



Board of Adjustment

Meeting Agenda – March 30, 2011

Call to Order – 2:00 PM

Pledge of Allegiance

Consideration of Minutes: 2-23-2011

Variance requests:

1) Case #20110002

Application of Robert and Wendy Savage for property located at 600 Pass-a-Grille Way. Applicant requests variance from Sections 6.15 and 6.21 of the Land Development Code to allow a fence height of six feet in a secondary front yard and to allow the fence to encroach into the required visibility triangle at an intersection.

2) Case # 20110007

Application of Mark D. Madison, agent for owners Jon and Kathleen Etxegoien for property located at 106 5th Avenue. Applicant requests variance from Section 6.13(a) (2)(a) and (b) of the Land Development Code to increase the allowable height from 12 feet to 23 feet and reduce the required rear yard setback from 10 feet to seven feet for construction of a second story addition to an existing detached garage.

Additional Discussion

Adjournment

Next meeting 4-27-2011

APPEALS

If a person decides to appeal any decision made at this Meeting, they will need a record of the proceeding and, for such purpose, may need to ensure that a verbatim record of Meeting is made, which record includes the testimony and evidence upon which the appeal is to be based. (F.S. 286.0105) the city does not furnish verbatim transcripts; interested parties should make the necessary arrangements for verbatim transcripts.

Agenda Material is available for review at City Hall on the Friday preceding the Meeting. In accordance with the American's with disabilities Act and F.S. 286.26, persons with disabilities needing special accommodations to participate in this Meeting should contact Ed Pickhardt at (727) 363-9243 no later than four (4) days prior to the Meeting for assistance.

A Meeting of the Board of Adjustment was held on **Wednesday, March 30, 2011 at 2:00 p.m.**, in the City Commission Chambers, at 155 Corey Avenue, St. Pete Beach, Pinellas County, Florida.

Call to Order

Chairman Skipper called the Meeting to order.

Pledge of Allegiance

Roll Call

Present: Chairman Paul Skipper, Park Lampson, Doug Lampe, Bill Thompson, David Littell, Karl Holley, Director of Building Services and Acting City Clerk Pamala Prell

Variance Requests presented by Mr. Holley

1. Case #20110002

Application of Robert and Wendy Savage for property located at 600 Pass-a-Grille Way. Applicant requests variance from Sections 6.15 and 6.21 of the Land Development Code to allow a fence height of six feet in a secondary front yard and to allow the fence to encroach into the required visibility triangle at an intersection.

Mr. Holley explained the request for this variance. The property owners would like the fence height to be six feet all the way to the corner. The Building Official reviewed this location and does not see any safety issues related to the replacement of the fence.

Mr. Savage spoke to the variance request. Mr. Holley noted that this request does not apply to the fence height in the front yard, but in the secondary front yard which is only that part of the property that abuts the side of the house.

Mr. Savage explained the request by means of overhead projection.

Chairman Skipper called for audience comments.

Those in favor of the application

There were none.

Those opposed to the application

Marilyn Jansen, 500 Pass-a-Grille Way, objected to the proposed 6' fence. She was concerned that it would eliminate the visibility triangle which is required at an intersection. She pointed out that this may set a precedent for others to follow suit. Ms. Jansen suggested that this application be denied due to its lack of merit.

Grand Duchess Anna – 104 6th Avenue, stated that she lives across the street and is aware of the heavy traffic at the intersection of the alley. She stated that she felt that the applicant should adhere to the laws concerning the visibility at this corner.

Board Discussion

There was considerable discussion regarding the proposed location of the fence and the pedestrian and vehicle issue at that location.

Mr. Holley explained this application request as well as State requirements that must be met for fencing the pool.

Mr. Thompson asked if there was no alley on the west side, could these three sections of fencing be installed. Mr. Holley noted that the applicant has requested a variance to certain provisions of the Land Development Code and a waiver of the requirement to limit the height and visibility triangle, etc. and waiver of the limitation of the four foot fence height in the secondary front yard. If the Board were to approve the variances, the property owner could build the fence in any manner that would be consistent with those variances.

The Board was in agreement that they need further information before a decision could be made. They asked the property owners to provide a properly scaled visibility triangle on the survey of the property, showing the relationship to the structures including the swimming pool.

Mr. Lampson was moved to table this Case #20110002 until the end of this meeting in order to get more information regarding this case. Mr. Lampe seconded the motion. The motion was unanimously approved by voice roll call vote.

Senior Planner Hartley will collect the necessary information and bring it back to the Board members.

2. Case #20110007

Application of Mark D. Madison, agent for owners Jon and Kathleen Etzegoien, for property located at 106 5th Avenue. Applicant requests

variance from Section 6.13(a) (2)(a) and (b) of the Land Development Code to increase the allowable height from 12 feet to 23 feet and reduce the required rear yard setback from 10 feet to 7 feet for construction of a second story addition to an existing detached garage.

Kathleen Etzegoien, 106 5th Avenue, Pass-a-Grille introduced herself and spoke to her request to build a second story addition on the garage. Ms. Etzegoien explained that this addition would provide room for their home office and storage space.

Mr. Skipper called for audience comments.

Ms. Etzegoien read a letter from Jay Anderson, 202 Pass-a-Grille Way, in support of this request and also provided names of neighbors who are in support of this proposed addition.

Mr. Holley stated that he did receive any further letters.

Ann Michael, 113 4th Avenue, stated that she lives across the alley from the garage and spoke to the issue of the rear yard setback. She advised that the 10' alley does not lend itself to a garage. She also pointed out that only two of the homes have owners living in them along the alleyway.

There was discussion regarding the alleyway and the proposed second story addition.

Mr. Holley noted that this structure, as defined in the code, is a detached accessory garage and is not allowed to have living space. He advised that plumbing e.g. would not be allowable. The only utility service allowable would be electric to the building and it could not be habitable space as defined by the building code because it could not be serviced by the proper set of utilities to provide for habitation.

Board Members Comments:

Mr. Holley explained that the application was made for the construction of a second story addition and would be subject to the current building regulations. The applicant would expect that if the variances were granted, they would be available for either the reconstruction of the building or addition to the existing structure. If it is not the intention of this Board to grant variances for the reconstruction of or construction of a new detached garage in this location, it needs to make that clarification. Discussion followed.

Mr. Wayne Butterworth of Clearwater stated that he works for Ms. Etxegoien. He also noted that the survey shows this location to be an AE zone, but the City shows it to be a BE zone, which means the footing would need to be reconstructed and the structure would need to be rebuilt.

The Public Comment portion of this hearing was closed.

BOARD DISCUSSION

The condition of the building was discussed, as well as FEMA regulations and zoning requirements.

Mr. Lampe suggested that the Board deny the application and ask the applicant to come back with a redesign for a new structure.

Mr. Lampe moved that Case #20110007 be denied. Mr. Lampson seconded the motion. The motion was unanimously approved by individual roll call vote.

Mr. Lampson made a motion that this Board waive the required six (6) month waiting period for reapplication of Case #20110007. Mr. Lampe seconded the motion.

The motion was unanimously approved by voice roll call vote.

Chairman Skipper reopened Case #20110002.

Application of Robert and Wendy Savage for property located at 600 Pass-a-Grille Way. Applicant requests variance from Sections 6.15 and 6.21 of the Land Development Code to allow a fence height of six feet in a secondary front yard and to allow the fence to encroach into the required visibility triangle at an intersection.

This is a continuation of the hearing from earlier in the meeting.

Ms. Hartley presented some new documents pertaining to the visibility triangle. She pointed out locations of the curb, the alley and the right-of-way. She advised that this Board does not have to consider the visibility triangle, but does need to consider the height of the fence from four to six feet.

The representative for the property owner explained the need for approval of the 6' high fence.

Mr. Skipper called for audience comments.

There were none.

Chairman Skipper closed the public hearing.

Board discussion

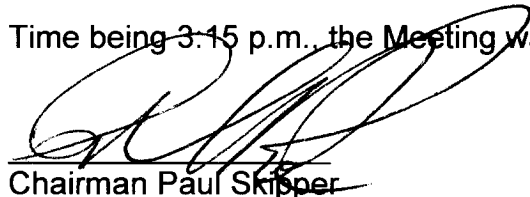
Mr. Holley noted that this Board will be considering a Variance to Section 6.15 of the Land Development Code.

Mr. Lampson made a motion that in case #20110002, that the application for Robert and Wendy Savage, at 600 Pass-a-Grille Way, be limited to the variance 6.15 of the Land Development Code to allow height of fence to 6' on the secondary front yard. The motion was seconded by Mr. Lampe. The motion was unanimously approved by individual roll call vote.

Mr. Holley noted that there are three variance requests for the April Meeting.

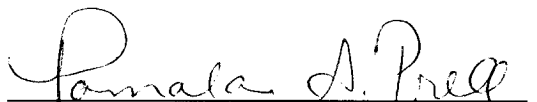
Adjournment

Time being 3:15 p.m., the Meeting was adjourned.



Chairman Paul Skipper

Attest:



Pamala Prell, Acting City Clerk, CMC