

#### BOARD OF ADJUSTMENT MEETING

August 28, 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 July 24, 2025.

#### **PUBLIC COMMENT**

#### **PUBLIC HEARINGS**

PUBLIC HEARING TO CONSIDER BOA 25-0008
 This item was continued by the Board for further investigation into the property.

A request to consider placement of detached garage in front yard in RA Zoning District.

2. PUBLIC HEARING TO CONSIDER BOA 25-0010

This item was continued by the Board for further investigation of the property.

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

#### **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, August 28 5:00 PM

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

#### ATTACHMENTS:

Upload File Name Description Type Date

Board of Adjustment Meeting Minutes July 24, 2025  ${\tt Backup \ Material \ 8/7/2025 \ Board\_of\_Adjustment\_Meeting\_Minutes\_and\_Attachments\_July\_24\_\_2025.ADA.pdf}$ 



#### **BOARD OF ADJUSTMENT MEETING MINUTES**

July 24, 2025 6:00 PM Administration Building, 4th Floor, BCC Meeting Room, 477 Houston Street, Green Cove Springs, FL 32043

#### **CALL TO ORDER**

**Present:** Keith Hadden, Chairman

Nykki Van Hof Brandon Ludwig

**Absent:** Brian Kraut

Tom Goldsbury, Vice-Chairman

**Staff Present:** County Attorney Courtney Grimm

Zoning Chief Jenni Bryla

Director of Planning and Zoning Beth Carson

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

#### **APPROVAL OF MINUTES**

Board of Adjustment Meeting Minutes May 22, 2025.

Board of Adjustment Meeting Minutes June 26, 2025.

Brandon Ludwig made a motion for approval for the May 22, 2025, and June 26, 2025, BOA meeting minutes, seconded by Nykki Van Hof, which carried 3-0.

#### **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 5:02 pm.

#### **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.

Item One (1) can be seen at www.claycountygov.com/government/clay-county-tv-and-video-archive/Board of Adjustment/July 24, 2025, beginning at 1:43 and ending at 18:20. 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-25-0007, as identified above. See Attachment A.

Christopher Chapman, 2270 Treasure Point Road, Green Cove Springs, Florida, addressed the Board to provide more details and information regarding the requested variance and answer questions from the Board.

There were questions and discussions regarding the 5-foot setback, the position, placement, size of the structure and the buffer in place.

Chairman Keith Hadden opened the floor for the public hearing at 5:16 pm.

Hearing no comments, Chairman Keith Hadden closed the public hearing at 5:16 pm.

The Board continued discussions regarding the buffer and the letter of support from the neighbor regarding the change.

Brandon Ludwig made a motion for approval of BOA-25-0007 as requested, seconded by Nykki Van Hof, which carried 2-1, with Chairman Keith Hadden in opposition.

#### PUBLIC HEARING TO CONSIDER BOA 25-0008

A request to consider placement of detached garage in front yard in RA Zoning District.

Item Two (2) can be seen at www.claycountygov.com/government/clay-county-tv-and-video-archive/Board of Adjustment/July 24, 2025, beginning at 18:21 and ending at 40:18. 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-25-0008, as identified above. See Attachment B.

Gage Chancey, 4972 Harvey Grant Road, Fleming Island, Florida, addressed the Board to provide more details and information regarding the requested variance and to answer questions from the Board.

There were questions and discussions regarding the size and placement of the structure, as well as any objections from neighbors (none), and the additional parcel purchased.

Chairman Keith Hadden opened the floor for the public hearing at 5:33 pm.

Hearing no comments, Chairman Keith Hadden closed the public hearing at 5:33 pm.

The Board continued discussions regarding the size of the structure, its placement in the backyard, doing a site visit, and the continuation of the item.

Brandon Ludwig made a motion for approval to table the item for consideration, seconded by Nykki Van Hof, which carried 3-0.

#### 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.

Item Three (3) can be seen at www.claycountygov.com/government/clay-county-tv-and-video-archive/Board of Adjustment/July 24, 2025, beginning at 40:44 and ending at 1:17:15. 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-25-0010, as identified above. See Attachment C. Ms. Bryla also provided a handout/email submitted to staff regarding the request. See Attachment D.

Staff and the Board discussed the location of the property.

Michael Meyer, 3859 Eldridge Avenue, Orange Park, Florida, addressed the Board to provide more details and information regarding the requested variance and answer questions from the Board.

There were questions and discussions regarding surrounding properties, previous knowledge of ownership and development of the property, purchase date by current owner, code enforcement case, the shared driveway, ownership of other properties, placement of the structure, percentage of coverage and size of the structure, size of the home and the lot, discussions with the Town of Orange Park, water and sewer, removal and replacement of the structure.

Chairman Keith Hadden opened the floor for the public hearing at 6:00 pm.

Hearing no comments, Chairman Keith Hadden closed the public hearing at 6:00 pm.

The Board continued discussions regarding all the above-mentioned topics, as well as possibly relocating the structure, requesting a new variance, modifying the application, the date the shed was originally on the property, and continuing the item.

Following all discussions, Chairman Keith Hadden made a motion for a continuance, seconded by Brandon Ludwig, which carried 3-0.

#### PUBLIC COMMENT

Chairman Keith Hadden opened the floor for public comment at 6:17 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 6:17 pm.

#### **ADJOURNMENT**

Hearing no further business	, Chairman Keith Hadden adjourned the meeting at 6:18 pm
Attest:	
Committee Chairman	Recording Deputy Clerk

Jenni Bryla, Zoning Chief, mentioned the next meeting would be August 28, 2025.

# Attachment "A" BOA-25-0007



# **BOARD OF ADJUSTMENT**

BOA-25-0007

**Public Hearing** 

June 24, 2025

### APPLICATION INFORMATION

Applicant: Christopher Chapman

Location: 2270 Treasure Point Road, Green Cove Springs, Fla. 32043

Request: Variance to the Clay County Land Development Code, Article III, Section 3-

17(f)(6) to allow for a side setback of 3' for the placement of an open-air pole barn

in the AR zoning district.

# Aerial





View of beginning of treasure point road.

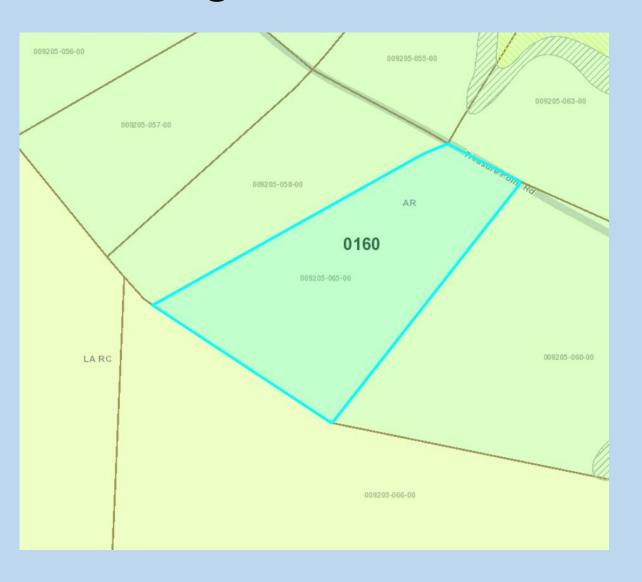
# Background

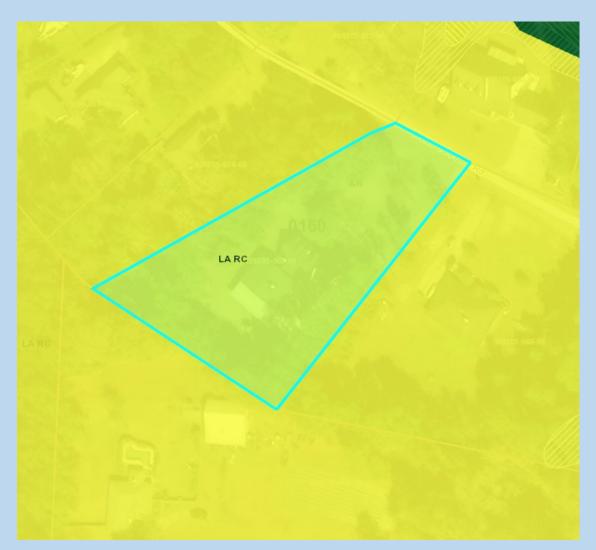
The parcel is located on the southwest side of Treasure Point Road, west of the Mariners Road, and is 1.55 acres in size. The lot is roughly 110' wide at the street going back to approximately 455' wide at the west end.

Mr Chapman purchased the property in 2012. Currently property is in the Lake Asbury Rural Community Land Use category. This zoning would require a 5' side setback but since the property is in the AR zoning district, which means the property owner at the time probably opted out of the Master Plan requirements. This 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 the pole barn on the property to park a recreation vehicle. The Applicant does have an oversized garage and the lot itself does not contain any hardship that other lots in the neighbor do not also have.

# Zoning & Land Use





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 circumstances associated with the land.

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.

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

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 required. The Applicant himself said that 5' would accommodate his needs.

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.

#### Recommendation

Staff finds that no hardship exists on the property other that 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 however does recommend approval of the request to 5' based on the reduced setbacks in the Lake Asbury master plan.

# **QUESTIONS**

# Attachment "B" BOA-25-0008



# **BOARD OF ADJUSTMENT**

BOA 25-0008

**Public Hearing** 

July 24, 2025

## APPLICATION INFORMATION

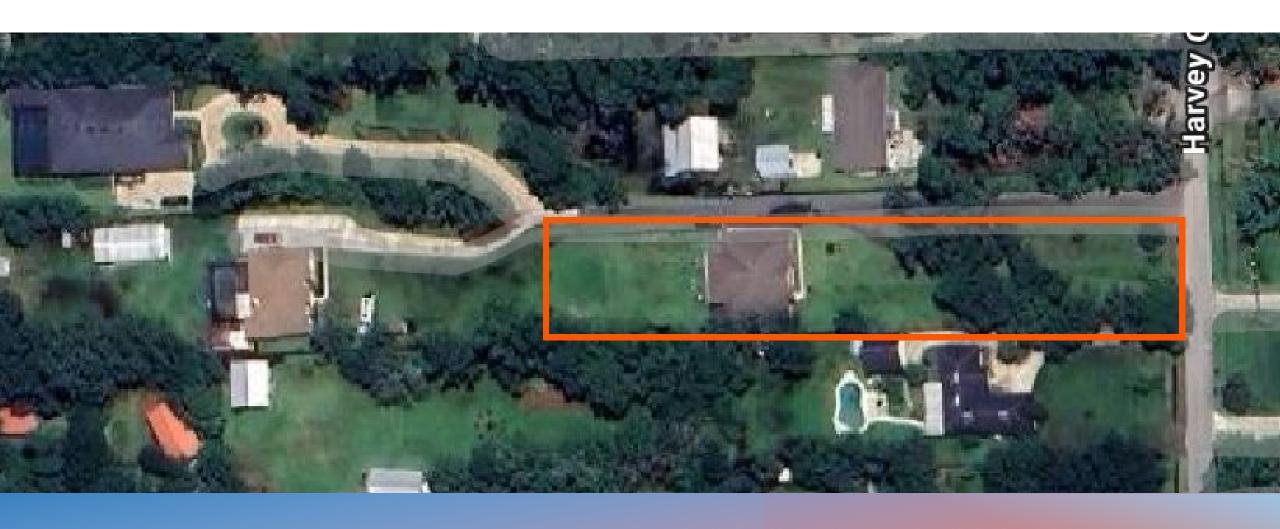
Applicant: Gage Chancey

Agent: N/A

Location: 4972 Harvey Grant Road, Fleming Island, FL 32003

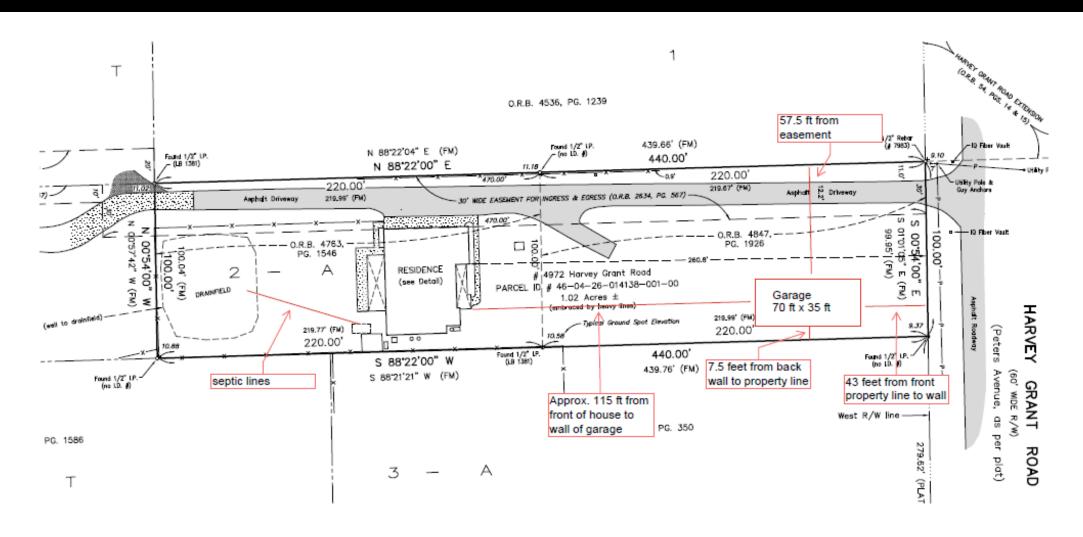
Request: Variance to Article III, Section 3-16(b)(2), to place an accessory structure

in the front yard.



# Aerial

# **Proposed Location**





# **Front Elevation of Home**



# **Proposed Elevation of New 4 Bay Garage**

# Background

The parcel is located off North Pine Avenue on Harvey Grant Road in Fleming Island.

The parcel is in the RA zoning district with a future land use designation of Rural Fringe.

The parcel is part of the Hollywood Forest Subdivision recorded in 1950. Clay County Property Appraiser information indicates the house was built in 2007 after the adoption of the Land Development Code in the County.

The applicant wishes to construct a detached garage on the front of his parcel. The location of the existing residential unit on the lot, along with the drain field location, would require the new structure to be placed on the opposite side of the lot.

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.

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

The primary residence is located approximately 261 feet from the west property line. The drain field is located in the east portion of the property and the primary residence has no available space directly behind the home.

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 placing the accessory structure in the front yard which is not compliant with the current Land Development Code.

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 RA zoning district. However, the existing primary residential structure was placed in the present location prior to this owner purchasing the property. The literal interpretation of the ordinance would not allow for the accessory structure to be placed in the front yard.

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 construction of a detached garage to be placed in the front yard. This variance is requested due to circumstances created by the owner of the property at time of construction and not this applicant.

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

The granting of the variance will allow for the construction of a 4-bay detached garage on the east side of the residential unit. The granting of the variance may be visually injurious or otherwise detrimental to the public welfare.

# Recommendation

Staff finds that the requested variance to place an accessory structure within the front yard in RA zoning district is not consistent with the Land Development Code.

Staff recommends denial of the request to allow construction of the detached garage within the front yard.

# **QUESTIONS**

# Attachment "C" BOA-25-0010



# **BOARD OF ADJUSTMENT**

BOA 25-0010

**Public Hearing** 

July 24, 2025

## APPLICATION INFORMATION

Applicant: Michael Meyer

Agent: N/A

Location: 3859 Eldridge Avenue, Orange Park, FL 32073

Request: Article III, Section 3-17(b)(2) Accessory structures are prohibited within

the side yard in the RB zoning district.



# Front Elevation of Home with accessory structure





# **Proposed Elevation of New 4 Bay Garage**

# Background

The parcel is located on the west side of Eldridge Avenue along a private road behind a gated community in Orange Park.

The parcel is in the RB zoning district with a future land use designation of Urban Core 10.

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 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.

# 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.

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

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

# 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 requirements of 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 configuration along the street.

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

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

# Recommendation

Staff finds that the requested variance to place an accessory structure within the side yard in RB zoning district is not consistent with the Land Development Code.

Staff recommends denial of the request to allow the accessory structure to remain within the side yard.

# **QUESTIONS**

# Attachment "D" BOA-25-0010 Letter/Email

#### Jenni Bryla

From:

Dodie C. Selig

Sent:

Tuesday, July 22, 2025 4:52 PM

To:

Jenni Bryla

Subject:

Fw: Additional information for BOA 25-0010

Attachments:

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Sent via the Samsung Galaxy S23 5G, an AT&T 5G smartphone Get Outlook for Android

From: Charlene Birchell <crlute@yahoo.com> Sent: Tuesday, July 22, 2025 4:40:54 PM

To: Dodie C. Selig <Dodie.Selig@claycountygov.com>; Jenni.brlya@claycountygov.com

<Jenni.brlya@claycountygov.com>

Subject: Additional information for BOA 25-0010

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello! I'm hoping this email goes into the correct place. I have attached documentation from permit #04110754 regarding the property at 3859 Eldridge Ave, orange park Florida. I have also attached pictures of said document to highlight a few points.

The current owner of this property is attempting to keep a shed that is inappropriately sized and goes well over my property line and impedes access. The shed in question was required to be moved when I bought my home in 2021 at 3861 Eldridge Ave. It was brought back a few months later with a threat that if we report him he would divide our driveway, further impacting access to the road and my home. Photos that were attached for BOA 25-0010 implies that the driveway belongs solely to him and that the shed is located where my inside office currently is. The original documents show the actual placement of his house and property lines with a shared driveway.



# Agenda Item BOARD OF ADJUSTMENT

#### Clay County Administration Building Thursday, August 28 5:00 PM

TO: Board of Adjustment Members	DATE:
FROM: Jenni Bryla, Zoning Chief	
SUBJECT: This item was continued by the Board for further investigation	ation into the property.
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



## BOA Application # 25-0008 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: 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)

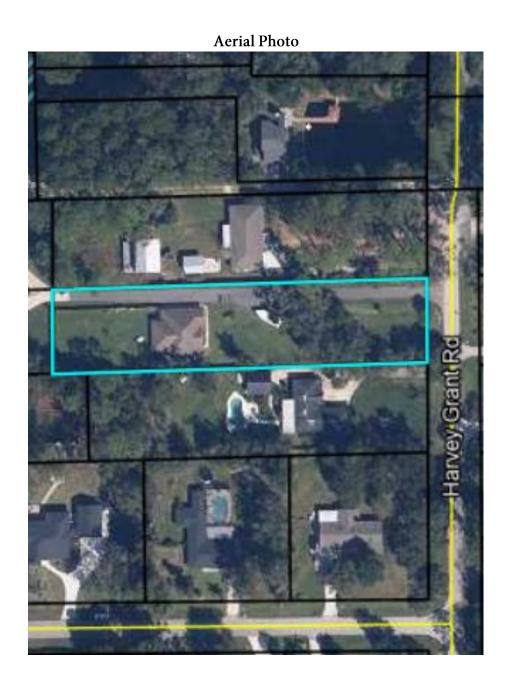
Commission District: District 1 || John Sgromolo BOA Date: July 24, 2025

#### 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.

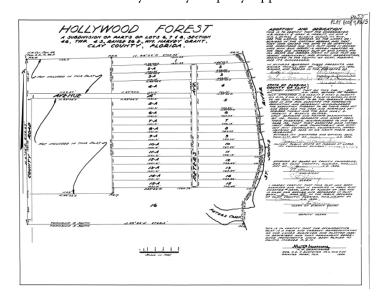


#### Staff Assessment and Recommendation

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, August 28 5:00 PM

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

FROM: Jenni Bryla, Zoning Chief

#### SUBJECT:

This item was continued by the Board for further investigation of the property.

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 for BOA 25- Material 0010

Material .

existing Backup 7/17/2025 Staff Report 25-0010 jb.ADA.pdf 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, 3<sup>rd</sup> 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.

