

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

PRESENT: Paul Skipper, Chair
Sandie Lyman, Vice Chair
Denise Chase, Member
Dan Small, Member

EXCUSED: Michael Bomar, Member

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

Chair Skipper called the meeting to order at 2:00 PM and led the Pledge of Allegiance. The Deputy Clerk swore in all individuals who would be speaking on agenda items.

1. Approval of the Agenda -

Motion: Member Chase moved, and Vice Chair Lyman 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. 10/26/2022**

Motion: Vice Chair Lyman moved, and Member Small seconded the approval of the October 26, 2022 minutes as presented. The motion passed unanimously.

4. Action Items

- a. Variance, Practical Difficulty - 1020 Boca Ciega Isle Dr. (Case No. 22051)** Lauren Rubenstein, Esq. for Donald and Mary Shamblin requests to retain the installation of 4 elevated mini-splits that do not meet the side yard setback requirement of 7.5' with 4.9' and 2.8' proposed. (LDC Sec. 6.14 and Sec. 9.7(a)(3))

Senior Planner Kristin Coman reviewed a summary of the request for a variance. Her presentation included photos, maps, survey, variance conditions, proof of noticing, and staff report and analysis. The presentation is part of the meeting record. This case was originally scheduled for September but was postponed for Hurricane Ian and at the request of the Applicant's attorney. Staff recommendation was for approval. No letters were received for or against the request.

Attorney Lauren Rubenstein appeared on behalf of the Applicant and provided comments on the existing side setbacks, roof and mini splits, and some of the City's variance requirements.

There was no additional audience comment. The Chair opened Board discussion.

Motion: Member Chase moved, and Vice Chair Lyman seconded to approve the variance for Case No. 22051 as presented for the applicant to retain the installation of 4 elevated mini-

splits that do not meet the side yard setback requirement of 7.5' with 4.9' and 2.8' proposed; the motion passed unanimously.

- b. Variance, Practical Difficulty – 260 43rd Ave. (Case No. 22067)** Julia Montemuino for Dennis Convery requests to construct a 28' x 15', 9' high patio cover that does not meet the side yard setback requirement of 6' with 4.5' proposed. (LDC Sec. 6.13(3)(a))

Ms. Coman reviewed a summary of the request for a variance. Her presentation included photos, maps, survey, proposed plans, variance conditions, proof of noticing, and staff report and analysis. The presentation is part of the meeting record.

Staff found that no adverse change would be produced by the structure and recommended approval of the variance with two conditions – that the structure remain open, and that gutters and leaders be installed. Ms. Coman reported that two letters in support were received and none against.

Julia Montemuino, Agent for Go Dream Remodeling, 4520 Preston Woods Drive, Valrico, appeared on behalf of the Applicant and reviewed some of the patio dimensions and explained the need for the variance. Owner Dennis Convery also appeared and added comments.

There was no additional audience comment. The Chair opened Board discussion.

Motion: Vice Chair Lyman moved, and Member Small seconded to approve the variance for Case No. 22067 as presented with the two staff recommended conditions, to construct a 28' x 15', 9' high patio cover that does not meet the side yard setback requirement of 6' with 4.5' feet proposed; the motion carried 4-0.

- c. 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 summary of the request for a variance. Her presentation included photos, maps, survey, proposed plans, variance conditions, proof of noticing, and staff report and analysis. The presentation is part of the meeting record. She explained that this case was continued from the October meeting due to a notice sign being removed. Ms. Coman also provided a detail of previous variances at the property. Staff found the request to be reasonable and recommended approval of the variance as proposed. Four letters in objection were received.

Applicant Andras Fenyves appeared in person and Andrea Fenyves telephonically. Mr. Fenyves testified that there have been no changes in the application and that once the permit is obtained, the new contractor is expected to finish within a year.

There was no audience comment on this case and the Chair opened Board discussion. Ms. Coman suggested adding a condition to the approval that an As Built Plan be submitted prior to issuance

of the Certificate of Occupancy to verify that the setbacks are consistent throughout if any demolition takes place.

Motion: Member Chase moved, and Member Small seconded to approve the variance for Case No. 22049 as presented, with the condition that an As Built Plan is submitted prior the issuance of a Certificate of Occupancy; the motion carried 4-0.

- d. Variance, Practical Difficulty – 3122 E. Vina del Mar Blvd. (Case No. 22066)** John Dadswell, Tilney Pools for Bruce and Andrea Hyatt requests to construct a 12' x 27' inground pool within a front yard where 20' is required with 8'3" proposed and construct 22' x 38' paver patio within front yard where 20' is required with 3'3" proposed. (LDC Sec. 6.13(c)(1)(c)(1) and Sec. 6.13 (2)(d)(1))

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, proof of noticing, variance conditions, and staff findings. Ms. Coman reviewed how substantial the variance is in relation to the requirement sought to be varied and whether an adverse change will be produced in the character of the neighborhood. Staff found that substantial unfavorable change would be produced and the accessory structure would not aesthetically improve the neighborhood. The findings are part of the record. Staff recommended denial of the variance request.

John Dadswell of Tilney Pools Co and Owner Andrea Hyatt appeared and provided testimony. He testified that if some power lines were moved, the proposed pool could be relocated. Ms. Hyatt added two letters in favor of the variance into evidence. She testified that visibility is bad on other corners in the neighborhood, and that they would not be installing a white fence. Mr. Dadswell answered Board questions.

Ms. Coman reported that no letters of objection were received. Albert Piscopo of 3061 E. Vina del Mar appeared and spoke in opposition to the variance.

Public comment was closed and Board discussion was opened by the Chair. Mr. McConnell explained to the members that the variance criteria had been reviewed and expert opinion given by City staff that the criteria was not met and neither the owner nor pool representative testified as to how the criteria would be met. Mr. Dadswell and Ms. Hyatt answered further questions and the Board continued deliberation.

Motion: Member Chase moved, and Chair Skipper seconded to deny the variance for Case No. 22066 as presented in the applicant's proposal; the motion passed 4-0.

Mr. McConnell suggested a January workshop to review quasi-procedures and new law changes. Clerk's office will propose dates for after the holidays.

- 5. Adjournment** – The next meeting is 1/25/23.

Member Chase moved and Member Small seconded adjournment at 3:18 PM.

These minutes were approved at the January 25, 2023 Board of Adjustment meeting.