



# City of Newberry Board of Adjustment

October 26, 2020  
7:00 p.m.

25440 West Newberry Road  
Newberry, Florida 32669

## MINUTES

### CALL TO ORDER

Chair Norfleet called the meeting to order at 8:44 p.m. Commissioner Coleman left the chambers.

### APPROVAL OF AGENDA

Chair Norfleet asked for approval of the agenda.

**Motion made by Commissioner Marden to approve the agenda.**

**Seconded by Commissioner Farnsworth.**

**Voting Yea: Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 4-0**

Commissioner Coleman returned to the dais at 8:45 p.m.

### QUORUM CHECK

Chair	Paul Norfleet
Mayor	Jordan Marlowe
Commissioners	Ricky Coleman Mark Clark Monty Farnsworth Tim Marden
City Attorney	Scott Walker, virtual
City Attorney	Andrea Parker, virtual
City Manager	Mike New
City Clerk	Judy Rice
Staff:	
Director of Finance and Administration	Dallas Lee
Director of Planning and Economic Development	Bryan Thomas, Virtual
Principal Planner	Wendy Kinser-Maxwell, virtual

## **APPROVAL OF MINUTES**

### **1. October 12, 2020 Board of Adjustment Minutes**

Chair Norfleet asked for approval of the minutes.

**Motion made by Commissioner Farnsworth to approve the minutes.**

**Seconded by Commissioner Marden.**

**Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 5-0**

## **NEW BUSINESS**

### **2. 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.**

Chair Norfleet explained the process for Quasi-Judicial hearings.

Attorney Walker read Resolution 2020-43 by title only.

Clerk Rice swore in Planner Kinser-Maxwell, Director Thomas, and Mr. Jonathan Bussart, applicant.

Chair Norfleet asked for ex parte communication.

**Voting Nay: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

Chair Norfleet read the Quasi-Judicial Procedures.

## **OPEN PUBLIC HEARING**

Planner Kinser-Maxwell provided the staff report in a PowerPoint. Staff recommendation is to deny Resolution 2020-43/Application V 20-03.

Mr. Bussart provided a statement of hardship for placing shed in the location being requested and presentation.

No third-party intervenor was present.

No cross-examination.

Chair Norfleet asked for public comment. There was none.

Discussion ensued between the decision-making body, applicant, and staff.

#### **CLOSE PUBLIC HEARING**

Attorney Walker advised the Commission of applicable law: substantial and competent evidence.

Discussion ensued regarding sheds and the setbacks in Newberry neighborhoods.

**Motion made by Commissioner Clark to adopt Resolution 2020-43; allowing the homeowner to place a temporary structure abutting the back-property line, and to not encroach on 10 ft drainage easement.**

**Seconded by Commissioner Coleman.**

**Voting Yea: Commissioner Coleman, Commissioner Clark, Commissioner Farnsworth, Commissioner Marden, and Commissioner Norfleet.**

**MOTION PASSED 5-0**

#### **COMMENTS**

There were no comments.

#### **MEETING ADJOURNMENT**

Meeting adjourned at 9:58 p.m.

Signed and dated this 11<sup>th</sup> day of January 2021

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Paul Norfleet, Chair

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Judy S. Rice, City Clerk