

**Nassau County Conditional Use and Variance Board  
June 24, 2021, 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:** Chair John C. VanDelinder, Clay Hartley, Cathy DeCou, and Barb Kent

**Absent Board Members:** Kathleen Zetterower and Lance Fout

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

**Official Agenda Summary:**

**BOARD BUSINESS:**

**210624CUV - 6:32:22 (Tab A)** Approval of minutes from the May 27, 2021, regular meeting as presented.

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

**Maker:** Board Member DeCou

**Second:** Board Member Kent

**Action:** Aye: Board Members VanDelinder, Hartley, DeCou, and Kent.

**Absent:** Board Members Zetterower and Fout

**210624CUV - 6:32:43 (Tab B)** CU2021-013 Lasserre Starter Shack: The applicant is seeking a conditional use approval pursuant to Section 12.03(B) of the Nassau County Land Development Code (LDC), which allows for a clubhouse.

**Motion:** Approve to withdraw per the applicant request Tab B as stated above.

**Maker:** Board Member Hartley

**Second:** Board Member Kent

**Action:** Aye: Board Members VanDelinder, Hartley, DeCou, and Kent.

**Absent:** Board Members Zetterower and Fout

**210624CUV - 6:33:37 (Tab C)** CU2021-011 Hatton duplex: The applicant is seeking a conditional use approval pursuant to Section 28.14(L) of the Nassau County Land Development Code to allow for a duplex dwelling in the Open Rural (OR) zoning district.

**210624CUV - 6:31:52** Mr. Prokopiak noted that he spoke with the County Attorney earlier today and he would not be in attendance tonight. Mr. Prokopiak stated that since there would be no one present tonight to speak against the applications, the County Attorney advised that the Chair could waive the reading of Quasi-Judicial procedures. Chair VanDelinder stated that the Quasi-Judicial procedures would be waived for Tabs C and D.

**Board Member Ex-parte Communications:**

None.

**210624CUV - 6:34:29 (Tab C)** Documents Submitted into the Record: Application - 8 pages; Staff Report - 7 pages; Aerial, Zoning and Future Land Use Map (FLUM) - 3 pages; and Map showing Boundary Survey - 1 page.

**Motion:** Accept documents into the record as presented.

**Maker:** Board Member Decou

**Second:** Board Member Kent

**Action:** Aye: Board Members VanDelinder, Hartley, DeCou, and Kent.

**Absent:** Board Members Zetterower and Fout

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

**Maker:** Board Member Hartley

**Second:** Board Member DeCou

**Action:** Aye: Board Members VanDelinder, Hartley, DeCou, and Kent.

**Absent:** Board Members Zetterower and Fout

The Deputy Clerk swore in staff.

**Discussion:** Mr. Prokopiak came forward to provide a PowerPoint presentation regarding conditional use approval for a duplex located at 95552 Arbor Lane in Yulee. The Future Land Use Map (FLUM) is Low-Density Residential (LDR), and the Zoning District is Open Rural (OR). The side setback is 34 feet from the side property line, 54 feet from the rear property line and over 30 feet for the other side property line, and several hundred feet from the front

property line. Mr. Prokopiak stated it meets or exceeds open rural (OR) zoning setback requirements. This action is in response to a code enforcement action involving creating an illegal duplex without conditional use approval. In addition, a pre-existing garage with an overhead apartment was converted to two dwelling areas and needed to comply with the conditional use code. Mr. Prokopiak advised that staff recommends approval subject to the following (3) conditions:

1. The rights assigned by this order are specific to the applicant. However, once the duplex dwelling has been established on the subject property in accordance with applicable local, state, and federal regulations, nothing herein shall prevent the property and dwelling from being conveyed to another party.
2. If the duplex is removed, the owner/applicant must apply for a new conditional use for a duplex in the OR zoning district.
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 the execution of this order.

No public input.

**Discussion:** Mr. Prokopiak responded to an inquiry stating that the property appraiser would handle any tax issues. Mr. Prokopiak briefly addressed the number of dwellings on the property.

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

**Maker:** Board Member DeCou

**Second:** Board Member Kent

**Action:** Aye: Board Members VanDelinder, Hartley, DeCou, and Kent.

**Absent:** Board Members Zetterower and Fout

**Motion:** Based upon the record and testimony received, there is competent substantial evidence to approve application CU2021-011 to include the three conditions as stated above.

**Maker:** Board Member Kent

**Second:** Board Member DeCou

**Action:** Aye: Board Members VanDelinder, Hartley, DeCou, and Kent.

**Absent:** Board Members Zetterower and Fout

**210624CUV - 6:41:23 (Tab D)** V2021-002 Raulerson Set Back Variance: The applicant is seeking relief from Section 22.05(A) of the Nassau County Land Development Code (LDC) to reduce the minimum front yard setback on Fen Avenue from 35 feet to 10 feet for the construction of an accessory structure.

**Board Member Ex-parte Communications:**

None.

**210624CUV - 6:41:45 (Tab D)** Documents Submitted into the Record: Application - 6 pages; Staff Report - 5 pages; Aerial, Zoning and FLUM Map - 3 pages; and Site Plan - 1 page.

**Motion:** Accept documents into the record as presented.

**Maker:** Board Member DeCou

**Second:** Board Member Kent

**Action:** Aye: Board Members VanDelinder, Hartley, DeCou, and Kent.

**Absent:** Board Members Zetterower and Fout

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

**Maker:** Board Member Hartley

**Second:** Board Member Kent

**Action:** Aye: Board Members VanDelinder, Hartley, DeCou, and Kent.

**Absent:** Board Members Zetterower and Fout

The Deputy Clerk swore in Bob Hontz and Thomas Raulerson to provide testimony.

**Discussion:** Mr. Prokopiak came forward providing a PowerPoint presentation regarding a front yard setback variance request allowing for an accessory structure. The property is located at 87356 Lentz Road, Yulee, Florida. The Future Land Use (FLUM) is Low-Density Residential (LDR), and the zoning is Open Rural (OR). The applicant is seeking a reduction in front yard setback at a minimum of 10 feet for an accessory structure off Fen Avenue's easement and a 20-foot setback off the other corner of the property. Staff finds the requested action to be a self-created hardship and is consistent with Section 3.05 (B)(2), (a), (b), (c), (f), and (g) of the Land Development Code (LDC). Staff recommends denial of the variance because

staff believes that other portions of the accessory structure could be placed elsewhere on the property.

Public input: Mr. Raulerson came forward, to address the self-created hardship and request the Board's help with this variance.

Discussion followed regarding the type of structure and other possible locations for the structure. Board Member Kent inquired whether the applicant could request a compromise of 20 or 25 feet. Mr. Prokopiak responded that the Open Rural Zoning District is strict on any frontage set back. He stated that staff has recommended denial based upon the strict guidelines that are set. Chair VanDelinder clarified that it would be up to this Board to create a variance.

Public input: Mr. Hontz came forward stating that he is in agreeance with the location provided by Mr. Raulerson. Discussion followed regarding Fen Avenue.

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

**Discussion:** Mr. Raulerson came forward again to respond to an inquiry stating that he could compromise 15 feet. Board Member Kent suggested 20 feet, because it would be setting a precedence for the future. Mr. Raulerson explained that he has a unique situation. Mr. Prokopiak addressed the setting of precedence as it related to a prior situation and the County Attorney was very clear that each conditional use and variance board application stands by itself and does not set precedence.

**Motion:** Based on the record and testimony received, there is competent substantial evidence to find a compromise for application V2021-002.  
**Withdraw:** Motion as stated above.  
**Maker:** Board Member Kent  
**Second:** Board Member Hartley  
**Action:** Aye: Board Members VanDelinder, Hartley, DeCou, and Kent.  
**Absent:** Board Members Zetterower and Fout

**Motion:** Based on the record and testimony received, there is competent substantial evidence to approve application V2021-002.

**Maker:** Board Member Kent

**Second:** Board Member DeCou

**Action:** Aye: Board Members VanDelinder, DeCou, Hartley, and Kent.

**Absent:** Board Members Zetterower and Fout

**INFORMATIONAL ITEMS:** Next meeting date is July 22, 2021, at 6:30 p.m.

There being no further business, the regular session of the Conditional Use and Variance Board adjourned at 6:58 p.m.

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Chair John C. VanDelinder

Attest:

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