

**Nassau County Conditional Use and Variance Board**  
**December 17, 2020, 6:30 P.M.**  
**Commission Chambers, 96135 Nassau Place, Yulee, FL**

Call to Order, Invocation and Pledge of Allegiance to the American Flag

**Board Members:**

**Present:** Chairman Orlando Avila, Kathleen Zetterower, Mike Hagel, John C. Van Delinder, Clay Hartley, and Cathy DeCou.

**Absent Board Member:** Lance Fout

**Staff Present:** Representing the Planning Department: Andrew Prokopiak, Planner I. Representing the Clerk's office Melissa Lucey, Deputy Clerk.

**Official Agenda Summary:**

**BOARD BUSINESS:**

**201217CUV - 6:38:43 (Tab A)** Approval of minutes from the November 19, 2020 regular meeting as presented.

**Motion:** Approve Tab A as stated above.

**Maker:** Board Member Van Delinder

**Second:** Board Member Hagel

**Action:** Aye: Board Members Avila, Zetterower, Hagel, Van Delinder, Hartley, and DeCou

**Absent:** Board Member Fout

**201217CUV - 6:52:18 (Tab B)** Election of Chair and Vice Chair for the Conditional Use and Variance Board for 2021.

**Motion:** Approve to appoint Board Member Hagel as the Chair for 2021.

**Maker:** Board Member Avila

**Second:** Board Member Zetterower

**Action:** Aye: Board Members Avila, Zetterower, Hagel, Van Delinder, Hartley, and DeCou

**Absent:** Board Member Fout

**Motion:** Approve to appoint Board Member Fout as the Vice Chair for 2021.

**Maker:** Board Member Avila  
**Second:** Board Member Van Delinder  
**Action:** Aye: Board Members Avila, Zetterower, Hagel,  
Van Delinder, Hartley, and DeCou  
**Absent:** Board Member Fout

### **QUASI-JUDICIAL PUBLIC HEARINGS**

**201217CUV - 6:31:28** Chair Avila advised that Tabs C through E would be heard under Quasi-Judicial hearing procedures and read the Quasi-Judicial Hearing procedures for Tab C, application CU2020-035, filed by Steven and Linda Sikes, owners; Tab D, application CU2020-036, filed by Marrian James, owner; and Tab E, application V2020-08, filed by Mariesha Stevenson, owner.

#### **Ex-parte Communications**

**201217CUV - 6:39:25** All the Board members stated that they had none for Tabs C, D and E.

**Documents submitted into the record:** (Tab C) Staff Report - 8 pages; Application - 9 pages; and Map showing Boundary Survey - 1 page. (Tab D) Staff Report - 7 pages; Application - 7 pages; and FLUM, Aerial, and Zoning Maps - 3 pages. (Tab E) Staff Report - 7 pages; Application - 10 pages; and FLUM, Zoning, and, Aerial Maps - 3 pages.

**Motion:** Accept documents into the record as presented.  
**Maker:** Board Member Zetterower  
**Second:** Board Member Van Delinder  
**Action:** Aye: Board Members Avila, Zetterower, Hagel,  
Van Delinder, Hartley, and DeCou  
**Absent:** Board Member Fout

**201217CUV - 6:41:33** Deputy Clerk swore in Mr. Prokopiak to provide testimony.

**201217CUV - 6:39:09 (Tab C)** Consider CU2020-055 request for a conditional use permit pursuant to Land Development Code (LDC) Section 28.14(J) to allow for a mother-in-law dwelling in the Open Rural (OR) zoning district. Application is filed by Steven and Linda Sikes, owners/applicants. The location of the property is 36735 Clyatt Circle in Hilliard, Florida.

**Motion:** Open the floor to public discussion.

**Maker:** Board Member Van Delinder  
**Second:** Board Member Zetterower  
**Action:** Aye: Board Members Avila, Zetterower, Hagel,  
Van Delinder, Hartley, and DeCou  
**Absent:** Board Member Fout

**Discussion:** Mr. Prokopiak came forward to provide staff presentation. The subject property is zoned OR and the Future Land Use Map (FLUM) designation is Low Density Residential (LDR). He reviewed the proposed site plan for the intended mother-in-law dwelling that would be located on the property depicting the setbacks and clearances on all sides of the infrastructure. Staff finds that the requested action to be consistent with Section 5.04(A-J) for Conditional Use Review Criteria and the requirements of Article 28, Section 28.14(J) of the Nassau County LDC. Mr. Prokopiak stated that staff recommends approval subject to the following three (3) conditions:

1. The rights entitled shall run with the applicant and shall not be transferable.
2. When the family member(s) no longer resides within the subject structure or dwelling:
  - a. The structure shall be removed.
3. The order shall be rendered void if the applicant fails to obtain a building permit for the proposed new dwelling unit within 24 months of execution of this order.

No public input.

**Motion:** Close the floor to public discussion.  
**Maker:** Board Member Zetterower  
**Second:** Board Member Van Delinder  
**Action:** Aye: Board Members Avila, Zetterower, Hagel,  
Van Delinder, Hartley, and DeCou  
**Absent:** Board Member Fout

**Motion:** Approve, based upon competent substantial evidence in the record, Tab C as stated above to include the three (3) conditions as presented by staff.

**Maker:** Board Member Van Delinder  
**Second:** Board Member Zetterower  
**Action:** Aye: Board Members Avila, Zetterower, Hagel,  
Van Delinder, Hartley, and DeCou  
**Absent:** Board Member Fout

**201217CUV - 6:45:10 (Tab D)** Consider CU2020-036 request for a conditional use permit pursuant to Land Development Code (LDC) Section 28.14(J) to allow for a mother-in-law dwelling in the Open Rural (OR) zoning district. Application is filed by Marrian James, owner/applicant. The location of the property is 86109 Cardinal Road in Yulee, Florida.

**Motion:** Open the floor to public discussion.  
**Maker:** Board Member Zetterower  
**Second:** Board Member Van Delinder  
**Action:** Aye: Board Members Avila, Zetterower, Hagel,  
Van Delinder, Hartley, and DeCou  
**Absent:** Board Member Fout

**Discussion:** Mr. Prokopiak came forward to provide staff presentation. The subject property is zoned OR and the FLUM designation is Medium Density Residential (MDR). He reviewed the proposed site plan for the intended mother-in-law dwelling that would be located on the property depicting that it meets all requirements for setbacks and clearances on all sides of the infrastructure. Staff finds that the requested action to be consistent with Section 5.04(A-J) for Conditional Use Review Criteria and the requirements of Article 28, Section 28.14(J) of the Nassau County LDC. Mr. Prokopiak stated that staff recommends approval subject to the following three (3) conditions:

1. The rights entitled shall run with the applicant and shall not be transferable.
2. When the family member(s) no longer resides within the subject structure or dwelling:
  - a. The structure shall be removed.
3. The order shall be rendered void if the applicant fails to obtain a building permit for the proposed new dwelling unit within 24 months of execution of this order.

No public input.

**Motion:** Close the floor to public discussion.  
**Maker:** Board Member Van Delinder  
**Second:** Board Member Zetterower  
**Action:** Aye: Board Members Avila, Zetterower, Hagel,  
Van Delinder, Hartley, and DeCou  
**Absent:** Board Member Fout

**Discussion:** In a response posed by the Board, Mr. Prokopiak advised that the property is around 2 acres and meets the density requirement of the MDR.

**Motion:** Approve, based upon competent substantial evidence in the record, Tab D as stated above to include the three (3) conditions as presented by staff.

**Maker:** Board Member Zetterower

**Second:** Board Member Van Delinder

**Action:** Aye: Board Members Avila, Zetterower, Hagel,  
Van Delinder, Hartley, and DeCou

**Absent:** Board Member Fout

**201217CUV - 6:48:25 (Tab E)** Consider V2020-008 request for a variance pursuant to LDC Sections 9.05(A) and 9.05(B) to reduce a portion of the minimum front yard requirement from 30 feet to 15 feet and minimum side yard requirement from 10 feet to 6 feet to accommodate a future accessory structure. Application is filed by Mareisha Stevenson, owner/applicant. The location of the property is 851030 Avant Road in Yulee, Florida.

**Motion:** Open the floor to public discussion.

**Maker:** Board Member Van Delinder

**Second:** Board Member Zetterower

**Action:** Aye: Board Members Avila, Zetterower, Hagel,  
Van Delinder, Hartley, and DeCou

**Absent:** Board Member Fout

**Discussion:** Mr. Prokopiak came forward to provide staff presentation. The subject property is zoned Residential Single Family (RS-1) and the FLUM designation is Agricultural (AGR). He reviewed the Flood Zone Map depicted that it encompasses the entire flood zone of the property. He provided a Topographical Map of the area, noting that the present structure sits between three to four feet above sea level. The proposed location will be between five to six feet on the northwest corner of the parcel due to extensive flooding on the property. Mr. Prokopiak advised that staff finds that the requested action to be consistent with Section 3.05(B)(2), Sections A-C and E-G for Variance Review Criteria of the LDC. He stated that staff recommends approval.

No public input.

**Motion:** Close the floor to public discussion.  
**Maker:** Board Member Zetterower  
**Second:** Board Member Van Delinder  
**Action:** Aye: Board Members Avila, Zetterower, Hagel,  
Van Delinder, Hartley, and DeCou  
**Absent:** Board Member Fout

**Motion:** Approve, based upon competent substantial  
evidence in the record, Tab E as stated above.  
**Maker:** Board Member Hagel  
**Second:** Board Member Van Delinder  
**Action:** Aye: Board Members Avila, Zetterower, Hagel,  
Van Delinder, Hartley, and DeCou  
**Absent:** Board Member Fout

**INFORMATIONAL ITEMS:** Next meeting date is January 28, 2021  
at 6:30 p.m.

Chair Avila announced that he would be tendering his  
resignation at the January 2021 meeting to avoid any  
conflict of interest with Board of County Commissioner  
Martin (his father-in-law).

There being no further business, the regular session of the  
Conditional Use and Variance Board adjourned at 6:55 p.m.

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Orlando Avila, Chairman

Attest:

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