

BOARD OF ADJUSTMENT

MINUTES

MAY 29, 2013

2:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

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

ABSENT:

Gil Green, Member (excused)

ALSO PRESENT:

Anne Marr, Zoning and Permit Administrator
Mary Jo Murphy, Recording Secretary

1. Minutes for Acceptance

Mr. Lampson made a motion to approve the minutes of April 24, 2013, as presented. The motion was seconded by Ms. Vallett and unanimously approved by voice vote.

2. Public Hearings

Case 20130015: Property address is 6855 Gulf Blvd. (McDonald's) Applicant requests a variance from Section 23.5 to permit the reduction of the required parking spaces from 45 spaces to 40 spaces.

Ms. Marr stated that she had not received any letters or phone calls regarding this case.

Pam DeDea, 7321 Merchant Court, Sarasota, Florida, agent for McDonald's Corporation, stated that McDonald's wanted to do some site upgrades and add an addition to the building. The addition is intended to be used for storage of product. McDonald's feels that they can still accommodate their customers with the 40 spaces.

Chairman Skipper asked if there was anyone who wanted to speak for or against the variance. There were no audience comments.

Chairman Skipper closed the public hearing portion and asked for discussion from the Board. The general consensus of the board was there was adequate parking in the location.

Mr. Lampson made a motion that the application for Case 20130015 to be approved as written. The motion was seconded by Ms. Vallett. An individual roll call vote was taken and the variance was unanimously approved.

Case 20130014: Property address is 645 Corey Avenue (Willy's Restaurant) Applicant request a variance from Section 23.3(d) parking requirements due to an intensification of the use by an increase in seating.

Ms. Marr stated that the request is to increase the seating from 22 seats to 55 seats. The additional seating is currently in the restaurant but was installed before approval of the variance was granted.

Chairman Skipper asked the applicant to come forward.

Mike Anderson, 318 8th Avenue, Tierra Verde, Florida, applicant, stated that the business was opened in 2011. The business was successful and grew quickly. Mr. Anderson stated the restaurant needed the extra seating; therefore, he installed the seats approximately a year and a half ago. Mr. Anderson added that currently business is good and stated that the restaurant is driven by the seating.

Chairman Skipper asked if anyone wanted to speak on behalf of the applicant.

There were no comments from the audience.

Chairman Skipper asked if anyone wanted to speak against the application.

Suzanne Ferry, 550 Corey Avenue, St. Pete Beach, Florida, spoke in opposition to the variance. Ms. Ferry is the owner of a hotel/motel and she stated the following complaints about Willy's Restaurant: restaurant customers using her motel's parking spaces, leaving broken bottles, leaving garbage and slicing tires.

Gary Apostolov, 764 Columbus Drive, Tierra Verde, Florida, spoke in opposition to the variance. Mr. Apostolov complained of the customers from Willy's Restaurant making noise, leaving bottles and cups and parking issues. Mr. Apostolov feels the restaurant is injurious to his hotel and the neighborhood.

Larry Myer, 636 Corey Avenue, St. Pete Beach, Florida, hotel owner, spoke in opposition to the variance. Mr. Myer complained about the seating being in the restaurant for almost two years without obtaining a permit.

Gary Apostolov, 764 Columbus Drive, Tierra Verde, Florida, spoke a second time in opposition to the variance. Mr. Apostolov pointed out that due to the volume of cars from Willy's Restaurant and the lack of parking spaces, the water meters cannot be read frequently.

Lucia Apostolov, 635 Corey Avenue, St. Pete Beach, Florida, spoke in opposition to the variance. Mrs. Apostolov stated that their tenants are leaving and their business is suffering because of the lack of parking due to Willy's Restaurant's customers taking the parking spaces.

Suzanne Ferry, 550 Corey Avenue, St. Pete Beach, Florida, spoke a second time in opposition to the variance.

Chairman Skipper asked Mr. Anderson if he wanted to speak in rebuttal.

Mike Anderson, 318 8th Avenue, Tierra Verde, Florida, applicant, stated that he is present at the restaurant every night and he has never seen all the parking spaces used. Mr. Anderson pointed out that in the two years that he has been there, parking has never been an issue.

Chairman Skipper stated he felt Mr. Anderson created the hardship himself by adding the seats without approval. Therefore, if the Board applied the standards that Mr. Anderson wanted, that would result in more parking spaces than exists. Initially the restaurant had 12 seats and was then granted 22. Mr. Anderson increased the seating to 55 without approval. Chairman Skipper reiterated that at 55 seats, his seating was approximately 4 times what he is permitted to have.

Chairman Skipper asked if Ms. Marr or Mr. Cooper wanted to speak.

Bruce Cooper, City of St. Pete Beach, Building Code Administrator, stated that all the parking on Corey is public parking. The parking is in the City's right-of-way and it's open to everyone. He advised the Board that there cannot be designated parking for specific uses.

Chairman Skipper closed the public hearing portion and asked for discussion from the Board. There was a general discussion regarding the variance.

Mr. Lampson made a motion that variance 20130014 to be approved as written. The motion was seconded by Ms. Vallett. An individual roll call vote was taken, and the variance was denied with a vote of 4 to 0.

3. Adjournment

Chairman Skipper asked if there was any more business to discuss.

Ms. Marr stated that the next meeting would be held on June 26, 2013 and there would possibly be five cases.

There was no further business before the board.

Member Lampson made a motion to adjourn the meeting. The motion was seconded by Member Vallett and was unanimously approved by a voice vote.

The meeting was adjourned at 2:45 p.m.

Attest:



Rebecca C. Haynes, City Clerk



Paul Skipper, Chairman

Minutes approved on: 6/20/2013

