



Board of Adjustment and Appeals

The Board of Adjustment and Appeals was established to grant variances or waivers to certain County Codes when a legitimate legal hardship was encountered or an applicant wanted to appeal a decision made by County Staff's interpretation of the code. In order for a variance or appeal to be granted, the following criteria must be met:

- ✚ 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;
- ✚ 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;
- ✚ 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;
- ✚ That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, structure;
- ✚ That the granting of the variance will be in harmony with the general intent and purpose of the ordinance and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

(see Ordinance 82-45, Section 30, Paragraph 5.c.(1))

INSTRUCTIONS FOR FILING A VARIANCE

- A. An application may be filed by the property owner or his/her authorized agent at the Clay County Zoning Office, Third Floor, Clay County Administration Building, Green Cove Springs, at least 30 days prior to the public hearing by the Board of Adjustment. A copy of the application and affidavits may be downloaded here.

[Download BOA Application](#)

- B. The applicant shall fill out and sign the attached application and ownership affidavit. In lieu of the property owner's signature, an agent may sign the application, but must present an agent authorization form provided by Clay County and executed by the owner of the property.
- C. The applicant shall provide, at minimum, deed, current survey and legal description along with the application. The applicant may submit site plans, pictures and any other material they feel relevant.
- D. Fees: The cost of any application for variance shall be \$500.00 for commercial and industrial districts, and \$300.00 for all other districts and \$250.00 for appeals.
- E. The applicant, at their cost, shall post sign(s) on the property for variance and the sign(s) shall be posted not less than 21 days in advance of the Board of Adjustment hearing. The sign(s) shall be erected in full view of the public on each street side of such land and no more than 500 feet apart. Where such land does not have frontage on a public street, the sign shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land for which variance is sought. Signs may be purchased in the Clay County Zoning Division, Third Floor, Clay County Administration Building, for \$20.00 each and picked up in person from the Zoning Office as they are too large to mail. Times and dates of the meetings will be given to applicant once the application is filed or the applicant can call the Planning and Zoning Division (904-278-4705) in advance to find times, dates and deadlines.
- F. The Zoning Office shall place a legal notice of the time and place for the public hearing to be published in a newspaper of general circulation in the County not less than 15 days prior to the hearing. **The applicant shall be responsible for the cost.**

The Times Union/County Line will be publishing your BOA legal notices. You must pre-pay your legal advertisement fees. Legal affidavits for proof of publication are required before your hearing and **the paper will not run your ad without payment in advance.** Credit cards are acceptable. If you wish to call to make payment you must contact the newspaper to determine the cost of the ad. The Times Union may be contacted at: **Times Union/County Line, 1 Riverside Avenue, Jacksonville, FL (904) 359-4170**

BOA Meeting Procedure

Once the application is filed, the applicant will post notice as aforementioned and attend the scheduled meeting. The applicant may provide graphic illustrations, professional reports, professional testimony, presentations, etc. in order to present their case to the Board of Adjustment and Appeals. The applicant may wish to have a court reporter or attorney present; however, this arrangement is not required.

The Board of Adjustment and Appeals shall open a public hearing where any resident will have the opportunity to be heard in favor or in opposition to the applicant’s request. Once the Board has heard from the public, they will close the public hearing and discuss the issue. The Board will determine its action and make a decision.

If the application is approved, denied or approved with conditions the Planning and Zoning Division shall notify the applicant, in writing, for their records. If approved this letter is needed in order to proceed with any development permits.

Checklist

	Yes	No	Comments
1. Do I have an application	<input type="checkbox"/>	<input type="checkbox"/>	Provided by Clay County
2. Do I have the deed, updated survey and legal description of the property and the fee including sign fees?	<input type="checkbox"/>	<input type="checkbox"/>	Provided by the owner at their expense Fees payable to CCBOCC No credit/ debit cards
3. Do I know where to file?	<input type="checkbox"/>	<input type="checkbox"/>	Clay County Administration Building, 477 Houston Street, 3 rd floor, Planning & Zoning Division, Green Cove Springs, FL 23043
4. Have I posted my signs 21 days in advance of the meeting?	<input type="checkbox"/>	<input type="checkbox"/>	Meeting dates provided by the Planning & Zoning Division. (904) 278-4705.
5. Have I paid my legal add?	<input type="checkbox"/>	<input type="checkbox"/>	Times Union/County Line, 1 Riverside Avenue, Jacksonville, FL (904) 359-4170

Please contact the Clay County Planning and Zoning Division at (904) 278-4705 if you have any questions.