

**Nassau County Conditional Use and Variance Board
November 18, 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, Kathleen Zetterower, Clay Hartley, Cathy DeCou, and Jason Collins.

Absent: Board Members Lance Fout and Barb Kent.

Other Official(s) Present: Denise May, Assistant County Attorney.

Staff Present: Andrew Prokopiak, Planner I; Melissa Lucey and Jennifer Marlatt, Deputy Clerks.

Official Agenda Summary:

AUDIENCE INPUT - AGENDA ITEMS

21118CUV - 6:30:05 (Tab A) Chair VanDelinder inquired if anybody was present to speak for or against application CU2021-022. Seeing none, Ms. May waived reading the procedures for providing input.

BOARD BUSINESS:

21118CUV - 6:30:20 (Tab B) Approval of minutes from the September 23, 2021 meeting as presented.

Motion: Approve Tab B as stated above.

Maker: Board Member DeCou

Second: Board Member Zetterower

Action: Aye: Board Members VanDelinder, Zetterower, Hartley, DeCou, and Collins.

Absent: Board Members Fout and Kent

21118CUV - 6:30:33 (Tab C) Reschedule the December 23, 2021, Conditional Use and Variance Board meeting to December 16, 2021.

Motion: Reschedule the December 23, 2021, Conditional Use and Variance Board meeting to December 16, 2021 at 6:30 p.m.
Maker: Board Member Zetterower
Second: Board Member DeCou
Action: Aye: Board Members VanDelinder, Zetterower, Hartley, DeCou, and Collins.
Absent: Board Members Fout and Kent

QUASI-JUDICIAL PUBLIC HEARING(S)

211118CUV - 6:31:00 (Tab D) Consider Conditional Use application, CU2021-022, Braddock Home Occupation: The Applicant seeks a conditional use permit pursuant to Section 28.14(A) of the Nassau County Land Development Code (LDC) to allow for a home occupation in the Open Rural (OR) zoning district.

Ms. May inquired whether anyone was present to speak against application CS2021-022; seeing none, she waived reading the Quasi-Judicial procedures for Tab D.

Board Member Ex-parte Communications:

All Board Members confirmed that they had no ex-parte communications regarding Tab D.

Waive Presentation:

211118CUV - 6:33:30 Mary Braddock, owner and applicant, came forward to waive her presentation.

211118CUV - 6:31:55 Documents submitted into the record: Staff Report - 8 pages; Application - 17 pages; Aerial Map, Zoning Map, and Future Land Use Map (FLUM) - 3 pages; Boundary Survey and Plot Plan - 1 page; and Florida House Bill 403, Home-based Business Statute - 5 pages.

Motion: Accept documents into the record as presented.
Maker: Board Member Zetterower
Second: Board Member DeCou
Action: Aye: Board Members VanDelinder, Zetterower, Hartley, DeCou, and Collins.
Absent: Board Members Fout and Kent

Motion: Open the floor to public discussion.
Maker: Board Member Zetterower
Second: Board Member DeCou
Action: Aye: Board Members VanDelinder, Zetterower,

Hartley, DeCou, and Collins.

Absent: Board Members Fout and Kent

The Deputy Clerk swore in Mr. Prokopiak to provide testimony.

Discussion: Mr. Prokopiak came forward to provide a PowerPoint presentation regarding the Conditional Use application, CU2021-022, Braddock Home Occupation. He provided a brief overview of Florida House Bill 403, stating that on July 1, 2021, Governor DeSantis signed the bill into law, preempting regulation of home-based businesses outside of the limitations contained in the bill. Nassau County can regulate the following items: number of employees, parking, allowable locations for retail transactions, architectural aesthetics of the structures for home-based businesses relating to the neighborhood, and processes that create noise, vibration, smoke, or noxious odors.

Mr. Prokopiak stated that the applicant is requesting a conditional use permit to allow a Home Occupation to utilize an accessory structure for a salon. The property is located at 851078 US Highway 17 in Yulee, Florida. The FLUM designation is Low-Density Residential (LDR), and the zoning is Open Rural (OR). He presented a Site Plan depicting the proposed location for the accessory structure. He explained that a home occupation is permitted as a conditional use in the Open Rural (OR) zoning district. Low-Density Residential (LDR) allows up to two dwellings per gross acre. Mr. Prokopiak advised that Staff recommends approval subject to the following seven conditions:

1. The rights assigned by this order are specific to the applicant and shall not be transferable.
2. Business retail transactions may only be conducted at the residential dwelling and not at any other structure on the property.
3. One sign may be permitted not exceeding one square foot in area. The sign must be non-illuminated and mounted against the wall of the principal building in a position not more than two feet from the main entrance to the residence.

4. One dedicated paved parking spot shall be required for clients of the home-based business.
5. The accessory structure should be designed similar to the architectural standards of the primary dwelling.
6. The home occupation is limited to residents of the dwelling and a maximum of two independent contractors.
7. Parking shall be limited to no more than what would be typically expected in a residential neighborhood where no business is operating.

No public comment.

Motion: Close the floor to public discussion.

Maker: Board Member Zetterower

Second: Board Member DeCou

Action: Aye: Board Members VanDelinder, Zetterower, Hartley, DeCou, and Collins.

Absent: Board Members Fout and Kent

Motion: Based on the record and testimony received, there is competent, substantial evidence to approve application CU2021-022, including the seven (7) conditions stated above.

Maker: Board Member Zetterower

Second: Board Member Collins

Action: Aye: Board Members VanDelinder, Zetterower, Hartley, DeCou, and Collins.

Absent: Board Members Fout and Kent

211118CUV - 6:39:35 (Tab E) Informational Items: The next Conditional Use and Variance Board meeting was rescheduled to Thursday, December 16, 2021 at 6:30 p.m. due to the Christmas holiday.

There being no further business, the regular session of the Conditional Use and Variance Board adjourned at 6:40 p.m.

Chair John C. VanDelinder