



BOARD OF ADJUSTMENT MEETING

January 12, 2017

7:00 PM

Administration Building, 477 Houston Street, Green Cove Springs,
FL 32043

Call to Order

APPROVAL OF MINUTES

Approval of Minutes

Approval of Minutes for September 20, 2016

Public Comment

Public Hearings

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

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, January 12 7:00 PM

TO: Board of
Adjustment

DATE: 1/5/2017

FROM: Teresa Capo

SUBJECT: Approval of Minutes for September 20, 2016

AGENDA ITEM
TYPE:

BACKGROUND INFORMATION:

N/A

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Minutes September 20, 2016	Backup Material	1/5/2017	BOA_Minutes_Packet_09- 20-16.pdf



BOARD OF ADJUSTMENT MINUTES
September 20, 2016
7:00 PM
Clay County Administration Building
Board of County Commissioners Meeting
Room

CALL TO ORDER

Present: Keith Hadden, Chairman
Mark Cornelius
William Auclair
Trish Kolosky
Mickey Hall

Staff Present: Courtney Grimm, County Attorney
Chad Williams, Zoning Chief
Teresa Capo, Recording Secretary

APPROVAL OF MINUTES

Mr. Cornelius made the motion to approve the minutes for August 25, 2016. Mr. Auclair seconded the motion which carried 5-0.

PUBLIC COMMENT

James Otto, 2908 Blanding Blvd, Middleburg, spoke about the illegal road and dumping on his property.

PUBLIC HEARINGS

1. Public Hearing to Consider Application BOA-16-08 - Variance for a Pool and Screen Setback

Chad Williams, Zoning Chief, presented BOA-16-08, which is a request for a variance for a setback encroachment for a pool and screen enclosure. Mr. Williams offered no formal recommendation.

Chairman Hadden swore in Applicant, Gary and Cynthia Ehnert, 1905 Stillwind Court, Fleming Island, 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. Hall made the motion to approve BOA-16-08 as presented by staff. Mr. Cornelius seconded the motion which carried 5-0.

2. Public Hearing to Consider Application BOA-16-06 - Variance Request for an Accessory to be placed in the Side Yard

Chad Williams, Zoning Chief, presented BOA-16-08, which is a request for a variance in order to place an accessory structure in the side yard. Mr. Williams offered no formal recommendation.

Chairman Hadden swore in Applicant, Sara Bledsoe and Andrew Boggs, 2455 Stonebridge Drive, 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. Hall made the motion to approve BOA-16-06 as presented by staff. Mr. Cornelius seconded the motion which carried 5-0.

3. **Public Hearing to Consider Application BOA-16-07 Variance Request for an Accessory to be Placed in the Front Yard**

Chad Williams, Zoning Chief, presented BOA-16-07, which is a request for a variance to allow for a 5th wheel travel trailer cover to be placed in the front yard. Mr. Williams offered no formal recommendation.

Chairman Hadden swore in Applicant, David and Terri Newton, 3160 CR 218, Middleburg, 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. Hall made the motion to approve BOA-16-07 as presented by staff. Ms. Kolosky seconded the motion which carried 5-0.

4. **Public Hearing to Consider Application BOA-16-05 Variance for a Side Yard Accessory Structure**

Chad Williams, Zoning Chief, presented BOA-16-05, which is a request for a variance to allow for an accessory structure to be placed within the side yard. Mr. Williams offered no formal recommendation.

Chairman Hadden swore in Applicant, Robert Yancey, 448 Wilton Court, 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. Hall made the motion to approve BOA-16-05 as presented by staff. Mr. Cornelius seconded the motion which carried 5-0.

Old Business/New Business

Chairman Hadden accepted nominations for Vice Chairman.

Mickey Hall announced that he would volunteer for the position.

The Board voted unanimously for Mr. Hall to be Vice Chairman of the Board.

PUBLIC COMMENT

James Otto, 2908 Blanding Blvd, Middleburg, spoke about Streaming Video, illegal roads, and about the County's Adult Entertainment Ordinance.

There being no further business, the meeting was adjourned at 7:36 P.M.

Approved: _____

Keith Hadden, Chairman

Teresa Capo, Recording Secretary



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, January 12 7:00 PM

TO: Board of Adjustment

DATE: 1/4/2017

FROM: Chad A. Williams, Zoning
Chief

SUBJECT: Public Hearing to Consider Application BOA-16-09 for a Variance to the Side
Setback for an Accessory Structure.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

Applicant is requesting a variance to the side setback of 15' to 5' to allow for placement of an
accessory structure.

ATTACHMENTS:

Description	Type	Upload Date	File Name
▣ Application	Backup Material	1/4/2017	Application.pdf
▣ Staff Report	Backup Material	1/4/2017	BOA-16- 09_Staff_Report.pdf
▣ Survey	Backup Material	1/4/2017	Survey.pdf

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



Owner Information

Owner Name: ALBERT W. PARHAM Phone: 904 545-3770 Email: THEPARHAMS@COMCAST.NET

Owners Address: 537 BLANDING BLVD. ORANGE PARK

Parcel Information

Parcel ID: 007920 000 00 13-0425 ☐ Check Here If Address Is Same As Owners

Parcel Address: 537 BLANDING BLVD ORANGE PARK

Authorized Agent Information (If Applicable)

Agent Name: OWNER ABOVE 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

I HAVE INSTALLED AN OPEN R.V. CARPORT & INSTALLERS PLACED REAR END 5' FROM SIDE PROPERTY LINE & PERMIT CALLED FOR IS 1' THIS IS A PORTABLE CARPORT (POLE BARN TYPE). MY MOTOR HOME IS 45' LOT IS 127' WIDE. IF I MOVE THE CARPORT 10' I WILL NOT BE ABLE TO MAKE THE SWING FROM DRIVEWAY TO GET INTO THE CARPORT. THE BUILDING NEXT DOOR OCCUPIED BY LABOR READY IS ONLY 2' FROM MY PROPERTY LINE SO I'M SURE THEY WILL NOT COMPLAIN ABOUT MY 5' VARIANCE. THIS CARPORT IS BEHIND MY OFFICE & IS NOT DETRIMENTAL TO THE PUBLIC WELFARE.

BUILDING PERMIT # 11601854

Agent Authorization Letter



Date: 10-28-16

Clay County Board of County Commissioners

Division of Planning and Zoning

Attention: Zoning Chief

P.O. Box 1366

Green Cove Springs, FL 32043

Re: Board of Adjustment and Appeals Agent Authorization for Application: _____

To Whom it May Concern:

Be advised that I am the lawful owner of the property described in the aforementioned application attached hereto.

As the owner, I hereby authorize and empower MYSELF AS OWNER

to act as agent to file application(s) for the Board of Adjustment and to act on my behalf for the aforementioned Board of Adjustment and Appeals application.

Albert W. Parham Signed By _____ Print Name: ALBERT PARHAM Date: 10/28/16

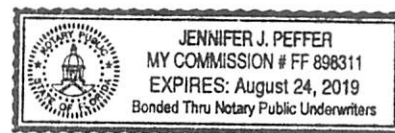
STATE OF FLORIDA COUNTY OF CLAY

The foregoing affidavit was sworn and subscribed before me this 28th day of October

(month), 2016 (year) by Al Parham, who is personally known to me or has produced _____ as identification.

[Signature]
(Notary Signature)

Seal



PETITION: BOA- 16 - 09

DATE _____

POST SIGNS BY: 11/10/16

BOARD OF ADJUSTMENTS - 7:00 P.M. ON 12/1/16 7:00pm
(Grants or denies petition)

Hearings are held in the County Commission Room on the Fourth Floor of the Clay County Administration Building, Green Cove Springs, Florida.

You are normally allowed five (5) minutes to present your petition. If there are people who wish to speak in opposition to your petition, they are also limited to a total of five (5) minutes.

If you think you may want to appeal any decision made by the board with respect to any matter considered at the hearing, you will need a record of the proceedings, and for such purpose you should ensure that a verbatim record of the proceedings is made at your expense, which record includes the testimony and evidence upon which the appeal is to be based.

The Times Union/County Line will be publishing your variance legal notice. They will not publish your ad without payment in advance. Prompt payment will be required to assure that your legal runs and the affidavit from the newspaper showing proof of publication is sent to us in plenty of time for the hearing.

This signature attests that I have read and understand the above information.

Albert W. Park
Applicant or Agent

Times Union/County Line
1 Riverside Avenue
Jacksonville, FL
(904) 359-4170

It is your responsibility to call the newspaper to find out what your advertising fees will be.
Credit cards are accepted, if you wish to call to make payment.

Your legal will run on 11/24/16.

Your fees must be paid by noon on _____.

BOA Meeting Procedure

Once the application is filed, the applicant will post notice as aforementioned and attend the scheduled meeting. The applicant may provide graphic illustrations, professional reports, professional testimony, presentations, etc. in order to present their case to the Board of Adjustment and Appeals. The applicant may wish to have a court reporter or attorney present; however, this arrangement is not required.

The Board of Adjustment and Appeals shall open a public hearing where any resident will have the opportunity to be heard in favor or in opposition to the applicant's request. Once the Board has heard from the public, they will close the public hearing and discuss the issue. The Board will determine its action and make a decision.

If the application is approved, denied or approved with conditions the Planning and Zoning Division shall notify the applicant, in writing, for their records. If approved this letter is needed in order to proceed with any development permits.

Checklist

	Yes	No	Comments
1. Do I have an application	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provided by Clay County
2. Do I have the deed, updated survey and legal description of the property and the fee including sign fees?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Provided by the owner at their expense Fees payable to CCBOCC No credit/ debit cards
3. Do I know where to file?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Clay County Administration Building, 477 Houston Street, 3 rd floor, Planning & Zoning Division, Green Cove Springs, FL 23043
4. Have I posted my signs 21 days in advance of the meeting?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Meeting dates provided by the Planning & Zoning Division. (904) 278-4705.
5. Have I paid my legal add?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Times Union/County Line, 1 Riverside Avenue, Jacksonville, FL (904) 359-4170

CCBOCC
\$500.00
\$20.00

Please contact the Clay County Planning and Zoning Division at (904) 278-4705 if you have any questions.





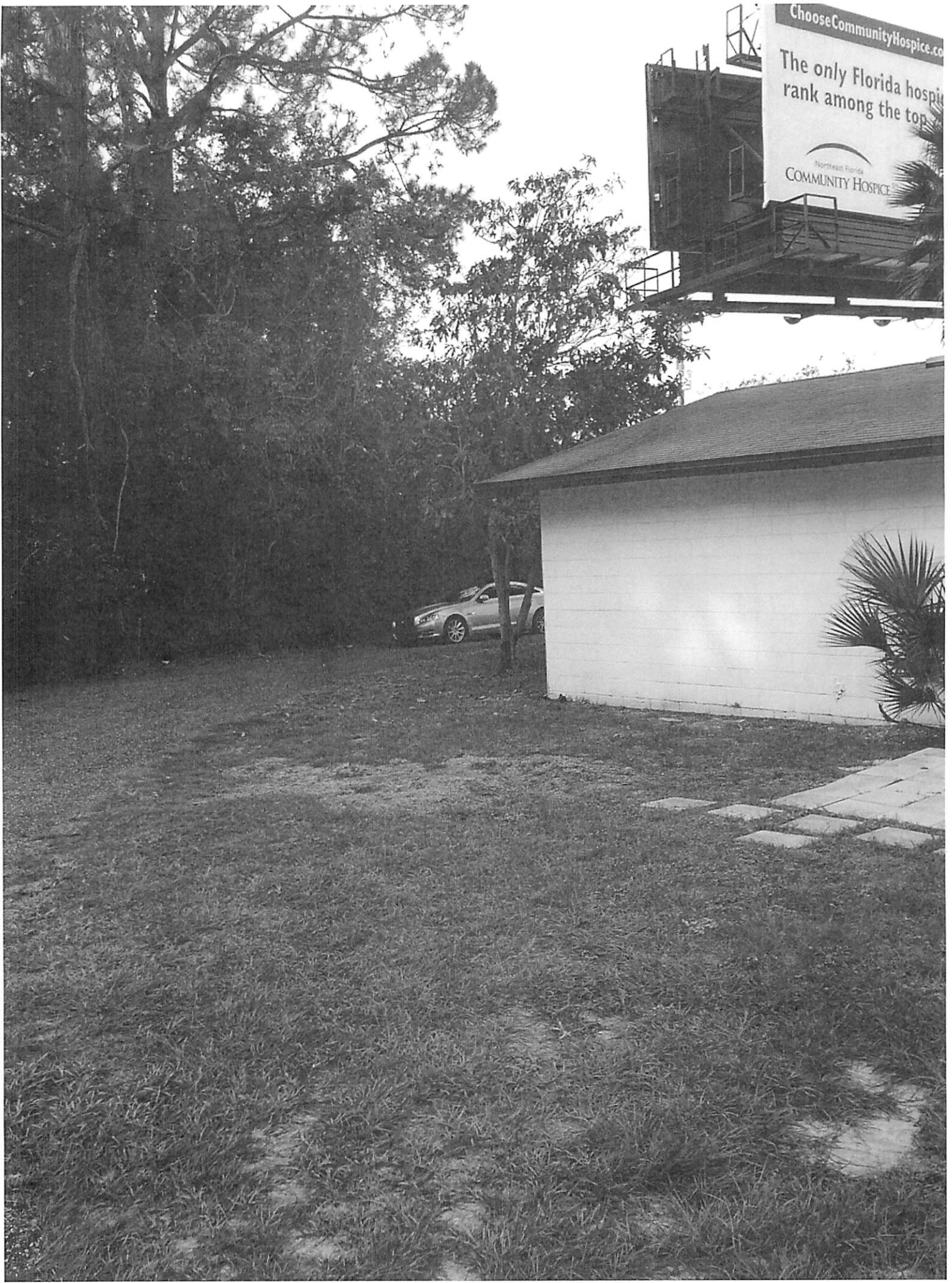
















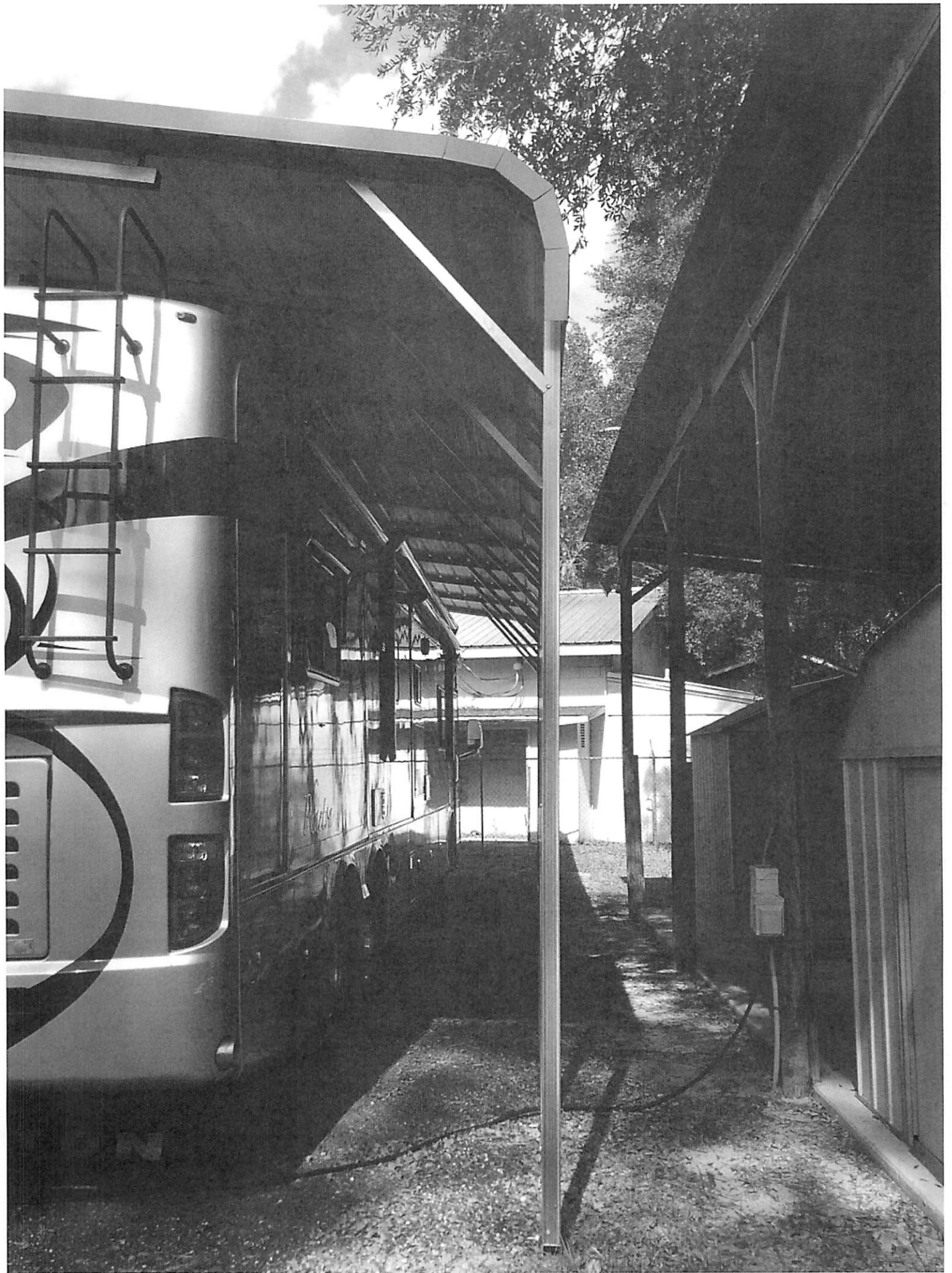




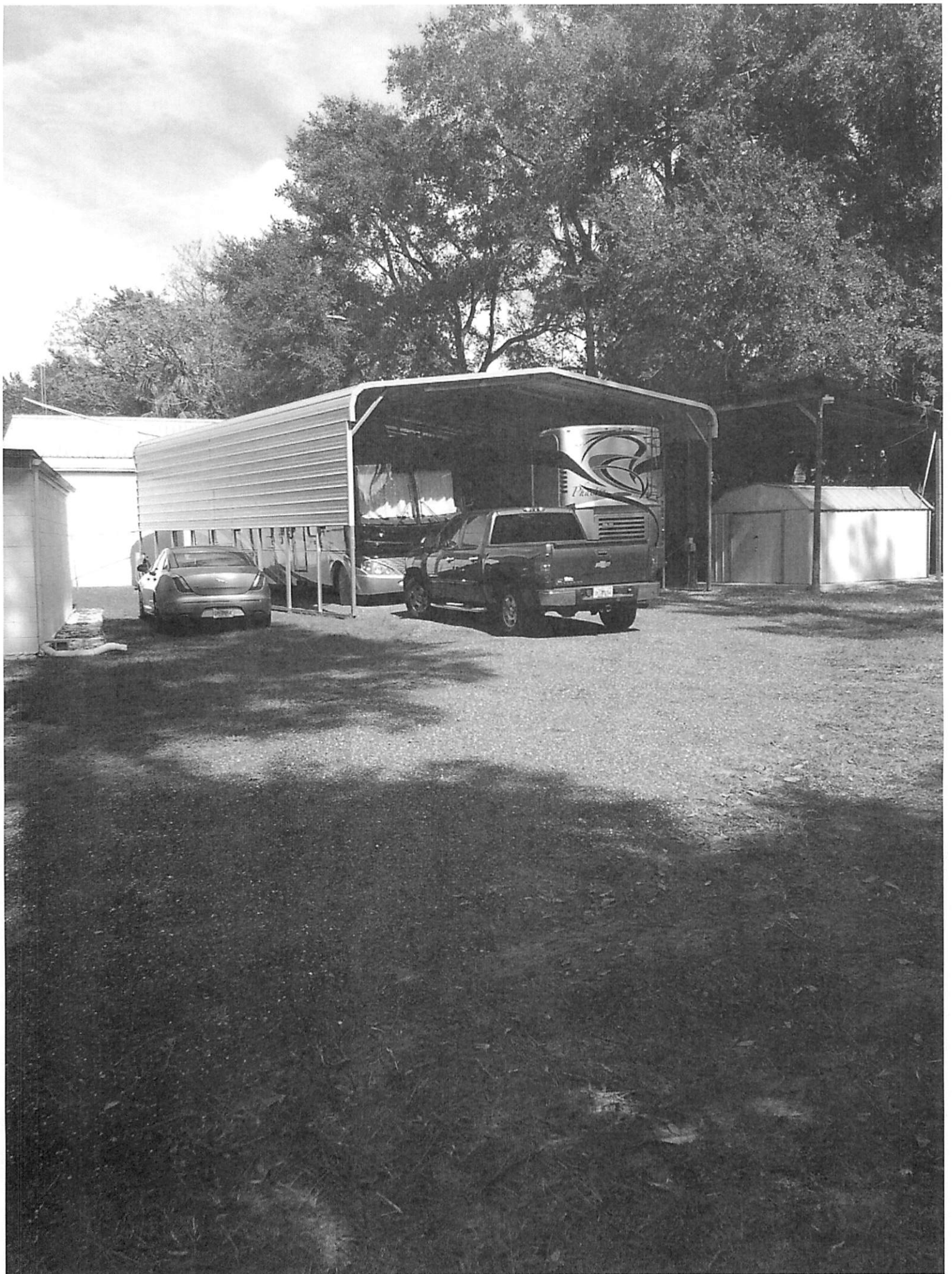


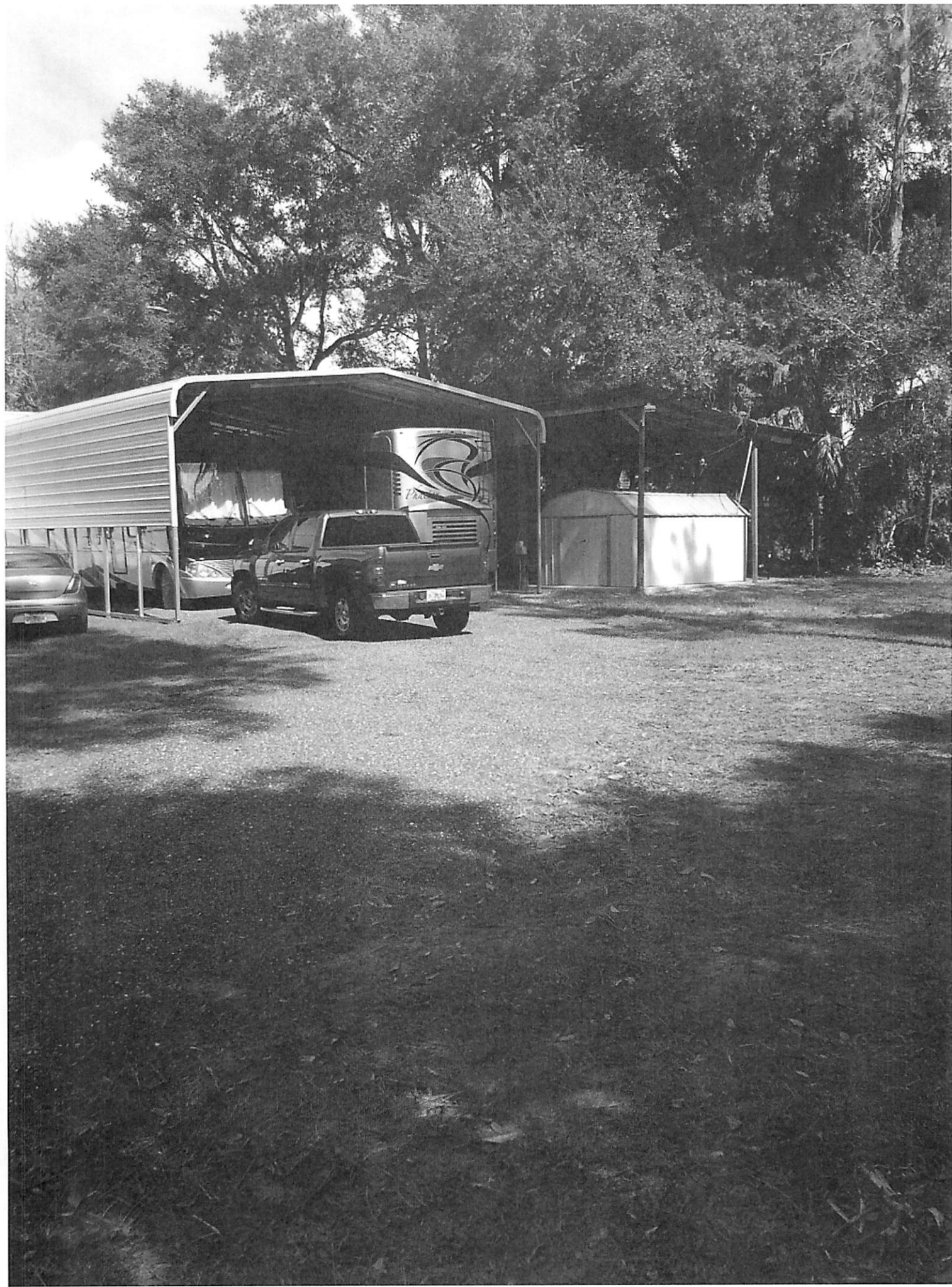


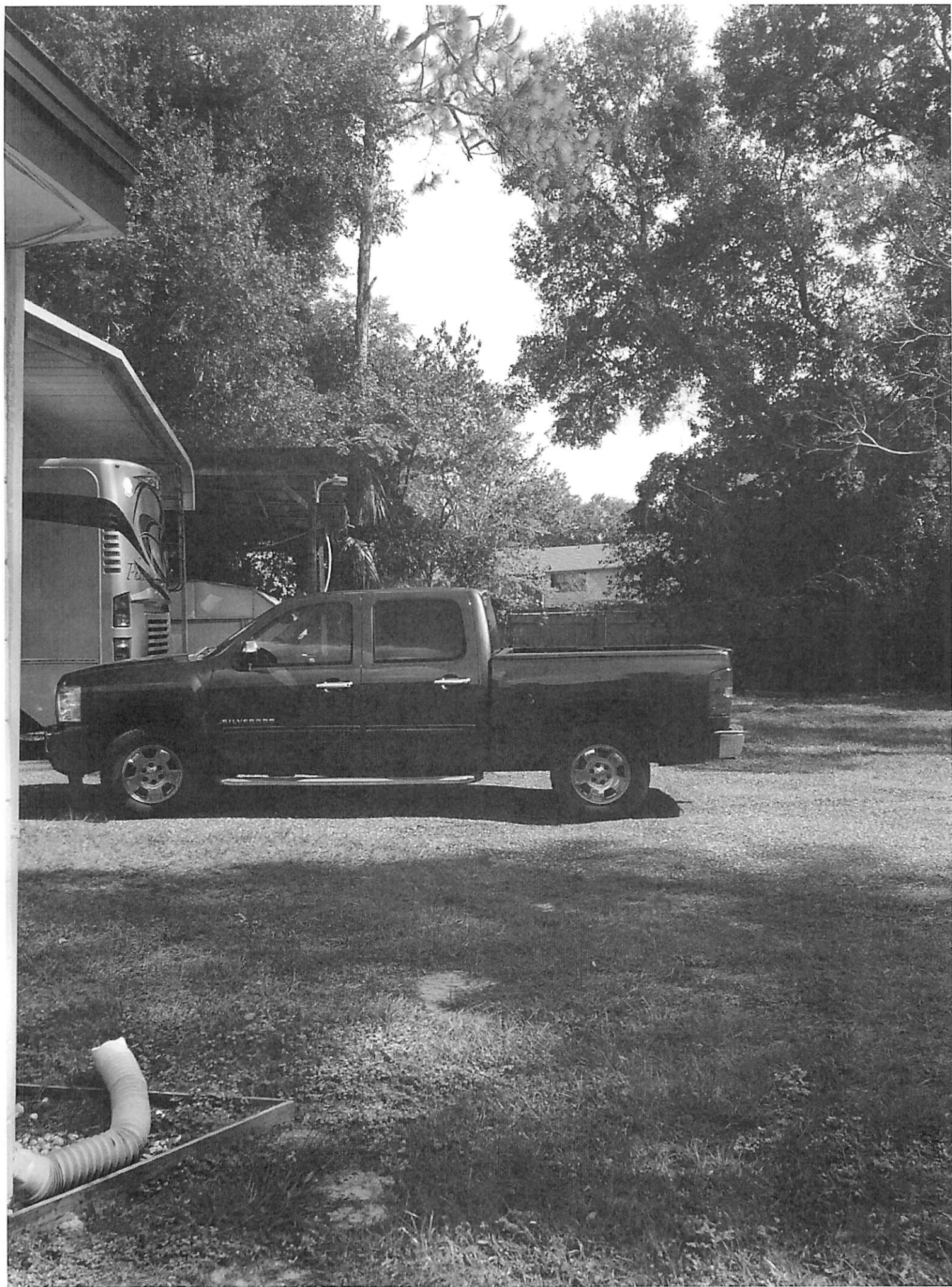
















WARRANTY DEED

Made this 28th day of DECEMBER, 1992 between

HOWARD W. HENDERSON AND BRENDA HENDERSON, HIS WIFE AND RONALD N. BATTEN AND JACQUELINE BATTEN, HIS WIFE

Book: 1440
Page: 0261
Rec: 01-07-93
04:42 P.M.
File# 9300516
John Keene
Clerk Of Courts
Clay County, FL

Whose mailing address is: 1716 SHORELINE PLACE
ORANGE PARK, FLORIDA 32073

Hereinafter called the Grantor, and

ALBERT W. PARHAM, AND LYNN R. PARHAM, HIS WIFE



Whose mailing address is: 537 BLANDING BLVD.
ORANGE PARK, FLORIDA 32065

Hereinafter called the Grantee, WITNESSETH, that the Grantor, for and in consideration of the sum of (10.00) and other valuable considerations the receipt whereof is hereby acknowledged has granted, bargained, and sold unto the Grantee, and Grantee's successors, and assigns forever, all that certain parcel of land in the County of CLAY and State of Florida to wit:

SEE SCHEDULE "A" LANDS ATTACHED HERETO

THE ABOVE DESCRIBED PROPERTY DOES NOT CONSTITUTE THE HOMESTEAD OF THE PARTIES OF THE FIRST PART UNDER THE LAWS AND CONSTITUTION OF THE STATE OF FLORIDA.

THIS WARRANTY DEED IS GIVEN IN COMPLIANCE OF THE ARTICLES OF AGREEMENT DATED MARCH 6, 1992 AND RECORDED IN O.R. BOOK 1408 PAGE 2306 PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.

Real Estate Assessment Number: 13-04-25-007920-000-00

and Grantor does hereby fully warrant title to said land and will defend the same against the lawful claims of all persons whomsoever, except taxes for the year 1993 and subsequent, and restrictions, limitations, covenants, and easements of record, if any. ("Grantor and Grantee" are used herein for singular or plural, the singular shall include plural, and any gender shall include all genders, as context requires.)

Signed, Sealed, and Delivered in our presence:

(Wit.) Florine Jordan

(Wit.) Rebecca Witt

(Wit.) Rebecca Witt

(Wit.) Rebecca Witt

HOWARD W. HENDERSON

BRENDA HENDERSON

RONALD N. BATTEN

JACQUELINE BATTEN

(SEAL)

(SEAL)

(SEAL)

(SEAL)

State of Florida
County of CLAY

Documentary Tax Pd. \$ 1050.00
Intangible Tax Pd. \$ -0-
Certificate # 59600553
John Keene, Clerk of Circuit Court

The foregoing instrument was acknowledged before me this 28th of DECEMBER, 1992 by HOWARD W. HENDERSON AND BRENDA HENDERSON, HIS WIFE AND RONALD N. BATTEN AND JACQUELINE BATTEN, HIS WIFE

who is personally known to me or who has produced DRIVERS LICENSE as identification and who did take an oath.

Notary Public

This instrument prepared by
FLO JORDAN
Lawyers Title Insurance Corporation
ORANGE PARK, FLORIDA 32065



FLORINE JORDAN
MY COMMISSION # 00 12818 EXPIRES
September 14, 1995
BONDED THRU TITOL FARM INSURANCE, INC.

LTIC 140266a
REC. 10-50
STAMPS 1050.00
INT. TAX

Schedule "A" Lands

The South 115 feet of Lot 25, Block 2, SAUNDARLEE, according to plat thereof as recorded in Plat Book 5 page 36 of the public records of Clay County, Florida, which land is bounded as follows:

Beginning at an iron at the Southwest corner of said Lot 25; thence North 89 degrees 09 minutes East, along the South line of said Lot 25, a distance of 200.0 feet to an iron at the Southeast corner of said Lot 25; thence North 0 degrees 51 minutes West along the East line of said Lot 25, a distance of 115 feet to a point; thence South 89 degrees 09 minutes West, a distance of 180 feet more or less, to a point in the Southeast line of State Road No. 21; thence Southwesterly along the arc of a curve concave to the Northwest having a radius of 2914.93 feet along the Southeast line of State Road No. 21, a distance of 47.44 feet, more or less, to an iron in the West line of said Lot 25; thence South 0 degrees 51 minutes East, along the West line of said Lot 25, a distance of 71.45 feet to the POINT OF BEGINNING.

**Clay County Division of Planning & Zoning****Application Number BOA-16-09****Owner Agent Information**

Owner / Petitioner : Albert Parham
537 Blanding Boulevard
Orange Park, 32073

Agent: None

Parcel & Current Zoning Information

Parcel ID # 007920-000-00
Physical Address 537 Blanding Boulevard
Commission District: 3 (Commissioner Hutchings)
Existing Zoning District: BB (Intermediate Business)
Future Land Use Category: COM (Commercial)

BOA Information

Request: To allow for a setback variance for an accessory structure

Board of Adjustment Date: December 1, 2016@ 7:00 p.m.





Staff Report

The applicant is requesting a variance for a side setback for an accessory structure. The BB zoning district currently requires a 15' side setback unless the structure complies with the Building and Fire Codes for wall ratings. The building type would not meet the requirements for a reduction. The applicant states that the only way to fit the accessory building on the lot would be to reduce setbacks. The accessory building is a cover for a recreational vehicle.

Please consider the set criteria to be followed in order to grant a variance.

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:

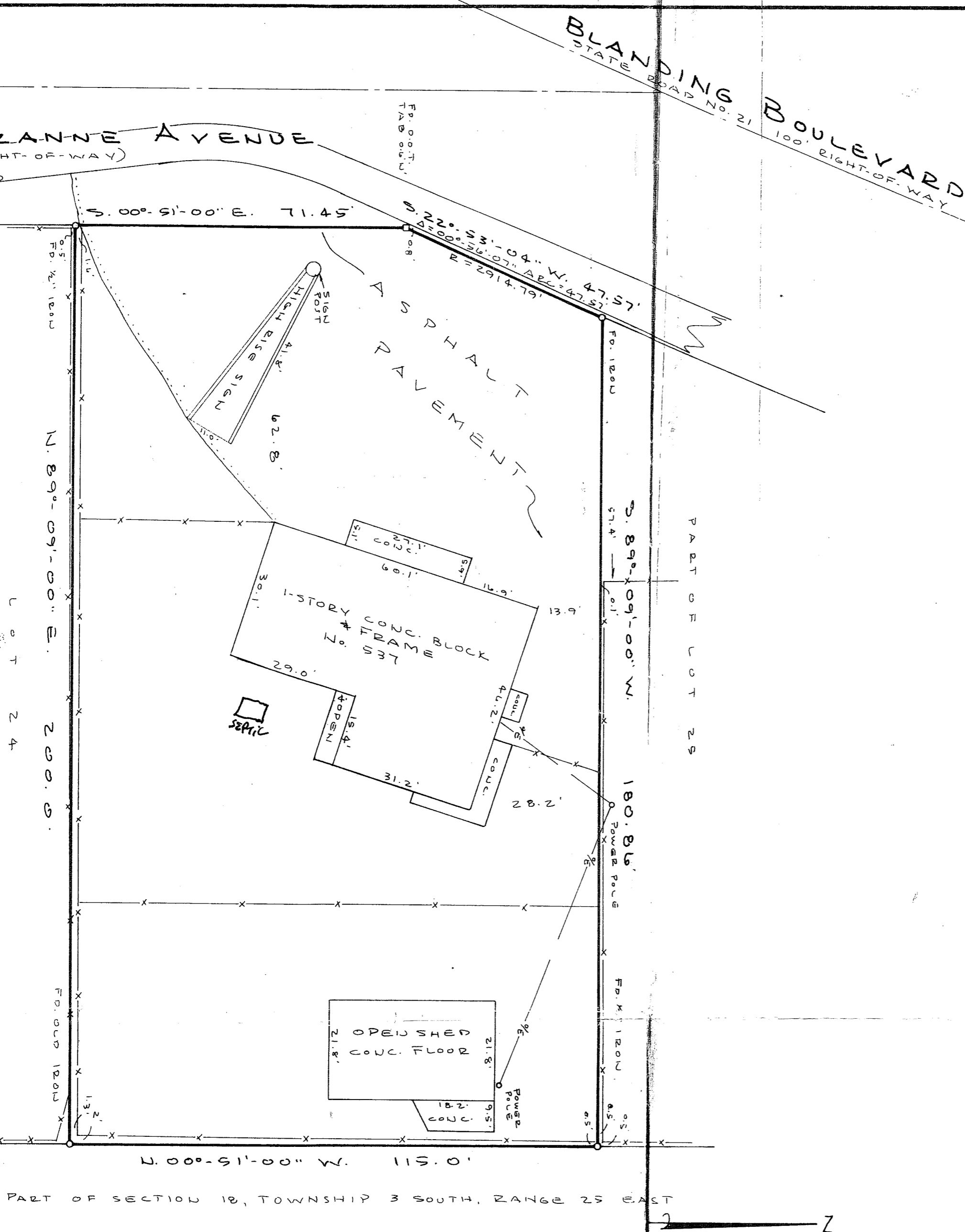
- 1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands structures, or buildings in the same zoning district.
- 2) That the special conditions and circumstances do not result from the actions of the 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.

THE SOUTH 115 FEET OF LOT 25, BLOCK 2, SAUNDARLEE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 5, PAGE 36 OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA.

CERTIFIED TO: CLAY COUNTY BANK
CHICAGO TITLE INSURANCE COMPANY
RONALD N. BATTEN
JACQUELINE BATTEN
HOWARD W. HENDERSON
and BRENDA HENDERSON

GENERAL NOTES:

- 5.) THIS IS A SURFACE SURVEY ONLY, THE EXTENT OF FOOTINGS AND UNDERGROUND PIPES AND UTILITIES, IF ANY, NO DETERMINED.



ELLIS, CURTIS & KOOKER, INC.
Land Surveyors and Planners
1860 Emerson St.
Jacksonville, FL 32207
(904) 396-6334

I hereby certify that to the best of my knowledge and belief, the information depicted herein to be in compliance with Florida statutes, chapter 472, and to meet or exceed the minimum technical standards for land surveying, Florida statutes, Chapter 214H-6.

[Signature]

Professional Land Surveyor
F.L.S. No. 31212
Certificate No. 31212

State of Florida
Not valid unless surveyor's official seal is

GENERAL NOTES:

1) This is a: POULTRY survey;

2) No abstract of the furnished;

3) Not abstracted for assessment.

4) Basis of Bearing: N. 0° 51' W. ALONG EAS
LINE OF PLAT.

As best determined from an inspection
of food insurance rate map:
120064 0100 B
dated 12-21, the lands / house
surveyed lie in zone "C".