

BOARD OF ADJUSTMENT

MINUTES

June 27, 2012

2:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Paul Skipper, Chairman
Doug Lampe, Vice Chairman
Park Lampson, Member
David Littell, Member

ABSENT:

ALSO PRESENT:

George Kinney, Community Development Director
Pamala Prell, Deputy City Clerk, MMC

1. Approval of Minutes – May 30, 2012

Member Lampson made a motion to approve the May 30, 2012 minutes, as written. The motion was seconded by Member Littell and unanimously approved by a voice vote.

2. Public Hearings

a. Case No. 2012-0017: Property address is 517 55th Avenue. Applicant John Mutnansky requests a variance from Section 8.7(a) of the Land Development Code to permit the construction of a garage addition that would encroach five feet into the required 20 foot front-yard setback line.

Community Development Director George Kinney read the variance request and displayed the location of the property on an aerial map.

Member Lampe announced that he had a conflict of interest regarding this case because he is the General Contractor. Member Lampe excused himself from the meeting and did not participate in the discussion of this case. A copy of the conflict of interest form is attached to these minutes.

Mr. John Mutnansky, the applicant, explained that a variance is needed to add a five foot by six foot addition on an existing garage, which would be approximately 30 square feet.

Community Development Director Kinney advised that he did not receive any letters regarding this case.

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

The Board did not express any concerns with the application.

Member Lampson 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 Member Lampe abstaining from the vote.

b. Case No. 2012-0018: Property address is 261 44th Avenue. Applicant Michael and Susan Avato request a variance from Section 9.7(a) of the Land Development Code to permit the construction of a garage addition that would encroach two feet into the required 20 foot front-yard setback line and one foot into the required six foot side-yard setback line.

Community Development Director Kinney read the variance request and displayed the location of the property on an aerial map. He advised that the applicant may request an increase for the variance into the side-yard setback line.

Mr. Michael Avato, 261 44th Avenue, explained that the variance is needed for an addition to the existing garage and that he would like to change the request to encroach approximately 1.6 feet into the side-yard setback line.

Community Development Director Kinney stated that he received a letter from Mr. Miller, a neighbor, who objected because he felt the addition would obstruct his view.

Mr. Avato stated that he did not know of Mr. Miller's concern but was certain that the garage would not obstruct his view.

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

The Board did not express any concerns with the application.

There was a general discussion regarding whether the Board had the authority to increase the side-yard encroachment to 1.6 feet.

Community Development Director Kinney stated that he felt that the Board could approve the increase.

Member Lampe made a motion to approve the variance, as amended to include a 1.6 foot encroachment into the side-yard and a two foot encroachment into the front-yard setback lines. The motion was seconded by Member Lampson and unanimously approved by a roll call vote.

c. Case No. 2012-0019: Property address is 5955 Gulf Winds Drive. Applicant Edward M. Thompson requests a variance from Section 23.5 of the Land Development Code to permit off-street parking that does not meet the minimum standard for an ice-cream shop/restaurant.

Community Development Director Kinney read the variance request and displayed the location of the property on an aerial map. He advised that there are ten parking spaces on the property and an ice-cream shop will get more walk up customers and will not require ten spaces.

Mr. Edward Thompson, the applicant, explained that he owns other ice cream stores and expects 70% of his customers to be walkup customers so he will not need ten parking spaces.

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

Community Development Director Kinney stated that he did not receive any letters regarding this case.

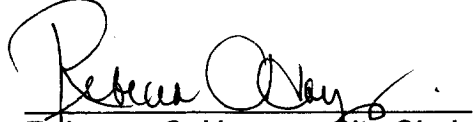
The Board did not express any concerns with the application.

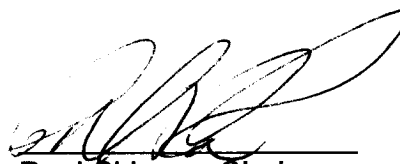
Member Littell made a motion to approve the variance, as requested with the condition that the variance will only apply to the ice-cream shop. The motion was seconded by Member Lampson and approved by a unanimous roll call vote.

3. Adjournment

There being no further business to come before the Board, the meeting
was adjourned at 2:30 p.m.

Attest:


Rebecca C. Haynes, City Clerk


Paul Skipper, Chairman

Minute approved on: 7-25-12

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

LAST NAME—FIRST NAME—MIDDLE NAME <i>LAMPE DOUGLAS M.</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Board of Adjustment</i>	
MAILING ADDRESS <i>730- 64th Ave</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>St Pete Beach</i>	COUNTY <i>Pinellas</i>	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED <i>6-27-12</i>		NAME OF POLITICAL SUBDIVISION:	
		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, Douglas M. Lampe, hereby disclose that on 6-27, 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:

I am the General Contractor for
Case # 2012 - 0017
517-55th Ave ~~SE~~
St Pete Beach, FL

Date Filed

6/28/12

Signature

Douglas M. Lampe

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.