

CITY OF ST. PETE BEACH
BOARD OF ADJUSTMENT MEETING MINUTES
August 25, 2021 2:00 P.M.

PRESENT: Sandie Lyman, Vice Chair
Denise Chase, Member
Michael Bomar, Member
Jake Holehouse, Member

EXCUSED: Paul Skipper, Chair

STAFF PRESENT: Andrew Dickman, City Attorney
Ginny Bodkin, Deputy City Clerk
Lynn Rosetti Senior Planner
Brandon Berry, Planner II
Jordan Elmore, Zoning and Permit Tech

ALSO PRESENT: Carmen DeBerg, Court Reporter

Vice Chair Lyman called the meeting to order at 2:00 PM and led the Pledge of Allegiance.

The Deputy City Clerk swore in all individuals who would be speaking on agenda items.

1. Changes to the Agenda – Planning Manager Wesley Wright stated that since the Applicant for Item 4b. was appearing by telephone, that case would be heard prior to 4a.
2. Audience Comments – None.
3. Approval of Minutes - a. 7/28/2021

Motion: Member Chase moved, and Member Holehouse seconded the approval of the minutes from the July 28, 2021 meeting; the motion carried unanimously.

4. Action Items -
 - a. (Heard second) **Variance - 549 59th Ave (Case #21049)** Request for a dock to extend to 30 feet in length where 20.7 feet is permitted and encroach to 4 feet from the extended left side riparian line where 10.4 feet is required (LDC Sec. 6.23(d)(3)&(4)).

There was a court reporter present for this case.

Senior Planner Lynn Rosetti reviewed the details of this variance request to allow a 30-foot dock with a boat lift that encroaches into the left-side yard setback area and exceeds allowable length. She provided ground and aerial photos, maps, property survey, site plans and conditions of approval. A letter of no objection was received from the neighbor on the right side, but not the left. Staff found the request reasonable, and keeping lift on right side gives unobstructed view. Staff recommended approval of the dock and boat lift.

Applicant Mark Backes of 549 59th Avenue appeared and explained to the Board his previous experience with owning boats and docks, and the due diligence he had done prior to the purchase of the property. The Applicant's contractor, Joe Place of Enterprise Marine (8165 46th Avenue, St. Petersburg) explained to the Board that there are similar projects nearby. He spoke about his experience with 'views' as defined by Pinellas County.

City Attorney Dickman questioned Mr. Place on his experience in marine construction. Mr. Place explained the considerations that he made in his design. Mr. Dickman explained to the Board that if both neighbors had submitted letters of no objection, this variance could have been handled administratively vs. coming before them.

At Mr. Wright's request, Mr. Place explained to the Board the difficulty and infeasibility of compliance within the buildable area, given the pie-shaped lot and setbacks for the dock area. Board members asked questions of the contractor. The depth of the water would be inadequate in the present buildable area and the lift would not fit.

Attorney Kyle Bass of Weber, Bass and Wein (5453 Central Avenue), representing neighbors Mr. and Mrs. Rolfes, was given the opportunity to ask questions of the Applicant, his contractor, and staff.

The Chair asked if anyone was present to speak in favor or against the variance. No one spoke in favor of the variance. Attorney Kyle Bass appeared against the variance on behalf of the Rolfes; he read some of the legal arguments from a draft Response to the Request for Variance that he brought with him. The Response is made a part of these minutes. He requested that the application be denied.

Michael Rolfes, of 539 59th Avenue, appeared as a witness to add comments; his realtor had advised him that the proposed changes could negatively affect his property value.

City Attorney Dickman briefly questioned Mr. Rolfes, and the Board had the opportunity to ask questions. Mr. Dickman questioned Senior Planner, Lynn Rosetti on her experience and her basis for recommending approval of the variance. Mr. Dickman asked Planning Manager Wesley Wright to read from the Land Development Code (LDC) regarding the City's determination of completeness of an application. The City determined this application to be complete.

Attorney Bass was granted a second round of rebuttal time and questioned Ms. Rosetti about minimum variances and City Codes.

The Vice Chair closed the public part of the hearing and opened for Board discussion; they commented that this was an average request, staff and experts found it justifiable, reasonable, minimal, and not out of line with similar properties in that area.

Mr. Dickman and Planning Manger Wesley Wright asked Ms. Rosetti further questions, in her expert opinion, on minimum variance, purpose and intent in the Comprehensive Plan and LDC, and the uniqueness of each property. Mr. Dickman provided his legal opinion that the language contained in the approval criteria in the LDC implies that general intent is to be taken as the overall purpose and intent of the Code and Comprehensive Plan.

Motion: Member Chase moved, and Member Holehouse seconded the approval of the Variance for Case #21049 for a dock and boat lift encroachment at 549 59th Avenue as presented. The motion carried unanimously.

- b. (Heard first) **Variance - 7885 Boca Ciega Dr (Case #21056)** Request to extend an existing attached garage 3.65 feet into the required front setback (LDC Sec. 12.7(a)(1))

Mr. Berry provided a detailed presentation of this variance request which included photographs, maps, site plans, floor plan, and conditions of approval. The permitted setback for the structure is 20 feet; the garage extension would make that 16.35 feet, a variance of 3.65 feet. Staff found the request to be reasonable. The garage will bring the property into greater conformity with the Land Development Code relating to on premise parking and may alleviate some street parking. Staff recommendation was for approval as submitted with two conditions: the owner shall obtain a zoning permit for the shell driveway prior to issuance of a building permit and shall plant two crepe myrtles of at least eight feet in height in the front of the property, unless a hardship exists, then they may be planted in the right-of-way with a permit. Mr. Berry stated one call was received about the variance, but no letters were received for or against.

Contractor Ken DeShazo of Castle Home Builders appeared by telephone to add comments and answer Board questions; he indicated that he had been sworn in. There were no questions.

Hearing no public comment, the Vice Chair closed that portion of the meeting and opened Board discussion.

Motion: Member Chase moved, and Member Holehouse seconded the approval of the Variance for Case #21056 as submitted with two conditions; the motion carried 4-0.

5. (Added) Discussion Items -

- a. Sunshine Law Presentation

The City Attorney indicated that he would like to have the full Board present for the presentation, and it was tentatively rescheduled for the October meeting.

6. Adjournment – Next Meeting 10/27/2021 – there will be seven applications in October.

Motion: Member Chase moved to adjourn. The motion was seconded by Member Bomar and passed unanimously at 3:11 PM.

These minutes were approved at the October 27, 2021 Board of Adjustment meeting.