CITY OF ST. PETE BEACH

BOARD OF ADJUSTMENT MEETING MINUTES

January 26, 2022 2:00 P.M.

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

EXCUSED: Paul Skipper, Chair

STAFF PRESENT: Andrew Dickman, City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Planning Manager
Lynn Rosetti Senior Planner
Jordan Elmore, Zoning and Permit Tech

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.

Vice Chair Lyman explained that only four of the five board were members present and three affirmative votes are required for an application to be approved. None of the applicants chose the option to postpone to the following month when all five might be in attendance.

1. Changes to the Agenda – There no changes.

2. Audience Comments – There were no general audience comments.

3. Approval of Minutes **-** a. 12/15/2021

Motion: Member Bomar moved, and Member Holehouse seconded the approval of the minutes from the December 15, 2021 meeting; the motion carried unanimously.

4. Action Items **-**

a. Variance - 3535 Belle Vista Drive (Case No. 22001) Request to construct a Single-Family Residence (27'x74) that is proposed to encroach into the 20-foot required rear setback along the Boca Ciega Bay (LDC Sec. 8.7(a)(4)).

Planning Manager Wesley Wright reviewed the State l
Law requirements which the City had fulfilled including mailing notices to property owners within 300 feet of the property, newspaper advertisement, and signage posted seven days prior to the meeting. He reviewed a complete presentation of the information and exhibits for this application. His presentation will become part of the meeting record. The criteria for the variance are included in the staff report which will become part of the record. Staff recommended approval of the variance.

All four Board members testified that they had no ex-parte communications with the Applicant.

Chad Lubke of Lubke Construction, 17985 Gulf Blvd., Redington Shores appeared and provided a brief presentation on the proposed plans for the construction, detailing the encroachments.

Michele Johnson of 7301 82nd Ave., Pinellas Park, spoke on behalf of her father Dr. Hiscock of 8 Mangrove Point to get clarification on the distances between the structure and her father's property; Mr. Wright answered. She commented on the strength of the seawall at the subject property. No one was present to speak for or against the variance. The Vice Chair closed public comment and opened board discussion.

Motion: Member Bomar moved, and Member Chase seconded the approval of Case No. 22001 to allow for the construction of a new residence to encroach approximately 5.34 feet into the 20-foot rear setback line. The motion carried 4-0.

b. **Variance - 265 40th Ave (Case No. 21103)** Request to construct a 24'x32' (768 sq.ft.) detached garage addition and reduce the 20- foot front setback to 6 feet.

Prior to beginning his detailed presentation on this variance application, Planner Jordan Elmore reviewed the State Law requirements which the City fulfilled including mailing notices to homeowners within 300 feet, newspaper advertisement, and signage posted seven days prior to the meeting. Eight letters and a petition of support were provided to the board members previously and will become part of the meeting record.

Following his presentation, he reviewed staff findings. Staff recommended denial of the variance but suggested the following conditions if approved: 1) The property shall be in compliance with Land Development Code Sec. 23.11(b), stipulating that there shall be no more than two driveways providing access to one street; 2) The property shall comply with the FEMA 50% rule.

All four Board members testified that they had no ex-parte communications with the Applicant.

The Applicant Todd Webb appeared to explain his view of the necessity for the variance and additional details. He brought photos of other homes and garages in the Belle Vista neighborhood which he believes are similar to his request. The exhibits will become part of the record. He showed a photo of a sixteen foot right of way in the front of the property that keeps the garage to 25 or 26 feet from the curb. The Board members asked questions of the Applicant.

Greg Premer of 3957 Moody St. appeared in favor of the granting the variance and mentioned the character of Belle Vista.

Hearing no opposition, the Chair closed public comment and opened board discussion. It was noted that additional landscaping might enhance the appearance.

Motion: Member Bomar moved (amended), and Member Chase seconded the approval of the variance for Case No. 21103 for the proposed 24'x32' residential garage addition with the conditions of: no more than two driveways providing access, compliance with the FEMA 50%Rule, and installation of additional landscaping to be determined by the City. The motion carried 4-0.

c. **Variance - 3400 Gulf Blvd (Case No. 21073)** Request by The Don CeSar Hotel to construction a one-story ballroom addition (90 feet x 108 feet approx.) on the north side of the hotel. The addition (10,395SF, of which 7,866SF is ballroom space) will be elevated above ground-floor parking and is proposed 0 feet from the right-of-way of El Centro St. (25 feet required). Additionally, an egress stair tower is proposed 8.5 feet from the western rear property line adjacent to the dunes (20 feet required). The addition will comply with the northern side setback (48.7 feet required) and the rear 20-foot setback.

Members Lyman, Chase and Holehouse testified that they had no ex-parte communications with the Applicant. Member Bomar disclosed that after the last meeting, he had a conversation with a member of the Don CeSar Property Owners Corporation (DCPOC) about general conditions at the property in the past.

Mr. Wright reviewed the State Law requirements which the City fulfilled regarding these variances, including mailing notices to property owners within 300 feet, newspaper advertisement, and signage posted seven days prior to the meeting. The application has been reviewed by staff and the Technical Review Committee and was presented to the Historic Preservation Board for informational purposes. Mr. Wright reviewed a complete presentation of information and exhibits for this application. His presentation will become part of the meeting record. Staff found that the application complies with standards for review. Staff recommended approval of the two variances. Since September, a number of phone calls and emails both for and against the variance have been received, including the DCPOC and these were sent to the Board members. Those communications will become part of the meeting record.

Attorney Katie Cole of Hill, Ward, Henderson, 600 Cleveland St. Clearwater, appeared representing the Don CeSar, and indicated that they have submitted a binder of evidence and a PowerPoint presentation which will become part of the record. Their original request has been reduced in size after meetings with various residents and groups. They have met with DCPOC to listen to objections and have resubmitted the application with changes. Several experts were present to testify if necessary; they are listed in the binder. The conditions in today's staff report have come from working with nearby property owners.

Applicant's Architect, Jeff Connell of Design One Studio in Marietta, Georgia appeared and testified regarding some of the project plans and elements of the variance request, which were included in the presentation. Mr. Richard Hess (via telephone) of Quinn Evans appeared telephonically to testify to the adherence that has been kept with the Secretary of the Interior Standards for maintaining the historic integrity of the property. His complete report is included in the submitted binder.

Matt Walker of George F. Young in St. Petersburg appeared to testify regarding the modification of landscaping and the parking lot to accommodate delivery vehicles.

Robert Pergolizzi of Gulfcoast Consulting provided testimony on some of the data from the traffic assessment that Ms. Cole asked him to compile. Publicly available data from Forward Pinellas's Level of Service Report finds that Gulf Blvd. and the Pinellas Bayway are operating at 55 to 65 percent of their carrying capacity and meet the standard in the Comprehensive Plan. Also included in his study is data from ITE Trip Generation, which estimates the addition at the hotel would result in 302 additional daily trips of which 20 would be within peak hours. Findings are that traffic impact would be negligible. His report is included in the binder which will become part of the meeting record.

Ms. Cole reviewed a conclusion of the presentation indicating that all criteria for the variances have been met. Work has been done to mitigate conflicts with residents and neighbors and letters of support have been entered into the record. The Hotel is on the National Historic Register, not the City's, and that weighs heavy on the continued success of the hotel. The Hotel has also made an agreement with a neighbor for additional fencing.

Betty Rzewnicki, President of the DCPOC appeared and indicated that she is submitting a letter in favor of the project as their concerns on safety, privacy, traffic and parking have been addressed adequately. The conditions agreed upon have been submitted for Board approval, and if approved, the DCPOC will withdraw their letter of objection.

Mr. Wright reviewed the twelve recommended conditions for approval from the staff presentation (1) A site plan, prepared to the requirements of Division 5 of the Land Development Code, shall be approved prior to any building permit issuance for the subject proposal. (2) This variance shall provide authorization to construct a one-story conference center addition at 0-feet from El Centro Street right-of-way. The addition will comply with the 48.7-foot side setback to the north and the 20-foot rear setback to the west. Additionally, the variance allows for an enclosed staircase to encroach within 8.5-feet of the rear property line on the West side. (3) The top of roof of the proposed addition shall not exceed the height of the top of roof of the adjacent dwelling located at 3505 El Centro Street, as shown on sheet A2.2 of the plans provided. Mechanical equipment located on the roof shall be screened from adjacent properties so that it is hidden from view. HHR shall not utilize the rooftop for storage, nor shall it allow employees access to the rooftop other than as required for maintenance and operation. (4) No windows shall face to the northern side of the addition. (5) A fifteen-foot wide "Type C" buffer, as depicted in LDC Sec. 22.8, shall be installed along the north side of the addition. All landscaping shall be irrigated and maintained in its original, installed condition. (6) A four-foot-tall wall or fence shall be constructed within the buffer and run along the entire north side of the addition. This buffer shall not be used for passive recreation or installation of above-ground utilities. (7) A six-foot wide landscaping buffer shall be established and maintained on the north and west side of the service lot. (8) A four-foot-tall wall or fence shall be constructed within the buffer and run along the entire north side of the service lot. This buffer shall not be used for passive recreation or installation of above-ground utilities. (9) Parking underneath the addition and the spaces located in the service lot shall be limited to employees and deliveries only. No customer parking shall be permitted. Signage shall be posted restricting the parking area. (10) All landscaping required under these conditions shall be Florida Friendly and selected for Zone 9B hardiness as classified by UF-IFAS. (11) The existing "Do Not Enter" sign at the southern terminus of El Centro St. shall be replaced and maintained by HHR, to also include that the street is "One Way." HHR shall also coordinate with the City to install a "No Commercial Traffic" sign at the northern entrance of El Centro St. (12) The proposed ballroom expansion shall not include rooftop amenities, and access shall be limited to operation and maintenance activities.

The Board asked questions of Mr. Wright regarding fencing. Ms. Cole confirmed that an agreement was made to keep all of the windows in the addition fixed (non-opening), although not included in the conditions, she would agree to adding that.

Joseph Melendi of 3522 Gulf Blvd. appeared and spoke about blocks M&N and in favor of the hotel's application based on the conditions agreed upon. Alison Doucette spoke on behalf of neighboring properties to the north in support. Deborah Schechner of Boca Ciega Isle provided comments on developers attending to address their concerns, preserving the dune system, concerts and events, and a question regarding the legality of hardship variances for properties already in use.

Joel Harrison 3506 Gulf Blvd appeared to give public comment regarding El Centro St., parking access, turns into the parking garage, emergency vehicle access, and enforcement of entertainment after 10PM. Emergency vehicle access was discussed at length and City staff confirmed that this has been studied and meets safety standards.

The Chair called for a recess at 4:20 PM and the meeting was reconvened at 4:26 PM.

Ms. Cole responded to audience comments regarding private agreements and emergency access; she indicated that a truck simulator turning radius study is in the binder, although that issue is not part of the variances being heard today. City Attorney Dickman added that emergency access was also studied by the Technical Review Committee and is not part of this discussion.

Ms. Cole concluded by addressing concerns about agreements not specific to these setback variance requests. The requested setbacks are the minimum necessary. The evidence today supports the request with the conditions.

The Chair closed public comment and opened Board discussion. Member Holehouse commented that the amenities at this hotel should be up to date with other properties, as it is the crown jewel of this beach, but keeping with historic integrity. Member Bomar cautioned to remain aware of emergency access to the beach; safety is always a major concern. A discussion followed on transparency, public meetings, due process and the required noticing that has been respected during this long process.

Motion: Member Chase moved, and Member Holehouse seconded the approval of Case No. 21073 to allow for the construction of a one-story ballroom addition to encroach to zero feet from El Centro Street and to allow an egress stair tower to be 8.5 feet from the western rear property line, with the 12 conditions stated, including an adjustment to condition #4 for fixed windows. The motion carried 4-0.

A brief discussion followed on hardships.

5. Adjournment – Next Meeting 2/23/2022

Motion: Member Holehouse moved adjournment and Member Chase seconded at 4:57 PM.

These minutes were approved at the February 23, 2022 Board of Adjustment meeting.