



## BOARD OF ADJUSTMENT MEETING MINUTES

October 24, 2024

6:00 PM

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

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### **CALL TO ORDER**

**Present:** Keith Hadden, Chairman  
Tom Goldsbury, Vice-Chairman  
Nykki Van Hof  
Brandon Ludwig

**Absent:** Brian Kraut

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

Chairman Keith Hadden called the meeting to order at 6:00 pm.

### **APPROVAL OF MINUTES**

Board of Adjustment Meeting Minutes August 22, 2024

Vice-Chairman Tom Goldsbury made a motion for approval for the August 22, 2024, BOA meeting minutes, seconded by Brandon Ludwig, which carried 4-0.

### **PUBLIC COMMENT**

Chairman Keith Hadden opened the floor for public comment at 6:01 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 6:01 pm.

### **PUBLIC HEARINGS**

1. Public Hearing to consider Application BOA 24-0011; Variance to Article VI, Sec. 6-5 of the County Land Development Code.  
Variance to the Clay County Land Development Code, Article III, Section 6-5(5)(a) to remove the requirement for canopy trees within the interior landscape area.

*BOA-24-0011 can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Board of Adjustment/October 24, 2024](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Board%20of%20Adjustment/October%2024,%202024), beginning at 1:29 and ending at 34:05. Below is a summary of the discussion and vote for this agenda item.*

Mike Brown, Zoning Chief, presented a PowerPoint presentation for the public hearing

to consider BOA-24-011, a variance to Article VI, Section 6-5 of the county land development code to remove the requirement for canopy trees. See Attachment A.

There were questions and discussions regarding the landscape code/plan, placement of trees, and security issues.

Jeff York, 1000 Riverside Avenue, Jacksonville, Florida, Agent for the applicant, and Jeremy White, 1434 Marco Polo - PNC Bank, addressed the Board to provide more details and information regarding the requested variance to remove the requirement for canopy trees within the interior landscape area.

More questions and discussions were had regarding the landscape plan, placement, reason for eliminating trees, maintaining the security in the parking lot, ownership of surrounding property, what prompted the change, number of trees, ADA parking, ATM location, and addition of smaller trees or shrubs.

Chairman Keith Hadden opened the floor for the public hearing at 6:30 pm.

Hearing no comments, Chairman Keith Hadden closed the public hearing at 6:30 pm.

Vice-Chairman Tom Goldsbury made a motion for approval to eliminate the canopy trees; continued discussions were had regarding replacement landscape, the motion was seconded by Brandon Ludwig, which carried 4-0.

2. Public Hearing to consider Application BOA 24-0012; Variance to Article III, Sec. 3-13(f)(5) of the County Land Development Code.

Variance to the Clay County Land Development Code, Article III, Section 3-13(f)(5) to reduce the minimum side setback from 20 feet to 10 feet in the AR zoning district.

*BOA-24-0012 can be seen at [www.claycountygov.com/government/clay-county-tv-and-video-archive/Board of Adjustment/October 24, 2024](http://www.claycountygov.com/government/clay-county-tv-and-video-archive/Board%20of%20Adjustment/October%2024), beginning at 34:13 and ending at 42:55. Below is a summary of the discussion and vote for this agenda item.*

Mike Brown, Zoning Chief, presented a PowerPoint presentation for the public hearing to consider BOA-24-0012, a variance to the Clay County Land Development Code, Article III, Section 3-13(f)(5) to reduce the minimum side setback from 20 feet to 10 feet in the AR zoning district. See Attachment B.

There were questions and discussions regarding surrounding properties and zoning.

Brett Parrish, 6250 Lake Drive, addressed the Board to provide more details and information regarding the requested variance to reduce the minimum side setback from 20 feet to 10 feet in the AR zoning district.

Chairman Keith Hadden opened the floor for the public hearing at 6:42 pm.

Hearing no comments, Chairman Keith Hadden closed the public hearing at 6:42 pm.

Brandon Ludwig made a motion for approval of the request, seconded by Vice-Chairman Tom Goldsbury, which carried 4-0.

### **PUBLIC COMMENT**

Before public comment, Mike Brown, Zoning Chief, addressed the Board to speak about the next BOA meeting. The November meeting will be combined with the December 19, 2024 meeting.

Mr. Brown spoke about his retirement, said this would be his final BOA meeting, and introduced Jenni Bryla, Zoning Chief.

The Board thanked Mr. Brown for all his hard work, wished him well in his retirement, and welcomed Ms. Bryla.

Chairman Keith Hadden opened the floor for public comment at 6:45 pm.

Hearing no comments, Chairman Keith Hadden closed the public comment at 6:45 pm.

### **ADJOURNMENT**

Hearing no further business, Chairman Keith Hadden adjourned the meeting at 6:45 pm.

Attest:

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Committee Chairman

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Recording Deputy Clerk

**Attachment**

**“A”**

**BOA-24-0011**



# BOARD OF ADJUSTMENT

BOA-24-0011

Public Hearing

October 24, 2024

# APPLICATION INFORMATION

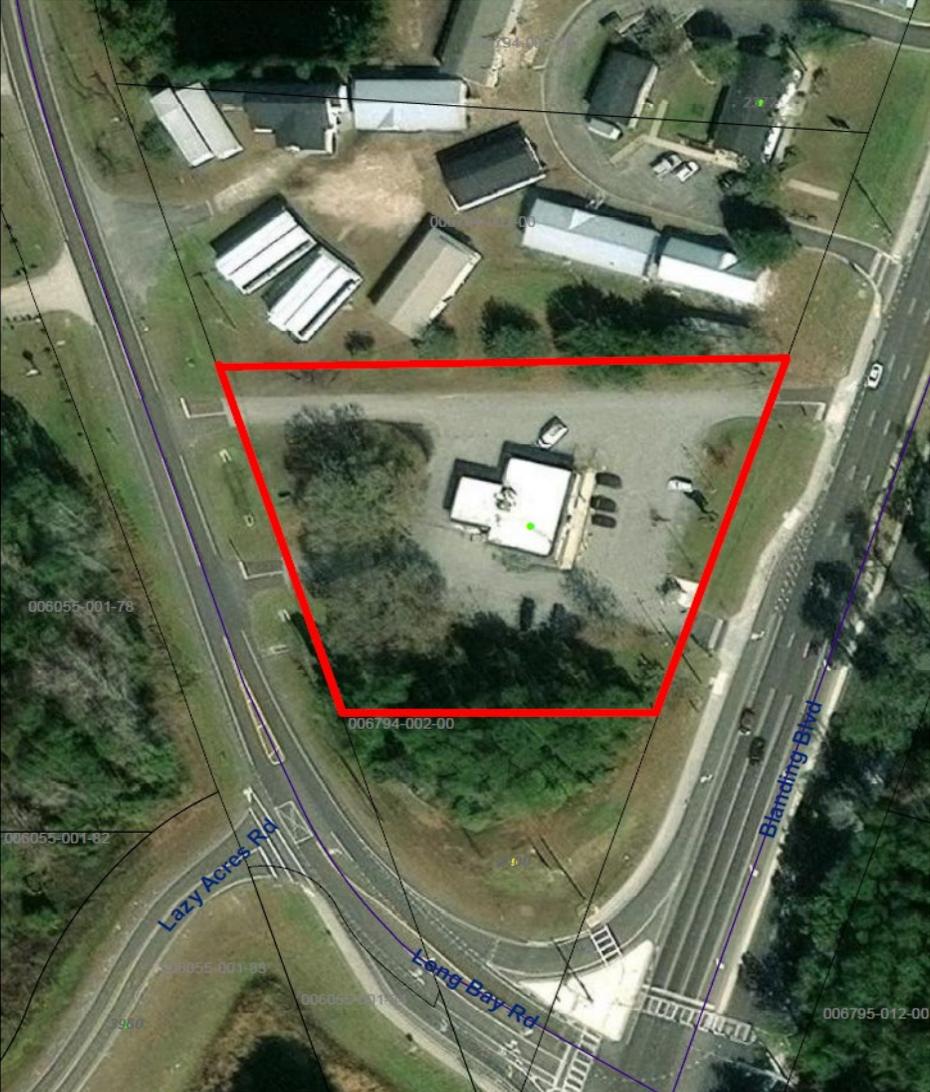
Applicant: Compass Bank (PNC Bank, NA)

Agent: Harold Timothy Gillis

Location: 2380 Blanding Blvd.

Request: Variance to the Clay County Land Development Code, Article III, Section 6-5(5)(a) to remove the requirement for canopy trees within the interior landscape area.

# Aerial



# Background

The parcel is located just north of the intersection of Branan Field Blvd. and Long Bay.

The parcel is located in BF PUD zoning district with a future land use designation of BF Community Center.

The use of the site has been and will continue as a bank.

Pursuant to Sec. 3-33.A. IV.2 existing nonresidential uses within the BF Master Plan area are exempt from the requirements of the Master Plan and LDRs and are subject to the applicable regulations at the time of adoption of the Master Plan (2004). However, such uses must meet the parking, landscaping, architectural and other applicable standards of the LDRs.

The landscaping requirements of Article VI Sec. 6-5(5)(a) requires the at least ten percent of the interior vehicle use area to be landscaped. This interior landscape area shall contain sufficient canopy trees to receive at least two tree points per 150 square feet of gross landscape area.

The applicant is requesting a variance to the Land Development Code to remove the requirement to provide canopy trees within the interior landscape area.

The applicant has indicated that the required canopy trees will obscure security cameras which are necessary for the functionality of the property as a bank. The applicant maintains that the required canopy trees will obscure views of the parking area, the sidewalks, and the drive-up ATM, according to the application material.

# 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.**

*There are no special conditions peculiar to the land, structure or building which are not applicable to the lands, structures or buildings in the same zoning district. The application indicates that security of the bank use on site will be compromised due to the canopy trees obscuring view of the security cameras. No other bank use has indicated this concern previously.*

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

*The special conditions and circumstances are not a result of an action by the applicant.*

# 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 in the BF PUD and BF CC land use designation by removing the requirement for canopy trees. All other development in the BF CC land use are required, a minimum, to provide adequate canopy trees to meet two tree points per 150 square feet of gross landscape area.*

**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 BF CC land use. All other developments in the BF CC land use, including other banks have been able to comply with the required tree points set forth in Sec. 6-5(a).*

# 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, to not require canopy trees in the interior landscape area, is not the minimum variance that will make possible the beneficial use of the land, building or structure.*

**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 Code. All development in the County is required to comply with Sec. 6-5(5)(a) and provide canopy trees in the interior landscape area to meet the required tree points. If the applicant's supposition that safety will be compromised by the required canopy trees, then the requested variance will not be injurious or otherwise detrimental to the public welfare.*

# Recommendation

Staff finds that the requested variance to remove the requirement for canopy trees in the interior landscape area is not consistent with the Land Development Code.

Staff recommends denial of the request to not require canopy trees consistent with Sec. 6-5(5)(a) of the Land Development Code for this parcel.

# QUESTIONS

**Attachment**  
**“B”**  
**BOA-24-0012**



# BOARD OF ADJUSTMENT

BOA-24-0012

Public Hearing

October 24, 2024

# APPLICATION INFORMATION

Applicant: Brett & Talisha Parrish

Agent: Robert Jackson

Location: 6250 Lake Drive

Request: Variance to the Clay County Land Development Code, Article III, Section 3-13(f)(5) to reduce the minimum side setback from 20 feet to 10 feet in the AR zoning district.



# Background

The parcel is located on Kingsley Lake east of S.R. 230 and is 0.327 acres in size.

The parcel meets the definition as a lot-of-record.

The parcel has two zoning districts with AR-2 on the portion fronting Kingsley Lake and AR zoning on the remainder of the property.

The AR-2 district requires a minimum side setback of 10 ft. while the AR district requires a minimum 20 ft side setback.

The majority of the parcel is 50 ft. in width, which is narrower than the required 100 ft. minimum width for both the AR and AR-2 zoning districts. The required 20 ft. side setback for the AR zoned portion of the property limits the width of the buildable area to 10 ft. for that portion of the parcel that is 50 ft. wide.

# Zoning



# 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 has two zoning districts which bisects the property almost in half. The two zoning districts, AR and AR-2, have differing side setbacks. The parcel is 50 ft wide for the majority of the length. The minimum requires side setback for the AR zoning district is 20 ft. which severely restricts the buildable portion of the parcel that is zoned AR and only 50 ft. wide.*

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

*The special conditions and circumstances are not a result of an action by the applicant.*

# 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 in the AR zoning district by reducing the minimum side yard setback. However, in most cases the entire parcel is zoned AR where as in this case only a portion of the parcel is zoned AR.*

**That literal interpretation of the provisions of the ordinance would deprive the applicant of rights commonly enjoyed by the other properties in the same zoning district under the terms of the ordinance, and would work unnecessary and undue hardship on the applicant.**

*The literal interpretation of the ordinance would not deprive the applicant of rights commonly enjoyed by other property owners AR zoning district. However, the existing width of the parcel along with the required side setbacks for the AR district greatly limit the ability to develop the site without the requested variance.*

# Conditions for a Variance

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

*The requested variance is to reduce the side setback to 10 feet on that portion of the parcel zoned AR is the minimum variance to be able to undertake the desired new dwelling at the location proposed.*

**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 extend the minimum 10 ft side setback established for the AR-2 zoning district for the entire length of the parcel. Structures located wholly within the AR-2 portion of the parcel would be required to only be setback 10 ft. from the side property lines. The granting of the variance would be in harmony with the general intent and purpose of the Code. Granting of the variance should not be injurious or otherwise detrimental to the public welfare.*

# Recommendation

Staff finds that the requested variance to reduce the side setback in the AR zoning district is not consistent with the Land Development Code; however, special circumstances exist which are not a result of an action by the applicant.

Staff recommends approval of the request to reduce side setback from 20 feet to 10 feet for the portion of the parcel located in the AR zoning district

# QUESTIONS