

A Meeting of the **Board of Adjustment** was held on **Wednesday, June 30, 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: Chairman Paul Skipper, Park Lampson, Doug Lampe, Steve McFarlin, Darrel Pray, Director of Community Development Karl Holley and Deputy City Clerk Pamala Prell

Call to Order

Mr. 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.

Consideration of Minutes: 4-28-2010

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

Case # 20100016

Application of Amelia Pellegrino for property located at 625 78th Avenue. Applicant requests variance to Section 6.15 to allow for six foot fence height in a required front yard.

Mr. Holley provided the background regarding the application. A copy of the application is on file in the Planning Department.

Ms. Amelia Pellegrino testified that the fence was needed in order to create some privacy between her property and her neighbor's property.

Mr. Michael Repici, who also lives at the property, testified that the neighbor (James Birmingham) has many code violations at his property; that there are many people living there and that they stay in the front yard like a "camp ground". He also testified that Mr. Birmingham is currently in jail for violating an injunction of a permanent restraining order. He stated that they could not leave their house, even to get the mail, without being harassed by Mr. Birmingham and now his guests are harassing him and Ms. Pellegrino. He stated that he felt that the fence would allow more privacy and help with the harassment they have endured for over one year.

Mr. Skipper called for audience comments. There were no comments regarding this application.

There were no objections raised by the Board members.

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

Case# 20100017

Application of John Martorana, agent for Wendy Cousin Savage, for property located at 600 Pass-a-Grille Way. Applicant requests variance to Section 11.7(a)(2) to reduce the required secondary front setback to seven feet. This property was previously granted a variance to reduce the required secondary front setback to 7.6 feet by Case #20090038.

Mr. Holly provided the background regarding the application. A copy of the application is on file in the Planning Department.

Mr. Martorana, 15855 SE HWY 301, Summerfield, Florida, the applicant for the owner, testified that they did not measure exactly when requesting the prior variance for this property; and after the siding was put on the house he needs an additional variance of .6 feet.

Mr. Skipper called for audience comments. There were no audience comments regarding this application.

The Board members raised no objections to the application.

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# 20100021

Application of Laurie H. McNamara, agent for Andre Serpa and Alison Morando, for property located at 555 77th Avenue. Applicant requests variance to Section 2.1, definition of Residential Dwelling Unit, to provide for external access to a detached portion of a Single Family Residence.

Mr. Holley provided the background regarding this application. A copy of the application is on file in the Planning Department. He stated that there is a party that has purchased this property with an illegal unit; that the City advised them to remove the kitchen facilities from the unit. He pointed out that the resulting structure still exceeds the size limit to be an accessory structure. He explained

that the definition of single family unit says it must have an internal access and that the owners want to use it as part of the single family residence for additional living space, but they need relief from the requirement to have internal access to the structure.

Attorney Laurie McNamara, 400 Corey Avenue, applicant for the owner, testified that they are seeking a variance that would allow for an external access to a detached portion of a single family residence. She testified that her clients bought the property two years ago with the detached unit already in existence as a mother-in-law or guest suit because they had an ill family member who was going to stay with them for an extended period of time. She testified that the structure had a bathroom and a kitchenette.

Attorney McNamara testified that her clients have to leave the area and have put the property up for sale. She stated that the refinancing company will not allow the sale to go through unless this variance is granted. She testified that if the structure was once a garage she could not see how a car could access it. She reported that the City's file has a history of permits that were issued for plumbing, and roofing. She advised that the improvements were made to the structure by one of the two previous owners before her clients.

Attorney McNamara testified that her client met with the City's Building Official who asked that the kitchen and the 220 electric be removed from the structure. She reported that work has been done and has been inspected and approved; that the sink has been removed and is waiting for an inspection. She felt that the inspection would be approved as they followed the guidance of the City. She asked the Board to review Section 3.12 to see why they can grant this variance. She testified that if the variance is not approved her clients will be deprived of reasonable use of their property and would suffer a financial loss as well as possible foreclosure. She testified that the guest house will only enhance the property and the neighborhood. She asked that the Board grant the variance as requested.

Mr. Skipper called for audience comments. There were no audience comments regarding this application.

The Board held a general discussion regarding the permits that were issued to the property, the improvements to the structure, the age of the structure and if it was grandfathered or not. They discussed the option of connecting the two structures or removing the detached unit then the variance would not be needed. There was a general discussion regarding the definition of a Residential Dwelling Unit and that the structure may have been built before the definition existed.

Attorney McNamara stated that a plumbing permit was issued in 2000 that included the plumbing for the detached unit. She testified that her clients came to the City in good faith seeking a solution for the problem and that she did not

want to see the property go into foreclosure because of this matter. She also testified that if the Board wants to impose a condition that only family or extended family can occupy the unit, she would agree to that.

Mr. Holley pointed out that the City's earliest record regarding this property is dated in 1959 and included the detached structure, but that the City does not know what the structure was used for. He stated that the owner would have to provide proof of the residential use of the structure in order for it to be considered grandfathered and not require this variance. He also disclosed that the unit would have been illegal within the time frame that the permits being discussed were issued.

Mr. Holley advised that if a permit is issued in error that does not give any vested rights to the owner. He advised that a permit could be issued for plumbing for the detached structure. He gave for example that a workshop and/or garage may have a sink and/or bathroom which are allowed.

Mr. Holley clarified that if the variance is granted the structure would technically become a part of the single family residence and the Building Official would determine that all single family requirements are being met. He further pointed out that there could be no kitchen installed in the future.

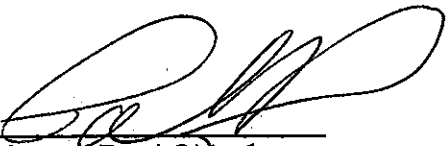
Mr. Lampson made a motion to approve the variance as requested. The motion was seconded by Mr. Lampe. The motion was approved by a unanimous roll call vote.

Additional Discussion

There was no discussion regarding this item.

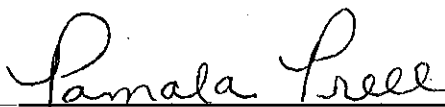
Adjournment

Being no further business, the meeting was adjourned at 2:39 p.m.



Chairman Paul Skipper

Attest:



Pamala Prell, Deputy City Clerk