

**CLAY COUNTY BOARD OF ADJUSTMENT
MINUTES
JULY 19, 2011**

A meeting of the Board of Adjustment was held at 7:00 p.m. in the Board of County Commission Meeting Room, 4th Floor, Administration Building, Green Cove Springs, Florida, with the following members present:

Keith Hadden
Mark Cornelius
William Auclair
Allyn Tidball

Also Present: Fran Moss, Chief Assistant County Attorney
Chad Williams, Zoning Chief
Wanda Mears, Recording Secretary

The meeting was called to order by Chairman Keith Hadden the time being 7:00 pm.

APPROVAL OF MINUTES

Mr. Cornelius made the motion to approve the minutes from July 21, 2009 and May 17, 2011. Mr. Auclair seconded the motion which carried 4-0.

PUBLIC HEARING

BOA-11-01– The applicant is requesting to reduce the south side setback from 25' to 10' to allow the nonconforming original building (1999) and the noncompliant unpermitted addition (2003) to be conforming.

Chad Williams, Zoning Chief stated that the Applicant in 1999 was granted a permit for a 6,000 square foot building to be constructed on his property. The building was constructed ten feet from the side property line and because the subject property and the adjacent property to the south were both zoned IS.

Mr. Williams stated that in 2001, the adjacent property owner to the south applied for, and was granted, a land use and rezoning change for residential use. The side setback for IS zoned property when located adjacent to residential use is a minimum of 25 feet.

The Applicant expanded the building in 2003 by 2,400 square feet without obtaining the required permits. A brief discussion took place on why the Applicant never obtained the required permits to which the Applicant that obtaining the permits became too cumbersome. The unpermitted building is considered noncompliant in that it does not meet the 25 foot required setback. As such, a building permit cannot be issued for the expansion.

Chairman Hadden swore in the Applicant, Thomas Brauer, 1453 Southshore Ave, Middleburg.

Mr. Brauer stated he is seeking to bring the property into compliance in the event that the property would ever need to be sold.

Chairman Hadden opened the public hearing and receiving no request to speak, closed the public hearing.

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Mr. Tidball questioned if variance is granted will all other issues be required to meet current standards also, to which Mr. Williams replied that would be part of the ongoing process.

Mr. Tidball made a motion to approve the variance. Mr. Cornelius seconded the motion which carried 4-0.

BOA-11-02– The applicant is requesting to reduce the south side setback from 20' to 15' to bring the nonconforming structure into conformance.

Chad Williams, Zoning Chief stated that the Applicant is requesting a variance for a side setback reduction from 20' to 15' for the southern side property line. The Applicant inherited the property from her father who had built the garage addition to the structure located at 146 Canova Road. He stated that county staff had researched to see if a permit was issued but was unable to acquire those permits to determine if staff erred or if the permits issued are in fact for the addition in question. Since staff could not generate the permit data, staff met with the owner and recommended that the owner deed 5' from 148 and 146 Canova in order to bring the setback issue into compliance. The owner agreed and pursued that option. Unfortunately the owner's mortgage lender stated that if she added 5' to 146 Canova Road, that portion of the property would be encumbered by her mortgage.

Mr. Williams stated that the Applicant, has taken steps to rectify the situation however, in trying to rectify the issue, encumbering the property with her mortgage has created an undue hardship and would render the property virtually unsellable.

Chairman Hadden swore in Applicant, Jo Anne Lowe, 148 Canova Road, Fleming Island.

Mrs. Lowe stated that her parents in 1989 created quick claim deed to her and her husband. They contacted a contractor to build on their property and Mrs. Lowe stated that the setback issue never arose.

Mr. Tidball questioned Mrs. Lowe if she owned the property when the garage was built, to which she responded no her parents owned the property at that time she inherited the property in 2008.

Mr. Auclair questioned the for sale sign to which Mrs. Lowe responded that the property is the one she is trying to sale and because of the setback issue she has had no luck in doing so.

Chairman Hadden opened the public hearing and receiving no request to speak, closed the public hearing.

Mr. Tidball made a motion to approve the variance. Mr. Cornelius seconded the motion which carried 4-0.

Not on Agenda: Chairman Hadden stated that he would like to discuss a new starting time for the BOA meeting, suggesting 5:00pm instead of 7:00pm. Discussion ensued about a new starting time. The consensus was for staff to ask the Applicant which time worked better for their schedule at the time of application.

There being no further business, the meeting was adjourned at 7:40 p.m.

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Date

Approved: _____

Keith Hadden, Chairman

Wanda Mears, Recording Secretary