



BOARD OF ADJUSTMENT MEETING

April 24, 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 March 27, 2025.

PUBLIC COMMENT

PUBLIC HEARINGS

1. Public Hearing to Consider BOA 25-0005
A request to consider a reduction in side setbacks from 20' to 10'.

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, April 24 5:00 PM

TO:

DATE:

FROM:

SUBJECT:

AGENDA
ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
Board of Adjustment Meeting Minutes March 27, 2025	Backup Material	4/16/2025	Board_of_Adjustment_Meeting_Minutes_March_27__2025ada.pdf



BOARD OF ADJUSTMENT MINUTES

March 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
Brian Kraut

Absent: None

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 February 27, 2025.

Vice-Chairman Tom Goldsbury made a motion for approval of the February 27, 2025, BOA Meeting minutes, seconded by Brian Kraut, which carried 5-0.

PUBLIC COMMENT

Chairman Keith Hadden opened the floor for public comment at 5:01 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 5:01 pm.

PUBLIC HEARINGS

1. Public Hearing to Consider BOA 25-0003

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

BOA-25-0003 can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Board of Adjustment/March 27, 2025](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Board%20of%20Adjustment/March%2027,%202025), beginning at 1:05 and ending at 13:57. Below is a summary of the discussion and vote for this agenda item.

Jenni Bryla, Zoning Chief, presented a PowerPoint presentation to provide the details

and information for the requested variance regarding BOA-25-0003. See Attachment A.

There were questions and discussions regarding the variance request for one or both sides of the property.

Christopher Moody, 4488 Tarragon Avenue, Middleburg, Florida, addressed the Board to answer questions and provide more information for the requested variance.

More questions and discussions were had regarding the size of the lots, any concerns from the neighbors - none, easement to the lake, and proximately of the neighbors' property.

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

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

Vice-Chairman Tom Goldsbury made a motion for approval of BOA-25-0003 with a 5-foot set-back on one side, seconded by Nykki Van Hof, which carried 5-0.

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

There was a brief conversation regarding the upcoming BOA meeting to be held on April 24, 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-24-0003



BOARD OF ADJUSTMENT

BOA-25-0003

Public Hearing

March 27, 2025

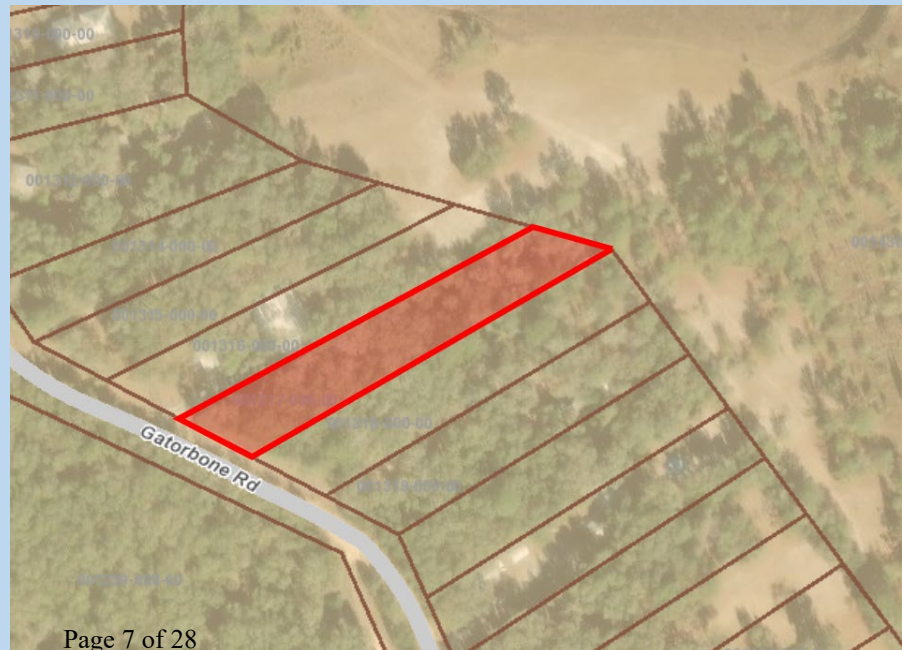
APPLICATION INFORMATION

Applicant: Christopher Moody

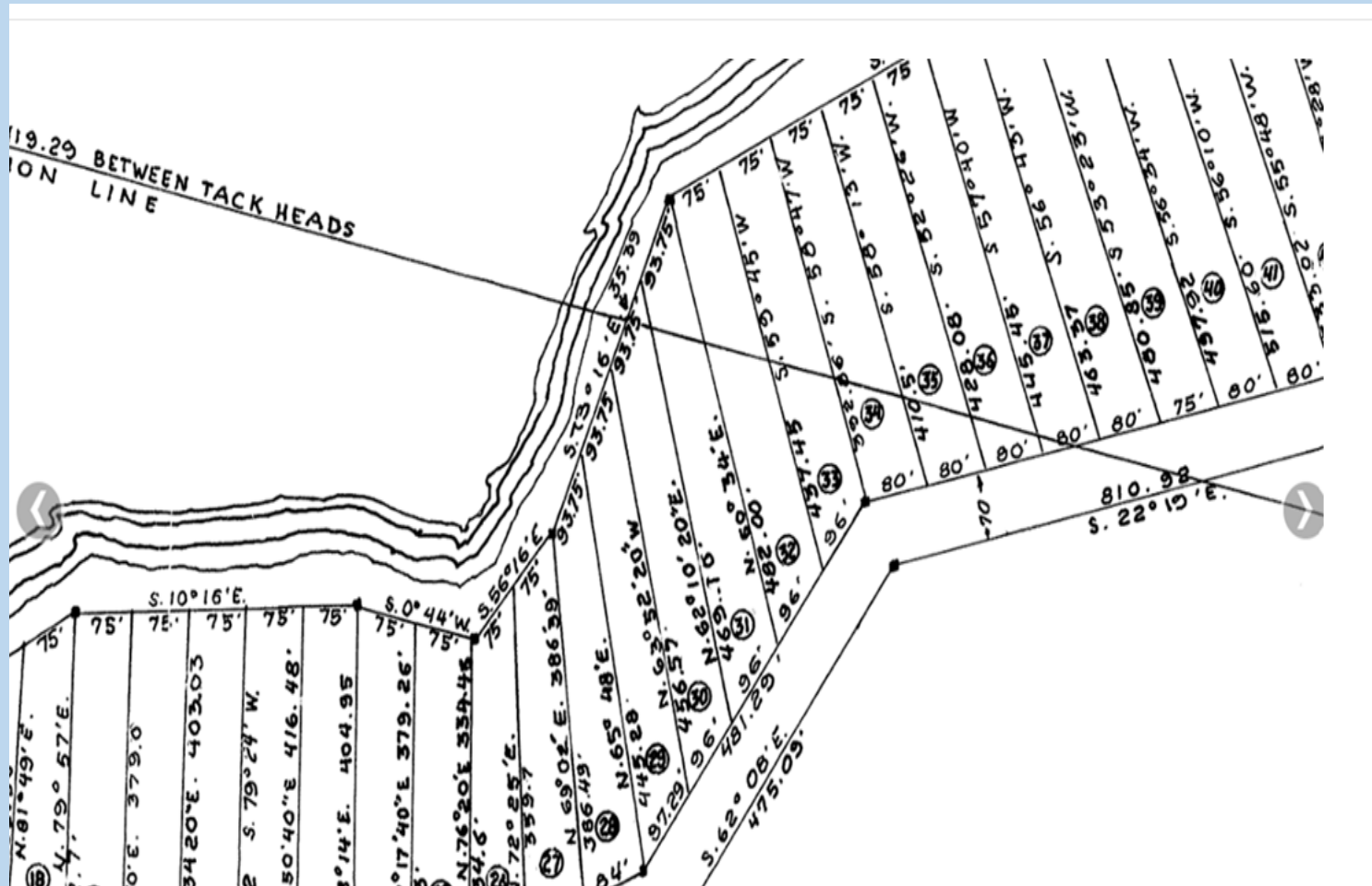
Location: 4488 Tarragon Avenue, Middleburg, Fla. 32068

Request: Article III, Section 3-13(f)(5) of the Land Development Code requires a minimum side setback of 20'. The Applicant is requesting a reduction to 5'.

Aerial



Plat



Background

- 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 Gaterbone Plat.
- Mr. Moody purchased the property in 2025, and the parcel is currently vacant.
- The parcel's zoning district is AR with a Future Land Use of AR. This combination of Land Use and Zoning requires a parcel of at least 10 acres to develop. However since the Plat was established in 1967 it is considered a "Vested Lot of Record". This district requires a side setback of 20' as evidenced by the lot to the north of the subject lot, that met the setbacks.
- Other lots on the Plat have complied with the required setback as shown by the following aerial.

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 was platted in 1967 and as such it is a vested lot and therefore not required to contain 10 acres. However, every other lot that surrounds the subject parcel has a similar character trait.

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

The placement of a proposed home would be the direct actions of 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 AR zoning district by allowing a reduced setback on a Plat that other land owners were required to adhere to.

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 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 a reduced side setback from 20' to 5' for a principal structure.

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 may set a precedence for other vacant properties in the Plat that have similar lot configurations. The granting of the Variance may impose a hardship on the adjacent homesteaded property to the north.

Recommendation

Staff finds that the requested variance to allow for a reduced side setback from 20' to 5' for the construction of a principal structure is inconsistent with the intent of the Land Development Code based on other properties in the shared Plat have met the setback requirement; there are no special circumstances that exist with the vacant lot that are not also shared with the adjacent properties. Therefore, Staff recommends **denial** of the request to allow for a reduced setback in the AR zoning district.

QUESTIONS



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, April 24 5:00 PM

TO: Board of Adjustment
Members

DATE: 4/15/2025

FROM: Jemmi Bryla, Zoning
Chief

SUBJECT: A request to consider a reduction in side setbacks from 20' to 10'.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located in between Simmons Trail on the west and Henley Road on the east, south of Glenhaven Drive and contains 1.99 acres and is approximately 186' wide. The parcel is located in the Lake Asbury Masterplan but has opted out of the standards that are included in the plan.

Planning Requirements:

Public Hearing Required (Yes\No):

Hearing Type: First Public Hearing

Initiated By: Applicant

Phillip & Yvonne Norman

ATTACHMENTS:

Description	Type	Upload Date	File Name
▢ Staff Report for BOA 25-0005	Cover Memo	4/21/2025	Staff_Report_25-0005_Final_jb-1Uada.pdf
▢ Application	Backup Material Backup	4/21/2025	Application_Digitally_Signed_Thru_Tyler_Portal-1ada.pdf



BOA Application #25-0005

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: Phillip & Yvonne Norman
Phone: (904) 483-6193
Email: pnorman@gilbaneco.com

Address: 2794 Henley Road
Green Cove Springs, FL 32043

Property Information

Parcel ID: 21-05-25-009607-000-00
Zoning: Country Estates (AR-1)
Land Use: Lake Asbury Rural Fringe (LARF)

Address: 2794 Henley Road
Green Cove Springs, FL 32043

Commission District: 5 (K. Burke)

BOA Date: April 24, 2025

Land Development Code Requirement

Article III, Section 3-14(g)(4) the minimum side setback is 20 feet.

Applicant Request

Variance to the Clay County Land Development Code to allow for side setbacks of 10'.

Aerial Photo



Zoning Districts

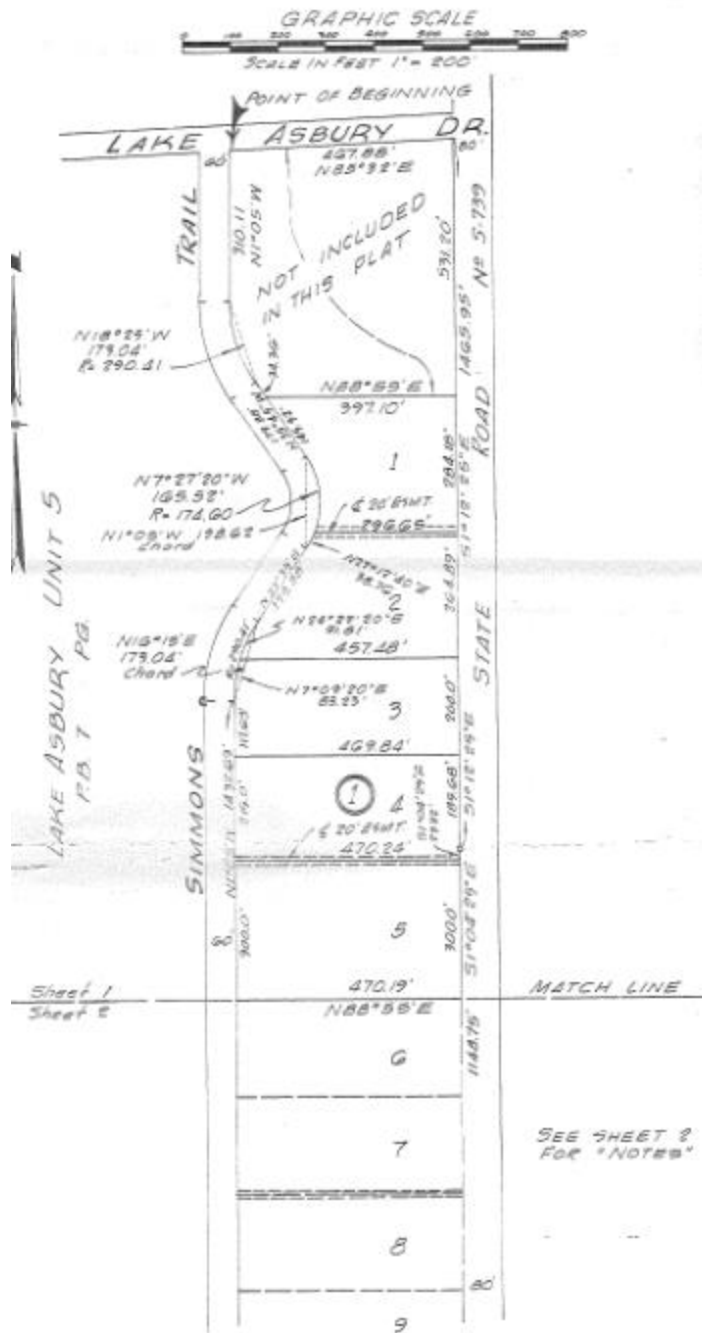


Staff Assessment and Recommendation

The parcel is located in between Simmons Trail on the west and Henley Road on the east, south of Glenhaven Drive and contains 1.99 acres and is approximately 186' wide. The parcel is located in the Lake Asbury Masterplan but has opted out of the standards that are included in the plan. The property is a homesteaded piece of property.

LAKE ASBURY UNIT 7

CLAY COUNTY, FLORIDA



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The plat shows that there is a 20' easement on the south side of the property, however the parcel to the South of the subject parcel did not "opt out" of the requirements of the Lake Asbury Master Plan and was permitted to build at the 10' side setback line. This significantly reduces the distances between the two structures should a variance be granted.

Mr. & Mrs. Norman purchased the property in 2022 in its current state. The property across Henley to the east of the subject parcel contains some neighborhood office uses. The parcel is designated Lake Asbury Rural Fringe (LA RF) on the Future Land Use map. The parcel's zoning district is Country Estates (AR-1). The setbacks for this combination of land use and zoning is 20' front, 30' rear and 20' side setback. The property is in flood zone X, which indicates there is no danger of flooding currently. The Applicants have indicated that they cannot place the proposed 19' x 22' addition in any other location. There appears to be nothing preventing the Applicants from placing the proposed addition just north of the pool deck. It should be noted that as the property fronts on Henley Road to the east and Simmons Trail to the west, the property is considered to have two fronts.

The lot adjacent, directly to the south was rezoned to LA RF in 2022 and has a home built on it with an accessory structure on the east side of the property. As the property chose to follow the Lake Asbury Master Plan, the property was entitled to a 5' side setback. The accessory structure on the east side has been placed on the easement line which is 10' off the northern property line.

Should the Applicant be permitted to build in a similar fashion, 10' off the property line, this would severely limit the ability to access the 20' utility easement. The property contains almost 2 acres and has ample room to construct an addition. However, as the Master Plan was adopted allowing a 5' side setback, although there is no hardship with regards to the land, Staff does recommend approval considering the setback requirement for the Lake Asbury Rural Fringe district. The request is consistent with the intent of the Land Development Code based on adjacent properties.

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 County adopted the Lake Asbury Overlay District in 2004, at which time the County gave property owners the ability to “opt out” of the requirements. The subject property did just that, the property to the south of the subject parcel however is in the Master Plan. Had the parcel not opted out, the by right side setback would be 5’.

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

The lot is currently built with a single-family home, and customary accessory structures, that were all placed by the Applicant. There are other areas of the property that could be added on to without encroaching into the setback that the Applicant chose to accept when opting out of the Master Plan.

- 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 opted out of the criteria of the Lake Asbury Master Plan.

- 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.

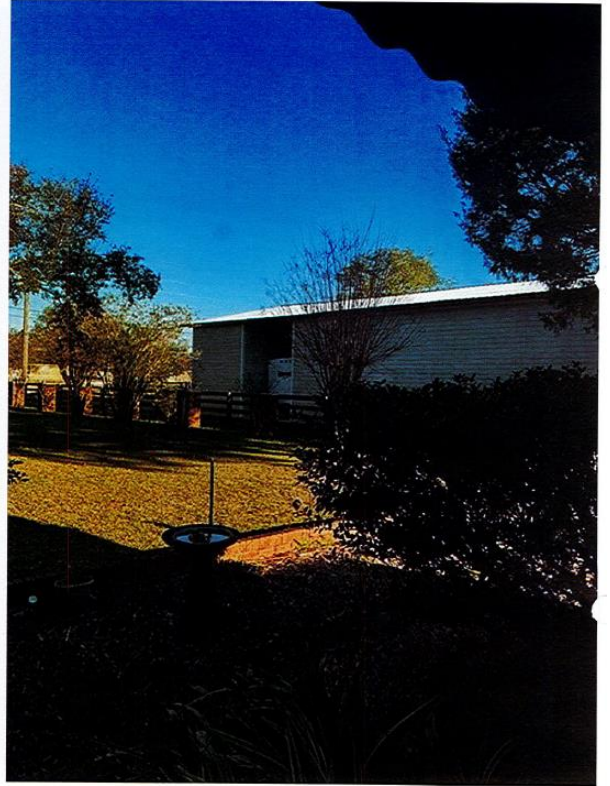
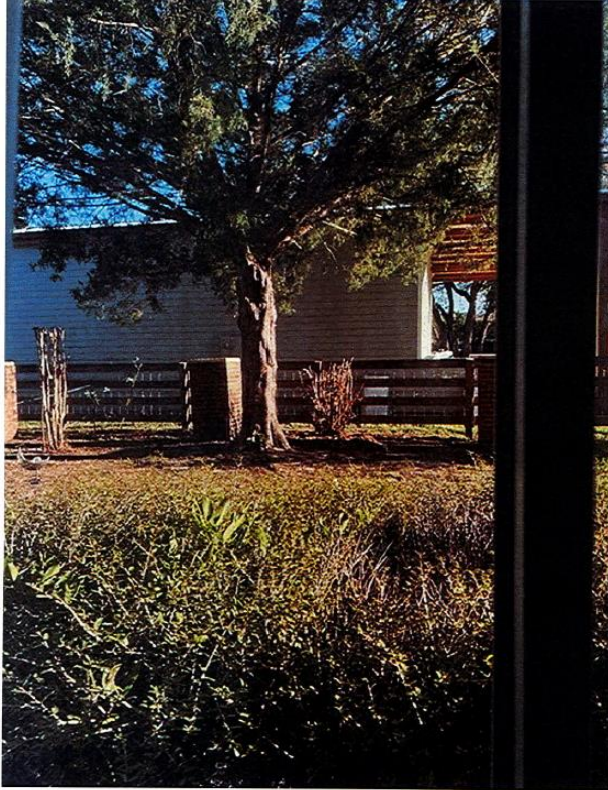
The literal interpretation of the ordinance would not deprive the Applicant of rights commonly enjoyed by other property owners in the AR-1 zoning district.

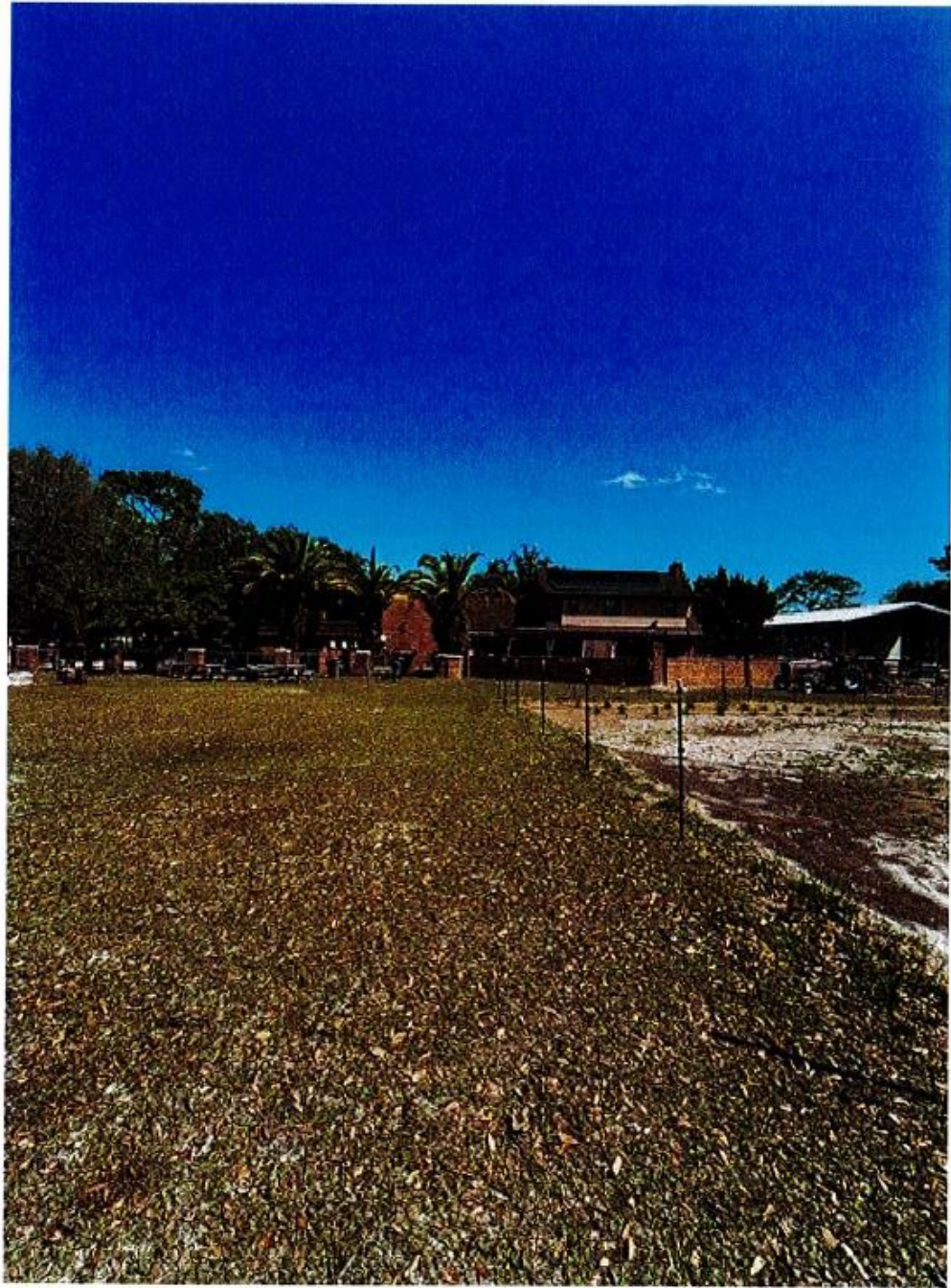
- 5) That the variance granted is the minimum variance that will make possible the beneficial use of the land, building or structure.

The requested variance is to reduce the side setback from the required 20’ to 10’, 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 AR-1 zoning district but is in harmony with the Lake Asbury Master Plan.





REAR Elevation



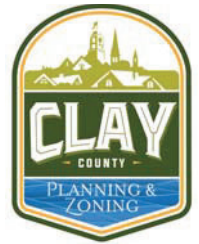
Department of Economic and Development Services

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: Phillip & Yvonne Norman		
Owner's Address: 2794 Henley Rd.		
City: Green Cove Springs	State: FL	Zip Code: 32043
Phone: 904-483-6193	Email: pnorman@gilbaneco.com	
Parcel Information		
Parcel ID #: 21-05-25-009607-000-00	<input checked="" type="checkbox"/> Check here if Address is Same as Owner's	
Parcel Address: 2794 Henley Rd. Green Cove Springs FL 32043		
Authorized Agent Information (If Applicable)		
Agent's Name: N/A		
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.		
<p>We would like to request a reduction in the side setback of the south property line from 20' to 10'. The existing 9' of available space is too narrow for a proper layout. The reason for this request is we want to add a handicap accessible bathroom and storage closet on the 1st floor for our parents and friends and ourselves in the future. There is one existing bathroom on the ground floor and the toilet room and shower share a 3' by 7' space with 24" wide doors to both. There is no way to modify this restroom due the location and available space. The south side of the house is the only feasible location due to the way the house was originally constructed. The garage and driveway takes up the north end of the house also, there is not enough elevation drop to run the gravity sewer the long distance to the the septic tank located at the southwest corner of the house.</p>		

(Continued on page 3)

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: <input checked="" type="checkbox"/> Property Deed with Legal Description <input checked="" type="checkbox"/> Survey <input type="checkbox"/> Agent Authorization if applicable			
Applicant Certification			
<p>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.</p>			
Owner Signature:		Date:	Print Name: Phillip Norman Yvonne Norman
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.			

SIMMONS (60' R/H) TRAIL

MAP SHOWING BOUNDARY SURVEY OF

Lot 8, Block 2, Lake Aubrey Unit 1, Clay County, Florida, Plat Book 7, pages 60 and 61 of the public records of Clay County, Florida, less and except the following described parcel of land as recorded in Official Records Book 5251, pages 1403 through 1405 of said public records:

PARCEL 91-140

Being a portion of Lot 8, Block 2, Lake Aubrey Unit 1, as recorded in Plat Book 7, Page 60-61 of the public records of Clay County, Florida, also lying in Section 21, Township 5 South, Range 25 East, being Cokesbury Court.

Commencing from the northeast corner of Lot 1, Block 2, Lake Aubrey Unit 1, said corner being at the intersection of the westerly Right-of-Way of Henley Road (CR 134) and the southerly Right-of-Way of Cokesbury Court; Thence along the westerly Right-of-Way of Henley Road (CR 134) 5 00'28.46" E a distance of 142.72 feet to a point; Thence 5 00'28.46" E a distance of 607.17 feet to the northeast corner of Lot 8, the Point of Beginning; Thence from the Point of Beginning continue along said westerly Right-of-Way 5 00'28.46" E a distance of 142.72 feet to a point; Thence 5 00'28.46" E a distance of 607.17 feet to the northeast corner of Lot 8, the Point of Beginning.

Said description containing 2,744.8 Sq. Ft. more or less.

All as shown on Right-of-Way Maps entitled "RIGHT OF WAY MAP - CLAY COUNTY ENGINEERING DEPARTMENT - C.R. No. 134 HENLEY ROAD", Sheet 6 of 16, dated 6/5/2010 and revised 00/00/00, as prepared by Hilkey Engineers & Consultants.

Subject to that particular Permanent Slope and Drainage Easement as recorded in Official Records Book 5251, pages 1406 through 1408 of said public records, said easement being more particularly further described as follows:

PARCEL 91-214 - PERMANENT SLOPE AND DRAINAGE EASEMENT

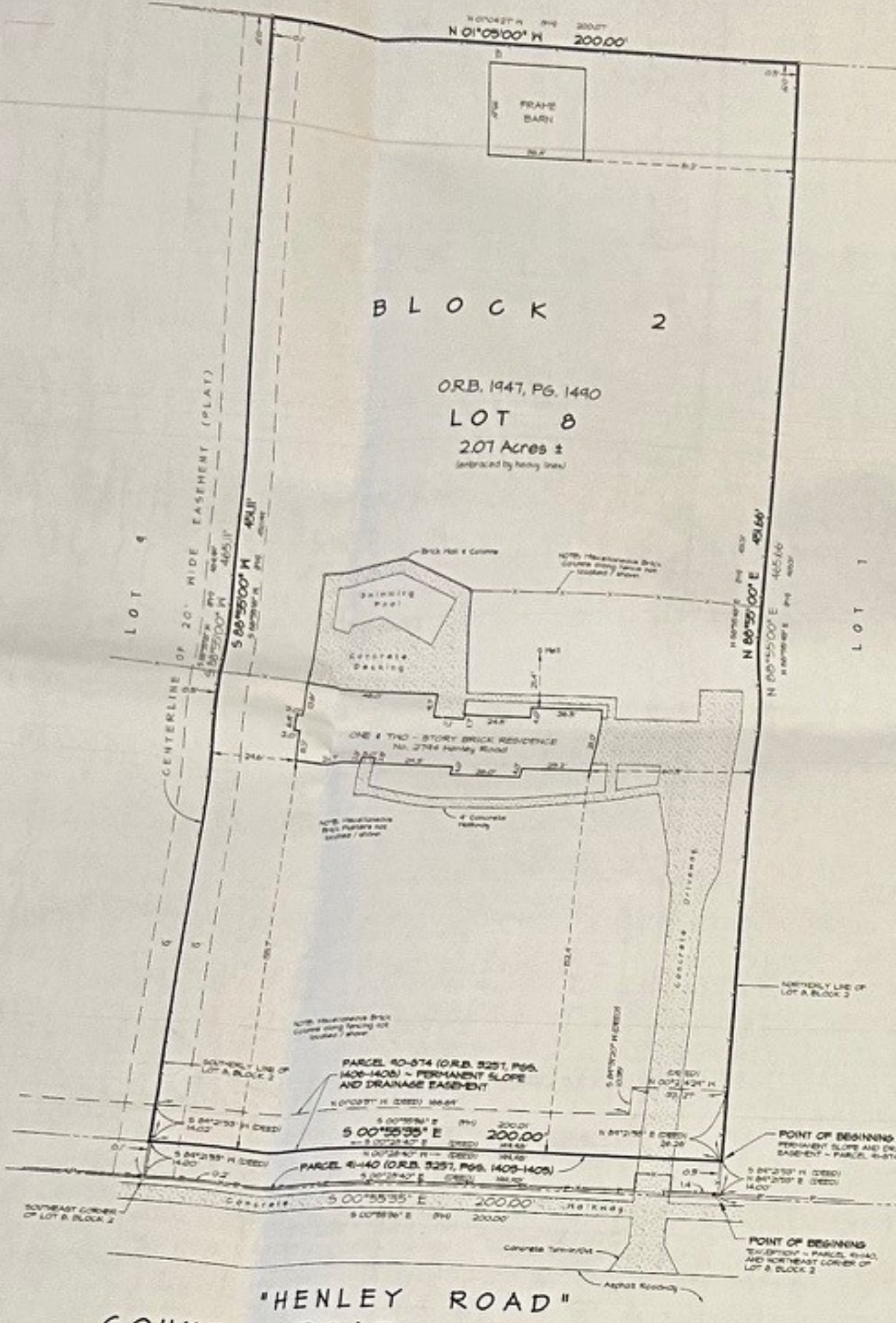
Commencing from the northeast corner of Lot 1, Block 2, Lake Aubrey Unit 1, said corner being at the intersection of the westerly Right-of-Way of Henley Road (CR 134) and the southerly Right-of-Way of Cokesbury Court; Thence along the westerly Right-of-Way of Henley Road (CR 134) 5 00'28.46" E a distance of 142.72 feet to a point; Thence 5 00'28.46" E a distance of 607.17 feet to the northeast corner of Lot 8, the Point of Beginning; Thence from the Point of Beginning continue along said westerly Right-of-Way 5 00'28.46" E a distance of 142.72 feet to a point; Thence 5 00'28.46" E a distance of 607.17 feet to the northeast corner of Lot 8, the Point of Beginning.

Said description containing 3,573.5 Sq. Ft. more or less.

All as shown on Right-of-Way Maps entitled "RIGHT OF WAY MAP - CLAY COUNTY ENGINEERING DEPARTMENT - C.R. No. 134 HENLEY ROAD", Sheet 6 of 16, dated 6/5/2010 and revised 00/00/00, as prepared by Hilkey Engineers & Consultants.

CERTIFIED TO: C. John Nill

DATE OF SURVEY: November 18, 2010



FLOOD ZONE NOTE:
I have examined the Federal Emergency Management Agency Flood Insurance Rate Map dated November 4, 1992. It appears, based on my interpretation of said Rate Map, that this property is situated in Zone "X" according to Community Panel No. 120064-C-04-D.

GENERAL NOTES

1. Bearings shown hereon are based on the record bearing of 5 00'28.46" E for the south line of Lot 8, Block 2, Lake Aubrey Unit 1, as per Plat Book 7, pages 60 and 61 of the public records of Clay County, Florida.
2. This survey was based on documents provided and was not abstracted for easements, covenants or restrictions, title, overlaps, or other matters of record, or matters unrecorded by this surveyor.
3. Underground utilities serving or crossing this property have not been located or shown.
4. Easements shown hereon are for drainage and utilities unless noted otherwise.
5. This survey depicts visible improvements only; no underground improvements or footings were located.

LEGEND

- Found 4"x4" Conc. Monument (no I.D.#)
- Found 1/2" Iron Pipe (no I.D.#)
- Set 1/2" Iron Pipe (LB 136)
- Pole
- Powerline/Pole and Anchor
- Telephone Line
- Cable TV Line
- Concrete Air Conditioner Pad
- Concrete Elec. Transformer Pad

Not valid without the signature and the original name and of a Florida Licensed Surveyor and Mapper.

Harold T. Eiland
Harold T. Eiland
License No. LS 2518
Eiland & Associates, Inc.
Professional Surveyors & Mappers
Certificate of Authorization No. LB 1361
615 Blanding Boulevard
Orange Park, Florida 32065
Telephone 904-272-1000

OK 619:43 (MEM) Job No. 35441-B

CROSS REFERENCE ~ FF 24:34, D 24:44-A