



# STAFF REPORT

## CITY OF GREEN COVE SPRINGS, FLORIDA

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**TO:** Planning and Zoning Commission **MEETING DATE:** November 17, 2025  
**FROM:** Gabriel Barro, Planning & Zoning  
**SUBJECT:** Request for a variance to allow an exception of the side setback requirement of the property located at 622 N Magnolia

### PROPERTY DESCRIPTION

**APPLICANT:** Rick Ecker **OWNER:** Rick Ecker  
**PROPERTY LOCATION:** 622 N Magnolia Ave  
**PARCEL NUMBER:** 017576-001-01  
**FILE NUMBER:** VAR 25-004  
**CURRENT ZONING:** R-1, Residential Low Density  
**FUTURE LAND USE DESIGNATION:** NEIGHBORHOOD

### SURROUNDING LAND USE

<b>NORTH:</b> FLU: Neighborhood Z: R1 Use: Residential (Single Family)	<b>SOUTH:</b> FLU: Neighborhood Z: R1 Use: Residential (Single Family)
<b>EAST:</b> FLU: Neighborhood Z: R1 Use: Residential (Single Family)	<b>WEST:</b> FLU: Neighborhood Z: Gateway Corridor Commercial (GCR) Use: Residential (Single Family)

### BACKGROUND

Mr. Rick Ecker is requesting a variance to allow an accessory structure to be placed 3.5' from the side property line at 622 N Magnolia Avenue.

On September 19, a permit for a concrete pad was submitted. The permit request was for the concrete pad only, but it was known at the time that this was intended to be the foundation of an accessory structure, so setback requirements were taken into consideration. Due to an error by staff in the interpretation of the City's Land Development Code (LDC), the concrete pad was approved by planning with a side and rear setback of 3.5'. The accessory structure setbacks for this zoning are typically 10' from the side and 3' from the rear as required by Sec. 117-61 (4) of the LDC. There was miscommunication about the status of the permit, and the applicant has placed footers for the concrete pad prior to receiving an approved building permit, but no concrete has been poured as of 11/17/2025.

On October 28, 2025, the applicant appeared before the Planning and Zoning Commission for a Special Exception for the same accessory structure. The Special Exception was intended to allow an accessory structure over 12' in height. The issue with the side setback was included in the Special Exception presentation. The City's attorney advised the setback deviation be taken into consideration as a Variance instead of a Special Exception. The Commission agreed and set a special session for November 19, 2025.

### **Variance Required Findings**

The planning and zoning board shall not grant the variance varying the requirements of any provision of this subpart unless it makes a positive finding, based on substantial competent evidence, on each of the following:

- (1) There are no reasonable uses of the property because of the practical or economic difficulties in carrying out the strict letter of the regulation and the hardship is not the result of the applicant's own actions.  
*The primary use of the property is a single-family home. The typical side setback would not deprive reasonable use of the property. However, the issue of the side setback was created by miscommunication of City staff and the applicant's action of installing footers and form boards prior to building permit approval.*
- (2) If the applicant complies strictly with the provisions of this subpart, he is deprived of any rights that others in the district are allowed.  
*As a result of miscommunication, the applicant has already paid to have the concrete footer forms placed. Denial of the site setback deviation would create a financial hardship.*
- (3) The hardship is suffered only by the applicant rather than by neighbors or the general public.  
*The hardship is unique to the applicant as the misinterpretation of the City's LDR was corrected during review of the applicant's building permit for the accessory structure.*
- (4) The hardship relates to the land, rather than personal circumstances.  
*The hardship relates to miscommunication of Planning staff and the applicant's actions.*
- (5) The variance requested is the minimum variance that will make reasonable use of the land, building or structure and will not result in the creation or extension of a nonconforming use or structure.  
*The requested variance reduces the required side setback of 10 ft to 3.5 ft. This is the minimum variance and applies only to the accessory structure described in SE-25-002.*
- (6) The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.  
*The proposed variance will not increase congestion or hazards.*
- (7) The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.  
*The proposed variance will not diminish property values nor alter the character of the surrounding properties.*

In granting the variance, the planning and zoning board shall prescribe any conditions and safeguards it deems necessary or desirable, and violation of such variance, when made a part of the terms under which a variance is granted, shall be deemed a violation of this subpart.

### **Conditions**

This variance to allow for a side setback of 3.5 feet is for the subject structure only. This variance will not allow deviation from any other part of Sec. 117-63 of the City's Land Development Code. The subject property will be required to meet all other density controls within the R-1 zoning district.

### **STAFF RECOMMENDATION**

Staff recommends approval of the variance to reduce the side setback for the accessory structure from 10 feet to 3.5 feet.

### **RECOMMENDED MOTION**

Motion to approve the variance request to deviate from Land Development Code Section 117-61(4) by reducing the side setback from 10 feet to 3.5 feet for the proposed accessory structure on the subject property located at 622 N Magnolia Ave, also known as parcel number 017576-001-01.