



BOARD OF ADJUSTMENT

Meeting Agenda – October 26, 2011

Call to Order – 2:00 PM

Pledge of Allegiance

Acceptance of Minutes:

- 9/28/2011

Action Items

A. Old Business:

1) 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.

2) Case # 20110029

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.

B. New Business

1) Case # 2011-0030

Application of Morgan Scaritt for property located at 7081 Gulf Boulevard, requesting a variance from Section 15.7 of the Land Development Code to reduce the required front yard setback from 25 feet to 11 feet, and to reduce the required side yard setback from 10 % of the lot width (10.5 feet) to 0 feet to accommodate outdoor seating.

Discussion Items:

- A. Next meeting 11-30-2011
- B. General Discussion

Adjournment

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 in the Office of Community Development 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 Public Services at (727) 363-9243 no later than four (4) days prior to the Meeting for assistance.

BOARD OF ADJUSTMENT

MINUTES

October 26, 2011

2:00 pm

**CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL**

PRESENT:

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

ALSO PRESENT:

Catherine Hartley, Senior Planner
Pamala Prell, Deputy City Clerk

ABSENT:

Doug Lampe, Member (Excused)

1. Consideration of Minutes:

a. September 28, 2011

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

2. Action Items

(1) Case #2011-0025, Applicant of Kevin Hunton, agent for Walgreens, Inc., for property located at 337 75th Avenue. Application requests variance from Section 26.4 to allow the placement of a banner advertising flue shots from September to April each year.

Senior Planner Hartley explained that the request was to place a banner advertising flu shots on the outside wall of the building. She advised that

the applicant could display the banner inside the window and not need a variance.

Chairman Skipper called for audience comments. There were no comments.

Member Lampson made a motion to approve the request. The motion was seconded by Member Littell and approved by a 3-1 roll call vote, with Member Phalor voting no.

(2) Case #2011-0029, 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.

Ms. Hartley explained the application stating the proposed location for the sign was inside the visibility triangle which was prohibited. She advised that the applicant could have a sign on their building or use a sandwich sign neither of which would require a variance.

The agent for the applicant Mr. Ronay, explained that they needed signage because the sign on the building is not visible to passersby.

The Board held considerable discussion regarding the sign not being allowed in the visibility triangle and other options for placement of a sign.

Chairman Skipper called for audience comments. There were no comments.

Member Littell made a motion to deny the request. The motion was seconded by Member Lampson and approved by a unanimous roll call vote.

3. New Business

(1) Case # 2011-0030, Application of Morgan Scaritt for property located at 7081 Gulf Boulevard. Applicant requests a variance from Section 15.7 of the Land Development Code to reduce the required front yard setback from 25 feet to 11 feet, and to reduce the required side yard setback from 10% of the lot width (10.5 feet) to 0 feet to accommodate outdoor seating.

Ms. Hartley explained the application was for a covered structure for the outdoor seating area which was already in place. She advised that she received two letters of opposition to the request.

Mr. Scaritt explained that he needs a covering over the seating area to protect patrons from the weather.

Chairman Skipper called for audience comments.

Ms. Beverly Hall, 507 70th Avenue, spoke in opposition to the variance. She testified that the police department has had several complaints regarding the outdoor music being played and testified that the business was cited for a violation of the noise ordinance. She presented a petition signed by 20 residents opposing the request due to the loud music.

Mr. Steve Griffin, 400 70th Avenue, spoke in opposition to the variance due to the loud outdoor music and noise from the patrons.

Mr. Mike (inaudible), 546 70th Avenue, spoke in opposition to the variance due to the loud music being played outdoors.

Chairman Skipper closed the audience comments.

Chairman Skipper pointed out that the Board was not here today to discuss the noise issue only the variance request.

Mr. Scaritt stated that he has tried to control the outdoor music and has terminated two managers because of the police calls. He stated the thatched roof over the area would reduce the noise to some extent. He stated that he is trying to be a good neighbor and has eliminated the 3-4 piece bands outside to just one person playing. He stated that there are no drums being played outside. He advised that he could use some weather panels on the sides of the roof to try to eliminate the noise.

Jim Parent, 503 55th Avenue, suggested that the Board take into consideration the neighbors concerns when making a decision regarding the variance.

After considerable discussion this case was continued until the November meeting, in order for the applicant to meet with the neighbors and try to resolve the noise issues.

The applicant agreed to the continuation.

4. Discussion Items

There was no discussion.

5. Adjournment

Being no further business to come before the Board, the meeting was adjourned at 3:15 p.m.

Attest:



Rebecca C. Haynes, City Clerk



Paul Skipper, Chairman