



BOARD OF ADJUSTMENT MINUTES

August 25, 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
Jacob McKeon
Brian Kraut

Absent: William Auclair - Vice-Chairman

Staff Present: Courtney K. Grimm - County Attorney
T. James (Jamie) Hovda III - Assistant County Attorney
Mike Brown - Zoning Chief

Chairman Keith Hadden called the meeting to order at 6:00 pm.

APPROVAL OF MINUTES

Board of Adjustment Meeting Minutes, June 23, 2022.

Tom Goldsbury made a motion for approval of the June 23, 2022, BOA meeting minutes, seconded by Jacob McKeon, which carried 4-0.

PUBLIC COMMENT

Chairman Keith Hadden opened the floor for public comment at 6:01 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 6:01 pm.

PUBLIC HEARINGS

1. Public Hearing to Consider Application BOA 22-14. Variance to Article III Sec. 3-13(f) of the Land Development Code.

Variance to the Clay County Land Development Code, Article III, Section 3-13(f) (3), (4) and (5), to decrease the front setback from 30 ft. to 5 ft.; decrease the side setback from 20 ft. to 5 ft. and decrease the rear setback from 35 ft. to 5 ft. in the AR zoning district.

Michael Brown, Zoning Chief, presented a PowerPoint presentation to the Board

regarding the public hearing to consider application BOA-22-14 for a variance to the Clay County Land Development Code, Article III, Section 3-13(f)(3), (4) and (5), to decrease the front setback from 30 foot to 5 foot; decrease the side setback from 20 foot to 5 foot and decrease the rear setback from 35 foot to 5 foot in the AR zoning district. See Attachment A. Mr. Brown said the applicant is Boyd Brown, and the parcel is located at the end of Pinellas Lane approximately 350 feet northwest of Blanding Boulevard and is triangle shaped with one side (property line) 75 feet in length, one side 90 feet in length, and one side 120 feet in length for a total area of 0.103 acres. It has been in this configuration since 1974. A 520-square-foot residential structure was formerly on the parcel and was removed in August 2021. The application indicates the request is to allow the placement of a 960-square-foot dwelling. The configuration of the parcel makes the placement of a residential unit impossible with the required AR setbacks. Therefore, the request is to reduce the setback to all property lines to 5 feet. Mr. Brown said that Staff finds that the requested reduction in the minimum front is inconsistent with the 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 requested reduction in the setbacks. Mr. Brown offered discussion on the six criteria from the land development code that are the basis for granting a variance.

Chairman Keith Hadden asked if the new square footage is consistent with the square footage of the neighborhood. Mr. Brown said yes. It is probably a little on the smaller side but consistent. Chairman Hadden asked how close the neighboring houses were on each side. Mr. Brown said they meet the required setbacks, approximately 10 to 15 feet. One of the parcels is not developed. Chairman Hadden asked if a 5-foot setback would make it look odd. Mr. Brown said it would look close to the road.

Mr. Brian Kraut asked what the setback on the original house was. Mr. Brown said it was built before setbacks. Mr. Kraut asked what was there before that could have stayed. Mr. Brown said it was smaller square footage. Mr. Boyd Brown said renovating was not legal, and he could not get a permit. Mr. Brown said the setback was probably not much more than five feet.

Chairman Keith Hadden opened the floor for the public hearing at 6:09 pm.

Boyd Brown, 1440 40th Avenue Northeast, Saint Petersburg, Florida 33703, was available for questions regarding his variance request. Mr. Brown said the original house was dilapidated. Chairman Hadden asked about the survey/drawings attached to the agenda, for reference to where the new home would be placed. He said following the setbacks would not allow much room to deal with. He asked what the road went to behind his property. Mr. Brown said there is a 10-acre parcel that one individual owns. Mr. Tom Goldsbury asked what option he was planning to go with. Mr. Brown said it is five feet on all sides. Chairman Hadden asked if there had been any complaints from neighbors. Mr. Brown said staff had heard nothing, no comments. Chairman Hadden asked if the long side abuts the 10-acre property. Mr. Boyd Brown answered yes, and there was nothing on Pinellas Lane's side. Chairman Hadden asked if the county knew the asphalt roadway was not in their ROW. Mr. Boyd Brown noted it is not a paved road but has millings and is compacted.

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

Following the continued discussion regarding the size of the lot and plans for the property, Mr. Tom Goldsbury made a motion for approval, seconded by Mr. Jacob McKeon, which carried 4-0.

PUBLIC COMMENT

Chairman Keith Hadden opened the floor for public comment at 6:17 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 6:17 pm.

ADJOURNMENT

Hearing no other business, Chairman Keith Hadden adjourned the meeting at 6:17 pm.

Attest:

Committee Chairman

Recording Deputy Clerk

Attachment

“A”

BOA-22-14



BOARD OF ADJUSTMENT

BOA-22-14

Public Hearing

August 25, 2022

APPLICATION INFORMATION

Applicant: Boyd Brown

Location: 2569 Pinellas Lane, Middleburg

Zoning: Agricultural/Residential (AR)

Future Land Use: RR Rural Residential

Request: Decrease the front setback from 30 ft. to 5 ft.
Decrease the side setback from 20 ft. to 5 ft. and
Decrease the rear setback from 35 ft. to 5 ft.

BOA 22-14 AERIAL



Background/Recommendation

The parcel is located at the end of Pinellas Lane approximately 350 ft. northwest of Blanding Blvd.

The parcel is triangle shaped with one side (property line) 75 ft. in length, one side 90 ft. in length and one side 120 ft. in length for a total area of 0.103 acres.

Parcel has been in this configuration since 1974.

Staff finds that the requested reduction in the minimum front, 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 requested reduction in the setbacks.

Conditions for a Variance

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 parcel is triangle shaped with one side (property line) 75 ft. in length, one side 90 ft. in length and one side 120 ft. for a total area of 0.103 acres. The triangle shape of the parcel with these dimensions make it difficult to develop when implementing the required AR setbacks.

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

The subject parcel has been in the present configuration and size since 1974 according the Clay County Property Appraiser's Office. The special conditions are not a result of an action by the applicant.

Conditions for a Variance

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 to the setback will confer on the applicant a special privilege of denied to other lands in the AR zoning district by reducing the required setbacks. However, the variance would allow for the use of the parcel for a desired 960 sf. residential dwelling unit.

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 make the subject parcel unbuildable and deprive the applicant rights commonly enjoyed by other properties in the AR zoning district.

Conditions for a Variance

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

The size and configuration of the parcel necessitates a variance to the required setbacks to place a 960 sf dwelling on the parcel. The requested variance to reduce the setbacks down to five (5) ft. is the minimum to allow use of the parcel for residential purpose.

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 approval of the variance will allow for the use of the parcel for residential purpose. The parcel previously contained a residential dwelling which was demolished in August of 2021. The granting of the variance to front, side and rear setbacks is in harmony with the Ordinance and will not be injurious to the area or detrimental to the public welfare.

QUESTIONS