

A Meeting of the Board of Adjustment was held on Wednesday, February 24, 2010 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, Steve McFarlin, Darrel Pray, Director of Community Development Karl Holley and Deputy City Clerk Pamala Prell

Absent: Park Lampson (excused)

Call to Order

Chairman Skipper called the meeting to order. He explained the rules and procedures for the meeting and swore in those audience members who intended to speak regarding any case on the agenda.

Approval of Minutes April 30, 2008; October 28, 2009 and November 18, 2009

Mr. McFarlin made a motion to approve the minutes as submitted. Ms. Pray seconded the motion. The motion was approved by a unanimous roll call vote.

Case # 20090035

Application of Paul Resop II, agent for the Resop Family Partnership, for property located at 6265 Gulf Boulevard. Applicant requests variance from Section 23.5 to reduce required parking from 16 to 11 spaces for a new commercial structure. Applicant requests variance from Section 16.7(b) (4) to reduce required rear yard setback from 25' feet to 9' for a new commercial structure.

Mr. Holley explained the application and stated that this case was continued from a previous hearing and it has the same case number from that hearing.

Mr. Resop was present. Mr. Tom Walter, Walter Group Architects, explained the application stating this is a small site and difficult to build on based on the City's code. He explained they took the total square footage of the old building (which was demolished) and used the existing number of parking spaces and then provided additional parking based on the additional square footage of the new building and came up with 11 parking spaces. He also explained that there is

nothing behind their property and they are building a privacy wall along the rear property line.

Upon inquiry, Mr. Walter testified that the previous structure was 2,616 sq. ft., with 7 parking spaces; the new building will be 3,200 sq ft, with 11 parking spaces.

Mr. McFarlin asked where the employees would park. Mr. Walter replied that there would be one employee working at the business, which is a beach visitor oriented business, and the majority of people will walk to the business.

Mr. Skipper opened up audience comments. There were no comments; Mr. Skipper closed audience comments.

Mr. McFarlin pointed out that most retail stores on Gulf Boulevard are out of compliance with the parking requirements, due to the widening of the road, which he felt was a hardship. He felt that this applicant had adequate green space and a good portion of the business will be "foot traffic".

Mr. Lampe pointed out that they are actually adding four more parking spaces.

Mr. Skipper stated that with one tenant there will be more parking available.

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 # 20100003

Application of Chuck Fest for property located at 266 South Tessier Drive. Applicant requests variance from Section 6.23(d) (3) to increase the length of a new residential dock from 31.5' to 50'.

Mr. Holley explained the application and answered questions. He explained that there were some inquiries from citizens concerning the amount of time that has past since this application was denied. He stated that based upon the City Attorney's advice he will be seeking changes to the City's requirement for the time-frame of rehearing cases. He testified that upon the advice of the City Attorney this application can be heard at this hearing. He testified that this application is very similar to the previous request that was submitted, except that it does not request an encroachment onto the side setback and will be a few feet shorter than the previous request that was denied. He stated that they are requesting to tear out the current dock and build a new one.

Mr. Denny Walker, D&J Marine, explained the application. He testified that he was the consultant for Mr. Fest and submitted the application and attended the

previous hearings. He pointed out that it is recognized that the water depth is a problem with mooring Mr. Fest's boat. He testified that the design has been changed to satisfy the objections of encroaching on the neighbor's properties. He stated that he did not think that with the money that Mr. Fest has invested in this property there would be any decrease in the neighbor's property values. He provided an aerial photo showing the adjacent properties docks. He explained that the request is for a variance to the dock length in order to get DEP approval. He testified that he can not obtain a permit from Pinellas County until the City grants approval of the dock. He pointed out that there were some concerns about disturbing the bottom lands.

Mr. Skipper agreed that there is a water depth problem.

Mr. Skipper asked if Mr. Walker was authorized to speak on behalf of Mr. Fest. Mr. Lampe pointed out that Mr. Walker has been present at all hearings regarding this case.

Mr. Skipper asked for audience comments.

Ms. Brenda Green, 306 S. Tessier Drive, on behalf of her mother Dorothy Green (by power of attorney), asked if Mr. Holley received an email from Mr. & Mrs. Hostetter, 235 S. Tessier, she advised that she was told that they did not receive the notice of today's hearing.

Mr. Holley disclosed that he did receive an email from Mr. Hostetter requesting information, which he provided to him. He also stated that Mr. Hostetter was on the mailing list of residents who received notice of the hearing, but that no return receipt or certified mail was used, so he could not testify if Mr. Hostetter received the notice. He stated that he may have a more recent email, but did not checked it prior to the meeting.

Ms. Green handed out copies of the e-mail from Mr. Hostetter to the board members.

Ms. Green stated that the last time she was before this board she submitted a photo of Mr. Fest's boat that has been moored at the east side of his existing dock. She read the following from the Code "no residential dock shall extend from the seawall to a length greater than $\frac{1}{2}$ the width of the lot. This requirement may be varied administratively provided that signed statements of no objection from both adjacent waterfront property owners have been submitted". She stated that both adjacent neighbors object to this request. She stated that she felt that their view would be blocked and make navigation hazardous. She asked that the variance be denied.

Mr. John Catman, 5656 Lawton Drive, Sarasota, Florida testified that he is the nephew of Dorothy Green; is a licensed marine contractor, a registered Engineer

and Merchant Marine Officer. He testified that this property has been in their family since the 1970's and he supports Brenda Greens testimony and asked that the variance be denied. He pointed out that neither neighbor has given approval for the variance request.

Mr. Skipper asked if there is currently a boat at the dock. Ms. Green stated that there is a boat that has been there almost since the beginning when Mr. Fest bought the property, and that there does not seem to be any problems docking and/or using the boat.

Ms. Mimi Gewanter, 265 Tessier Drive South, expressed her concern that she did not want to see residential docks being used as commercial marinas. Mr. Holley advised that a residential dock is limited to two vessels.

Mr. Walker testified that he has never seen the Power of Attorney for Brenda Green to represent her mother. He testified that the property owner on the other side of Mr. Fest does not have any objection, and has agreed to allow Mr. Fest to use his dock during the construct of the new dock. He addressed Ms. Green's concern about navigation and access to her dock. He pointed out that her tie poles currently go out 45 ft., there is a distance of 40 ft. between the two docks which is enough room for her to access her dock. He testified that this is a private dock and it will adhere to two slips, which are allowed by the City's codes. He disclosed that the boat that is there will remain and that 8 foot is currently sticking out past the end of the dock. He testified that tying off the boat during severe weather will create a hazard the way it sits today. He stated that they are proposing a place for this boat to be slipped against so that it is tied up properly. He testified that the boat is 38 feet in length and that the bow of the boat does not float and already has been damaged.

Mr. Skipper closed the audience comments.

Mr. McFarlin stated that the original application was to reduce the side yard setbacks, encroaching onto the neighbor to the east and the Board suggested that he cut his dock in half and stay within the center half of his lot, which he has done. He stated that there is 8-10 feet of water coming off the seawall that is unusable. He stated that he felt that the applicant with his new request has stayed in the center half and is asking for reasonable use to extend the dock so he can moor the boat. He stated that he has voted against the application in the past, but felt this request is reasonable.

Ms. Pray stated that she felt that the Code regulations should be upheld and that the neighbors should approve the extension of the dock, which was not done. She stated that she was concerned with views being blocked and the concerns of the neighbors.

Mr. Holley explained that if the adjacent neighbors had signed off for approval of the dock, the application could have been approved by an Administrative Process. He testified that he was not submitted a request for an Administrative Variance, nor is there any documentation that either neighbor has signed off on this request; but that is not required for them to pursue this variance through the Board of Adjustment. Mr. Skipper stated that was his understanding, which is the same as the County's approval process.

Mr. Skipper stated that he had some concerns with the application because the boat is moored there already and has been for a while.

Mr. McFarlin pointed out that the boat is hanging out past the dock and at low tide there is no water there. He pointed out that he has docked in that channel and understands the water issue. He stated that he has been sympathetic with the neighbors, but with the new design the dock would not effect the neighbors. He pointed out that the boat is already there so the view will not change. He mentioned the length of the neighbors dock being similar to Mr. Fest's request.

Ms. Pray pointed out that Mr. Fest's proposed dock will be further out than any of his neighbor's docks.

Ms. Pray made a motion to deny the application, based on not having approval from the two adjacent owners and keeping within the law of the Code. Due to a lack of a second, the motion died.

Mr. McFarlin made a motion to approve the variance as requested. Mr. Lampe seconded the motion. The motion was approved by a 3-1 roll call vote, with Ms. Pray voting "no".

Case # 20100004

Application of Innovative Pool Concepts, agent for Sorge Monsaleve, for variance from Section 6.14 to reduce the required rear yard setback for pool equipment from 16' to 12'. (2600 Sunset Way)

Mr. Holley explained the case and answered questions.

Mr. Randall Matson, Innovative Pool Concepts, 338 Bay View Drive N.E., St. Petersburg explained that the pool equipment was placed in the common area near the deep end of the pool on the right side against the house. He explained that there will be a small pump and a small filter in the same location as the A/C equipment. He submitted a letter from the neighbor who stated no objections to the request.

Mr. Skipper pointed out that there was no one in the audience at this time, so he closed audience comments.

The Board did not have any concerns with the application and felt the location near the A/C equipment was acceptable.

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

Other Discussion

Mr. Holley stated that there are some new requirements for advertising for variances, conditional uses and rezoning requests. He reported that the City is now required (effective next meeting) to transmit the mailed notice to the required recipients 14 days in advance, when previously it was 7 days in advance. He reported in addition the Commission is now requiring the applicant to bear the actual cost of mailing the notices; that the City will calculate the actual costs and charge that fee to the applicants. He pointed out that currently the applicant is charged a \$50 flat fee, which has been determined to be inadequate to cover the actual costs of the mailings. He stated that some applicants may pay less, but the majority will pay substantially more.

Mr. Holley advised that the deadlines for applications to the Board have been adjusted. He stated that the applications will be taken and analyzed in order to determine the actual cost which will delay the process slightly.

Mr. Skipper stated that he received this information via e-mail.

Mr. Holley stated that the City is trying to economize as much as possible and will be sending electronic information to the Board to the extent reasonably possible. He asked that the Board members inform him how they would like to receive their information.

Mr. Skipper stated that he would like to see the packets provided as they are currently. He stated that he did not need the mailing notice/list or anything that is repetitive from case to case and if anyone wants further information they can contact Mr. Holley.

Mr. Holley stated that he would like to transmit the entire packet digitally, including the notice and mailing; and provide hand delivered application material and the agenda. He pointed out that the board members can print out anything they receive digitally. The Board was in agreement. He also stated that the applicant will still be required to provide an adequate number of oversized documents/plans for the Board members and one for the property file.

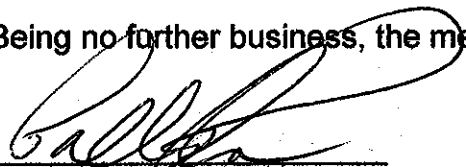
Mr. Holley stated that his principal goal is to provide the Board with the information they need to review to make decisions on the cases.

Next Meeting Date

The next meeting will be held on March 23, 2010 at 2:00 p.m.

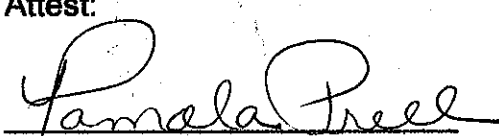
Adjournment

Being no further business, the meeting was adjourned at 2:58 p.m.



Paul Skipper, Chairman

Attest:



Pamala Prell, Deputy City Clerk