



BOARD OF ADJUSTMENT MEETING

February 27, 2025

5:00 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 January 23, 2025.

PUBLIC COMMENT

PUBLIC HEARINGS

1. Public Hearing to consider BOA 25-0001.
 - A. Variance to the Clay County Land Development Code, Article III, Section 3-6(d)(1) to allow for the placement of an accessory structure in the side or front yard of a parcel in the Single-Family Residential Zoning District (RA).

 - B. Variance to the Clay County Land Development Code, Article III, Section 3-16(b)(1)(ii)(b) to allow for the accessory structure to exceed the primary dwelling with setbacks less than 15 feet from the side and rear yard of a parcel within the Single-Family Residential Zoning District (RA).
2. Public Hearing to consider BOA 25-0002.

Variance to the Clay County Land Development Code, Article III, Section 3-6(d)(1) to allow for the placement of an accessory structure in the side or front yard of a parcel in the Single-Family Residential Zoning District (RA).

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, February 27 5:00 PM

TO: DATE:

FROM:

SUBJECT:

AGENDA
ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
Board of Adjustment Meeting Minutes January 23, 2025	Backup Material	2/21/2025	Board_of_Adjustment_Meeting_Minutes_and_Attachment_January_23__2025.ADA.pdf



BOARD OF ADJUSTMENT MEETING MINUTES

January 23, 2025

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
Nykki Van Hof
Brandon Ludwig
Brian Kraut @ 6:05 pm

Absent: None

Staff Present: County Attorney Courtney Grimm
Assistant County Attorney Jamie Hovda
Director of Planning and Zoning Beth Carson
Zoning Chief Jenni Bryla
Building Supervisor Steve Schoeff

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

APPROVAL OF MINUTES

Board of Adjustment Meeting Minutes December 19, 2024.

Brandon Ludwig made a motion for approval of the December 19, 2024, BOA Meeting minutes, seconded by Vice-Chairman Tom Goldsbury, which carried 3-0.

PUBLIC COMMENT

Chairman Keith Hadden opened the floor for public comment at 6:00 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 6:00 pm.

PUBLIC HEARINGS

1. Public Hearing to consider BOA 24-0017 (District 1, Comm Sgromolo) (J. Bryla)
This applicant is requesting a variance to allow a 40 x 124 (4,960) SF pole barn for agricultural use and to take care of the property.

BOA-24-0017 can be seen at www.claycountygov.com/government/clay-county-tv-

and-video-archive/Board of Adjustment/January 23, 2025, beginning at 0:51 and ending at.37:59. Below is a summary of the discussion and the vote for this agenda item.

Jenni Bryla, Zoning Chief, presented a PowerPoint presentation for the public hearing to consider BOA-24-0017, an after-the-fact requested variance to allow a 40 x 124 (4,960) square foot pole barn for agricultural use and to take care of the property. See Attachment A.

There were questions and discussions regarding the accessory structure code, requirements, use, language of the application submitted, timeline regarding the code enforcement case, and placement of the structure.

Gary Torres, 2632 Rosewood Court, Orange Park, FL, applicant, addressed the Board to provide more details and information regarding the requested variance.

More questions and discussions were had with the applicant regarding the material and size of the structure, placement of structure and plans, active code enforcement case, site visits by staff, permits, neighbors' comments, building of a home, code requirements, survey, site plan, and moving forward with development.

Chairman Keith Hadden opened the floor for the public hearing at 6:24 pm.

Randy Martin, 2549 Horseshoe Bend Road, Middleburg, FL, addressed the Board in opposition to the requested variance.

Matt Beaudry, 2556 Horseshoe Bend Road, Middleburg, FL, addressed the Board with concerns regarding the requested variance and offered suggestions for possible resolution.

Hearing no other comments, Chairman Keith Hadden closed the public hearing at 6:32 pm.

Mr. Torres addressed the concerns mentioned during the public hearing.

Staff and the Board had continued discussions regarding permit requirements, process and procedure, and timeline of a code enforcement case.

Mr. Kraut mentioned that he knew Mr. Torres and requested that he abstain from voting.

Vice-Chairman Tom Goldsbury made a motion for denial of BOA-24-0017, seconded by Brandon Ludwig, which carried 3-0, with Mr. Kraut abstaining.

PUBLIC COMMENT

Chairman Keith Hadden opened the floor for public comment at 6:38 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 6:38 pm.

ADJOURNMENT

Jenni Bryla, Zoning Chief, asked the Board if there was a consensus to move the meeting time to 5:00 pm moving forward.

Following all discussions, all agreed to move the meeting for the Board of Adjustments to 5:00 pm.

Ms. Bryla noted that the next BOA meeting would be February 27, 2025, at 5:00 pm.

Hearing no further business, Chairman Keith Hadden adjourned the meeting at 6:39 pm.

Attest:

Committee Chairman

Recording Deputy Clerk

Attachment
“A”
BOA-24-0017



BOARD OF ADJUSTMENT

BOA-24-0017

Public Hearing

January 23, 2025

APPLICATION INFORMATION

Applicant: Gary Torres

Location: 2566 Horseshoe Bend Road, Middleburg

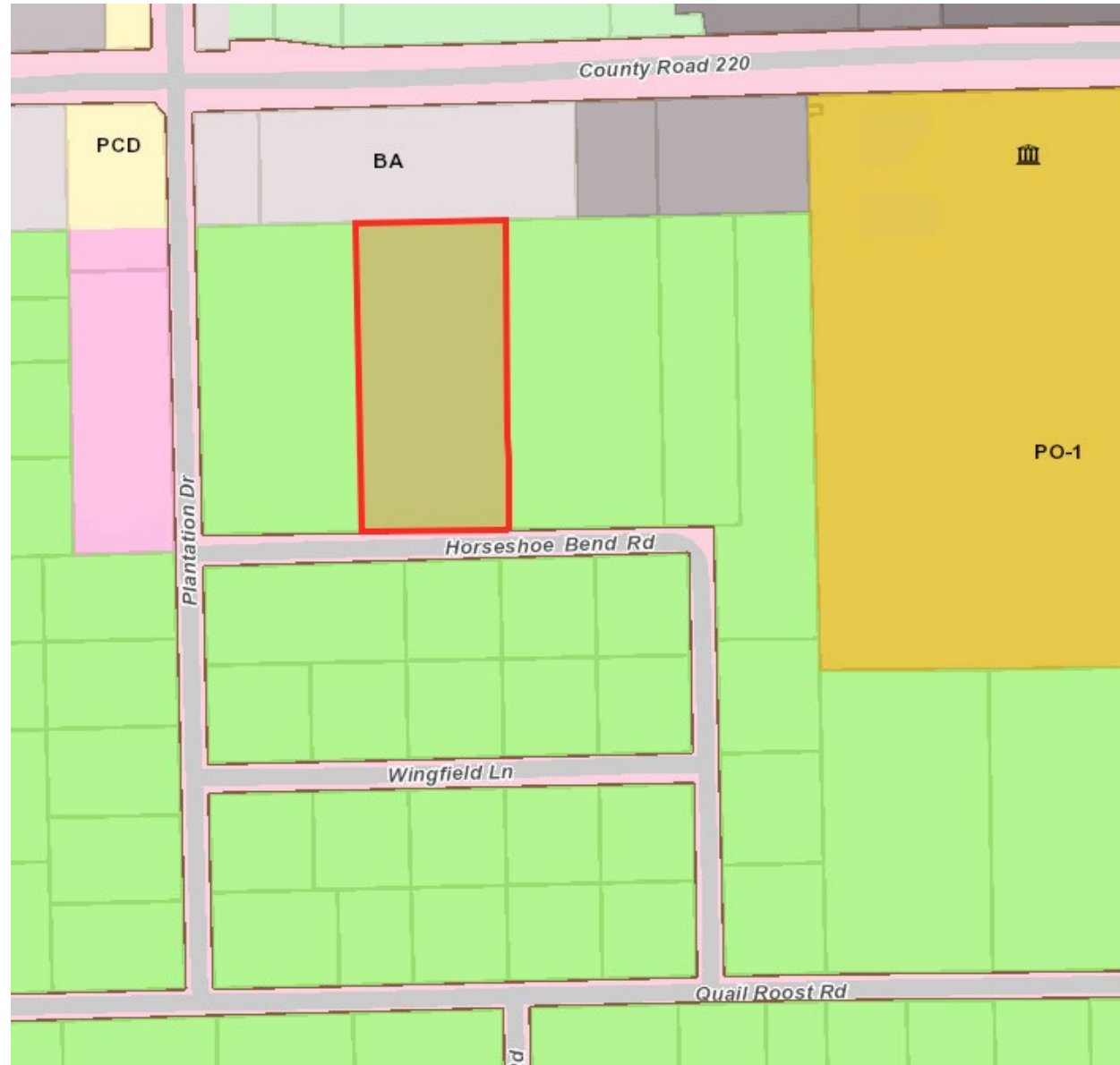
Request: After-the-fact Variance to Article III, Section 3-13(b)(4) of the Land Development Code. The request does not allow for agricultural uses to be placed on the property without a principal agricultural use and when placed they cannot exceed 3,000 s.f.

Aerial



Background

- The parcel is located on Horseshoe Bend Road, the property lies south of County Road 220 and is east of Plantation Drive and north of Horseshoe Bend Road. The parcel is in the Tara subdivision which was platted in 1967, lot 80.
- The subject parcel contains approximately 5 acres according to the Clay County Property Appraiser. The property is in the AR (Agricultural/Residential) zoning district and has a Future Land Use designation of Rural Fringe, this combination's minimum lot size is 17,424 sf.
- The parcels on either side of the subject parcel contain single family residences, the parcel to the north is a commercial shopping center and the parcels to the south are also a component of the Tara subdivision containing single-family residential units on approximately 1-2 acre lots.
- The Applicant has already put a 40' x 124' pole barn on the parcel without permits and desires to retain the structure. The structure measures approximately 5,000 sf, which exceeds the 3,000 sf maximum for agricultural properties.
- The parcel is not considered to house an Agriculture use as determined by the Clay County Property Appraiser.



BOOK 7 PAGE 49

TARA

Situated in Clay County, Florida and described in the caption below.

A subdivision of a portion of Section 9, Township 5 South, Range 36 East, Clay County, Florida, described as: Begin at the Southeast corner of said Section 9; thence S 89° 55' 00" E, 100.00' to the 1/4 Section corner; thence on the West line of said Section 9 S 89° 55' 00" E, 140.00' to a corner; thence S 0° 00' 00" E, 100.00' to the top of a pipe culvert to the Northwest end being a portion of the boundary line of said land as per the bearing of said pipe culvert S 89° 55' 00" E, 100.00' along the boundary line of said land 100.00' to the center of said pipe culvert; thence S 89° 55' 00" E, 100.00' to the Northwest corner of said Section 9; thence on the West line of said Section 9 S 89° 55' 00" E, 140.00' to the Northwest corner of said Section 9; thence on the West line of said Section 9 S 89° 55' 00" E, 140.00' to the Northwest corner of said Section 9; thence on the West line of said Section 9 S 89° 55' 00" E, 140.00' to the Northwest corner of said Section 9.

ADOPTION AND DEDICATION

It is hereby certified that the undersigned Tara Farms Partnership, Ltd., a corporation under the laws of the State of Florida, is the legal owner of the lands described in the caption hereon, and that it has caused the same to be surveyed and subdivided and this plat, made in accordance with said survey, is hereby adopted as the true and correct plat of said lands and all other things shown on this plat and is hereby approved and official record is hereby made in the office of the Clerk of the Court and the undersigned Clerk of the Court reserves the right to install the water and sewer lines of said three and a half acre tract.

Witness my hand and official seal of said State of Florida, this 21st day of July, A.D., 1967.

[Signature]
Tara Farms Partnership, Ltd.
President

[Signature]
Tara Farms Partnership, Ltd.
Secretary

STATE OF FLORIDA
COUNTY OF CLAY

I hereby certify that on this day personally appeared before me, as a Notary Public in and for the State of Florida, and from the County of Clay, the undersigned Tara Farms Partnership, Ltd., a corporation under the laws of the State of Florida, to the end to wit: by the person described in and who executed the foregoing plat and who personally and acknowledged before me that they executed the same freely and voluntarily as their own act and deed and in full payment of their indebtedness to me as a notary public and that they intended to give said plat of land the same effect as a deed and that they intended to give said plat of land the same effect as a deed.

Witness my signature and official seal of said State of Florida, this 21st day of July, A.D., 1967.

[Signature]
Notary Public, State of Florida, of large
My Commission Expires: 1970

COUNTY COMMISSIONER'S CERTIFICATE

Examined and approved this 21st day of July, A.D., 1967
by the Board of County Commissioners of Clay County, Florida
Chairman: *[Signature]*
Member: *[Signature]*

CLERK'S CERTIFICATE

I hereby certify that this plat has been examined and that it complies in form with Chapter 95, Part 1 of the Florida Statutes and is filed for record and reported in that Book 7, Page 49 of the public records of Clay County, Florida this 21st day of July, A.D., 1967.

[Signature]
Clerk

COUNTY ENGINEERS APPROVAL

Examined and approved this 21st day of July, A.D., 1967 by the County Engineer of Clay County, Fla.
[Signature]
Superior of Surveys and Rights-of-Way

CLAY COUNTY ZONING BOARD APPROVAL

Examined and approved by the Clay County Zoning Board this 21st day of July, A.D., 1967.
[Signature]
Chairman

SURVEYOR'S CERTIFICATE

This is to certify that the above plat is a correct representation of the lands surveyed and platted and described above and that permanent reference monuments have been placed accordingly to the laws of the State of Florida.
Signed this 21st day of July, A.D., 1967.
[Signature]
Louis H. McKee, Registered Surveyor, Cert. No. 1122
Orange Park, Florida

APPROVED TO RECORD
JUL 21 1967 P.M. 1967

1/21/67 EB 1064/101

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.

There are no special circumstances that exist on the subject parcel that are not shared with the other lots along Horseshoe Bend Road.

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

There are no special circumstances that exist on the subject parcel the conditions that are existing on the property are a direct result of the Applicant. There is an active Code Enforcement case on the property currently.

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 without a Bon-a-fide Agriculture determination.

Conditions for a Variance

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 in the zoning district.

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 allow for an after the fact variance to allow for an accessory agricultural structure to exceed 3,000 sf to be placed on the property without a principal agricultural use. The request is not the minimum variance to be able to cure the code enforcement violations.

Conditions for a Variance

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 would not be in harmony with the general intent and purpose of the Code. Granting of the variance may be injurious or otherwise detrimental to the public welfare, as the structure is placed in a residential neighborhood with not principal agricultural use. The Land Development Code only allows for accessory structures to be placed on a property that has a principal use in place.

Recommendation

Staff finds that the requested variance to allow for a constructed accessory structure to exceed the 3,000 sf. is inconsistent with the intent of the Land Development Code based on the property is not designated as an Agriculture use and that no principal structure exists on the property. Staff recommends **denial** of the request. In addition Staff did receive one written comment regarding the request.

QUESTIONS



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, February 27 5:00 PM

TO: Board of Adjustments

DATE: 1/8/2025

FROM: Jenni Bryla

SUBJECT:

A. Variance to the Clay County Land Development Code, Article III, Section 3-6(d)(1) to allow for the placement of an accessory structure in the side or front yard of a parcel in the Single-Family Residential Zoning District (RA).

B. Variance to the Clay County Land Development Code, Article III, Section 3-16(b)(1)(ii)(b) to allow for the accessory structure to exceed the primary dwelling with setbacks less than 15 feet from the side and rear yard of a parcel within the Single-Family Residential Zoning District (RA).

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located on the southside of Hollywood Forest Drive, east of Pine Avenue and west of Harvey Grant Road and is 1.8 acres in size.

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Staff Report BOA 25-0001	Cover Memo	2/21/2025	Staff_Report_25-0001_Draft_jb1ada.pdf
▢ Application	Backup Material	2/21/2025	BOA_Application_BOA_25-0001ada.pdf



BOA Application #25-0001 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: Andrew McCooey
Phone: (850) 281-4149
Email: acmccooey@gmail.com

Address: 328 Hollywood Forest Drive
Fleming Island, Fla. 32003

Property Information

Parcel ID: 46-04-26-014115-000-00
Zoning: Single Family Residential (RA)
Land Use: Rural Fringe(RF)

Address: 328 Hollywood Forest Drive
Fleming Island, Fla. 32003

Commission District: 1 (J. Sgromolo)

BOA Date: February 27, 2025

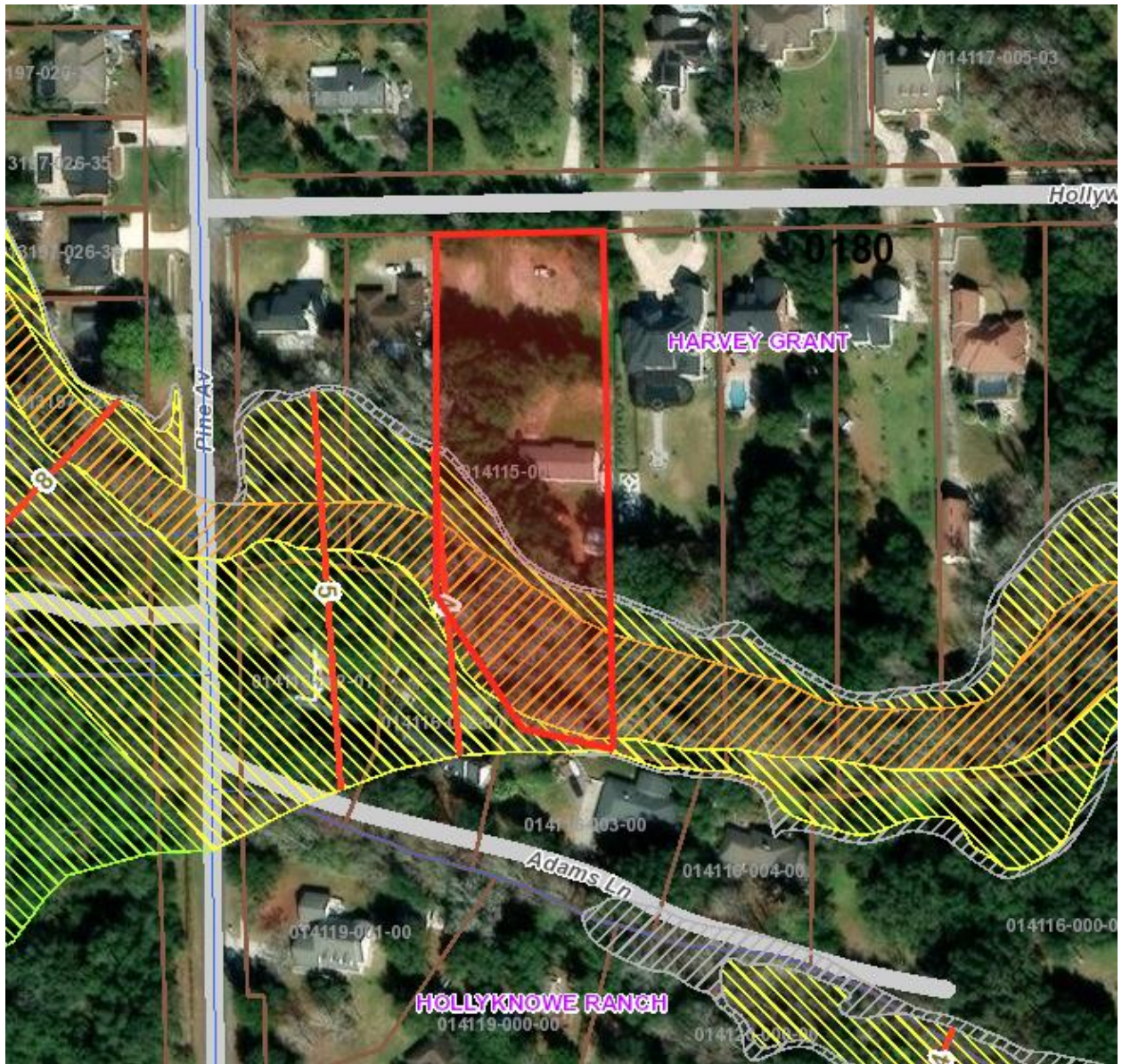
Land Development Code Requirement

Article III, Section 3-6(d)(1) of the Land Development Code requires all lands within the RA, RB, RC, RD, RE and PUD zoning districts, no accessory structure may be located within the side or front yard.

Applicant Request

Variance to the Clay County Land Development Code to allow for a boat garage approximately 750 sf to be placed in the west front side yard.

Aerial Photo



Zoning Districts



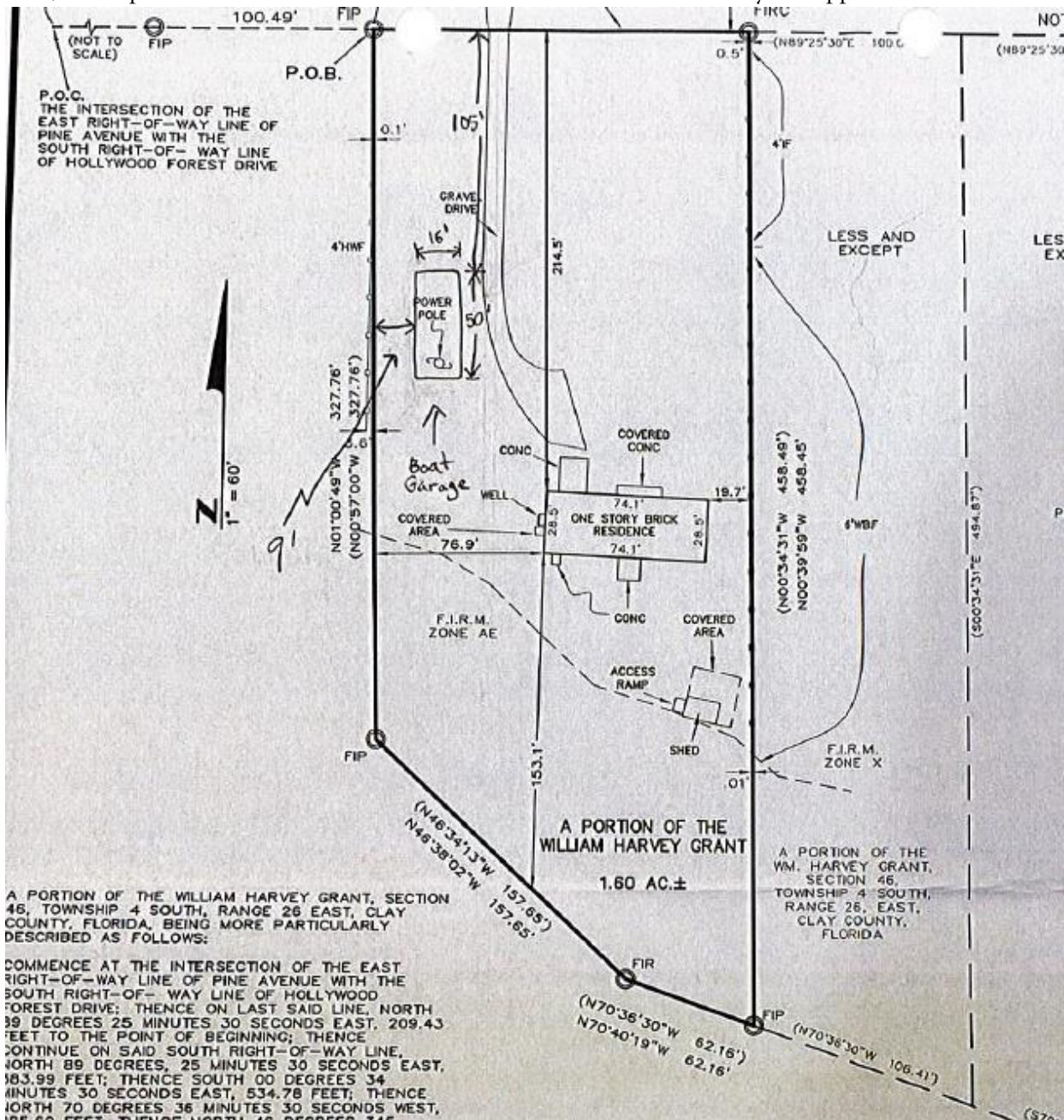
Staff Assessment and Recommendation

The parcel is located on the southside of Hollywood Forest Drive, east of Pine Avenue and west of Harvey Grant Road and is 1.8 acres in size. According to information from the County Property Appraiser's Office, the property is a lot of record, listed on the Harvey Grant Plat of the area. The McCooey's purchased the property in 2022, however, the home on the parcel was built in 1972, in its current location with septic drain field and well located in the rear of the property. The parcel is designated Rural Fringe on the Future Land Use map. The parcel's zoning district is RA and fronting on Hollywood Forest Drive with approximately a 211' setback off the front property line. The RA district requires a minimum front setback of 40 ft. There is also a floodway that runs along the southern ¼ of the property. Placing a structure in this area would not

BOA 25-00001

be permitted based on FEMA criteria. The Applicant desires to put the accessory structure on the west side of the lot, close to the existing driveway. Although this would technically be the Applicants front yard, the placement of the existing home with more than 3 times the required setback, the garage should not be visually accessible from the road. The majority of the parcel is heavily wooded along Hollywood Forest Dr. and placement of the accessory structure to the rear of the property would have a detrimental impact on Flood zone and the septic system.

Staff finds that the requested variance to allow for an accessory structure in the side front yard is consistent with the intent of the Land Development Code based on the distance the existing home is setback off the road; these special circumstances exist which are not a result of an action by the Applicant. Staff



BOA 25-00001

recommends approval of the request to allow an accessory structure adjacent to the home in the west front side yard, maintaining the 10' side setback, in the RA 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 structure was built in 1972 in its current configuration. The property also has a Floodway running from west to east along the southern ¼ of the property. These two facts are specific to this parcel and are not applicable to any other lands in the area.

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

The placement of the home and the location of the Floodway are not the 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 RA zoning district by allowing an accessory structure in the west side front yard. However, in most cases the structures along the street are built at the 40' required front setback. The proposed structure is planned to be constructed approximately 100' off the road.

- 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 RA zoning district. However, the existing location of the structure and the location of the driveway, in addition to the FEMA Floodway render this particular parcel with unique circumstances that would make it improbable for the accessory structure to be placed in the rear yard of the property.

- 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 allow for an accessory structure to be placed in the Applicant's west side front yard. The requested location is the minimum variance to be able to undertake an accessible location for the Applicant's accessory equipment.

- 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 accessory structure to be placed adjacent to the front of the existing home, approximately 211' setback from the front property line. 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, as the structure will be placed approximately 105' off the front property line, behind vegetation.



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:		
Owner's Address:		
City:	State:	Zip Code:
Phone:	Email:	
Parcel Information		
Parcel ID #:	<input 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		
Nature of the Variance / Appeal Request		
Please describe the request or appeal. Include the Section of the Code from which a variance is requested.		

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: Andrew McCree Date: _____ Print Name: _____

Official Use

Zoning: _____ Land Use: _____ Application # BOA: _____

BOA Meeting Date: _____ Fees: Residential (\$300.00) Non-Residential (\$500.00)

of Signs _____ x \$30.00 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, February 27 5:00 PM

TO: Board of Adjustments

DATE: 1/8/2025

FROM: Jenni Bryla

SUBJECT: Variance to the Clay County Land Development Code, Article III, Section 3-6(d) (1) to allow for the placement of an accessory structure in the side or front yard of a parcel in the Single-Family Residential Zoning District (RA).

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

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Description	Type	Upload Date	File Name
▢ Staff Report for BOA 25-0002	Cover Memo	2/21/2025	Staff_Report_25-0002_Draft_jb1.ADA.pdf
▢ Application	Backup Material	2/21/2025	BOA_Application_BOA_25-0002_AM.ADA.pdf



BOA Application #25-0002 Staff Report

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Applicant Information

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Phone: (850) 281-4149
Email: acmccooley@gmail.com

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Fleming Island, Fla. 32003

Property Information

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Zoning: Single Family Residential (RA)
Land Use: Rural Fringe(RF)

Address: 328 Hollywood Forest Drive
Fleming Island, Fla. 32003

Commission District: 1 (J. Sgromolo)

BOA Date: February 27, 2025

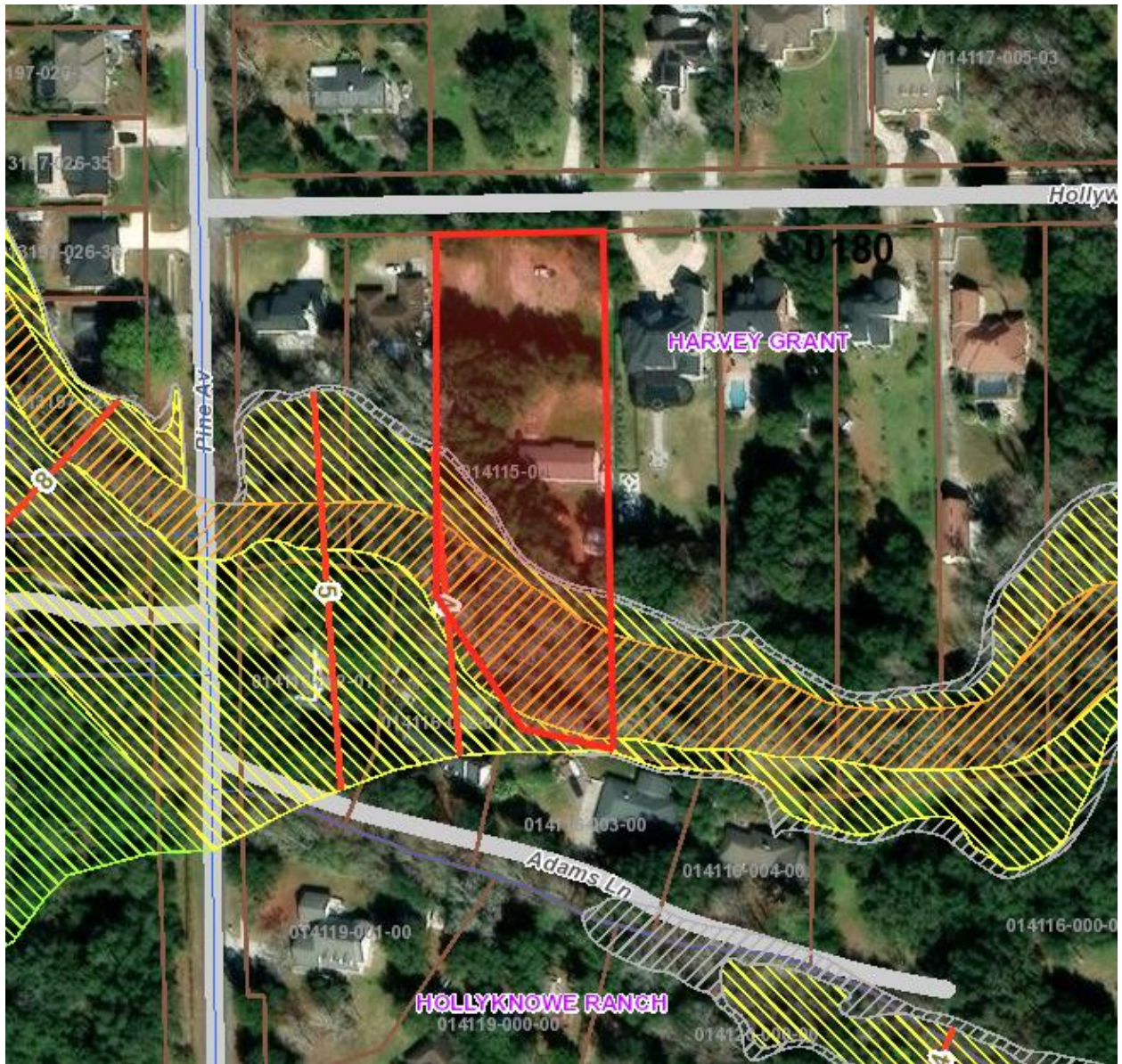
Land Development Code Requirement

Article III, Section 3-6(d)(1) of the Land Development Code requires all lands within the RA, RB, RC, RD, RE and PUD zoning districts, no accessory structure may be located within the side or front yard.

Applicant Request

Variance to the Clay County Land Development Code to allow for a vehicular garage approximately 416 sf to be placed in the west side yard adjacent to the existing home.

Aerial Photo



Zoning Districts

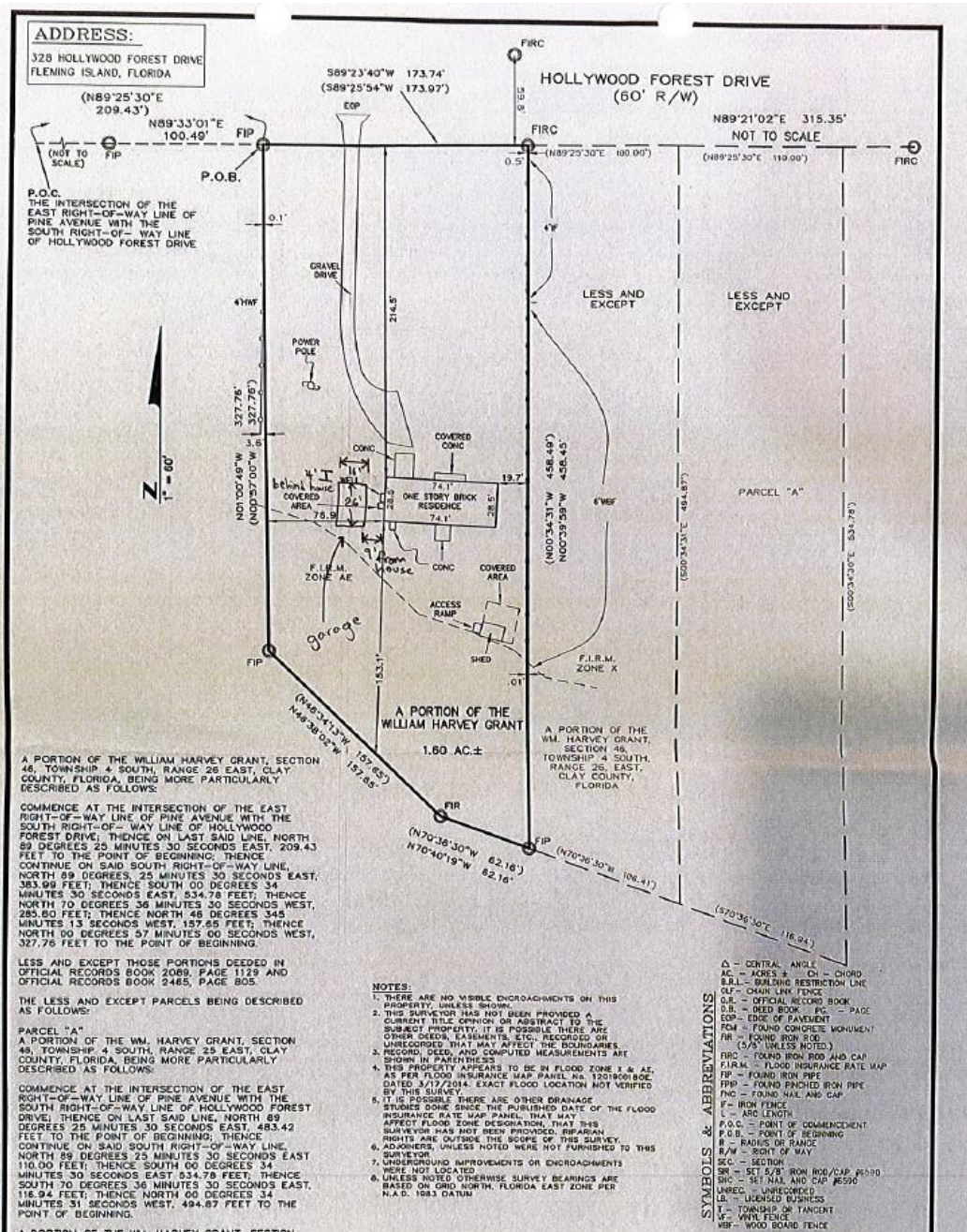


Staff Assessment and Recommendation

The parcel is located on the southside of Hollywood Forest Drive, east of Pine Avenue and west of Harvey Grant Road and is 1.8 acres in size. According to information from the County Property Appraiser's Office, the property is a lot of record, listed on the Harvey Grant Plat of the area. The McCooey's purchased the property in 2022, however, the home on the parcel was built in 1972, in its current location with septic drain field and well located in the rear of the property. The parcel is designated Rural Fringe on the Future Land Use map. The parcel's zoning district is RA and fronting on Hollywood Forest Drive with approximately a 211' setback off the front property line. The RA district requires a minimum front setback of 40 ft. There is also a floodway that runs along the southern ¼ of the property. Placing a structure in this area would not

BOA 25-00002

be permitted based on FEMA criteria. The Applicant desires to put the detached garage on the west side of the existing home, with a 9' separation. Although this would technically be the Applicant's side yard, the placement of the existing home with more than 3 times the required setback is set back far enough, the garage should not be visually accessible from the road. The majority of the parcel is heavily wooded along Hollywood Forest Dr. and placement of the accessory structure to the rear of the property would have a detrimental impact on Flood zone and the septic system.



Staff finds that the requested variance to allow for a detached garage structure in the side yard is consistent with the intent of the Land Development Code based on the distance the existing home is setback off the BOA 25-00002

road; these special circumstances exist which are not a result of an action by the Applicant. Staff recommends approval of the request to allow an accessory structure adjacent to the home in the side yard, maintaining the 9' setback between structures, in the RA 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 structure was built in 1972 in its current configuration. The property also has a Floodway running from west to east along the southern ¼ of the property. These two facts are specific to this parcel and are not applicable to any other lands in the area.

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

The placement of the home and the location of the Floodway are not the 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 RA zoning district by allowing an accessory structure in the side yard. However, in most cases the structures along the street are built at the 40' required front setback. The proposed structure is planned to be constructed approximately 200' off the road.

- 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 in the RA zoning district. However, the existing location of the structure and the location of the driveway, in addition to the FEMA Floodway render this particular parcel with unique circumstances that would make it improbable for the accessory structure to be placed in the rear yard of the property.

- 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 allow for an accessory structure to be placed in the Applicant's side yard. The requested location is the minimum variance to be able to undertake an accessible location for the Applicant's accessory equipment.

- 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 detached garage to be placed adjacent to the existing home, approximately 211' setback from the front property line. 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, as the structure will be placed approximately 200' off the front property line, behind vegetation.



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:		
Owner's Address:		
City:		State:
Phone:		Zip Code:
Email:		
Parcel Information		
Parcel ID #:		<input 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:
Phone:		Zip Code:
Email:		
<input 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.		

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: *Andrew McCooey* Date: 01/07/2025 Print Name: Andrew McCooey

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.