



# City of Jacksonville Beach

## Special Meeting Agenda

11 North Third Street  
Jacksonville Beach, Florida

### Board of Adjustment

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Tuesday, April 15, 2025

6:00 PM

Council Chambers

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#### MEMORANDUM TO:

Members of the City of Jacksonville Beach Board of Adjustment

The following Agenda of Business has been prepared for consideration and action at a Special Meeting of the Board of Adjustment:

#### CALL TO ORDER

#### ROLL CALL

#### APPROVAL OF MINUTES

#### CORRESPONDENCE

#### OLD BUSINESS

#### NEW BUSINESS

- A. Annual Business Meeting - Elections
- B. Adopt Board of Adjustment Bylaws
- C. Land Development Code Training

#### PLANNING DEPARTMENT REPORT

#### COURTESY OF THE FLOOR TO VISITORS

#### ADJOURNMENT

#### NOTICE

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*If you are a person with a disability who needs an accommodation to participate in a meeting, you are entitled, at no cost to you, to the provision of certain assistance. Please contact the ADA Coordinator by phone 904-712-6297 or submit an [Accommodation Request](#) to the ADA Coordinator as far in advance of the meeting as possible; preferably 7 days but no less than 2 business days, before the meeting. If you are hearing or voice impaired, please call Florida Relay at 711 for assistance.*

*In accordance with Section 286.0114, Florida Statutes, any member of the public may attend a public hearing and can be heard on any matter presented before the Agency. Anyone who wishes to provide live public comment should complete a "Speaker Request Card" and submit it to the recording secretary prior to the beginning of the meeting. These forms are available at the entrance of the City Council Chambers for your convenience. Speakers will be called to address the Agency when specified items are under consideration and will be limited to a maximum of three minutes or less, at the discretion of the presiding officer.*

*Alternatively, written public comment may be submitted in advance and must include the following: (1) First Name; (2) Last Name; (3) Address; (4) Public Hearing Date; (5) Specific Agenda Item(s); and (6) Comments. Written public comments may be submitted by one of the following options: (1) Email to the Agency Administrator at [planning@jaxbchfl.net](mailto:planning@jaxbchfl.net); (2) Postal mail to Community Redevelopment Agency Administrator - Public Comment, 11 3rd Street North, Jacksonville Beach, FL 32250; or (3) Drop off in-*

*person to Planning and Development at City Hall. Written comments that include all required information and are received 24 hours in advance of the meeting will be made part of the record. All comments received are public record.*

***In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.***

*cc: City Manager; City Attorney*

# JACKSONVILLE BEACH BOARD OF ADJUSTMENT (AKA "BOARD")

## BYLAWS AND RULES OF PROCEDURES FOR THE BOARD OF ADJUSTMENT FOR THE CITY OF JACKSONVILLE BEACH April 14, 2025

### ARTICLE I – ORDINANCE AUTHORITY

The Jacksonville Beach Board of Adjustment ("Board") is created by City Code, Chapter 34, Article IV., Division 4, Sections 34-441 through 34-446 (as amended 2025).

### ARTICLE II – POWERS AND DUTIES

#### A. Advisory Body.

- 1) The Board is an advisory body to the Jacksonville Beach City Council and serves as a quasi-judicial body under specific circumstances outlined in the Powers and Duties Section below (B). They are a seven-member body consisting of five full voting members and two alternates, appointed by the City Council.

#### B. Powers and Duties.

- 1) The Board shall have the following powers and duties under the provisions of the LDC:
  - (a) To hear, review, consider, and approve, approve with conditions, or deny variances to the terms of Site Development Standards of Article VII of the LDC. Variances shall only be granted from the dimensional standards of Article VI and the off-street parking or landscape standards of Article VII, except that a height variance or density variance shall not be permitted in any Zoning District. Variances shall not be granted to permit a use not generally allowed in the Zoning District in which it is located.
  - (b) To make its special knowledge and expertise available upon written request and authorization of the City Council to any official, department, board, or Board of the City; and
  - (c) To adopt or amended bylaws to establish meeting procedures not inconsistent with this Section to govern the Board's proceedings.

## ARTICLE III – MEMBERSHIP AND OFFICERS

### A. Qualifications.

- 1) A member of the Board shall be a resident of the City for two (2) years prior to appointment, and a qualified elector. No member of the City Council or a City employee shall serve on the Board. Although no specific experience requirements shall be necessary as a prerequisite to appointment, consideration shall be given to applicants who have experience or education in planning, law, architecture, natural resource management, real estate, and related fields.

### B. Appointment.

- 1) The Board shall be composed of five (5) members to be appointed by the City Council. The City Council shall also appoint two (2) alternate members, a first alternate and a second alternate. The alternate members shall vote only in the absence of regular members. The first alternate member shall have priority to vote in the absence of the first regular member's absence. When any of the two (2) alternate members are in attendance they may participate throughout the meeting, however they are only allowed to vote during an absence of a regular member.

### C. Term of Office.

- 1) *Member.* All members serving on the Board on the effective date of the LDC shall complete their terms according to their prior appointments. The term of office of each member appointed under the LDC shall be for four (4) years. When a person is appointed to fill out the term of a departing member, that person's term shall end at the time the departing member's term would have ended.
- 2) *Alternate member.* The term of an alternate member of the Board shall be for four (4) years. When a person is appointed to fill out the term of a departing alternate member, that person's term shall end at the time the departing member's term would have ended. Alternate members may participate in discussions by the Board on items of business but may only vote in the even they will be filling in for an absent regular Board member.

D. Removal From Office.

- 1) In the event that any member is no longer a qualified elector or is convicted of a felony offense involving moral turpitude, the City Council shall terminate the appointment of such person as a member of the Board and appoint a new member.
- 2) If any member fails to attend three (3) regular Board meetings in a row, without the prior approval of the chair or acting chair of the Board, specifically for absences that do not constitute an emergency or unforeseen circumstances, the City Clerk's Office shall notify the City Council of the absences, and the City Council may appoint a new member, or promote an alternate member, to assume the absent member's seat, which would be declared vacant by the actions of the City Council.
- 3) Any member who plans to be absent shall notify the Board staff, via email or in writing, and Board staff will relay that notification to the chair or acting chair and the Clerk's Office. Notification should occur in advance of the meeting date when possible.

E. Vacancy.

- 1) Whenever a vacancy occurs on the Board, the full-time member's position shall be served by an alternate member until a permanent member can be appointed by the City Council. The City Council shall appoint the new member within thirty (30) days of the vacancy or may appoint an alternate to the position of full member.

F. Officers; Quorum.

- 1) *Chair and vice-chair.* At an annual organizational meeting, which is set by the Board bylaws, the members of the Board shall elect a chair and vice-chair from among its members. The chair and vice-chair's term shall be for one (1) year. No member shall serve as chair for more than two (2) consecutive terms. The chair shall be in charge of all proceedings before the Board and shall take such action as shall be necessary to preserve order and the integrity of all proceedings before the Board. In the absence of the chair, the vice-chair shall act as chair.
- 2) *Chair Pro tem:* in the absence of the chair and vice-chair, the Board staff will call the meeting to order, and act as facilitator of Board members and voting alternate members to elect a Chair Pro tem to preside over the meeting for that specific and singular agenda. At the completion of that meeting, the Chair Pro tem's term will expire.
- 3) *Staff.* The Planning and Development Department shall be the professional staff of the Board.

- 4) *Quorum and voting.* The presence of three (3) or more members of the Board shall constitute a quorum of the Board necessary to take action and transact business. All actions shall require a simple majority of the quorum present.

#### G. Establishing a Regular Meeting Schedule.

- 1) *General.* Meetings of the Board shall be held twice a month to dispense of matters properly before the Board. If there is no new business on the agenda, the meeting will be cancelled, and a notice posted at City Hall along with social media outlets and the City's Website. Additionally, meetings may be called by the chair or at the request of three (3) members of the Board in writing. The location of all Board meetings shall be in the City of Jacksonville Beach in a place accessible to the public.
- 2) *Days and Frequency of Meetings.* Meetings will be generally held on the second and fourth weeks of each month, but never on Fridays unless required by holiday, weather or other even related circumstances.
- 3) *Meeting Times.* Meetings will always be held after 5:30 pm on the day of the advertised meeting, times will be set by the Board will be publishing on the annual calendar.
- 4) *Changes to Meeting Days, Times, and Frequency.* If the Board chooses to amend their calendar, frequency, or time of meetings, it shall be done by a roll call vote and a majority of the Board members and alternates in attendance.
- 5) *Special Meetings and Workshops.* At the request of City Council or Board staff, the Board may be required to hold special meetings or workshops for review and discussion of specific topics, such as amendments to the Comprehensive Plan or the LDC.
- 6) *Organizational Meeting.* The Board shall set the date and time for their annual organizational meeting, where elections for chair and vice-chair will be held, as well as any changes or amendments to the Board bylaws or rules and procedures.

#### H. Interactions with Staff.

- 1) *Agenda Review.* The chair or acting chair may, at their choosing, ask for a meeting with staff prior to the Board meeting to review the agenda and staff reports, and to familiarize the Chair with the items to be considered at the next meeting.
- 2) *Requests and Directions.* The Board as a whole may request, through consensus, that staff investigate or provide additional information on any agenda item or question of fact, but final determination of staff's priorities will be determined by the City Manager and Administration.

I. Compensation.

- 1) The membership of the Board as well as its officers serve in a voluntary capacity and are not compensated for their time. Reimbursement for expenses related to training and travel may be reimbursed, based on a decision by the City Council or existing City Policy.

ARTICLE IV – MEETINGS

A. Open Meetings.

- 1) The Board will hold all meetings and conduct all business in accordance with City Policy and the State of Florida Statutes for Government in the Sunshine and therefore will be open to the public. The public will be given the opportunity to speak on any item of business before the Board and will be given a specified time limit for speaking. All items provided to the Board in the form of physical materials will be retained to maintain the public record of the events of the meeting.

B. Procedure Not Contained in Bylaws or Addendums.

- 1) All meetings of the Board will be, to the extent not in conflict with these bylaws, conducted according to the generally established process of City Council, or in absence of such, the latest edition of Roberts Rule of Order, with the exception that the chair will be permitted to vote on any motion. Any procedural question not contained in the bylaws may also be decided by the rules and procedures of the City Council, in absence of any established procedure by the Board.

C. Meeting Procedures, General.

- 1) The chair shall:
  - a. preside over the meeting,
  - b. call the meeting to order,
  - c. request the disclosure of ex-parte communication from each Board member for each item individually,
  - d. open and close the public hearing for each item,
  - e. invite the applicant to the podium for their presentation,
  - f. invite members of the public, who wish to speak, to the podium and call for a motion or vote on all motions or amendment to motions.

- 2) Vice-chair shall:
  - a. preside over the meeting *in absence of the chair*,
  - b. generally, *in the absence of any motions* made by Board members, make a motion for discussion, so the board may discuss the items before them,
  - c. collect and call the names of speakers who have turned in speaker cards for each item.
  
- 3) Chair Pro tem shall:
  - a. preside over the meeting in the absence of the chair and vice-chair, following all chair procedures listed in C(a)(i-vi)),
  - b. act as vice-chair in the absence of the vice-chair, following all procedures listed in C((b)(i-iii).

D. Voting and Conflicts.

- 1) *Voting Required.* All members of the Board are required to vote on all items of business before the Board, unless a conflict of interest is present. All conflicts will be recorded on the proper form of the City or State of Florida, and any questions or evaluations of potential conflicts will be reviewed, and advice will be given by the City Attorney.
- 2) *Votes Recorded.*
  - a. All procedural votes of the Board, including items such as the approval or minutes, or other normal business of the Board may be voted on by voice vote, or roll call vote, at the discretion of the chair.
  - b. All items of business, either quasi-judicial or advisory in nature, shall be decided by roll-call vote of all members present, and alternates, should they fill a vacancy of a regular Board member in their absence.

E. Agenda Items.

- 1) Normal business of the Board will be set on an agenda by staff, based on application deadlines and sufficiency, or items requested for review by the City Council or staff. The Board may request items be placed on the agenda, the date of the item will be determined by staff, especially if legal notice and posting would be required, to ensure the item is properly noticed.

F. Virtual Participation in Meetings.

- 1) Telephonic participation may be permitted where, in the opinion of the chair, members can participate fully in the discussion and any actions. Attendance through alternate means shall be subject to the Rules and Procedures of the City Council.

## ARTICLE V – MISCELLANEOUS

### A. Enacting and Amending Bylaws.

- 1) The Board shall, by a majority vote of the entire membership (full Board members and alternates), adopt rules of procedure for the transaction of business through the use of bylaws. These bylaws shall include all the rules and procedures necessary to allow for the orderly transaction of business before the Board. These bylaws will be available to the public for review, to better understand the function and action of the Board.
- 2) Amendments or changes to the bylaws will be noticed through the publishing of the agenda, no less than 48 hours prior to the meeting.

### B. Addendum.

- 1) The addendum will contain ancillary documents that may assist in the execution of the meeting by providing scripts, example motions, and additional materials such as code excerpts.

**Addendum**

**To the Board of Adjustment Bylaws**

**April 14, 2025**

**City of Jacksonville Beach**  
**Board of Adjustment Sec. 34-572.**  
**Standards Applicable to all Variances**

In order to authorize any variance from the terms of this Code, the Board of Adjustment must find that the request **meets all of the** criteria below:

**(a) There are conditions or circumstances that exist which prevent compliance with site design and development standards, or which are unique to the parcel of land, building or structure;**

**(b) The conditions or circumstances do not result from actions of the application and would not be considered a self-imposed hardship;**

**(c) There would be no special privileges afforded to the applicant by granting a variance that is not available to other parcels of land, building or structures with similar conditions or circumstances;**

**(d) Strict interpretation and enforcement of the code would deprive the applicant of rights commonly enjoyed by other parcels of land and would provide an unnecessary and undue hardship;**

**(e) The variance(s) requested, if granted, will make possible a reasonable use of the parcel of land, building, or structure; and**

**(f) The variance(s) request, if granted, will not result in the creation of a public nuisance.**

## **Chair Script / General Procedures**

### **Opening of the meeting.**

- [to the public]  
It is now 6:00 PM, (date of meeting) and I call this meeting of Board of Adjustment to Order
- [to the city clerk]  
May I please have a Roll Call?

### **Review and vote on previous meeting's minutes.**

- [to the board]  
Are there any changes or corrections to the minutes dated [date of minutes] noted by any member?  
If not, may I have a motion to approve the minutes?  
(voice vote)  
All those in favor please signify by saying "aye".  
All those opposed signify by saying "nay".  
Motion to approve the minutes from [date of minutes] is approved. [make sure you count the yes and no votes, so you know if it passes or not]

### **Communications.**

- [to the staff]  
Is there any correspondence for any item on the agenda?  
  
[if so, staff will typically have it on the dais for each member, but will state for the record what it is and what agenda item it is for]

### **Old Business (same procedure as new business).**

## **New Business.**

- [to the public]  
The Board of Adjustment Meetings are quasi-judicial in nature. All decisions of the Board will be based on competent substantial evidence, including testimony provided in this meeting.
- [to the public]  
Any person who is not an applicant or agent that wishes to speak will need to fill out a speaker card located on the side table by the door and turn them into the City Clerk.
- [to the public]  
Each member of the public will be given three (3) minutes to speak on each item.
- [to the public]  
Please refrain from speaking from the audience and applause or cheering will not be allowed.
- [to the public]  
Please silence you cell phones.
- [to the vice-chair]  
Can you please read the first item by title?

## **Vice-chair to call the application by application number and notice language. After each Item is read by the Vice-chair:**

- [to the public]  
As a reminder each member of the public will be given three minutes to speak when we open the public hearing.
- [To the Board]

Does any board member have any ex-parte communication to disclose?

*(go member by member, and if they do, make sure they disclose the content of the communication in summary)*

- [to the applicant]

Would the applicant please come forward to be sworn in and give any presentation?

- [remind the Board]

Board members, please refrain from interrupting the presentation and hold questions to the end.

*(people get nervous speaking in public, interrupting them can be distracting)*

- [To the Board]

Do any board members have any questions for the applicant?

[after applicant concludes presentation]

- [to the public]

I will now open the public hearing.

[use gavel]

- [to the vice-chair]

Do we have any speaker cards?

**Vice-chair to read each card and call the speaker to the podium.**

- [to the public, after all cards have been called]

Is there anyone in the audience who has not filled out a speaker card that wishes to speak? If so, please fill out a speaker card before you leave.

- [to the public]

I will now close the public hearing and bring the item back to the board for discussion.

[use gavel]

**discussion only after a motion**

- [to the Board]

Is there a motion?

[Vice-chair should make an affirmative motion, can be “for discussion only”]

- [to the Board]

Is there a second?

[discussion can now take place; motions may be amended]

- [to the Board]

Is there any further discussion?

- [to the City Clerk]

May I have a roll call vote on the motion?

- [to staff]

May we have the Planning Department's report?

- [to the Board at the end of all business]

May I have a motion to adjourn?

## **Model Motion for Board of Adjustment**

Typically, the motion should be made in the affirmative, based on the staff report, not in the negative. This first motion is to have a motion on the table for discussion, even if you don't want to approve it. The Board must have a motion on the table to discuss an item.

***I make a motion to approve [BOA number] based on the substantial competent evidence presented in the staff report and all relevant testimony presented at this hearing, and that the motion meets ALL the standards for a variance as outlined in section 34-572 of the Jacksonville Beach Land Development Code.***

*[someone should second, or motion dies for lack of second]*

***I make a motion to deny [BOA number] based on the fact that the applicant failed to prove they met all the standards, but more specifically [list standard, such as standard "b"] as the proposed hardship is the result of the applicant's own actions.***

*[Relate it to whatever standard they failed to meet. MOST important, state HOW it doesn't meet the standard, and what you based this on, such as the self-imposed aspect of "b".]*