

**CLAY COUNTY BOARD OF ADJUSTMENT
MINUTES
SEPTEMBER 16, 2008**

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, Chairman
Mark Cornelius, Vice Chairman
William Auclair
Allyn Tidball
Noel Thomas
Barry Bransford

Also Present: Chad Williams, Zoning Chief
Kellie Schaudel, Assistant Planner
Rebecca Lavie, Assistant County Attorney
Wanda Mears, Recording Secretary

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 April 15, 2008. Mr. Bransford seconded the motion, which carried with a 6-0 vote.

PUBLIC HEARING

BOA-08-02– The applicant requests a variance to reduce 100 ft. setback to 60 ft for the office building of a commercial kennel. Application submitted by Michael & Jennifer Gunter.

Chad Williams, Zoning Chief stated that the Applicant is requesting a variance to the required 100' setback for all structures required under Section 20.3-5, Conditional Uses, of the Clay County Zoning Code. The Applicant proposes a Commercial Kennel to be located on the property and has begun development review of that project. As a result of the development review, it was noted that the office building located within the kennel compound did not meet the required setback due to wetland issues.

Mr. Williams also stated that staff has determined that the wetland is a special circumstance associated with the particular land and that it is not a result of the applicant. The staff also determined that the literal interpretation of the ordinance would be for the buildings and structures that house the animals and not a structure that would be used for an office related use and not involved with the structures housing the animals. Further determination is that the request is a minimum variance based on the fact that the applicant is only requesting that the office setback be changed to 60' due to the wetland impact. Staff recommends approval.

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Mr. Hadden questions if the 100 foot setback applies to everything but the kennel.

Mr. Williams responded that the Planning Director determined that the caretaker facilities are not a commercial use.

Mr. Hadden questioned what the setback for the residential portion would be. Mr. Williams responds that the accessory structure is 7 ½ feet and the side is 15 feet.

Chairman Hadden swore in the Applicant, Jennifer Gunter, 6055 West Shores Road, Orange Park.

Ms. Gunter stated that 52 % of the property is wetlands and that was the problem . She also stated that the neighbors on either side are more than 300 feet away from the kennel.

Chairman Hadden opened the public hearing.

Jim Smoakes, 3183 Russell Road, GCS spoke in opposition to the variance and feels that this is not a hardship case and should abide by the code.

Chairman Hadden closed the public hearing.

Discussion ensued among the BOA members and the applicant regarding the setback requirement for the office building.

Mr. Bransford made a motion to approve the application with the stipulation that the side setback for the office is 85 feet and a front setback of 60 feet from the right of way line of CR 209 to the wall of the office. Mr. Tidball seconded the motion which carried with a 6-1 vote with Mr. Auclair dissenting.

There being no further business, the meeting was adjourned at 8:15 p.m.

Date

Approved: _____

Chairman

Secretary