



PLANNING DEPARTMENT

NASSAU COUNTY, FLORIDA

STAFF REPORT
Planning and Zoning Board
FH23-007
February 20, 2024

APPLICATION FOR FAMILY HARDSHIP DEVELOPMENT

APPLICATION & SURROUNDING AREA INFORMATION

OWNER/APPLICANT:	Sylvester Pickett Jr.			
AGENT:	Bernard & Schemer, P.A.			
REQUESTED ACTION:	Family Hardship Development			
LOCATION:	55224 Thomas Road, Callahan, FL 32011			
LAND USE:	Medium Density Residential (MDR)			
ZONING:	Open Rural (OR)			
EXISTING USES ON SITE:	Timberland			
PROPERTY SIZE & PARCEL ID:	57 acres & 15-2N-25-0000-0001-0000			
ADJACENT PROPERTIES:	Direction	Existing Use(s)	Zoning	FLUM
	North	Timberland	OR	AGR
	South	Single Family	OR	MDR
	East	Single Family and Timberland	OR	LDR
	West	Single Family	OR	LDR
COMMISSION DISTRICT:	5			

*** All required application materials have been received. All fees have been paid. All copies of required materials are part of the official record and have been made available on the County's website and at the Planning Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION

The applicant is petitioning the Planning and Zoning Board (PZB) for relief from the subdivision requirements of Chapter 29, Sec. 29-3 of the Land Development Code (LDC) to allow for a family hardship development. This 57-acre parcel was created in May 2022 after a 24-acre parcel at the southern end of the original parent tract was legally split off through the parent tract land split provision in the Land Development Code. The owner proposes to split one new 3.2-acre parcel from the existing 57-acre parcel, for the purpose of transferring the 3.2-acre parcel to his daughter to homestead. The owner will retain the remaining approx. 54-acre parcel for his use. This 57-acre parcel is accessed from Thomas Rd, on the north side of State Road 200.



The Planning and Zoning Board, upon review of the petition, may approve the development **provided the Planning and Zoning Board has determined that the ordinance has placed an undue hardship on the applicant's ability to transfer land to family members** and the applicant meets the following criteria:



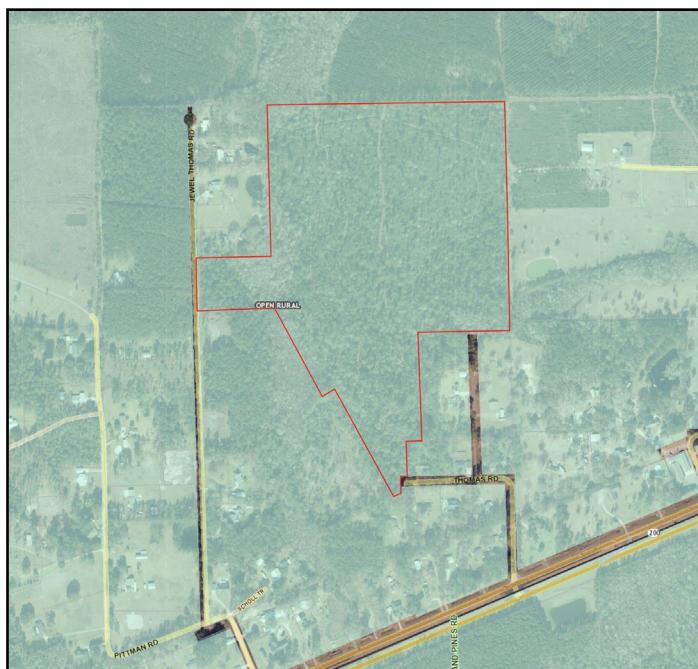
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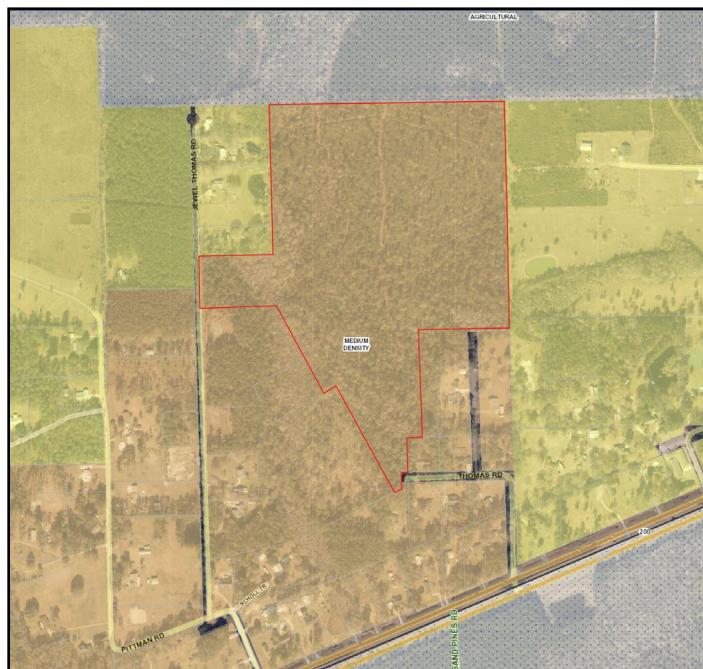
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1. All lots proposed to be created under the planning and zoning board approval meet the minimum lot size of the zoning district in which the development is to be located and conform with the policies of the comprehensive plan.

Staff response: The property is zoned Open Rural (OR) requiring a minimum lot size of 1.0 acre for a single-family dwelling or mobile home. The future land use designation is Medium Density Residential (MDR) which allows for up to 3 dwelling units per acre. The proposed family hardship will be one newly created 3.2-acre parcel from the existing 57-acre parent tract. Both parcels of land created in this family hardship will meet the requirements of the zoning district and comprehensive plan.



Zoning – Open Rural



Future Land Use – Medium Density Residential

2. All lots have a minimum of a sixty-foot access/utility easement to provide access to the parcel. Variations and variances related to access shall be reviewed by the public works director or designee pursuant to Article 15 of the Roadway and Drainage Standards.

Staff response: The parent parcel has access via Thomas Road, a county-maintained road. The newly created parcel will be served by a proposed private 60' easement which will extend north from Thomas Road. This access easement is shown on the site plan. See Exhibit A.

3. Each deed of conveyance entered into and executed shall contain a legend setting forth in bold type the following statement:

**THE SUBJECT LAND IS CONTAINED WITHIN A FAMILY HARDSHIP DEVELOPMENT WHICH HAS
NOT BEEN FORMALLY SUBDIVIDED AND PLATTED AND NASSAU COUNTY HAS ABSOLUTELY
NO OBLIGATION TO MAINTAIN OR IMPROVE ROADS THAT PROVIDE ACCESS. THE COUNTY
HAS NOT ADDRESSED DRAINAGE ISSUES RELATED TO THE FAMILY HARDSHIP DEVELOPMENT.**

A copy of each deed shall be presented upon each application for a building permit. The property cannot be further conveyed to a non-family member. The applicant shall provide an executed family



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member affidavit, as established by staff and the county attorney, indicating that the intended property owner is a family member as defined herein. **Failure to present the affidavit and a copy of the deed in the form described will result in the denial of a building permit.**

Staff response: A copy of the proposed deed for the new parcel is attached as Exhibit B. The recorded deed with required language must be presented upon application for a building permit.

4. **The persons applying for the hardship (if approved) and each new/potential property owner must sign a hold harmless indemnification agreement with Nassau County acknowledging that access to said parcel is strictly a private legal matter between the land owner and the person or entity that conveyed said lot or parcel and that Nassau County does not assert any opinion as to the legal validity, usability or access to said parcel; further, that the land owner shall indemnify and hold harmless Nassau County, its board of county commissioners, officers, employees and agents from any and all legal causes of action, losses, damages or claims of any kind whatsoever arising out of the lack of access for emergency services, police protection or other public services to said parcel. This indemnification, hold harmless agreement shall be on a form approved by the Nassau County Attorney, and shall be recorded in the official public records of Nassau County, at the applicant's expense, shall run with the land, and shall be binding on the landowner, his/her heirs, successors and assigns.**

Staff response: Hold harmless indemnification agreements were furnished by the applicant and the proposed owner of the new lot. See Exhibit C.

5. All lots must be transferred to an immediate family member pursuant to Comprehensive Plan Policy FL.01.02(A)(2) for the sole purpose of establishing a homestead. Pursuant to Policy FL.01.02(A)(2), a family member is defined as: The grandparent, parent, stepparent, adopted parent, sibling, **child**, stepchild, adopted child, grandchild, aunt, uncle, niece or nephew of the person who conveyed the parcel to said individual.

*Staff response: The proposed lot will be transferred to the applicant's **child**. Their child completed the required Individual Family Member Affidavit for a family hardship development. See Exhibit D.*

6. Covenants **shall be prepared by the applicants** and submitted to the county Planning Director for staff review. **The covenants shall be included, if approved by staff, in the Nassau County Planning and Zoning Board agenda request for the family hardship development application.** The covenants **shall be recorded, at the applicant's expense, and run with the land prior to the issuance of a building permit.**

Staff response: Staff has reviewed the proposed covenants and property descriptions, and they meet the requirements of this criterion. A copy of the recorded covenants will be required to be produced upon application for a building permit. The covenants were added directly to the proposed deed. See Exhibit B for the proposed deed and covenants.

7. The covenants shall include, at a minimum, the legal description of the family hardship development and include a provision that the property is a family hardship development for family only (FL.01.02(A)(2)). The covenants shall also indicate that there shall not be a conveyance of real property within the family hardship development to a person not meeting the definition of family as set forth herein. The covenants shall also contain language which prohibits the further conveyance from a family member. The planning and zoning board may waive the further conveyance to a non-family member based on unique and unforeseen circumstances that are not the result of the individual property owner's actions



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(including but not limited to court orders and similar actions). In addition, there can be only one conveyance of real property in the development to an individual family member. The lots created cannot be further divided.

Staff response: Staff has reviewed the proposed covenants and property descriptions, and they meet the requirements of this criterion.

Staff finds the requested action to be consistent with Nassau County Codes of Ordinances Chapter 29, Section 29-3(2):

Family Hardship Criteria	Determination of Consistency
29-3(2)1.	✓
29-3(2)2.	✓
29-3(2)3.	✓
29-3(2)4.	✓
29-3(2)5.	✓
29-3(2)6.	✓
29-3(2)7.	✓

CONSISTENCY WITH EXISTING LAND DEVELOPMENT CODE OR EXISTING COUNTY CODE

- ✓ Section 29-3 of the Nassau County Code of Laws and Ordinances
- ✓ LDC Article 22 – Open Rural zoning
- ✓ Comprehensive Plan Policy FL.01.02(B) MDR land use density

CONCLUSION AND STAFF RECOMMENDATION

This application meets the requirements of Section 29-3(2) of the Nassau County Code of Laws and Ordinances. Staff recommends **APPROVAL** of FH23-007.