

**CLAY COUNTY BOARD OF ADJUSTMENT  
MINUTES  
APRIL 15, 2008**

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

Keith Hadden, Chairman  
Mark Cornelius, Vice Chairman  
William Auclair  
Allyn Tidball  
Noel Thomas  
Carl Davidson

Also Present: Dan Garlington, Senior Planner  
Chad Williams, Zoning Chief  
Jarod Prentice, Landscape Reviewer  
Wanda Mears, Recording Secretary  
Rebecca Clayton, Assistant County Attorney

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

**APPROVAL OF MINUTES**

The motion was made by Mr. Tidball to approve the minutes from November 20, 2007. Mr. Cornelius seconded the motion, which carried with a 6-0 vote.

**PUBLIC HEARING**

**BOA-08-01**– The applicant requests a variance to eliminate requirement to install screening on the shared property line between businesses. Application submitted by Smokey's Country Cabin.

Chairman Keith Hadden questioned Assistant County Attorney Rebecca Clayton regarding the criteria for a variance and stated that he felt the proposed Application did not meet the criteria. He also questioned if legal staff had any discussion with Applicant to which Ms. Clayton replied, no it had not.

Chad Williams, Zoning Chief stated that any hardship relief from the BOA Ordinance is why the Applicant was directed to the Board of Adjustment.

Dan Garlington, Senior Planner stated that the applicant is requesting approval to eliminate the screening requirement, contending that the required screening will cause a hardship by impeding the visibility of the businesses. The applicant request has not met the conditions for granting of a variance so therefore staff recommends denial.

Jarod Prentice, Landscape Reviewer read into the record Section 6-8 of the Clay County Tree Protection and Landscaping Standards stating landscape requirements.

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Keith Hadden questioned if the fence was for the east side of the property to which Mr. Garlington responded yes.

Susan Brown, 1733 Blue Jay Road, Middleburg, representing Applicant is sworn in by Chairman Hadden. Ms. Brown stated that she is representing the Applicant (her mother) and that neither the Applicant nor the neighboring business wants the fence that is required by the landscape ordinance and is seeking relief for such.

Chairman Hadden opened the public hearing.

Bill Garrison, 5288 CR 218, Middleburg, FL stated that his concern was not with the approval of the variance but with the Landscape Ordinance and feels that the Applicant should abide by such.

Martha Green, 1842 Darthmouth Drive, Middleburg, stated that she owns the neighboring Real Estate office next to this parcel and feels that the fence would block the view for drive thru traffic to see her business.

Chairman Hadden closed the public hearing.

Mr. Tidball made a motion that the Board of Adjustment could not hear this case, and that the Applicant receive a full refund. Mr. Thomas seconded the motion which carried with a 6-0 vote.

There being no further business, the meeting was adjourned at 8:08 p.m.

Date

Approved: \_\_\_\_\_

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary