

CITY OF ST. PETE BEACH
BOARD OF ADJUSTMENT MEETING MINUTES
May 31, 2023 2:00 P.M.

PRESENT: Paul Skipper, Chair
Michael Bomar, Vice Chair
Dan Small, Member

EXCUSED: Denise Chase, Member
BJ Lawson, Member

STAFF PRESENT: Kristin Coman, 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** –Assistant City Attorney McConnell explained that Josias Guzman, the Respondent for 4c., Case No. 23026, requested to continue his case until the June 28th hearing.

Motion: Vice Chair Bomar moved, and Member Small seconded to move Case No. 23026 to the June agenda; the motion carried unanimously.

Motion: Vice Chair Bomar moved, and Member Small seconded the approval of the agenda with the continuation of Case 23026; the motion passed unanimously.

2. **Audience Comments** – None.

3. **Approval of Minutes** -

Motion: Vice Chair Bomar moved, and Member Small seconded the approval of the April 26, 2023 meeting minutes as presented. The motion passed unanimously.

4. **Action Items** – Chair Skipper explained that staff had reached out to all Applicants to give them the option to continue their case from today as only three Board members were present and an approval would require all three affirmative votes. He put forward the offer to continue.

a. **Case No. 22013-1 – 510 78th Ave.** Tom DeYampert requests modification of conditions contained within the Development Order for Case No. 22013 executed on 3/20/2022 for his approval to retain a patio cover encroachment of approximately 3’ into the side setback where 5’ is required and 12’ into the rear setback where 15’ is required (LDC Section 6.13(c)(3)).

Senior Planner Kristen Coman presented the exhibits (including proof of posting) and details of this variance request. Her presentation is part of the meeting record. The presentation included staff comments and suggested questions for the Applicant.

Applicant Tom DeYampert appeared on his own behalf and testified to some of the improvements he had made – and that the City Building Official had made a site visit and approved. He entered photos showing roll up sun shades to shade any perceived nuisance lights and sea grape plants,

landscaping and a utility shed that mitigate on visual contact with the neighbors. The structure did receive Building Department finalization. He stated that a letter from his neighbor to the East had no issues with any noise or light.

Senior Planner Kristen Coman gave a brief background of previous hearing for this property and presented the current exhibits (including proof of posting) and details of this variance request. Her presentation is part of the meeting record. Ms. Coman gave the Board the background of previous hearings on this property. Noticing for this meeting was proper. Two objection letters and one support letter were received.

Robert Knabel of 515 70th Avenue spoke in objection to this request due to sound and provided a photo prior to the installation of the structure that showed it was not a driveway at that time. He spoke about his own mitigation of lights with trees and a shed, but there is still light. He provided photos. He requested that the wall that was originally approved for sound be placed on the South side. Mr. McConnell explained that there was a 30 day window to appeal after the last approval of the development order, which has passed. There is no law against television sets outdoors and Code Enforcement handles noise complaints.

The Chair closed public comment and opened Board discussion.

The Board asked further question of Mr. DeYampert regarding sound mitigation.

Motion: Member Small moved, and Vice Chair Bomar seconded to approve the Variance for Case No. 22013-1; the motion passed unanimously.

b. Case No. 23024 – 271 Isle Dr. Practical Difficulty Variance; Keliee Stoerman for Daniel Stoerman Trust requests to install elevated equipment that does not meet the 7' required side yard setback where 4.5' is proposed (LDC Sec. 6.14).

Senior Planner Kristin Coman presented the exhibits (including proof of posting) and details of this variance request. Her presentation is part of the meeting record. The presentation included staff comments with suggested testimony and questions for the Applicants. Staff found the request reasonable and recommended approval.

Applicant Keliee Stoerman testified on her own behalf to the Board.

There was no comment for or against the request; the Chair closed public comment and Board discussion opened.

Motion: Vice Chair Bomar moved, and Member Small seconded to approve the request for Variance No. 23024 ; the motion passed unanimously.

c. Case No. 23026 – 131 72nd Ave. Unnecessary and Undue Hardship Variance; Josias Guzman requests to retain an existing detached 18'x15' covered patio structure that does not meet the required 5' side yard setback with 3' provided (LDC Sec. 6.13(3)(a)).

This case was continued to the June 28, 2023 hearing.

d. Case No. 23031– 108 21st Ave. Practical Difficulty Variance; Nate Meyer, RA for Christine Mellace and Jason Lavallee request to construct a single-family residence that does not meet the 15' rear yard setback requirement with 5' proposed (LDC Sec. 20.15) and construct unground pool with 6' high water feature that does not meet the 5' required side yard setback with 8" proposed (LDC Sec. 6.13(c)(1)).

Senior Planner Kristin Coman presented the exhibits (including proof of posting) and details of this variance request. Her presentation is part of the meeting record. The presentation included staff comments and suggested questions for the applicants. This property came before the Historic Preservation Board in April 2023 to demolish the old structure, approve a Certificate of Appropriateness and a general building design review (LDC 20.24); there were four recommendations in that review. Ms. Coman provided a detailed review of what is there presently vs. what is proposed within the property envelope.

Staff found the proposed variance relief sought does not advance the purposes of LDC Section 1.1 and finds the benefit of granting the variances as detailed in the 5/17/23 Staff Finding Report will be of substantial detriment and impair the intent and purpose of the zoning code and have an adverse impact on the neighborhood. Staff recommendation was for denial of both variances, but they can be revised to meet code compliance.

Architect Nate Meyer testified on behalf of the Applicants. He spoke about City Codes regarding setbacks and reviewed the setbacks and where the plans are or are not in compliance. He indicated that the height requirement has been met and spoke about Sec. 6.13, Residential Accessory Structures. He provided renderings of the interior of the garage, the pool, and walls.

Ms. Coman commented regarding garage requirements in the Pass-a-Grille Overlay and storage area setbacks. All was documented as part of Historic Preservation Board review. If the garage came down to one level, and the pool brought into compliance, it would not need a variance.

Michael Kan of 104 21st Avenue spoke in objection to the request; he had also submitted a letter.

Greg Siebert of Hermosita Drive gave comment on the request.

Mr. Meyer was given the opportunity to rebut the public comment.

After public comment was closed, the Chair opened Board discussion.

Motion: Chair Skipper moved, and Member Small seconded to deny both variance requests for Variance No. 23031; the motion passed unanimously.

Mr. McConnell reminded the members to register for the mandatory Sunshine and Ethics training tomorrow from 10:00 – 12:00 or June 9th from 1:00 to 3:00.

5. Adjournment – The next meeting 6/28/23.

Vice Chair Bomar moved and Member Small seconded adjournment at 3:41 PM.

These minutes were approved at the June 28, 2023 Board of Adjustment meeting.