

CITY OF ST. PETE BEACH
BOARD OF ADJUSTMENT MEETING MINUTES
March 30, 2022 2:00 P.M.

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

EXCUSED: Michael Bomar
Jake Holehouse

STAFF PRESENT: Matthew McConnell, Assistant City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Planning Manager

Chair Skipper called the meeting to order at 2:00 PM and led the Pledge of Allegiance. He announced to those present that as only three Board members were present, it would require three Yes votes for approval, therefore Applicants could ask for continuation.

The Deputy City Clerk swore in all those expected to speak or make a presentation.

1. Changes to the Agenda – There were no changes.
2. Audience Comments – There were no general audience comments.
3. Approval of Minutes - a. 2/23/2022

Motion: Vice Chair Lyman moved, and Member Chase seconded the approval of the minutes from the February 23, 2022 meeting; the motion carried unanimously.

4. Action Items a. **Variance - 1615 Gulf Way (Case No. 22012)** Request to locate an elevated generator in the side yard that will encroach 4 feet into the side setback, where 5 feet is required.

Planning Manager Wesley Wright reviewed a presentation with exhibits detailing the variance request and verified that the City met all of the noticing requirements. His presentation will become part of the meeting record. The Applicant was not present. Staff found the request reasonable and recommended approval. No communication was received for or against the request.

There was no public comment and the Chair opened Board discussion.

Motion: Vice Chair Lyman moved, and Member Chase seconded the approval of Case No. 22012 as presented. The motion carried 3-0.

b. Variance - 3505 El Centro Street (Case No. 22014) Request to locate an elevated generator in the side yard that will encroach 4.2 feet into the side setback, where 6 feet is required.

Mr. Wright reviewed a presentation with exhibits detailing the variance request and verified that the City met all of the noticing requirements. His presentation will become part of the meeting record. He indicated that no objections were received against the request. Staff found the request to be in order with the conditions of the variance and recommended approval.

General Contractor Jay Halden of 7206 Spring Valley Drive, Tampa appeared on behalf of the Applicants. There was no public comment and the Chair opened Board discussion.

Motion: Member Chase moved, and Vice Chair Lyman seconded the approval of Case No. 22014 as presented. The motion carried 3-0.

c. Variance - 3216 El Centro Street (Case No. 22009) Request to construct an addition (5'x32') approximately 5 feet from the side property line where 10 feet is required.

Mr. Wright reviewed a presentation with exhibits detailing the variance request and verified that the City met all of the noticing requirements. His presentation will become part of the meeting record. One letter of support and no objections were received. This is a three-unit property, and the condominium association is in favor of the request. A variance was approved in 2014 for the other side of the property; this is identical. Staff recommended approval of the variance.

Applicant Susan Ward of 3216 El Centro appeared on her own behalf to provide comments. There was no further comment and the Chair opened Board discussion.

Motion: Vice Chair Lyman moved, and Member Chase seconded the approval of Case No. 22009. The motion carried 3-0.

d. Variance - 510 78th Avenue (Case No. 22013) Request to construct a patio cover (12'x15') that will encroach 3 feet into the side setback, where 5 feet is required and 14 feet into the rear setback, where 15 feet is required.

Mr. Wright reviewed a presentation with exhibits detailing the variance request and verified that the City met all of the noticing requirements. His presentation will become part of the meeting record. No permit has been issued yet. Staff found the request meets criteria and recommended approval for an open-air structure with the condition that structure will not be enclosed in the future. A letter of objection and photos were received from an adjacent neighbor.

Applicant Tom DeYampert appeared to provide additional comments on his request and had letters in support from some of his neighbors (indicated on an aerial photo), and photos of his own and similar properties in the neighborhood. If approved he intends to immediately put metal roof on the structure.

Robert Knable of 515 77th Avenue appeared and asked to read comments in opposition into the record: the referenced site plan and survey shows the unpermitted, nonconforming use on the back property that doesn't meet current zoning setbacks. The concrete pad placed after the tree was removed, and the unpermitted structure built without review by the City has been in violation since December of last year. There is no hardship that would necessitate the granting of a variance – the property is not impacted by any natural features and the Applicant can meet the setback requirements. United States property rights grant owners the quiet enjoyment of their land and municipal zoning laws protect those rights. The unpermitted structure is on Mr. Knable's back property line and impairs the quiet enjoyment of his property, and the illegal structure is a nuisance with lights and television. He addressed the four criteria and standards for the variance in the presentation and explained the substantial impact to his property. Allowing the variance would encourage others to build without permits and seek forgiveness through the variance process,

undermining zoning. He recommended denial of the variance; it is inconsistent with the zoning code and Comprehensive Plan. He went on to read four points that would mitigate impact if approved: a higher wall (more than a 6-foot fence), moving the structure back 7 ½ feet, closing in the portion of the structure on his side, and/or provide plantings.

Dr. Denise Dupree of 515 77th Avenue also appeared in opposition regarding light flow into her yard, suggesting a full 15-foot setback.

The Chair closed public comment and opened board discussion. The opposing parties were recalled to explain what conditions would make the approval more acceptable to them. They indicated moving the structure back to mitigate sound, closing in the back, or raising the wall. The Applicant was given time to respond. Public comment was closed, and Board discussion continued.

Motion: Member Chase moved, and Vice Chair Lyman seconded the approval of the variance for Case No. 22013 for the side and rear setbacks and with the condition that the south side of the structure is enclosed with a wall. The motion carried 3-0.

e. Variance - 203 Gulf Way (Case No. 22011) Request to construct a pool (12'x19') in the front yard that will encroach 3 feet and 10 feet respectively into the front setback, where 20 feet is required.

Matt Schoeppe of Florencia Design/Build requested this request be continued due to only three Board members in attendance. Mr. Wright stated that the case would be continued to the next meeting, April 27th at 2:00PM in this same location and the motion will serve as notice; a sign will be posted, but no mailings or advertisement are required.

Motion: Vice Chair Lyman moved, and Member Chase seconded the continuance of Case 22011 to date certain April 27th. The motion carried 3-0.

5. Adjournment – Next Meeting 4/27/2022

Motion: Member Bomar moved, and the meeting was adjourned at 3:17 PM.

Minutes Approved: April 27, 2022