval at this time.

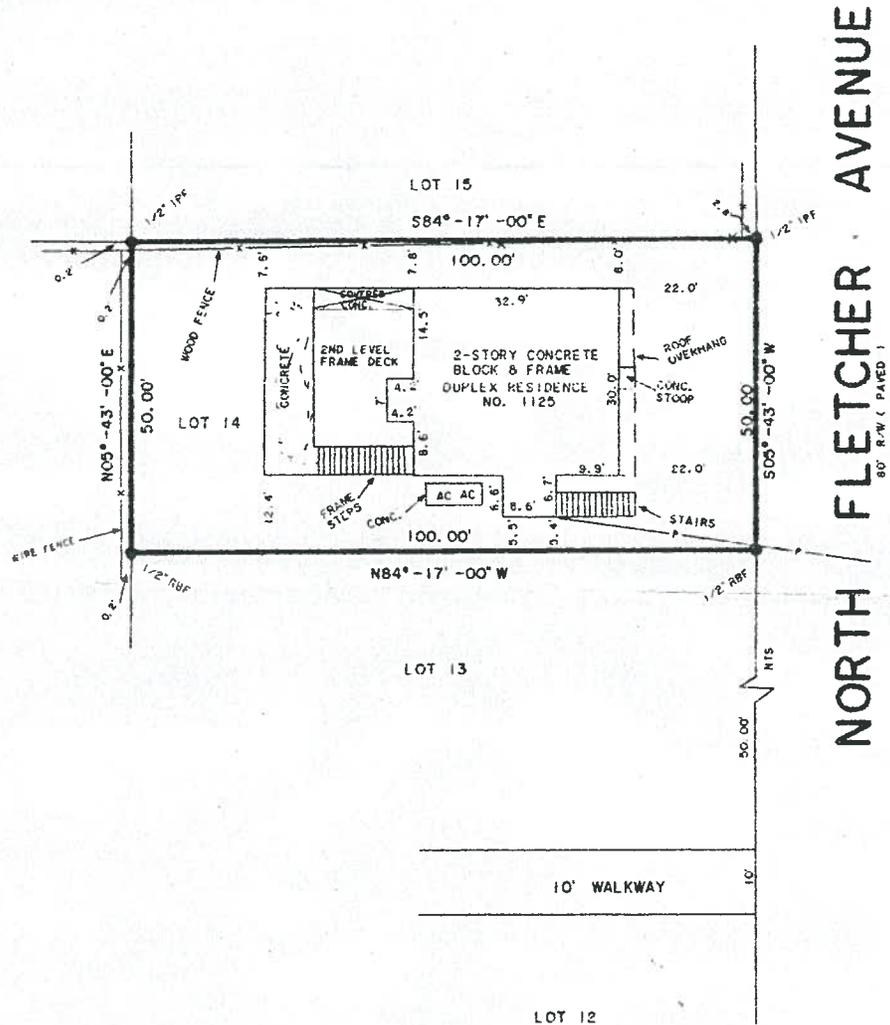
Jacob M. Platt  
 Planner II  
 Community Development Department





MAP SHOWING BOUNDARY SURVEY OF  
 LOT 14, FERRIERA'S REPLAT OF FERNANDINA BEACH SECTION TWO,  
 AS RECORDED IN PLAT BOOK 3, PAGE 54,  
 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

CERTIFIED TO:  
 MATTHEW E. NACHBAUER,  
 CBC NATIONAL BANK,  
 FIRST AMERICAN TITLE INSURANCE CO.  
 ANDREA F. LENNON, P.A.



## COASTAL LAND SURVEYORS

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

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

LICENSED BUSINESS NO. 8412  
 8-30-14  
 JAMES C. FLACOCK, PROFESSIONAL SURVEYOR AND MAPPER  
 FLORIDA CERTIFICATE NO. 3718  
 GEORGIA CERTIFICATE NO. 2385  
 NOT VALID UNLESS EMBOSSED WITH SURVEYORS OFFICIAL SEAL

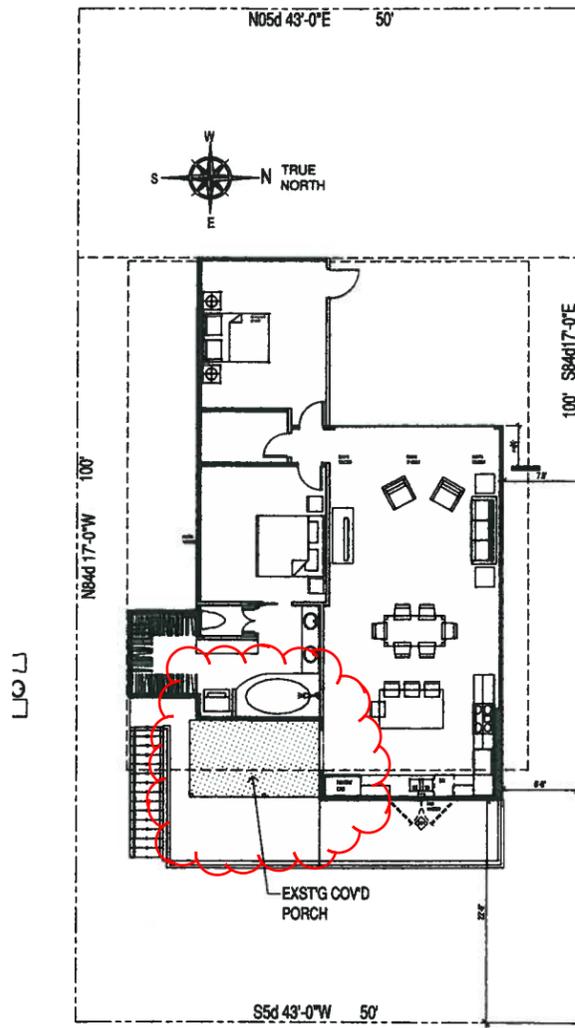
BEARINGS BASED ON PLAT OF RECORD

PROPERTY SHOWN HEREON LIES WITHIN  
 FLOOD ZONE AE9 AS SHOWN ON  
 FEMA FLOOD INSURANCE RATE MAP,  
 COMMUNITY NO. 120172 PANEL NO. 0241F  
 DATED 12-17-10

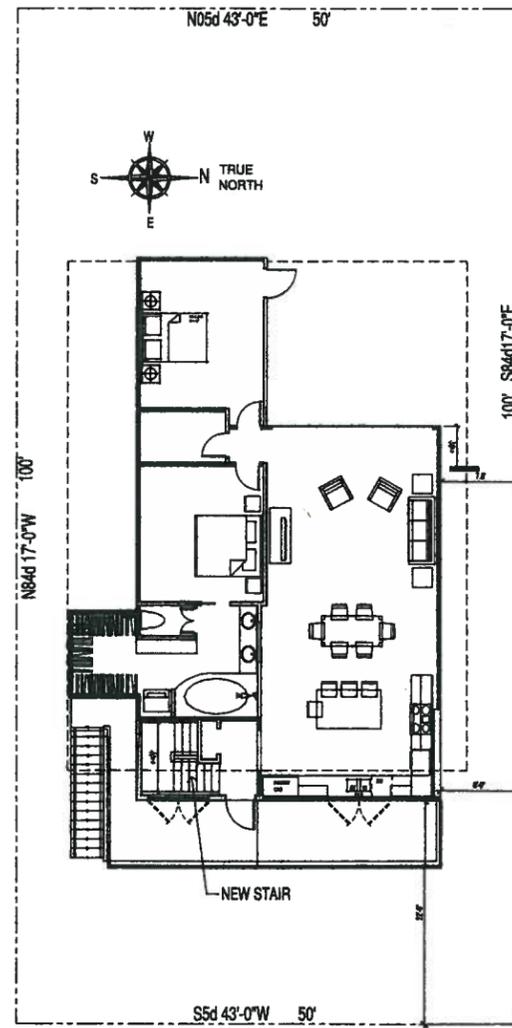
DATE OF SURVEY: AUGUST 27, 2014  
 SCALE 1"=20' F.K.A 9312-33  
 JOB NO. 1408-10 F.B. 57

CORNER MARKERS HAVE NO IDENTIFICATION U.S.G.  
 LEGEND:  
 IRON PIPE FOUND - IPF  
 IRON PIPE SET - IPS  
 REBAR FOUND - RBF  
 NOT TO SCALE - NTS  
 BUILDING RESTRICTION LINE - BRLL  
 CONCRETE MONUMENT FOUND - CMF  
 STAINLESS STEEL PIPE FOUND - SSPF  
 RIGHT-OF-WAY - R/W  
 POINT OF CURVE - PC POINT OF TANGENT - PT  
 CENTERLINE - C OFFICIAL RECORDS BOOK - O.R.B.  
 POWER LINE ---P---  
 PLAT - P.  
 FIELD MEASURED - FM  
 RECORD - R. DEED - D.  
 POWER POLE - P  
 CONCRETE - CONC.  
 FENCE - X  
 RIGHT-OF-WAY - R/W  
 POINT OF REVERSE CURVE - PRC

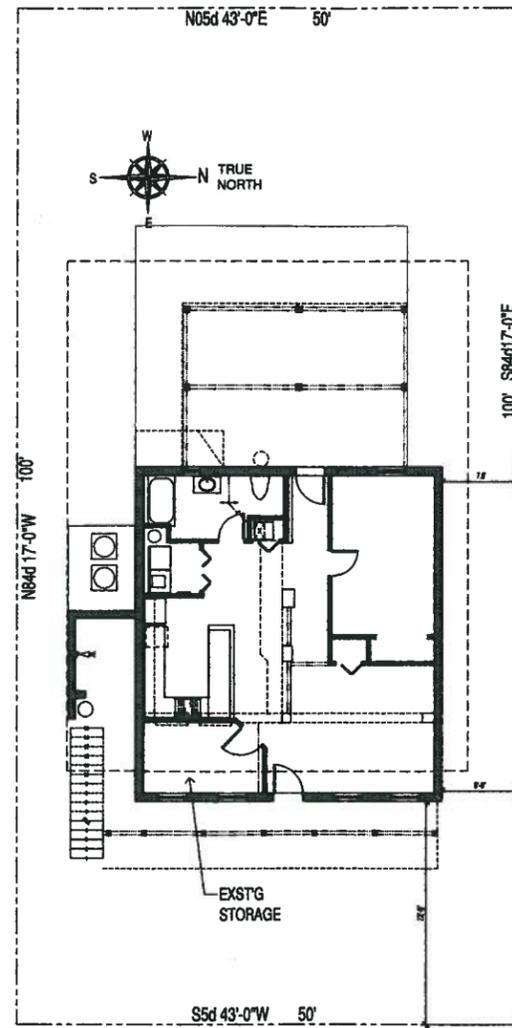
THE SURVEY DEPICTED HERE IS NOT COVERED  
 BY PROFESSIONAL LIABILITY INSURANCE.



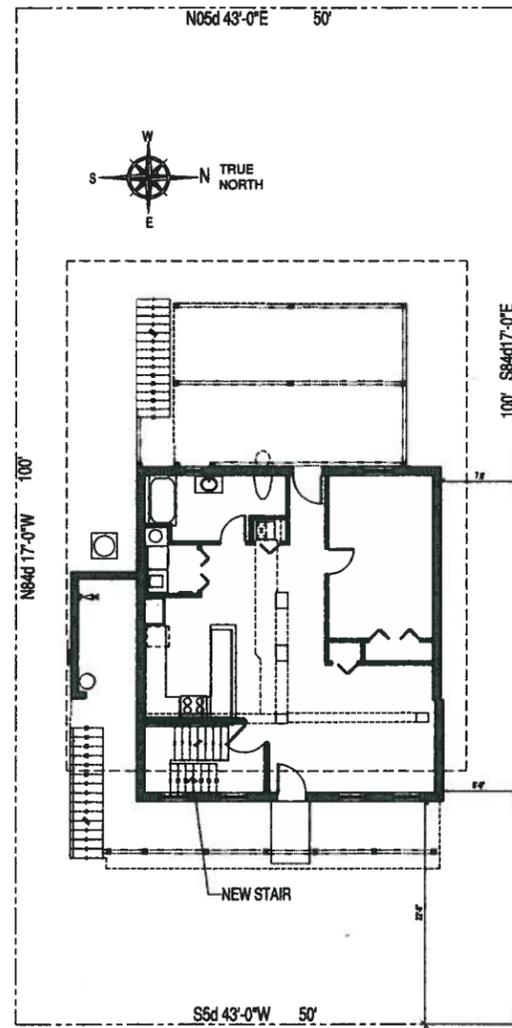
**NORTH FLETCHER AVENUE**  
 60' R/W ( PAVED )  
 2nd FLOOR EXST'G  
 SITE PLAN  
 1/8" = 1'-0"



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**NORTH FLETCHER AVENUE**  
 60' R/W ( PAVED )  
 1ST FLOOR NEW  
 SITE PLAN  
 1/8" = 1'-0"

Date Released for Permit: XX-XX-XX

**John H. Dodd**  
 ARCHITECT, INC.  
 FL A0001887  
 2775 RACHEAL AVENUE  
 FERNANDINA BEACH, FL 32044  
 TEL: (904) 583-4044  
 FAX: (904) 583-4044

Issue Date of Progress Permit:  
 Date: 10-17-10  
 10-17-10 VARIANCE

**NACHBAUER RESIDENCE REMODEL**  
 1125 NORTH FLETCHER AVE., FERNANDINA BEACH

SCALE: 1" = 1'-0"  
 0 5 10 15 20 25 30 35 40 45 50

SITE PLAN  
 North/East Key Sheet: C-1  
 1

OFFICE USE ONLY

REC'D: 10/17/16 BY: [Signature]
PAYMENT: \$ 650.00 TYPE: Check
APPLICATION #: 2016-0001521
CASE #: BOA 2016-19
BOARD MEETING DATE: 11/14/16

'16 OCT 18 AM 9:32



APPLICATION FOR VARIANCE FROM THE LDC

APPLICANT INFORMATION

Owner Name: NACHBAUER MATTHEW E
Mailing Address: 1125 N FLETCHER AVE, Fernandina Beach, FL 32034
Telephone: (407) 340-2564 Fax:
Email: mnachbauer@gmail.com

Agent Name: John H. Dodd Architect, Inc. John Dodd - president Rosa Dodd - vice president
Mailing Address: 2775 Racheal Avenue, Fernandina Beach, FL 32034
Telephone: 904 583 4044 Fax:
Email: johnnydodd@bellsouth.net

PROPERTY INFORMATION

Street Address: 1125 North Fletcher Avenue
Parcel Identification Number(s): 00-00-31-126B-0014-0000
Lot Number: 14 Block Number: 1941

PROJECT INFORMATION

Variance(s) requested from LDC Section(s): 4.02.03(E) Front yard Setback

Brief description of work proposed (use additional sheets if necessary):
ADD NEW 2ND FLOOR AREA AT EXISTING NON-CONFORMING COV'D PORCH TO ALLOW FOR NEW INTERIOR STAIR FROM 1ST TO 2ND FLOOR; REQUESTING REDUCED FRONT SETBACK FROM 25' TO 22' TO ALLOW FOR ADDITION (3' VARIANCE)

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.

Existing residence has been built to non conforming front yard setbacks. 22' instead of 25'.

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Existing residence is currently non-conforming duplex use and zoned R-2. To bring building into concurrency as a single-family residence, interior stair needs to be added and single electrical service provided.

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2. **Special Privilege:** Granting the variance does not confer upon the applicant a special privilege that is denied by the Land Development Code to other lands, structures, or buildings in the same zoning district. No special privilege is being conferred.
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3. **Literal Interpretation:** Literal interpretation of the provisions of the Land Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district.

Yes, applicant could not add internal stair and effectively convert duplex to single-family use, bringing building into concurrency to comply with density requirement of 8units/acre.

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Of note, in seeking a loan as with a single-family residence, applicant has been temporarily denied home equity credit by his bank, until an interior stair can be added to the building.

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

Yes, seeking to merely enclose existing covered porch. There would be zero net effect on any neighbors.

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

Yes, i would building into concurrency for single-family use and density requirement.

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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 would convert to single-family use, which is compatible with density requirements for the property and of benefit to the community.

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

**SIGNATURE/NOTARY**

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

11/8/16  
Date

[Signature]  
Signature of Applicant

STATE OF FLORIDA }  
COUNTY OF NASSAU } ss



SYLVIE McCANN  
Notary Public, State of Florida  
My Comm. Expires Nov. 12, 2016  
Commission No. EE 850673

Subscribed and sworn to before me this 8 day of NOV., 2016.

[Signature]  
Notary Public: Signature

SYLVIE A. McCANN  
Printed Name

11/12/16  
My Commission Expires

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



**OWNER'S AUTHORIZATION  
FOR AGENT REPRESENTATION**

I /WE MATTHEW NACHBAUER  
(print name of property owner(s))

John H. Dodd, Architect

hereby authorize: \_\_\_\_\_  
(print name of agent)

Planning Variance

to represent me/us in processing an application for: \_\_\_\_\_  
(type of application)

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

[Signature]  
(Signature of owner)

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

MATTHEW E. NACHBAUER  
(Print name of owner)

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

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

STATE OF FLORIDA }  
                                  ss }  
COUNTY OF NASSAU }

Subscribed and sworn to before me this 18 day of October, 2016.

Karen M. Austin  
Notary Public: Signature

Karen M. Austin  
Printed Name

My Commission Expires

Personally Known \_\_\_\_\_ OR Produced Identification  ID Produced: FL DL 191-0  
exp 5-31-19



## **John H. Dodd, Architect, Inc.**

FL: AR-0016867

2775 Racheal Avenue, Fernandina Beach, FL 32034

Tel 904-583-4044 Email: [johnnydodd@bellsouth.net](mailto:johnnydodd@bellsouth.net)

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**Monday, October 17, 2016**

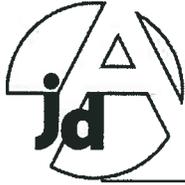
**To: City of Fernandina Beach Planning Department  
Re: Nachbauer residence – Variance request  
1125 North Fletcher Avenue**

### **Synopsis Letter**

**Applicants (married couple) currently live at 1125 North Fletcher Avenue, and are seeking to modify the property to better provide for a growing family. A baby is in the works and long term visits from grandparents are anticipated. As both applicants work full time jobs, grandparents would make long term visits to assist in child care.**

**Current residence use is 2-story duplex, with no internal stair. To update the house for family use, applicants are seeking to enclose an existing (non-conforming) covered porch at the 2<sup>nd</sup> floor to allow for placement of an internal stair. Variance request is for 3' (25' front setback reduced to 22').**

**Addition would be almost unnoticeable, and would have no detriment or effect on any neighbors. In addition, the applicant would be eliminating the duplex use and going to single family use, which would bring the property into concurrency with density requirements for the property size.**



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