

CITY OF ST. PETE BEACH
BOARD OF ADJUSTMENT MEETING MINUTES
September 29, 2021 2:00 P.M.

PRESENT: Paul Skipper, Chair
Sandie Lyman, Vice Chair
Denise Chase
Jake Holehouse

EXCUSED: Michael Bomar

STAFF PRESENT: Matthew McConnell, Assistant City Attorney
Ginny Bodkin, Deputy City Clerk
Wesley Wright, Planning Manager
Lynn Rosetti Senior Planner
Brandon Berry, Planner II
Jordan Elmore, Zoning and Permit Tech

Chair Skipper 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 – Assistant City Attorney Matthew McConnell stated that item 4d., Case #21067, would be deferred to date certain October 27, 2021 for advertising purposes.

Motion: Member Chase moved, and Vice Chair Lyman seconded the deferral of Case #21067 to the October 27th, 2021 Board of Adjustment meeting; the motion carried unanimously.

2. Audience Comments – There were no public comments.

3. Approval of Minutes - a. 8/25/2021

Motion: Vice Chair Lyman moved, and Member Holehouse seconded the approval of the minutes from the August 25, 2021 meeting; the motion carried unanimously.

4. Action Items -

- a. **Variance - 7017 Boca Ciega Dr (Case No. 21062)** A Practical Difficulty Variance for an elevated generator to encroach into the required side setback (LDC Sec. 6.14).

Planning and Zoning Tech Jordan Elmore reviewed a detailed presentation on the variance request. The presentation and Staff Summary of the case in the meeting packet have been made part of these minutes. Photographs and other exhibits were reviewed, as well as conditions of approval. Staff found the request reasonable and the recommendation was for approval.

Generx Generator Contractor David Dumphy of 2311 Oxford Ct., Safety Harbor appeared for the Applicant and provided further details of the generator installation and answered Board questions,

Frank McMillen, owner of 7013 Boca Ciega Dr., appeared to voice an objection to the location of the generator in proximity to his windows. Applicant Jack Rader was sworn in to add comment. Following discussion and review of photographs, Mr. Dunphy agreed to move the generator forward, under the fixed bathroom window, to accommodate the neighbor's request.

There being no further public comment, Board discussion followed.

Motion: Vice Chair Lyman moved, and Member Chase seconded the approval of the Variance for Case #21062 to allow for the encroachment of an elevated generator into the required side yard, to include the discussed relocation. The motion carried 4-0.

- b. Variance - 4365 Holland Dr (Case No. 21061)** A Practical Difficulty Variance to increase the number of allowed residential storage buildings for a second shed of 48 SF to remain on the property (LDC Sec. 6.13(b)).

Planner II Brandon Berry reviewed the request and a detailed presentation with photographs and exhibits; the presentation has become part of these minutes. He stated that no communications for or against the request have been received and that all meeting notice requirements were met. Staff found the request reasonable and the recommendation was for approval as submitted.

Applicant Charles Hill, of 4365 Holland Drive, appeared to provide further details and answer any Board questions. There were no comments for or against the variance; the Chair closed public comment and opened Board discussion.

Motion: Member Chase moved, and Member Holehouse seconded to approve Case No. 21061 to allow for a second shed to be permitted on the property as submitted; the motion carried 4-0.

- c. Variance - 4110 Belle Vista Dr (Case No. 21064)** A Practical Difficulty Variance to allow for the construction of a pool to encroach approximately 10 inches into the side setback where 7.8 feet is required and to allow for a walkway at the property line where 2 feet is required. (LDC Sec. 6.13(c)(1)c.1. & 6.13(c)(2)d.2.).

Senior Planner Lynn Rosetti reviewed a detailed presentation of the variance request, with photographs and exhibits; the presentation has become part of these minutes. No communication was received for or against the request.

Staff found the request reasonable and that it should have minimal if any impact on the surrounding neighborhood; they also found that the request meets the criteria laid out in the Land Development Code and recommended approval.

The Applicant's Agent, Amber Lissy 110 Island Way, Clearwater Beach, was sworn in, provided additional details of the request, and answered Board questions. There was no comment for or against the request and the Chair opened Board discussion.

Motion: Vice Chair Lyman moved, and Member Holehouse seconded to approve Case No. 21064 to allow for the requested variances for a 10-inch pool encroachment into the side yard and to allow for a walkway at the property line as presented; the motion carried 4-0.

- d. Variance - 173 Mar St (Case No. 21067)** Request for an Unnecessary and Undue Hardship Variance to allow for a paver driveway to exceed 24' in width at the front property line, and for paver walkways to encroach closer than two feet to the side property line. (LDC Sec. 6.13(c)(2)d.&23.11(b)(2)).

Per changes to the agenda, this item will be deferred to the October 27, 2021 meeting.

- e. Variance - 510 Boca Ciega Isle Dr (Case No. 21058)** A Practical Difficulty Variance to permit the encroachment of 1) two two-story home additions and accessory facilities into the required 20' front setback, 2) a pool bed deck cover into the required 15' rear setback, and 3) a deck encroachment into the required 23' side setback (LDC Sec. 9.7(a)(1), 6.13(c)(3)a., & 6.13(c)(2)c.1.).

Mr. Berry summarized the of the variance request, verified that that all meeting notice requirements had been met, and that no communications were received for or against the variance. He reviewed a complete presentation with details of the request, photographs and exhibits. The presentation and Staff Report from the meeting packet will become part of these minutes.

Staff found the request to be reasonable. Staff recommendation was for approval with the conditions that the applicant submit a landscaping plan and that the engineering of the pool ensures that the seawall is protected prior to issuance of the pool permit.

Mishou Sanchez 2504 Alvarez Road, Tampa, appeared on behalf of the Applicant to provide additional details and answer Board questions. There was no communication received, or public comment for or against the variance, and the Chair opened Board discussion.

Motion: Member Chase moved, and Member Holehouse seconded the approval of the Variance for Case #21058 to permit the encroachment of 1) two two-story home additions and accessory facilities into the required 20' front setback, 2) a pool bed deck cover into the required 15' rear setback, and 3) a deck encroachment into the required 23' side setback, with the conditions recommended by Staff. The motion carried 4-0.

- f. Variance - 7736 Blind Pass Rd (Case No. 21063)** An Unnecessary and Undue Hardship to permit an abandoned freestanding monument sign to remain in the required front setback (LDC Sec. 26.35(a)).

Planning Manager Wesley Wright indicated that all meeting notice requirements for the variance had been met. He reviewed a detailed presentation of the request with exhibits and photographs; the presentation will become part of these minutes. Mr. Wright explained that the sign had been installed prior to current setback requirements. The request met all eight hardship variance criteria. Staff found the request to be reasonable; the recommendation was for approval of the variance with the four conditions as described in the Staff Report. The report has been made a part of these minutes.

Applicant Rudy Consoni of 1105 81st St. South, St. Petersburg, was present to provide details and answer Board questions. There was no public comment for or against the application and the Chair opened Board discussion.

Motion: Member Chase moved, and Member Holehouse seconded the approval of the Variance for Case #21063 to allow for the nonconforming sign to remain with the conditions recommended by staff. The motion carried 4-0.

- g. Variance - 5955 Gulf Winds Dr (Case No. 21065)** Unnecessary and Undue Hardship Variance to allow for the existing abandoned nonconforming freestanding monument sign to remain on the property. The approximate 22-foot tall sign violates the maximum height (8 feet) and ten-foot setback standard (3.3-feet) from the right-of-way (LDC Sec. 26.35(a)).

Mr. Wright reviewed a summary and detailed presentation of this request. All noticing requirements for this variance request were met. The presentation has been made part of these minutes.

Staff found the request to be reasonable; recommendation was for approval of the variance with three conditions, including removal of some asphalt and the addition of landscaping, as described in the Staff Report, which has been made a part of these minutes.

Tenant/Lessee Charles Marco, of 1109 S. Pinellas Bayway, Tierre Verde, appeared to provide additional details. There was no public comment for or in opposition of the variance request, and the Chair opened Board discussion.

Motion: Member Chase moved, and Member Holehouse seconded the approval of the Variance for Case #21065 to allow for the nonconforming sign to remain with the conditions recommended by staff. The motion carried 4-0 .

5. Discussion Items

a. Sunshine Law and Public Records Training

Assistant City Attorney Matthew McConnell reviewed a presentation on the Sunshine Law from the Special Council for Open Government as a refresher for the Board members. He commented that this information be reviewed annually. The presentation included the background and scope of the Sunshine Law, three basic requirements of all public meetings, and meeting conduct. He reviewed the Public Records Law, definitions, accepting requests, records retention and penalties. The presentation will become part of these minutes. He provided additional resources and encouraged members to reach out to the City Clerk or Attorney with any questions or concerns.

A question and answer period followed.

6. Adjournment – Next Meeting 10/27/2021

Motion: Vice Chair Lyman moved to adjourn. The motion was seconded by Member Holehouse and the meeting was adjourned at 3:20 PM.

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