

BOARD OF ADJUSTMENT MEETING

MINUTES

OCTOBER 26, 2016

2:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT:

Paul Skipper, Chairman
David Littell, Vice Chairman
Tom DeYampert, Member

ABSENT:

Michael Bomar, Member
Sandie Lyman, Member

ALSO PRESENT:

Andrew Dickman, City Attorney (via telephone)
Jennifer Bryla, Community Development Director
Chelsey Welden, Planner II
Mary Jo Murphy, Deputy City Clerk

1. Changes to the Agenda

There were no changes to the agenda.

2. Audience Comments

There were no audience comments.

3. Minutes for Acceptance – 8/31/16 and 9/28/16

Vice Chairman Littell made a motion to approve the minutes from the August 31, 2016 meeting and the September 28, 2016 meeting. The motion was seconded by Member DeYampert and unanimously approved by a voice vote.

4. Public Hearings

- I. Case 2016-0054: 348 39th Avenue - Applicant requests a variance to Section 8.7(a) of the Land Development Code to reduce the required front yard setback from 20 feet to 5 feet to allow for the construction of a carport.

Chelsey Welden, Planner II, gave Staff's presentation to the board. Staff's recommendation was for further exploration.

Chairman Skipper asked the applicant to come forward.

Charles Casell, 348 39th Avenue, homeowner, spoke in regard to variance Case No. 2016-0054.

There was board discussion in regard to Case No. 2016-0054.

Vice Chairman Littell made a motion for approval of Case No. 2016-0054. The motion was seconded by Member DeYampert. The motion was denied by an individual roll call vote, (0 yeases; 3 nos – Member DeYampert, Vice Chairman Littell and Chairman Skipper).

- II. Case 2016-0057: 261 41st Avenue – Applicant requests a variance to Section 8.7(a) of the Land Development Code to (1) reduce the required secondary front yard setback from 20 feet to 9 feet, 2.5 inches; and (2) reduce the required rear yard setback from 20 feet to 8 feet, 5 inches to allow for the construction of a carport, garage, and recreation room.

Chelsey Welden, Planner II, gave Staff's presentation to the board. Staff's recommendation was for denial.

Chairman Skipper asked the applicant to come forward.

Jim Bedinghaus, 2963 1st Avenue South, St. Petersburg, architect on behalf of the owners, spoke in regard to the request of constructing an addition, carport and garage.

Chairman Skipper asked if anyone would like to speak on behalf of the applicant.

Constance Hudson, 261 41st Avenue, property owner, spoke in regard to the construction of a garage and 19 neighbors in support of the request.

Chairman Skipper asked if anyone would like to speak on behalf of the application. There were no comments.

Chairman Skipper asked if anyone would like to speak in opposition to the application. Hearing none, Chairman Skipper closed the public hearing portion and opened it for board discussion.

City Attorney Dickman commented that the policy for the City is trying to bring legal nonconformities into conformities. The expansion of nonconformities is prohibited and should be taken into consideration while the board deliberates.

Rick Hudson, 261 41st Avenue, property owner, spoke in regard to the variance request.

Jim Bedinghaus, 2963 1st Avenue South, St. Petersburg, architect on behalf of the owners, requested to work with City Staff and return with a solution.

Member DeYampert made a motion to continue Variance Case No. 2016-0057 until December 14, 2016 or sooner. The motion was seconded by Vice Chairman Littell. The motion was approved by an individual roll call vote, (3 yeases – Member DeYampert, Vice Chairman Littell and Chairman Skipper; 0 nos).

- III. Case 2016-0058: 2601 Pass-A-Grille Way - Applicant requests variances to (1) Section 6.13(c) of the Land Development Code to reduce the required rear yard setback from 9 feet to 5 feet for the construction of a pool; and (2) Section 9.7(a) to reduce the required side yard setback from 5 feet to 0 (zero) feet to allow for the placement of pool equipment.

Chelsey Welden, Planner II, gave Staff's presentation to the board. Staff's recommendation was for further exploration.

Chairman Skipper asked the applicant to come forward.

Bart O'Connell, general manager of Landmark Pools, Inc. and agent for the homeowner, spoke in regard to the variance request for the placement of pool equipment.

Tim Roney, Roney Design Group, 535 Central Avenue, St. Petersburg, architect, spoke in regard to the pool equipment and the location of the pool and asked for favorable consideration from the board.

There was discussion between Chairman Skipper and Chelsey Welden, Planner II.

Chairman Skipper asked if anyone would like to speak on behalf of the applicant or in opposition to the request. Hearing none, Chairman Skipper closed the public hearing portion and opened it for discussion among the board members.

There was board discussion with the following people:

- Chelsey Welden, Staff
- Bart O'Connell, Landmark Pools, Inc.
- Tim Roney, Roney Design Group

Vice Chairman Littell made a motion for approval of Variance Case No. 2016-0058. The motion was seconded by Member DeYampert. The motion was unanimously approved by an individual roll call vote, (3 yeses - Member DeYampert, Vice Chairman Littell and Chairman Skipper; 0 nos).

- IV. Case 2016-0060: 3108 South Maritana Drive - Applicant requests a variance to Section 6.15 of the Land Development Code to increase the maximum fence height from 4 feet to 7 feet within the required secondary front yard setback.

Chelsey Welden, Planner II, gave Staff's presentation to the board. Staff's recommendation was for approval.

Chairman Skipper asked for the applicant to come forward.

Milena Mateev, 3108 South Maritana Drive, agent, spoke in regard to the variance request for the construction of a privacy fence.

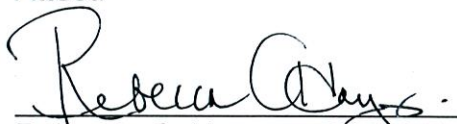
Member DeYampert made a motion to approve this with the following addendum to the application that was put in, that the fence be put no closer than five feet to the edge of the sidewalk along DeBazan and that it be heavily landscaped such that it breaks up the fence appearance to the neighborhood. The motion was seconded by Vice Chairman Littell. The motion was approved by an individual roll call vote, (3 yeses - Member DeYampert, Vice Chairman Littell and Chairman Skipper; 0 nos).

There was discussion between the board and City Attorney Dickman in regard to properly processing, justifying and reviewing the details and criteria presented on applications submitted to the Board of Adjustment.

5. Adjournment

There being no further business before the board, the meeting was adjourned at 3:25 p.m.

Attest:


Rebecca C. Haynes, City Clerk


Paul Skipper, Chairman

Minutes approved on: 11/16/16