

BOARD OF ADJUSTMENT

MINUTES

April 18, 2012

2:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Paul Skipper, Chairman
Doug Lampe, Vice Chairman
Park Lampson, Member (arrived 2:23 p.m.)
Stephan M. Phalor, J.D., Member
David Littell, Member

ALSO PRESENT:

Catherine Hartley, Senior Planner
Pamala Prell, Deputy City Clerk, MMC

1. Acceptance of Minutes

Member Littell made a motion to approve the January 25, 2012 minutes, as written. The motion was seconded by Member Lampe and unanimously approved by a roll call vote.

2. Public Hearings:

Case #2012-0006

Applicant Deborah Ward. Property address 6902 Gulf Winds Drive. Applicant requests a variance from Section 6.13 of the Land Development Code. Maximum allowable size for an accessory storage building is 80 square feet. Applicant requests a 160 square foot storage building.

Senior Planner Catherine Hartley explained that is property is a duplex and the applicant is requesting an accessory storage building which is 160 square feet.

Applicant (name inaudible) stated that they want to build a storage shed to replace an old metal shed and that 80 square feet was not adequate for their storage needs. He also stated that they did not have any opposition from their neighbors.

Senior Planner Hartley disclosed that there were no letters of support or opposition submitted regarding this case.

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

The board members did not express any concerns regarding the application.

Member Phalor made a motion to approve the variance as requested. The motion was seconded by Member Lampe and unanimously approved by a roll call vote.

Case #2012-0007

Applicant Ronald Cooper. Property address 3610 E. Maritana Drive. (Lot 6 less S. 10' Block of 14 Don CeSar Place) Applicant requests a variance to reduce rear yard setback from 20 feet to 16 feet and south side yard setback to 10 feet.

Chairman Skipper announced that he had a conflict of interest in this case because the owner asked him to consider building the house. A copy of the Conflict of Interest Form is attached to these minutes.

Senior Planner Catherine Hartley explained that this request is to build a single family home and recommended approval of the variances with the recommendation that applicant not use the front yard averaging.

Applicant Ronald Cooper, 5279 Sun Boulevard, St. Petersburg, Florida stated that he is seeking the variances to build a one-story single family home, above a garage, that will not impact the neighbors. Mr. Cooper stated that there was a concern about water runoff and that there will be a berm built around the property to resolve that issue.

Vice Chairman Lampe called for audience comments. There were no audience comments. Vice Chairman Lampe closed audience comments.

Vice Chairman Lampe pointed out that there was a letter of objection from Janet Davis.

Mr. Cooper stated that Ms. Davis was concerned about the water runoff that he addressed earlier and shadowing of her property. He stated that he did not get the opportunity to speak to Ms. Davis but he explained his proposal to her neighbor and felt he solved her concerns.

The board members did not express any concerns regarding the application.

Member Phalor made a motion to approve the variance, as requested. The motion was seconded by Member Littell and unanimously approved by a roll call vote, with Chairman Skipper abstaining from the vote.

Case #2012-0008

Applicants Lisa and Gerald Kertesz. Property address 107 30th Avenue. Applicant request a variance from Section 9.7 of the Land Development Code to reduce the front yard setback from 20 feet to 12 feet and the side yard setback from 11 feet to four feet for the construction of a deck.

Senior Planner Catherine Hartley explained that this request is to replace an existing deck and recommended approval of the variance.

Carolyn Jones was present to represent the applicant and stated that the deck is in disrepair and needs replacement. She also advised that there are no objections from the neighbors.

Member Lampe asked if this was a two story deck. Ms. Jones stated that it was and the request is to replace the second story level to provide shelter.

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

Chairman Skipper announced that Member Lampson arrived at the meeting at 2:23 p.m.

The board members did not express any concerns regarding this application.

Member Littell made a motion to approve the variance, as requested. The motion was seconded by Member Phalor and unanimously approved by a roll call vote.

Case #2012-0009

Applicants Bonnie and Gerard Pickhardt. Property address 105 27th Avenue. Applicants request variance from Section 9.7 of the Land Development Code to reduce side yard setback from 9 feet to 6 feet for the construction of an addition.

Senior Planner Catherine Hartley explained that this request is to reduce the side yard setback on the eastern side of property to construct a guest house that will be semi-attached to the main house, with a pool dividing the two structures. Ms. Hartley recommended approval of the application.

Chairman Skipper pointed out that they are eliminating one bedroom from the existing home.

Mr. Gerard Pickhardt, 105 27th Avenue, was present and stated that he wanted to build a guest house instead of another home on the lot to try to keep the density down in the neighborhood.

Chairman Skipper called for audience comments.

Mr. Desmond Howe, 2700 Pass-a-Grille Way, spoke in support of the variance.

Chairman Skipper closed audience comments.

Senior Planner Hartley stated that she received one letter of support and one of opposition and the letter of opposition did not give a reason.

The board members did not express any concerns regarding the application.

Member Lampe made a motion to approve the variance as requested. The motion was seconded by Member Phalor and approved by a unanimous roll call vote.

Case #20120-0010

Applicant William Tarvin. Property address 315 40th Avenue. Applicant requests variance from Section 9.7 of the Land Development Code to allow for a five foot encroachment into the required front yard for stairs.

Senior Planner Catherine Hartley stated that this house was purchased through foreclosure proceedings. The house was never completed and the entry way stairs were not built to code.

Mr. Jack Bodziak, 2529 Central Avenue, St. Petersburg, Florida was present to represent the applicant, as their architect. Mr. Bodziak explained that this house has been sitting unfinished for almost six years and it has had many construction issues. He stated that the variance is needed in order to replace the front entry way stairs that were improperly constructed.

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

Senior Planner Hartley stated that there were no letters of objection or support regarding this application.

The board members did not express any concerns regarding the application.

Member Phalor made a motion to approve the variance as requested. The motion was seconded by Member Littell and unanimously approved by a roll call vote.

3. Selection of Chairman and Vice Chairman

Chairman Skipper stated that after each municipal election, the board needs to elect a Chairman and Vice Chairman and called for nominations.

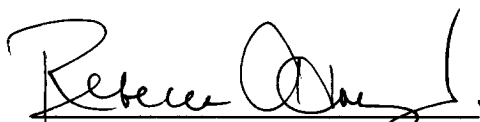
Member Phalor nominated Member Skipper for Chairman. The board unanimously agreed to elect Member Skipper as the Chairman.

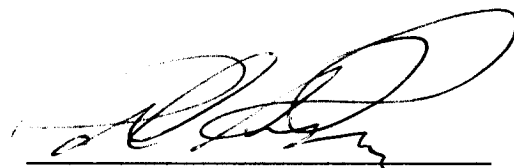
Chairman Skipper nominated Member Lampe for Vice Chairman. The board unanimously agreed to elect Member Lampe as Vice Chairman.

4. Adjournment

There being no further business to come before the board, the meeting was adjourned at 2:40 p.m.

Attest:


Rebecca C. Haynes, City Clerk


Paul Skipper, Chairman

Minutes approved on: 5-30-12

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

LAST NAME—FIRST NAME—MIDDLE NAME Skipper, 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 St. Pete Beach		☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
COUNTY Pinellas		NAME OF POLITICAL SUBDIVISION: City of St. Pete Beach	
DATE ON WHICH VOTE OCCURRED 1 2 4-18-12		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 March 28, 2012 :

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

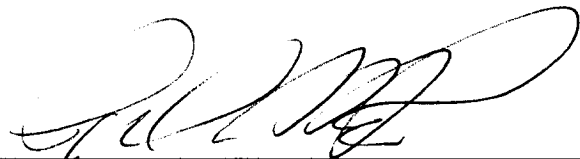
- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, 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 #20120007 - Ronald Cooper, 3610 East Maritana Drive, St. Pete Beach.
Mr. Cooper has discussed with me the potential of building his home upon this lot.

March 28, 2012

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.