

A Meeting of the Board of Adjustment was held on Wednesday, September 30, 2009 at 2:00 p.m., in the City Commission Chambers at 155 Corey Avenue, St. Pete Beach, Pinellas County, Florida.

Pledge of Allegiance

Roll Call

Present: Paul Skipper, Doug Lampe, Park Lampson, Steve McFarlin, Director of Community Development Karl Holley and Deputy City Clerk Pamala Prell

Absent: Darrel Pray

Call to Order

Chairman Skipper called the meeting to order at 2:00 p.m. He explained the rules for the meeting and swore in those audience members who wished to speak at this meeting.

Mr. Holley advised that the applicant for Case No. 20090028 is running late and has requested that their case be moved to the end of the meeting. The Board was in agreement.

Approval of Minutes

Mr. Lampson made a motion to approve the minutes of February 27, 2008; December 18, 2008; April 29, 2009; May 27, 2009; June 24, 2009 and July 29, 2009. The motion was seconded by Mr. Lampe. The motion was approved by a unanimous roll call vote.

Case #20090029 Application of CSJM Architects, agent for Nikolaus Skiadiotis, for property located at 5799 Gulf Boulevard. Applicant requests variance from Section 15.7(a)(2) to reduce required secondary front yard setback from 15 feet to 10 feet one inch for a building addition.

Mr. Holley explained the application. He pointed out that the request is not from 15 feet to 10 feet one inch, it is actually from 25 feet to 10 feet one inch. He stated that the building addition is in line with the existing structure. He advised that the variance will not bring the structure any closer to the street than it already is.

Upon inquiry, Mr. Holley reported that this applicant was granted the same variance but they did not accomplish the work within the 12 months time period, so they were required to come back before the board. He stated that technically

this is a new variance and the previous one was void by failure to complete the addition within the specified time frame. He advised that this variance is the same request as the first variance.

Mr. Skiadiotis, 410 55th Avenue, property owner, explained that he wants to square off the building and get some extra storage. He advised that they are not adding any additional seating.

Mr. Skipper sworn in Mr. Skiadiotis.

Chairman Skipper asked for audience comments. There were no comments and the public session was closed.

Mr. Lampe stated that he supported the variance request.

Mr. McFarlin stated that he supported the variance request because it will not encroach into the residential area; it will not change any traffic patterns. He stated that he felt that it would be an improvement to clean up the rear of the property.

Mr. Lampe agreed with Mr. McFarlin that it would be an improvement.

Chairman Skipper stated that it will have the same setbacks as the existing building and he supported the variance.

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

Case #20090030 Application of Heritage Propane, agent for Kimberly J. Gustafson, for property located at 441 88th Avenue. Applicant requests variance from Section 8.7(a) (3) to reduce required seven foot side yard setback to three feet for installation of a pool heater.

Mr. Holley explained the case and stated that the pool heater was already placed in the requested location.

Mr. Mark Starkren, 4481 88th Avenue, stated that when he got the permits he thought that the pool heater was included, but during an inspection he was informed that the pool heater required a 7 ft setback. He explained that this is the only place the gas pool heater can be placed. He stated that gas heaters are required to be 4 feet from the windows and 3 feet from the electrical panel. He advised that is about 3 feet 3 inches from the electric panel. He advised that the tank and the underground line are already in place.

Chairman Skipper asked for audience comments. There were none and the public session was closed.

Mr. Holley advised that he has received no letters of objection regarding this variance request.

Mr. Skipper stated that there are not many places that the pool heater can be placed. Mr. McFarlin agreed.

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

Case #20090031 Application of Priority Marine, agent for Dr. Frederick Guerrier, for property located at 2656 West Vina Del Mar Boulevard. Applicant requests amendment of Development Order 20090013 Which previously granted variances to Section 6.23 (d)(3) and (4). In addition to the previously granted variances, applicant requests to extend pilings to 31 feet from seawall to accommodate a boat lift.

Mr. Holley explained the application.

Mr. Erick Gosman, 1 Key Capri, Treasure Island, advised that he was here to represent Priority Marine. He advised that on March 28th they came before the board to request a variance for a dock and a boat lift; at that time they were asking for a one foot setback on each of the side yards; after discussion at that meeting, the board determined that they could get approval for a one foot setback on the south side of the property and a 3 foot setback on the north side. He advised that at the meeting the drawings that were provided indicated that the dock was going to be within 27 feet of the seawall; it was a total misunderstanding on his part that during the discussion he did not ask the board to also approve the distance of approximately 31 feet on the south side for the furthest piling for the boat lift. He explained that the property is on a radius; the dimensions that were initially submitted were all on the assumption that the dock would be one foot off the property line and the boat lift would be one foot off the property line; when it moved to three feet it does have some affect if you draw on that radius; when they applied for a permit and showed the dimensions for the boat lift of 31 feet, actually it was up to 35 feet, the permit was approved by the City; he subsequently learned that was an oversight. He provided an as built survey to show the Board where the dock is located; which is 24 feet not 27 feet; because of the curve of the property the boat lift has to sit on a slight angle to stay within the property lines; as a result the furthest piling on the south side is actually 30 feet 4 inches and the approval that was given on March 28th stated that everything should have been within 27 feet. He stated that he failed to ask the Board for the approval for the piling. He stated that the majority of the discussion at the March meeting was about the setbacks. He advised that the dock has

been built. He stated that on the boat lift side it varies from 1.75 feet to 1.24 feet, as the setback; the dock side varies from 3.8 feet to 3.4 feet as the setback. He asked the Board for approval to allow the furthest piling to be 30 feet 6 inches from the seawall recognizing that the way the Board's approval was written on March 28th they approved a distance of 27 feet for all structures, when in fact dimensions for both were provided. He disclosed that the distance from the southern property line for the piling is 30 feet 4 inches from the seawall to that furthest point of the piling was not approved at the March meeting. He asked for approval for the dock to stay as constructed recognizing that one piling is 30 feet 4 inches when measured from the seawall. He stated that the dock, boatlift and boat are all within the property lines. He stated that according to Pinellas County, EPA and the City he understood that the dock is not in the way of the neighbor's right of ingress-egress to their waterfront by having the dock and boat lift were it is.

Chairman Skipper asked for audience comments in favor of the application.

Ms. Teri Scapick, president of Woods Consulting, stated that she wanted to point out that in her review of the issue Mr. Gosman's summary is correct regarding the action taken at the March meeting. She asked that the Board approve the request so that the dock can stay in its current location. She advised that the County issued a permit for the dock in its present location.

Chairman Skipper asked that a copy of the County's Permit be added to the record.

Chairman Skipper asked for audience comments opposing the request.

Mr. Holley pointed out that he received two letters objecting to the application. Chairman Skipper stated that those letters were received by the Board.

Mr. Pete Samuelson, 2632 West Vina Del Mar, stated that he is the neighbor to the south and that he submitted a letter of objection to the Board; that he did not get any notice of the March hearing for a variance; he stated that he would never have wanted the boatlift within one foot of his property line; when the boat is on the boat lift it sticks out further; the boat is 34 feet long and does effect his ingress-egress to his dock; he asked that the request be denied. He stated that he was on vacation and when he returned the boatlift and dock were already built. He stated that he came to see Mr. Holley and the City came out and measured the structures and found that the dock is further out than is should be. He stated that he felt it was a safety issue, and when the boat is on the lift it blocks his view of the canal. He stated that he would have wanted the lift 3 feet from his property but that he did not know about the first hearing. He disclosed that his dock is right on the property line. He disclosed that he did not sign anything regarding this dock.

Mr. Gosman stated that the neighbors did not want to sign off on the dock application. He state that according to the survey the dock on the south side of the property line is on Dr. Guerrier's property, and is not one foot off as required.

Chairman Skipper stated that putting docks in corners is a difficult situation. Mr. Gosman agreed.

Chairman Skipper closed audience comments.

Chairman Skipper disclosed that he inspected the property and felt that the neighbor's dock is very close to the property line, if its not right on it, and that it looks like that dock is closer than what is being requested. He stated that he can see where the neighbors view is blocked.

Mr. McFarlin disclosed that he inspected the property and that he understands what happened, at the March approval, and that most of the discussion was about the 27 feet; not realizing that it would extent it on the south side. He stated that he can understand the neighbors concerns. He felt that there was no bad intent and that they tried to build what was approved but ended up being out further on the south side.

Mr. Holley advised that this would be a modification of the previously approved development order, but that it could be considered as a new application.

Mr. Lampson stated that he did not like things being built that applicants ask for forgiveness instead of permission. He felt that the all of these issues should have been raised by the applicant with the original request.

Mr. Lampe agreed with Mr. Lampson.

There was a general discussion regarding the neighbor's view of the canal being obstructed with the boatlift and the boat.

Mr. McFarlin stated that he did not think there were any regulations regarding views being blocked.

Chairman Skipper called the question.

Mr. McFarlin made a motion to approve the variance request. Mr. Lampe seconded the motion. The motion failed by a 3-1 roll call vote, with Mr. McFarlin voting "yes".

Case # 20090028 Application of John A. Bodziak, agent for Ferg's Beach Shank LLC, for property located at 677 75th Avenue. Applicant requests variance from Section 23.4(e), surfacing requirements for commercial parking areas, to allow for unpaved parking.

Mr. Holley explained the application. He stated that there was a temporary variance that approved in the past, and they were given a variance for a few years, which has expired. He stated that he did not have adequate documentation of that approval to determine whether it was the intention to have the lot paved after the temporary variance expired. He stated that the temporary variance is no longer in effect.

Chairman Skipper asked if the City has issued temporary variances in the past. Mr. Holley advised that he was not aware of that but could provide the documentation of the case to the Board.

Mr. Jack Bodziak, agent for Ferg's Beach Shack, stated that a variance was approved in the past, similar to what is being requested today. He explained that the development of this property has been reviewed by the City a few times for a larger long-term plan that included parcels that are under the same or similar ownership. He stated that the original Sloppy Pelican Restaurant which is now the Beach Shack was closed for a period of time, and during that time period the variance that was in place did lapse. The present operators have a lease and have spent a lot of money renovating the restaurant and rebuilding the dock, to bring the property up to current codes and getting it back in operation. He stated that in the present economy the reason for the variance request is that the use of the property is not a long-term use. He stated there have been some efforts to do a more comprehensive development including all of the parcels. He advised that the lot holds more cars unpaved than it will if it's paved. He felt that to pave the lot, at a great expense, when it is not the long term use plan of the property. He asked for a new variance to replace the one that expired. He advised that the first variance had a two year time period, before it expired. He reported that the documents regarding the first variance are on file in the City records.

Chairman Skipper asked for audience comments. There were none, the public session was closed.

Mr. Holley provided the documentation regarding the first temporary variance that has expired, for the Board's review.

Mr. Lampson asked about the requirements for having a hard surface instead of unpaved. Mr. Holley stated that he felt it was a maintenance and/or safety issue depending upon what the surface is. He advised that unimproved surfaces are more environmentally friendly and allows less runoff of water.

Chairman Skipper disclosed that the parking lot has been used for many years, unpaved lot. Mr. Holley stated that he was not aware of any issues regarding the parking area.

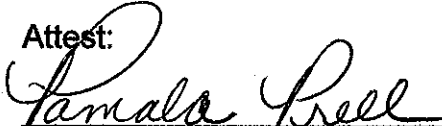
Mr. Holley stated that during the Beach Shack's plan review process the expired variance was discovered. He advised that a time limit is not necessary, either it gets a variance, or it does not. He advised that the lot has been used for over a decade with no issue or complaints.

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

ADJOURNMENT

Being no further business, the meeting was adjourned.


Chairman Paul Skipper *for P.S.*

Attest:

Pamala Prell, Deputy City Clerk