



BOARD OF ADJUSTMENT MEETING

March 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 February 27, 2025.

PUBLIC COMMENT

PUBLIC HEARINGS

1. Public Hearing to Consider BOA 25-0003
A request to consider a reduction of setbacks from 20 feet to 5 feet

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, March 27 5:00 PM

TO: DATE:

FROM:

SUBJECT:

AGENDA
ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
Board of Adjustment Meeting Minutes February 27, 2025.	Backup Material	3/3/2025	Board_of_Adjustment_Meeting_Minutes_and_Attachments_February_27__2025.pdf



BOARD OF ADJUSTMENT MEETING MINUTES

February 27, 2025

5:00 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

Absent: Brian Kraut

Staff Present: Assistant County Attorney Jamie Hovda
Zoning Chief Jenni Bryla

Chairman Keith Hadden called the meeting to order at 5:00 pm.

APPROVAL OF MINUTES

Board of Adjustment Meeting Minutes January 23, 2025.

Brandon Ludwig made a motion for approval for the January 23, 2025, BOA meeting minutes, seconded by Vice-Chairman Tom Goldsbury, which carried 4-0.

PUBLIC COMMENT

Chairman Keith Hadden opened the floor for public comment at 5:00 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 5:00 pm.

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).

Items 1 and 2 can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Board of Adjustment/February 27, 2025](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Board%20of%20Adjustment/February%2027,%202025), beginning at 00:52 and ending at 14:38. 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-25-0001, as identified above, and BOA-25-002, as identified below, for a requested variance. See Attachment A.

Andrew McCooley, 328 Hollywood Forest Drive, Fleming Island, Florida, addressed the Board to provide more details and information regarding the requested variance and answer questions from the Board.

There were questions and discussions regarding the picture provided, placement of the structure, view of the home from the street, tree line and landscape buffers, survey provided, and whether the home had a garage now.

Chairman Keith Hadden opened the floor for the public hearing at 5:12 pm.

Hearing no comments, Chairman Keith Hadden closed the public hearing at 5:12 pm.

Vice-Chairman Tom Goldsbury commented on reasons to support the request and made a motion for approval of BOA-25-0001, seconded by Nykki Van Hof, which carried 4-0.

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).

The presentation and discussion for item 2 were done in item 1.

Chairman Keith Hadden opened the floor for the public hearing at 5:14 pm.

Hearing no comments, Chairman Keith Hadden closed the public hearing at 5:14 pm.

Brandon Ludwig made a motion for approval of BOA-25-0002, seconded by Vice-Chairman Tom Goldsbury, which carried 4-0.

PUBLIC COMMENT

Chairman Keith Hadden opened the floor for public comment at 5:14 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 5:14 pm.

ADJOURNMENT

Jenni Bryla, Zoning Chief, mentioned that there is one item for next month's meeting that is to be held on March 27, 2025, at 5:00 pm.

Hearing no further business, Chairman Keith Hadden adjourned the meeting at 5:15 pm.

Attest:

Committee Chairman

Recording Deputy Clerk

Attachment

“A”

BOA-25-0001

BOA-25-0002



BOARD OF ADJUSTMENT

BOA-25-0001 & BOA – 25-0002

Public Hearing

February 27, 2025

APPLICATION INFORMATION

Applicant: Andrew & Caroline McCooey

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

Request: 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. BOA 25-0001 - Request is to allow for a boat garage approximately 750 sf to be placed in the front side yard. BOA 25-0002 – Request is to allow for a vehicular garage approximately 416 sf to be placed in the west side yard adjacent to the existing home.

west

Aerial



Background

- 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'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. The property is in the Rural Fringe Land Use District and has a substantial floodway that runs across the southern ¼ of the property.
- The Applicant desires to put the accessory boat garage close to the front of the home to access the existing driveway. Although this would technically be the Applicants front yard, the placement of the existing home with more than 5 times the required setback, the garage should not be visually accessible from the road.
- The majority of the parcel is substantially wooded along Hollywood Forest Drive and placement of the accessory structure to the rear of the property would have a detrimental impact on the floodway and the wastewater infrastructure on the property.

Lot Configuration



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 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.

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 Flood way are not the result of actions by the Applicant.

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.

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 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.

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.

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 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.

Recommendation

Staff finds that the requested variance to allow for an accessory structure in the 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 recommends approval of the request to allow an accessory structure adjacent to the home in the front yard in the RA zoning district.

QUESTIONS



Agenda Item
BOARD OF ADJUSTMENT

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

TO: The Board of Adjustment

DATE: 2/28/2025

FROM: Jenni Bryla, Zoning
Chief

SUBJECT: A request to consider a reduction of setbacks from 20 feet to 5 feet

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located on the northeast side of Gatorbone Road, east of Brightwater Drive and north of County Road 352 and is 1.03 acres in size. According to information from the County Property Appraiser's Office, the property is a lot of record, listed on the Gatorbone Plat of the area.

Planning Requirements:

Public Hearing Required (Yes\No):

Yes

Hearing Type: First Public Hearing

Initiated By:Applicant

Christopher Moody

ATTACHMENTS:

Description	Type	Upload Date	File Name
Staff Report for BOA-0003	Cover Memo	3/21/2025	Staff_Report_25-0003_Draft_jbada.pdf
application	Backup Material Backup	3/21/2025	MOODY_APPLICATION_FOR_ZONING_v1_(2)ada.pdf



BOA Application #25-0003 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: Christopher Moody **Address:** 4488 Tarragon Avenue
Phone: (904) 505-8437 Middleburg, Fla. 32068
Email: cmoody.rgm@gmail.com

Property Information

Parcel ID: 11-08-23-001317-000-00 **Address:** 7029 Gatorbone Road
Zoning: Single Family Residential (RA) Keystone Heights, Fla. 32656
Land Use: Agricultural/Residential(AR)

Commission District: 4 (B. Condon)

BOA Date: March 27, 2025

Land Development Code Requirement

Article III, Section 3-13(f)(5) to reduce the minimum side setback from 20 feet to 5 feet.

Applicant Request

Variance to the Clay County Land Development Code to allow for side setbacks of 5'.

Aerial Photo



The plat however is considered a plat of record and therefore the lots are “vested” Currently property in the AR Land Use Category and with AR Zoning is required to be 10 acres minimum and at least 100’ wide at building line. The current request would make the lot further non-conforming for built structures in this Land Use category.

Mr. Moody purchased the property in 2025, and the property is currently vacant with no structure on it. The lots in the Gatorbone Plat are essentially consistent in their width and size, with each lot containing approximately 1 acre. The parcel is designated Agricultural/Residential on the Future Land Use map. The parcel’s zoning district is also AR (Agricultural/Residential). The setbacks for this combination of land use and zoning is 30’ front, 35’ rear and 20’ side setback. The property has an AE flood zone running along the eastern 1/3 of the property. Placing a structure in this area would require that the structure be elevated above the Base Flood Elevation based on FEMA criteria. The Applicant desires to put a structure on the property and is requesting a reduction of the side setbacks from the required 20’ to 5’. There are numerous lots in this subdivision have been developed without variance.

The lot adjacent, directly to the northwest is one; a structure was built in excess of 2,700 square feet. This is also the case for the structures built along Brightwater Drive that have similar lot sizes. The structures along Brightwater range from approximately 1,000 sf to upwards of 3,000 gfs directly to west of the subject property.

Having confirmed development has occurred on lots similar in shape and size to the subject parcel, Staff finds that no hardship exists on the property that would prevent the Applicant from complying with the code as written, therefore Staff recommends denial of the request. The request is inconsistent with the intent of the Land Development Code based on similar circumstances along the lakeshore.

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 was platted in 1987 with approximately 250 lots. Each lot has essentially the same dimensions ranging from 70' wide to 96', with a depth of 350 to 450'. There are several structures existing within the plat that did not require a variance to setbacks.

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

The lot is currently vacant and does not possess any special characteristics that the other lots in the subdivision do not also possess.

- 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 that have built structures and have been able to meet the required setbacks. in the AR zoning district

- 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 AR zoning district. As stated, multiple homes have been constructed with a similar lot configuration.

- 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 from the required 20' to 5', this request does not appear to be the minimum required.

- 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 is not in harmony with the pattern of development in the subdivision nor consistent with the intent of the land development code. The Variance could be injurious and set precedence for the reductions of side setback that are necessary for light, air and access between properties.



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: Christopher moody		
Owner's Address: 4488 Tarragon Ave		
City: middleburg	State: FL	Zip Code: 32068
Phone: (904)505-8437	Email: cmooddy.rgm@gmail.com	

Parcel Information

Parcel ID #: 11-08-23-001317-000-00	<input type="checkbox"/> Check here if Address is Same as Owner's
Parcel Address: 7029 Gatorbone Rd. Keystone Heights 32656	

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: 5:00 p.m. 6:00 p.m. 7:00 p.m.

Nature of the Variance / Appeal Request

Please describe the request or appeal

lot variance currently shows 20' setbacks each side. wanting 10' setbacks if not 5' if possible.

County Manager: Howard Wanamaker

District 1
Mike Cella

District 2
Wayne Bolla

District 3
Diane Hutchings

District 4
Gavin Rollins

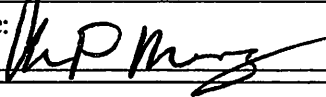
District 5
Gayward F. Hendry

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:  Date: 2-11-25 Print Name: Christopher P Moody

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.

LEGAL DESCRIPTION:
 LOT 31, GATORBONE, ACCORDING TO PLAT THEREOF RECORDED IN PLAT BOOK 7, PAGE 44 OF THE PUBLIC RECORDS OF CLAY COUNTY, FLORIDA. EXCEPTING THEREFROM ANY PORTION THEREOF LYING IN ANY ROAD OR HIGHWAY.

CERTIFIED TO:
 CHRISTOPHER PATRICK MOODY; GOLDEN DOG TITLE & TRUST DBA DF TITLE, LLC; ALLIANT NATIONAL TITLE INSURANCE COMPANY;

COMMUNITY NUMBER: 120064
PANEL: 0375 **SUFFIX:** E
FLOOD ZONE: X/AE

FIELD WORK: 01-02-2025
PROPERTY ADDRESS:
 7029 Gatorbone Road
 Keystone Heights, FL 32656

SURVEY NUMBER: 668629
CLIENT FILE NUMBER: RN/FL24-1904

ABBREVIATION DESCRIPTION:

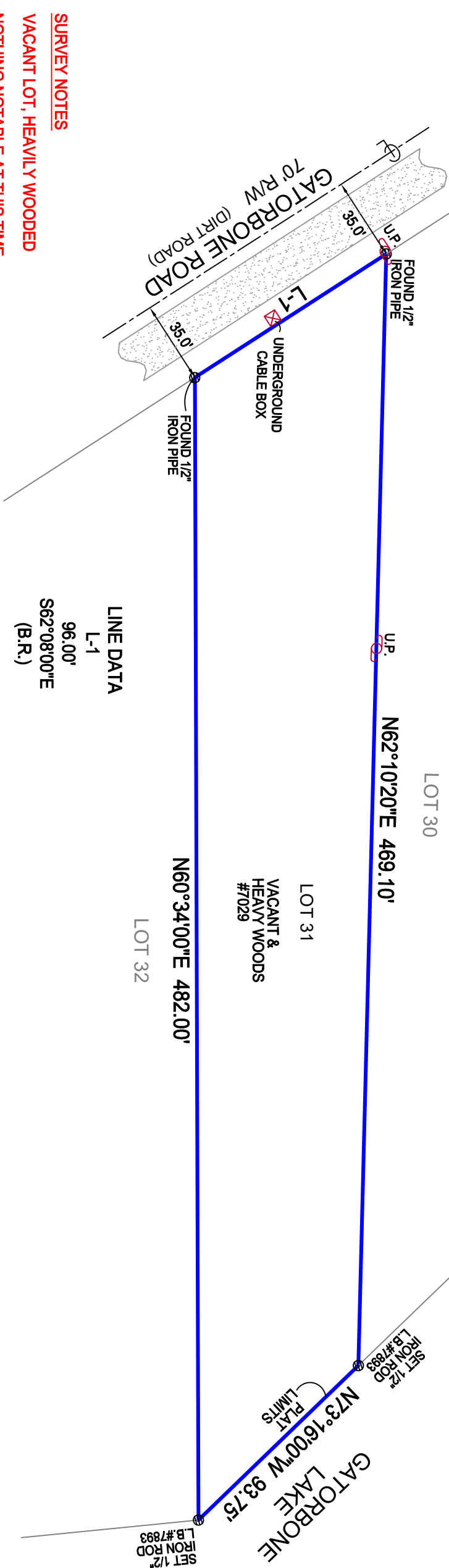
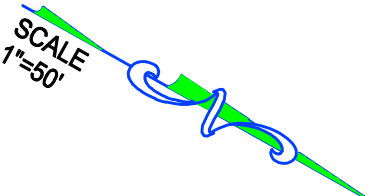
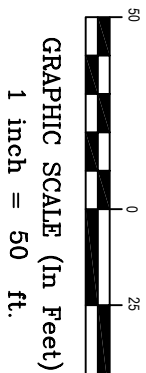
AE	ANCHOR EASEMENT
AC	AIR CONDITIONER
AM	BENCH MARK
BR	BEARING REFERENCE
(C)	CALCULATED
Δ	CENTRAL/DELTA ANGLE
CH	CHORD
(D)	DEED /DESCRIPTION
DE	DRAINAGE EASEMENT
DH	DRILL HOLE
DW	DRIVEWAY
E.O.W.	EDGE OF WATER
F.C.M.	FOUND CONCRETE MONUMENT
FF.EL.	FINISH FLOOR ELEVATION
F.I.P.	FOUND IRON PIPE
F.I.R.	FOUND IRON ROD
F.P.K.	FOUND PARKER-KALON NAIL
(L)	LENGTH
L.A.E.	LIMITED ACCESS EASEMENT
L.M.E.	LAKE MAINTENANCE EASEMENT
(M)	MEASURED /FIELD VERIFIED
M.H.	MANHOLE
M&D	NAIL & DISK
N.R.	NOT RADIAL
N.T.S.	NOT TO SCALE
O.H.L.	OVERHEAD UTILITY LINES

OFFICIAL RECORDS BOOK

(P)	PLAT
P.B.	PLAT BOOK
P.C.	POINT OF CURVATURE
P.C.	POINT OF BEGINNING
P.C.C.	POINT OF COMMENCEMENT
P.R.C.	POINT OF REVERSE CURVE
P.T.	POINT OF TANGENCY
R.W.	RIGHT-OF-WAY
(R)	RADIAL/RADIUS
S.I.R.	SET IRON ROD
T.O.B.	TOP OF BANK
U.E.	UTILITY EASEMENT

SYMBOL DESCRIPTIONS:

	= CATCH BASIN
	= CENTERLINE ROAD
	= COVERED AREA
	= EXISTING ELEVATION
	= HYDRANT
	= MANHOLE
	= METAL FENCE
	= WOOD FENCE
	= MISC. FENCE
	= PROPERTY CORNER
	= UTILITY BOX
	= UTILITY POLE
	= WATER METER
	= WELL



BOUNDARY SURVEY

PAGE 1 OF 1

GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS.
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS LOCATED.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.

SURVEY NOTES

VACANT LOT, HEAVILY WOODED
 NOTHING NOTABLE AT THIS TIME.

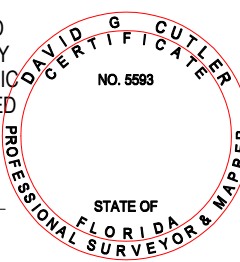
REVISIONS:

- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.A.V.D. 1988.
- 9) THIS SURVEY HAS BEEN COMPLETED FOR A MORTGAGE TRANSACTION. ITS SCOPE IS LIMITED TO THE DETERMINATION OF TITLE DEFICIENCIES. NO DESIGN OR CONSTRUCTION SHALL BE BASED UPON THIS SURVEY WITHOUT APPROVAL FROM TARGET SURVEYING PRIOR TO SUCH USE. TARGET SURVEYING ASSUMES NO RESPONSIBILITIES FOR ERRORS RESULTING FROM FAILURE TO ADHERE TO THIS CLAUSE.
- 10) IN SOME INSTANCES GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.

SURVEYORS CERTIFICATE
 I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED)

DAVID G CUTLER
 PROFESSIONAL SURVEYOR AND MAPPER #5593



LB #7893
 SERVING FLORIDA
 6250 N. MILITARY TRAIL, SUITE 102
 WEST PALM BEACH, FL 33407
 PHONE (561) 640-4800
 STATEWIDE PHONE (800) 226-4807
 STATEWIDE FACSIMILE (800) 741-0576
 WEBSITE: <http://targetsurveying.net>