



Board of Adjustment

Meeting Agenda – September 28, 2011

Call to Order – 2:00 PM

Pledge of Allegiance

Consideration of Minutes: 7-27-11

Variance requests:

1) Case # 2011021

Application of John V. Leonard for property located at 6600 Gulf Boulevard. Applicant requests variance to Section 15.7(b)(3) and (4) to reduce the required rear yard setback from 25 feet to 12.6, and to reduce the required side yard setback from 8.17 feet to 0.5 feet.

2) Case #20110022

Application of Mark D. Madison, agent for Jon and Cathleen Etxegoien, for property located at 106 5th Avenue. Applicant requests Variance to Section 6.13(a) (2)(b) to increase the allowable height from 12 feet to 23 feet.

3) Case # 20110024

Application of Patrick Nieratko, agent for Walgreens Inc., for property located at 4401 Gulf Boulevard. Applicant requests variance from Section 26.4 to allow the placement of a banner advertising flu shots from September to April each year.

4) Case # 20110025

Application of Kevin Hunton, agent for Walgreens Inc., for property located at 337 75th Avenue. Applicant requests variance from Section 26.4 to allow the placement of a banner advertising flu shots from September to April each year.

5) Case # 20110026

Application of Thomas Rodgers, agent for Zeiler Properties LLC, for property located at 300 Corey Avenue. Applicant requests variance to Section 26.33(2)(e) to allow for internal illumination of a wall sign.

6) Case # 20110027

Application of Jay Meyers, agent for Beach Mart LLC, for property located at 5297 Gulf Boulevard. Applicant requests variance to Section 26.30 to increase the allowable number of signs from three to eight.

7) Case # 20110028

Application of Alan Ronay, agent for Evodia LLC, for property located at 6498 Gulf Boulevard. Applicant requests Variance to Section 26.30(a) to reduce the required front yard setback to two feet for a freestanding sign.

8) Case # 20110029

Application of John Phillips, agent for Paul Nicklaus, for property located at 3852 Gulf Boulevard. Applicant requests Variance to Section 14.7 (c)(3) to reduce the required side yard setback to six feet for a canopy.

Additional Discussion

Adjournment

Next meeting 10-26-2011

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

**September 28, 2011
2:00 pm**

MINUTES

Call to Order

Pledge of Allegiance

Roll Call

Present:

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

Also Present:

Karl Holley, Director of Community Development
Pamala Prell, Deputy City Clerk

1. Consideration of Minutes:

a. July 27, 2011

Member Lampe made a motion to approve the minutes as submitted. Member Littell seconded the motion. The motion was approved by a unanimous roll call vote.

2. Case #2011021 – Application of John V. Leonard for property located at 6600 Gulf Boulevard. Applicant requests variance to Section 15.7 (b)(3) and (4) to reduce the required rear yard setback from 25 feet to 12.6, and to reduce the required side yard setback from 8.17 feet to 0.5 feet.

Community Development Director Holley explained the variance request and reported that he did not receive any correspondence either supporting or opposing the request.

Mr. Leonard was present and answered the Board's questions.

Chairman Skipper asked for public comments. There were no comments.

Member Lampe made a motion to approve Case #2011021 as requested. Member Lampson seconded the motion. The motion was approved by a unanimous roll call vote.

3. **Case #20110022- Application of Mark D. Madison, agent for John and Cathleen Etxegoien, for property located at 106 5th Avenue. Applicant requests variance to Section 6.13(a)(2)(b) to increase the allowable height from 12 feet to 23 feet.**

Mr. Holley explained the variance request. He reported that he did not get any correspondence either supporting or opposing the request.

Mr. Mark Madison was present and answered the Board's questions.

Chairman Skipper asked for public comments.

The applicant presented a petition supporting the variance request.

Ann Michael, 113 4th Avenue stated that she did not object to the variance but would like to see the applicant either relocate or reduce the number of windows that face the neighbor's yards.

Chairman Skipper closed public comments.

Member Lampe made a motion to approve Case #2011024 as requested, not to exceed the height of the existing house structure. Member Lampson seconded the motion. The motion was approved by a unanimous roll call vote.

4. **Case #20110024 – Application of Patrick Nieratko, agent for Walgreens Inc., for property located at 4401 Gulf Boulevard. Applicant requests variance from Section 26.4 to allow the placement of a banner advertising flu shots from September to April each year.**

Mr. Holley explained the variance request and reported that he did not receive any correspondence either supporting or opposing the request.

Agent Patrick Nieratko was present and answered the Board's questions.

Chairman Skipper asked for public comments. There were no comments.

Member Lampe made a motion to approve Case #20110024 as requested, with the condition that the banner only advertise flu

shots. Member Lampson seconded the motion. The motion was approved by a 4-1 roll call vote, with Member Phalor voting "no".

5. **Case #20110025 – Application of Kevin Hunton, agent for Walgreens Inc., for property located at 337 75th Avenue. Applicant requests variance from Section 26.4 to allow the placement of a banner advertising flu shots from September to April each year.**

There was no one in attendance to represent this case.

Member Phalor made a motion to table this case until the October 26, 2011 meeting. The motion was seconded by Member Lampson. The motion was approved by a 4-1 roll call vote, with Member Lampe voting "no".

6. **Case #20110026 – Application of Thomas Rodgers, agent for Zeiler Properties LLC, for property located at 300 Corey Avenue. Applicant requests variance to Section 26.33 (2)(e) to allow for internal illumination of a wall sign.**

Mr. Holley explained the variance request and reported that he did not receive any correspondence either supporting or opposing the request.

Mr. Rodgers was present and answered the Board's questions.

Chairman Skipper asked for public comments. There were no comments.

Member Lampson made a motion to approve Case #20110026 as requested. Member Phalor seconded the motion. The motion was approved by a unanimous roll call vote.

7. **Case #20110027 – Application of Jay Meyers, agent for Beach Mart LLC, for property located at 5297 Gulf Boulevard. Applicant requests variance to Section 26.30 to increase the allowable number of signs from three to eight.**

Mr. Holley explained the variance request and reported that he received one letter of objection from John Alvia, a resident of Boca Sands.

Chairman Skipper announced that he has a conflict regarding this case because he will be doing work for the applicant. He filed the necessary form with the Clerk and excused himself from the discussion. The Conflict of Interest Form shall be attached hereto and made apart of these official minutes.

Member Lampe asked for public comments. There were no comments.

Member Littell made a motion to approve Case #20110027 as requested. Member Lampson seconded the motion. The motion was approved by a 4-0 roll call vote, with Chairman Skipper abstaining from the vote.

- 8. Case #20110028 – Application of Alan Ronay, agent for Evodia LLC, for property located at 6498 Gulf Boulevard. Applicant requests variance to Section 26.30(a) to reduce the required front yard setback to two feet for a free standing sign.**

Chairman Skipper advised that the applicant asked to have this case continued until the October 26, 2011 meeting.

Member Lampson made a motion to continue this case to the October 26, 2011 meeting, as requested by the applicant. Member Lampson included in his motion that there will be no further public notice provided regarding this case. Member Phalor seconded the motion. The motion was approved by a unanimous roll call vote.

- 9. Case #20110029 – Application of John Phillips agent for Paul Nicklaus, for property located at 3852 Gulf Boulevard. Applicant requests a variance to Section 14.7 (c) (3) to reduce the required side yard setback to six feet for a canopy.**

Mr. Phillips was present and answered the Board's questions.

Mr. Holley explained the variance request and reported that he did not receive any correspondence either supporting or opposing the request.

Chairman Skipper asked for public comments. There were no comments.

Member Phalor made a motion to approve Case #20110029 as requested. Member Lampson seconded the motion. The motion was approved by a unanimous roll call vote.

- 10. Additional Discussion**

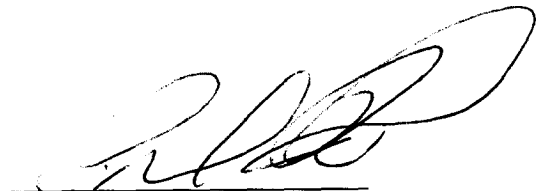
The next meeting is scheduled for October 26, 2011.

- 11. Adjournment**

There, being no further business to come before the Board the meeting was adjourned at 3:20 p.m.

Attest:


Rebecca 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 Kipper, Paul J.		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE Board of Adjustment	
MAILING ADDRESS P O Box 67128		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 September 28, 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, Paul J. Skipper, hereby disclose that on September 28, 2011:

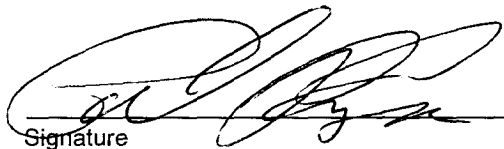
(a) A measure came or will come before my agency which (check one)

- ☒ 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:

Case #20110027 - Beach Mart, 5297 Gulf Boulevard, St. Pete Beach
I will be performing General Contracting services for the property owner.

September 28, 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.