



City of Newberry Planning & Zoning Board

Monday, October 05, 2020
6:00 PM

Planning & Economic Development Department
In the Little Red School House at 25815 SW 2nd Avenue
25440 W Newberry Road, Newberry, FL 32669
(352) 472-5440

MINUTES

CALL TO ORDER

Mayor Marlowe called the meeting to order at 6:01 PM.

QUORUM CHECK

PRESENT

Chair Jessica Baker
Vice Chair Linda Woodcock
Board Member Gavin Johnson
Board Member Naim Erched
Mayor, Non-voting, Ex Officio Jordan Marlowe
Bryan Thomas, AICP, Department Director, Planning and Economic Development
Wendy V. Kinser-Maxwell, AICP, Principal Planner
Dallas M. Lee, Department Director, Finance & Administration
Jeannene Mironack, Staff Assistant
Andrea Parker, Folds, Walker & Maltby, LLC

ABSENT

Board Member Bill Conrad

APPROVAL OF AGENDA

Motion made by Board Member Erched, Seconded by Chair Baker.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Johnson, Board Member Erched

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

1. Review and Approval of September 8, 2020, Planning & Zoning Board Meeting Minutes

Motion made by Chair Baker, Seconded by Board Member Erched.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Johnson, Board Member Erched

2. Review and Approval of September 23, 2020, Special Planning & Zoning Board Meeting Minutes

Motion made by Chair Baker, Seconded by Board Member Erched.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Johnson, Board Member Erched

NEW BUSINESS

3. A petition to allow the placement of a permanent accessory structure in the side yard and outside of the permitted building setback line.

Quasi-Judicial Public Hearing: Resolution 2020-43/Application V 20-03, a petition by Jonathan and Susan Bussart, Owners, for a variance to the Residential, Single Family (RSF-2) Zoning District minimum setback requirements to allow an accessory structure within the east side yard and a reduction in the side yard setback from a minimum 10' to a minimum 4.75' on lot 195 (approximately .23 acre) in Newberry Oaks Phase 9, located at 23184 NW 5th Place. The purpose of the request is to allow construction of a shed in the side yard which also will extend 5.25' within the side yard setback area.

Attorney Parker read the Item Title. Attorney Parker then swore in Wendy V. Kinser-Maxwell, AICP, Principal Planner, City of Newberry; Bryan Thomas, AICP, Department Director, Planning and Economic Development, City of Newberry; Jeannene Mironack, Staff Assistant for the City of Newberry; and Jonathan Bussart, Applicant.

Mayor Marlowe asked the Board members if they had conducted ex parte communications regarding this application. Each of the Board members reported that they had no ex parte communication regarding this application.

Mayor Marlowe read the Quasi-Judicial meeting procedure summary.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff overview.

Jonathan Bussart, Applicant, presented the Application.

Wendy V. Kinser-Maxwell presented the staff report and recommendation for denial of the Application.

Jonathan Bussart, Applicant, answered questions from the Board.

Mayor Marlowe stated there were no Third-Party Intervenors. Then Mayor Marlowe asked if any member of the Public wanted to speak. There was none.

Mayor Marlowe asked if staff wanted to cross-examine the applicant. There was no response. Mayor Marlowe asked if the applicant wanted to cross-examine staff. There was no response. Mayor Marlowe asked if staff or the applicant wanted to make final arguments. There was no response.

Mayor Marlowe asked if any Board Member had questions. Discussion ensued.

Mayor Marlowe asked if either the applicant or staff had any final comments. There were none. Mayor Marlowe asked if any member of the Public wanted to speak. There were none.

Attorney Parker advised that members must vote based on substantial and competent evidence.

Naim Erched moved that the Board recommend Approval of the Application with the stipulations that the structure would comply with Florida Building Code and Fire Code standards. There was no second.

Naim Erched moved that the Board recommend Approval of the Application with the 4 conditions in the draft Resolution. There was no second.

Vice Chair Woodcock moved that the Board recommend Denial of the Application, Seconded by Chair Baker. Discussion ensued.

Mayor Marlowe asked if any member of the Public wanted to speak to the motion. There was none.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Johnson
Voting Nay: Board Member Erched

4. Rezone approximately 18.48 acres, at 20737 and 20785 West Newberry Road, from Agriculture (A) to Commercial Neighborhood (CN).

Quasi-judicial: LDR 20-06, an application by Joseph J. and Teresa L. Hoffman, Owners, to amend the Official Zoning Atlas of the City of Newberry by changing the zoning from City of Newberry Agricultural (A) to City of Newberry Commercial Neighborhood (CN) on property identified by Alachua County Parcel Numbers: 01923-005-000 and 01923-005-001.)

Attorney Parker read the Item Title. Attorney Parker then swore in Wendy V. Kinser-Maxwell, AICP, Principal Planner, City of Newberry; Bryan Thomas, AICP, Department Director, Planning and Economic Development, City of Newberry; Jeannene Mironack, Staff Assistant for the City of Newberry; and Joe Hoffman, Applicant.

Mayor Marlowe asked the Board members if they had conducted ex parte communications regarding this application. Each of the Board members reported that they had no ex parte communication regarding this application.

Mayor Marlowe confirmed that Joe Hoffman had heard the Quasi-Judicial meeting procedure summary.

Wendy V. Kinser-Maxwell, AICP, Principal Planner, presented the staff overview and presentation.

Joe Hoffman, Applicant, presented the Application.

Wendy V. Kinser-Maxwell presented the staff recommendation for approval of the Application.

Mayor Marlowe stated there were no Third-Party Intervenors. Then Mayor Marlowe asked if any member of the Public wanted to speak. There was none.

Mayor Marlowe asked if staff wanted to cross-examine the applicant. There was no response. Mayor Marlowe asked if the applicant wanted to cross-examine staff. There was

no response. Mayor Marlowe asked if staff or the applicant wanted to make final arguments. There was no response.

Mayor Marlowe asked if any Board Member had questions. Discussion ensued.

Mayor Marlowe asked if either the applicant or staff had any final comments. There were none. Mayor Marlowe asked if any member of the Public wanted to speak. There were none.

Attorney Parker advised that members must vote based on substantial and competent evidence.

Board Member Johnson moved that the Board recommend Approval of the Application, Seconded by Chair Baker.

Voting Yea: Chair Baker, Vice Chair Woodcock, Board Member Johnson, Board Member Erched

5. Presentation and discussion of tiny homes and tiny home neighborhoods.

Mayor Marlowe asked if the Board wanted to delay discussion on this item until their November meeting. Delaying discussion until the November Board Meeting was approved by unanimous declaration.

TOPICS FROM MEMBERS FOR DISCUSSION

Staff stated that Public Boards are expected to resume in-person meetings in November. A quorum of members must be together in the meeting in order to hold a meeting. You must be present, in person, to vote. The City Attorney's Office will provide guidance on additional details.

ADJOURN

The meeting was adjourned at 7:58 PM.

Copies of any agenda attachments are available for public inspection at the Planning Department, located at 25815 SW 2nd Avenue, Newberry, Florida, during regular business hours.

NOTIFICATION: All persons are advised that if they decide to appeal any decision made at the above referenced public hearings, they will need a record of the proceeding, and that, for such purpose, they may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. In accordance with the Americans with Disabilities Act, persons with disabilities needing a special accommodation for attendance at this meeting should contact MV Transportation, Inc. at (352) 375-2784, no later than 72 hours prior to the proceedings. If hearing impaired, call the Florida Relay System at (800) 955-8770.