

CONDITIONAL USE AND VARIANCE BOARD NASSAU COUNTY, FLORIDA

David Ergisi (Owner)

Doug Smith (Agent)

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Application CU2023-017

Inst: 202345036000 Date: 12/01/2023 Time: 1:41PM

Page 1 of 3 B: 2682 P: 232, Doc Type: ORD

John A. Crawford, Clerk of Court, Nassau County,

By: RG, Deputy Clerk

AMENDED FINDINGS OF FACT, CONCLUSIONS OF REVIEW AND ORDER ESTABLISHING CONDITIONAL USE APPROVAL

THIS REQUEST came before the Conditional Use and Variance Board for a public hearing on **November 16, 2023**, at which time the Board heard testimony given under oath, received evidence, and rendered a decision based upon the review criteria as established in the Land Development Code, and Order as follows:

WHEREAS, Doug Smith, agent, and David Ergisi, owner of the real property described in this Order have applied to the Conditional Use and Variance Board of Nassau County for a conditional use permit pursuant to Section 16.03(E) of the Nassau County Land Development Code to allow for the sale of on-site or off-site consumption of beer and wine in the Commercial, General (CG) zoning district. This request is being made pursuant to Sec. 5.04 of the Nassau County Land Development Code.

Property Location: On the south side of SR 200, between Meadowfield Bluffs Road and Tyler Plaza

[PIN: 38-2N-27-0000-0001-0040].

WHEREAS, the technical staff of the Planning Department has reviewed the application and has issued a report; and

WHEREAS, Based upon competent and substantial evidence in the record and testimony received at the Public Hearing conducted on November 16, 2023, the Conditional Use and Variance Board finds the conditional use requested is not consistent with the review criteria of Section 5.04 of the Land Development Code.

Now, therefore,

BE IT ORDERED BY THE CONDITIONAL USE AND VARIANCE BOARD THAT

SECTION 1. Conditional Use Denied: The Applicant of the real property described in Section 2 of this Order is not granted approval pursuant to Section 16.03(E) of the Nassau County Land Development

Code to allow for the sale of on-site or off-site consumption of beer and wine in the Commercial, General (CG) zoning district.

SECTION 2. Owner and Description The land to which the Conditional Use is denied by this Order is owned by David Ergisi. The subject property is legally described as follows:

Legal Description

A PORTION OF SECTION 38, TOWNSHIP 2 NORTH, RANGE 27 EAST, NASSAU COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGIN AT THE INTERSECTION OF THE EASTERLY LINE OF A 100.0 FOOT WIDE EASEMENT FOR INGRESS AND EGRESS AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGES 554 AND 555 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, AND THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200, (A VARIABLE RIGHT OF WAY AS PRESENTLY ESTABLISHED), THENCE SOUTH 86 DEGREES, 39 MINUTES, 32 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, 249.61 FEET; THENCE SOUTH 84 DEGREES, 44 MINUTES, 59 SECONDS EAST ALONG SAID RIGHT OF WAY LINE, 50.53 FEET; THENCE DEPARTING SAID RIGHT OF WAY LINE SOUTH 05 DEGREES, 14 MINUTES, 44 SECONDS WEST, 600.0 FEET; THENCE NORTH 84 DEGREES 44 MINUTES, 59 SECONDS WEST, 371.31 FEET; THENCE NORTH 10 DEGREES, 35 MINUTES, 21 SECONDS WEST, 293.23 FEET TO A POINT ON THE EASTERLY LINE OF THE AFOREMENTIONED OFFICIAL RECORDS BOOK 122, PAGES 554 AND 555; THENCE NORTH 54 DEGREES, 24 MINUTES, 39 SECONDS EAST ALONG SAID EASTERLY LINE, 200.0 FEET; THENCE NORTH 05 DEGREES, 14 MINUTES, 44 SECONDS EAST, ALONG SAID EASTERLY LINE, 178.80 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH

EASTERLY 40 FEET OF A PORTION OF A 100 FOOT WIDE EASEMENT PER OFFICIAL RECORDS BOOK 122, PAGE 554 FOR MEADOWFIELDS BLUFF ROAD

THAT PORTION OF A 100 FOOT WIDE INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA (ALSO KNOWN AS MEADOWFIELDS BLUFF ROAD), LYING IN SECTION 38, TOWNSHIP 2 NORTH, RANGE 27 EAST, SAID COUNTY AND STATE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

FOR A POINT OF BEGINNING COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SAID 100 FOOT WIDE INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554 WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200/A-1-A (A 184 FOOT RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 74060-2503) AND RUN SOUTH 05°14'44" WEST, ALONG SAID EASTERLY EASEMENT LINE RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554, A DISTANCE OF 178.80 FEET TO AN ANGLE POINT; THENCE SOUTH 54°24'39" WEST, CONTINUING ALONG LAST SAID EASTERLY EASEMENT LINE, A DISTANCE OF 200.00 FEET; THENCE NORTH 35°35'21" WEST, DEPARTING SAID EASTERLY EASEMENT LINE, A DISTANCE OF 40.00 FEET, RUN THENCE THE FOLLOWING TWO (2) COURSES AND DISTANCES ALONG A LINE PARALLEL TO AND 40 FEET WESTERLY OF SAID EASTERLY EASEMENT LINE AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554, AS MEASURED AT RIGHT ANGLES THERETO: FIRST COURSE, NORTH 54°24'39" EAST, 181.70 FEET; SECOND COURSE, NORTH 05°14'44" EAST, 159.17 FEET TO A POINT ON THE PREVIOUSLY MENTIONED SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200/ A-1-A; THENCE SOUTH 86°39'32" EAST, ALONG LAST SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 40.02 FEET TO THE POINT OF BEGINNING

AND

THAT PART OF OFFICIAL RECORDS BOOK 122, PAGE 554 LYING BETWEEN OFFICIAL RECORDS BOOK 454, PAGE 569 AND OFFICIAL RECORDS BOOK 1559, PAGE 749, NASSAU COUNTY, FLORIDA

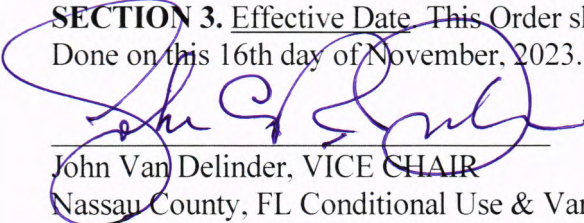
THAT PORTION OF A 100 FOOT WIDE INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, LYING IN SECTION 38, TOWNSHIP 2 NORTH, RANGE 27 EAST, SAID COUNTY AND STATE, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

FOR A POINT OF REFERENCE COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SAID 100 FOOT WIDE INGRESS AND EGRESS EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 122, PAGE 554 (ALSO BEING THE EASTERLY LINE OF LANDS RECORDED IN OFFICIAL RECORDS BOOK 1559, PAGE 749 OF SAID PUBLIC RECORDS) WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200/A-1-A (A 184 FOOT RIGHT OF WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, SECTION 74060-2503) AND RUN NORTH 86°39'32" WEST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 200, A DISTANCE OF 40.02 FEET TO THE NORTHWESTERLY CORNER OF SAID OFFICIAL RECORDS BOOK 1559, PAGE 749, THENCE SOUTH 05°14'44" WEST, ALONG THE WESTERLY LINE OF SAID OFFICIAL RECORDS BOOK 1559, PAGE 749 (ALSO BEING THE EASTERLY LINE OF A 60 FOOT RIGHT OF WAY KNOWN AS MEADOWFIELDS BLUFF ROAD AND RECORDED IN OFFICIAL RECORDS BOOK 454, PAGE 569 OF SAID PUBLIC RECORDS), A DISTANCE OF 84.27 FEET TO A POINT OF CURVATURE FOR THE POINT OF BEGINNING

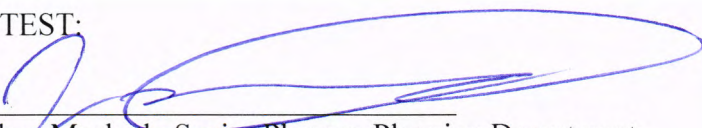
FROM THE POINT OF BEGINNING THUS DESCRIBED RUN IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN THE EASTERLY LINE OF SAID OFFICIAL RECORDS BOOK 454, PAGE 569, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 163.72 FEET, AN ARC DISTANCE OF 140.49 FEET TO THE POINT OF TANGENCY OF SAID CURVE, SAID ARC SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 29°49'41" WEST, 136.22 FEET, THENCE NORTH 54°24'39" EAST, ALONG SAID WESTERLY LINE OF OFFICIAL RECORDS BOOK 1559, PAGE 749, A DISTANCE OF 74.90 FEET TO AN ANGLE POINT, THENCE NORTH 05°14'44" EAST, CONTINUING ALONG SAID WESTERLY LINE OF OFFICIAL RECORDS BOOK 1559, PAGE 749, A DISTANCE OF 74.90 FEET TO THE POINT OF BEGINNING

This Application was duly advertised via:
Legal Ad (Nassau County Record) – November 1, 2023
Posting of the Property – November 1, 2023
Posted in Public Notice Boxes – November 1, 2023
Posted on the Nassau County Official Website – November 10, 2023

SECTION 3. Effective Date. This Order shall become effective on the 16th day of November, 2023.
Done on this 16th day of November, 2023.


John Van Delinder, VICE CHAIR
Nassau County, FL Conditional Use & Variance Board

ATTEST:


Joshua Macbeth, Senior Planner, 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.