



AGENDA
BOARD OF ADJUSTMENT
REGULAR MEETING
FEBRUARY 18, 2026
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

- 1. CALL TO ORDER / ROLL CALL / DETERMINATION OF QUORUM**
- 2. PLEDGE OF ALLEGIANCE**
- 3. APPROVAL OF MEETING MINUTES**
 - 3.1 Approval of Minutes from the Regular Meeting of October 15, 2025.
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
- 6. STAFF REPORT**
- 7. BOARD BUSINESS**
 - 7.1 Elections of Chair and Vice Chair
 - 7.2 Meeting Conflict for the August 19, 2026 Regular Meeting (August 18, 2026 Election)
 - 7.3 City Updates
 - 7.4 Sunshine Law Update and Quasi-Judicial Training
- 8. PUBLIC COMMENT**
- 9. ADJOURNMENT**

NEXT BOA REGULAR MEETING IS SCHEDULED FOR MARCH 18, 2026.

All members of the public are invited to be present and be heard. Persons with disabilities requiring accommodations in order to participate in this program or activity should contact (904) 310-3115 or through the Florida Relay Services at 711 at least 24 hours in advance to request such accommodations.

All interested parties may appear at said meeting and be heard as to the advisability of any action, which may be considered with respect to such matter. For information regarding this matter, please contact the Planning Department (904) 310-3135.



**MINUTES
BOARD OF ADJUSTMENT
REGULAR MEETING
OCTOBER 15, 2025
5:00 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034**

1. CALL TO ORDER

ROLL CALL / DETERMINATION OF QUORUM

MEMBERS PRESENT:

Steven Papke (Chair) Barry Hertslet
Margaret Davis Len Kreger (Vice-Chair)
Fred Johnson Frank Miller (Alt 2)

MEMBERS ABSENT:

Johnny Miller (Alt 1)

OTHERS PRESENT:

City Staff:

Teresa Prince, City Attorney representing the City of Fernandina Beach
Harrison Poole, Board Attorney
Sarah Campbell, City Manager
James Parr, Building Official
Sylvie McCann, Recording Secretary

Appellant:

Taina Christner, Appellant
Ralf Brookes, Appellant Attorney (attending remotely via ZOOM)

Property Owner

Sid Ansbacher, Property Owners Attorney

Chair Papke asked members to disclose ex-parte communications. Member Davis disclosed communications with PAB Board Member Mark Bennet on September 11, 2025, regarding LDC Section 1.03.05, and with attorney Harrison Poole regarding laws applicable to this appeal. Member Kreger disclosed email communication with the City Manager regarding zoning and the Live Local Act. Member Miller disclosed phone conversation with City Clerk Caroline Best regarding board processes. Member Johnson disclosed communications with administrative coordinator Sylvie McCann and City Attorney Teresa Prince.

Mr. Poole introduced new City Attorney Teresa Prince. Ms. Prince announced that during this appeal meeting, Mr. Poole will be representing the Board and that she will represent City Staff.

Mr. Poole explained the quasi-judicial procedures and appeal process to the circuit court. Present were all four (4)

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parties represented, the City of Fernandina Beach, the Board of Adjustment, the Appellant, and the Attorney for the Property Owners, who all agreed to tonight’s meeting procedures along with the use for time limits and order of presentation of evidence.

Ms. McCann administered the oath to all parties that wished to provide testimony.

Vice-Chair Kreger instructed the parties wishing to speak to mention their name and address before testifying.

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MEETING MINUTES

3.1 Introduction of new City Attorney Teresa Prince.

3.2 Approval of Minutes for the Regular Meeting of June 18, 2025.

ACTION TAKEN: A motion was made by Member Kreger, seconded by Member Davis, to approve the Minutes for the Regular Meeting of June 18, 2025, as presented.

Vote upon passage of the motion was taken by voice vote, and being all ayes, carried.

4. OLD BUSINESS

There was no old business to present.

5. NEW BUSINESS

5.1 BOA 2025-0003 APPEAL - TAINA CHRISTNER

Administrative Appeal for the issuance of building permits for four (4) triplex units issued for the development of parcels 00-00-31-1800-0012-0210, 00-00-31-1800-0012-0150, 00-00-31-1800-0012-0100, and 00-00-31-1800-0012-0050, relating to a violation of the City of Fernandina Beach Land Development Code Section 1.03.05 and to Judge Roberson's Court Order. (*Quasi-Judicial*)

Sarah Campbell, City Manager, introduced the case, noting that she prepared the Staff Report Analysis for this case. She explained that on July 16, 2025, a complete appeal application was submitted by Ms. Taina Christner, close neighbor to the subject properties, for the issuance of building permits for triplex units located on the properties at 124 and 146 S. 3rd Street, 329 Beech Street, and 119 and 123 S. 4th Street. Ms. Campbell explained that the Building Official, Jimmy Parr, is responsible for the issuance of building permits and that permits are processed through a platform called Energov. She stated that master permits and individual permits started being issued around July 7, 2025, and that the Land Development Order (LDO) was issued by the Technical Review Committee on June 12, 2025. She added that Mr. Parr actions followed the Florida Building Code 105.3.1 and that the timeline to file the appeal was followed.

Ms. Campbell explained that the properties in this case comprise of 5 parcels which contain twenty (20) platted lots of records, each measuring 25 feet wide and 100 feet long and have mixed zoning categories. She noted that the two (2) parcels on the west side are zoned MU-1 and that the three (3) parcels on the east side are zoned R-2.

She stated that the Staff Report lists numerous code sections that can be examined and could be applied starting with how Mr. Parr performs his duty addressed with Florida Building Code 105.3.1 *Action on Application*, which compels him to issue permits when he decides the applications are satisfactory. Also listed are Land Development Code (LDC) Sections 11.07.02 *Time for Filing Administrative Appeal*, 11.08.00 *Violations*, 11.08.02 *Enforcement*, and LDC 1.03.04 *Demolition of Structures on Substandard Lots* and 1.03.05 *Construction or Demolition of Structures on Combined Lots*. She also noted that also listed is LDC 1.05.01 *Interpretation, Generally* which addresses conflicts within the LDC. Ms. Campbell then stated that her evaluation was the Building Official acted properly as he followed the requirements of the Florida Building Code, and the appeal of his actions should be denied by this body.

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She added the issues raised in Ms. Christner's appeal on the matter of the actions of the Technical Review Committee (TRC) or the Land Development Order (LDO) are not timely, since it was submitted more than 30 days after the issuance of the LDO.

Ms. Prince explained that the appeal by the Appellant made on July 16, 2025, was timely as per the building permits issuance. She also emphasized that the TRC who met on March 27, 2025, issued its LDO on June 12, 2025, which does put the appeal timeline outside of the window of that particular issue.

Ms. Prince began her examination of Ms. Campbell by asking questions regarding communication with Planning Staff regarding receipt and completeness of the appeal application and summarized that based on procedural process the Building Official was correct in the issuance of the building permits.

Member Davis asked Ms. Prince to confirm that the TRC is not a quasi-Judicial hearing. Ms. Prince confirmed that it is not held as quasi-judicial although Ms. Christner was allowed to speak.

Member Davis spoke of the language in the LDC Section 11.07.02 *Time for Filing Administrative Appeal* regarding the time allocated to file administrative appeal.

Member Miller asked questions about the issuance of the LDO, specifically who issues it and to whom is the letter sent to. Ms. Pearson confirmed that the LDO is sent to the owner and any representative of the owner. The LDO is not noticed to the public but that issuance of the LDO is noticed on the record during the TRC meeting. Further discussion ensued regarding the process after the LDO is issued and the role of Mr. Parr in the permitting approval process.

Member Johnson asked if the Board of Adjustment has the authority to address issues relating to the TRC. Ms. Prince stated that her position is that this board doesn't have authority to address issues with the TRC.

Ms. Christner, Appellant, began her cross-examination and asked Ms. Campbell the following questions: the dates of the TRC meeting and the date the LDO was issued. Ms. Campbell provided the dates of March 25, 2025 and June 12, 2025 respectively; she then asked if Ms. Campbell was aware that back in November 2024 she initiated two (2) Public Record Requests (PRR) for any new documentation regarding this property and that no documents were provided and that after conversations with then Deputy City Manager Jeremiah Glisson and Planning & Conservation Director Kelly Gibson, it was agreed that copies of any new permits or applications would be forwarded to her. Ms. Campbell answered in the negative to both questions. Ms. Christner then asked if Ms. Campbell was informed when the LDO was originally issued in June 2025. Ms. Campbell answered in the negative.

Ms. Prince began her redirect and asked Ms. Campbell if she was ever notified when an LDO is issued. Ms. Campbell answered in the negative.

Mr. Sid Ansbacher, 780 N. Ponce de Leon Boulevard, St. Augustine, Florida, counsel for the Property Owners, asked Ms. Campbell about the compilation of the records, the review of the packet, the review of any correspondence concerning notices, and request notices of the TRC documents. Ms. Campbell explained the process.

Ms. Prince then called Mr. Parr to provide testimony.

Mr. James Parr, City Building Official, was asked to list his duties as a Building Official and explain the process of the building permit review, emphasizing that reviews pertaining to field outside of the realm of the Florida Building Code are handled by experts in those specific fields and departments. Ms. Prince provided a handout describing the Building Official's job description and a copy of FS 468.604 *Responsibilities of Building Code Administrators, Plans Examiners, and Inspectors*. Ms. Prince asked Mr. Parr to explain the review and vetting process.

Member Davis asked Mr. Parr if he received any legal guidance or opinions about LDC 1.03.05 and he was aware of the controversy. Mr. Parr answered that he did not receive legal guidance but was only made aware of the legal

controversy after the permits were issued. She also referred to Building Code 105.3.1 relating to ordinance of the jurisdiction. Mr. Parr noted that it depends on which ordinance it pertains to. Lastly, she asked of any instance when a builder receives a LDO but fails to apply for permits, especially one with certain conditions. He answered in the negative.

Member Herstlet asked Mr. Parr if he ever conferred with Michelle Forstrom, Code Enforcement Manager. Mr. Parr answered in the affirmative and stated different violations that would cause him to contact her.

Member Kreger addressed that this property had demolition actions that were not permitted. He asked Mr. Parr who could stop the action. Mr. Parr noted he would contact the Planning & Conservation Department to discuss this violation.

Member Miller inquired about who makes decisions about 1.03.5(A) how the workflow towards approval is established. Ms. Prince explained that the TRC representative of each department gives input and share the responsibility, and the Planning & Conservation Department is the lead in coordinating the approval process. Mr. Parr concurred.

Mr. Brookes announced that he needed to sign off and that he would be providing written questions through the chat window.

Mr. Ansbacher asked about the issuance of the demolition permits and if after-the-fact permits are a common occurrence. Mr. Parr answered that after-the-fact permits are very common. Mr. Ansbacher confirmed that Mr. Parr holds a Building Code Administrator's license and that the Florida Building Code defines how he performs his duties and that he would differ to the Building Code and Florida Statutes first.

Ms. Christner asked if the Building Official needs to be satisfied that it conforms to requirements of pertinent laws and is the LDC considered pertained laws. Mr. Parr answered in the affirmative that LDC is pertinent law and that approval was rendered. Ms. Christner spoke of the interpretation of 1.03.05 and disputed that a triplex is a single-family dwelling. Ms. Prince redirected and asked Mr. Parr if the interpretation of LDC 1.03.05 was his responsibility. He answered in the negative.

Chair Papke asked Mr. Parr to clarify if there were any structures on the lots before the issuance of the building permits. Mr. Parr answered in the negative, that the demolition permits had been issued before the issuance of any building permits.

Member Miller inquired about the 30-day limit in consideration of the date the appeal was received and the date of issuance of the LDO, and if this were calendar days. Ms. Prince confirmed that they are calendar days and spoke of the jurisdictional point of a special provision regarding non-working day consideration.

Taina Christner, 406 Beech Street, presented her case, explained the history of the original application, the appeal to the Circuit Court of Appeal, and covered the following four (4) key point: that this violates Judge Robeson's order, in how Section 1.03.05 conflicts with other LDC sections, why this Board has clear jurisdiction to hear this appeal, and, according to the Fernandina Observer, why the developers' supposed threat of oversize development or legal claims may have no merit. She summarized by urging the Board to uphold the Land Development Code, the court's ruling and the rule of law that protects Fernandina Beach and its neighborhood's integrity.

Member Davis asked Ms. Christner to confirm that she did not receive the LDO until September 9, 2025. Ms. Christner answered that she was made aware of activity on the property by a neighbor who stated that stakes were being installed around July 8, 2025. She then contacted Kelly Gibson at the City's Planning Department and was told that permits were issued on July 5th, 2025, and asked for updated information and received nothing. She stated that she, along with the neighborhood residents, felt their due process rights were violated since the clock started ticking on a date they were not informed of even after many requests of records.

Ms. Prince started her cross-examination and asked Ms. Christner if she was a Planner or had any expertise or expert background regarding density calculation, or knowledge of stormwater or setbacks, and how would her statements be of any validity. Ms. Christner answered that she relies on Judge Robeson interpretation and expert knowledge.

Ms. Prince noted that she doesn't believe that a "standing public record request" can be initiated as it is not the City Clerk's role and responsibility. She also clarified that there is no public notice for the issuance of a LDO. Ms. Christner explained that after making bi-weekly Public Record Requests she contacted both Jeremiah Glisson and Kelly Gibson to request to be informed pro-actively of any new activity, and they both agreed to inform her.

Chair Papke inquired about TRC public notices. Ms. Prince explained that the agenda is issued a week before the official meeting.

Ms. Prince then objected to all of Ms. Christner testimony since it does not pertain to the Building Official's responsibility in the issuance of permits.

Member Johnson asked Ms. Prince for her interpretation of Judge Robeson's order. She explained that her interpretation is this was about platted land in need of a variance because of crossing lot lines, and that this was not the Building Official's responsibility to interpret but the responsibility and the Planning Department.

Member Miller asked Ms. Christner why she didn't file the appeal after the TRC March 2025, Ms. Christner noted that there was nothing to appeal and wanted to exhaust all avenues through the City before filing with the Court. She reiterated that it was her full intent to appeal to the Board of Adjustment and wait for the permits. Member Miller then asked to confirm the scope of the appeal.

Ms. Prince added that notices are not emailed to citizens only to the applicant. She asked if Ms. Christner submitted any additional PRR, she said no, since she was told by interim City Manager or Planning Director Kelly Gibson that either one would be providing information as they became available.

At this time Attorney Ralf Brookes' virtual attendance ended as his connection was logged off.

Ms. Campbell spoke of an email dated November 8, 2024, from City Clerk Caroline Best saying a call would be made when the LDO application would be issued and reiterated that according to Florida Statute pro-active standing request for Public Record Request are not allowed.

Ms. Prince asked Ms. Christner to confirm that she was present at the TRC regular meeting of March 27, 2025, which she did. Ms. Prince concluded that the Building Official performed his duties within the requirements of the Building Code and that his decision to issue these building permits should be upheld.

Sid Ansbacher, Attorney for the property owners, had a few comments on and addressed a question raised by Member Miller regarding TRC meetings being quasi-judicial hearing. He quoted a case, which he noted Mr. Brookes was involved with, *Evergreen the Tree Treasurers vs Charlotte County, 810 Southern 2nd page 526 2nd DCA*, held that a TRC meeting was publicly noticed and consisted of the application of code to the facts of a case by a TRC of Charlotte County constituted a quasi-judicial proceeding and that it is their position that summarily, however labeled, it's already been acknowledge tonight that there was public notice of this meeting. He continued by stating that unlike this related case, Ms. Christner was able to speak and provide comments regarding the case and was able to object to the record, and that due process was followed. He then addressed the equitable stance of the 30-day notice period to appeal which he also noted as jurisdictional.

He continued with comments regarding LDC Section 11.07.01, listing the Appellate remedies to certain administrative actions, where mention of TRC and site plan are nowhere to be found. He then referred to FS 553.79 regarding the Building Official's duties and responsibility versus ones delegated to the Planning Department. He summed up the position that the building permit is a ministerial task and that no one said that the Building Official's review wasn't consistent with his jurisdiction, and that he may not have considered the lot determinations that

doesn't make his decision wrong under the Building Code.

Member Davis spoke of a previous variance request by the current owners regarding LDC Section 1.03.05 and asked if the owners seek an attorney's opinion regarding Staff's stance on the code. He does not recall giving that advice.

Public Hearing was opened.

Jack Imber, 1003 Broome Street, spoke about the City trying to circumvent the LDC for this project and of the responsibility of the Board in making any type of adjustments. He also noted that although the Appellant is not an expert in planning, a builder, or an attorney, the Appellant found facts and brought them to this Board.

Julie Ferreira, 501 Date Street, spoke of the current Court Order established on the properties. She questioned the fact that nobody at the helm of the City, along with the public, was aware of the issuance of the LDO. She noted that LDC Section 1.03.05 was established in 2006 and was created for the betterment of the City. She stated that communication within the City is weak and questioned the fact that a duplex is considered a single-family unit.

Victoria Robas, 2161 S. Fletcher Avenue, stated that she was Chair of Planning Advisory Board (PAB) on its December 14, 2022, Regular Meeting, and referred to the lengthy and very detailed staff report of PAB case 2022-0026, relating to the approval of preliminary plat for Island View, and made note that nowhere in the Staff report is there a reference to LDC Section 1.03.05. The PAB had a difference of opinion from Staff and recommended denial of PAB case 2022-0026. Lastly, she stated that on April 12, 2023, the PAB was asked to re-visit the project to address a minor issue relating to the project, but the Board reiterated that recommendation of denial to the City Commission.

Sandy Kerry, 1255 Forest Drive, commented that the termination of Kelly Gibson took place right after this issue was brought to light to Commissioner Tuten and that nobody is mentioning this. She then spoke of Circuit Court Judge Robeson's order and that it should take precedent over any local or municipal order.

Public Hearing was closed.

The parties began Closing Arguments.

Taina Christner, 406 Beech Street, spoke about head of Planning Kelly Gibson being put on administrative leave about a month after the LDO was issued. She noted that the City Manager herself mentioned that this application violates many sections of the LDC. She then spoke of developer Ron Flick involvement in the court order.

Ms. Prince presented her closing arguments, stating that it is the City's position that a lot of the issues presented in front of this Board are not appropriate and not a decision for this Board to make; that the concept of whether LDC Section 1.03.05 applies is not within the Building Official purview, and that his responsibility relates to the issuance of permits pursuant to Florida Statute. She then asked the Board to uphold and affirm the Building Official's decision to issue the building permits and to deny the appeal.

Mr. Ansbacher presented his closing arguments and asked the Board to refer to the list included under Section 1.07.01 and noted that a Building Official's purview covers the issuance of permits relating to the construction aspect.

Chair Papke closed the Closing Arguments and opened Board Discussion.

Vice-Chair Kreger voiced concern over the time wasted regarding the main concerns of this appeal which fall outside the scope for this Board.

Member Miller spoke of what is at the core of the appeal, which is LDC Section 1.03.05 still not being addressed, and expressed puzzlement about the process of public notices, the question of jurisdiction, and lack of expertise

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regarding court orders. He inquired about how to move forward after this meeting, along with finding a path that leads to addressing the question of Section 1.03.05.

Member Johnson also spoke about the root cause of why this issue is appearing before the Board and also wondered if there is a clear path to move forward.

Member Davis noted that during her short tenure as a member of this board, this property has now been presented for review a 3rd time. She appreciated that the City Manager’s statement within her staff report that this property is governed by LDC Section 1.03.05. She voiced that because there was an error that the permits should not have been issued according to LDC Section 1.03.05 and Florida Building Code 1.05.3.1 and 1.05.04.

Chair Papke asked if Judge Roberson’s order has any precedent over this case. Mr. Poole spoke of the irrelevancy of Judge Roberson’s decision in these proceedings.

Member Hertslet voiced that this should probably be resolved at the court level.

Board members had further discussion regarding the impact of LDC Section of 1.03.05 on this case along with the impact of Judge Roberson’s court order. Mr. Poole added some information from the Building Code regarding the scope of the Building Official’s duties as stated in FS 468.604. He summarized that in his opinion, Chapter 11 has such a limited scope, and only certain identified things can be reviewed by the Board of Adjustment and that it is a jurisdictional issue where considering the Local Development Order is outside of the Board purview.

Chair Papke asked Mr. Poole to review voting procedures and explained that any motion to grant the appeal and reverse the decision of the building Official has to be a unanimous five (5) votes. If there is a motion to deny the appeal it would require a simple majority and if there is a motion with a lack of a second motion or a tie, it would have the effect of a denial.

Chair Papke clarified that Member Frank Miller is an alternate and would not be voting in this case.

ACTION TAKEN: A motion was made by Member Davis, seconded by Member Kreger, that based on the plain reading of the Fernandina Beach Code of Ordinance Chapter 2, Article 2, Section 22.29, Subsection 105.3.1 and Subsection 105.4 and the Land Development Code Section 1.03.05, the decision of the Building Official to issue the sixteen (16) permits at issue, and this BOA appeal case 2025-0003 was erroneous, and that the Board makes the following Findings of Fact and conclusions of law as part of the records; 1. LDC Section 1.03.05, which specifically prohibits the issuance of a building permit for more than one residential dwelling unit on a site under certain circumstances, is a pertinent law of Fernandina Beach code, Section 22.29, Subsection 105.3.1, for which the Building Official must ensure a permit application conforms to the requirements of; 2. Under the plain language of section 1.03.05 as reinforced by the ruling of Judge Roberson in Florida circuit court order case number 23-CA-404, December 27th, 2023, denied Florida 5th DCA July 14th, 2025, and the City staff report, the properties at issue in this case are governed by LDC Section 1.03.05 for any site development or construction thereon; 3. The approval of a variance by a supermajority of this Board is required under section 1.03.05(C), prior to the issuance of any building permits for the construction of these properties of any triplexes, each of which consists of three residential dwelling units, and no such approval has been granted; 4. The issuance of sixteen (16) building permits to allow the construction of 12 residential dwelling units contained in four buildings on the properties at issue in this case, violates LDC Section 1.03.05, and thus, Fernandina Beach code Section 22.29, Subsection 105.3.1 required the Building Official to reject the permit applications for the construction of the four triplexes on these parcels; therefore, the Board reverses the administrative decision by the Building Official to issue the sixteen (16) building permits that are the subject of this BOA Appeal case, 2025-0003 and determines that pursuant to Fernandina Beach code, Section 22.29, Subsection 105.4, the sixteen (16) permits are not valid.

Vote upon passage of the motion was taken by ayes and nays, and being all ayes, carried.

5.2 BOA 2025-0003 - LAKE + LAND DESIGN STUDIO, AGENT FOR JEFFREY + JENNIFER MOKRIS, 1932 SUNRISE DRIVE

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Variance request from LDC Section 5.01.03(H) All Accessory Structures, to allow placement of an accessory structure 3 feet in front of the main structure. *(Quasi-Judicial)*
This case was withdrawn by the applicant

6. BOARD BUSINESS

Member Davis updated the Board regarding a recommendation to the City Commission presented back in June 2025 to consider and vote on the merger of the BOA and PAB boards, stated that the City Commission elected to table the request but also noted that it was not denied and could be presented again. She also asked for an update on some of the Members' previous requests to do some research on the Special Privilege criteria. Ms. Pearson answered that research is ongoing.

7. STAFF REPORT

8. PUBLIC COMMENT

9. ADJOURNMENT 7:45 PM

Sylvie McCann, Recording Secretary

Steven Papke, Chair