

A **Meeting** of the **Board of Adjustment** was held on **Wednesday, May 27, 2009 at 2:00 p.m.** in the City Commission Chambers at 155 Corey Avenue, St. Pete Beach, Pinellas County, Florida.

The Meeting was called to order by Chairman Paul Skipper.

Pledge of Allegiance

Roll Call

PRESENT: Chairman Paul Skipper; Doug Lampe, Steve McFarlin, Richard German, Zoning Administrator Anne Marr and Deputy City Clerk Pamala Prell

Absent: Park Lampson and Darrel Pray

Chairman Skipper advised that there were only three members were present and that it will take two members to vote "yes" for approval of the requests. He stated that if the applicant(s) desire a continuance that would be considered.

SWEARING IN OF PARTICIPANTS

Chairman Skipper administered an Oath to the members of the audience who planned to speak.

Mr. Skipper advised that the following changes will be made to the agenda. Item No. 4 (2009-0019) will become Item No. 5 and Item No. 5 (2009-0021) will become Item No. 4.

Case #20090016 – Jim Bedinghaus, Agent for Janet Macek, Owner. Request a variance to Section 9.7 (a)(4) requirement of 20.0' to permit the reduction of the rear yard to 14.0; for an addition to an existing single family residence. 610 79th Avenue

Ms. Ann Marr provided the background of the case by use of a power point presentation.

The existing single family residence was constructed in 1959 and an addition was constructed in 1961. Permits are on file for that construction. There is no record of any variances on file for this structure.

The applicant is proposing to demolish a portion of the rear of the structure and replace with new construction. The new construction is proposing to utilize the same footprint as the existing, with no additional encroachments. The structure

is currently 14.0' from the rear property line. The zoning district requires a 20.0' rear yard setback.

Mr. Skipper asked if there were permits regarding this property as far back as 1959. Ms. Ann advised that she did find permits beginning in 1961. It was pointed out that it was hard to determine the zoning that far back.

Ms. Marr advised that she did not receive any phone calls or letters regarding this case.

Mr. Jim Bedinghaus, 6271 6th Ave., North, St Petersburg, stated that he is an architect representing Janet Macek the owner. He stated that this request is part of other renovations that the owner wants to do with the existing home. The addition that was legally permitted in 1961 is not in very good shape; the windows are poor quality; the roof leaks and that became the priority. The initial plan was to repair the structure but when it was inspected it was determined that it would be best to demolish it and replace it in the "exact same footprint". He stated that the new addition would follow all of the new codes and regulation that exist today. He advised that if the variance is not granted the structure will be renovated in order to keep the space.

Mr. Skipper asked if there was anyone who wished to speak against the application. There was no response. Mr. Skipper closed the public hearing.

Mr. Lampe stated that he did go look at the structure and he agrees with Mr. Bedinghaus and would support the variance.

Mr. Skipper stated that he looked at the structure and was in agreement with Mr. Bedinghaus and he would support the variance.

Mr. McFarlin stated that he also agreed with Mr. Bedinghaus and would support the variance.

Mr. Lampe made a motion to approve the variance as requested. The motion was seconded by Mr. McFarlin. The motion was approved by a unanimous roll call vote.

Case #20090017- RKM Building Construction, Agenda for Alan Stalb, Owner. Request a variance to Section 3.10(b)(3)(A) to the base flood elevation requirement of 11.5' to increase the base flood elevation an additional 1.5' for a total base flood elevation of 13.0' on an existing multi-family residence. 103 7th Avenue

Ms. Marr provided the background of the case by use of a power point presentation.

Section 3.10(b)(3) Land Development Code:

(3) Should such nonconforming structure be moved, either vertically or horizontally, it shall comply with the following:

A. The structure shall be moved, vertically only, such that the lowest floor is elevated no higher than six (6) inches above the base flood elevation, as defined and established in the City's flood damage prevention regulations set forth in Chapter 98 of the Code of Ordinances, or the overall height limitations for the applicable zoning district in which it is located, whichever is lower;

B. The structure shall be moved, horizontally only, such that no additional non-conformities are created, and no existing non-conformities are increased, by such relocation; and

C. The structure shall be located on the property so that there is a setback of at least three (3) feet from the nearest property line on all sides of the structure.

FEMA base flood elevation requirement to the finished floor is 11.0' and the multi family structure is proposing to elevate to a finished floor of 13.0'. The existing structure has a current finished floor of 4.7' feet and the land development code permits the residences finished floor to be elevated to 11.5' an additional 6 inches over the FEMA requirement of a minimum of 11.0'. Structures within an AE zone determine base flood elevation to the finished floor, whereas, structures within a VE zone, base flood elevation is determined to the lowest horizontal structural member. This structure is located in an AE flood zone placing the BFE at the finished floor.

The overall height of the structure complies with the district requirement of 32.0' to the highest point. The applicant is requesting a variance to the City's base flood elevation requirement of 11.5' to increase the base flood elevation (finished floor elevation) an additional 1.5' for a total Base flood elevation (finished floor elevation) of 13.0'.

The applicant shall meet the requirement of maintaining a 3.0' setback from all property lines.

Ms. Marr advised that she did not receive any letters or phone calls regarding this case.

Mr. Tom Knapp, 1135 Pasadena Ave., #125, stated that was representing Mr. Alan Stalb the owner. He stated that his client would like to elevate the structure to become compliant with FEMA and to minimize damage by floods; the benefit

to the City is that it will be an elevated structure and compliant with FEMA; and if the variance is granted that area could be used as parking for the tenants.

Mr. Skipper asked if the structure would be approximately 18" higher than the Code allows. Mr. Knapp replied "yes".

Mr. Skipper asked how many spaces would be available for parking. Mr. Knapp stated that currently are four and they are trying to revise the drawings to get more. Mr. Knapp stated that the raising of the structure was consistent with requirements and development in Pass-a-Grille; and his client does not want to modify the structure.

Mr. Skipper summarized that the tradeoff is that the City would be getting some parking spaces and the structure would be 18" higher than the City's requirement; which would be 2 feet over the base flood elevation. He also pointed out that there are discounts for floor insurance for being FEMA compliant. Mr. Knapp advised that he did some research and discovered that the cost savings would be double. Mr. Skipper advised that this was something the entire city should be aware of.

Mr. Skipper asked if there was anyone in the audience that would like to speak in favor or opposed to the application.

Mr. David Feinberg, 702 Pass-a-Grille Way, stated that his home is to the east of the property. He inquired if there were rules regarding how much work can be done. Mr. Skipper explained that there are going to elevate the structure up to the FEMA requirements, which is why they are allowed to do this. It also creates parking under the building. He pointed out that without the variance the owner can still raise the house just 18" lower and with no parking underneath.

Mr. Feinberg stated that it is nice to see homes being improved but that it will be interesting to see how this structure will look after it is raised. He asked if the City looks at the condition of the structure before considering these types of variances. Mr. Skipper explained that the height of the floor is what is being considered and that they would still have to submit engineers' plans for approval by the Building Department; and if they determined that the structure could not be raised then the variance would not be needed.

Ms. Peggy McElroy, 102 7th Avenue, stated that she lives across the street from the property and that she is opposed to any improvement to the property. She stated that the property is in bad shape and she did not see how it could be elevated in its present condition. She stated that she is strongly opposed to the variance and would like to see the plans before any action is taken.

Mr. Skipper advised that there are preliminary plans on file in the Planning Department that can be reviewed. Mr. Skipper advised that if they were not

asking to raise the home an additional 18" then the variance would not be needed, and they could seek a permit through the Building Department and would have to provide a structural engineer report. He advised that decision was not for consideration at this meeting. He advised that they can make improvements up to 50% of the value of the building.

Chairman Skipper closed the public comments at this time.

Mr. Lampe disclosed that he inspected the property and felt that this plan will improve the property and when the project is completed it will be a better looking building.

Mr. McFarlin stated that he inspected the property and agreed with Mr. Lampe that the improvements would result in a better looking property. He stated that he understands Ms. McElroy's concerns. He felt that the floor height would give them a reasonable use and help with the parking situation in that area. He stated that he was in favor of granting the variance.

Mr. Skipper reminded everyone that what is being considered at today's meeting is the variance request to allow the structure to be 18" above the City's minimum requirement. He stated that he would support the variance as requested. He stated that the flood insurance is reduced almost in half when the structure is raised. He felt that is a benefit to all residents. He stated that he would like to see the City Commission address this issue to allow this, without a variance request.

It was pointed out that everything complies with the ordinances except for this request.

Mr. McFarlin made a motion to approve the variance as requested. The motion was seconded by Mr. Lampe and approved by a unanimous roll call vote.

Case #20090018 – Sean Sommerfield, Agent for Todd Herman, Owner. Request a variance to Section 11.7(a)(2) requirement of 10.0' to permit the reduction of the secondary front yard setback (3rd Ave.) to 4.5' for an addition to an existing single family residence. 301 Gulf Way

Ms. Marr provided the background of the case by use of a power point presentation.

The subject property is a corner lot and is currently developed with an existing non-conforming two family residence.

The applicant is proposing to construct an addition, which is to be located to the front of the structure. The existing structure does not comply with the required

10.0' secondary front yard setback. The addition is intended to follow the line of the existing structure, thereby, utilizing the existing non-conforming setback.

The RLM2 zoning district requires a 10.0' secondary front yard. The applicant is requesting to reduce the required setback to a 4.5' secondary front yard.

Ms. Marr stated that she did not get any letters regarding this property.

Mr. Sean Sommerfield, Agent for Mr. Herman (owner) testified that they would bring more landscaping and green space to the property; that a wall facing 3rd Avenue has fallen which will be fixed; the house will have new vinyl siding; all within the 50% rule and the variance will help them do this. He stated that the lot is non-conforming.

Mr. Skipper asked if any calculations have been done regarding the 30% open space. Mr. Sommerfield stated that he had not as of yet. He mentioned that a concrete patio on the front of the home would be redesigned and some of that patio would be removed to get more green space. He disclosed that the house sits 31' from the front property line, near Gulf Way and the new addition will be a little over 20' at the further most points of the steps down from the porch.

Mr. Skipper asked if there was any one who would like to speak in favor of this variance to come forward at this time. No one responded.

Mr. Skipper asked if there was any one who was opposed to this variance. No one responded.

Mr. Skipper closed the public discussion.

Mr. Lampe stated that he inspected the property and felt that it appears that what they are asking for is consistent with other homes in the area. He was in favor of the variance.

Mr. McFarlin inquired if there would be a deck. Mr. Skipper stated that there would be a small one, but they needed green space.

Mr. Skipper pointed out that the non-conformity was not being increased.

There was a general discussion of the impacts on the neighbors and it was determined that they would be minimal.

Mr. Lampe made a motion to approve the variance as requested. The motion was seconded by Mr. McFarlin. The motion was approved by a unanimous roll call vote.

Case No. 20090021: Cheryl Callahan, Owner. Request a variance to Section

6.13(c)(4) requirement of 15.0' to permit the reduction of the rear yard to 4.0' for a detached pergola. 103 17th Avenue

Ms. Marr provided the background of the case by use of a power point presentation.

The applicant has constructed a pergola with decking, without a permit, in the rear yard of the subject property. The owner received a notice of violation for construction without a permit and upon review of the submittal it was determined that the pergola was not in compliance with the land development regulations.

These types of structures are permitted, but are only allowed to encroach 5.0' into the required rear yard. The required setback for the RLM2 zoning district is 20.0' and with the permitted 5.0' encroachment, allows the applicant to construct the pergola 15.0' from the rear property line. The applicant is requesting to maintain the 4.0' setback that the pergola was constructed at. The applicant is aware of any penalties/fines associated with construction without a permit.

Upon inquiry by Mr. McFarlin, Ms. Marr stated that there was a complaint by a neighbor that was handled by Code Enforcement.

Mr. Lampe asked about the history of granting this type of variance in this particular area. Ms. Marr stated that she did not recall any applications for this type of structure for many years.

Mr. Skipper inquired who built the pergola. Ms. Marr stated that he would have to ask the applicant who the contractor was.

Ms. Marr stated that she did receive two phone calls regarding this request, and after hearing what the request was for, one caller had no objection.

Mr. Mike Callahan, Tampa, stated that he was representing this case for Ms. Callahan. He disclosed that they are not related. He testified that a significant portion of the pergola has been constructed; approximately 5 months ago Mrs. Callahan wanted to replace the deck in the backyard; she had some family friends who did carpentry and they started to replace the deck and also to build a pergola for shade; there were similar structures in the neighborhood; and they did so without checking with the City. He testified that they did not realize that they needed a permit, there was never any intent to subordinate the regulations; and that once they were notified by the City; she hired him to help with the variance request. Mr. Callahan stated that Ms. Marr has been very helpful. He asked for forgiveness and to seek a variance. He testified that there is not much privacy in the backyard and he displayed photos to the board of the back yard. He stated that they were trying to create an oasis in the back with some shelter and landscaping. He pointed out that the original plan was to build a fence around the back yard but Ms. Callahan decided against that plan. He displayed photos of the pergola. He testified that the structure would meet the wind load requirements under the

regulations.

Ms. Cheryl Callahan, 103 17th Avenue, testified that the home is 62 years old and is in vintage condition; most of the properties around her are duplexes or multi-family; her residence is a single-family home that she and her family want to make memories in. She felt that there needed to be more privacy in the backyard and that the deck and pergola she thought was just a home project that did not need permits. She testified that she did talk to a fence company and was told that she could put a 9' fence around the back, but chose the pergola that would fit into the natural vegetation. She felt this would be an enhancement to the home and the community. She stated that there are not many owners who live near her, but one owner told her it was attractive.

Mr. Skipper stated that he inspected the pergola and felt it was very attractive, but it could be moved back 10 feet and still be attractive. He asked Ms. Callahan if she has considered an alternate design. She stated that she has.

Mr. Skipper stated that if he had a choice he would have also put the structure in the same area that Ms. Callahan has, but there are setback requirements. He also stated that he was not sure the variance would have been granted if she had asked the City prior to the construction because that is a large variance. He pointed out that he did not see any hardship for this case. He stated the decking can remain, but the structure would need to be moved back.

Mr. Callahan stated that he did have an alternate plan which would not require him to remove all six posts if they could just flip the structure. Upon inquiry, he stated that the setback would be less. Ms. Callahan remarked that this is the most expensive pergola in Pass-a-Grille.

Mr. Skipper asked if there was anyone present who would like to speak in support of this variance. No one responded.

Mr. Skipper asked if there was anyone present who would like to speak in opposition to this variance. No one responded.

Mr. Skipper closed the public comments.

Mr. Lampe stated that he felt that the compromise was good but that he was concerned with setting a precedent and that others may want the same consideration. He felt that the structure is well built.

Mr. Skipper pointed out that each case stands on its own merits and is considered separately by the board.

Mr. McFarlin stated that he inspected the property and felt that the structure blends in well, but he had the same concerns that Mr. Lampe has. He stated that he was

in favor of the alternative drawing which would require less of a variance.

Mr. Skipper stated that he felt the alternative drawing would be acceptable.

Ms. Marr pointed out that they would need a 4' variance to the 11' setback and they would have to submit an after-the-fact permit for the inspection.

Mr. McFarlin made a motion to approve a variance to the rear yard setback from the required 15' to 11'. The motion was seconded by Mr. Lampe. The motion was approved by a unanimous roll call approval.

CASE NO. 20090019 – Daniel Dennehy, Agent for St. Pete Beach Properties, LLC, Owners. Request a variance to Section

Ms. Marr provided the background of the case by use of a power point presentation.

The subject property is a corner lot and is currently under construction for a tourist lodging facility

The applicant is proposing to construct an addition of a 22.0' x 27.0' porte-cochere, which is to be located to the southern side of the structure. The addition of the porte cochere is intended to encroach into the required 25.0' secondary front yard setback by 22.0', thereby, creating a non-conforming setback. The applicant is requesting a variance to install the porte-cochere 3.0' from the setback line.

The original resort was designed with a mansard/flat roof to accommodate mechanical equipment, stair and elevator towers. The Land Development Code permits those extensions beyond the allowable roof height as these appurtenances are generally required to be placed above the roof level and are not intended for human occupancy. The applicant has decided to modify the roof deck area as an amenity to the resort. The roof deck is proposed to be modified to included human occupied areas by the addition of an enclosed elevator lobby area with restrooms facilities, deck area, railings, trellis coverings, planting areas and two covered structures. As these are areas for the use of the patrons of the resort, the applicant is requesting a variance to the height restriction of 50.0' from base flood elevation (BFE). The applicant is requesting a height variance of an additional 10.0' for a total height of 60.0' from base flood elevation.

Ms. Marr testified that she received several letters of objection for the height variance and some in support and opposition of the porte-cochere.

Mr. Dan Dennehy, 1519 Bass Blvd., Dunedin, Agent for St. Pete Beach Properties, LLC, Owners, testified that the property is called Villa CeSar, and is designed to be a high end boutique hotel and the management company

"Preferred Suites" desires the porte-cochere. He disclosed that this is the same management company that manages premiere properties such as the Don CeSar Resort and the Vinoy Resort. He stated that part of their criteria is to have a porte-cochere to protect the guests from the weather when they arrive and leave the property. He stated that everyone involved has put a lot of effort and hard work into the property and would like to see it be successful. He testified that the property is three stories (over parking); that there will be no additional stories, units and no additional height; and they have access to the roof.

Mr. Dennehy testified that they are seeking the ability to satisfy issues raised by the management company and city staff; for example, the Fire Marshall wanted to see that the roof is protected and that the elevator is large enough for the firefighters and a gurney; and the elevator exits into a protected area, all of which have been made a part of the plans. He testified that it made sense to have restrooms for the hotel guest's exclusive use. He showed the existing elevation of the hotel and the roof top and stated that they did not want to go any higher than they were originally approved for the stairway and elevator.

Mr. Dennehy stated that if a hotel guest wants to go up on the roof and enjoy the sunset they would have the ability to do that. He referenced weddings and events only for hotel guests, and that the area would not be open to the general public. He stated that they can already use the space but wanted to make it better to meet the criteria of the management company, which is their hardship. He testified that the site is small. He testified that there is no sunset view. He mentioned that the porte-cochere is a requirement of the management company. He disclosed that the hotel will offer valet parking and there will be no driving around the property by their guests. He testified that the porte-cochere is the same height that was permitted as the overhang and it is light-weight and within the property line.

Upon inquiry by Mr. Skipper, Mr. Dennehy testified that they are 3' behind the property line. Mr. Skipper pointed out that regarding the roof they are permitted for stair towers and an elevator shaft. Mr. Skipper asked if the elevator terminated on the roof or the 4th floor. Mr. Dennehy replied "that one elevator terminates on the top floor".

Mr. Skipper pointed out that the applicant was seeking a height variance to be 10' over the required building code height. Mr. Dennehy clarified that it was for the two protocols at the end and the expansion of the restrooms.

Mr. Lampe asked what other type of facilities would be on the roof top. Mr. Dennehy replied that there will be no other facilities located there, if there are events on the roof the event will be served by the restaurant by use of the elevator. Upon inquiry, he stated that he had not considered having music on the roof, if there was a need he would seek a conditional use permit.

Ms. Marr clarified that the Land Development Code does not allow any human occupancy on the roof. She suggested that the Board could impose conditions if they desired to approve the request. She testified that the zoning is RM and if they want an event on the roof they will have to seek a conditional use. It was pointed out that there were 36 units.

Mr. Dennehy testified that the lobby has an elevated ceiling height and the other floors average about 11.5' ceilings; that is was designed as a high-end hotel with suites and lots of space within the rooms. He pointed out that they are two bedroom suits with two living areas which were designed for families. He testified that most units would house an average of three to four guests; such as a family and business clientele.

Mr. Skipper summarized the request was for the porte-cochere going within 3' feet of the property line; a height variance of an additional 10' that would match the elevator shaft and stair towers. Mr. Dennehy agreed that was the request and that the total square feet would be approximately 1000 sq. ft. Mr. Skipper asked what would happen if the request was denied regarding the use of the roof.

Mr. Dennehy stated that the roof could be used at this time without a variance, according to Mr. Holley. He stated that the hardship would be that they could not meet the criteria for the management company and would have to seek another company.

Mr. Skipper stated that he did not feel that the management company's criteria would qualify as a hardship in this case.

Mr. Lampe asked if the restrooms were permitted. Mr. Dennehy stated that they were not, at this time.

Mr. McFarlin clarified that this roof is not for public use and only for hotel guests; and no alcohol will be served on the roof. Mr. Dennehy stated that if there is an event they would have to seek a conditional use permit, and they do not intent to apply for that at this time. Mr. McFarlin clarified that they wanted to have a sundeck with restrooms.

There was a general discussion regarding having weddings on the roof top and serving food and beverages. Mr. Dennehy stated that the roof would be used more as a photo opportunity than for events.

Mr. Skipper asked if there was anyone in the audience that wished to speak in favor of this application. There was no response.

Mr. Skipper asked if there was anyone in the audience that wished to speak in opposition of this application.

Mr. Peter DiCostanzo, 3820 Gulf Blvd., stated that he understands the reason for zoning regulations and that he was surprised how often owners and developers come before the board to seek exceptions to the regulations. He stated that he felt that people always want more than they are allowed and that the zoning regulations should be adhered to and the variance denied. He stated that he felt that when Mr. Dennehy returns to Dunedin that the residents will be left with the "after-math". He asked the board members to consider the surrounding neighbors when considering this request. Upon inquiry, he stated that he felt that the porte-cochere was not necessary.

Mr. Skipper clarified that the applicant has the right to seek variances to the regulations.

Ms. Elizabeth Dudash, 3820 Gulf Blvd., was concerned that some hotel guests may request to have their meals served on the roof she wanted to know if the restaurant was only open to hotel guests. She was concerned that there will be excess noise and entertainment on the roof deck. Upon inquiry she was informed that the A/C equipment can be on the roof deck. She was against the variance request because she felt that the area would eventually become a restaurant. She stated that the porte-cochere is right next to the residential area and was concerned that it will impact the residents in a negative manner.

Mr. Glenn Hanna, 3820 Gulf Blvd. stated that he was concerned with the impact that this will have on a residential neighborhood. He stated that the residents already deal with loud noise from a bar that is ¼ of a mile up the street which has continued for many years. He stated that if approved, this case would set a precedent for others to seek the same rights. He stated that this area is not part of the City's "Hotel Zone". He was against the approval of the variance. He felt that it would be hard to keep the public from the rooftop and that eventually there would be bands and alcohol for weddings and events which will create excessive noise.

Mr. Jack Freed, 3820 Gulf Blvd., felt that the variance request for a reduction of a setback from 25' to 3' was a very large request for a residential neighborhood. He stated that the increase in the total square footage of approximately 1,300 – 1,400 sq. ft. He asked what type of hardship exists which would allow a variance.

Mr. Skipper stated that the Board is trying to determine the hardship, before they take action on this case. He stated that he did not see a hardship for this request.

Mr. Christopher Leonard, (Commissioner - District 3, 338 42nd Avenue), stated that he felt that the developer has been very responsive to the residents regarding complaints. He said that he was glad that the property is no longer an

empty fenced lot. He outlined the area where the residents live near this property and expressed his concerns about the impact of commercial activity on those residents. He stated that residents have written and called him to object to the approval of these variance requests. He explained that under the newly proposed Comprehensive Plan (SOLV's) if approved this property would not be allowed transient accommodations. He asked that these variances be denied.

Mr. Skipper stated that he did not feel that they should be considering what the Land Use Plan, if adopted will do to this property. He advised that the Board has to consider the request based on the rules and regulations that are effective today. He stated that there was no way of knowing when the proposed Comprehensive Plan will be adopted.

Mr. Carmen Volanti, President of the Bella Marguerite Condo Association, 3805 Gulf Blvd., stated that he lives adjacent to this property and was asked by the residents of the association to attend this meeting to express their opposition to the variance regarding the rooftop. He stated that none of the Condo residents has raised any issues with the porte-cochere. He testified that his balcony is less than 40' from the proposed structure. He stated the structure was not an issue, but the use such as parties and music is what concerns the nineteen residents, who live in the Condo.

Ms. Mary Kuntz, 3820 Gulf Blvd., stated that she was concerned that on the website and on the sign for the property it shows the porte-cochere; and that it has been there before they made application for the variance. She stated that the height variance was more of a concern than the porte-cochere.

Mr. Robert Palmer, 3700 E. Maritana Drive, was concerned about excessive noise during the evening hours.

Mr. Skipper inquired if the Land Development Regulations restricted the roof usage to "no human habitation". Ms. Marr referenced the regulations (Sec. 7.2 – Height Limitations, which reads that ".....above the roof level and not intended for human occupancy".

Mr. Dennehy agreed with Ms. Marr but felt that did not exclude the use of the roof top. He stated that Mr. Holley, Director of Building Services advised him that they could use the roof as a sundeck, and that the variance is needed to have a cover over the roof/sundeck. He testified that he felt that part of the hardship imposed was a request by the City's Fire Marshall for the vestibule. He stated that the protocols are their request. He stated that he has spoken to many residents regarding the porte-cochere which did not infringe onto any of the neighbors, it is across the street from the closest residence and the cars will still go there regardless of the variance approval. He testified that they are not going to turn the roof top into a restaurant, or an extension of the restaurant. He stated that if a wedding is being held at the facility they may wish to use the rooftop to

take sunset photos, which they can already do. He stated that he wanted to be a good neighbor. He stated that if the Board wants to impose any conditions regarding the use of the rooftop that would be acceptable.

Mr. Skipper outlined that two issues being considered, increasing the height requirement from 50' to 60' and the reduction of the front setback to 3' from the requirements. He stated that height issues are always a concern in this Community.

There was a general discussion regarding the Fire Marshall's request being made after he learned of the new plan to utilize the roof top in order to have access for emergencies. Mr. Skipper stated that having an elevator was not a requirement. Mr. Dennehy stated that the elevator was their choice.

Ms. Beth Zoziak, 3820 Gulf Blvd., expressed her concern that she felt that the restrooms would not be needed, if the only use was to watch sunsets.

Mr. Skipper closed the public comments section.

Mr. Skipper stated that he did not see any hardship regarding the variance for the height because the roof can be used as a sundeck currently, but he could not have the porte-cochere and restrooms.

Mr. Lampe stated that he felt that the restrooms may encourage more use of the deck for weddings and events in the future. He expressed his concerns with the residence being adversely impacted by excessive noise and he did not support the approval of the variance.

Mr. McFarlin stated that he felt that the hotel would be an upscale operation from what was on the property before, and that he understood the residents concerns. He stated that everyone's rights should be considered. He suggested that the applicant seek a conditional use from the City Commission at a future date. He stated that he was not comfortable with the height increase but would support the variance for the porte-cochere.

Mr. McFarlin made a motion to approve the variance request for the porte-cochere. Mr. Lampe seconded the motion, for discussion.

Mr. Lampe stated that he felt that the porte-cochere would be a design feature to make the property more valuable and usable and the traffic will be there anyway. He supported the porte-cochere.

Mr. Skipper expressed that he felt that 3' feet from the property line was in excess of what could be done. Mr. McFarlin pointed out that this would keep the traffic off of Gulf Blvd.

Mr. Skipper re-opened the public comments section to ask questions of Mr. Dennehy.

Mr. Dennehy, upon inquiry, responded that the porte-cochere has an overhang over the door entry and any alternative to the porte-cochere would be to uncover a portion of the driveway and pull the porte-cochere back at least half of the distance, as it was a two-lane driveway.

Mr. Lampe stated that they did not need a two-way driveway for the amount of traffic that the hotel would generate.

Mr. Dennehy suggested a continuance to allow the plans to be revised to offer an alternative design for the porte-cochere and he would also have time to meet with the residents of the area and address their concerns. He advised that he did not think there was a lot of opposition regarding the porte-cochere.

There was a general discussion regarding the dimensions of the porte-cochere. Mr. Dennehy pointed out that it is intended to be an open filigree frame with columns. He stated that he can get the design back to staff for consideration before the next meeting.

Mr. Lampe suggested that the case be continued until the next meeting.

Mr. Skipper suggested that the issue be worked out at this meeting, so that the Board could take action.

Mr. Skipper asked if anyone in the audience wanted to make a comment regarding the porte-cochere being moved back.

Mr. Bruno Zoziak, 3820 Gulf Blvd., stated that he felt that the current rules and regulations should be adhered to.

Upon inquiry, Commissioner Leonard stated that he felt any action to try to minimize the commercial activity in the residential area would be welcome. He stated that he did not see any hardships for these variances.

Mr. Carmen Volanti mentioned the value of the building to the neighborhood and the City. He stated that the residents in his condo are in favor of the porte-cochere because they want the building to have all the amenities that it can have to attract visitors. He felt the porte-cochere was needed to shelter visitors when they arrive at the hotel.

An unidentified representative for St. Pete Beach Properties, LLC, 20 Forrest Court, Palm Harbor, stated that he is involved with this project and advised that the porte-cochere is an open structure; that they are trying to create a four-star

resort, similar to the Don CeSar. He advised that they desire the two-lane drive thru so that visitors can enter the hotel without getting wet, which he felt was a key part of the success of this project. He advised that the architect is looking at the design and if they can give up a few feet they will do what they can to make it work. He stressed that this is going to be an upscale hotel.

Mr. Jack Freed, 3820 Gulf Blvd., wanted to make sure the structure would withstand high winds. Mr. Skipper advised that would be a requirement under the Florida Building code.

Mr. Dennehy testified that after reviewing the option with the architect he felt that they could move the porte-cochere 10 feet closer to the building and be able to leave one lane uncovered.

Mr. Skipper closed the public comments.

Mr. Lampe stated that he felt that a continuance would provide the residents an opportunity to review the changes and possible there would be no objections to the new option for the porte-cochere.

Ms. Marr outlined the procedures for continuing the case until the next meeting.

The applicant agreed to the continuance.

Mr. McFarlin withdrew the previous motion; Mr. Lampe agreed.

Mr. Lampe made a motion to continue the request porte-cochere until the June 24, 2009 meeting. The motion was seconded by Mr. McFarlin. The motion was approved by a unanimous roll call vote.

Mr. McFarlin suggested that the applicant seek a conditional use from the Planning Board and/or the City Commission regarding the height increase. He stated that he understands the residents concerns about the roof top use and the impact on their neighborhoods.

Mr. McFarlin made a motion to deny the request for a height variance to increase the height from 50' to 60'. The motion was seconded by Mr. Lampe. The motion was approved by a unanimous roll call vote.

Other Business

Mr. McFarlin stated that he would like to request that the City Commission review the ordinance regarding the raising of homes in order to provide parking under non-conforming structures because that it would give residents a discount on FEMA insurance. Mr. Skipper was in agreement with Mr. McFarlin. It would only be the floor level in side the house which

will not change the height of the structure. It was pointed out that the section was 3.10 – Elevation of Structure.

Ms. Marr stated that she would advise Mr. Holley of this request and that he will discuss the issue with the City Manager.

Next Meeting

The next meeting will be June 24, 2009.

Adjournment

Being no further business, the meeting was adjourned at 4:05 p.m.



Paul Skipper, Chairman

Attest:



Pamala Prell, Deputy City Clerk