

**NASSAU COUNTY, FLORIDA**  
**Application for Appeal of the Planning**  
**and Zoning Board Decision or**  
**Conditional Use and Variance Board Decision**  
**Land Development Code, Section 5.06**

**Part 1                      General Information and Aggrieved Party Status**

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**Site Plan Name and Application #** \_\_\_\_\_

**Property Owner**

Name: Sandy Ridge Development, Inc.  
Registered Agent: John A. Semanik  
Address: 2120 Corporate Square Blvd, Suite 3, Jacksonville, FL 32216  
Telephone #: 904-365-5553  
Fax #: 904-724-3863  
E-Mail Address: rmartinuzzi@sedaconstruction.com

**Appellant**

Name: Sandy Ridge Development, Inc.  
Registered Agent: John A. Semanik  
Address: 2120 Corporate Square Blvd, Suite 3, Jacksonville, FL 32216  
Telephone #: 904-365-5553  
Fax #: 904-724-3863  
E-Mail Address: rmartinuzzi@sedaconstruction.com

Substantial Interest of Appellant: OWNER of the subject property.

- Add additional sheets as necessary.

**Part II      Decision being Appealed: Nassau County Application V2022-001**

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Date of Preliminary Binding Site Plan Approval: 8/17/2021

Date of Site Engineering Plan Approval: SP21-007, 9/21/2021

**Part III** **Basis of Appeal**

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Decision or portion of decision, being appealed: The Conditional Use And Variance Board made the following assignments of procedural and evidentiary errors:

- (1) Prejudice the board by submission of V16-001 and related testimony,
- (2)-(5) SEE ADDITIONAL SHEET FOR ASSIGNMENTS OF ERROR.

Code Sections allegedly applied in error:

LDC, Section 3.04(B)(2) and (3), and Section 905(B)(2).

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- Add additional sheets as necessary

Expected outcome if Code Sections were applied as described above:

Variance 2022-001 would have been granted.

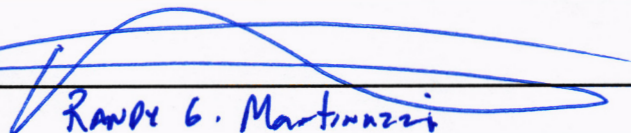
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- Add additional sheets as necessary

**Part IV** **Signature**

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Randy G. Martinuzzi

Appellant: Sandy Ridge Development, Inc.

Date: 4/14/22

- If appellant is not the Property Owner, attach Owner's Authorization Sheet

APPEAL FROM  
CONDITIONAL USE AND VARIANCE BOARD  
NASSAU COUNTY, FLORIDA

SANDY RIDGE DEVELOPMENT, INC.

Variance Application No.: V2022-001

Owner/Appellant

Appeal to BOCC No.:

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Part III – BASIS OF APPEAL CONTINUED:

- (2) Failed to make findings of fact for each criteria of the LDC, Section 3.04(B)(3), wherein the majority, if not all of the factors, favored the granting of the relief; rather the following findings should have been made:

- A. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the same zoning district.

This Parcel is irregular in shape; having 1,543 feet of frontage along Miner Rd, for which a 10 foot strip is being dedicated to County of Nassau for additional ROW as a condition of platting under Ordinance No. 2020-07, Section 9.8.3, and as further required by the County of Nassau under LDC Section 37.05, a 15 foot vegetation buffer is to be deeded and maintained by the HOA, thus compressing the 89 lots into a smaller foot print. The Parcel is unique in shape and the fact that it is significantly fronted by Miner Road.

- B. The special conditions and circumstances do not result from actions of the applicant.

The configuration of the parcel and hardship resulting from the loss of 15,430 (1,530 \*10) square feet of usable land from the taking of the ROW by Nassau County, and the loss of another 23,145 sq feet that is being restricted for the vegetation buffer, is not the fault of the Applicant, who has designed the Subdivision as required with the burdens of the current LDC requirements of its RM-2 zoning which preexisted many current requirements of the LDC and FLUM designation as medium density.

- C. Granting the variance will not confer on the applicant any special privilege that is denied by this ordinance to other lands, buildings, or structures in the same zoning district.

In addition to the irregular configuration of the parcel and the loss of land resulting from the future Miner Road expansion that other subdivisions do not face, Applicant does not seek any special privilege, noting that the requested side setback of 5 feet and lot coverage of 45% has been granted to similar FLUM medium density plats, a brief, but not inclusive list being North Hampton, Harbor Concourse, Timberlake, Amelia Walk,

Amelia National, Sandy Bluff, etc.

- D. Literal interpretation of the provisions of this ordinance would deprive the Applicant of rights commonly enjoyed by other properties in the same zoning district and would place unnecessary and undue hardship on the applicant.

The literal interpretation of the current LDC would limit the footprint of houses within the Subdivision, therein prohibit the Applicant from offering similar competitive housing that is being required by the demographic seeking to move into the County of Nassau. With a house that is deficient in rooms and room sizes, the applicant lack of a variance would be place an unnecessary and undue hardship on Applicant due to the taking and/or burdens of the current LDC.

- E. The variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

The width of houses being driven by the consumer, with the majority seeking a single-story house with an office and 3 car garage is ranging from 57 to 65 feet, thus the request for a 5 foot side set back is the minimum needed to create a community with multiple floor plans and elevations so that the replication of houses does not occur adjacent to each other or directly across the street. Likewise, with 11 of the 14 home sizes, inclusive of garages and patios, ranging from 3,202 to 4,004 sq feet, the minimum coverage needed is 45% (4,004 / 8999).

- F. Granting of the variance will be in harmony with the general intent and purpose of this ordinance and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The variance will allow the Subdivision to accommodate the demands of the consumer and neighboring subdivisions, principally the need for a single-story house with an office and 3 car garage, with multiple floor plans and elevations so that the subdivision provides a range of housing options and opportunities and limits the parking of cars in driveways and streets.

- (3) Failed to allow full cross examination under LDC 3.05(B)(6) regarding the bias of evidence submitted and testimony provided; wherein variance procedure was interfered with thus ordinance is unconstitutional.
- (4) Were provided advise that a taking had not occurred, or if it had, Applicant would have filed a lawsuit, when in fact the Applicant was seeking its Administrative Remedies for the purported taking, and still has remedies for the burden placed on the land by Nassau County pursuant to Florida Statutes, Chapter 70, cited as the "Bert J. Harris, Jr., Private Property Rights Protection Act.
- (5) Board Members were under the belief that communications with Applicant were a violation of Florida Sunshine Laws, and could not grasp the full perimeters of the Applicant's request in the short time provided for the presentation and examination.

OWNER'S AUTHORIZATION FOR AGENT

Randy G. Martinuzzi is hereby authorized TO ACT ON BEHALF OF Sandy Ridge Development, Inc., the owner(s) of those lands described within the attached application, and as described in the attached deeds or other such proof of ownership as may be required, in applying to Nassau County, Florida, for an application related to Development Permit or other action pursuant to a:

☐ Rezoning/Modification ☐

☐ Conditional Use

☒ Variance

☐ Preliminary Biding Site Plan

☒ Appeal

☐ Final Engineering Plan

Concurrency

☐ Plat

BY: \_\_\_\_\_

Signature of Owner

John A. Semanik

Print Name

904-365-5552

Telephone Number

STATE OF FLORIDA  
County of Duval.

Signed and sworn before me on this 14th day of April, 2022

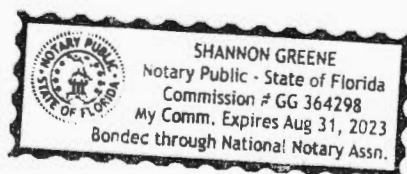
By John A Semanik

Identification verified \_\_\_\_\_

Oath Sworn \_\_\_\_\_ Yes X No

Notary Signature Shannon Greene

My Commission Expires: 8/31/23





Now, therefore,

**BE IT ORDERED BY THE CONDITIONAL USE AND VARIANCE BOARD THAT**

**SECTION 1. Variance Denied:** The Applicant of the real property described in Section 2 of this Order is denied pursuant to Section 3.05(B)(2) of the Nassau County Land Development Code.

**SECTION 2. Owner and Description.** The land to which the variance is denied by this Order is owned by Sandy Ridge Development Inc. The subject property is legally described as follows:

A PORTION OF PARCEL #2, OFFICIAL RECORDS BOOK 2107, PAGE 758 AND A PORTION OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 44, PAGE 571, OF THE PUBLIC RECORDS NASSAU COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF TRACT "H" (ADDITION COUNTY RIGHT-OF-WAY MINER ROAD), "HICKORY VILLAGE PHASE ONE" ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 369, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE NORTH 22°52'44" WEST, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID MINER ROAD (A 70 FOOT RIGHT-OF-WAY) A DISTANCE OF 300.32 FEET TO THE NORTHEAST CORNER, OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1314, PAGE 1075, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA AND THE POINT OF BEGINNING:

THENCE NORTH 22°52'44" WEST, ALONG SAID WESTERLY-RIGHT-OF-WAY LINE OF MINER ROAD, A DISTANCE OF 1543.26 FEET; THENCE SOUTH 66°54'35" WEST, ALONG THE NORTHERLY LINE OF SAID PARCEL #2, OFFICIAL RECORDS BOOK 2107, PAGE 758, A DISTANCE OF 147.46 FEET; THENCE SOUTH 01°41'57" WEST, ALONG THE WESTERLY LINE OF SAID PARCEL #2, OFFICIAL RECORDS BOOK 2107, PAGE 758, A DISTANCE OF 503.52 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2029, PAGE 571, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE SOUTH 01°40'41" WEST, ALONG THE WESTERLY LINE OF SAID PARCEL #2, OFFICIAL RECORDS BOOK 2107, PAGE 758, A DISTANCE OF 467.50 FEET; THENCE NORTH 88°10'18" WEST A DISTANCE OF 995.80 FEET TO INTERSECT THE WESTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 44, PAGE 571; THENCE ALONG THE PERIMETER OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 44, PAGE 571, THE FOLLOWING FOUR COURSES (1) THENCE SOUTH 02°01'01" WEST A DISTANCE OF 46.00 FEET; (2) THENCE SOUTH 47°55'58" EAST A DISTANCE OF 899.53 FEET; (3) THENCE SOUTH 15°55'22" WEST A DISTANCE OF 204.81 FEET; (4) THENCE SOUTH 01°23'49" WEST A DISTANCE OF 299.52 FEET; THENCE ALONG THE PERIMETER OF "HICKORY VILLAGE PHASE ONE", ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 6, PAGE 369, OF THE PUBLIC RECORDS, OF NASSAU COUNTY, FLORIDA, THE FOLLOWING TWO COURSES: (1) NORTH 85°46'13" EAST A DISTANCE OF 361.97 FEET; (2) THENCE NORTH 65°27'19" EAST A DISTANCE OF 564.96 FEET TO THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1314, PAGE 1075, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA; THENCE ALONG THE PERIMETER OF LAST SAID LANDS THE FOLLOWING TWO COURSES: (1) THENCE NORTH 22°33'10" WEST A DISTANCE OF 300.08 FEET; (2) THENCE NORTH 65°27'19" EAST A DISTANCE OF 436.53 FEET TO THE POINT OF BEGINNING.



This Application was duly advertised via:

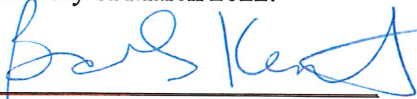
Legal Ad Running (Newsleader) 02/09/2022 and 02/16/2022

Posting of the Property on 02/04/2022

Posted in Public Notice Boxes on 02/18/2022

Posted on the Nassau County Official Website 02/18/2022

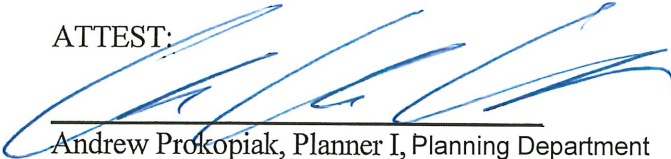
**SECTION 3. Effective Date.** This Order shall become effective on the 15<sup>th</sup> day of March 2022. Done on this 15<sup>th</sup> day of March 2022.



Barb Kent, CHAIR

Nassau County, FL Conditional Use & Variance Board

ATTEST:



Andrew Prokopiak, Planner I, Planning Department

Nassau County, FL Board of County Commissioners

**RIGHT TO APPEAL**

**PLEASE BE ADVISED THAT AN AGGRIEVED PARTY HAS THE RIGHT TO APPEAL THIS ORDER TO THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS, SAID NOTICE OF APPEAL SHALL BE FILED WITHIN (30) DAYS OF THE DATE THE ACTION BEING APPEALED WAS RENDERED.**