BOARD OF ADJUSTMENT

MINUTES

November 30, 2011

2:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

THOSE PRESENT:

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

ALSO PRESENT:

Catherine Hartley, Senior Planner
Pamala Prell, Deputy City Clerk

1. **Acceptance of Minutes of October 26, 2011**

Member Phalor made a motion to approve the October 26, 2011 minutes, as written. The motion was seconded by Member Littell and approved by a unanimous roll call vote.

2. **Public Hearings**

a. **Old Business**

Case No. 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 to11 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.

Senior Planner Catherine Hartley advised this case was withdrawn by the applicant.

b. New Business

Case No. 2011-0034, Application of Beach Mart LLC., for the property located at 5297 Gulf Boulevard. Applicant requests a variance from Section 26.30 for more than the permitted number of signs as well as exceeding the maximum height of a sign.

Chairman Skipper announced that he has a conflict of interest regarding this case because he will be performing general contracting services for the property owner. Chairman Skipper did not participate in the discussion. *(The Conflict of Interest Form is attached hereto and made a part of these official minutes).*

Senior Planner Hartley explained that the applicant pulled a permit to install a LED sign on an existing pole and the sign was too wide to fit inside the frame, so a variance is being requested.

Upon inquiry, Ms. Hartley stated there was no request for additional signs.

Joe Klingle, 255 Corey Avenue, representing the applicant, explained that because of the thickness of the LED sign, it sticks out three inches on each side of the frame.

Vice Chairman Lampe called for audience comments.

Robert Czysczon, owner of Plaza Resort, spoke in support of the variance and stated he will be installing a LED sign at his resort and may have the same issue.

Wilma Schultz, Boca Sands Condo, spoke in opposition to the variance because the sign shines into her windows.

Vice Chairman Lampe closed audience comments and asked for board discussion.

Member Phalor made a motion to approve Case No. 2011-0034, as submitted. The motion was seconded by Member Lampson and approved by a 4-0 roll call vote, with Chairman Skipper obtaining.

Case No. 2011-0037, Application of Daniel Walsh for the property located at 3940 Belle Vista Drive. Applicant requests a variance from Section 8.7

of the Land Development Code to reduce the required side yard setback to 4 '7" in order to build a staircase and landing to enter the garage.

Senior Planner Hartley explained the applicant is requesting a variance to the side yard setback to install an exit door from the garage, including stairs, and pointed out there is an existing service entrance to the garage. Staff recommends denial based on no hardship.

Mr. Don Strombel, 2716 6th Avenue South, representing the property owner explained, the application is to install an exit door from the garage to access the pool and air conditioning equipment.

There was a general discussion regarding the size of the door, other locations for the door and the installation of a doggie door.

Chairman Skipper called for audience comments.

Ed Ruttencutter, 3950 Belle Vista Drive, spoke in opposition to the variance and stated that he is concerned with improper drainage and flooding on his property and that he sent a letter to the Board providing other options for the location of the door.

Chairman Skipper closed audience comments and asked for Board discussion.

Member Phalor made a motion to approve Case No. 2011-0037, as submitted. The motion was seconded by Member Lampson and approved by a unanimous roll call vote.

Case No. 2011-0038, Application of Jack Satterfield for the property located at 1350 Boca Ciega Isle Drive. Applicant requests a variance from Section 6.13 (c) (5) of the Land Development Code for a variance to reduce the required side yard setback from 10' to 5' for the construction of a gazebo.

Senior Planner Hartley explained that the applicant is requesting a variance to the side yard setback to construct a gazebo and recommended denial of the application because the gazebo exceeds the maximum size of 64 square feet and can be redesigned.

Rick Waugh, 4792 Ridge Moore Circle, Palm Harbor representing the owner, explained that the owners would like a covered area with an outdoor kitchen and that he was not aware of the limitation for the gazebo.

Mr. Waugh stated he will address the size of the gazebo with the owners.

Chairman Skipper advised Mr. Waugh that installing plumbing and electricity to a detached structure was not allowed under the City Code.

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

Chairman Skipper clarified that the board is only taking action on the variance request not the gazebo.

Member Phalor made a motion to approve Case No. 2011-0038, as submitted. The motion was seconded by Member Lampson and approved by a unanimous roll call vote.

3. Next Meeting

The next meeting will be held on December 14, 2011 at 2:00 p.m.

4. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 3:44 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Paul Skipper, Chairman

Minutes approved on: 1-25-12

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
Skipper, Paul J.	Board of Adjustment
MAILING ADDRESS P O Box 67128	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: [X] 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 November 30, 2011	MY POSITION IS: [ ] ELECTIVE [X] 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 November 30, 2011:

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

[X] 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 #20110034 - Beach Mart, 5297 Gulf Boulevard, St. Pete Beach.
I will be performing General Contracting Services for the property owner.

November 30, 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.