



APPLICATION FOR FAMILY HARDSHIP DEVELOPMENT

APPLICATION & SURROUNDING AREA INFORMATION

OWNER/APPLICANT:	Michael and Donna Perry			
AGENT:	N/A			
REQUESTED ACTION:	Family Hardship Development			
LOCATION:	95373 Barnwell Road, approximately 1.8 miles north of State Road 200			
LAND USE:	Low-Density Residential (LDR)			
ZONING:	Residential Single-Family 1 (RS-1)			
EXISTING USES ON SITE:	Single-Family Residence of Mr. and Mrs. Perry			
PROPERTY SIZE & PARCEL ID:	1.6 ac & 46-3N-28-0000-0004-0000			
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Undeveloped	RS-1	LDR
	South	Single-Family Residential	RS-1	LDR
	East	Single-Family Residential	RS-1	LDR
	West	Lanceford Creek	RS-1	AGR
COMMISSION DISTRICT:	1			

*** 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 applicants are petitioning the Planning and Zoning Board (PZB) for relief from the county’s subdivision requirements to allow for a family hardship development on a 1.6-acre parcel located off Barnwell Road, approximately 1.8 miles north of State Road 200. The 1.6-acre parcel is owned by the applicants, Michael and Donna Perry. The applicants propose to divide the parent parcel into two parcels. The applicants will retain ownership of one parcel, which contains their existing residence, and the other parcel will be transferred to their son, Daniel Perry. Both parcels will be accessed by the existing 30-foot easement off Barnwell Road which serves the Perry’s current residence.



Figure 1: Aerial Map of 95373 Barnwell Road

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 applicants’ ability to transfer land to family members** and the applicants meet the following criteria:



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 Residential Single-Family 1 (RS-1), requiring a minimum lot size of a quarter (0.25) acre for each single-family dwelling. The Comprehensive Plan Future Land Use Map (FLUM) designation is Low-Density Residential (LDR) which allows for a maximum density of two dwelling units per acre. The applicant proposes to divide the parent parcel into two parcels, each comprised of approximately 0.8 acres. These two new parcels will meet the regulations of the zoning district and FLUM density requirements.



Figure 2: Zoning Map



Figure 3: FLUM Map

2. All lots have a minimum of a sixty-foot (60) 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: Both parcels will be accessed by an existing 30' easement for ingress, egress, and utilities. This access easement is shown on the site plan. The 30' easement will be extended roughly 100 feet to the rear parcel as part of the proposed land division. The applicants received approval for access via the 30-foot easement in a letter from the County Engineer dated January 8, 2025. See Exhibit A.
3. Each deed of conveyance entered 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 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: The draft deed has been prepared and contains the statement in bold type above. See Exhibit B.

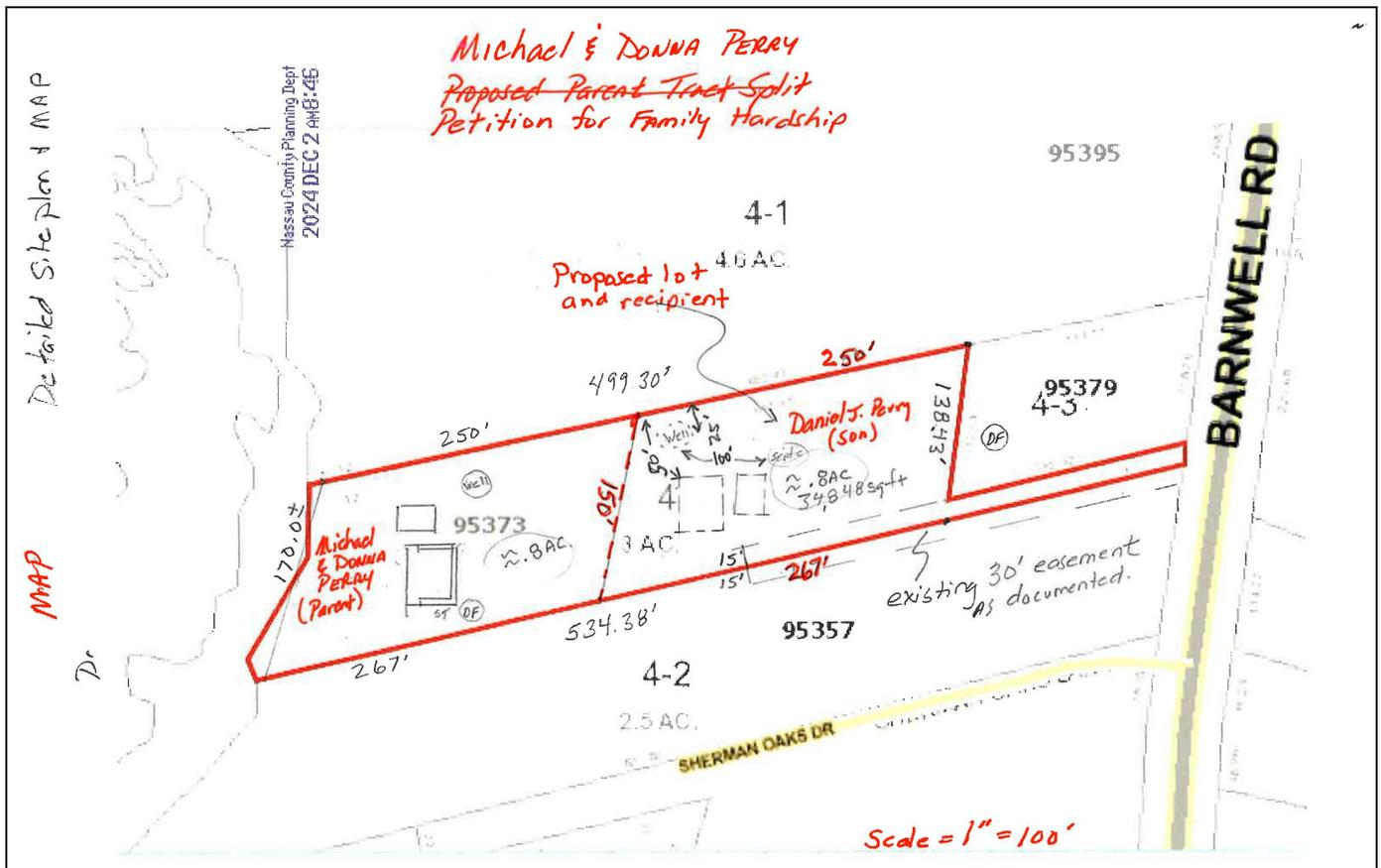


Figure 4: Site Plan of Proposed Family Hardship Development

- 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 Agreement forms have been furnished by the applicants 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 owner's (a) parents, step-parents, adopted parents or grandparents; (b) spouse; (c) brothers or sisters; (d) children, step-children, adopted children or grandchildren; (e) aunts or uncles; (f) nieces or nephews; or (g) the parents, step-parents, adopted parents or grandparents, siblings, and children, step-children, adopted children or grandchildren of the owner's spouse.

Staff response: The proposed parcel will be transferred to the applicants' child, Daniel Perry. The required Individual Family Member Affidavit for Family Hardship Development form was completed by the family member. 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. The covenants are included on the deed for the new parcel. The covenants will be required to be produced upon application for a building permit. See Exhibit B.

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 (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. See Exhibit B.



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 9 – Residential Single-Family: RS-1 zoning
- ✓ Comprehensive Plan Policy FL.01.02(B) LDR 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 FH24-004.

Attachments/Exhibits:

- A. Access Easement Variance Letter of Approval
- B. Draft Deed for New Parcel
- C. Hold Harmless Indemnification Agreements
- D. Family Member Affidavit
- E. Supplemental Attachments (Application Form, Deed for the Parent Parcel, Site Plan, and Narrative)