



BOARD OF ADJUSTMENT MEETING

May 22, 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 April 24, 2025.

PUBLIC COMMENT

PUBLIC HEARINGS

1. Public Hearing to Consider BOA 25-0006

A request to consider adding an 80 square foot shed to a parcel wherein lot coverage allowance of 30% was exceeded during construction of single family dwelling.

PUBLIC COMMENT

ADJOURNMENT

In accordance with the Americans with Disabilities Act, any person needing a special accommodation to participate in this matter should contact the Clay County ADA Coordinator by mail at Post Office Box 1366, Green Cove Springs, FL 32043, or by telephone at number (904) 269-6347 no later than three (3) days prior to the hearing or proceeding for which this notice has been given. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice), or 1-800-955-8771 (TDD).



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, May 22 5:00 PM

TO: DATE:

FROM:

SUBJECT:

AGENDA
ITEM
TYPE:

ATTACHMENTS:

Description	Type	Upload Date	File Name
Board of Adjustment Meeting Minutes April 24, 2025	Backup Material	5/15/2025	Board_of_Adjustment_Meeting_Minutes_and_Attachments_April_24__2025.ADA.pdf



BOARD OF ADJUSTMENT MEETING MINUTES

April 24, 2025

5:00 PM

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

CALL TO ORDER

Present: Tom Goldsbury, Vice-Chairman
Nykki Van Hof
Brain Kraut

Absent: Keith Hadden, Chairman
Brandon Ludwig

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

Due to Chairman Keith Hadden's absence Vice-Chairman Tom Goldsbury will conduct the meeting.

Vice-Chairman Tom Goldsbury called the meeting to order at 5:00 pm.

APPROVAL OF MINUTES

Board of Adjustment Meeting Minutes March 27, 2025.

Brian Kraut made a motion for approval for the March 27, 2025, BOA meeting minutes, seconded by Nykki Van Hof, which carried 3-0.

PUBLIC COMMENT

Vice-Chairman Tom Goldsbury opened the floor for public comment at 5:00 pm.

Hearing no comments, Vice-Chairman Tom Goldsbury closed the public comment at 5:00 pm.

PUBLIC HEARINGS

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

BOA-25-0005 can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Board of Adjustment/April 24, 2025](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Board%20of%20Adjustment/April%2024,%202025), beginning at 0:53 and ending

at 12:14. Below is a summary of the discussion and vote for this agenda item.

Jenni Bryla, Zoning Chief, presented a PowerPoint presentation for the public hearing to consider BOA-25-0005, as indicated above. See Attachment A.

Phillip Norman, 2794 Henley Road, Green Cove Springs, Florida, addressed the Board to provide more information and details for the requested variance.

There were questions and discussions regarding opting out of the Lake Asbury Master Plan, which was the previous owner, as well as opposition from neighbors; there were no objections to the request - See Attachment B, site plan, easement, and clarification for the new structure.

Following all discussions, Vice-Chairman Tom Goldsbury opened the floor for the public hearing at 5:11 pm.

Hearing no comments, Vice-Chairman Tom Goldsbury closed the public hearing at 5:11 pm.

Brian Kraut made a motion for approval of BOA-25-0005, seconded by Nykki Van Hof, which carried 3-0.

PUBLIC COMMENT

Vice-Chairman Tom Goldsbury opened the floor for public comment at 5:12 pm.

Hearing no comments, Vice-Chairman Tom Goldsbury closed the public comment at 5:12 pm.

ADJOURNMENT

Hearing no further business, Vice-Chairman Tom Goldsbury adjourned the meeting at 5:12 pm.

Attest:

Committee Chairman

Recording Deputy Clerk

Attachment
“A”
BOA-25-0005



BOARD OF ADJUSTMENT

BOA-25-0005

Public Hearing

May 24, 2025

1

APPLICATION INFORMATION

Applicant: Phillip & Yvonne Norman

Location: 2794 Henley Road

Request: Variance to the Clay County Land Development Code, Article III, Section 3-14(g)(4) to reduce the minimum side setback from 20 feet to 10 feet in the AR-1 zoning district.

2

Aerial



3

Background

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 meets the definition as a lot-of-record.

The Homesteaded parcel is located within the Lake Asbury Masterplan but has opted out of the standards that are included in the plan. The AR-1 zoning district requires a side setback of 20' but if the Applicants opted into the Masterplan the side setback would have been 5'.

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.

4

Zoning & Land Use



5

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 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'

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.

6

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 that have opted out of the criteria of the Lake Asbury Master Plan.

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-1 zoning district.

7

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 from the required 20' to 10'; this request does not appear to be the minimum required.

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.

Recommendation

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.

8

QUESTIONS

9

Attachment
“B”
BOA-25-0005
Letter of Support

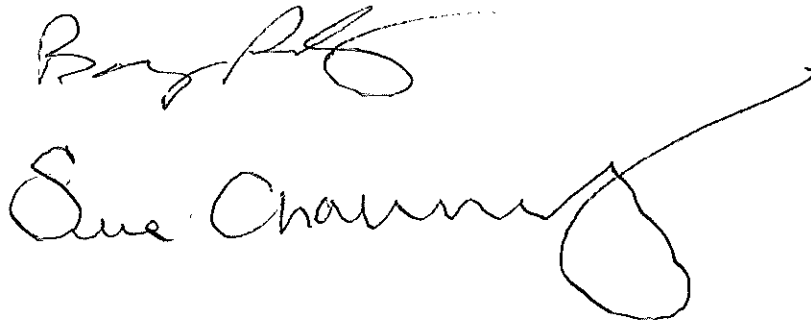
Clay County Zoning and Planning
477 Houston Street
Green Cove Springs, FL 32043

To whom it may concern,

We, Barry and Sue Beasley of 633 Simmons Trail Lake Asbury, Florida do here by attest that we have no issues or concerns about our immediate neighbor on our north property line, Phillip and Yvonne Norman asking for a zoning variance to reduce the house setback limit from 20' to 10' for a new addition.

Sincerely,

Barry and Sue Beasley

The block contains two handwritten signatures in black ink. The first signature, for Barry, is written in a cursive style with a long horizontal stroke extending to the right. The second signature, for Sue, is also in cursive and features a large, prominent loop at the end.



Agenda Item
BOARD OF ADJUSTMENT

Clay County Administration Building
Thursday, May 22 5:00 PM

TO: Board of Adjustment Members

DATE: 5/12/2025

FROM: Jenni Bryla, AICP, CFM,
Zoning Chief

SUBJECT: A request to consider adding an 80 square foot shed to a parcel wherein lot coverage allowance of 30% was exceeded during construction of single family dwelling.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located on the southeast side of Brandon Drive, northeast of Peoria Road and west of Doctors Lake Drive and is 0.183 acres in size. The property was rezoned in October of 2003 via ZON-03-45 from AR and PS-1 to RB to develop 36 lots.

Planning Requirements:

Public Hearing Required (Yes\No):

Yes

Hearing Type: First Public Hearing

Initiated By: Applicant

Darrell & Carol Pratt

ATTACHMENTS:

Description Type		Upload Date	File Name
Staff Report BOA 25-0006	Cover Memo	5/15/2025	Staff_Report_25-0006_Draft_jbada.pdf
HOA Approval	Backup Material	5/15/2025	HOA_APPROVALada.pdf
Site Plan	Backup Material	5/15/2025	SURVEY_SITE_PLAN_SHOWING_SHED_SETBACKSada.pdf

Application Backup 5/16/2025 APPLICATION_1315_BRANDON_DR.ADA.pdf
Material



BOA Application #25-0006

Staff Report

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

Applicant Information

Owner: Darrell & Carol Pratt
Phone: (904) 982-2061
Email: darrellpratt@comcast.net

Address: 1315 Brandon Dr.
Orange Park, Fla. 32065

Property Information

Parcel ID: 39-04-25-008629-000-02
Zoning: Single Family Residential (RB)
Land Use: Urban Core – 10 (UC-10)

Address: 1315 Brandon Dr.
Orange Park, Fla. 32065

Commission District: 3 (J. Renninger)

BOA Date: May 22, 2025

Land Development Code Requirement

Article III, Section 3-17(f)(7)(8) to allow for lot coverage of 30% in the Single-Family Residential District.

Applicant Request

Variance to the Clay County Land Development Code to allow for up to 50% lot coverage for the placement of a shed.

Aerial Photo

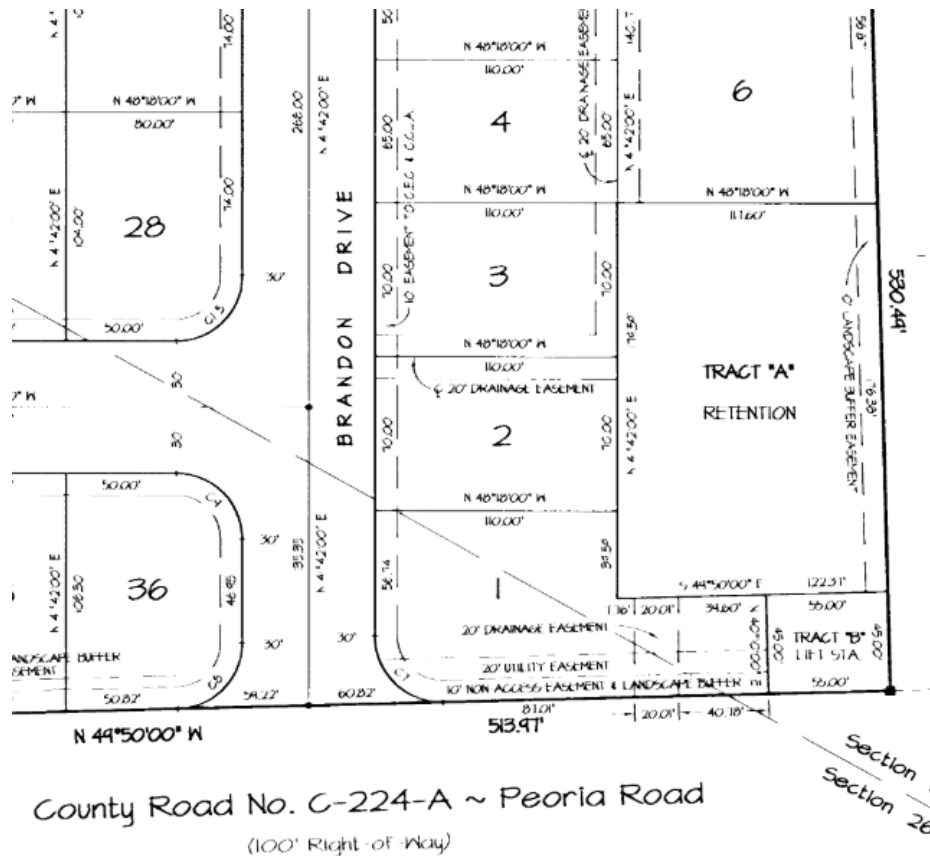


Zoning Districts



Staff Assessment and Recommendation

The parcel is located on the southeast side of Brandon Drive, northeast of Peoria Road and west of Doctors Lake Drive and is 0.183 acres in size. The property was rezoned in October of 2003 via ZON-03-45 from AR and PS-1 to RB to develop 36 lots. The lot is roughly 110' x 70' with a 20' drainage easement located on the north side of the lot.



Currently property in the UC-10 Land Use Category and with RB Zoning allow for a lot as small as 5,808 sf., however the subject parcel is 7,700 sf. To be compliant with the 30% building coverage the home cannot exceed approximately 2,300 sf. The home that was built on the property is approximately 2,400 sf., with a gross area of 3,146 sf and was constructed in 2007. Therefore, the home was built non-compliant. The applicant is requesting to place a shed on the property, further exacerbating the non-conforming situation. The Applicant is proposing to place the 80 sf shed in the rear norther portion of the lot as shown. The code also requires a maximum of 30% coverage in the rear yard in RB, which would require approximately 300 sf of open space on the rear portion of the lot.

Mr. & Mrs. Pratt have been the only owners of the home purchased in 2007 from the builder. The lots in the Cades Cove Plat are essentially consistent in their width and size, with each lot containing a home that exceeds the coverage requirement that was established by the County approximately 2010. Therefore, the home would have not been subject to the requirements. However, new development on the lot would be subject to the regulations.

Essentially ever home in the subdivision has a home built to exceed the limits of the zoning district. This fact does not constitute a hardship based on the land. Staff finds that no hardship exists on the property that would prevent the Applicant from complying with the code as written, in the fact that the Applicant

has a two car garage on the property, therefore Staff recommends denial of the request. The request is inconsistent with the intent of the Land Development Code based on similar circumstances within the neighborhood.

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 2006 with approximately 36 lots. Each lot has essentially the same dimensions ranging from 70' wide to 96', with a depth of 100'. There are several structures existing within the plat that did not require a variance to lot coverage.

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

The lot is currently built to the maximum allowed by setbacks there by leaving no room on the lot for accessory structures. The lot 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 lot coverage. in the RB 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 RB zoning district. As stated, multiple homes have been constructed with a similar lot configuration with accessory structures.

- 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 increase of up to 50% in the RB zoning district, 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 increase in building coverage and have flooding effects as a result. Building coverage requirements are necessary for light, air and access between properties and impervious surface runoff.

Application for Architectural Review Committee Approval

Submit To:
Professional Community Mgmt, Inc.
786 Blanding Blvd., Suite 118
Orange Park, FL 32065
Phone: 298-2321 Fax: 298-2323

Subdivision: Cades Cove Lot/Unit Number: 2 App. Date: 3/13/25

Lot Owner's Name: DARRELL & CAROL PRATT Phone: 904 982-2061

Lot Address: 1315 Brandon DR. OP FL 32065

Mailing Address: _____
(if different from Lot Address)

City: ORANGE PARK State: FL Zip: 32065

Type of approval desired: (Check all that apply)

- ☐ Fence
- ☒ Shed
- ☐ Wall
- ☐ Pool
- ☐ Screened Porch or Patio
- ☐ Change in Elevation or Addition to Home
- ☐ Satellite Dish
- ☐ Driveway Extension
- ☐ Paint Exterior of home (color swatch must be attached)
- ☐ Other

If required, have you applied for the proper permits from all government authorities?
☐ Yes ☒ No

*I need approval
before I can
apply for
permits*

Describe the improvement(s) to be made: (A copy of lot survey, elevation plan, site clearing plan and abbreviated specification, must be included. Use additional sheets of paper if necessary.)

ATTACHED COPIES

Please refer to your Covenants, Conditions and Restrictions for guidelines on what is and is not permitted in your neighborhood.

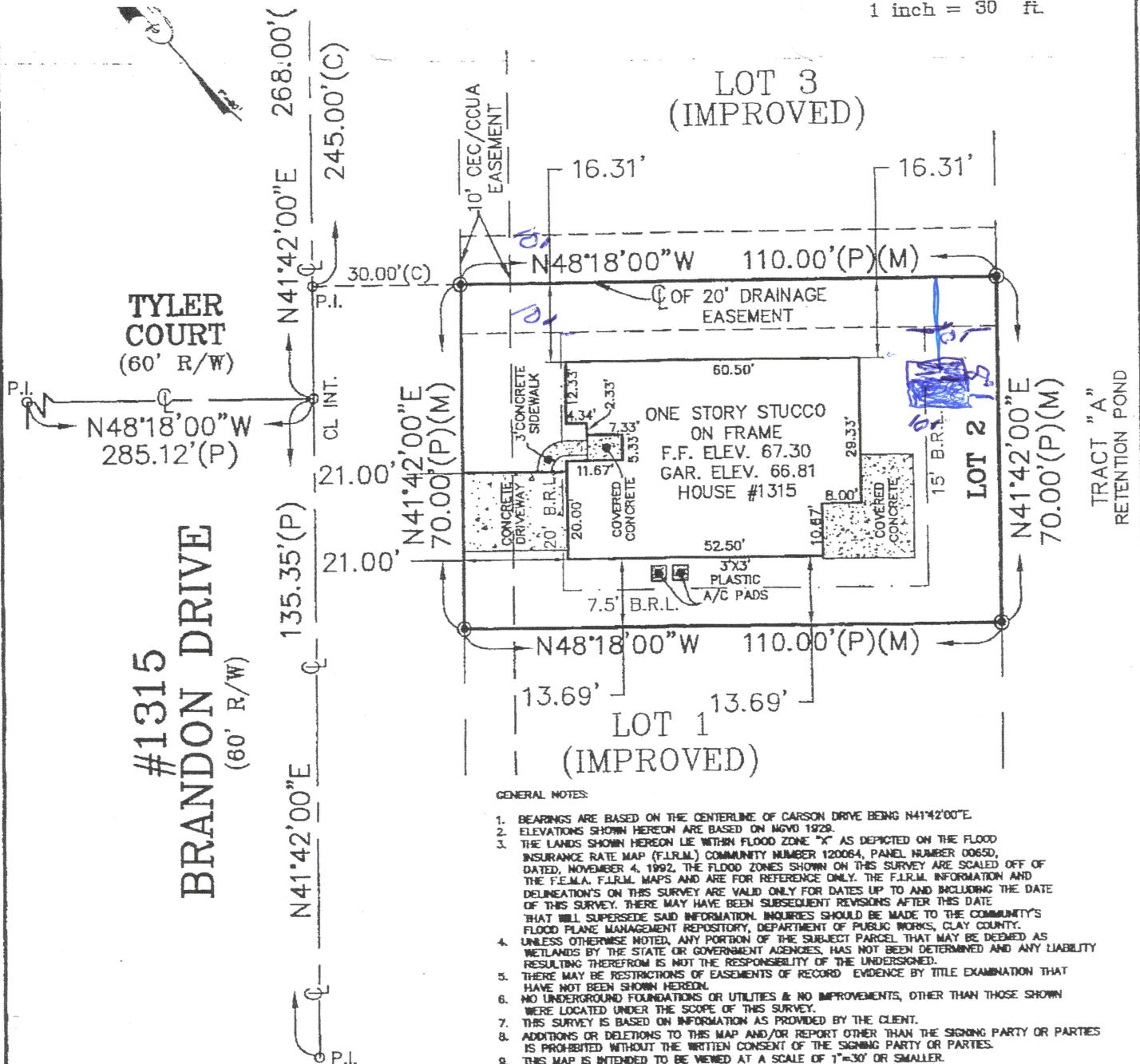
Date Received: 3-13-25 Date Processed: 3-13-25 Date Mailed: 3-17-25

☒ Approved ☐ Disapproved

Signature(s) of Architectural Review Committee:

Krystal Zaczek

Sharon Cummings



REVISION H: ADDED CERTIFICATIONS (3/12/07) (MEB)
 REVISION G: ADDED FINAL SURVEY (1/19/07) (BW/RPS)
 REVISION F: ADDED FOUNDATION LOCATION SURVEY (10/31/06) (CMD/MEB)
 REVISION E: ADDED BOUNDARY & BUILDING STAKEOUT SURVEY (10/27/06) (ALJ/MEB)
 REVISION D: ADDED ROUGH BOUNDARY & BUILDING STAKEOUT SURVEY (9/27/06) (DEP/MEB)
 REVISION C: ADDED NEW SITE PLAN (9/14/06) (WJM/JLC)
 REVISION B: ADDED REVISED SITE PLAN (5/4/06) (NJC/CWW)
 REVISION A: ADDED REVISED SITE PLAN (3/29/05) (NJC/CWW)

PREPARED FOR: MERCEDES HOMES, INC.

CERTIFIED TO: FIDELITY NATIONAL TITLE CORPORATION

COMMUNITY FIRST CREDIT UNION
DARRELL G. PRATT & CAROL M. PRATT
BDR TITLE CORP.



BARTRAM TRAIL SURVEYING, INC.

LAND SURVEYORS - PLANNERS - LAND DEVELOPMENT CONSULTANTS

1501 COUNTY ROAD 315 SUITE NO. 106 (904) 284-2224
 GREEN COVE SPRINGS, FL 32043 FAX (904) 284-2258
 LB #6991



LEGEND

— DENOTES IRON RANGED FOUND IDENTIFICATION AS NOTED
 — DENOTES 5/8" IRON SET LB #8901
 — DENOTES 4" 3/4" CONCRETE MONUMENT LB #8901
 — DENOTES 4" 3/4" CONCRETE MONUMENT IDENTIFICATION AS NOTED

N/A — DENOTES RIGHT OF WAY
 — DENOTES CENTERLINE
 — DENOTES CHORD BEARING
 — DENOTES CHORD LENGTH
 — DENOTES POINT OF TANGENCY
 — DENOTES POINT OF REVERSE CURVE
 — DENOTES POINT OF CURVATURE
 — DENOTES BOUNDARY LINE
 — DENOTES RADIUS (R) — DENOTES CALCULATED
 — DENOTES TARGET (T) — DENOTES MEASURED
 — DENOTES CHORD (C) — DENOTES BEING
 — DENOTES PLAT

I HEREBY CERTIFY, that this survey graphically represents the results of a field survey made under my responsible direction and complies with the latest Minimum Technical Standards for Surveys as promulgated by the Florida State Board of Professional Land Surveyors, Chapter 61g17-6 F.A.C. Pursuant to Section 472.027, Florida Statutes, subject to all notes and notations shown hereon.

SEPTEMBER 26, 2006 SEPTEMBER 27, 2006
 FIELD WORK COMPLETED MAP ORIGINALLY SIGNED

Thomas P. Hughes
 THOMAS P. HUGHES, P.L.S.
 FLORIDA CERT. NO. 3507

NOTATION:

The survey hereon was made without benefit of abstract or search of title, and therefore the undersigned and Bartram Trail Surveying make no Certifications regarding information shown or not shown hereon pertaining to easements, claims of easements, Rights-of-way, setback lines, overlaps, Boundary Line disputes, agreements, reservations or other similar matters which may appear in the abstract, or search of title.

This survey is prepared and certified for the exclusive use of the client named hereon and is not valid unless it bears an original signature and an embossed Surveyor's seal.

DRAWN BY: NJC/LDD

CHECKED BY: PLC

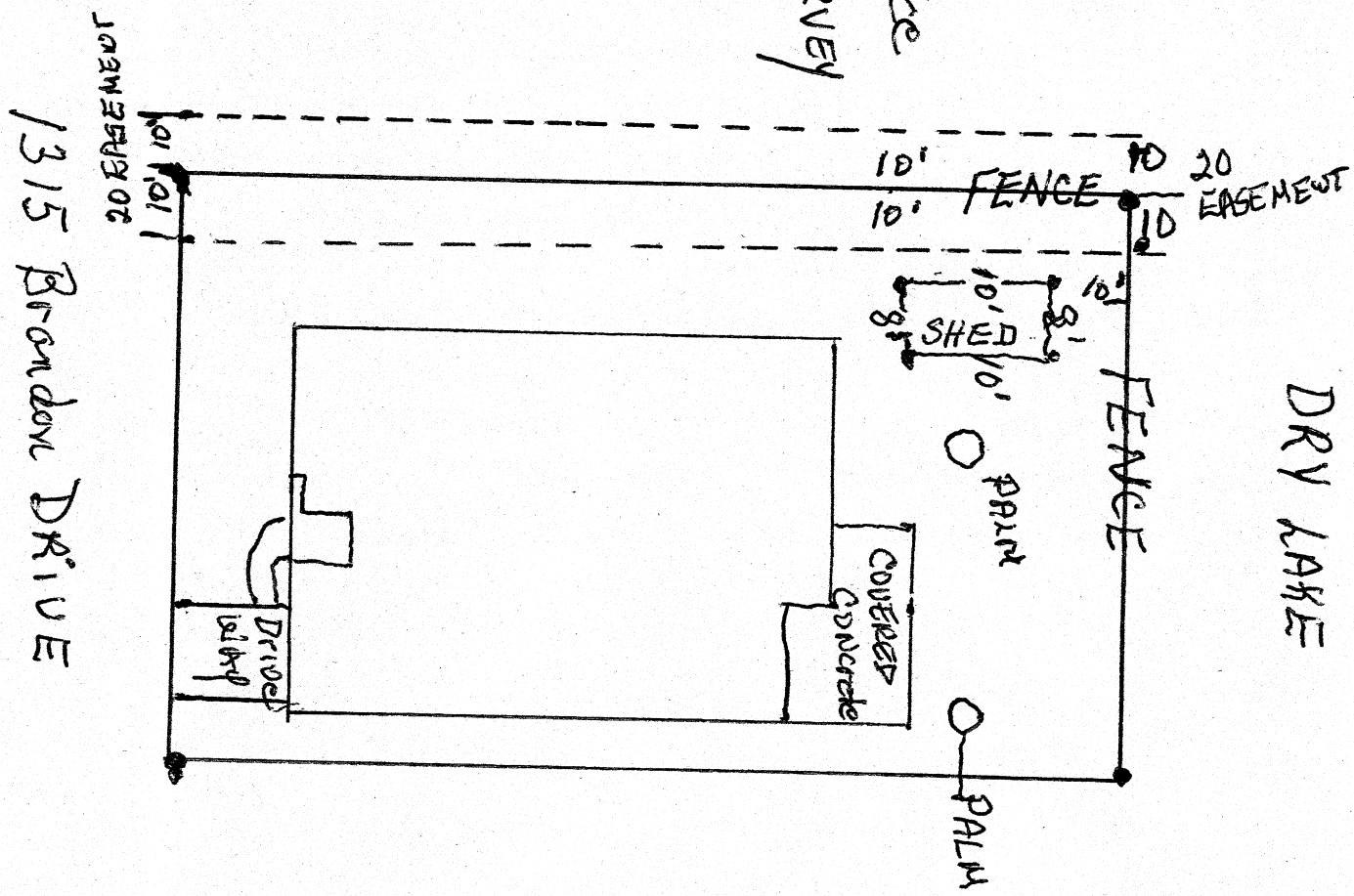
F.I.R.M. FLOOD ZONE	X	ELEVATION	H/A
PANEL NO.	120064	00650	11/4/92
FB/PG	458/78	461/18	462/33 BTS
DATE	9/26/06	SCALE	1"=30'
PROJECT NO.	438-05-145	REVISION	H
SHEET	1	OF	1

DRY LAKE

20' DRAIN
EASEMENT

10' ON
EACH SIDE OF FENCE

ACCORDING TO SURVEY





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: DARRELL & CAROL PRATT			
Owner's Address: 1315 Brandon DR			
City: Orange PARK		State: FL	Zip Code: 32065
Phone: 904-982-2061 Cell		Email: darrellpratt@comcast.net	
Parcel Information			
Parcel ID #: 39-04-25-008629-000-02		<input checked="" type="checkbox"/> Check here if Address is Same as Owner's	
Parcel Address:			
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>Our home was built in 2007 by Mercedes. Our house and 35 other houses in Cades Cove exceeded the lot coverage. I need a variance because I am a 78 year old disabled veteran and I am facing several hardships. I need an 80 sq. ft shed to store my lawn equipment, tools and other items, so I can use our garage to park our cars inside. Our cars have been damaged by illegal fireworks and the weather. I ask for your assistance in this matter.</p> <p style="text-align: right;">Thank you Darrell Pratt</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: <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: <u>Darrell G. Pratt</u>	Date: <u>3/25/25</u>	Print Name: <u>DARRELL G PRATT</u>
Official Use		
Zoning: <u>R1B</u>	Land Use: <u>UC-10</u>	Application # BOA: <u>BOA 25 0004</u>
BOA Meeting Date: <u>May 22nd, 2025</u>	Fees: <input checked="" type="checkbox"/> Residential (\$300.00) <input type="checkbox"/> Non-Residential (\$500.00)	
	# of Signs <u>1</u> x \$30.00 Per Sign = \$ <u>30</u>	
	Total Fee: \$ <u>330⁰⁰</u>	
Application Accepted By: <u>(Signature)</u>	Date: <u>3.26.25</u>	
This area is reserved for future use.		