

BOARD OF ADJUSTMENT

MINUTES

September 26, 2012

2:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Paul Skipper, Chairman
David Littell, Member
Gil Green, Member
Laurie Vallett, Member
Park Lampson, Member

ALSO PRESENT:

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

1. Approval of Minutes

a. August 29, 2012

Member Green made a motion to approve the Minutes of August 29, 2012, as written. The motion was seconded by Member Vallett and unanimously approved by a roll call vote.

2. Public Hearings:

a. Case # 2012-0034: Property address is 5895 Gulf Boulevard (Snappers Restaurant). Applicant Daniel Casey requests a variance from Section 33.9 of the Land Development Code to permit the construction of an addition that will encroach 7'-1" into the required 10' secondary front-yard setback line.

Member Littell announced that he has a conflict of interest regarding this case because his company has been hired by the applicant to prepare a site plan for the addition. Member Littell did not participate in the

discussion or vote regarding this case. A copy of the Conflict of Interest form is attached hereto and made a part of these official minutes.

George Kinney, Community Development Director provided a slide presentation regarding this application and recommended that the area around the addition be landscaped similar to the rest of the property.

Mr. Daniel Casey, 5895 Gulf Boulevard, was present and explained that the restaurant's restrooms are not ADA compliant and the addition will house the new restrooms and kitchen facilities. Mr. Casey explained that the addition will not be used for increased seating and the out of date grease trap will be replaced. Mr. Casey agreed to landscape the area as suggested by Director Kinney.

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

Upon inquiry, Director Kinney stated that there were no letters received regarding this application.

Member Vallett made a motion to approve the application, as submitted. The motion was seconded by Member Lampson and unanimously approved by a roll call vote, with Member Littell abstaining from the vote due to a conflict of interest.

b. Case # 2012-0035: Property address is 5900 Gulf Boulevard (Alden Beach Resort). Applicant Gary Renfrow requests variance from Section 35.9(a)(2) of the Land Development Code to permit the construction of a spa and gazebo that would replace similar existing structures and that will encroach 8'-6" into the 20' required side-yard setback.

Director Kinney provided a slide presentation and recommended that the area around the addition be landscaped similar to what is already in place.

Mr. Gary Renfrow was present and explained that the variance is needed to replace an existing hot tub and a gazebo which will be placed in the same location but will be slightly larger. Mr. Renfrow agreed to landscape the area as suggested by Director Kinney.

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

Upon inquiry, Director Kinney stated that there were no letters received regarding this application.

Member Lampson made a motion to approve the application, as submitted. The motion was seconded by Member Littell and unanimously approved by a roll call vote.

C. Case # 2012-0039: Property address is 2101 Pass-a-Grille Way. Applicant Timothy Forsman requests a variance from Sections 3.10(b) (1), 11.8, and 20.10 of the Land Development Code to permit the construction of a room addition that would expand an existing non-conforming height encroachment.

Director Kinney provided a slide presentation regarding this application. Director Kinney cautioned the applicant that the property is not zoned for short term rentals and a stove is not allowed in the addition.

Mr. Timothy Forsman, the applicant, was present and stated that this is his family home and he has no intention of installing a stove or renting any portion of the home. Mr. Forsman advised that the addition would be for an additional bedroom and a bonus room including a small wet bar.

Mr. Forsman provided a letter of support from his next door neighbor.

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

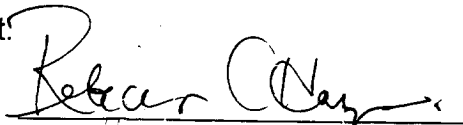
Upon inquiry, Director Kinney advised that he did not receive any other letters regarding this case.

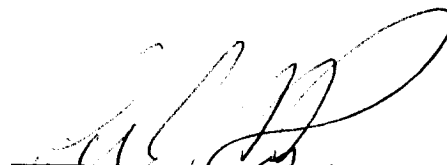
Member Lampson made a motion to approve the application, as submitted. The motion was seconded by Member Green and unanimously approved by a roll call vote.

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

Minutes approved on: 10-31-12

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

LAST NAME—FIRST NAME—MIDDLE NAME LITTELL DAVID CLAIR		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE BOARD OF ADJUSTMENT	
MAILING ADDRESS 243 MAR STREET		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY ST. PETE BEACH	COUNTY PINECLAS	☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY	
DATE ON WHICH VOTE OCCURRED SEPT. 26, 2012		NAME OF POLITICAL SUBDIVISION: SAINT PETE BEACH	
		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, DAVID CLAIR LITTELL, hereby disclose that on SEPT. 26, 20 12.

(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 SNAPPER'S RESTAURANT (DAN COSEY), 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 2012-34)

CONSIDERATION OF SECONDARY FRONT YARD SETBACK
ENCROACHMENT FOR RESTAURANT EXPANSION FOR
SNAPPER'S RESTAURANT WHO HAS RETAINED MY
COMPANY, WEST COAST DESIGN, INC., TO PREPARE A
SITE PLAN.

Sept. 26, 2012
Date Filed

David C. Littell
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.