



BOARD OF ADJUSTMENT MEETING

October 24, 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 August 22, 2024

PUBLIC COMMENT

PUBLIC HEARINGS

1. Public Hearing to consider Application BOA 24-0011; Variance to Article VI, Sec. 6-5 of the County Land Development Code.
Variance to the Clay County Land Development Code, Article III, Section 6-5(5)(a) to remove the requirement for canopy trees within the interior landscape area.
2. Public Hearing to consider Application BOA 24-0012; Variance to Article III, Sec. 3-13(f)(5) of the County Land Development Code.
Variance to the Clay County Land Development Code, Article III, Section 3-13(f) (5) to reduce the minimum side setback from 20 feet to 10 feet in the AR zoning 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, October 24 6:00 PM

TO: Board of
Adjustment
Members

DATE:

FROM:
Recording
Secretary

SUBJECT:

AGENDA ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
Board of Adjustment Meeting Minutes August 22, 2024	Backup Material	10/1/2024	Board_of_Adjustment_Meeting_Minutes_and_Attachments_August_22__2024ada.pdf



BOARD OF ADJUSTMENT MEETING MINUTES

August 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
Nykki Van Hof
Brian Kraut

Absent: Tom Goldsbury, Vice-Chairman
Brandon Ludwig

Staff Present: County Attorney Courtney K. 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 May 23, 2024.

Chairman Keith Hadden made a motion for approval for the May 23, 2024, BOA meeting minutes, seconded by Nykki Van Hof, 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 24-0009; Variance to Article III, Sec. 3-13(f)(5) of the County Land Development Code.

Variance to reduce the side setback in the AR zoning district from 20 feet to 17 feet.

BOA-24-0009 can be seen at www.claycountygov.com/government/clay-county-tv-and-video-archive/Board-of-Adjustment/August 22, 2024, beginning at 1:27 and ending at 18:49. 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-24-0009, a request for a variance to Article III, Section 3-13(f)(5) of the County Land Development Code to reduce the side setback in the AR zoning district from 20 feet to 17 feet. See Attachment A.

There were questions and discussions regarding the placement of the existing mobile home, zoning, and setbacks.

Jeffrey Boettiger, 102 Oakleaf Pont, Palatka, Florida, agent for the applicant, addressed the Board to provide more details and information for the requested variance to replace the existing manufactured dwelling with a larger (longer) manufactured home.

More discussions were had regarding the placement of the new home, setbacks, and correspondence from neighbors.

Chairman Keith Hadden opened the floor for the public hearing at 6:14 pm.

Oakley Barton, 6691 SR21, Keystone Heights, Florida, addressed the Board to inquire about setbacks and stated he has no objection to the requested variance.

Kathleen Banning, 6683 SR21, Keystone Heights, Florida, applicant, addressed the Board to explain the reason for the requested variance.

Hearing no other comments, Chairman Keith Hadden closed the public hearing at 6:18 pm.

Brian Kraut made a motion for approval of BOA-24-0009, seconded by Nykki Van Hof, which carried 3-0.

PUBLIC COMMENT

Chairman Keith Hadden opened the floor for public comment at 18 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 6:18 pm.

ADJOURNMENT

Mr. Brown stated that there will be a BOA meeting September.

Hearing no further business, Chairman Keith Hadden adjourned the meeting at 6:20 pm.

Attest:

Committee Chairman

Recording Deputy Clerk

B

Attachment
“A”
BOA-24-0009



BOARD OF ADJUSTMENT

BOA-24-0009

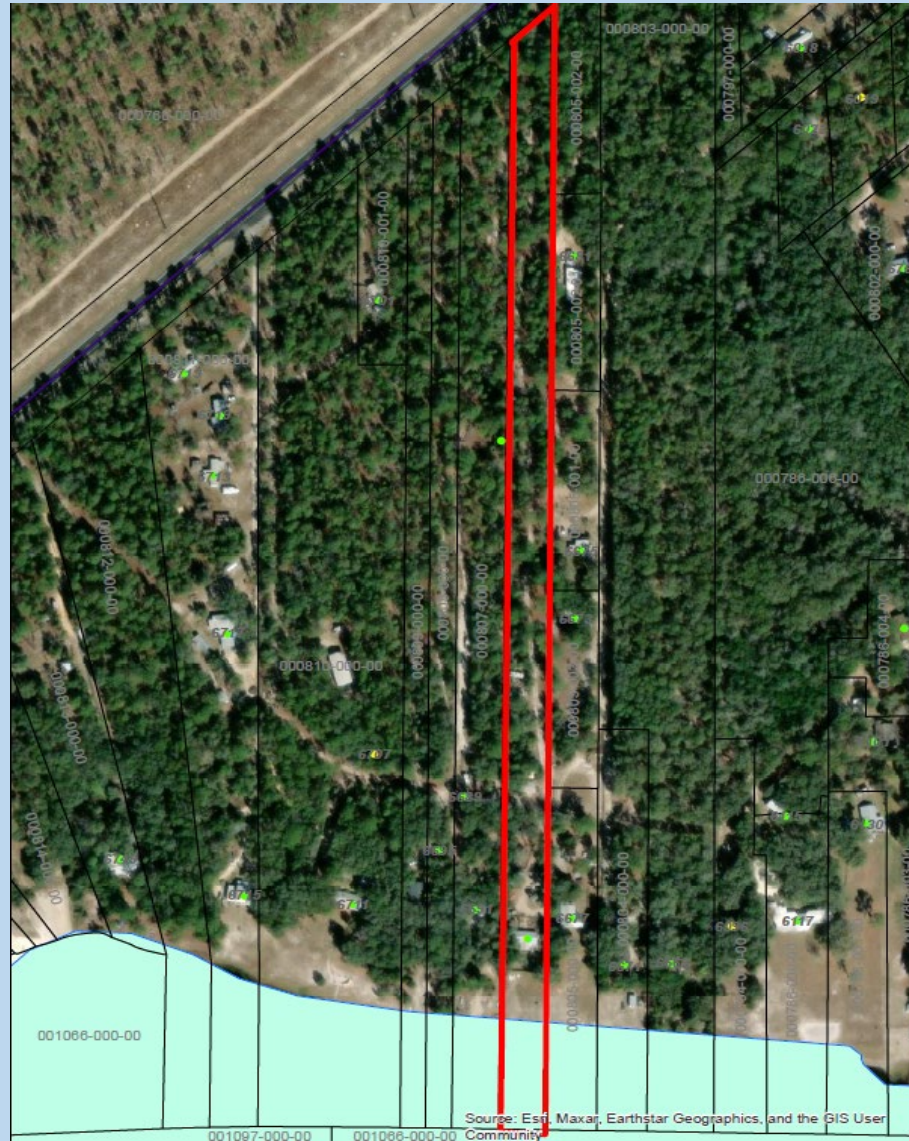
Public Hearing

August 22, 2024

APPLICATION INFORMATION

Applicant: Peter & Kathleen Banning
Agent: Geoffrey Battieger
Location: 6683 State Road 21
Request: Variance to the Clay County Land Development Code, Article III, Section 3-13(f)(5), to reduce the side setback from 20 feet to 17 feet in the Agricultural/Residential zoning district.

Aerial



Background

The parcel is located on State Road 21 between Shands Road and County Road 352. The parcel stretches from S.R. 21 to Spring Lake.

The parcel is located in AR zoning district with a future land use designation of Agriculture/Residential.

The AR zoning district requires 20 ft. side setback.

The subject parcel is apporxiamtely 97.5 feet in width.

The applicant wishes to replace the existing manufactured unit with e new unit which is longer and would encroach into setback by 3 feet.

The application material included a letter from the property owner on the west side of the property stating they are agreeable witht eh reduced 3 foot setback.

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 subject parcel is just under 100 feet in width. There are no other special conditions or circumstances peculiar to the parcel or structure which are not applicable to other parcels and structures in the AR zoning district.

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

The existing dimensions of the parcel were in place prior to the adoption of the Comprehensive Plan in 1991. The width of the parcel is not a result of an action of the applicant. However, the applicant is choosing the length of the new manufactured unit to be placed on the parcel. The chosen width results in the encroachment into the side setback.

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 on the applicant a privilege denied to other properties in the AR zoning district by reducing the minimum side yard setback.

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. It would mean the applicant would not be able to place a manufactured unit of the size desired on this parcel.

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 requested variance is to reduce the side setback to 17 feet, which is the minimum variance required to be able to locate the desired size of the manufactured unit desired.

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 replacement manufactured unit desired. A letter from the property owner immediately to the west of the subject parcel indicated they had no issue with the encroachment into the side setback was included in the application submittal. The granting of the variance should not be injurious or otherwise detrimental to the public welfare.

Recommendation

Staff finds that the requested variance to reduce the side setback in the AR zoning district is not consistent with the Land Development Code.

The variance request is due to a desire for a manufacture dwelling unit the is longer then the existing unit on this parcel. The size of the replacement dwelling unit is a choice of the applicant.

Staff recommends denial of the request to reduce side setback from 20 feet to 17 feet for the purpose of placing a new longer manufactured unit on the subject parcel.

QUESTIONS



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, October 24 6:00 PM

TO: Board of Adjustment

DATE: 9/20/2024

FROM: Mike Brown, Zoning Chief

SUBJECT:

Variance to the Clay County Land Development Code, Article III, Section 6-5(5)(a) to remove the requirement for canopy trees within the interior landscape area.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located just north of the corner of Branan Field Blvd. and Long Bay Rd. Parking on the parcel is being upgraded to come into compliance with County standards and ADA requirements. The parcel is located within the Branan Field Master Plan with BF PUD zoning and BF CC land use. Pursuant to Sec. 3-33.A.IV.2 existing nonresidential uses within the Branan Field Master Plan area are exempt from the requirements of the Master Plan and LDRs and are subject to the applicable regulations at the time of adoption of the Master Plan (2004). However, such uses must meet the parking, landscaping, architectural and other applicable standards of the LDRs. The landscaping requirements of Article VI Sec. 6-5(5)(a) requires the at least ten percent of the interior vehicle use area to be landscaped. This interior landscape area shall contain sufficient canopy trees to receive at least two tree points per 150 square feet of gross landscape area. The purpose of the canopy tree requirement is to reduce the heat island effect from the paved parking area.

The applicant is requesting a variance to the Land Development Code to remove the requirement to provide canopy trees within the interior landscape area. The use of the site has been and will continue as a bank. The applicant has indicated that the required canopy trees will obscure security cameras which are necessary for the functionality of the property as a bank. The required canopy trees will obscure views of the parking area, the sidewalks, and the drive-up ATM according to the application material.

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

No

N/A

Sole Source (Yes\No): Advanced Payment
Yes (Yes\No):
Yes

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

Hearing Type: First Public Hearing

Initiated By: Applicant

Applicant - Compass Bank
Agent - Harlod Timothy Gillis, Shutts & Bowen, LLP

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Staff Report 24-0011	Backup Material	9/20/2024	Staff_Report_24-0011_Finalada.pdf
▢ Application BOA 24-0011	Backup Material	9/20/2024	Application_v1Originada.pdf
▢ Cover Letter_Application	Backup Material	9/20/2024	Cover_Letter_v1Origin(4)ada.pdf
▢ Landscape Plan	Backup Material	9/20/2024	LANDSCAPE_PLAN_v1Originada.pdf
▢ Letter from PNC Security Staff	Backup Material	9/20/2024	Letter_from_PNC_Security_Staff_v1(1)ada-12.pdf



BOA Application #2024-0011

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: Compass Bank (PNC Bank, NA as successor by merger) **Address:** 2850 E. Camelback Rd. Ste 195
Phoenix AZ 85016
Phone: (216) 298-4211
Email: Jeremy.White420@pc.com

Agent: Harold Timothy Gillis **Address:** Shutts & Bowen, LLP
Phone: (904) 899-9950 1000 Riverside Ave, Suite 800
Email: tgillis@shutts.com Jacksonville, Fla. 32204

Property Information

Parcel ID: 37-05-24-006794-001-00 **Address:** 2380 Blanding Blvd.
Zoning: Branan Field PUD (BF PUD) Middleburg, Fla. 32068
Land Use: Branan Field Community Center (BF CC)

Commission District: 4 (B. Condon) **BOA Date:** Sept. 26, 2024

Land Development Code Requirement

Article VI, Sec. 6-5(5)(a) of the Land Development Code requires at least ten percent of the gross are of the interior vehicle use area shall be landscaped area shall contain sufficient canopy trees to receive at least two tree points per 150 square feet of gross landscaped area or fraction thereof. The use of pine trees to meet the required points shall be limited to a maximum of twenty percent of the requested points.

Applicant Request

Variance to the Clay County Land Development Code, Article III, Section 6-5(5)(a) to remove the requirement for canopy trees within the interior landscape area.

Aerial Photo



BOA 24-0011

Staff Assessment and Recommendation

The parcel is located just north of the corner of Branan Field Blvd. and Long Bay Rd. The parcel has approximately 220 feet of frontage on Blanding Blvd and 220 feet of frontage on Long Bay Rd. Parking on the parcel is being upgraded to come into compliance with County standards and ADA requirements. The parcel is located within the Branan Field Master Plan with BF PUD zoning and BF CC land use. The parcel was utilized as a bank prior to adoption of the Branan Field Master Plan. Pursuant to Sec. 3-33.A. IV.2 existing nonresidential uses within the Branan Field Master Plan area are exempt from the requirements of the Master Plan and LDRs and are subject to the applicable regulations at the time of adoption of the Master Plan (2004). Uses on these existing nonresidential parcels may be developed consistent with permitted and conditional uses consistent with zoning category at the time of adoption of the BF Master Plan. However, such uses must meet the parking, landscaping, architectural and other applicable standards of the LDRs. The landscaping requirements of Article VI Sec. 6-5(5)(a) requires the at least ten percent of the interior vehicle use area to be landscaped. This interior landscape area shall contain sufficient canopy trees to receive at least two tree points per 150 square feet of gross landscape area. The purpose of the canopy tree requirement is to reduce the heat island effect from the paved parking area.

The applicant is requesting a variance to the Land Development Code to remove the requirement to provide canopy trees within the interior landscape area. The use of the site has been and will continue as a bank. The applicant has indicated that the required canopy trees will obscure security cameras which are necessary for the functionality of the property as a bank. The applicant maintains that the required canopy trees will obscure views of the parking area, the sidewalks, and the drive-up ATM, according to the application material.

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

Staff finds that the requested variance to remove the requirement for canopy trees in the interior landscape area is not consistent with the Land Development Code. Staff recommends denial of the request to not require canopy trees consistent with Sec. 6-5(5)(a) of the Land Development Code for this parcel.

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.

BOA 24-0011

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.**

There are no special conditions peculiar to the land, structure or building which are not applicable to the lands, structures or buildings in the same zoning district. The application indicates that security of the bank use on site will be compromised due to the canopy trees obscuring view of the security cameras. No other bank use has indicated this concern previously.

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

The special conditions and circumstances are 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 BF PUD and BF CC land use designation by removing the requirement for canopy trees. All other development in the BF CC land use are required, a minimum, to provide adequate canopy trees to meet two tree points per 150 square feet of gross landscape area.

- 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 BF CC land use. All other developments in the BF CC land use, including other banks have been able to comply with the required tree points set forth in Sec. 6-5(a).

- 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, to not require canopy trees in the interior landscape area, is not 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 granting of the variance will not be in harmony with the general intent of the Code. All development in the County is required to comply with Sec. 6-5(5)(a) and provide canopy trees in the interior landscape area to meet the required tree points. If the applicant's supposition that safety may be comprised by the required canopy trees, then the requested variance will 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: Compass Bank (PNC Bank, NA as successor by merger)		
Owner's Address: 2850 E Camelback Rd. Suite 195, Attn: Jeremy White, PE MBA		
City: Phoenix	State: AZ	Zip Code: 85016
Phone: (216)-298-4211	Email: jeremy.white240@pc.com	
Parcel Information		
Parcel ID #: 37-05-24-006794-001-00	<input type="checkbox"/> Check here if Address is Same as Owner's	
Parcel Address: 2380 Blanding Blvd., Middleberg, FL 32068		
Authorized Agent Information (If Applicable)		
Agent's Name: Harold Timothy Gillis, Esq.		
Agent's Address: Shutts & Bowen, LLP, 1000 Riverside Ave Suite 800		
City: Jacksonville	State: FL	Zip Code: 32204
Phone: 904-899- 9950	Email: tgillis@shutts.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>This is a request for a variance related to the above-referenced parcel, and specifically, the determination as to compliance with the landscaping requirements involving canopy trees.</p> <p>Please see the accompanying letter for additional details.</p>		

County Manager: Howard Wanamaker

District 1
Mike Cella

District 2
Alexandra Compere

District 3
Jim Renninger

District 4
Betsy Condon

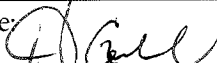
District 5
Dr. Kristen Burke

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 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 (12-10) 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.

Owner Signature:  Date: 08/16/2024 Print Name: Harold Timothy Gillis, Esq.

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.



H. Timothy Gillis
 PARTNER
 Shutts & Bowen LLP
 1000 Riverside Ave, Suite 800
 Jacksonville, Florida 32204
 Direct (904) 899-9950
 Email: TGillis@shutts.com

August 16, 2024

VIA CITIZENS ACCESS PORTAL FOR CLAY COUNTY

Clay County Board of County Commissioners
 Division of Planning and Zoning
 P.O. Box 1366
 Green Cove Springs, Florida 32043

**Re: Board of Adjustment Application
 PNC Bank, NA
 2380 Blanding Blvd., Middleburg, FL 32068
 Parcel ID 37-05-24-006794-001-00**

Dear Board Members:

I have the pleasure of representing PNC Bank, NA, with respect to this application for a variance from the requirements of the Clay County Land Development Code, Article VI – Tree Protection and Landscaping Standards, Sec. 6-5(5)(a) (the “**Canopy Tree Requirement**”). Previously, we submitted an appeal and/or application on behalf of my client for a variance from the requirements of Article III – Zoning and Land Use Regulations, Sec. 3-33A(III)(5)(b)(vi) (the “**Branan Field Standards**”). Upon Staff review, it was determined that the proposed landscaping plan for the property was in fact exempt from the Branana Field Standards, however, it was in conflict with several other applicable provisions contained in Article VI, including the Canopy Tree Requirement. We are now before this Board seeking relief from the Canopy Tree Requirement due to security concerns unique to this property’s use as a bank.

Accompanying this letter are the following documents (that have also been uploaded via the Citizens Access Portal for Clay County Economic Development Services):

- (1) a copy of the property deed with legal description (Special Warranty Deed to First Union National Bank of Florida dated July 6, 1990, acquired by operation of law by Compass Bank, and subsequently acquired by merger by the current legal owner, PNC Bank, NA);
- (2) a survey of the property showing existing conditions and also setting forth proposed alterations to the property’s parking lot (the “**Proposed Plan**”);
- (3) the proposed landscaping plan for the property
- (4) an Agent Authorization Letter executed by Jeremy White, an authorized employee of PNC Bank, NA;
- (5) a sketch of the property indicating the locations of the trees required to comply with the Canopy Tree Requirement; and
- (6) a letter from the PNC Bank, NA’s security staff discussing security concerns that would result from requiring compliance with Canopy Tree Requirement.

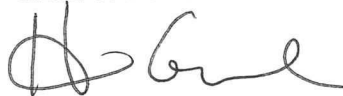
The Proposed Plan’s alterations to the property’s parking lot are required to bring the parking lot into compliance with ADA. With the exception of the Canopy Tree Requirement, the Proposed Plan complies all other requirements set forth in the regulations. Unfortunately, the landscaping required to

comply with the Canopy Tree Requirement would obscure security cameras that are necessary to the functionality of the property as a bank.

My client certainly recognizes the importance of developing an environment that is in harmony with the surrounding natural environment, and seeks to be a good corporate citizen and member of this community. It is unfortunate, but my client must seek relief from the Canopy Tree Requirement in order to preserve the functionality and safety of the property. Compliance with the Canopy Tree Requirement will result in obscured views from the bank's security cameras, including views covering the parking lot, the sidewalks, and the drive-up ATM. Therefore, in the interest of the safety of the bank, its patrons, and the general public, my client respectfully requests that the Board grant a variance permitting the alterations as set forth in the Proposed Plan and deviating from the Canopy Tree Requirement. The variance is essential to the preservation of safety of the functionality of the property as a bank branch, and to ensure the safety of the bank and its patrons.

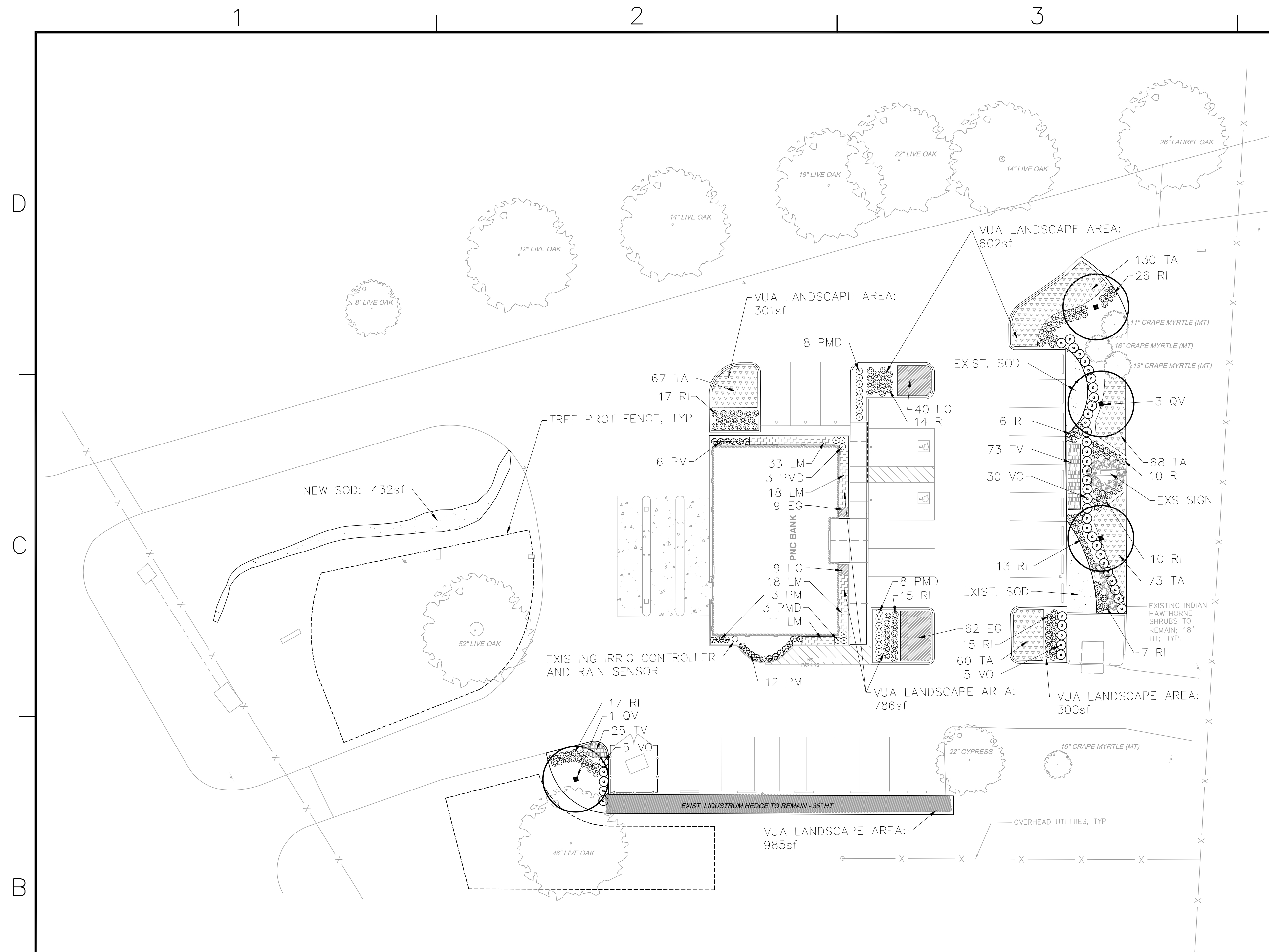
Very truly yours,

Shutts & Bowen LLP

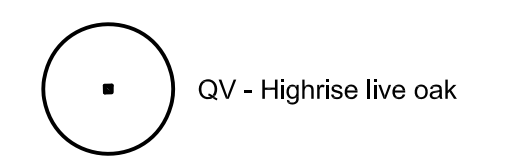


Harold Timothy Gillis

HTG/jh

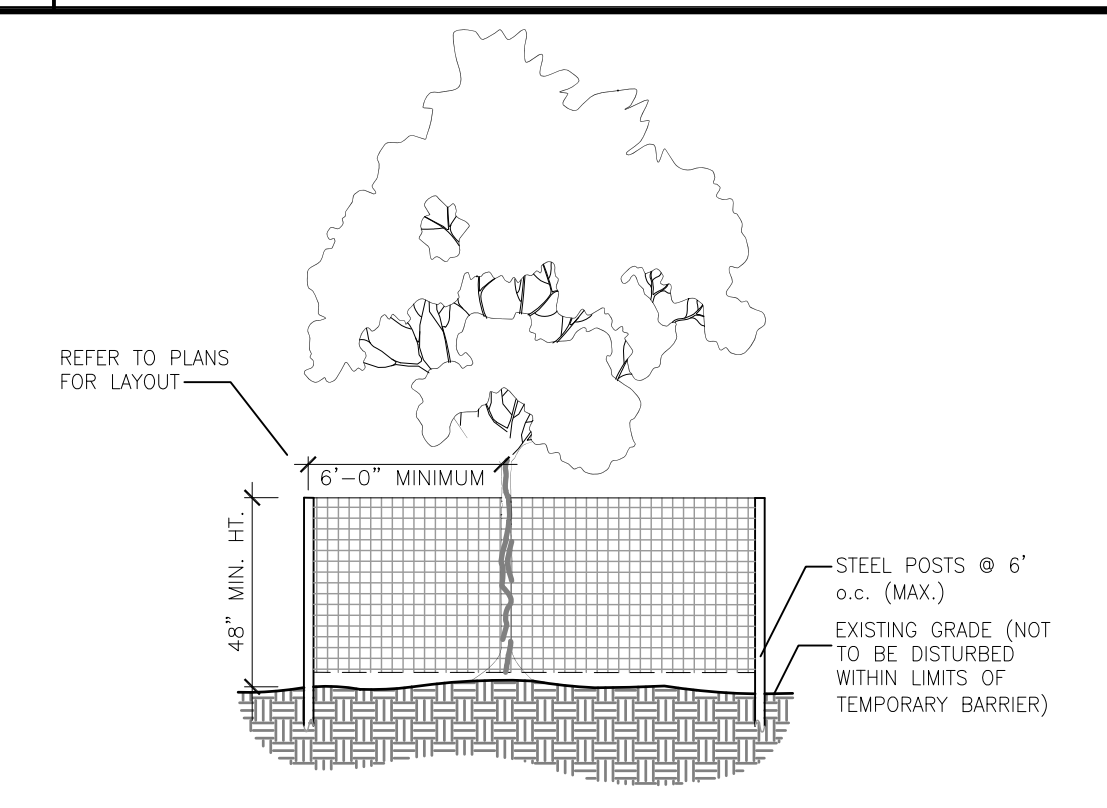


LEGEND - TREES



LEGEND - SHRUBS & GC

- PM - podocarpus
- PMD - Pringles podocarpus
- RI - indian hawthorne
- VO - Walter's viburnum
- EG - blue daze
- LM - Evergreen Giant liriope
- TA - asiatic jasmine
- TV - society garlic
- SOD - St. Augustine grass



Tree Protection Zone
Barrier Detail

TREE PROTECTION NOTES:
PROVIDE A TREE PROTECTION ZONE (TPZ) AS SHOWN ON THE PLANS OR AS DEFINED ABOVE. WITHIN THE TPZ, THERE SHALL BE NO MATERIALS, TRAILERS, EQUIPMENT OR CHEMICALS STORED, OPERATED, DUMPED, BURIED, OR BURNED.

PLANT SCHEDULE							
SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	SPACING	EVERGREEN/DECIDUOUS	WATER USE
TREES							
QV	4	Quercus virginiana 'Highrise'	Highrise live oak	2.5" CAL.; 12' HT. MIN	As Shown	Evergreen	Moderate

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	SPACING	EVERGREEN/DECIDUOUS	WATER USE
SHRUBS							
PM	21	Podocarpus macrophyllus	podocarpus	7 GAL; 4' HT MIN.; FULL	24" o.c.	Evergreen	Moderate
PMD	22	Podocarpus macrophyllus 'Pringles'	dwarf podocarpus	3 GAL; 15" x 15" MIN.; FULL	24" o.c.	Evergreen	Moderate
RI	150	Rhaphiolepis indica	indian hawthorn	3 GAL; 12" HT MIN.; FULL	24" o.c.	Evergreen	Moderate
VO	40	Viburnum obovatum	Walter's viburnum	7 GAL; 24" HT MIN.; FULL	36" o.c.	Evergreen	Moderate

SYMBOL	QTY	BOTANICAL NAME	COMMON NAME	SPECIFICATIONS	SPACING	EVERGREEN/DECIDUOUS	WATER USE
GROUND COVER							
EG	120	Evolvulus glomeratus	blue daze	1 GAL; FULL	12" o.c.	Evergreen	Moderate
LM	80	Liriope muscari 'Evergreen Giant'	Evergreen Giant Liriope	1 GAL; FULL	18" o.c.	Evergreen	Moderate
TA	398	Trachelospermum asiaticum	Asiatic Jasmine	1 GAL; FULL	18" o.c.	Evergreen	Moderate
TV	98	Tulbaghia violacea	society garlic	1 GAL; FULL	12" o.c.	Evergreen	Moderate

SYMBOL	QTY	SPECIFICATIONS	WATER USE
MISC			
SOD	432 SF	ST. AUGUSTINE GRASS (TO MATCH EXISTING)	Moderate
MULCH	26 CY	2" THICK; MEDIUM PINE BARK NUGGETS; CLEAN	

NOTES:
ALL PLANT MATERIAL SHALL BE A MINIMUM OF FLORIDA NUMBER ONE AS DEFINED IN THE MOST CURRENT EDITION OF THE GRADES AND STANDARDS FOR NURSERY PLANTS, PART I AND II, PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

LANDSCAPE PLAN
Scale: 1" = 20"

Site Development Information and Calculations:

Zoning: BF CC
 Lot Area: 1.37 Acres
 Vehicular Use Area (VUA): 26,288 SF
 Total Tree Points Provided: 416.3
 • Retained Native - Medium: 12"
 • Retained Native - Large: 395.5"
 • Installed Native - Small: 8.8"
 Vehicular Use Area Landscaping - Article VI, Sec 6-5
 VUA size: 26,288 SF
 Min. Required VUA Landscaping (10%): 2,628 SF
 - VUA Landscaping Provided: 2,974 SF

Site Development Information and Calculations (Cont):

R.O.W. Landscaping (No existing street trees)- Article VI [Sec 6-5(4)(b)]
 - Min. Landscape Area Width: 15 feet
 - Provided: 20 feet
 Min. Required Tree Points (6 tree points / 100 LF): 6 tree points
 Trees Points Provided: 6.6 tree points
 Min. Required Hedge Height at Planting: 24 inches
 Hedge Provided: 24 inches plus a berm
 Shade Coverage - Article VI - Not Applicable
 Perimeter Buffer - Article VI - Not Applicable
Irrigation
 • There is an existing irrigation system in place that shall remain.
 • The controller and rain sensor locations are shown on the plans.
 • All plantings are "Moderate Water Use".
 • The existing irrigation system will be used to provide water during the plant establishment period and provide supplemental watering in the absence of rain.
 • The existing irrigation system will be field adjusted to ensure adequate watering all new plantings.

ETHOS LANDSCAPES, LLC
 FL LA#666893
 4530 ST. JOHNS AVE, STE 15
 UNIT 272
 JACKSONVILLE, FL 32210

ETHOS LANDSCAPES

REGISTERED LANDSCAPE ARCHITECT
 Judd Lee, Jr.
 LA 00000000
 STATE OF FLORIDA

The seal appearing on this document was authorized by: Judd Lee, Jr. L.A. 666893 on 08/12/2024

PNC BANK - ADA REMEDIATION DESIGN
 BLD CODE: MIDDLEBURG - E335
 2380 Blanding Blvd Middleburg, FL 32068

LANDSCAPE PLAN

SCALE: AS SHOWN
 SHEET 01 OF 01

L-101



2380 Blanding Blvd
Middleburg, FL 32068
RE: Middleburg (E335)

August 13, 2024

Dear Mr. Jeremy White,

Good day. This memo is in response to the current discussion of proposed trees to be added to the Middleburg branch. The branch is in the process of adding several exterior cameras for the safety of the property, clients, and staff. I have reviewed the plans, and the location of the trees will block the cameras' view to the parking lot, sidewalks, and the drive-up ATM.

Sincerely,

Mary Talluto
PNC Physical Security Sr

PNC Bank
1661 Taylor Rd Port Orange, FL 32128
(p) 386-566-1120
mary.talluto@pnc.com



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, October 24 6:00 PM

TO: Board of Adjustment

DATE: 10/17/2024

FROM: Mike Brown, Zoning Chief

SUBJECT:

Variance to the Clay County Land Development Code, Article III, Section 3-13(f)(5) to reduce the minimum side setback from 20 feet to 10 feet in the AR zoning district.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located on Kingsley Lake east of S.R. 230. According to information from the County Property Appraiser's Office the parcel, as it exists today, was described by deed in 1988, prior to adoption of the Comprehensive Plan, and therefore meets the definition as a lot-of-record. The parcel is designated Rural Residential on the future land use map. The parcel has two zoning districts with AR-2 on the portion fronting Kingsley Lake with AR zoning on the remainder of the property. The AR-2 district requires a minimum side setback of 10 ft. while the AR district requires a minimum 20 ft side setback. The majority of the parcel is 50 ft. in width, which is narrower than the required 100 ft. minimum width for both the AR and AR-2 zoning districts. The required 20 ft. side setback for the AR zoned portion of the property limits the width of the buildable area to 10 ft. for that portion of the parcel that is 50 ft. wide.

The applicant wishes to construct a residential dwelling on the property. The proposed location of the new dwelling on the property would result in the unit traversing both zoning districts. While the proposed new residence would meet the side setback for the portion in AR-2 district, it cannot meet the setback required for the AR district. The owner could seek a rezoning of the portion of the parcel that is AR to make the entire parcel AR-2 and thereby removing the need to seek a variance. If the rezoning was approved the results would be the same as the requested variance with a 10 ft. setback for the entire length of the parcel.

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 (Yes\No):
Yes

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

Hearing Type:

Initiated By:Applicant

Applicant - Brett & Talisha Parrish

ATTACHMENTS:

	Description	Type	Upload Date	File Name
▢	Staff Report BOA 24-0012	Backup Material	10/17/2024	Staff_Report_24-0012_FINAL- 1ada.pdf
▢	Application BOA 24-0012	Backup Material	10/17/2024	BOA_app_for_variance_v1ada.pdf



BOA Application #24-0012 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:	Brett & Talisha Parrish	Address:	13237 SW 76 th Street
Phone:	(386) 867-2114		Lake Butler, Fla. 32054
Email:	unionlasteel@hotmail.com		

Agent Information

Agent:	Robert Jackson	Address:	4886 SW 109 th Ct.
Phone:	(352) 316-5135		Lake Butler, Fla. 32054
Email:	ad80faith@gmail.com		

Property Information

Parcel ID:	21-06-23-000664-000-00	Address:	6250 Lake Drive
Zoning:	Agricultural/Residential (AR) & Rural Estate (AR-2)		Stark, Fla. 32091
Land Use:	Rural Residential (RR)		

Commission District: 4 (B. Condon)

BOA Date: Oct. 24, 2024

Land Development Code Requirement

Article III, Section 3-13(f)(5) of the Land Development Code requires a minimum side setback from 20 feet in the Agricultural/Residential (AR) zoning district.

Applicant Request

Variance to the Clay County Land Development Code, Article III, Section 3-13(f)(5) to reduce the minimum side setback from 20 feet to 10 feet in the AR zoning district.

Aerial Photo



Zoning Districts



Staff Assessment and Recommendation

The parcel is located on Kingsley Lake east of S.R. 230 and is 0.327 acres in size. According to information from the County Property Appraiser's Office, the parcel as it exists today, was described by deed in 1988, prior to adoption of the Comprehensive Plan, and therefore meets the definition as a lot-of-record. The parcel is designated Rural Residential on the future land use map. The parcel has two zoning districts with AR-2 on the portion fronting Kingsley Lake and AR zoning on the remainder of the property (See Zoning Map). The AR-2 district requires a minimum side setback of 10 ft. while the AR district requires a minimum 20 ft side setback. The majority of the parcel is 50 ft. in width, which is narrower than the required 100 ft. minimum width for both the AR and AR-2 zoning districts. The required 20 ft. side setback for the AR zoned portion of the property limits the width of the buildable area to 10 ft. for that portion of the parcel that is 50 ft. wide.

The applicant wishes to construct a residential dwelling on the property. The proposed location of the new dwelling on the property would result in the unit traversing both zoning districts. While the proposed new residence would meet the side setback for the portion in AR-2 district, it cannot meet the setback required for the AR district. The owner could seek a rezoning of the portion of the parcel that is AR to make the entire parcel AR-2 and thereby removing the need to seek a variance. If the rezoning was approved the results would be the same as the requested variance with a 10 ft. setback for the entire length of the parcel.

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 zoning district is not consistent with the Land Development Code; however, special circumstances exist which are not a result of an action by the applicant. Staff recommends approval of the request to reduce side setback from 20 feet to 10 feet for the portion of the parcel located in the AR zoning district.

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 property has two zoning districts which bisects the property almost in half. The two zoning districts, AR and AR-2, have differing side setbacks. The parcel is 50 ft wide for the majority of the length. The minimum requires side setback for the AR zoning district is 20 ft. which severely restricts the buildable portion of the parcel that is zoned AR and only 50 ft. wide.

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

The split zoning on the parcel is not a result of actions 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 zoning district by reducing the minimum side yard setback. However, in most cases the entire parcel is zoned AR where as in this case only a portion of the parcel is zoned AR.

- 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. However, the existing width of the parcel along with the required side setbacks for the AR district greatly limit the ability to develop the site without the requested variance.

- 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 10 feet on that portion of the parcel zoned AR is the minimum variance to be able to undertake the desired new dwelling at the location proposed.

- 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 extend the minimum 10 ft side setback established for the AR-2 zoning district for the entire length of the parcel. Structures located wholly within the AR-2 portion

of the parcel would be required to only be setback 10 ft. from the side property lines. The granting of the variance would be in harmony with the general intent and purpose of the Code. 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: Brett Parrish + Talisha Parrish,
 Owner's Address: 13237 SW 76th St.
 City: Lake Butler State: Fl. Zip Code: 32084
 Phone: 386-867-2114 Email: unionlasteel@hotmail.com

Parcel Information

Parcel ID #: 21-06-23-000664-00-00 Check here if Address is Same as Owner's
 Parcel Address: 6250 Lake Dr. Starke Fl. 32091

Authorized Agent Information (If Applicable)

Agent's Name: "Robert" Judson Jackson
 Agent's Address: 4886 SW 109th Ct.
 City: Lake Butler Fl. State: Fl. Zip Code: 32084
 Phone: 352-316-5135 Email: ad80faith@gmail.com

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.

Set Back on sides from 20ft to 10ft. (Variance)
Need 10ft. to Build home

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 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 (12-10) 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.

Owner Signature:  Date: 9.3.24 Print Name: Brett Parish

Official Use

Zoning:	Land Use:	Application # BOA:
BOA Meeting Date:	Fees: <input checked="" 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.