BOARD OF ADJUSTMENT

MINUTES

October 31, 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 – September 26, 2012**

Member Littell made a motion to approve the minutes of September 26, 2012, as written. The motion was seconded by Member Vallett and unanimously approved by a voice vote.

2. **Public Hearings:**

a. Case No. 2012-0045: Property address is 517 55th Avenue. Applicant Douglas M. Lampe requests a variance from Section 8.7(a)(4) of the Land Development Code to permit the construction of a room addition that will encroach 4' into the required 20' rear-yard setback line.

Director Kinney presented the background information regarding this case.

Applicant Douglas Lampe explained that the addition will provide protection from the elements when entering the master bedroom from the patio area. He stated that this will be an open porch.

Director Kinney reported that there were no letters of objection or support received for this case.

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

Member Littell made a motion to approve Case No. 2012-045 as presented. The motion was seconded by Member Lampson and unanimously approved by a roll call vote.

b. Case No 2012-0046: Property address is 600 55th Avenue. Applicant James E. Lingebach requests a variance from Section 6.13(c)(6)(b) of the Land Development Code to permit the construction of a decorative fountain that will encroach 4'-6' into the required front-yard setback line.

Director Kinney presented the background information regarding this application and pointed out that the applicant wants to install a fountain with new landscaping. He explained if the fountain is installed five feet from the property line, no variance would be required.

Applicant James Lingebach explained that if the fountain is placed within the required setback it would be to close to their circular drive way. Mr. Lingebach stated the fountain is two feet wide and 5 feet tall.

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

Director Kinney advised that there were two letters of opposition received regarding this case.

Member Lampson made a motion to approve Case No 2012-46 as presented. The motion was seconded by Member Green and approved by a 4-1 roll call vote.

c. Case No 2012-0047: Property address is 8225 Boca Ciega Drive. Applicant Philip C. Smith requests a variance from Section 9.7(a)(3) of the Land Development Code to permit the construction of an attached garage that will encroach 5'-6' into the required 12' side yard setback.

Director Kinney presented the background information regarding this application and pointed out that the owner is a car collector and wants to build an additional garage to store cars. He advised that City staff visited the property in October and discovered that there were several trees removed from the property without a permit, and that an "after the fact" tree removal permit has been applied for at this time. He pointed out that

staff has three conditions that they would like to impose if this application is approved.

Mr. Phillip Smith, of Gulf Waters Construction, advised that he was representing the owner Philip Smith and explained that the owner would like to have the additional garage to store his car collection.

Mr. Smith stated that they hired a tree removal company who informed them that they did not need permits, then later they discovered that they did need permits. He advised that the proposed garage would hold four cars. He disclosed that the property currently has a two car garage.

Chairman Skipper called for audience comments.

Attorney Bart R. Valdes representing Chris and Ken Schmiden, who live next door to the applicant, spoke in opposition to the application and stated that he did not feel that this case warranted a variance because there was no hardship or failure for unreasonable use of the property. Attorney Valdes referenced case law to support his opposition and asked that the Board deny the variance.

Mr. Chris Schmiden spoke in opposition of the variance.

Mr. Dale Hughes, 8301 Boca Ciega Drive, stated that he would like to see the City's rules and regulations adhered to regarding this case.

Ms. Mary Dabroski, 8200 Boca Ciega Drive, spoke in opposition to the variance.

Ms. Jane McCombus, 8200, Boca Ciega Drive, spoke in opposition to the variance.

Ms. Deborah Baker, 320 82nd, spoke in opposition to the variance.

Chairman Skipper closed audience comments.

Mr. Phil Smith, 8225 Boca Ciega Drive, explained that he hired a licensed arborist and that they failed to obtain the proper permits. Mr. Smith explained that ficus trees were uprooting his concrete so the trees were removed.

Mr. Phil Smith, Gulf Water Contractors, explained that they are not asking to encroach into the side setback and they can install a gutter for the runoff water. Mr. Smith stated that he felt the hardship was that the owner needs storage for his cars inside rather than outside.

Attorney Valdes stated this was a self created hardship and asked the board for denial of the variance.

The Board was in agreement that there was no hardship represented for this case.

Member Littell made a motion to approve Case No. 2012-47 as presented. The motion was seconded by Member Lampson and unanimously denied by a roll call vote.

d. Case No. 2012-0048: Property address is 2781 East Vina Del Mar Boulevard. Applicant Scott Vigue requests a variance from Sections 6.13(c)(5)(a) and 6.13(c)(5)(c) of the Land Development Code to permit the construction of a gazebo that exceeds the maximum size and that will encroach 10-4" into the required 20' waterfront rear-yard setback line.

Director Kinney presented the background information regarding this application and explained that the gazebo was built without a permit and that the owner will apply for an "after the fact" permit if the case is approved.

Mr. Scott Vigue, owner, stated that he did not realize that he needed a variance or a permit to construct the gazebo and asked for approval of the variance.

Director Kinney advised that there was one letter of objection received regarding this case.

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

Member Lampson made a motion to approve Case No. 2012-0048 as presented. The motion was seconded by Member Vallett and unanimously approved by a roll call vote.

3. Next Meetings

Director Kinney advised that the next two meetings will be held on November 28, 2012 and December 19, 2012.

4. Adjournment

There being no further business to come before the Board, the meeting was adjourned at 3:00 p.m.

Attest:

Rebecca C. Haynes, City Clerk

Paul Skipper, Chairman

Minutes approved on: 11/28/2012