

CITY OF ST. PETE BEACH
BOARD OF ADJUSTMENT MEETING MINUTES
October 26, 2022 2:00 P.M.

PRESENT: Sandie Lyman, Vice Chair
Michael Bomar, Member
Denise Chase, Member
Dan Small, Member

EXCUSED: Paul Skipper, Chair

STAFF PRESENT: Kristin Coman, Senior Planner
Matthew McConnell, Assistant City Attorney
Ginny Bodkin, Deputy City Clerk

Vice Chair Lyman called the meeting to order at 2:00 PM and led the Pledge of Allegiance.

1. Approval of the Agenda

Motion: Member Chase moved, and Member Bomar seconded the approval of the agenda as presented with no changes; the motion passed unanimously.

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

3. Approval of Minutes - a. 8/31/2022

Motion: Member Bomar moved, and Member Chase seconded the approval of the August 31, 2022 minutes as presented. The motion passed unanimously.

4. Action Items

a. Approval/Acceptance of the Board's 2023 Meeting Dates

The Deputy Clerk reviewed some of the proposed dates with the Board and they discussed.

Motion: Member Chase moved, and Member Bomar seconded the approval of the 2023 Board meeting dates as presented, but moving the December meeting to 12/20/23; the motion passed unanimously.

Senior Planner Kristin Coman explained that cases 4b and 4c were originally to be heard in September, but the meeting was cancelled due to Hurricane Ian.

b. Variance, Practical Difficulty - 638 70th Ave. (Case No. 22038) JSS Property Professionals, Inc. for Joseph and Coreen Guagenti requests Practical Difficulty Variance to construct 2, one-story additions that do not meet the required minimum side yard setback requirements where 7 feet is required, with 5.9 feet and 5.1 feet proposed. (LDC Sec. 36.8)

Kristin Coman, Senior Planner for the City reviewed a presentation on this variance request. The presentation is part of the meeting record. Exhibits included a certificate of completeness, an aerial

map, zoning map, property survey, site plan, photographs, variance conditions, details of the request, and staff findings.

She went on to review the three conditions that staff recommended for approval: 1) Areas to be removed per the plan shall be stabilized in accordance with LDC 22.4(f) and inspected by the Planning Department prior to issuance of Certificate of Occupancy (CO), specifically compliance with Sec. 22.4(f) and recommend complete installation and site inspection approval by the Planning Department or appropriate representative prior to the issuance of the Certificate of Occupancy, 2) Gutters shall be installed on the new additions and tied into existing downspouts or install new downspouts as necessary, and 3) Applicant shall submit an As-Built Plan noting all setbacks and ISR calculation and approved by Planning/Zoning prior to the issuance of a Certificate of Occupancy.

Ms. Coman noted that five letters were received in support and none in objection.

General Contractor J. Scott Suarez of JSS Property Professionals appeared and provided a history of his company and details of the property renovations.

There was no public comment. The Vice Chair closed public comment and opened Board discussion.

Motion: Member Bomar moved, and Member Small seconded to approve the variance with the staff recommended conditions for Case No. 22038 as proposed; the motion carried 4-0.

- c. Variance, Practical Difficulty - 6815 Bay St. (Case No. 22050)** David and Rebekah Ogburn request a Practical Difficulty Variance to construct 12' x 16', 192 sq. ft. covered pavilion that does not meet the maximum size requirement of 64 sq. ft. with 192 sq. ft. proposed and setback requirement of waterfront yard of 20 feet with 10 feet proposed. (LDC 6.13(c)(4))

Ms. Coman reviewed a presentation on this variance request. The presentation is part of the meeting record. Exhibits included a certificate of completeness, aerial map, zoning map, property survey, site plan, photographs, details of the request, variance conditions, and staff findings.

Staff found the request to be reasonable and that it would not have an adverse impact on the neighborhood. Recommendation was for approval.

Owner David Ogburn appeared to provide further details of the request.

One letter in support and one in objection were received from neighbors.

There was no public comment. The Vice Chair closed public comment and opened Board discussion.

Motion: Member Bomar moved, and Member Small seconded to approve the variance for Case No. 22050 as proposed; the motion carried 4-0.

- d. Variance, Practical Difficulty - 200 44th Ave. (Case No. 22056)** Ken and Lisa Amos request a Practical Difficulty Variance to construct an 18' x 12', 216 sq. ft. residential storage building, 12' high and 13' (overall) above grade that exceeds maximum size requirement of 80 sq. ft. with 216 sq. ft. proposed and maximum height 2 of 8' with 13' proposed. (LDC Sec. 6.13(5) (a-b))

Ms. Coman reviewed a presentation on this variance request. The presentation is part of the meeting record. Exhibits included a certificate of completeness, aerial map, zoning map, property survey, site plan, photographs, details of the request, variance conditions, and staff findings.

Staff found the request reasonable and recommended approval.

Owner Kenneth Ames appeared and provided additional details about the request

There was no public comment. The Vice Chair closed public comment and opened Board discussion.

Motion: Member Small moved, and Member Bomar seconded to approve the variance for Case No. 22056 as proposed; the motion carried 4-0.

- e. Variance, Practical Difficulty - 409 59th Ave. (Case No. 22049)** Craig Jackson for Andras and Andrea Fenyves, requests Practical Difficulty Variance to construct a 36.9' x 7', second story roofed deck that does not meet the required rear yard setback requirement of 20', with 15.5' proposed and construct elevated second story living space and a ground-floor entryway that does not meet the front yard setback requirement of 20' with 11' proposed. (LDC Sec. 8.7(a)(1) & Sec. 6.13(c)(3))

Ms. Coman reviewed a presentation on this variance request. The presentation is part of the meeting record. Exhibits included a certificate of completeness, aerial map, zoning map, property survey, site plan, photographs, variance conditions, request details, prior approvals, and staff findings. The previous variance request had expired and this is a reapplication.

Staff found the request to be reasonable given the prior approval of the similar proposal connected to Case No. 20039 and continue to find that it will not have an adverse impact on the neighborhood. Recommendation was for approval.

General Contractor Craig Jackson of 515 9th St. E., Bradenton, appeared on behalf of the owners. He explained that the work stopped under the previous contractor. He has met with engineers and redrawn the plans although the footprint remains the same. The Board members asked questions.

Three letters of objection were received.

Neighbor Holly Young of 529 59th Ave. appeared to speak about the negative effects of the property over the last nine years. It was abandoned in an unfinished state from 2014 until 2020, with overgrown vegetation, trash, and a boat trailer. She provided photos. The owners have not demonstrated any concern on the effects to the neighborhood to date. She asked how the property owners will be held accountable to move forward with a timely completion if the variance is granted.

Board questions and discussion followed. Attorney McConnell explained that removal of the required hearing notification could be grounds to continue the hearing. He also indicated that a Code Enforcement case can be initiated tomorrow for safety's sake and suggested that the Board require the owner to be present if the case is continued. Continuation beyond the next meeting would require re-noticing at the owner's expense.

Attorney McConnell requested a brief recess at 3:07 pm to check on any scheduled Code Enforcement hearings.

The Vice Chair reconvened the meeting at 3:13 PM. Mr. McConnell stated that this property is scheduled to come before the Special Magistrate on December 12th.

Further discussion followed. Contractor Jackson confirmed that he would comply as soon as possible with any code violation orders once he is requested by the owners to do so.

Motion: Member Chase moved, and Member Bomar seconded to continue the hearing for the variance for Case No. 22049 to November 30, 2022 for failure to have the correct sign notice present on the property; the motion carried 4-0.

5. Adjournment – The next meeting is 11/30/2022.

Member Chase moved and Member Bomar seconded adjournment at 3:25 PM.

These minutes were approved at the November 30, 2022 Board of Adjustment meeting.