



BOARD OF ADJUSTMENT MEETING

February 16, 2017

7:00 PM

Administration Building,
4th Floor, BCC Meeting Room, 477 Houston Street,
Green Cove Springs, FL 32043

Call to Order

APPROVAL OF MINUTES

Approval of Minutes for January 12, 2017

Public Comment

Public Hearings

1. Public Hearing to Consider Variance Application BOA-16-10 For a Lot Width Reduction
Public Hearing to Consider Variance Application BOA-16-10 For a Lot Width Reduction

2. Public Hearing to Consider Variance Application BOA-17-01 for a Side Setback Reduction

Public Hearing to Consider Variance Application BOA-17-01 for a Side Setback Reduction

Public Comment

Adjournment

In accordance with the Americans with Disabilities Act, any person needing a special accommodation to participate in this matter should contact the Clay County ADA Coordinator by mail at Post Office Box 1366, Green Cove Springs, FL 32043, or by telephone at number (904) 269-6347 no later than three (3) days prior to the hearing or proceeding for which this notice has been given. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice), or 1-800-955-8771 (TDD).



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, February 16 7:00 PM

TO: Board of
Adjustment

DATE: 1/25/2017

FROM: Teresa
Capo

SUBJECT:

AGENDA ITEM
TYPE:

ATTACHMENTS:

	Description	Type	Upload Date	File Name
▢	BOA Minutes January 12, 2017	Backup Material	1/25/2017	BOA_Minutes_Packet_01- 12-17.pdf



BOARD OF ADJUSTMENT MINUTES

January 12, 2017

7:00 PM

Administration Building

477 Houston Street

Green Cove Springs, FL 32043

CALL TO ORDER

Present: Keith Hadden, Chairman
Mark Cornelius
William Auclair

Absent:
Trish Kolosky
Mickey Hall, Vice Chairman

Staff Present: Fran Moss, Chief Assistant County Attorney
Chad Williams, Zoning Chief
Teresa Capo, Recording Secretary

APPROVAL OF MINUTES

Mr. Auclair made the motion to approve the minutes for September 20, 2017.
Mr. Cornelius seconded the motion which carried 3-0.

PUBLIC COMMENT

No public comments were received.

PUBLIC HEARINGS

1. Public Hearing to Consider Application BOA-16-09 for a Variance to the Side Setback

Chad Williams, Zoning Chief, presented BOA-16-09, which is a request for a variance for a side setback for an accessory structure. Mr. Williams offered no formal recommendation.

Following a brief discussion, Chairman Hadden swore in Albert Parham, 2898 Country Club Blvd, Orange Park, who addressed the Board and requested approval of the application. Brief discussion followed.

Chairman Hadden opened the public hearing and receiving no request to speak closed the public hearing.

Following discussion, Mr. Auclair made the motion to recommend denial of BOA-16-09 as presented. Mr. Cornelius seconded the motion which carried 3-0.

PUBLIC COMMENT

No public comments were received.

There being no further business, the meeting was adjourned at 7:23

Teresa Capo, Recording Secretary

Keith Hadden, Chairman



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, February 16 7:00 PM

TO: Board of Adjustment

DATE: 2/7/2017

FROM: Chad A. Williams, Zoning
Chief

SUBJECT: Public Hearing to Consider Variance Application BOA-16-10 For a Lot Width
Reduction

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

Applicant is requesting a variance for the front lot line width from 100' to 95 +/-'.

ATTACHMENTS:

Description	Type	Upload Date	File Name
▣ Application	Backup Material	2/7/2017	Application.pdf
▣ Survey	Backup Material	2/7/2017	Survey.pdf
▣ Staff Report	Backup Material	2/7/2017	BOA-16-10_Staff_Report.pdf
▣ Staff Presentation	Cover Memo	3/1/2017	BOA_1610.pdf

BOA-16-10

Clay County Division of Planning and Zoning
Application for the Board of Adjustment



Owner Information

Owner Name: Susan St. Peter/ Ivan Rodriquez Phone: 757-358-1868 Email: mrforwhy@yahoo.com

Owners Address: 1859 Lake Forset Ln., Fleming Island, FI 32003

Parcel Information

Parcel ID: 29-07-27-016099-005-02 ☐ Check Here If Address Is Same As Owners

Parcel Address: 5993 CR 209S, Green Cove Springs, FI 32043

Authorized Agent Information (If Applicable)

Agent Name: Mitch Branch Phone: 904-703-3807 Email: mitchbranchonline@yahoo.com

Agent Address: P.O. Box 1919, Middleburg, FI 32050

☐ Check Here That The Owners Agent Authorization Form Has Been Completed And Will Be Filed With This Application

Public Hearing Time

Please Check The Time Most Easiest For You To Attend: ☒ 5:00 p.m. ☒ 6:00 p.m. ☒ 7:00 p.m.

Nature Of The Variance/Appeal Request

Please describe the request or appeal

Owners purchased this parcel without the knowledge of the 100 Ft. road frontage requirement.
This 5 acre parcel is short 4.4 feet of road frontage.

Owners are requesting a variance be granted regarding the 4.4 foot shortage.

Owners have purchased this property along with a new manufactured home for their elderly parents.

This will allow the owners to care for their parents who are currently out of state.

Required Attachments

I have provided the required attachments: ☒ Property Deed with Legal Description ☒ Survey ☒ Agent Authorization*
*if applicable

Applicant Certification

I, hereby, certify that I am the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. Furthermore, if the package is found inconsistent with the above requirements, I understand that the application will be returned for correct information. I hereby acknowledge that the variance requested is my choice and have reviewed and agreed to all conditions listed in this application and the requirements Article XII (12-9) of the Clay County Land Development Code. I also understand that the fees paid are non-refundable. For public notification, I acknowledge that the required SIGN(S) must be posted on the property by the owner or agent 21 days in advance of the date of the public hearing. The sign(s) may be removed only after final action of the Board of Adjustment and Appeals and must be removed within 10 days of such action. I must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper **AT LEAST 15 DAYS IN ADVANCE OF THE PUBLIC HEARING**. Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish proof of publication to the Planning and Zoning Division, prior to the public hearing.

By Susan St. Peter/Ivan Rodriguez

Print Name: Susan St. Peter/Ivan Rodriguez

Date: 12/12/2016

Official Use

Zoning: AR,

Land Use: RR

Application Number BOA- 2016000010

BOA Meeting Date: 1/12/17

Ad 1/5/17

Fees: ☒ Residential (\$300.00) ☐ Non Residential (\$500.00)

of Signs _____ x \$20.00 Per Sign = \$ _____

Total Fee: \$ _____

Application Accepted By: _____

Date: _____

This area is reserved for future use

Prepared by and return to:

Vanessa Cordova
Kahane & Associates, P.A.
8201 Peters Road, Suite 3000
Plantation, FL 33324

File Number: 10-04251

Loan Number: [REDACTED]

Consideration: \$52,500.00

(space above this line for recording data)

Special Warranty Deed

This Special Warranty Deed made this 17th day of April, 2012, between Deutsche Bank National Trust Company, as trustee of IndyMac Residential Mortgage-Backed Trust, Series 2006-L2, Residential Mortgage-Backed Certificates, Series 2006-L2 whose post office address is 460 Sierra Madre Villa Avenue, Suite 101, Pasadena, CA 91107, grantor, and Susan Madeline St. Peter and Ivan Javier Rodriguez, husband and wife, whose post office address is 1859 Lake Forest Lane, Orange Park, FL 32003, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Clay County, Florida, to-wit:

See Exhibit "A" attached

Parcel Identification Number: 29-07-27-016099-005-02

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.


And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

EXHIBIT "A"

**A parcel of land situated in Government Lot 1, Section 20, Township 7 South, Range 27 East, Clay County, Florida; said parcel being more particularly described as follows: Commence at the Northwest corner of Government Lot 4, Section 20, Township 7 South, Range 27 East; thence on the North line thereof run South 89°49'30" East, 190.18 feet; thence South 00°10'30" West, 1,120.77 feet; thence North 89°49'30" West 382.95 feet; thence South 14°17'24" East 486.75 feet; thence South 13°35'56" East, 297.26 feet; thence South 09°52'48" East 156.37 feet; thence South 06°19'47" East, 286.71 feet to the Point of Beginning; thence continue South 06°19'47" East, 95.56 feet; thence South 89°49'30" East, 2,478 feet, more or less, to the waters of the Saint Johns River; thence along said waters, in a general Northwesterly direction 120 feet, more or less, to a point which bears South 89°49'30" East, 2,458 feet, more or less, from the Point of Beginning; thence North 89°49'30" West, 2,458 feet, more or less, to the Point of Beginning.
Less and Except any portion thereof lying within the Present Right-of-Way of County Road No. C-209 as described in Official Records Book 1730, Pages 175 and 176, of the Public Records of Clay County, Florida.**

Signed, sealed and delivered in our presence:



Witness Name: **BreAnna Wolff**



Witness Name: **Lance Thames**

**Deutsche Bank National Trust Company, as trustee of
IndyMac Residential Mortgage-Backed Trust, Series 2006-
L2, Residential Mortgage-Backed Certificates, Series
2006-L2, by OneWest Bank, FSB, Attorney in Fact**

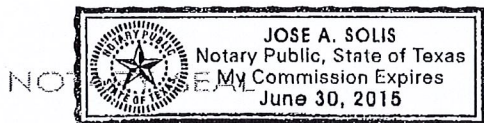


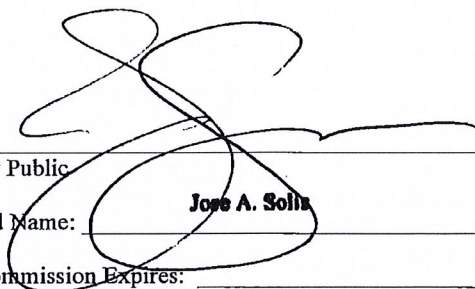
By **Louise Chavez AVP/REO**

State of: Texas
County of: Travis

APR 17 2012

The foregoing instrument was acknowledged before me this _____ day of April, 2012 by _____, Louise Chavez AVP/REO
of Deutsche Bank National Trust Company, as trustee of IndyMac Residential Mortgage-Backed Trust, Series 2006-L2,
Residential Mortgage-Backed Certificates, Series 2006-L2, who (☒) is personally known to me or (☐) has produced
_____ as identification.





Notary Public
Printed Name: **Jose A. Solis**
My Commission Expires: _____

AGENT AUTHORIZATION

DATE: 8/5/16

35 78 / 503

OWNER INFORMATION

NAME: SUSAN ST. PETER & IVAN RODRIGUEZ

CURRENT ADDRESS: 1859 LAKE FOREST LANE, FLEMING ISLAND, FL 32003

PHONE: _____ EMAIL: _____

PROPERTY DESCRIPTION

PROPERTY ADDRESS : 5993 CR 209S, GREEN COVE SPRINGS, FL 32043

LEGAL DESCRIPTION: PT GOV LOT 1 AS RECD OR 3578/ 503-504

REAL ESTATE # 29-07-27-016099-005-02

OWNER AUTHORIZATION

I, Ivan Rodriguez LEGAL PROPERTY OWNER OF
THE ABOVE DESCRIBED LAND, LOCATED AT THE FOLLOWING ADDRESS:

5993 CR 209S, GREEN COVE SPRINGS, FL 32043

HEREBY AUTHORIZE: **JAMES M. "MITCH" BRANCH**
OF MITCH BRANCH & ASSOCIATES, INC. AS MY AGENT TO ACT ON MY BEHALF IN
ALL ASPECTS OF THE APPLICATION PROCESS IN ORDER TO OBTAIN PERMITS IN MY
NAME. THEY ARE ALSO DELEGATED MY AUTHORITY TO SUBMIT ALL DOCUMENTS,
EXHIBITS AND FEES NECESSARY TO OBTAIN PERMITS IN MY NAME. I UNDERSTAND
AND AGREE THAT I AM SOLELY RESPONSIBLE FOR THE ACCURACY OF INFORMATION
SUBMITTED AND FOR THE COMPLIANCE WITH ALL REQUIREMENTS OF MY PERMITS.

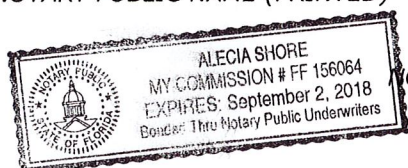
OWNER SIGNATURE: [Signature]

NOTARY PUBLIC SIGNATURE

Ivan Rodriguez PERSONALLY APPEARED BEFORE ME ON THIS
DAY 5 OF August, 2016 AND IS PERSONALLY KNOWN
TO ME OR HAS PRESENTED DL AS IDENTIFICATION AND WHO
DID (DID NOT) TAKE AN OATH.

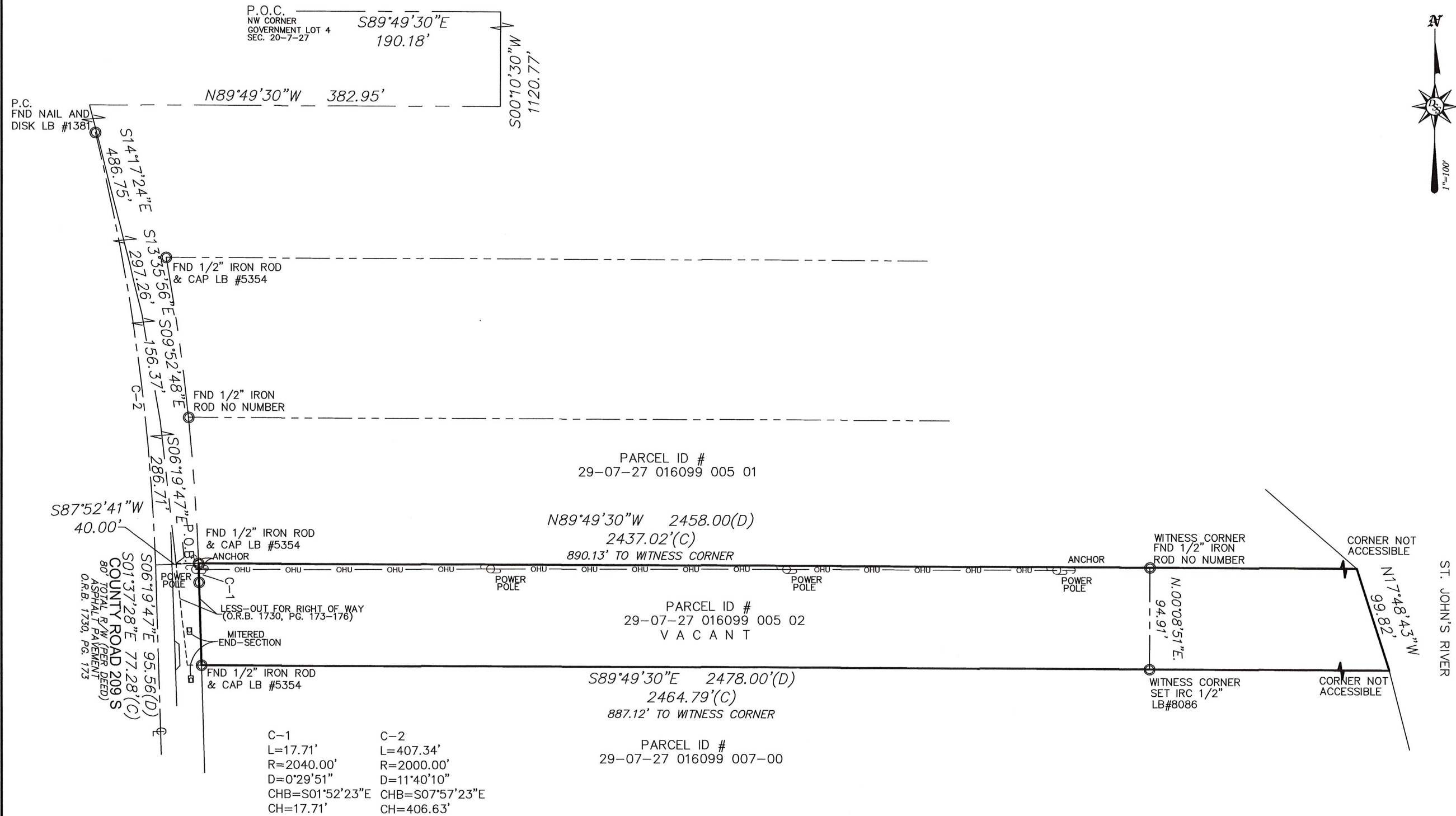
Alecia Shore
NOTARY PUBLIC NAME (PRINTED)

[Signature]
NOTARY PUBLIC SIGNATURE



NOTARY SEAL

BOUNDARY SURVEY



Legal Description as furnished:

A PARCEL OF LAND SITUATED IN GOVERNMENT LOT 1, SECTION 29, TOWNSHIP 7 SOUTH, RANGE 27 EAST, CLAY COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF GOVERNMENT LOT 4, SECTION 20, TOWNSHIP 7 SOUTH, RANGE 27 EAST; THENCE ON THE NORTH LINE THEREOF RUN S89°49'30"E, 190.18 FEET; THENCE S00°10'30"W, 1120.77 FEET; THENCE N89°49'30"W, 382.95 FEET; THENCE S14°17'24"E, 486.75 FEET; THENCE S13°35'56"E, 297.26 FEET; THENCE S09°52'48"E, 156.37 FEET; THENCE S06°19'47"E, 286.71 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S06°19'47"E 95.56 FEET; THENCE S89°49'30"E, 2478 FEET, MORE OR LESS, TO THE WATERS OF THE SAINT JOHNS RIVER; THENCE ALONG SAID WATERS, IN A GENERAL NORTHWESTERLY DIRECTION 120 FEET, MORE OR LESS, TO A POINT WHICH BEARS S89°49'30"E, 2458 FEET, MORE OR LESS FROM THE POINT OF BEGINNING; THENCE N89°49'30"W, 2458 FEET, MORE OR LESS TO THE POINT OF BEGINNING.

LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE PRESENT RIGHT OF WAY OF COUNTY ROAD NO. C-209 AS DESCRIBED IN OFFICIAL RECORDS BOOK 1730, PAGES 173 THROUGH 176, OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.

Legend:

—	WOOD FENCE
- - -	CHAIN LINK FENCE
- - -	VINYL FENCE
■	COVERED AREA
■	CONCRETE
■	ASPHALT
P	PLAT
M	MEASURED
D	DEEDED
C	CALCULATED
P.C.	POINT OF CURVATURE
P.C.C.	POINT OF COMPOUND CURVATURE
P.R.C.	POINT OF REVERSE CURVATURE
P.I.	POINT OF INTERSECTION
P.T.	POINT OF TANGENCY
C.M.	CONCRETE MONUMENT
P.C.P.	PERMANENT CONTROL POINT
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
P.R.M.	PERMANENT REFERENCE MONUMENT
I.P.	IRON PIPE
I.R.	IRON ROD
N&D	NAIL AND DISK
C	CENTER LINE
R/W	RIGHT OF WAY
R	RADIUS
L	ARC LENGTH
Δ	CENTRAL ANGLE
C.D.	CHORD DISTANCE
C.B.	CHORD BEARING
FND	FOUND
P.G.	PAGES
P.B.	PLAT BOOK
D.U.E.	DRAINAGE AND UTILITY EASEMENT
D.E.	DRAINAGE EASEMENT
U.E.	UTILITY EASEMENT
A/C	AIR CONDITIONER
C/S	CONCRETE SLAB
CONC.	CONCRETE
P/E	POOL EQUIPMENT
ENC.	ENCROACHMENT
O.R.	OFFICIAL RECORD
L.B.	LICENSED BUSINESS
O.H.L.	OVERHEAD LINES
CATV	CABLE TV RAISER
BLK.	BLOCK
C.B.W.	CONCRETE BLOCK WALL
COV'D.	COVERED
A/C	AIR CONDITIONED

Surveyor's Notes:

1. The surveyor has not abstracted the land shown hereon for easements, right of way, or restrictions of record which may affect the title or use of the land. There may be additional easements and restrictions that are not shown on this survey, but may be found in the public records of this county.

2. No underground improvements have been located except as shown.

3. The property shown hereon appears to lie in "Zone X" - an area outside of, and "Zone AE" (BFE=4') - an area of 100 year flooding, according to FIRM Map Number 12019C0430E, dated 03/17/2014. The surveyor makes no guarantees as to the above statement. Contact your local floodplain official or F.E.M.A. agent for verification.

4. The survey shown hereon was conducted without the benefit of a current title commitment.

5. This surveyor did not review the covenants and restrictions of the plat named in the legal description shown above.

DEEP SOUTH SURVEYING

P.O. Box 90232 Lakeland, Fl. 33804-0232
(Cell) 863-595-8429 - (Fax) 863-213-4661
deepsouthsurveying@gmail.com

LB# 8086

I HEREBY CERTIFY THAT THIS SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION.

08/15/2016

Richard F. Berg, PSM #5885

NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL AND/OR THIS MAP IS NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

Property Address:

5993 County Road 209 S
Green Cove Springs, Florida 32043

Certified to/ for the exclusive use of:

Ivan Rodriguez and Susan St. Peter
21st Mortgage Corporation
US Patriot Title, LLC
First American Title Insurance Company

Client Reference #:

Basis of Bearing:

1. Bearings shown hereon are based on the NORTH line of subject property, as being N89°49'30"W, per deed.

REVIEWED BY: R.F.B.
SURVEYED BY: E.W.B.
DRAWN BY: S.D.B.

THE FLOOD DATA PROVIDED IS FOR INFORMATIONAL PURPOSES ONLY. THE SURVEYOR MAKES NO GUARANTEES AS TO THE ACCURACY OF THE INFORMATION PROVIDED. THE LOCAL F.E.M.A. AGENCY SHOULD BE CONTACTED FOR VERIFICATION.

This Survey is intended for mortgage or refinance purposes only. Exclusively for this used by those to whom it is certified. This Survey is not to be used for Construction, permitting, design, or any other use without the written consent of DEEP SOUTH SURVEYING, LLC. PHOTOCOPYING FORBIDDEN. COPYRIGHTED MATERIAL. ©

SURVEY NO.: 16070011
FIELD DATE: 08/13/2016

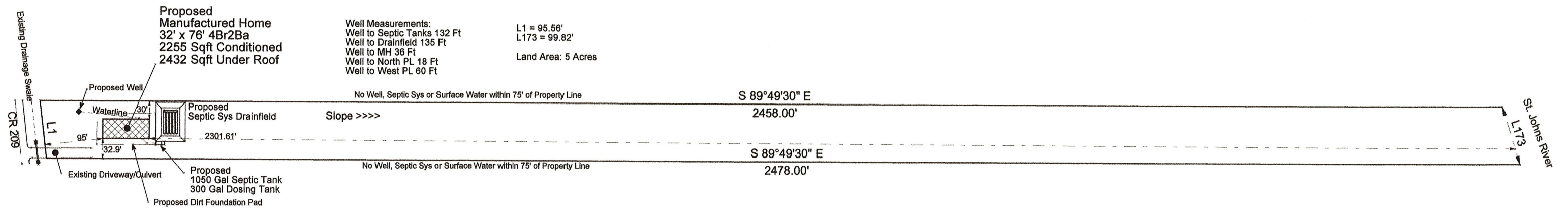
SHEET NO.: 1 of 1



SUSAN ST. PETER
IVAN RODRIQUEZ
5993 CR 209S
GREEN COVE SPRINGS, FL 32043

SITE PLAN FOR MH PLACEMENT

1" = 160'





Clay County Division of Planning & Zoning

Application Number BOA-16-10

Owner Agent Information

Owner / Petitioner : Susan St. Peter & Ivan Rodriquez
5993 County Road 209 S
Green Cove Springs, FL 32043

Agent: Mitch Branch

Parcel & Current Zoning Information

Parcel ID # 016099-005-02
Physical Address 5993 County Road 209 South
Commission District: 1 (Commissioner Cella)
Existing Zoning District: AR (Agriculture Residential)
Future Land Use Category: RR (Rural Residential)

BOA Information

Request: To allow for a variance to the front lot line width

Board of Adjustment Date: January 12, 2017@ 7:00 p.m.





Staff Report

The applicant is requesting a variance from Article III Section 3-13(f)(1) that states the minimum lot width is one hundred feet. The property was originally subdivided in 1990 which was a year before the adoption of the County's Comprehensive Plan. However, the previous zoning ordinance (82-45) also required a lot width of one hundred feet. The current lot width is approximately 95.6', which is 4.4' shy of the 100' required.

Since 1990, the property has been transferred up to 10 times but no one has ever applied for a building permit. The current owners purchased the property unaware of the issue. The property is zoned AR and has a land use designation of RR which yields a density ratio of 1 unit per 5 acres. The property meets this requirement and therefore is consistent with the Comprehensive plan but not the zoning code. This issue would create a 5 acre lot that could not receive a building permit but meets the Comprehensive Plan requirements.

Although staff does not offer a formal recommendation, staff would offer that the applicant did not create the issue and that granting the variance would be in harmony with the general intent of the Comprehensive Plan regarding lot density. These are conditions that could be determined to be peculiar to the land and conditions that do not result from the actions of the applicant, which meets specific LDC criteria for granting variances.

BOA Variance Requirements

The following is an excerpt from the Ordinance establishing the Board of Adjustment and Appeals. These are the six conditions on which a variance may be granted.

Variances: The Board of Adjustment may authorize a variance from the terms of the ordinances adopted pursuant to Chapter 163 when such variance will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of such ordinances would result in an unnecessary and undue hardship. In order to authorize any variance from the terms of the ordinance adopted pursuant to Chapter 163, the Board of Adjustment shall find:

- 1) That 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.
- 2) That the special conditions and circumstances do not result from the actions of the applicant.
- 3) That granting the variance requested 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.
- 4) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by the other properties in the same zoning district under the terms of the ordinance, and would work unnecessary and undue hardship on the applicant.
- 5) That the variance granted is the minimum variance that will make possible the beneficial use of the land, building or structure.
- 6) That the granting of the variance will be in harmony with the general intent and purposes of these ordinances and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

BOA-16-10



- The applicant is requesting a variance to the reduce the front lot line width from 100' to 95.6'.
- The property was originally divided in 1990 which predated the current Comprehensive Plan.

Parcel History

Since 1990, the property has changed ownership over 10 times without seeking a building permit. The applicant is now trying to place a mobile home on the property but a variance is required in order to reduce the property frontage.

The property meets all other regulations and conforms to the density ratio of 1 unit per 5 acres.

Site Photos



Summary

- Although staff does not offer a formal recommendation, staff would offer that the applicant did not create the issue and that granting the variance would be in harmony with the general intent of the Comprehensive Plan regarding lot density. These are conditions that could be determined to be peculiar to the land and conditions that do not result from the actions of the applicant, which meets specific LDC criteria for granting variances.



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, February 16 7:00 PM

TO: Board of Adjustment

DATE: 2/7/2017

FROM: Chad A. Williams, Zoning
Chief

SUBJECT: Public Hearing to Consider Variance Application BOA-17-01 for a Side Setback
Reduction

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

Applicant is requesting a variance to the side setback for a covered accessory structure. The East side property line is conterminous with an unopened right-of-way. The Engineering Division does not see the need to open the right-of-way for access but the right-of-way is currently being used by Clay Electric for a service run.

ATTACHMENTS:

Description	Type	Upload Date	File Name
▣ Application	Backup Material	2/7/2017	Application.pdf
▣ Staff Report	Backup Material	2/7/2017	BOA-17-01_Staff_Report.pdf
▣ Staff Presentation	Cover Memo	3/1/2017	BOA_1701.pdf

Clay County Division of Planning and Zoning
Application for the Board of Adjustment and Appeals



Owner Information

Owner Name: WILLIAM R. & DARLENE N. WISE Phone: 352-235-1599 Email: wtwise01@yahoo.com

Owners Address: 6703 WOODLAND DR. KEYSTONE HEIGHTS, FL. 32656

Parcel Information

Parcel ID: 17-08-23-001785-001-00 ☒ Check Here If Address Is Same As Owners

Parcel Address: _____

Authorized Agent Information (If Applicable)

Agent Name: _____ Phone: _____ Email: _____

Agent Address: _____

☐ Check Here That The Owners Agent Authorization Form Has Been Completed And Will Be Filed With This Application

Public Hearing Time

Please Check The Time Most Easiest For You To Attend: ☐ 5:00 p.m. ☐ 6:00 p.m. ☒ 7:00 p.m.

Nature Of The Variance/Appeal Request

Please describe the request or appeal

TO REDUCE THE PROPERTY LINE SETBACK FROM THE ALLEYWAY SIDE OF MY PROPERTY, SO THAT A CARPORT CAN BE CONSTRUCTED ON THE EXISTING CONCRETE PAD. AN ATTEMPT WAS MADE TO GET THE ALLEYWAY CLOSED, BUT 100% CONSENSUS COULD NOT BE AGREED FROM THE PROPERTY OWNERS. ALSO, THERE ARE CLAY ELECTRIC POWER POLES AND CLAY COUNTY UTILITY AUTHORITY WATER METERS LOCATED ON THE ALLEYWAY.

Required Attachments

I have provided the required attachments: ☒ Property Deed with Legal Description ☒ Survey ☐ Agent Authorization*

*if applicable

Applicant Certification

I, hereby, certify that I am the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. Furthermore, if the package is found inconsistent with the above requirements, I understand that the application will be returned for correct information. I hereby acknowledge that the variance requested is my choice and have reviewed and agreed to all conditions listed in this application and the requirements Article XII (12-9) of the Clay County Land Development Code. I also understand that the fees paid are non-refundable. For public notification, I acknowledge that the required SIGN(S) must be posted on the property by the owner or agent 21 days in advance of the date of the public hearing. The sign(s) may be removed only after final action of the Board of Adjustment and Appeals and must be removed within 10 days of such action. I must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper **AT LEAST 15 DAYS IN ADVANCE OF THE PUBLIC HEARING**. Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish proof of publication to the Planning and Zoning Division, prior to the public hearing.

WILLIAM R. WISE

By

Print Name:

William R. Wise

Date:

12/26/16

Official Use

Zoning: _____

Land Use: _____

Application Number BOA- _____

BOA Meeting Date: _____

Fees: ☐ Residential (\$300.00) ☐ Non Residential (\$500.00)

of Signs _____ x \$20.00 Per Sign = \$ _____

Total Fee: \$ _____

Application Accepted By: _____

Date: _____

This area is reserved for future use

U.S. TITLE

1/17/2008

William R. Wise
Darlene N. Wise
6703 Woodland Drive
Keystone Heights, FL 32656

Re: U.S. Title File No. UG-13209

Dear Customer:

Please find enclosed the following documents prepared and/or recorded by U.S. Title to document your closing transactions and complete your file:

Warranty Deed
Owner's Policy

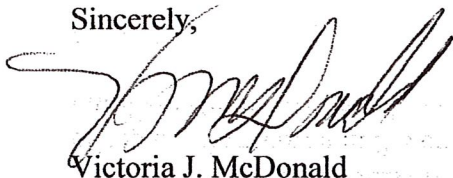
Your recorded documents are stamped with the Official Records Book and Page numbers of the public records in the county where they were recorded. Please refer to these numbers should you need to contact the county regarding your documents.

If you have received a warranty/property transfer deed and intend to file for homestead exemption, please read the following instructions:

The deed needs to be dated and signed by December 31 of this year to receive homestead exemption for the coming year. The deed must then be filed with your local county property appraiser's office prior to March 1 of next year to be eligible. If you have any additional questions regarding homestead exemption, please contact your county property appraiser's office.

We at U.S. Title thank you for your patronage and for allowing us to be of service. For any further assistance, please contact us at the telephone number or address above.

Sincerely,



Victoria J. McDonald

Prepared By: Wadgett
Return To 13209
US Title
2622-B2 NW 43rd St.
Gainesville, FL 32606

Rec. Fee 10.00
Doc Stmp Fee 17.50
Intang Tax 17.00
Total 44.50

INSTR # 2007051254
OR BK 2936 Pages 274 - 274
RECORDED 08/21/07 10:35:59
CLAY COUNTY
DOC STMP-D: \$1750.00
DEPUTY CLERK HAMPSHIRE
D#1

[Space Above This Line for Recording Data]
Parcel I.D. No.: 17-08-23-001785-001-00

WARRANTY DEED

This Indenture made this **14th day of August, 2007** between **BRAD HAMILTON and VALERIE HAMILTON, HUSBAND AND WIFE, GRANTOR***, whose post office address is 3187 COLT COURT, GREEN COVE SPRINGS, FLORIDA 320436, and **WILLIAM R. WISE and DARLENE N. WISE, HUSBAND AND WIFE, GRANTEE***, whose post office address is 6703 Woodland Drive Key Stone Heights A 32656

WITNESSETH, That said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's heirs forever the following described land located in the County of CLAY, State of Florida, to-wit:

Lot 8 of TOWER HILL SUBDIVISION, No. 1, according to the map or plat thereof, as recorded in Plat Book "4", Page 65, of the Public Records of ALACHUA County, Florida.

CLAY

SUBJECT TO covenants, restrictions and easements, if any.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

*Singular and plural are interchangeable as context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

WITNESSES
[Signature]
Typed Name: Kris C. Padgett
[Signature]
Typed Name: VICTORIA J. McSwain

[Signature]
BRAD HAMILTON
[Signature]
VALERIE HAMILTON

COUNTY OF BRADFLOR
STATE OF FLORIDA

THE FOREGOING INSTRUMENT was acknowledged before me on **14th day of August, 2007**, by **BRAD HAMILTON and VALERIE HAMILTON, HUSBAND AND WIFE** who is/are personally known to me or have produced their Driver's Licenses as identification.



VICKI LYNN TEAL
Commission ID 625466
Expires February 26, 2011
Bonded thru Troy Fan Insurance 800-385-7019

[Signature]
NOTARY PUBLIC, STATE OF FLA AT LARGE
Name: VICKI LYNN TEAL
COMMISSION EXPIRATION:

THIS INSTRUMENT WAS PREPARED BY: Inger McRae, an employee of U.S. TITLE, 2622-A1 NW 43rd Street, Gainesville, FL 32606, as a necessary incident to fulfill the requirements of a Title Insurance Binder issued by it. UG-13209.



Clay County Division of Planning & Zoning

Application Number BOA-17-01

Owner Agent Information

Owner / Petitioner : William Wise
6703 Woodland Drive
Keystone Heights, FL 32656

Agent: None

Parcel & Current Zoning Information

Parcel ID # 001785-001-00
Physical Address 6703 Woodland Drive
Commission District: 4 (Commissioner Burney)
Existing Zoning District: RB (Single Family)
Future Land Use Category: RF (Rural Fringe)

BOA Information

Request: To allow for a variance to the side lot line form 7.5' to 0' where adjacent to unopened right-of-way.

Board of Adjustment Date: February 16, 2017@ 7:00 p.m.







Staff Report

The applicant is requesting a change in zoning in order to reduce the side setback to 0' where the property has a conterminous boundary with an unopened County Right of Way. The reduction in setback would allow for the applicant to install a covered accessory structure for vehicles over existing concrete. The right-of-way is approximately 35' in width and runs to the extent of the parcel. Generally an applicant would apply for a right-of-way release and, if approved, one half of the right-of-way would be deeded to the adjoining parcel. The applicant approached the Engineering Division about the right-of-way release. The Engineering Division evaluated the request and, although they have no objection to the setback reduction, have determined that they cannot release the right-of-way. However, the Engineering Division stated that they have no intentions of opening the right-of-way for public use because the only current function of the right-of-way is for a small Clay Electric service.

Although staff does not offer a formal recommendation, staff would offer that the applicant did not create the issue and that granting the variance would be in harmony with the general intent of the variance process and the granting of the variance would not confer any special privilege to the applicant because the County has decided not to use the right-of-way. These are conditions that could be determined to be peculiar to the land and conditions that do not result from the actions of the applicant, which meets specific LDC criteria for granting variances.

BOA Variance Requirements

The following is an excerpt from the Ordinance establishing the Board of Adjustment and Appeals. These are the six conditions on which a variance may be granted.

Variances: The Board of Adjustment may authorize a variance from the terms of the ordinances adopted pursuant to Chapter 163 when such variance will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of such ordinances would result in an unnecessary and undue hardship. In order to authorize any variance from the terms of the ordinance adopted pursuant to Chapter 163, the Board of Adjustment shall find:

- 1) That 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.
- 2) That the special conditions and circumstances do not result from the actions of the applicant.
- 3) That granting the variance requested 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.
- 4) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by the other properties in the same zoning district under the terms of the ordinance, and would work unnecessary and undue hardship on the applicant.
- 5) That the variance granted is the minimum variance that will make possible the beneficial use of the land, building or structure.
- 6) That the granting of the variance will be in harmony with the general intent and purposes of these ordinances and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

BOA-17-01



- The applicant is requesting a variance to reduce the side setback from 7.5' to 0' where the boundary runs conterminous with an unopened right-of-way that belongs to Clay County.
- The applicant would like to place a covered accessory structure over existing concrete.

Background

- Adjacent to the applicant's property is approximately a 35' unopened right of way. The applicant approached the Engineering Division to vacate the right-of-way however the Engineering Division did not want to close the right of way due to a small Clay Electric service. Engineering has stated that there are no plans to ever open the right of way for access as all the surrounding properties have alternative access points.

Site Photos



Summary

- Although staff does not offer a formal recommendation, staff would offer that the applicant did not create the issue and that granting the variance would be in harmony with the general intent of the variance process and the granting of the variance would not confer any special privilege to the applicant because the County has decided not to use the right-of-way. These are conditions that could be determined to be peculiar to the land and conditions that do not result from the actions of the applicant, which meets specific LDC criteria for granting variances.