Board of Adjustment

Meeting Agenda – July 27, 2011

Call to Order – 2:00 PM

Pledge of Allegiance

Consideration of Minutes: 5-25-2011

Variance requests:

1) Case # 20110018

Application of Todd Pressman, agent for John T. McHenry, for property located at 5501 Gulf Boulevard. Applicant requests variance from Section 15.7(b)(4) to reduce the required rear yard setback from 25 feet to two feet to provide for construction of an elevated deck.

2) Case #20110019

Application of William Enright for property located at 500 78th Avenue. Applicant requests variance from Section 6.13(b)(5)(a) to allow for a 96 square foot detached residential storage building. The code provides for a maximum 80 square foot residential storage building.

3) Case #20110020

Application of Carol Velez, agent for the Yacht and Tennis Club of St. Pete Beach, for property located at 9445 Blind Pass Road. Applicant requests variance from Section 26.27(a) to provide for the replacement of an existing 67 square foot subdivision monument sign in its current location. The code provides for a maximum 24 square foot sign area.

Additional Discussion

Adjournment

Next meeting 8-31-2011

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.

BOARD OF ADJUSTMENT

July 27, 2011
2:00 pm

MINUTES

Call to Order

Pledge of Allegiance

Roll Call

Present:

Paul Skipper, Chairman
Member Park Lampson
Member Doug Lampe
Member Stephan M. Phalor, J.D.
Member David Littell

Also Present:

Karl Holley, Director of Community Development
Rebecca C. Haynes, City Clerk

Consideration of Minutes: 5/25/11

Doug Lampe made a motion to approve the minutes of 5/25/11 as presented. The motion was seconded by Park Lampson and approved by unanimous roll call vote.

Chairman Skipper advised the Board that the second case on the agenda will be heard first.

2. Case #20110019

Application of William Enright for property located at 500 78th Avenue. Applicant requests variance from Section 6.13(b) (5) (a) to allow for a 96 square foot detached residential storage building. Code provides for a maximum 80 square foot residential storage building.

Mr. Enright noted that this request is for an existing storage shed. The shed is needed to store his construction tools, lawn mowers, etc.

Community Development Director Holley noted that he has not received any correspondence or phone calls regarding this application.

Chairman Skipper asked for comments from persons in favor of the application.

Tom DeYampert, 510 78th Avenue, noted that his home abuts Mr. Enright's property. He is in favor of the structure and its placement.

Randy Lamm, 7922 Sailboat Key, spoke in favor of the structure.

Chairman Skipper asked if there was anyone present who wanted to speak against the application.

There were none.

After discussion, Chairman Skipper asked for a motion.

Member Lampe made a motion to approve Case No. 20110019 as submitted. The motion was seconded by Member Lampson and approved by unanimous roll call vote.

Chairman Skipper advised that they will address Item 1 on the Agenda.

1. **Case No. 20110018**

Application of Todd Pressman, Agent for John T. McHenry, for property located at 5501 Gulf Boulevard. Applicant requests variance from Section 15.7(b) (4) to reduce the required rear yard setback from twenty-five (25) feet to two (2) feet to provide for construction of an elevated deck.

Member Phalor advised Chairman Skipper that he had a conflict of interest and therefore recused himself from this case.

Todd Pressman, P.O. Box 6015, Palm Harbor, gave a power point presentation to the Board indicating the location and description of the proposed elevated deck.

Chairman Skipper asked if there was anyone else present who would like to speak on behalf of the applicant.

Mr. Holley was asked if pavers were considered a part of the conditional use and explained that no variance is required to establish a paved area. Outdoor seating or outdoor service for a restaurant or bar would be a conditional use. There is nothing to prevent the owner from building a patio for people to congregate.

Chairman Skipper called on audience members to come forward to speak.

Meghan O'Leary, 5555 Gulf Boulevard, #104, representing herself as a homeowner, 79 other residents of The Regency West, all of the Fifth Avenue condominium complex residents as well as residents of Sunrise Resort, spoke against the requested variance.

Carol Kathman, 5555 Gulf Boulevard, #402, whose condominium overlooks the property, spoke in opposition to the required variance.

Ray Murray, 175 – 55th Avenue, #208, presented photographs he has taken of the property being discussed here and stated that he is in strong opposition to the requested variance.

Peggy Saum, 5575 Gulf Boulevard, #123, voiced her concerns and spoke in opposition on behalf of other Regency West residents.

Gerry Suetholz, 205 55th Avenue, lives just a couple doors down from this project. He is an architect, contractor and real estate broker and he stated this will have a detrimental effect on the residential properties in that area.

Chairman Skipper advised that he has received a number of letters regarding this application.

Mr. Pressman, the applicant, again addressed the Board.

Chairman Skipper closed audience comments and asked for Board discussion.

After discussion, Chairman Skipper asked for a motion.

Member Lampe made a motion to *deny* Case No. 20110018 as submitted. The motion was seconded by Member Lampson and unanimously approved by roll call vote.

3. Case No. 20110020

Application of Carol Velez, agent for the Yacht and Tennis Club of St. Pete Beach, for property located at 9445 Blind Pass Road. Applicant requests variance from Section 26.27(a) to provide for the replacement of an existing 67 square foot subdivision monument sign in its current location. The code provides for a maximum 24 square foot sign area.

Chairman Skipper asked the applicant to step forward.

Carol Velez spoke on behalf of the Yacht & Tennis Club and explained that the replacement sign is the same as the current one and feels it is very important for the community to keep it the same size.

Chairman Skipper asked if there was anyone present who would like to speak on behalf of the applicant.

Lorraine Huhn, 9425 Blind Pass Road, spoke in favor of the application.

Chairman Skipper closed the public portion of the meeting and asked the Board for comments.

Member Phalor made a motion to approve Case No. 20110020 as submitted. The motion was seconded by Member Lampe and unanimously approved by roll call vote.

Chairman Skipper asked Mr. Holley if there were any applications for next month. Mr. Holley responded that there are none and he will submit a letter to that effect.

Adjournment

There being for further business to come before the Board, the meeting was adjourned at 2:50 pm.

Rebecca C. Haynes, City Clerk

Chairman Paul Skipper

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
Phalor, Stephan, M	Board of Adjustment
MAILING ADDRESS: 155 Corey Avenue	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY: St Pete Beach — COUNTY: Pinellas	NAME OF POLITICAL SUBDIVISION: City of St. Pete Beach
DATE ON WHICH VOTE OCCURRED: 7/27/2011	MY POSITION IS: ☐ ELECTIVE ☒ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Stephen M Pharo, hereby disclose that on 7/27/- , 20 11 :

(a) A measure came or will come before my agency which (check one)

✓ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____;

___ inured to the special gain or loss of my relative, _____;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Competing business interests.

7/27/2011
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.