



BOARD OF ADJUSTMENT MINUTES

May 26, 2022

6:00 PM

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

CALL TO ORDER

Present: Keith Hadden - Chairman
Tom Goldsbury
Brian Kraut

Absent: William Auclair - Vice-Chairman
Jacob McKeon

Staff Present: Courtney K. Grimm - County Attorney
Mike Brown - Zoning Chief

Chairman Keith Hadden called the meeting to order at 6:01 pm.

APPROVAL OF MINUTES

Board of Adjustment Meeting Minutes, April 28, 2022.

Tom Goldsbury made a motion for approval of the April 28, 2022, BOA meeting minutes, seconded by Brian Kraut, which carried 3-0.

PUBLIC COMMENT

Chairman Keith Hadden opened the floor for public comment at 6:02 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 6:02 pm.

PUBLIC HEARINGS

1. Public Hearing to Consider Application BOA 22-06. Variance to Required Minimum Rear Setback in RD-1 Zoning District.
Variance to the Clay County Land Development Code, Article III, Section 3-19(f)(1)(ii), to decrease the rear setback in RD zoning district from 20 feet to 12.3 feet.

Mr. Brown, Zoning Chief, presented a PowerPoint presentation to the Board regarding the public hearing for BOA-22-06, a variance to the Clay County land development code, Article III, Section 3-19(f)(1)(ii), to decrease the rear setback in RD-1 (Multifamily

Residential District) zoning district from 20-feet to 12.3-feet. See Attachment A. Mr. Brown said the applicant is Enola Carter, and the property is located at 84 Fox Valley Drive, Orange Park, Florida. Mr. Brown showed an aerial of the parcel and pictures of the notification signs on the property. The subject parcel is Lot 84; Fox Valley Replat recorded in 1981. The parcel is located in the RD-1 zoning district. The RD-1 zoning district requires a 20-foot rear setback. The applicant desires to extend the roof of the residence to protect it from rain to limit erosion and decking issues associated with the weather. The parcel is bordered to the rear and south by water from the community amenity lake. Staff finds that the requested reduction in the rear setback is inconsistent with the land development code and recommends denial of the requested reduction in the setbacks for accessory structures. However, staff offers discussion on the six criteria from the land development code that are the basis for granting a variance. Mr. Brown read the six suggested criteria.

Chairman Keith Hadden asked if this request was for a covered deck. Mr. Brown said it would extend the roof to cover part of the deck.

Chairman Keith Hadden opened the floor for the public hearing at 6:06 pm.

Enola Carter, 84 Fox Valley Drive, Orange Park, Florida, 32073, stated to the Board she wishes to add a composite roof due to rot underneath the existing roof and would like to extend it partially over the deck to help protect against more damage. Chairman Hadden asked what was currently in place where she wanted to extend the roof. Ms. Carter said a canopy. Ms. Carter gave the Board pictures for reference to the placement of the new roof. See attachment B. Chairman Hadden asked if she would use the existing metal rods to extend the roof. Ms. Carter said if it is possible, they will; if not, they would replace those. Chairman Hadden asked if she had to get permission from the Home Owners Association. Ms. Carter said she did, and they approved the request. Chairman Hadden asked if there had been any complaints or comments from neighbors. Mr. Brown answered no; there have been no complaints or comments.

Hearing no other comments, Chairman Keith Hadden closed the public hearing at 6:13 pm.

Tom Goldsbury made a motion for approval of application BOA-22-06 as submitted, seconded by Brian Kraut, which carried 3-0.

2. Public Hearing to Consider Application BOA 22-07. Variance to Required Minimum Setback for Accessory Structures in RA Zoning District.

Variance to the Clay County Land Development Code, Article III, Section 3-16(f)(7), to decrease the setback for accessory structures from all lot lines from 7.5 feet to 2.5 feet.

Mr. Brown, Zoning Chief, presented a PowerPoint presentation to the Board regarding the public hearing for BOA-22-07, a variance to the Clay County land development code, Article III, Section 3-16(f)(7), to decrease the setback for accessory structures from all lot lines from 7.5-feet to 2.5-feet. See Attachment C. The applicant is Christian

Carlson and is located in the Hibernia Forest Subdivision Unit One at 7501 Fleming Island Drive. The Plat was approved and recorded in 1957 before adopting zoning regulations in Clay County. A review of the 1986 deed shows that the parcel is described as the northern 75-feet of Lot 1, Hibernia Forest Unit One. The RA zoning district has a minimum lot width of 100-feet. The parcel is developed with a 3,934 square foot single-family dwelling and a concrete driveway that extends from Fleming Island Drive to the existing dwelling. A review of the property appraiser records indicates the concrete driveway was placed on the property in 1977. The applicant wishes to place an accessory structure on the southern part of the property between the existing driveway and the southern property line. A 25-foot easement runs along the length of the southern property line of the subject parcel. Mr. Brown said the staff finds that the requested reduction in the minimum setbacks for accessory structures is inconsistent with the land development code and recommends denial of the requested reduction in the setbacks for accessory structures, but offers six criteria from the land development code that are a basis for granting a variance. Mr. Brown then read the six suggested criteria.

Chairman Hadden asked what was on the other side of the 25-foot easement. Mr. Brown said he did not know.

Brian Kraut asked if the easement was Mr. Carlson's property. Mr. Brown said it is not. Chairman Hadden said by today's standards, it would be a parcel that would be deeded to something like Fleming Island Plantation. An easement is based on underlying ownership with a legal definition. Mr. Kraut asked who owned the easement. Chairman Hadden shared a scenario as to how this property was created as an easement based on the easement history of Fleming Island.

Chairman Keith Hadden opened the floor for the public hearing at 6:22 pm.

Christian Carlson, 7501 Fleming Island Drive, Fleming Island, Florida, 32003, addressed the Board regarding BOA-22-07. Mr. Carlson said he wanted to build a garage. There is a home on the south side of the easement owned by Cindy and Buddy Purcell. The Hibernia Forest Civic Association owns the easement. Mr. Carlson said he understands the Hibernia Forest Civic Association is a voluntary HOA-type organization that some of the residents of the community use. Chairman Hadden asked if residents use it for access to the river. Mr. Carlson said a dock used to be there. However, that dock was destroyed during a hurricane. He is not sure if there are plans or funds to rebuild the dock, but there is lumber stacked. He is asking to build the garage closer to that property line because the driveway already exist there. The plan is for an accessory garage. If the garage is not close to the edge, turning a car into the garage will be difficult. Mr. Carlson provided the Board with pictures and signatures of approval from the HOA and his closest neighbors. See Attachment D. Mr. Carlson said he met with the HOA treasurer, posted the sign, and has only received positive feedback. Tom Goldsbury asked if the gray vinyl fence would be up in front of where the garage would be. Mr. Carlson referenced the photos and explained where the fence is positioned on the property line in relation to the new building.

Mr. Goldsbury asked if all the other lots were 100-feet. Mr. Brown said yes. Mr. Goldsbury said by today's standards, that easement would be his property, and he would be meeting the setback. Chairman Hadden agreed. They took 25-feet off of his property. Mr. Goldsbury said Mr. Carlson did not create the need for a variance.

Hearing no other comments, Chairman Keith Hadden closed the public hearing at 6:30 pm.

Tom Goldsbury made a motion for approval of BOA-22-07, seconded by Brian Kraut, which carried 3-0.

3. Public Hearing to Consider Application BOA 22-08. Variance to Required Minimum Setback in BB-3 Zoning District Where it Abuts a Residential District.

Variance to the Clay County Land Development Code, Article III, Section 3-26(e)(1)(i), to decrease the setback in BB-3 zoning district abutting residential zoning district from 25 ft to 5 ft.

Mr. Brown, Zoning Chief, presented a PowerPoint presentation to the Board regarding the public hearing for BOA-22-08 for a variance to the Clay County land development code, Article III, Section 3-26(e)(1)(i), to decrease the setback in BB-3 zoning district abutting residential zoning district from 25 feet to 5 feet. See Attachment E. The applicant is EDGLYN, Inc., and the property is located at 51 Knight Boxx Road, Orange Park, Florida, between Blanding Boulevard and Old Jennings Road. The first 300 feet of depth from Knight Boxx Road is bordered on the north and south by commercial zoning districts. The remainder of the property, more than 300 feet from Knight Boxx Road, is boarded by RD-3 zoning and AR zoning districts. Both are residential districts. The requested variance reduces the setback for the portion of the parcel that abuts residential zoning districts from 25 feet to 5 feet. Where the adjoining parcel is zoned for business, the land development code allows for a building to be placed up to the side lot line. Mr. Brown said staff finds that the requested reduction in the minimum setbacks for accessory structures is inconsistent with the land development code. Therefore, staff recommends denial of the requested reduction in the setbacks for accessory structures, but offers six criteria from the land development code that are a basis for granting a variance. Mr. Brown read the six suggested criteria.

Chairman Keith Hadden opened the floor for the public hearing at 6:35 pm.

Jeff Lynch, EDGLYN, Inc., 51 Knight Boxx Road, Orange Park, Florida 32065, addressed the Board regarding BOA 22-08. Mr. Lynch gave the Board a copy of a survey. See Attachment F. Chairman Keith Hadden said he knows the property well and described the general layout of the commercial area next to the property in question. Mr. Lynch said he is trying to get a setback variance from a pond of roughly 100 feet. However, his building plans are not within 100 feet of the three residential buildings that are duplexes. Mr. Lynch referenced the survey and described the desired area for the site plan. Therefore, the variance would not affect anyone. Chairman Hadden asked if Mr. Lynch wanted a variance on the southside of the parcel. Mr. Lynch answered no, and said he eventually would like to purchase that property. Chairman Hadden said all of Knight Boxx is in transition. Mr. Lynch said there is a bit of inconsistency with the parcel having apartments built up to the property line, an office building, and three duplexes in the middle of those.

Mr. Tom Goldsbury asked for clarification on an area on the survey. Mr. Lynch said the area is a wetland, and it floods. Mr. Brown said it is zoned AR-1 and has a creek or a

stream. Mr. Lynch said back next to the creek is where their retention pond will go, and no buildings will be built back there at all. Brian Kraut asked for clarity regarding measurements on the survey. Mr. Lynch explained the property line vs. the portion he will build on.

Hearing no other comments, Chairman Keith Hadden closed the public hearing at 6:43 pm.

Mr. Brown said the staff had not received any comments regarding this request.

Mr. Brian Kraut made a motion for approval of application BOA-22-08, seconded by Mr. Tom Goldsbury, which carried 3-0.

PUBLIC COMMENT

Chairman Keith Hadden opened the floor for public comment at 6:45 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 6:45 pm.

ADJOURNMENT

Hearing no further business, Chairman Keith Hadden adjourned the meeting at 6:47 pm.

Attest:

Committee Chairman

Recording Deputy Clerk

Acronym Definitions

- AR – Agricultural/Residential District
- AR-1 – Country Estates District
- BB-3 - Specialty Business District
- BOA – Board of Adjustment
- HOA – Home Owner’s Association
- LDC – Land Development Code
- RA – Single-Family Residential District
- RD – Multi-Family Residential District