



BOARD OF ADJUSTMENT MEETING

May 23, 2024

6:00 PM

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

CALL TO ORDER

APPROVAL OF MINUTES

Board of Adjustment Meeting Minutes and Attachment February 22, 2024.

PUBLIC COMMENT

PUBLIC HEARINGS

1. Public Hearing to consider Application BOA 24-0001; Variance to Section 3-13(f) (8) of the County Land Development Code.
Variance to the Clay County Land Development Code, Article III, Section 3-13(f) (8), to reduce the minimum living area of the principle residential structure from 750 sq. feet to 720 sq. feet.
2. Public Hearing to consider BOA 24-0003; Variance to Section 3-15(g)(4) of the County Land Development Code.
Variance to the Clay County Land Development Code, Article III, Section 3-15(g) (4), to reduce the side setback from 10 feet to 7 feet in the Rural Estates zoning district.
3. Public Hearing to consider BOA 24-0006; Variance to Section 3-33A.III.5.h of the County Land Development Code.
Variance to the Clay County Land Development Code, Article III, Section 3-33A.III.5.h, to allow for two pump island canopies at a Convenience Store/Gas Station in the Branan Field Activity Center district.

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, May 23 6:00 PM

TO: DATE:

FROM:

SUBJECT:

AGENDA
ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
Board of Adjustment Meeting Minutes and Attachments, February 22, 2024.	Backup Material	3/21/2024	Board_of_Adjustment_Meeting_Minutes_and_Attachment_February_22__2024ada.pdf



BOARD OF ADJUSTMENT MINUTES

February 22, 2024

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, Vice-Chairman
Brandon Ludwig
Nykki Van Hof
Brian Kraut

Absent: None

Staff Present: County Attorney Courtney Grimm
Zoning Chief Mike Brown

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

APPROVAL OF MINUTES

Board of Adjustment Meeting Minutes December 28, 2023.

Tom Goldsbury made a motion for approval of the December 28, 2023, Board of Adjustment meeting minutes, seconded by Brandon Ludwig with the correction of the spelling of his name, with Mr. Goldsbury amending his motion to include the correction, The motion carried 5-0.

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 23-0025; Variance to Sec. 6-8(5)(c) of the County Land Development Code.

Variance to the Clay County Land Development Code, Article VI, Sec. 6-8(5)(c) to remove the requirement for perimeter buffer screening Type 30/C buffer between industrial and residential zoning districts.

Public Hearing to consider BOA-23-0025 can be seen at www.claycountygov.com/Government/clay-county-tv-and-video-archive/Board-of-Adjustment/February 22, 2024, beginning at 1:12 and ending at 44:52. Below is a summary of the discussion and the vote for this agenda item.

Mike Brown, Zoning Chief, presented a PowerPoint presentation for the public hearing to consider BOA-23-0025, a variance to the Clay County Land Development Code, Article VI, Section 6-8(5)(c) to remove the requirement for perimeter buffer screening - Type 30/C buffer between industrial and residential zoning districts. See Attachment A.

During and after the presentation, there were questions and discussions regarding the zoning of surrounding properties, clarification of the buffer requirements, properties rezoned in 1988, the number of residential properties, approval from the BCC, staff recommendation, and zoning of the MOBRO property.

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

David Pepper, 340 Oakridge Trail, St. Augustine, Florida, addressed the Board to provide an overview of details and information regarding the requested variance.

There were questions and discussions regarding the width of the building (boat racks) and other proposed developments for the site, safety concerns when operating equipment, the day-to-day operations of the business, placement of structures, buildings with rooftops, number of boats to be stored and parking spots, shifting the structures to get the needed space, and buffer requirements.

Don Moore, 3969 Owens Road, Green Cove Springs, Florida, addressed the Board to express his concerns with the requested variance.

Sandra Parker, 3970 Owens Road, Green Cove Springs, Florida, addressed the Board to express her concerns with the zoning and the requested variance.

Mr. Pepper addressed the Board to discuss concerns raised during the public hearing.

Following continued questions, discussions, and comments regarding concerns with requested variance, Tom Goldsbury made a motion for denial of BOA-23-0025, seconded by Brian Kraut, which carried 5-0.

PUBLIC COMMENT

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

Hearing no comments, Chairman Keith Hadden closed the public comment at 6:22 pm.

ADJOURNMENT

Chairman Keith Hadden requested to have tablets supplied for the Board to review

documents for meetings. Chairman Hadden noted there would not be a BOA meeting next month.

Hearing no further business, Chairman Keith Hadden adjourned the meeting at 6:23 pm.

Attest:

Committee Chairman

Recording Deputy Clerk

Attachment
“A”
BOA-23-0025



BOARD OF ADJUSTMENT

BOA-23-0025

Public Hearing

February 22, 2024

APPLICATION INFORMATION

Applicant: William Nelson
Agent: David Pepper
Location: 3983 and 3965 Kelsey Rd.
3978 Owens Rd.
Request: Variance to the Clay County Land Development Code, Article VI, Sec. 6-8(5)(c) to remove the requirement for perimeter Type 30/C buffer/screening between industrial and residential zoning districts.

Aerial



Background

The subject property comprises three (3) parcels which are located between SR 16 and the St. Johns River south of Green Cove Springs.

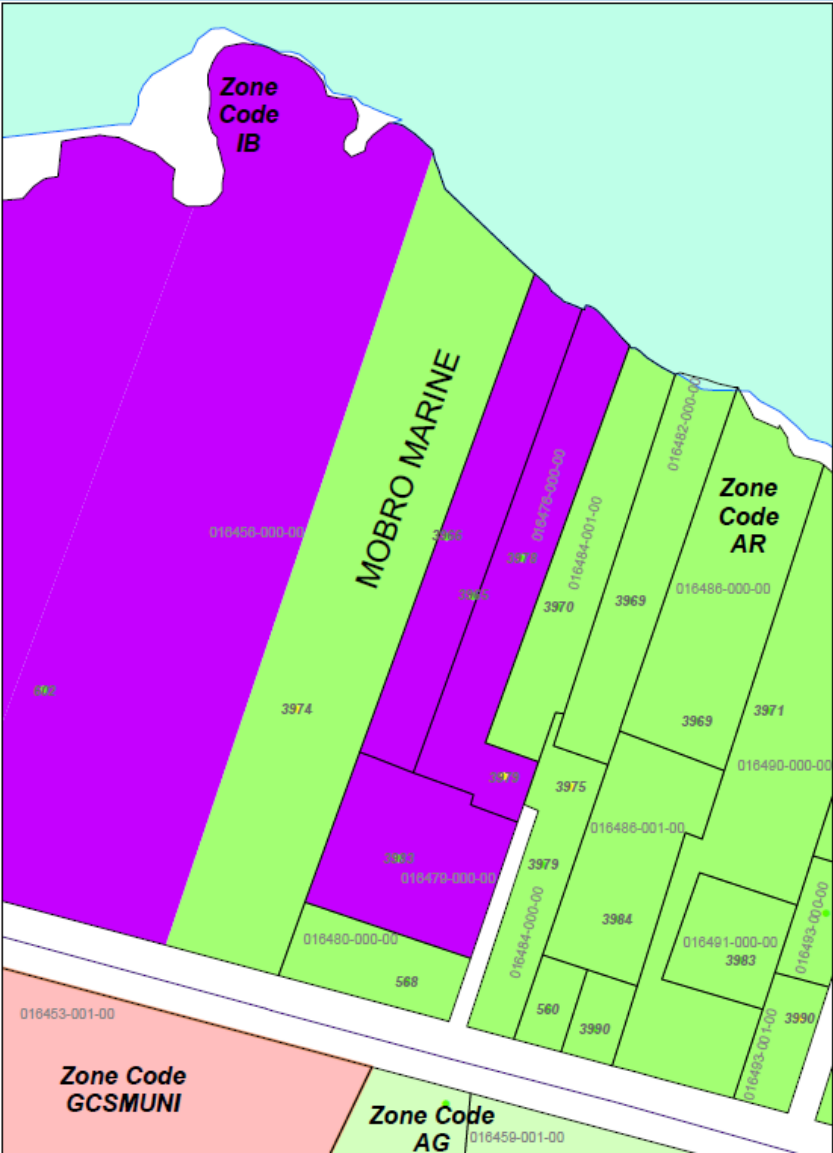
The property is designated Industrial on the future land use map and is zoned Heavy Industrial (IB).

Property immediately to the west is the location of the Mobro Marine Inc. which is utilized for industrial uses.

Properties to the east have been developed with single family residential uses.

The subject property is proposed for a stacked boat storage facility which is an allowable use in the IB zoning district.

Zoning Map



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 special conditions or circumstances which exist are related to the width of the parcels and the proposed use. The stacked boat storage utilizes a forklift to move the boats from storage to the water. Due to the limited width of the subject property (approx. 150 ft.) The required 30-foot Type C buffer limits the ability to utilize forklifts for the movement of boats.

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

The special conditions are not the result of an action by the applicant. The width of the parcels together is approx. 150 ft. The use proposed utilizes forklift to move boast from the storage to the water.

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 will confer the special privilege by replacing the 30/C type buffer with a 6-foot opaque fence. All other industrial developments adjacent to residentially zoned property would require the 30/C type buffer and screening.

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 Code would likely limit the ability to utilize the site for the intended use of stacked boat storage. Any industrial use on this property would be required to comply with the 30-foot wide buffer adjacent to AR zoned property.

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.

Although the beneficial use of the site is not dependent on the granting of the variance, the limited width of the parcels, any industrial uses on the site would be restricted by the required 30-foot wide perimeter buffer.



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 granting of the variance will not be in harmony with the general intent and purpose of the Land Development Code. The purpose of the buffering and screening standards is to protect adjacent residential properties from more intensive industrial uses that could adversely impact the neighboring residential uses. The adjacent property along the northwest boundary of the subject property, although zoned AR, is utilized for industrial type uses associated with the Mobro Marine facility. Properties to the southeast are developed with single family residential uses. Replacing the required 30/C type buffer with a 6-foot opaque fence along the northeast property boundary is in harmony with the general intent of the ordinance due the similar industrial type uses by Mobro. However, replacing the required screening and buffer with a 6-foot opaque fences on the southeast boundary adjacent to residential uses is not in harmony with the general intent and purpose of the ordinance and will likely be injurious to these properties.

Recommendation

Staff finds that the request to replace the required 30/C type buffer with a 6-foot opaque fence is not consistent with the Land Development Code. Therefore, staff recommends denial of the requested variance.

However, staff could support a variance to allow for the placement of a 6-foot opaque fence in place of the 30/C Type buffer along the northeast boundary adjacent to the Mobro Marine property while maintaining the required 30/C Type buffer and screening along the southeast boundary adjacent to the single-family residential uses. The industrial uses associated with the Mobro Marine facility would not be adversely impacted from the reduced buffering and screening along this common boundary.

- LEGEND**
-  ASPHALT PAVING
 -  LANDSCAPING

PARKING AREA: 184' X 178' = 32,752 SF

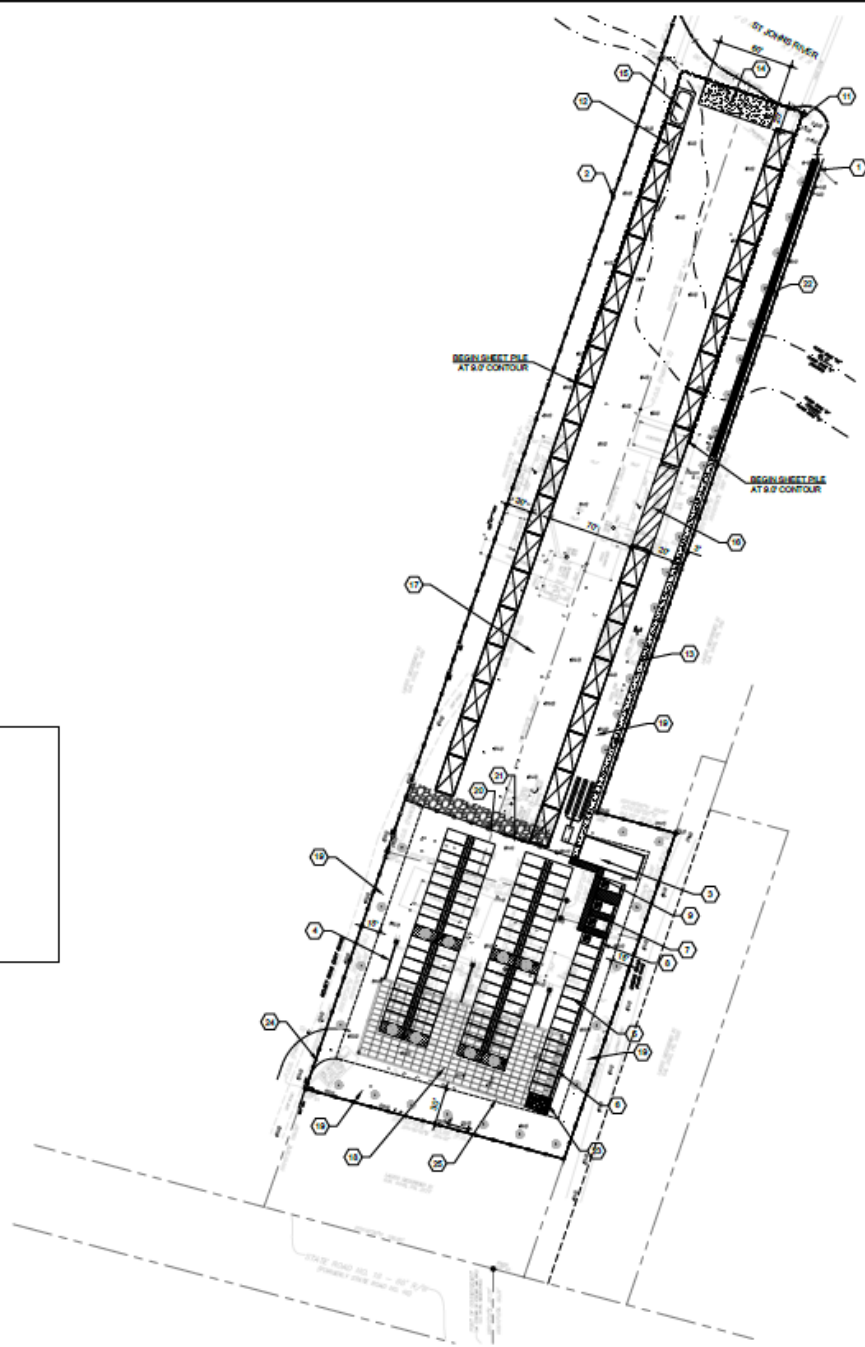
9' X 20' STANDARD VEHICLE STALLS: 82
 9' X 20' ADA VAN ACCESSIBLE STALLS: 1
 9' X 20' STANDARD ADA STALLS: 3

TOTAL PARKING STALLS: 86

INTERIOR LANDSCAPING AREA:
 REQUIRED = 32,752 SF X 10% = 3,276 SF
 PROVIDED = 3,601 SF

INTERIOR TREES
 REQUIRED = 48.0 PTS
 PROVIDED = 13 SMALL X 2.2 PTS = 28.6
 1 MEDIUM X 6.6 PTS = 6.6
 1 LARGE X 13.2 PTS = 13.2

TOTAL 48.4 PTS



SITE PLAN - PROPOSED

- CONSTRUCTION NOTES:**
1. LOCATION OF PROPERTY LINE. REFER TO SURVEY PERFORMED BY MELROSE SURVEYING AND MAPPING, INC. DATED JULY 21, 2023 FOR ADDITIONAL INFORMATION
 2. NEW 6" WOOD PRIVACY FENCE
 3. PROPOSED 20' X 50' OFFICE AND RESTROOM BUILDING. CONFIRM ALL DIMENSIONS AND REQUIREMENTS WITH ARCHITECTURAL PLANS.
 4. ASPHALT PAVING (SEE DETAIL 1, SHEET C-8)
 5. PAVEMENT MARKINGS
 6. CONCRETE PARKING BUMPER (SEE DETAIL 7, SHEET C-8)
 7. ADA PARKING (SEE DETAIL 3, SHEET C-8)
 8. ACCESSIBLE PARKING SIGNS (SEE SHEET C-8 FOR DETAILS)
 9. ACCESSIBLE PATH.
 10. STANDARD PARKING STALL (9' X 20')
 11. SHEET PILE
 12. BOAT STORAGE RACKS
 13. CONCRETE SIDEWALK (SEE DETAIL 8, SHEET C-8)
 14. 70' X 20' CONCRETE RELIEF SLAB
 15. FUEL TANK
 16. BOAT WASH RACKS
 17. GRAVEL (EXTENDS TO LIMITS OF BOAT STORAGE AREAS)
 18. STORMTECH CHAMBER UNDERGROUND DRAINAGE SYSTEM (SEE DRAINAGE PLANS)
 19. LANDSCAPING BUFFER (SEE LANDSCAPING PLANS)
 20. 6 FOOT CHAIN LINK FENCE
 21. CHAIN LINK FENCE GATE
 22. WOOD DECK WALKWAY
 23. SOLID WASTE ENCLOSURE
 24. PERIMETER WOOD PRIVACY FENCE GATE
 25. SETBACKS

BOAT STORAGE FACILITY
 CLAY COUNTY, FLORIDA
 PROPOSED SITE PLAN

DESIGNED BY:	
DRAWN BY:	
CHECKED BY:	
DATE:	
FILE NO:	

SHEET:
C-2

QUESTIONS

Sec. 6-8(5)(c)

Article VI, Sec. 6-8(5)(c) of the Land Development Code requires a 30/C type buffer between industrial zoned property and single family residentially zoned property. This section of the land development code defines a 30/C type buffer as a 30-foot-wide buffer with Type C required screening which shall consist of the following:

1. A row of evergreen canopy trees which are not less than ten feet high at the time of planting, a minimum of two-inch caliper, spaced not more than thirty feet apart, and planted within ten feet of the property line; and
2. A masonry wall, architecturally finished on all sides, a minimum height of six feet and, if a block wall, painted on all sides; and
3. Turf grass, low growing evergreen plants or evergreen ground cover planted over the balance of the buffer.
4. In lieu of the requirements of 1 through 3 above, an undisturbed wooded area, having an opacity of 85% during all seasons and a minimum width of seventy-five feet, may be permitted for all development other than mining and excavation, with the zoning director's approval. For mining and extracting developments, an undisturbed wooded area, having an opacity of 85% during all seasons and a minimum width of one hundred feet where adjacent to residential and seventy-five feet where adjacent to non-residential, may be permitted in lieu of the requirements of 1 through 3 above with the approval of the zoning director.
5. Utility plant sites shall be permitted to substitute a chain link fence with slats that provides 95% opacity in lieu of the masonry wall requirement. Where adjacent to residential properties, the fence shall be screened from the adjacent residential properties with evergreen plants that will grow to an approximate height of six feet. Plants shall be a minimum of thirty inches in height at planting and may be clustered in groups or spaced ten feet apart, on average, along the fence.



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, May 23 6:00 PM

TO: Board of Adjustment

DATE: 5/10/2024

FROM: Mike Brown, Zoning Chief

SUBJECT:

Variance to the Clay County Land Development Code, Article III, Section 3-13(f)(8), to reduce the minimum living area of the principle residential structure from 750 sq. feet to 720 sq. feet.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located at the end of Windmill Court along the southern boundary of Jennings Sate Forest. The parcel is located in AR zoning district with a future land use designation of Rural Residential. The AR zoning district requires the principle residential dwelling to have a minimum 750 square feet living area.

The applicant wishes to construct a principle residential dwelling consisting of two (2) 8 ft. by 45 ft. shipping containers. Together the two containers would result in a residential dwelling totaling 720 sq. ft. Shipping containers come in standard predetermined sizes. The applicant has indicated that larger shipping containers were not available for purchase.

Is Funding Required (Yes/No):

No

If Yes, Was the item budgeted

(Yes/No/N/A):

No

N/A

Sole Source (Yes/No):

Yes

Advanced Payment

(Yes/No):

Yes

Planning Requirements:
Public Hearing Required (Yes\No):
Yes

Hearing Type: First Public Hearing

Initiated By: Applicant

Applicant - Randy Usina

Agent Jon Mayer

ATTACHMENTS:

	Description	Type	Upload Date	File Name
▢	Staff Report BOA 24-0001	Backup Material	5/17/2024	Staff_Report_24-0001_Draft_Finalada.pdf
▢	Application BOA 24-0001	Backup Material	5/17/2024	Staff_Report_24-0001_Draft_Finalada.pdf



BOA Application #2024-0001

Staff Report

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

Applicant Information

Owner:	Randy Usina	Address:	4925 Windmill Court
Phone:	(904) 655-1999		Middleburg, Fla. 32068
Email:	randy.usina@yahoo.com		

Authorize Agent Information

Agent:	Jon Mayer	Address:	2921 Star Bright Place
Phone:	(904) 404-6542		Bryceville, Fla. 32009
Email:	mayerj21@gmail.com		

Property Information

Parcel ID:	04-05-005931-007-01	Address:	4925 Windmill Court
Zoning:	Agricultural/Residential (AR)		Middleburg, Fla. 32068
Land Use:	Rural Residential (RR)		

Commission District: 4 (B. Condon)

BOA Date: May 23, 2024

Aerial Photo



Land Development Code Requirement

Article III, Sec. 3-13(f)(8) of the Land Development Code requires a minimum living area of the principle residential structure of 750 square feet in the AR zoning district.

Applicant Request

Variance to the Clay County Land Development Code, Article III, Section 3-13(f)(8), to reduce the minimum living area of the principle residential structure from 750 sq. feet to 720 sq. feet.

BOA 24-0001

Staff Assessment and Recommendation

The parcel is located at the end of Windmill Court along the southern boundary of Jennings State Forest. The parcel is located in AR zoning district with a future land use designation of Rural Residential. The AR zoning district requires the principle residential dwelling to have a minimum 750 square feet living area. The applicant wishes to construct a principle residential dwelling consisting of two (2) 8 ft. by 45 ft. shipping containers. Together the two containers would result in a residential dwelling totaling 720 sq. ft. Shipping containers come in standard predetermined sizes. The applicant has indicated that larger shipping containers were not available for purchase

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

Staff finds that the requested variance to reduce the minimum required living area below 750 sq. ft. in the AR zoning district is not consistent with the Land Development Code. The applicant has chosen to construct the residential dwelling utilizing shipping containers. There are other options available in the AR zoning district for construction of the primary residence which include mobile home or conventionally built structure which can meet the minimum required living space. Staff recommends denial of the requested variance.

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 applicant desires to construct a principle residential dwelling utilizing two 8 feet wide by 45 ft. long shipping containers. Shipping containers come in standard predetermined sizes which ultimately dictate the size of a structure when containers are utilized for construction. The applicant has indicated that only the 45 ft containers were available for purchase.

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

Shipping containers are available only in predetermined sizes thus when utilized for construction of a residential unit will dictate the size of the resulting structure. The predetermined size of the shipping containers is not the result of any action by the applicant. However, it is the applicant's choice to utilize shipping containers for the construction of the residence. The AR zoning district would allow for a mobile home or conventional built home which could meet the minimum required square footage of living space. .

- 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.

The granting of the variance will confer on the applicant a privilege denied to other properties in the AR zoning district by reducing the minimum required living area for a principle residential dwelling.

- 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.

The literal interpretation of the ordinance would not deprive the applicant of rights commonly enjoyed by other property owners AR zoning district. There are other options for construction of the residence besides the utilization of shipping containers. Both mobile homes and conventionally built residential units are permitted in the AR zoning district.

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

The requested variance is the minimum variance needed to allow for the utilization of the two 45 ft. shipping container to construct the residential dwelling.

- 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 granting of the variance will allow for the reduction of the required livable space by 30 sq. ft. The granting of the variance should not be injurious or detrimental to the public welfare.



BOA Application #2024-0001

Staff Report

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

Applicant Information

Owner: Randy Usina **Address:** 4925 Windmill Court
Phone: (904) 655-1999 Middleburg, Fla. 32068
Email: randy.usina@yahoo.com

Authorize Agent Information

Agent: Jon Mayer **Address:** 2921 Star Bright Place
Phone: (904) 404-6542 Bryceville, Fla. 32009
Email: mayerj21@gmail.com

Property Information

Parcel ID: 04-05-005931-007-01 **Address:** 4925 Windmill Court
Zoning: Agricultural/Residential (AR) Middleburg, Fla. 32068
Land Use: Rural Residential (RR)

Commission District: 4 (B. Condon) **BOA Date:** May 23, 2024

Aerial Photo



Land Development Code Requirement

Article III, Sec. 3-13(f)(8) of the Land Development Code requires a minimum living area of the principle residential structure of 750 square feet in the AR zoning district.

Applicant Request

Variance to the Clay County Land Development Code, Article III, Section 3-13(f)(8), to reduce the minimum living area of the principle residential structure from 750 sq. feet to 720 sq. feet.

BOA 24-0001

Staff Assessment and Recommendation

The parcel is located at the end of Windmill Court along the southern boundary of Jennings State Forest. The parcel is located in AR zoning district with a future land use designation of Rural Residential. The AR zoning district requires the principle residential dwelling to have a minimum 750 square feet living area. The applicant wishes to construct a principle residential dwelling consisting of two (2) 8 ft. by 45 ft. shipping containers. Together the two containers would result in a residential dwelling totaling 720 sq. ft. Shipping containers come in standard predetermined sizes. The applicant has indicated that larger shipping containers were not available for purchase

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

Staff finds that the requested variance to reduce the minimum required living area below 750 sq. ft. in the AR zoning district is not consistent with the Land Development Code. The applicant has chosen to construct the residential dwelling utilizing shipping containers. There are other options available in the AR zoning district for construction of the primary residence which include mobile home or conventionally built structure which can meet the minimum required living space. Staff recommends denial of the requested variance.

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 applicant desires to construct a principle residential dwelling utilizing two 8 feet wide by 45 ft. long shipping containers. Shipping containers come in standard predetermined sizes which ultimately dictate the size of a structure when containers are utilized for construction. The applicant has indicated that only the 45 ft containers were available for purchase.

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

Shipping containers are available only in predetermined sizes thus when utilized for construction of a residential unit will dictate the size of the resulting structure. The predetermined size of the shipping containers is not the result of any action by the applicant. However, it is the applicant's choice to utilize shipping containers for the construction of the residence. The AR zoning district would allow for a mobile home or conventional built home which could meet the minimum required square footage of living space. .

- 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.

The granting of the variance will confer on the applicant a privilege denied to other properties in the AR zoning district by reducing the minimum required living area for a principle residential dwelling.

- 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.

The literal interpretation of the ordinance would not deprive the applicant of rights commonly enjoyed by other property owners AR zoning district. There are other options for construction of the residence besides the utilization of shipping containers. Both mobile homes and conventionally built residential units are permitted in the AR zoning district.

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

The requested variance is the minimum variance needed to allow for the utilization of the two 45 ft. shipping container to construct the residential dwelling.

- 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 granting of the variance will allow for the reduction of the required livable space by 30 sq. ft. The granting of the variance should not be injurious or detrimental to the public welfare.



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, May 23 6:00 PM

TO: Board of Adjustment

DATE: 5/10/2024

FROM: Mike Brown, Zoning Chief

SUBJECT:

Variance to the Clay County Land Development Code, Article III, Section 3-15(g)(4), to reduce the side setback from 10 feet to 7 feet in the Rural Estates zoning district.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located between State Road 16 W and Kingsley Lake. The parcel is located in AR-2 zoning district with a future land use designation of Rural Residential. The parcel is part of the J.M Edwards Subdivision as shown on Plat thereof recorded in 1949. Information from Clay Property Appraiser indicates the house was built in 1968 prior to the adoption of zoning in the County.

The applicant wishes to construct a gabled entry on the south side of the existing house. The location of the existing residential unit on the lot would require the new covered entrance to encroach into the required 10 side setback by 3 feet. The County is in receipt of an email from the neighbor indicating no issue with the reduction of the side setback for the purpose of the gabled side entrance.

Is Funding Required (Yes/No):

No

If Yes, Was the item budgeted

(Yes\No\N/A):

No

N/A

Sole Source (Yes\No):

Advanced Payment

(Yes\No):

Yes

Yes

Planning Requirements:

Public Hearing Required (Yes\No):

Yes

Hearing Type: First Public Hearing

Initiated By: Applicant

Applicant - Thomas Rogers Callahan

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Staff Report BOA 24-0003	Backup Material	5/17/2024	Staff_Report_24-0003_Finalada.pdf
▢ Application BOA 24-0003	Backup Material	5/17/2024	Board_Adjustment_Application_v1ada.pdf



BOA Application #2024-0003 Staff Report

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

Applicant Information

Owner: Thomas Rogers Callahan
Phone: (904) 591-6722
Email: tcallahan1004@gmail.com

Address: 6607 Spirit Lane
Kingsley Lake, Fla. 32091

Property Information

Parcel ID: 16-06-23-021495-000-00
Zoning: Rural Estate (AR-2)
Land Use: Rural Residential

Address: 6607 Spirit Lane
Kingsley Lake, Fla. 32091

Commission District: 4 (B. Condon)

BOA Date: May 23, 2024

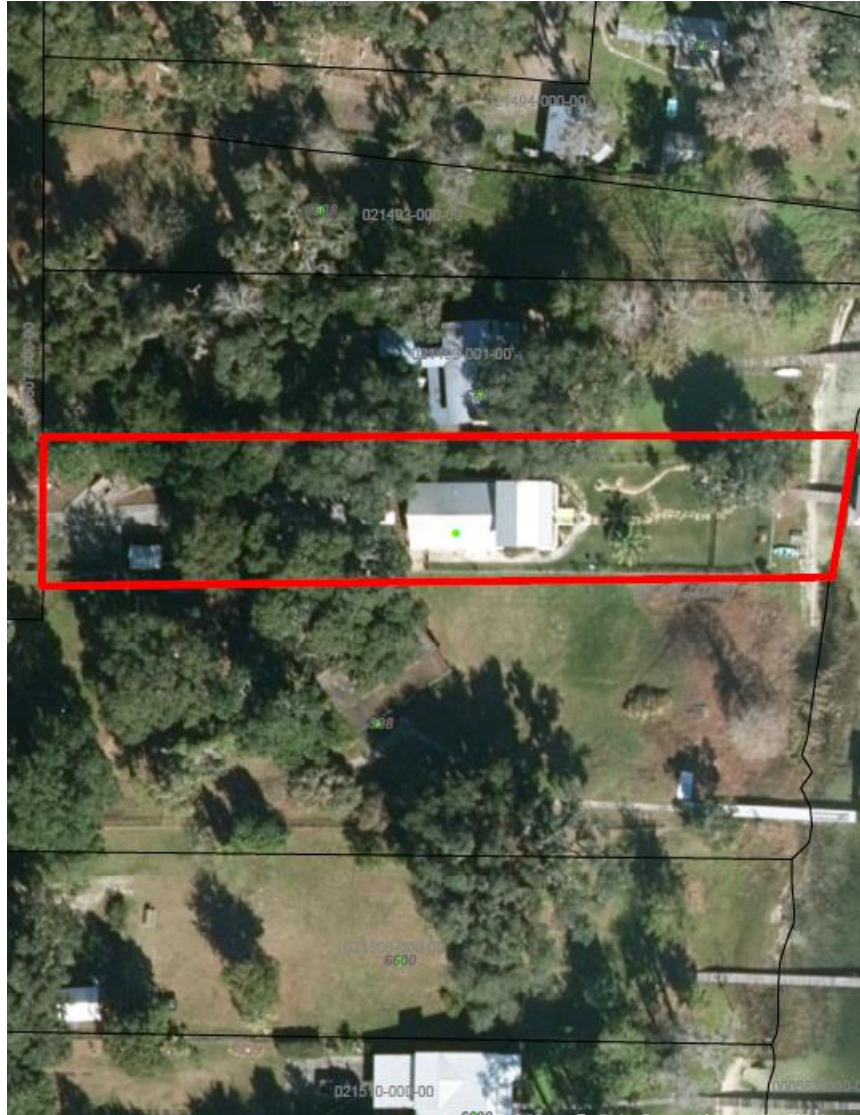
Land Development Code Requirement

Article III, Sec. 3-15(g)(4) of the Land Development Code requires a minimum side setback of 10 ft. for parcels in the AR-2 zoning district.

Applicant Request

Variance to the Clay County Land Development Code, Article III, Section 3-15(g)(4), to reduce the side setback from 10 feet to 7 feet in the Rural Estates zoning district.

Aerial Photo



Staff Assessment and Recommendation

The parcel is located between State Road 16 W and Kingsley Lake. The parcel is located in AR-2 zoning district with a future land use designation of Rural Residential. The parcel is part of the J.M Edwards Subdivision as shown on Plat thereof recorded in 1949. Information from Clay Property Appraiser indicates the house was built in 1968 prior to the adoption of zoning in the County.

The applicant wishes to construct a gabled entry on the south side of the existing house. The location of the existing residential unit on the lot would require the new covered entrance to encroach into the required 10 side setback by 3 feet. The County is in receipt of an email from the neighbor indicating no issue with the reduction of the side setback for the purpose of the gabled side entrance.

BOA 24-0003

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

Staff finds that the requested variance to reduce the side setback in the AR-2 zoning district is not consistent with the Land Development Code; however, the existing structure has been in its present location on the parcel since 1968. Staff recommends approval of the request to reduce side setback from 10 feet to 7 feet for the purpose of construction of gabled entrance on the south side of the primary dwelling.

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 structure (primary residence) is located approximately 10 feet from the south property line. Information from the Property Appraisers Office indicates the residence was built in 1968, prior to zoning and setback requirements in the County.

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

The existing residential structure is located approximately 10 feet feet from the south property line. Information from the Property Appraisers Office indicates the residential structure was built in 1968. The location of the existing dwelling in relation to the south property line is not a result of an action by 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.**

The granting of the variance will confer on the applicant a privilege denied to other properties in the AR-2 zoning district by reducing the minimum side yard setback.

- 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.

The literal interpretation of the ordinance would not deprive the applicant of rights commonly enjoyed by other property owners AR-2 zoning district. However, the existing subject primary residential structure was placed in the present location prior to setback requirements in the County zoning regulations. The literal interpretation of the ordinance would not allow for the covered porch on the south side of the residence.

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

The requested variance is to reduce the side setback to 7 feet, which is the minimum variance required to be able to undertake the gabled entry desired.

- 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 granting of the variance will allow for the construction of a gabled entrance on the south side of the residential unit. An email was received by staff from the neighbor on the south side of the parcel indicated they had no issue with the encroachment into the side setback for the purpose allowing for the gable entrance. The granting of the variance should not be injurious or otherwise detrimental to the public welfare.



Department of Economic and Development Services

Planning & Zoning Division

P.O. Box 1366, Green Cove Springs, FL 32043

Phone: (904) 284-6300

www.claycountygov.com



BOARD OF ADJUSTMENT APPLICATION

Owner's Name: Thomas Rogers Callahan		
Owner's Address: 6597 Spirit Lane		
City: Kingsley Lake	State: Florida	Zip Code: 32091
Phone: 904-591-6722	Email: tcallahan1004@gmail.com	
Parcel Information		
Parcel ID #: 160623-021495-000-00	<input checked="" type="checkbox"/> Check here if Address is Same as Owner's	
Parcel Address:		
Authorized Agent Information (If Applicable)		
Agent's Name:		
Agent's Address:		
City:	State:	Zip Code:
Phone:	Email:	
<input type="checkbox"/> Check here that the Owner's Agent Authorization Form has been Completed & will be filed with this Application		
Public Hearing Time		
Please Check the Time easiest for you to attend: <input checked="" type="checkbox"/> 5:00 p.m. <input type="checkbox"/> 6:00 p.m. <input type="checkbox"/> 7:00 p.m.		
Nature of the Variance / Appeal Request		
Please describe the request or appeal		
We are in need of a smaller setback for the South side of our home, a set back of 7' vs 10'. This will allow for a (gable) entry porch.		

County Manager: Howard Wanamaker

District 1
Mike Cella

District 2
Wayne Bolla

District 3
Diane Hutchings

District 4
Gavin Rollins

District 5
Gayward F. Hendry

Required Attachments

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

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 in 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 twenty-one (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 ten (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 FIFTEEN (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.

Owner Signature: *Thomas R Callahan* Date: 04/11/2024 Print Name: **Thomas R Callahan**

Official Use

Zoning:	Land Use:	Application # BOA:
BOA Meeting Date:	Fees: <input type="checkbox"/> Residential (\$300.00) <input type="checkbox"/> Non-Residential (\$500.00)	
	# of Signs _____ x \$20.00 Per Sign = \$ _____	
	Total Fee: \$ _____	
Application Accepted By:	Date:	

This area is reserved for future use.



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, May 23 6:00 PM

TO: Board of Adjustment

DATE: 5/10/2024

FROM: Mike Brown, Zoning Chief

SUBJECT:

Variance to the Clay County Land Development Code, Article III, Section 3-33A.III.5.h, to allow for two pump island canopies at a Convenience Store/Gas Station in the Branan Field Activity Center district.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located in the northeast quadrant of the intersection of Blanding and Gregory B. Clay Way. The parcel is designated Branan Field Activity Center (BF AC) land use. The BF AC standards for Convenience Stores and Service Stations require all pump islands to be contained under one canopy. The applicant desires to construct a convenience store and service station that provides fueling for passenger cars and commercial vehicles. The applicant desires to separate the two fueling areas for safety purposes and therefore is requesting two canopies; one over each area of pumps.

Is Funding Required (Yes/No): **No** If Yes, Was the item budgeted (Yes/No/N/A): **No**

N/A

Sole Source (Yes/No): **Yes** Advanced Payment (Yes/No): **Yes**

Planning Requirements:
Public Hearing Required (Yes\No):
Yes

Hearing Type: First Public Hearing

Initiated By: Applicant

Applicant - Wod Timber Company Inc.

Agent - Racetrac Inc.

ATTACHMENTS:

	Description	Type	Upload Date	File Name
▢	Staff Report BOA 24-0006	Backup Material	5/17/2024	Staff_Report_24- 0006_Finalada.pdf
▢	Application BOA 240006	Backup Material	5/17/2024	01 - _BOA_Application_v1ada.pdf
▢	Citizen Comment	Backup Material	5/17/2024	Citizen_Commentada.pdf



BOA Application #2024-0006

Staff Report

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

Applicant Information

Owner: Wod Timber Company Inc. **Address:** Post Office Box 1403
Phone: **Address:** Macon, Ga. 31206
Email:

Authorize Agent Information

Agent: RaceTrac Inc **Address:** 200 Galleria Parkway SE, Suite 900
Phone: (954) 305-2637 **Address:** Atlanta, Ga. 30339
Email: mgregorio@ractrac.coml

Property Information

Parcel ID: 06-05-25-009042-000-00 **Address:** Corner of Blanding/Gregory B. Clary
Zoning: Branam Field PUD **Address:** Way
Land Use: Branam Field Activity Center

Commission District: 4 (B. Condon) **BOA Date:** May 23, 2024

Aerial Photo



Land Development Code Requirement

Article III, Sec. 3-33A.III.5.h of the Land Development Code requires all pump islands to be contained under one canopy in the BF AC land use.

Applicant Request

Variance to the Clay County Land Development Code, Article III, Section 3-33A.III.5.h, to allow for two pump island canopies at a Convenience Store/Gas Station in the Branam Field Activity Center district.

BOA 24-0006

Staff Assessment and Recommendation

The parcel is located in the northeast quadrant of the intersection of Blanding and Gregory B. Clary Way. The parcel is designated Branran Field Activity Center (BF AC) land use. The BF AC standards for Convenience Stores and Service Stations require all pump islands to be contained under one canopy. The applicant desires to construct a convenience store and service station that provides fueling for passenger cars and commercial vehicles. The applicant desires to separate the two fueling areas for safety purposes and therefore is requesting two canopies; one over each area of pumps.

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

Staff finds that the requested variance to allow for two canopies for a convenience store and service station in the BF AC land use is not consistent with the Land Development Code. However, the desire for safety reasons to provide separate fueling areas for passenger vehicles from larger commercial vehicle is in harmony with the general intent of the Code and will not be detrimental to the public welfare. Therefore, staff recommends approval of the requested variance.

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 special conditions are related to separating passage vehicles from commercial vehicles in the fueling area. The site plan provides separate fueling area for passage vehicle and commercial vehicles with a canopy over each area. This would limit conflict and provide additional safety between the areas for passenger vehicles and the larger commercial vehicles.

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

The special conditions are a result of the desire to provide fueling for both passage vehicles and larger commercial vehicles while providing safety for the public by separating the fueling areas for the two types of vehicles.

- 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.

The granting of the variance will confer on the applicant a privilege of having multiple canopies on the site. However, the total number of fueling pumps are within the maximum number allowed for a service station in the BF AC land use area. Also, the Code requires all pumps to be under a canopy.

- 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.

The literal interpretation of the Land Development Code would result in commercial vehicle and passenger vehicles refueling in the same area, resulting in safety concerns according to the application. Separating the two types of vehicles will be safer and more efficient but not deprive the applicant of rights commonly enjoyed by other property owners in the BF AC zoning district. An alternative would be for the applicant to forgo the ability to fuel commercial vehicles thereby providing a hardship for the applicant.

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

The requested variance is the minimum variance needed to allow for the separate fueling areas for passenger vehicles and for commercial vehicles.

- 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 granting of the variance will allow the applicant to have separate fueling areas; one for passenger vehicles and one for commercial vehicles providing enhanced safety for those utilizing the fueling station. Both areas would be able to have all pump islands under a canopy as required in the Branan Field Master Plan. All other setback, buffering and landscaping standards will be met. The granting of the variance should not be injurious or otherwise detrimental to the public welfare.



**Department of Economic and Development Services
Planning & Zoning Division**

P.O. Box 1366, Green Cove Springs, FL 32043
Phone: (904) 284-6300
www.claycountygov.com



BOARD OF ADJUSTMENT APPLICATION

Owner's Name: Wod Timber Company Inc.			
Owner's Address: PO Box 1403			
City: Macon		State: GA	Zip Code: 31206
Phone:	Email:		
Parcel Information			
Parcel ID #: 06-05-25-009042-000-00		<input type="checkbox"/> Check here if Address is Same as Owner's	
Parcel Address: County Road 220 Middleburg 32068			
Authorized Agent Information (If Applicable)			
Agent's Name: Racetrac Inc.			
Agent's Address: 200 Galleria Parkway SE, Suite 900			
City: Atlanta		State: GA	Zip Code: 30339
Phone: 954-305-2637	Email: mgregorio@ractrac.com		
<input checked="" type="checkbox"/> Check here that the Owner's Agent Authorization Form has been Completed & will be filed with this Application			
Nature of the Variance / Appeal Request			
Please describe the request or appeal. Include the Section of the Code from which a variance is requested.			
<p>The project site is located in the Branan Field Master Plan. The proposed project is a RaceTrac Gas Station and Convenience Store. There are two fueling locations for passenger cars and commercial vehicles. For safety reason the two fueling locations are separated and thus will require separate canopy's.</p>			

County Manager: Howard Wanamaker

*District 1
Mike Cella*

*District 2
Alexandra Compere*

*District 3
Jim Renninger*

*District 4
Betsy Condon*

*District 5
Dr. Kristen Burke*

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 Agent 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 in Article XII (12-10) 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 twenty-one (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 ten (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 FIFTEEN (15) DAYS IN ADVANCE OF THE PUBLIC HEARING.** Advertising costs are payable by the applicant directly to the newspaper. Proof of publication is required prior to the public hearing.

Agent Signature:  Date: 4/12/24 Print Name: Joe Akers

Official Use

Zoning:	Land Use:	Application # BOA:
BOA Meeting Date:	Fees: <input type="checkbox"/> Residential (\$300.00) <input type="checkbox"/> Non-Residential (\$500.00)	
	# of Signs _____ x \$30.00 Per Sign = \$ _____	
	Total Fee: \$ _____	

Application Accepted By: _____ Date: _____

This area is reserved for future use.

Michael Brown

From: Laura Hanson
Sent: Friday, May 10, 2024 12:03 PM
To: Michael Brown
Subject: FW: BOA 24-0006

I wanted to make sure you received this for BOA 24-0006.

-----Original Message-----

From: Clay Zoning <Clay.Zoning@claycountygov.com>
Sent: Thursday, May 9, 2024 3:22 PM
To: Laura Hanson <Laura.Hanson@claycountygov.com>
Subject: FW: BOA 24-0006

-----Original Message-----

From: Richard @ <db_design@hotmail.com>
Sent: Thursday, May 9, 2024 3:01 PM
To: Clay Zoning <Clay.Zoning@claycountygov.com>
Subject: BOA 24-0006

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

This is my objection of any rezoning in this area.

This area should be preserved for farming, woods, etc This area is very close to large communities We need to preserve the environment and wild life Besides traffic on Blanding is over crowded Richard

Another day on the Green