

BOARD OF ADJUSTMENT MEETING July 24, 2025

6:00 PM

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

CALL TO ORDER

APPROVAL OF MINUTES

Board of Adjustment Meeting Minutes May 22, 2025.

Board of Adjustment Meeting Minutes June 26, 2025.

PUBLIC COMMENT

PUBLIC HEARINGS

- Public Hearing to Consider BOA 25-0007
 A request to consider a reduction in side setbacks from 7.5' to 3' for an accessory structure.
- PUBLIC HEARING TO CONSIDER BOA 25-0008
 A request to consider placement of detached garage in front yard in RA Zoning District.
- PUBLIC HEARING TO CONSIDER BOA 25-0010
 A request to consider an after the fact non-permitted shed to remain in the side yard in RB Zoning District.

PUBLIC COMMENT

<u>ADJOURNMENT</u>

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, July 24 6:00 PM

TO:	DATE:
FROM:	
SUBJECT:	
AGENDA ITEM TYPE:	

ATTACHMENTS:

Upload File Name Description Type Date

Board of Adjustment Meeting Minutes May 22, 2025 ${\tt Backup \ 7/9/2025 \ Board_of_Adjustment_Meeting_Minutes_and_Attachments_May_22_2025.ADA.pdf}$



BOARD OF ADJUSTMENT MEETING MINUTES

May 22, 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 Brandon Ludwig Brian Kraut

Absent: Keith Hadden, Chairman

Staff Present: Assistant County Attorney Jamie Hovda

Zoning Chief Jenni Bryla

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

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

APPROVAL OF MINUTES

Board of Adjustment Meeting Minutes April 24, 2025.

Brian Kraut made a motion for approval of the April 24, 2025, BOA meeting minutes, seconded by Nykki Van Hof, which carried 4-0.

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 25-0006

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.

BOA-25-0006 can be seen at www.calycountygov.com/government/clay-county-tv-and-video-archive/Board of Adjustment/May 22, 2025, beginning at 0:38 and ending at 21:19. 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-25-0006, as indicated above. See Attachment A.

Darrell Pratt, 1315 Brandon Drive, Orange Park, Florida, addressed the Board to provide more details and information for the requested variance. Mr. Pratt provided pictures of surrounding properties with structures in place. See Attachment B.

There were questions and discussions regarding the type/material of the structure, the exact location for placement and size, drainage issues - if any, square footage of the lot, and the percentage of coverage for the structure and home on the property.

Vice-Chairman Tom Goldsbury opened the floor for the public hearing at 5:16 pm.

Troy Courtney, 4386 Southeast State Road 21, Keystone Heights, Florida, and a Representative with Tuff-Shedd addressed the Board in favor of the requested variance and provided details for the structure to be placed on the property.

There were questions and discussions regarding how the structure would be anchored and set up.

Hearing no other comments, Vice-Chairman Tom Goldsbury closed the public hearing at 5:18 pm.

Brandon Ludwig had comments for reasons to support the requested variance and made a motion for approval of BOA-25-0006, seconded by Brian Kraut, which carried 4-0.

PUBLIC COMMENT

Vice-Chairman Tom Goldsbury opened the floor for public comment at 5:21 pm.

Hearing no comments, Vice-Chairman Tom Goldsbury closed the public comment at 5:21 pm.

Ms. Bryla mentioned there was one item for next months BOA meeting

ADJOURNMENT

Hearing no further business, Vice-Chairman Tom Goldsbury adjourned the meeting at 5:21 pm.

Attest:		
Committee Chairman	Recording Deputy Clerk	

Attachment "A" BOA-25-0006



BOARD OF ADJUSTMENT

BOA-25-0006 Public Hearing May 22, 2025

APPLICATION INFORMATION

Applicant:

Darrell & Carol Pratt

Location:

1315 Brandon Drive, Orange Park, FL

Request:

Variance to the Clay County Land Development Code, Article III, Section 3-17(f)(7)(8) to allow for up to 50% lot coverage for the placement of a shed in

the RB zoning district.

Aerial



Background

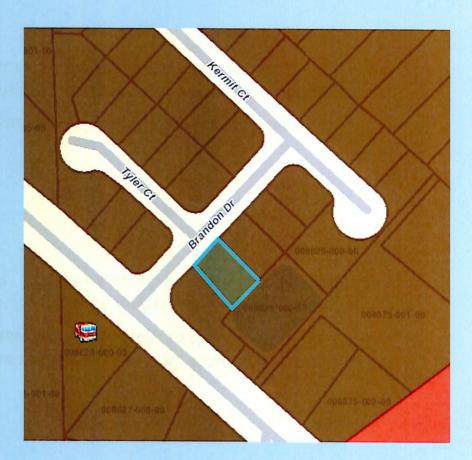
The parcel is located on the southeast side of Brandon Drive, northeast of Peoria Road and west of Doctors Lake Drive and is 0.183 acres in size. The parcel meets the definition as a lot-of-record.

The Homesteaded parcel was developed in 2003 with a rezoning to create 36 lots. The property is roughly 110' x 70' with a 20' drainage easement located on the north side of the lot. The RB zoning district requires the maximum building coverage of 30% and a maximum rear yard coverage of 30%.

The home on the lot was built prior to our code language becoming codified regarding lot coverage and as a result the existing home exceeds the 30% coverage. The lot coverage criteria is there to ensure that there is adequate area for drainage on the lot or it could produce significant run-off issues for the adjacent properties.

Zoning & Land Use





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 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.

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.

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 built structures and have been able to meet the required lot coverage. in the RB zoning district

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.

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 allow for an increase of up to 50% in the RB zoning district, 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 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.

Recommendation

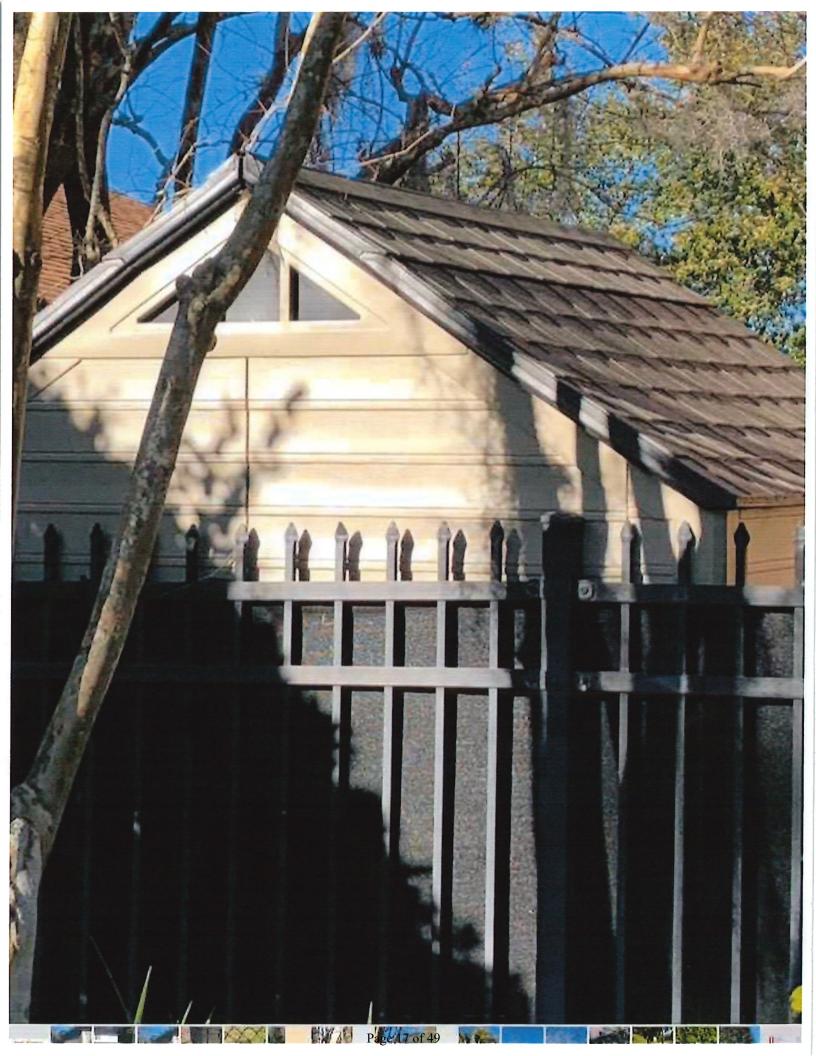
Essentially every home in the subdivision has a home built to exceed the limits of the zoning district. This fact does not constitute a hardship based on the land. Staff finds that no hardship exists on the property that would prevent the Applicant from complying with the code as written, in the fact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

Page 14 of 49

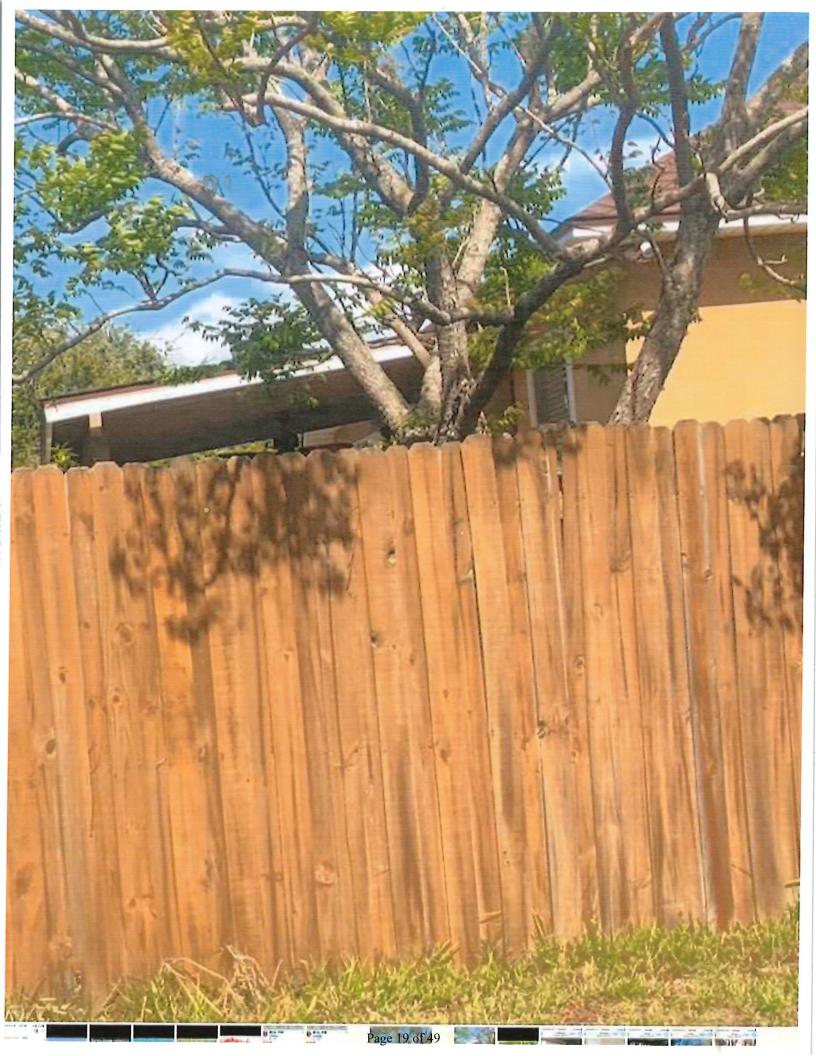
QUESTIONS

Attachment "B"

Applicant Pictures of Surrounding Properties











TO:

Agenda Item BOARD OF ADJUSTMENT

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

FROM:		
SUBJECT:		
AGENDA ITEM TYPE:		
ATTACHMENTS:	Linioad	_

Description Type Date File Name

DATE:

Board of Adjustment

Meeting Backup 7/9/2025 Board_of_Adjustment_Meeting_Minutes_June_26__2025.ADA.pdf
Minutes Material

June 26, 2025



BOARD OF ADJUSTMENT MEETING MINUTES

June 26, 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

Absent: Keith Hadden, Chairman

Nykki Van Hof Brandon Ludwig Brian Kraut

Staff Present: Zoning Chief Jenni Bryla

Vice-Chairman Tom Goldsbury stated that, due to the lack of a quorum, there would be no meeting, and BOA-25-0007 will be moved to the July 24, 2025, BOA meeting.

APPROVAL OF MINUTES

Board of Adjustment Meeting Minutes May 22, 2025.

No action was taken on the BOA minutes due to the lack of a quorum.

PUBLIC COMMENT

There was no public comment.

PUBLIC HEARINGS

1. Public Hearing to Consider BOA 25-0007

A request to consider a reduction in side setbacks from 7.5' to 3' for an accessory structure.

No action was taken on BOA-25-0007 due to the lack of a quorum.

PUBLIC COMMENT

There was no public comment.

ADJOURNMENT

5:02 pm.

Attest:		
Committee Chairman	Recording Deputy Clerk	

Hearing no further business, Vice-Chairman Tom Goldsbury adjourned the meeting at



Agenda Item **BOARD OF ADJUSTMENT**

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

TO: Board of Adjustment Members

DATE: 7/9/2025

FROM: Jenni Bryla, AICP, CFM, Zoning

Chief

SUBJECT: A request to consider a reduction in side setbacks from 7.5' to 3' for an accessory structure.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located on the southwest side of Treasure Point Road, west of the Mariners Road, and is 1.55 acres in size. The applicant would like a 3' side setback for an accessory garage, from the required 7.5'.

Planning Requirements:

Public Hearing Required (Yes\No):

Yes

Hearing Type: First Public Hearing

Initiated By: Applicant

Christopher Chapman

ATTACHMENTS:

Upload **Description Type** File Name Date

Staff

Report for BOA 25- Backup 6/18/2025 Staff_Report_25-0007_jb_final.ADA.pdf

0007

proposed Backup 6/18/2025 Site_Plans_with_Proposed_Pole_Barn_Section___Site_Photos_v2.ADA.pdf Material plans

Backup 6/18/2025 Neighbors_Support_Letter_-_Signed.ADA.pdf Material letter of support



BOA Application #25-0007 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 ChapmanAddress: 2270 Treasure Point RoadPhone:(904) 451-3250Green Cove Springs, Fla. 32043

Email: cchapman@dbkenyon.com

Property Information

Parcel ID: 10-05-25-009205-065-00

Zoning: Agricultural /Residential (AR)

Land Use: Lake Asbury Rural Community (LARC)

Commission District: 5 (K. Burke)

BOA Date: June 26, 2025

Land Development Code Requirement

Article III, Section 3-17(f)(6) requires 7.5' for a side setback in the Agricultural/Residential District.

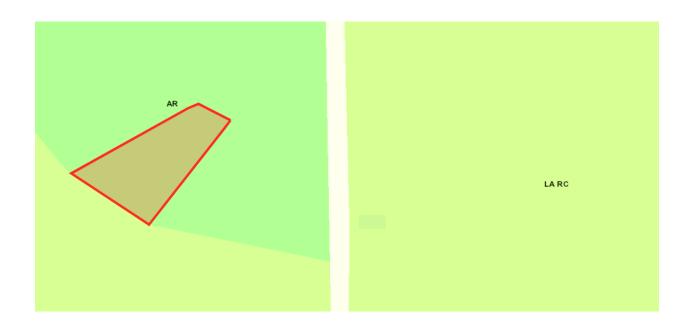
Applicant Request

Variance to the Clay County Land Development Code to allow a side setback of 3' for the placement of an open-air pole barn.

Aerial Photo



Zoning Districts



Staff Assessment and Recommendation

The parcel is located on the southwest side of Treasure Point Road, west of Mariners Road, and is 1.55 acres in size. The lot is roughly 110' wide at the street, going back to approximately 455' wide at the west end.

Mr. Chapman purchased the property in 2012. Currently the property is in the Lake Asbury Rural Community Land Use category. This zoning would require a 5' side setback but because the property is in the AR zoning district, the property owner at the time probably opted out of the Master Plan requirements. This fact means that the Zoning district of AR prevails and a 7.5' setback would be required for accessory structures.

Mr. Chapman would like to put a pole barn on the property to park his RV. Apparently, the RV is very large and requires extra room for maneuvering. The pole barn would be open-air and would be setback from the road more than 150'. There is an existing drain field on the northwest side of the property that would prohibit locating the pole barn in that location. This fact does not constitute hardship based on the land. Staff finds that no hardship exists on the property, other than those that are common to other properties that contain septic systems. The Applicant does have an oversized garage that they are proposing the pole barn be placed adjacent to. Staff recommends denial of the request, however based on the reduced setbacks in the Lake Asbury master plan that other properties enjoy in the area, Staff would support a 5' setback consistent with the Lake Asbury requirements.

BOA 25-0007

Staff offers discussion on the six criteria from the Land Development Code that are the **basis for granting** a variance.

Variance Requirements

Section 12-9 of the LDC sets for the procedures and criteria for consideration of approval for a variance.

The Board of Adjustment may authorize a variance from the terms of the ordinances adopted pursuant to Chapter 163 when such variance will not be contrary to the public interest. The Board of Adjustment must first determine whether the need for the variance arises out of the physical surroundings, shape, topographic condition or other physical or environmental conditions that are limited to the specific property involved. In order to authorize any variance from the terms of the ordinance adopted pursuant to Chapter 163, the Board of Adjustment shall find:

1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands structures, or buildings in the same zoning district.

The subject property has no special conditions or circumstances associated with the land.

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

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 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.

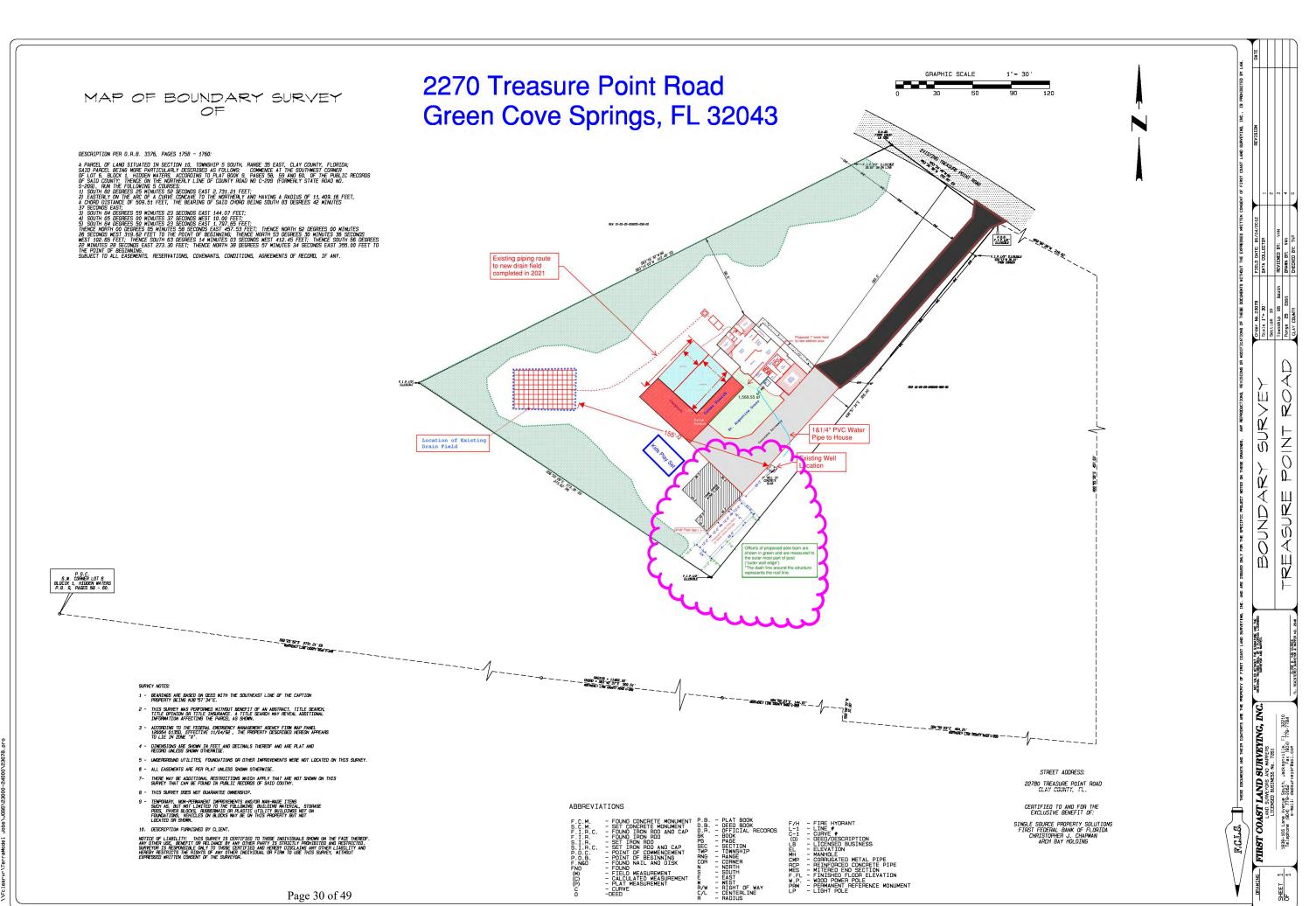
The literal interpretation of the ordinance would not deprive the Applicant of rights commonly enjoyed by other property owners in the AR zoning district. As stated, multiple homes have been constructed with similar configuration with accessory structures.

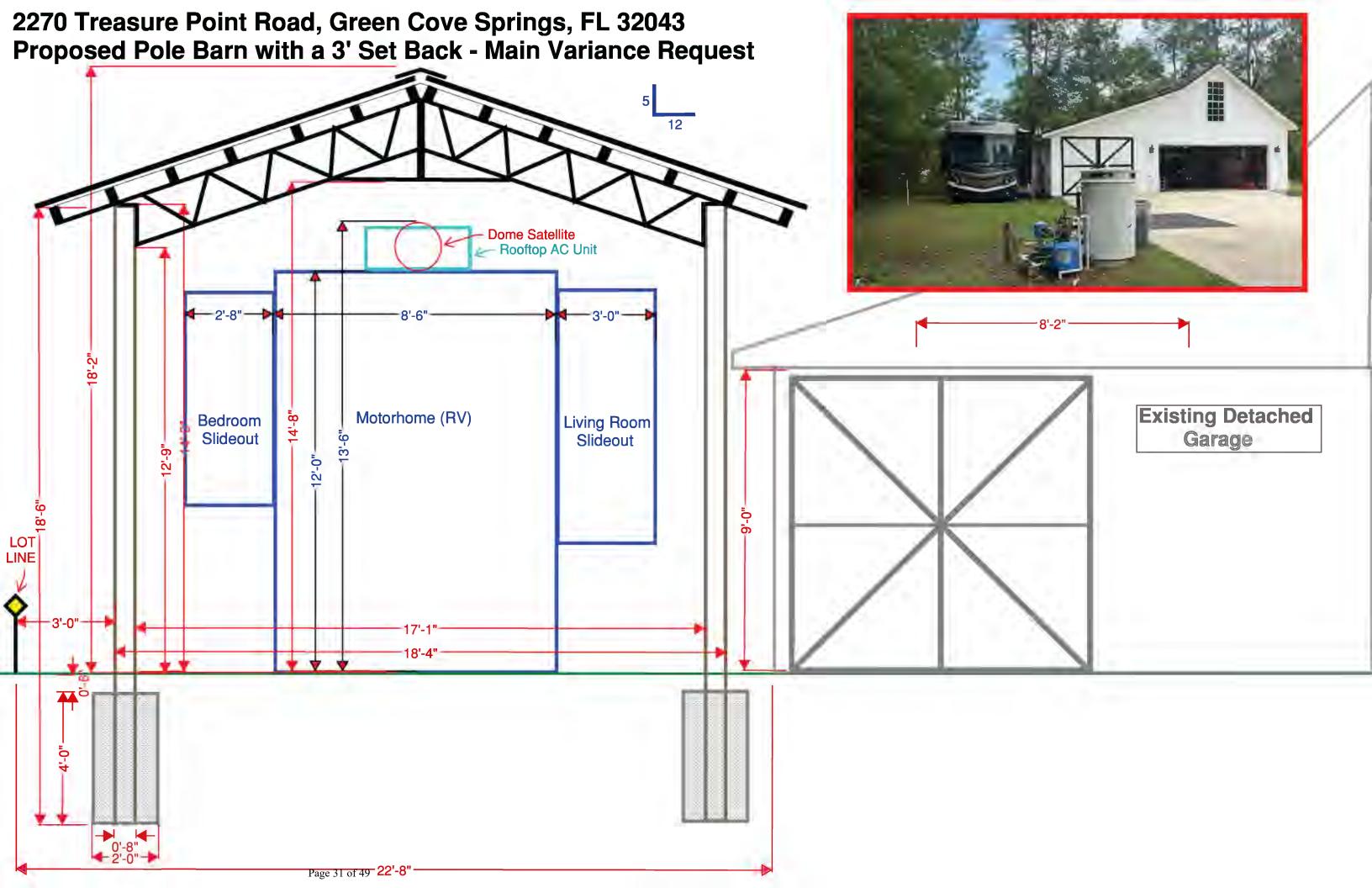
5) That the variance granted is the minimum variance that will make possible the beneficial use of the land, building or structure.

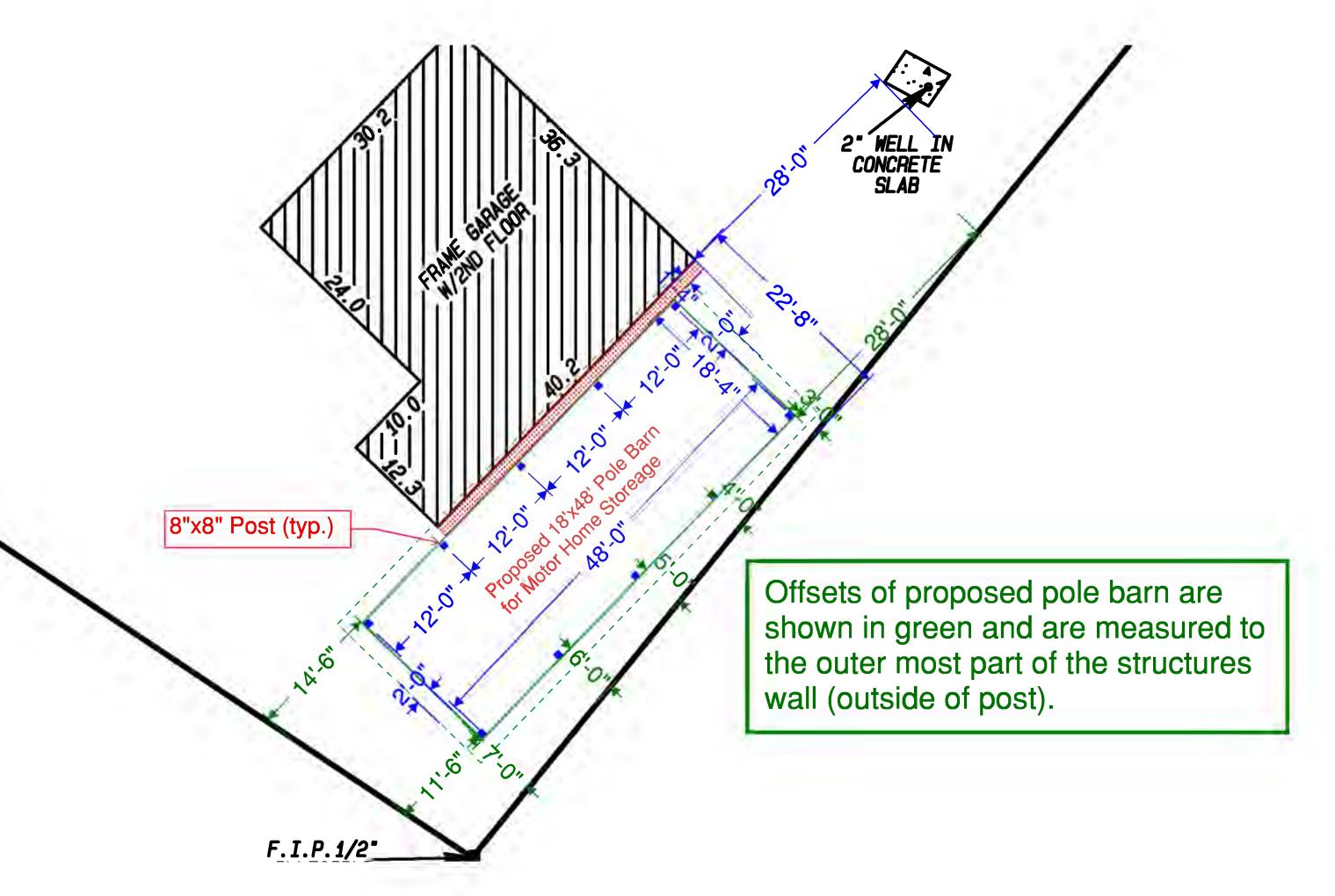
The requested variance is to allow for a reduction in the side setback from 7.5 to 3', this request does not appear to be the minimum necessary to accommodate the Applicant. The Applicant himself said that 5' would accommodate his needs.

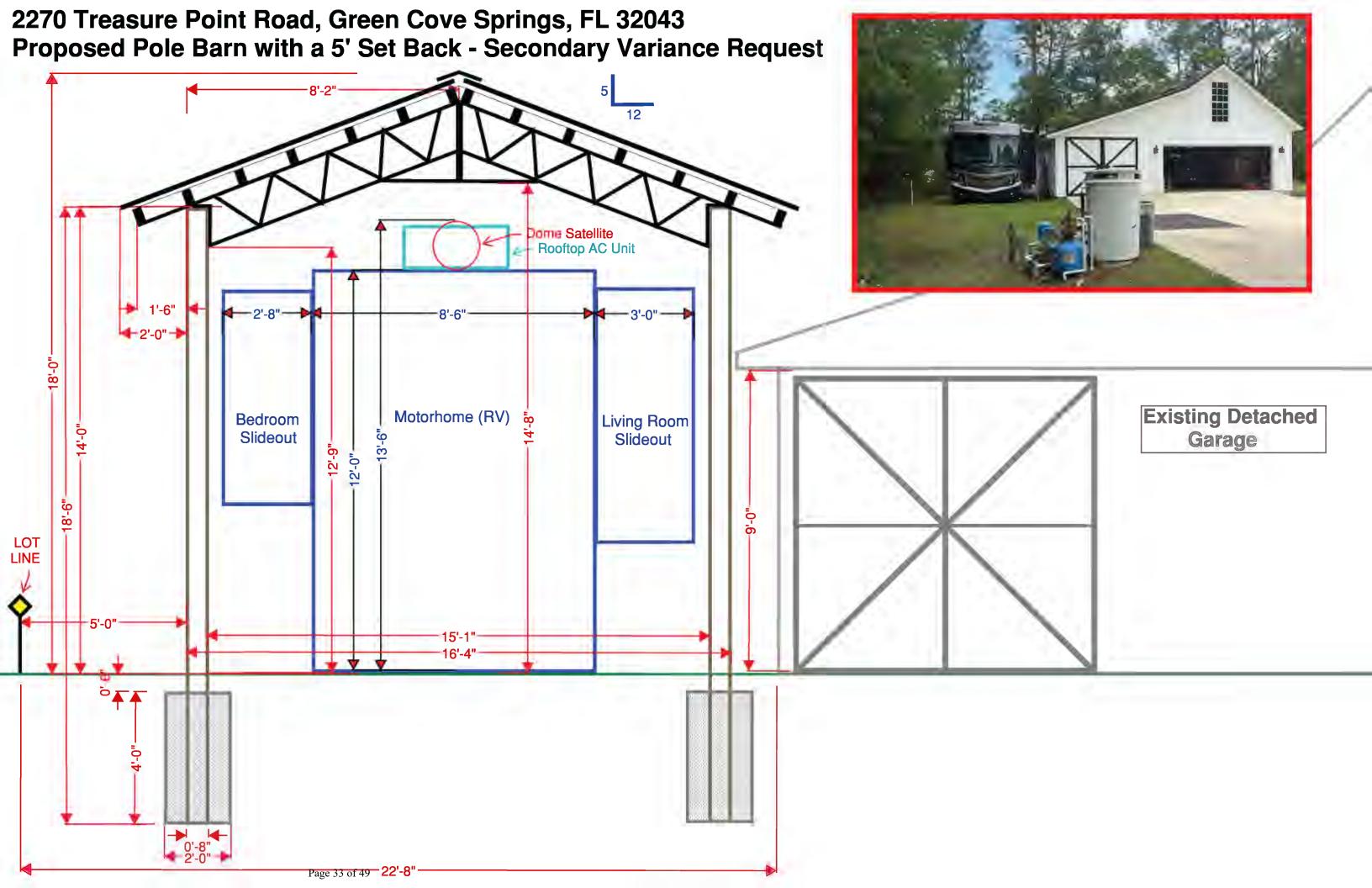
6) That the granting of the variance will be in harmony with the general intent and purposes of these ordinances and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

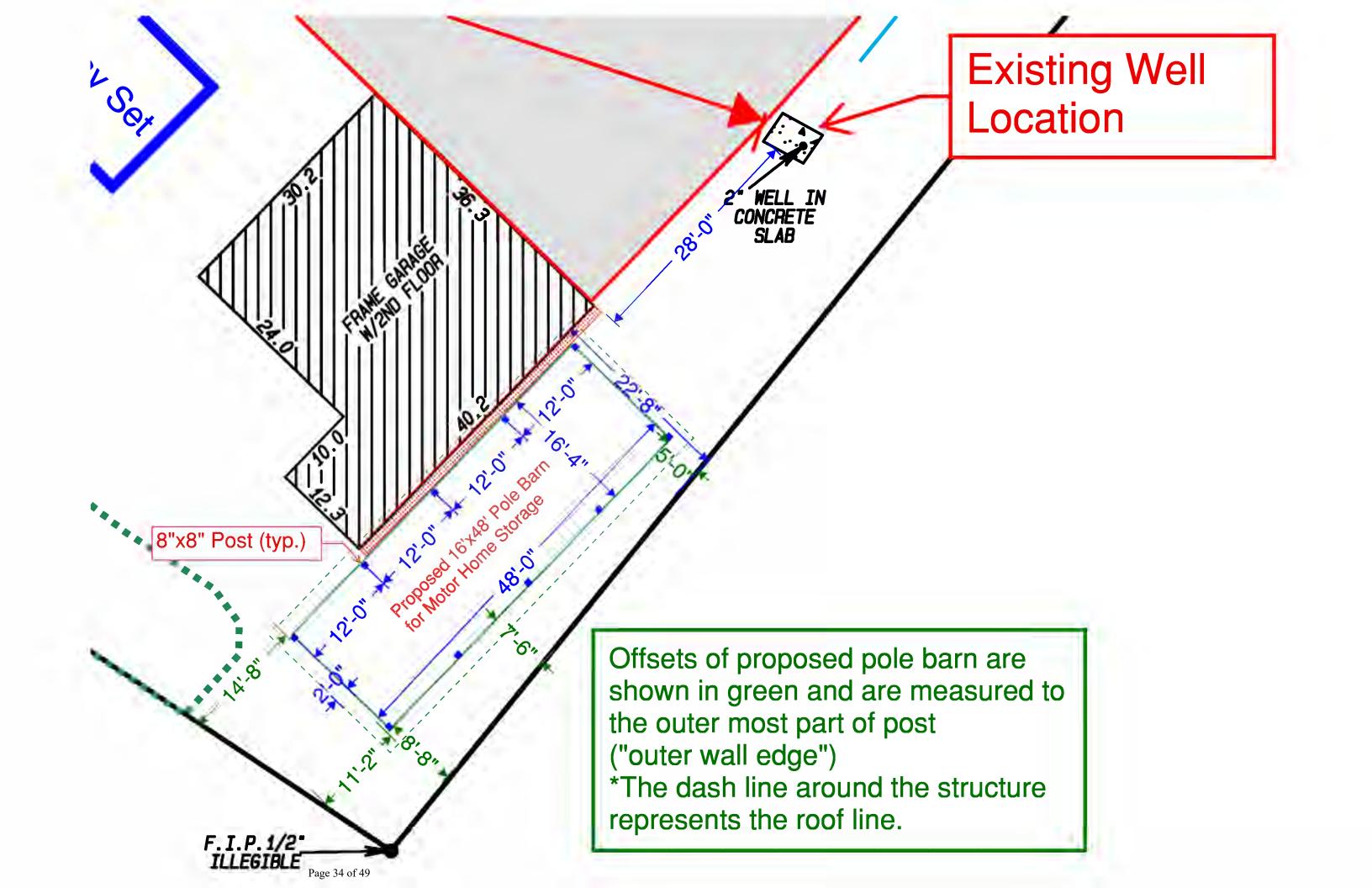
The granting of the variance is not in harmony with the pattern of development in the subdivision nor consistent with the intent of the land development code.

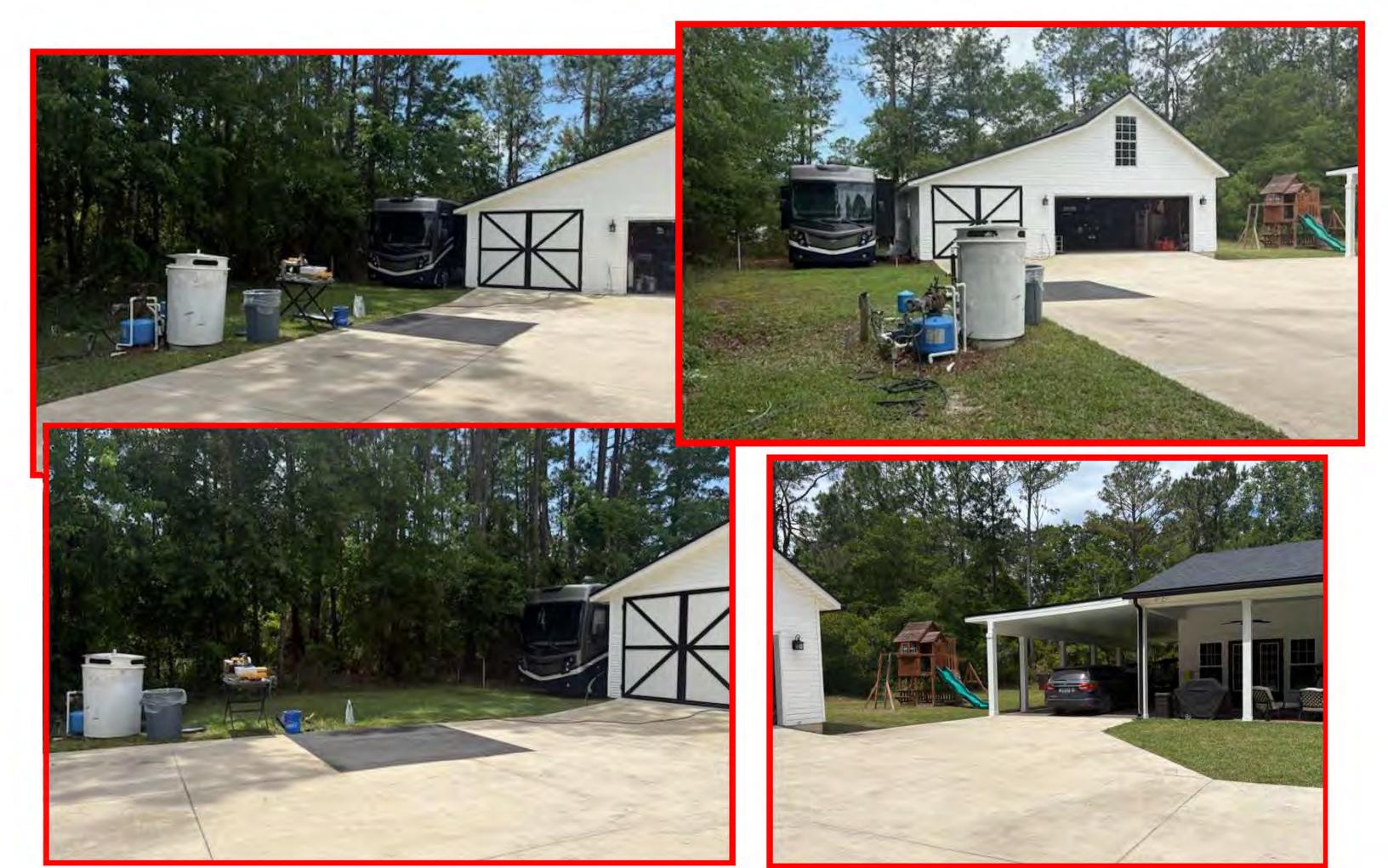




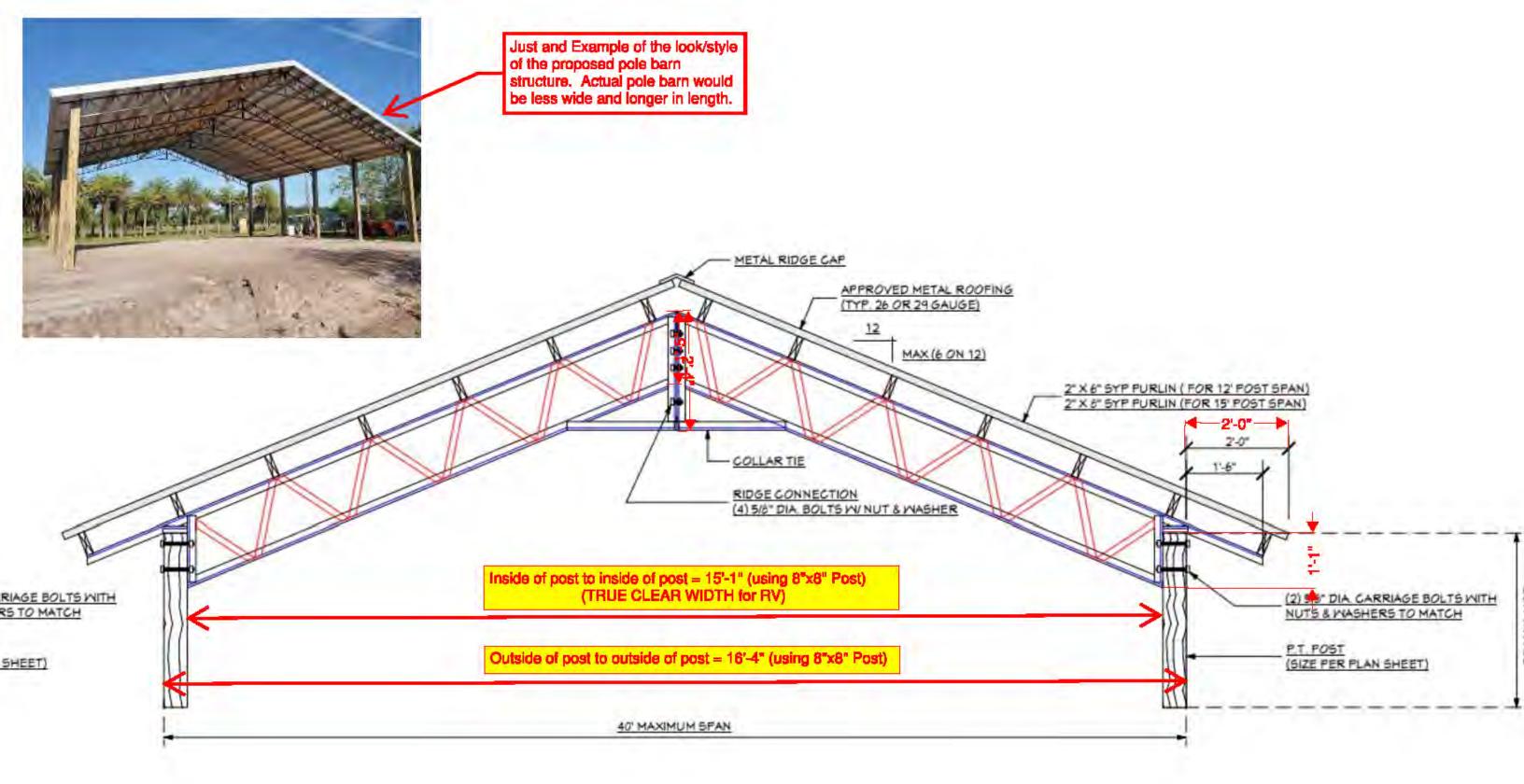








Page 35 of 49



April 30, 2025

Matthew & Kristin Cannady, 2280 Treasure Point Road Green Cove Springs, FL 32043

REF: 2270 Treasure Point Road - Variance Request

Clay County Variance Board,

We, Matthew & Kristin Cannady, have reviewed the proposed location of Mr. Chapman's pole barn that would be butting up to the southwest corner of our property as laid out by Mr. Chapman on his scaled and dimensioned site layout. We take no exception and have no objection to his proposed location. We support his variance request to reduce the 7.5' minimum required setback for his situation of having the required space to maneuver his RV under the proposed pole barn. This structure will be out of sight to us as we have a buffer on this side of our property of woods roughly 20' to 30' wide in this location. We do hope you allow Mr. Chapman this variance request to the minimum set back requirement as it will not have any impact on us or the use of our property.

Sincerely,

Matt & Kristin Cannady

Matthew Cannady:

Kristin Cannady:



Agenda Item BOARD OF ADJUSTMENT

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

TO: Board of Adjustment Members DAT

FROM: Jenni Bryla, Zoning Chief

SUBJECT: A request to consider placement of detached garage in front yard in RA Zoning

District.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located adjacent to Pine Avenue in Fleming Island to the east of Harvey Grant Road. The parcel is located in the RA zoning district with a Future Land Use designation of RF (Rural Fringe). The applicant wishes to construct a detached garage on what would be considered the front portion of the lot located on the east side, the Harvey Grant Rd side of his parcel.

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

Hearing Type: First Public Hearing

Initiated By: Applicant

Gage Chancey

ATTACHMENTS:

Description Type Upload Date File Name

Staff Report for BOA 25-0008

Staff Report for BOA 25-0008

STAFF Report jb.ADA.pdf



BOA Application # 25-0008 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: Gage Chancey Address: 4972 Harvey Grant Road

Phone: 904.881.2432 Fleming Island, FL 32003

Email: GageChancey@gmail.com

Property Information

Parcel ID: 46.04.26.014138.001.00 Address: 4972 Harvey Grant Road

Zoning: RA (Single-Family Residential District Fleming Island, FL 32003

Land Use: RF (Rural Fringe)

Commission District: District 1 || John Sgromolo BOA Date: July 24, 2025

Land Development Code Requirement

Article III, Sec. 3-16(b)(2) of the Land Development Code requires accessory structures to be placed in the rear yard.

Applicant Request

Variance to the Clay County Land Development Code, Article III, Section 3-16(b)(2), to allow the placement of his detached garage to be located in the front portion of his parcel.

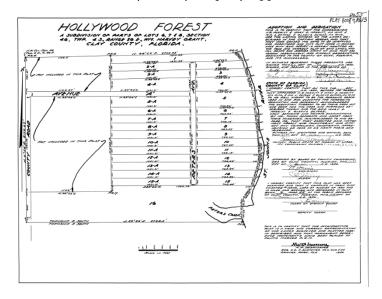


Staff Assessment and Recommendation

The parcel is located adjacent to Pine Avenue in Fleming Island to the east of Harvey Grant Road. The parcel is located in the RA zoning district with a Future Land Use designation of RF (Rural Fringe). The parcel is part of the Hollywood Forest Subdivision as shown on Plat thereof recorded in 1950. The lot was

BOA 25-0008

cut in 2005 from the original configuration in 2005, leaving the lot with the minimum one (1) acre of land. Information from Clay County Property Appraiser indicates the house was built in 2007.



The applicant wishes to construct a detached garage on what would be considered the front portion of the lot located on the east side, the Harvey Grant Rd side of his parcel. Based on the survey provided by the owner, the parcel is 100' deep.

The lot does contain a drain field on the very west of the property that would prohibit placement of a structure. There is however approximately 50+ feet on the west side of the property between the

drain field and the existing screen porch on the side of the property.

Staff finds that the requested variance to place the detached garage in the front yard within RA zoning district is not consistent with the Land Development Code. Staff finds no hardship exists with the land that is not shared with other properties within the adjacent zoning district and therefore recommends denial. It should be noted that the property has ingress/egress off a private easement and not directly from Harvey Grant Road.

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:

 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.

BOA 25-0008

The primary residence is located approximately 261 feet from the west property line. The drain field is also located approximately 2.5' off the west property line, leaving approximately 206' between the drain field and the home.

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

The existing residential structure was constructed by previous owners of the parcel in 2007. The applicant purchased this parcel in 2023 and then acquired the additional acreage in 2024 to meet the minimum acreage requirements of the district.

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 placement of the accessory structure within the front yard.

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 primary residential structure was placed in the present location prior to this owner purchasing 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 place the accessory structure/detached garage within the front yard which is not the minimum variance to allow for the construction of a garage.

6) That the granting of the variance will be in harmony with the general intent and purposes of these ordinances and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

The granting of the variance will not be in harmony with the general intent of the land development code.



Agenda Item BOARD OF ADJUSTMENT

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

TO: Board of Adjustment Members DATE: 7/9/2025

FROM: Jenni Bryla, Zoning Chief

SUBJECT: A request to consider an after the fact non-permitted shed to remain in the side yard in RB Zoning District.

AGENDA ITEM TYPE:

BACKGROUND INFORMATION:

The parcel is located on the west side of Eldridge Avenue along a private road behind a gated community in Orange Park. The Applicant would like the ability to place an accessory structure in the side yard instead of the required rear yard.

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

Yes

Hearing Type: First Public Hearing

Initiated By: Applicant

Michael Meyer

ATTACHMENTS:

Description Type Upload Date File Name

Staff Report Backup 7/17/2025 Staff_Report_25-0010_jb.ADA.pdf 0010

existing Backup 7/17/2025 Existing_Shed_Location_RPPR2025001186.ADA.pdf



BOA Application #25-0010 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: Michael Meyer Address: 3859 Eldridge Avenue

Phone: (904) 579-6418 Orange Park, Fla. 32073

Email: Blueice349@gmail.com

Property Information

Parcel ID: 40-03-26-018442-029-01 Zoning: Single Family Residential (RB)

Land Use: Urban Core 10 (UC-10)

Commission District: 3 (J. Renninger) BOA Date: July 24, 2025

Land Development Code Requirement

Article III, Section 3-17(b)(2) Accessory structures are prohibited within the side yard in the RB zoning district. ,

Applicant Request

After the fact Variance to the Clay County Land Development Code to allow for the placement of an accessory shed in the side yard.

Aerial Photo



Zoning and Land Use





Staff Assessment and Recommendation

The parcel is located on the west side of Eldridge Avenue along a private road behind a gated community in Orange Park. According to the Clay County Property Appraiser, the property contains a 3700 sf two-story home, and the lot is approximately 7,448 sf. The Applicant would like the ability to place an accessory structure in the side yard instead of the required rear yard. The request is an after-the-fact variance request as the application is the result of a code violation. A complaint was filed by the an adjoining property owner complaining the shed was impeding their access. The RB zoning district also requires a maximum of 30% building coverage and based on the lot size and the existing home, the applicant could have an approximately 89 sf shed on the property. The graphics provided by the Applicant indicate that the shed is 192 sf.

Mr. Meyer purchased the property in 2017. Currently the property is in the Urban Core 10 Land Use category. This Land Use does allow for denser communities, but the Land Use does not change the performance measures that are required in the Land Development Code. The code requires that all accessory structures in the RB zoning district be placed in the rear yard. That code requires a 7.5' setback off the property line for accessory structures and a maximum building coverage in the rear of 30%.

Mr. Meyer indicates that the rear yard cannot accommodate the structure, although the structure indicated would be over the maximum size for the lot. There is approximately 15' of space in the rear of the property. If an accessory structure were to be placed in the side yard, the structure would be clearly visibly from the street as the property apparently contains a shared driveway. This fact does not constitute hardship based on the land. The shared driveways are a characteristic of this residential development Staff finds that no

BOA 25-0010

hardship exists on the property, other than those that are common to other properties along this private road and therefore recommends denial.

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:

 That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands structures, or buildings in the same zoning district.

The subject property has no special conditions or circumstances associated with the land.

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

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 requirements of the RB zoning district

4) That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commouly 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 similar configuration along the street.

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 the placement of an accessory structure in the side yard. This request is not the ininimum necessary to accommodate the Applicant's storage shed.

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 along this private street, nor is the request consistent with the intent of the land development code.

