



## BOA Application #2022-16 Staff Report

Copies of the application are available at the Clay County Administrative Offices, 3<sup>rd</sup> floor, located at 477 Houston Street, Green Cove Springs, FL 32043

### Applicant Information

**Owner:** Caleb Crowder  
**Phone:** (904) 505-8241  
32065  
**Email:** cakebcrowder446@gmail.com

**Address:** 759 Harrison Ave  
Orange Park, Fla.

### Property Information

**Parcel ID:** 22-04-25-020563-000-00  
**Zoning:** Agriculture/Residential  
32065  
**Land Use:** Urban Core 10 (UC-10)  
**Commission District:** 2 (W. Bolla)

**Address:** 434B Logan Ave.  
Orange Park, Fla.

**BOA Date:** August 25, 2022

Aerial Photo



### **Land Development Code Requirement**

Sec. 3-13(e) (5) of the Land Development Code requires a maximum lot size for parcel in the AR zoning district and in the Urban Core 10 land use designation of 21,780 sf.

### **Applicant Request**

Variance to the Clay County Land Development Code, Article III, Section 3-13(e)(5), to increase lot size to from 21,780 sq. ft to 64,787 sq. ft.

### **Staff Assessment and Recommendation**

The parcel is located on Logan Ave and also has frontage on Harrison Ave. The parcel is located in AR zoning district with a future land use designation of UC-10. The applicant wishes to split the parcel resulting in a parcel of 1.43 acers and a parcel 1.48 acres. Sec. 3-13 (e)(5) of the Land Development Code restricts parcels in the AR zoning district with a UC-10 future land use to a maximum lot size of 21,780 square feet. The subject parcel is 2.91 acres in size according to information from the County Property Appraiser. The subject parcel is non-conforming due to its size. The parcel also contains multiple residential units.

The LDC was amendment in 1993 to require the maximum size for parcels in the AR zoning district with UC-10 land use. Prior to 1993, AR zoning district required a minimum parcel size of 1 acre (43,560 sf). The subject parcel exceeded the present maximum size for AR zoning district prior to adoption of the change to the Code.

The applicant will be at the meeting to discuss their hardship.

Staff finds that the requested variance to exceed the maximum size of a parcel in the AR zoning district with a UC-10 land use designation is not consistent with the Land Development Code. However, there are special circumstances peculiar to the parcel which are not the result of an action by the applicant, therefore staff recommends approval of the request to increase lot size of the subject property.

Staff offers discussion on the six criteria from the Land Development Code that are the basis for granting a variance.

### **Variance Requirements**

Section 12-9 of the LDC sets for the procedures and criteria for consideration of approval for a variance.

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. The Board of Adjustment must first determine whether the need for the variance arises out of the physical surroundings, shape, topographic condition or other physical or environmental conditions that are limited to the specific property involved. 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.**

*The subject parcel is larger than the maximum size allowed for parcels located within AR zoning district with UC-10 future land use designation. The Code change in 1993 resulted in this parcel becoming nonconforming because of its size. Prior to 1993 the parcel was consistent with size standards of the AR zoning district. There are numerous parcels with the same zoning and land use designation in the area of the subject parcel which are larger than the maximum size allowed by the Code.*

**2) That the special conditions and circumstances do not result from the actions of the applicant.**

*The circumstance and special conditions of the subject parcel being over the maximum size allowed for parcel in the AR zoning district and designated UC-10 is not the result of an action by the applicant. The parcel exceeded to maximum 21, 780 sf prior to adoption of the Comprehensive Plan which designated the parcel UC-10 land use.*

**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.**

*The granting of the variance will allow the splitting of the subject parcel which will result in two (2) parcels which are larger than the maximum 21,780 sq. ft. required for parcels located in the AR zoning district with a UC-10 future land use designation.*

**3) 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.**

*The literal interpretation of the ordinance would not deprive the applicant rights commonly enjoyed by other properties in the same zoning district and land use. However, the majority of parcel in the area surrounding the subject property with the same zoning and land use are larger than the maximum size set for in, Section 3-13(e)(5) of the Land Development Code.*

**4) That the variance granted is the minimum variance that will make possible the beneficial use of the land, building or structure.**

*The beneficial use of the property is not dependent on allowing larger parcels than the maximum size allowed for parcel in the AR zoning district in UC-10 land use.*

**5) 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 majority of the parcel in the Ridgewood development exceed the maximum 21,780 sq. ft. size required of parcels in the AR zoning district with a UC-10 future land use. The granting of the variance to the maximum size of the parcels is not necessarily in harmony with the Ordinance, however, it will not be injurious to the area or otherwise detrimental to the public welfare.*