BOARD OF ADJUSTMENT MEETING

MINUTES

SEPTEMBER 24, 2014

1:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Paul Skipper, Chairman
George Scribano, Member
Laurie Vallett, Member (entered meeting at 1:27 p.m.)
Sandie Lyman, Member
David Littell, Vice Chairman

ALSO PRESENT:

Anne Marr, Zoning and Permit Administrator
Mary Jo Murphy, Deputy City Clerk

1. **Changes to the Agenda**

There were no changes to the agenda.

2. **Minutes for Acceptance – 8/27/2014**

Vice Chairman Littell made a motion to approve the minutes of August 27, 2014 as presented. The motion was seconded by Member Scribano and unanimously approved by an individual roll call vote.

3. **Audience Comments**

There were no comments from the audience and Chairman Skipper closed the audience comments period.

4. **Public Hearings**

There was discussion in regard to four board members being present to hear Case 20140030 because Attorney Chris Furlong commented he desired a full board for the hearing. Chairman Lott proposed hearing the case as the last item. Attorney Amanda Felten agreed to moving the hearing as the last item but objected to continuing the hearing.

Chairman Skipper announced the first case, Case 20140037.

> **Case 20140037:** Address: 6855 Gulf Blvd. Applicant requests variances from Section 26.35 of the Land Development Code to permit an increase from maximum allowed 3 signs to a total of 8 signs (includes existing and proposed signs) and an increase in a wall sign square footage from 37' to 47' (west elevation).

Anne Marr, Zoning and Permit Administrator, informed the Board the City is in the process of reviewing the current sign code. Staff is requesting that the Board consider a reduction in the amount of signage. Ms. Marr advised the Board that there have been no calls or requests to review the file.

Chairman Skipper asked the applicant to come forward if present.

Kim Seyer, Seyer Group, stated that McDonalds desired to improve their property by remodeling the exterior and interior of the building. The variance is requesting an increase in the number of signs and sign square footage.

Chairman Skipper asked Ms. Seyer for her proposal of reducing the signage. Ms. Seyer said it would have to be the McDonalds signage on the drive-through side.

Chairman Skipper asked if there was anyone in the audience who wanted to speak in favor of or in opposition to the variance. There were no comments.

Chairman Skipper closed the public hearing portion and asked for discussion from the Board. There was discussion amongst the Board about the signs.

The applicant was asked to approach the podium by the Board. Ms. Seyer stated she would rather give up the McDonalds sign on the drive-through side rather than a directional sign due to safety issues. Furthermore, Ms. Seyer stated that before they began this project, they were unable to obtain a timeline in reference to a date for revising the sign codes and the renovation dollars are in place.

Ms. Marr informed the Board that Staff would support the removal of the McDonalds sign on the drive-through side.

> **Member Lyman made a motion to approve the proposal for Case 20140037 as written with the exception of the north side sign and that it be removed.**

The motion was seconded by Vice Chairman Littell and was unanimously approved by an individual roll call vote, (4 yeses – 0 nos).

At this time Member Vallett entered the meeting at approximately 1:27 p.m.

Chairman Skipper advised Ms. Marr to proceed with the next case, Case 20140038.

Case 20140038: Address 135 – 58th Avenue. Applicant requests a variance from Section 6.15 of the Land Development Code to permit the increase of an existing 4' tall masonry wall to 6' tall masonry wall within the required 20.0' front yard setback (58th Avenue).

Ms. Marr informed the Board that she received no phone calls or letters for this particular case and the applicant is present.

Chairman Skipper asked the applicant to come forward.

Dainius Vaidila, 135 – 58th Avenue, owner, stated the issue relates to privacy in the backyard and enjoying the pool.

Chairman Skipper asked if there was anyone in the audience who wanted to speak in favor of or in opposition to the variance. There were no comments.

Chairman Skipper closed the public hearing portion and asked for discussion from the Board.

Vice Chairman Littell made a motion to approve the variance application for Case 20140038 of a 2-foot addition to the wall with landscaping on the exterior to cover the 6-foot wall. The motion was seconded by Member Scribano and was approved by an individual roll call vote, (4 yeses - 1 no).

Chairman Skipper announced the next case, Case 20140030.

Case 20140030: Address 3786 Belle Vista Drive East. Applicant requests a variance from Section 6.23(d)(3)&(4) of the Land Development Code to permit the installation of a dock and 2 boat lifts that shall exceed the maximum dock length requirement based on the width of the property at the waterfront and the center one half requirement based on the width of the property at the waterfront. (waterfront width 46.42') Maximum permitted dock length 23' requesting 38' dock length. An 11.61' setback from the extended side property lines would comply with the center one half regulations. Boat lift on east side shall encroach 5.94' and boat lift on west side shall encroach 7.44'. (Continued from August 27, 2014 meeting)

Ms. Marr informed the Board the applicant is proposing to modify/rebuild the existing dock and install two boat lifts. Ms. Marr commented there were quite a few letters objecting to this variance. Ms. Marr informed the Board there was a revised drawing submitted of the dock in this case. Ms. Marr mailed out notices to property owners within 300 feet and included the drawing of the revised plan. Ms. Marr distributed copies of the revised plan to the Board and stated she received objections to the revised drawing.

Chairman Skipper asked the applicant to come forward.

Chris Furlong, 2959 1st Avenue N., St. Pete, Florida 33713, attorney for the applicants, stated the amended application is more compliant with code than the current dock and mooring existing presently. However, after receiving complaints from neighbors, the applicants had their contractor create a new design to address the concerns of the neighbors and presented the design to the neighbors. The applicants have received no response from the neighbors.

Doug Speeler, 3030 Patrick Place, Clearwater, Florida 33759, consultant and contractor, spoke about the construction of docks in Pinellas County and Mr. and Mrs. Finch's dock and boat lifts.

Chairman Skipper asked if there was anyone in the audience who wanted to speak in favor of or in opposition to the variance.

Amanda Felten, Esq., Weben, Crabb & Wein, spoke on behalf of Ms. Marsha McBrayer. Attorney Felten advised the Board that she did receive a certified letter from Attorney Furlong the day before requesting to talk and trying to resolve the issue. Attorney Felten stated due to timing, there wasn't an ability to do so. Attorney Felten advised the Board there are six criteria of the Land Development Code - Section 3.12, Subsection (a)(1) - that are required to be met for the variance to be granted. It is Ms. Felten's position that the applicant has not met their burden on the following three criteria: (a)(1)(a), (a)(1)(d) and (a)(1)(e). Ms. Felten explained her opinion for the reasons of the criteria not being met. Ms. Felten cited a case to the Board that referenced hardship and distributed documents to the Board.

Marsha McBrayer, 3772 Belle Vista Drive E., owner of the two properties that are east to the subject property, spoke in opposition of the variance because of the site line and a privacy issue.

Chairman Skipper asked Attorney Felten if they would like to speak with the applicants to try to resolve the problems or to continue to go forward. Chairman Skipper offered to continue this variance to the next meeting or take a brief recess. Attorney Felten was willing to talk about a new application, but the current application they were not willing to work with and asked for the variance to be denied.

Chairman Skipper asked if there was anyone in the audience who wanted to speak in favor of or in opposition to the variance.

Hearing no comments from the audience, Chairman Skipper announced the rebuttal period.

Attorney Furlong gave his rebuttal and stated the applicants would ultimately be reducing the dock and boat slips.

Chairman Skipper asked Attorney Furlong if they would like to speak with Attorney Felten and Ms. McBrayer to try to reach a compromise. Attorney Furlong replied that they preferred to move forward.

Kevan Finch, 3786 Belle Vista Drive E., gave a homeowner's perspective of elevating their boats on lifts and reducing the dock to make an effort in compromise to try to appease their neighbors.

Chairman Skipper asked for audience comments.

Jim Kilpatrick, 3796 Belle Vista Drive E., spoke in opposition of the variance. Mr. Kilpatrick believes two boat slips would be too much and lives adjacent to the property.

Chairman Skipper asked for audience comments.

Diane Ralston, 3800 Belle Vista Drive E., spoke in opposition of the variance.

Hearing no further audience comments, Chairman Skipper closed the public hearing portion and opened it up for Board discussion.

Attorney Furlong asked for permission to address the board about site lines. Chairman Skipper permitted Attorney Furlong to speak.

Attorney Furlong spoke about visual impact and site lines. Attorney Furlong stated that the applicants narrowed and reduced their plans to accommodate their neighbors.

Attorney Felten verified that they were not agreeing to this particular application but were willing to consider a different application.

There was discussion amongst the Board in regard to the proposed variance.

> **Vice Chairman Littell made a motion to approve the variance application for Case 20140030 as presented. The motion was seconded by Member Lyman. The variance was denied by an individual roll call vote, (1 yes – 4 nos).**

Chairman Skipper stated this concluded the public hearing portion of the meeting.

3. Adjournment

There being no further business before the Board, the meeting was adjourned at 2:50 p.m.

Attest:

Rebecca C. Haynes, City Clerk

David Littell, Vice Chairman

Minutes approved on: 9-24-2014