

# BOARD OF ADJUSTMENT MEETING June 26, 2025

June 26, 202 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 May 22, 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 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, June 26 5:00 PM

AGENDA ITEM TYPE:	
SUBJECT:	
FROM:	
10:	DATE:

# ATTACHMENTS:

Upload Description Type File Name Date

Board of Adjustment Meeting Minutes May 22, 2025

Backup 6/18/2025 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

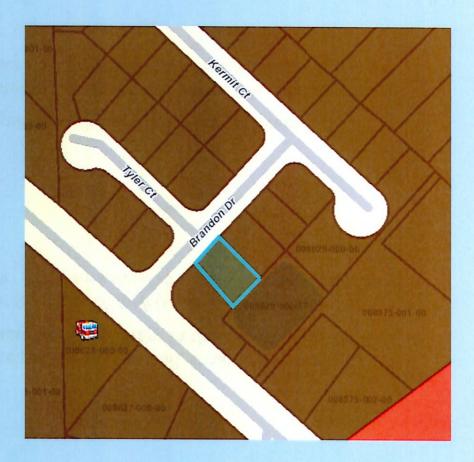
The parcel is located on the southeast side of Brandon Drive, northeast of Peoria Road and west of Doctors Lake Drive and is 0.183 acres in size. The parcel meets the definition as a lot-of-record.

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

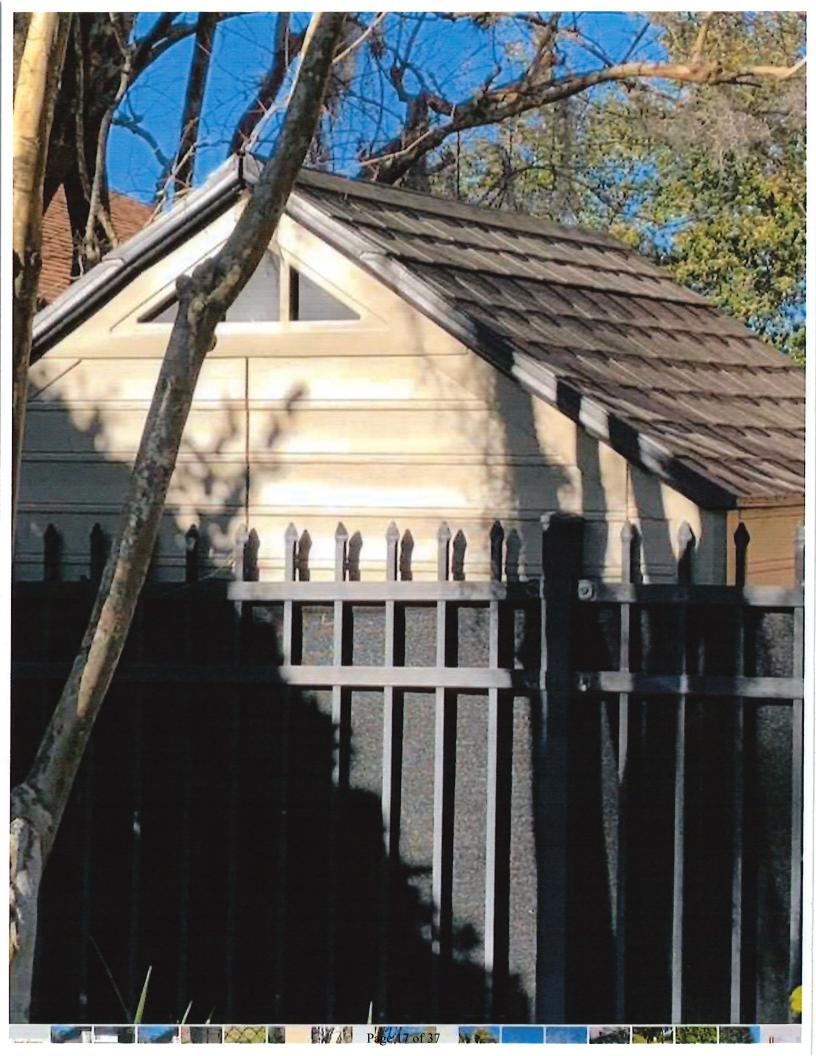
Essentially every home in the subdivision has a home built to exceed the limits of the zoning district. This fact does not constitute a hardship based on the land. Staff finds that no hardship exists on the property that would prevent the Applicant from complying with the code as written, in the fact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

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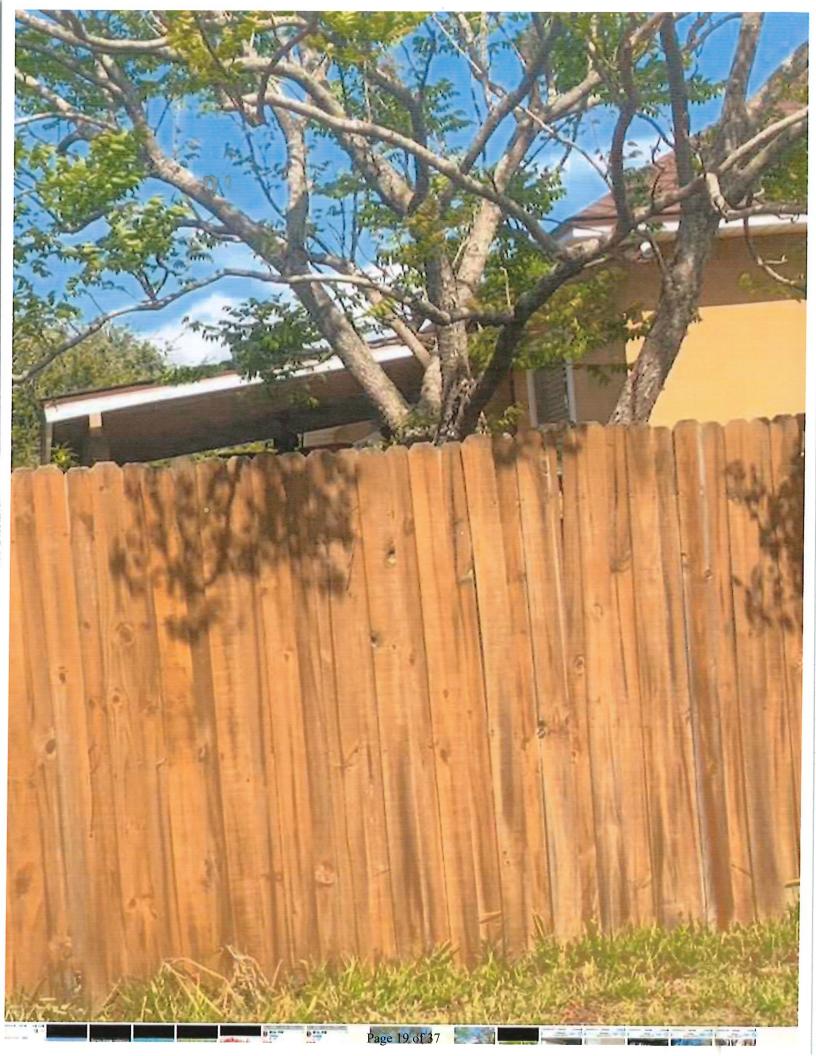
# **QUESTIONS**

# Attachment "B"

# Applicant Pictures of Surrounding Properties











# Agenda Item **BOARD OF ADJUSTMENT**

# Clay County Administration Building Thursday, June 26 5:00 PM

TO: Board of Adjustment Members	
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DATE:

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

Backup 6/18/2025 Application\_-\_Christopher\_J\_Chapman\_-Material 6/18/2025 \_2270\_Treasure\_Point\_Road.ADA.pdf application

Backup 6/18/2025 Site\_Plans\_with\_Proposed\_Pole\_Barn\_Section\_\_\_Site\_Photos\_v2.ADA.pdf proposed

plans Material

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, 3<sup>rd</sup> 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.

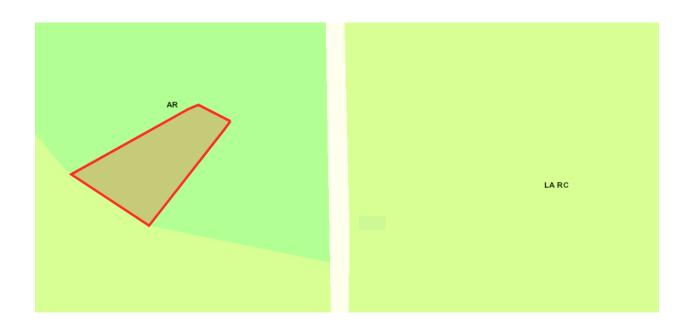
# **Applicant Request**

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.



# 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 John Chapman								
Owner's Address: 2270 Treasure Point Road								
City: Green Cove Springs		State: FL	Zip Code: 32043					
Phone: 904-451-3250	Email: cch	napman@dbkenyon.co	om					
Parcel Information								
Parcel ID #: 10-05-25-009205-065-00								
Parcel Address: 2270 Treasure Point Road, Green Cove Springs, FL 32043								
Authorized Agent Information (If Applicable)								
Agent's Name: N/A								
Agent's Address:			9					
City:		State:	Zip Code:					
Phone:	Email:							
Check here that the Owner's Agent Authorization	tion Form has	s been Completed & will be	e filed with this Application					
Nature of th	e Variance /	Appeal Request						
Please describe the request or appeal. Include	le the Section	of the Code from which a	variance is requested.					
Please see attached letter and supporting	documentat	ion for request of varia	ance.					
			,					

County Manager: Howard Wanamaker

District 1 Mike Cella District 2 Alexandra Compere District 3 Jim Renninger District 4
Betsy Condon

District 5 Dr. Kristen Burke

Required Attachments									
I have provided the required attachments: 🗹 Property Deed with Legal Description 🔽 Survey									
Agent Authorization if applicable									
Applicant Certification									
I, hereby, certify that I am the Owner(s) of the property described herein, that all answers to the questions in									
this application and all information contained in the material attached to, and made a part of this application,									
are accurate and true to the best of my knowledge and belief. Furthermore, if the package is found									
inconsistent with the above requirements, I understand that the application will be returned for correct									
information. I hereby acknowledge that the variance requested is my choice and have reviewed and agreed to									
all conditions listed in this application and the requirements in Article XII (12-10) of the Clay County Land									
Development Code. I also understand that the fees paid are non-refundable. For public notification, I									
acknowledge that the required SIGN(S) must be posted on the property by the Owner or Agent twenty-one									
(21) days in advance of the date of the public hearing. The sign(s) may be removed only after final action of									
the Board of Adjustment and Appeals and must be removed within ten (10) days of such action. I must									
also pay for the required public notice stating the nature of the proposed request which is required to be									
published in an approved newspaper AT LEAST FIFTEEN (15) DAYS IN ADVANCE OF THE PUBLIC									
<i>HEARING.</i> Advertising costs are payable by the applicant directly to the newspaper. Proof of publication is									
required prior to the public hearing.									
Owner Signature: Line   Date: 4/30/2028   Print Name: Christopher John Chapman									
Official Use									
Zoning: AR Land Use: LARC Application # BOA: BOA 25-0007									
BOA Meeting Date: Fees: X Residential (\$300.00) Non-Residential (\$500.00)									
June 26, 2025 # of Signs 1 x \$30.00 Per Sign = \$ 30.00									
Total Fee: \$									
Application Accepted By: Johnson Date: 5.13.25									
This area is reserved for future use.									

April 30, 2025

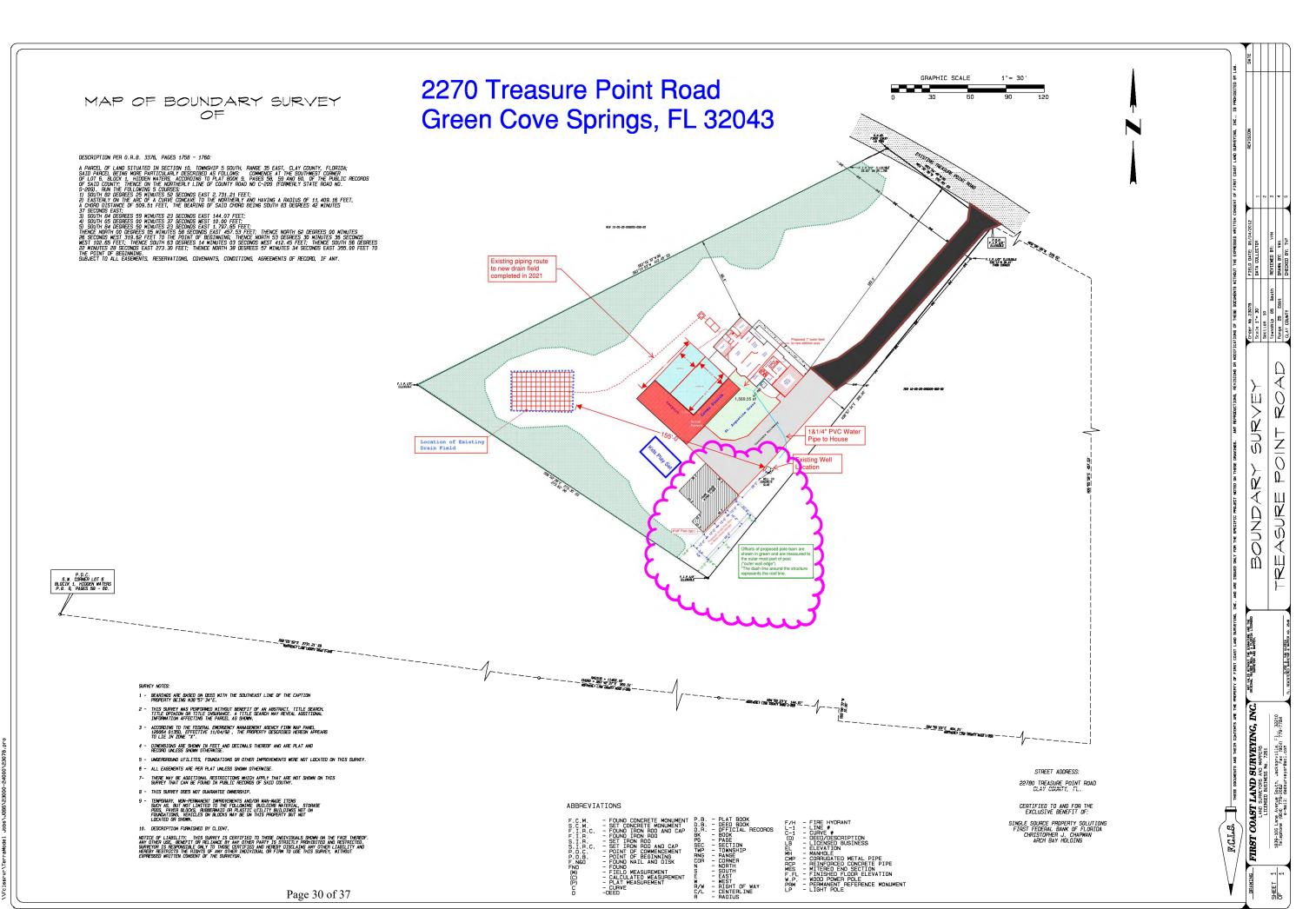
Board of Adjustment Appeal,

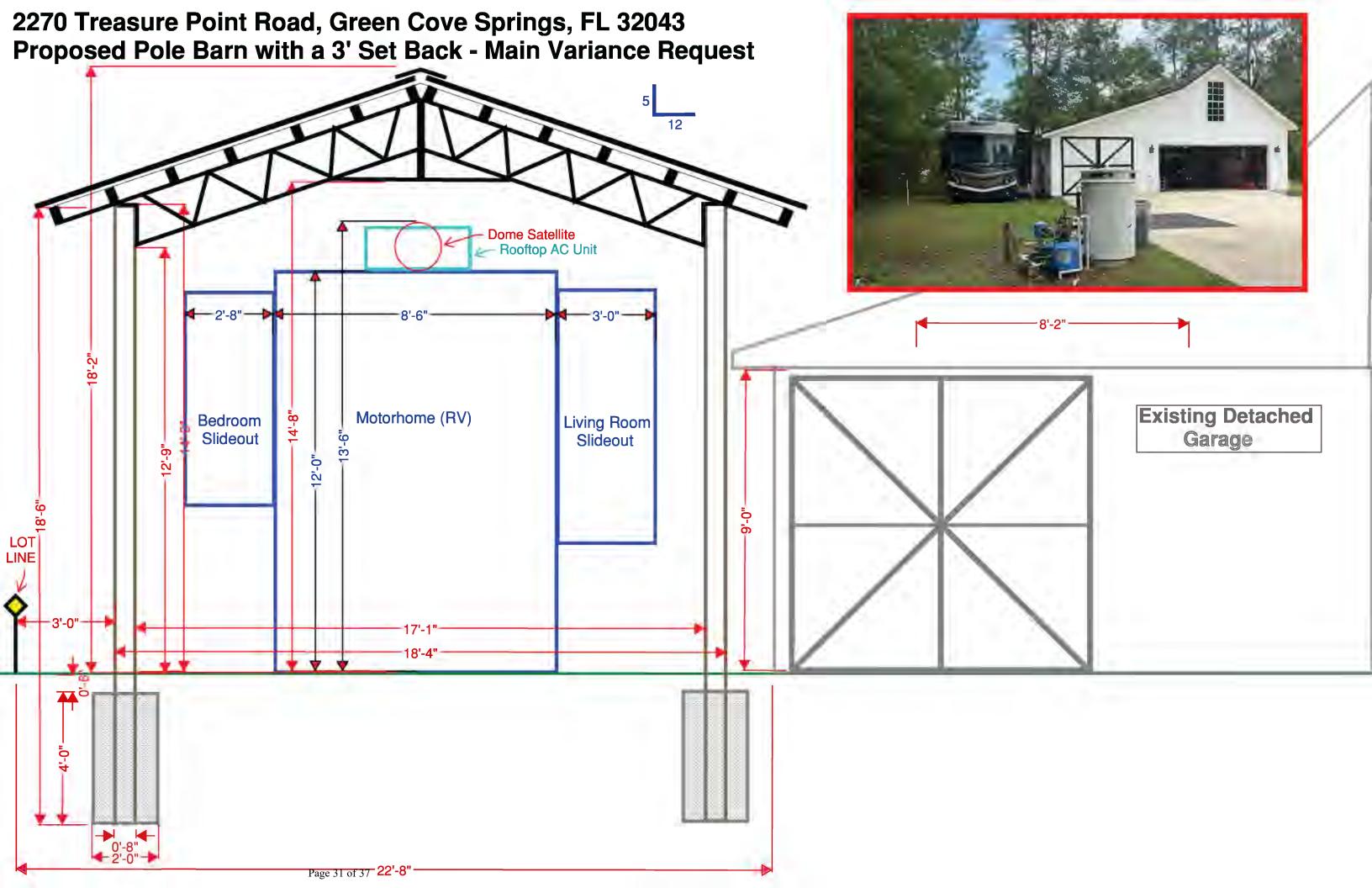
REF: Variance Request for Property 2270 Treasure Point Road Green Cove Springs, FL 32043

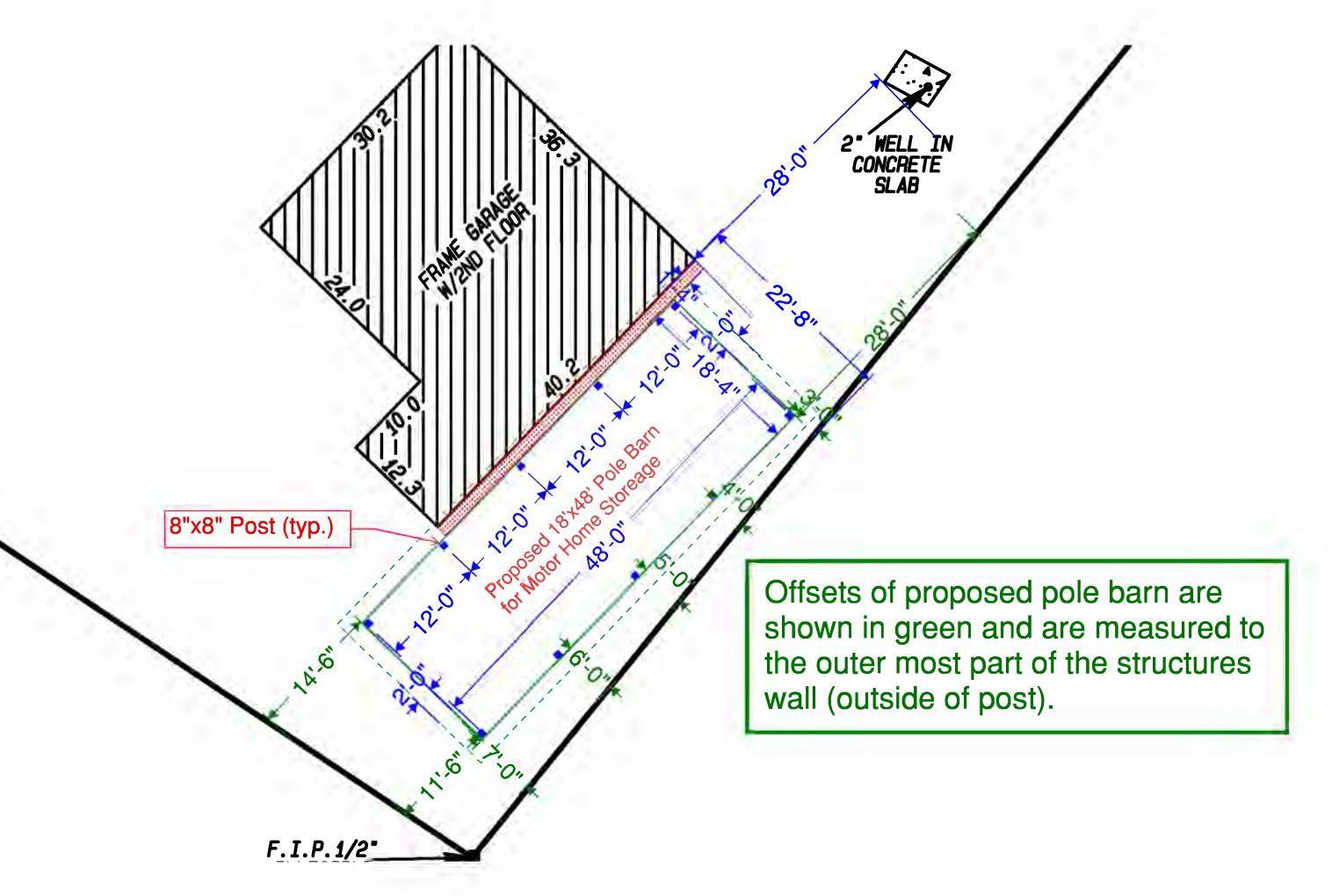
Section 3-17, (f) 6 (Single-Family Residential District (Zone AR)) of the Clay County Zoning and Land Use, requires a minimum setback of 7.5 feet from all property lot lines for Accessory Structures. I am requesting a variance to this required setback for a proposed open air pole barn structure to store my motorhome (RV is approximately 40' long) under to protect it from the elements when we are not using it. I currently use this area to park the motorhome, which is next to an existing detached garage that was built by the prior owner of our property. I already have a power hook up on that side of the garage to keep the RV plugged up while not in use. Due to the location of the existing detached garage and the existing well system (well, air tank, aeration tank, etc.), I only have approximately 28 feet of space between the corner of the garage and the well system equipment. In order to park my motorhome next to the garage requires me back in and make multiple back and forth adjustments in order to park it next to the garage. For me to be able to get the motorhome parked in this location, I must have a minimum of 15 feet of clear width from the proposed pole barn columns in order for me to clear the well equipment, the corner of the existing garage and not hit the first pole barn column when parking it. This is the bare minimum clearance I must have, but having a 17' clear width would make maneuvering the RV in an out much easier so I have a little grace room while backing in under the pole barn. I am requesting a variance to the required minimum set back of 7.5 feet down to a 3' set back as my initial request. If that is not allowed, I would kindly request a 5' set back. I can make a 5' set back work, but it is not ideal for overall function for me. In addition, I have also discussed this proposed structure with my neighbor and they take no objection to my proposed location and support my variance request of a 3' or 5' setback. Please see attached letter. This variance request, if approved, will allow me to opportunity to submit for a building permit for a 18'x48' sized pole barn that I will truly meet my needs or at a minimum a 16'x48' pole barn that would work, but an extremely tight fit for usage. This variance would not create any adverse effect on the residents of clay county. I appreciate the boards time and its consideration of my requested variance.

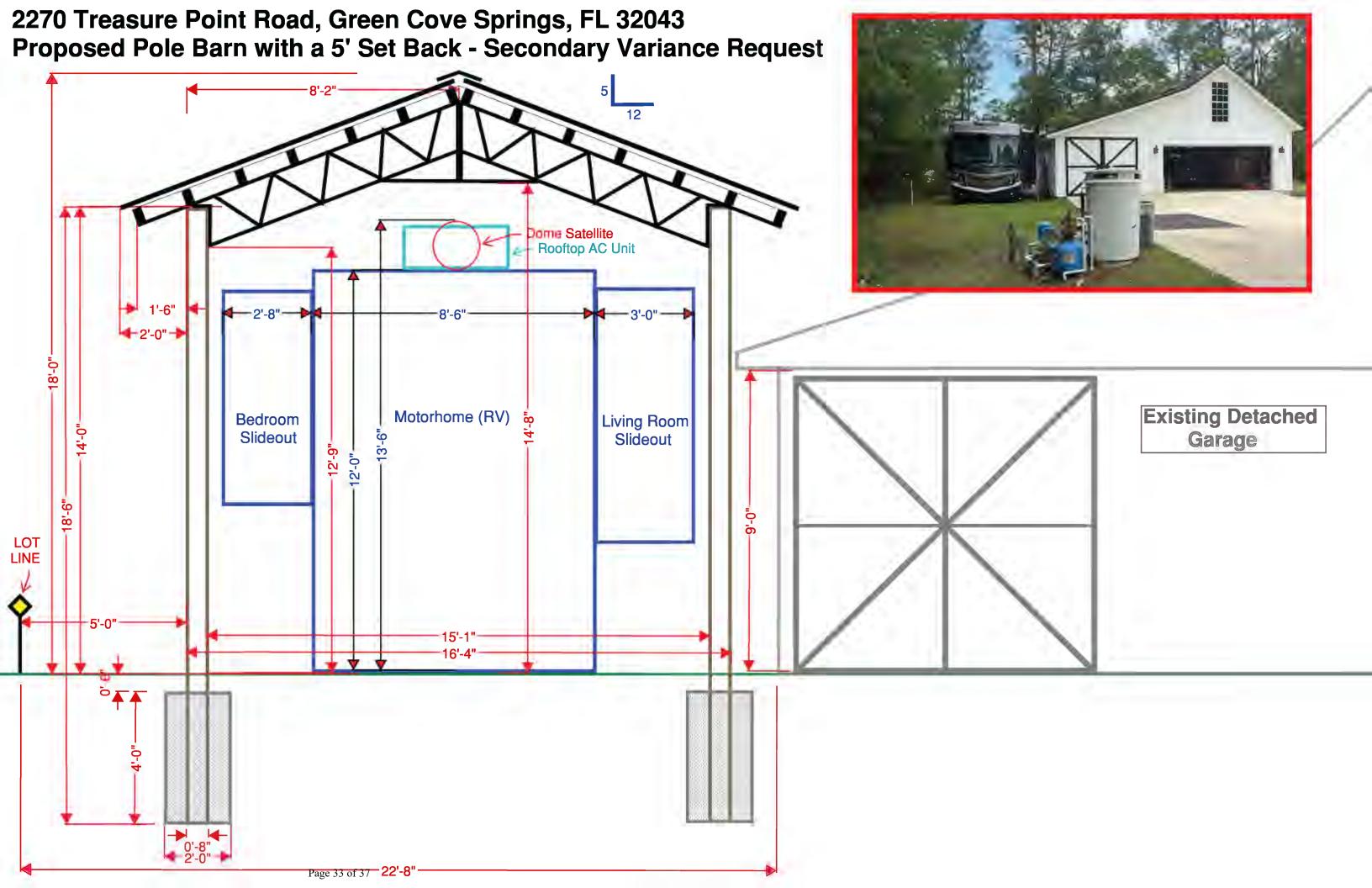
Regards,

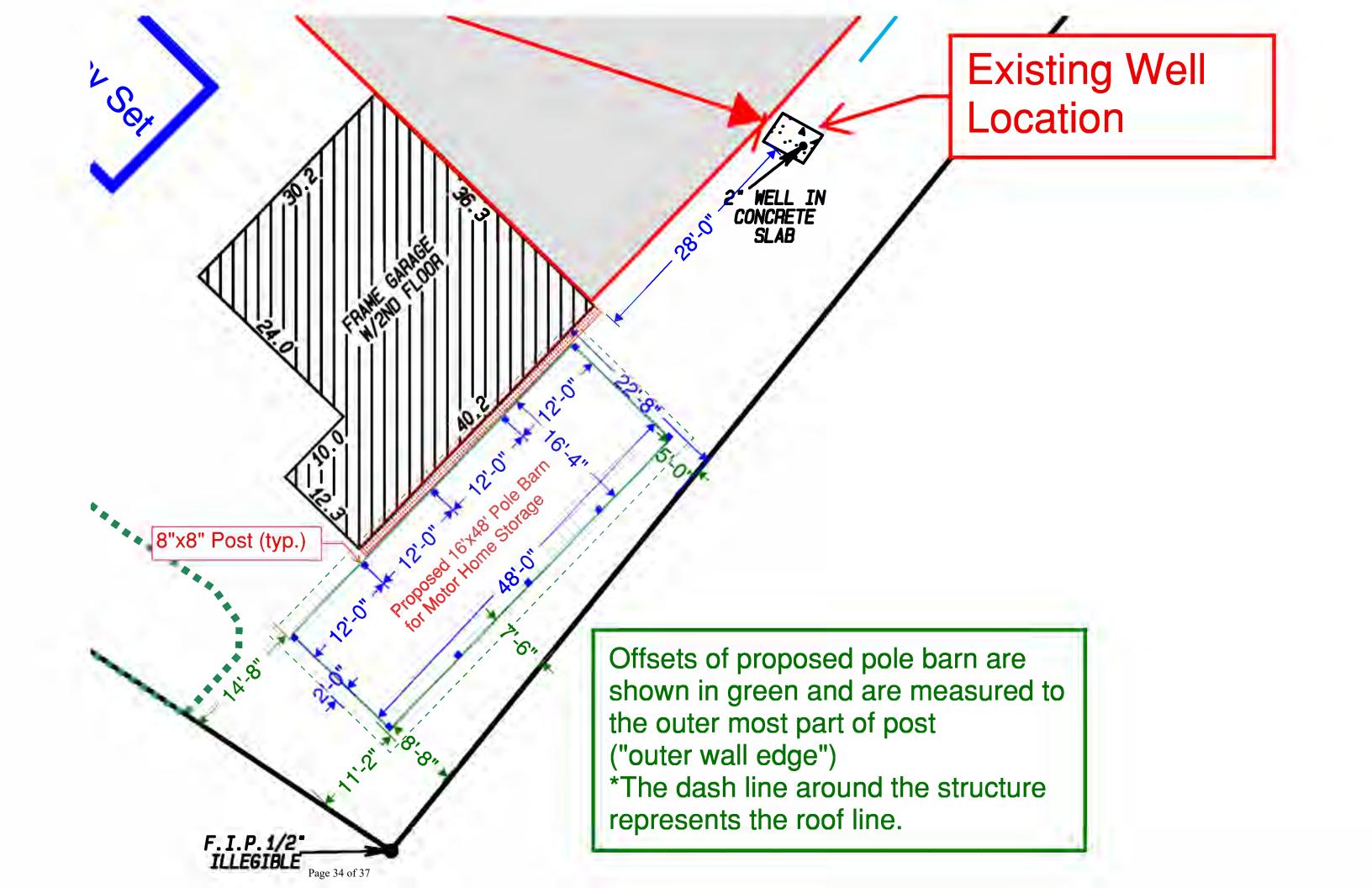
Christopher John Chapman

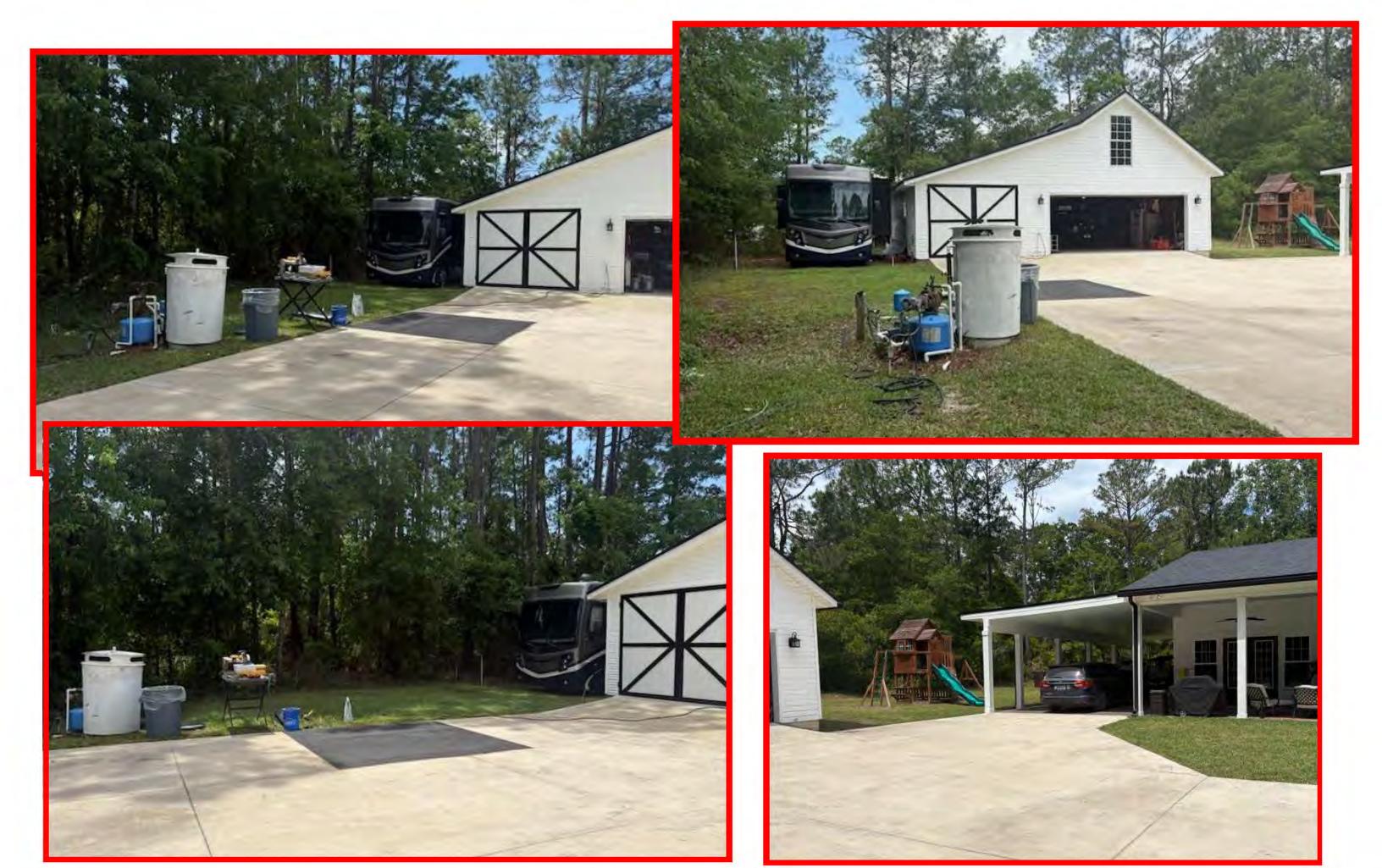




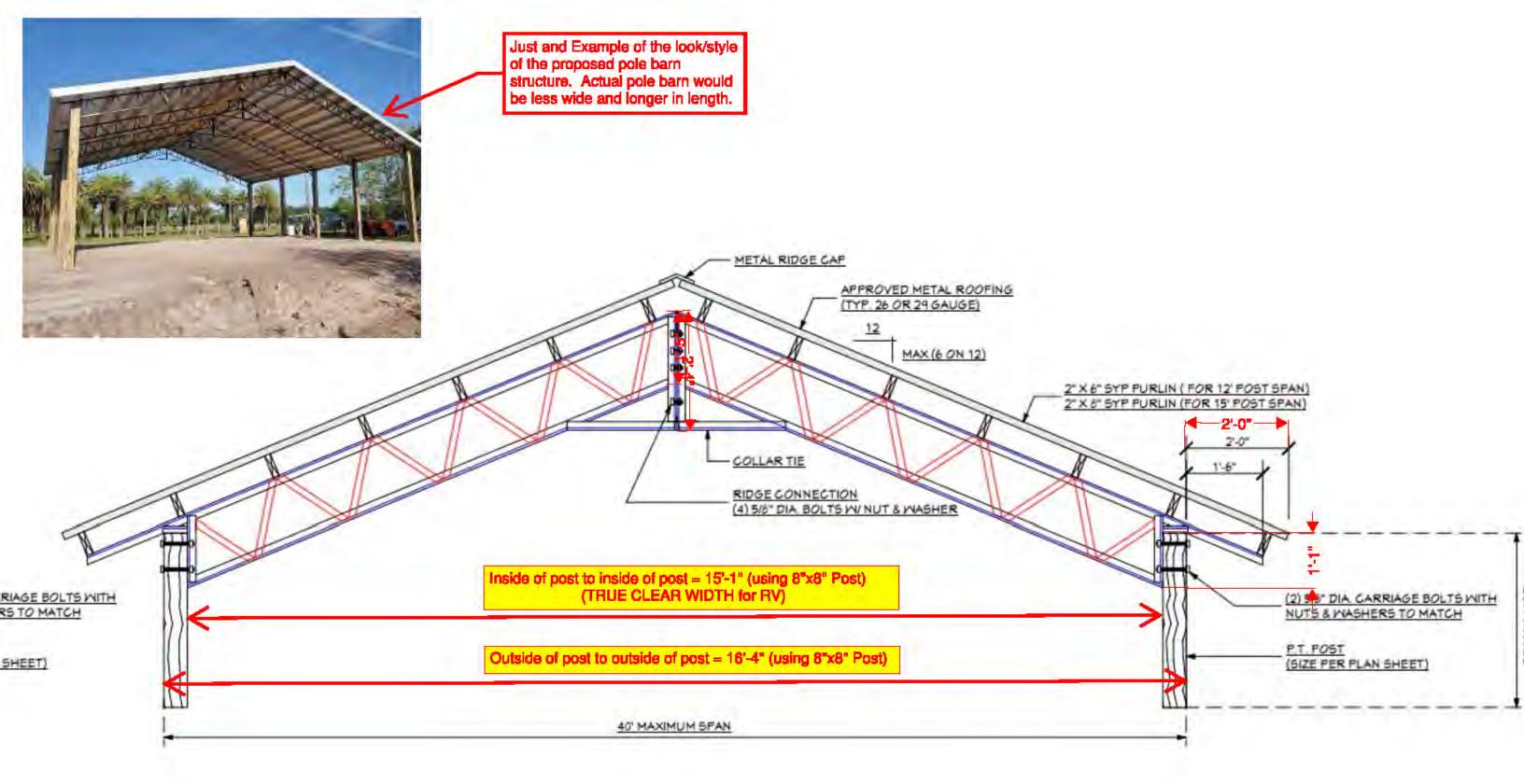








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April 30, 2025

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: