

CITY OF ST. PETE BEACH
BOARD OF ADJUSTMENT MEETING MINUTES
June 28, 2023 2:00 P.M.

PRESENT: Paul Skipper, Chair
Denise Chase, Member
BJ Lawson, Member

EXCUSED: Michael Bomar, Vice Chair
Dan Small, 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** – Chair Skipper explained that as only three Board members were present, a unanimous vote would be required for variance approval; per City Code, a majority vote of the Board is required. None of the Applicants opted to continue their case. There were no changes to the agenda.

Motion: Member Lawson moved, and Member Chase seconded the approval of the agenda for June 28, 2023; the motion passed unanimously.

2. **Audience Comments** – None.

3. **Approval of Minutes** -

Motion: Member Chase moved, and Member Lawson seconded the approval of the May 31, 2023 meeting minutes as presented. The motion passed unanimously.

4. **Action Items** –

a. **Case No. 23018 – 2007 Pass-a-Grille Way: *Unnecessary and Undue Hardship Variance***; Charles Collom for Collom Properties, LLC requests installation of 8' high fencing that exceeds the maximum permitted height of 4' within a waterfront yard (LDC Sec. 6.15).

Senior Planner Kristen Coman presented the exhibits (including proof of posting) and details of this amended variance request. The amended application resolved a question about ownership. Her presentation is part of the meeting record. The presentation included staff comments and suggested questions for the Applicant. The Technical Review Committee (TRC) evaluated the application in March of 2023.

Staff recommendation was for approval as proposed. No letters were received for or against the application.

Applicant Charles Collom of 2381 E Vina del Mar Blvd. appeared to provide testimony and answer questions. He confirmed that the fence construction would be board on board/shadowbox. Ms.

Coman addressed the Land Development Code parking depth requirements with the Applicant, for the record.

Stanton Chevalier of the Wharf restaurant appeared to comment against the application, due to the fence blocking the view of their property and green space. Ms. Coman described the area where the fence would be higher, as is permitted.

The Chair closed public comment and opened Board discussion.

Motion: Member Chase moved, and Member Lawson seconded to approve the Variance for Case No. 23018; the motion passed unanimously.

b. 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)). *Continued from 5/31/2023 meeting as a full Board was not present.

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 for the Applicant to respond to. Staff found the request reasonable and recommended approval with the condition that the Applicant obtain applicable building permits for the structure to ensure that it was properly constructed. Should the structure need to be altered or reconfigured based on Building Department review, the Applicant may be required to return to the Board for review if determined by Staff. No communication was received for or against the variance.

Applicant Josias Guzman of 131 72nd Ave. appeared to provide testimony and stated that he was amenable to obtaining a building permit.

No one spoke in favor of or against the application; the Chair closed public comment and Board discussion opened. No ex parte communication was disclosed by the members.

Motion: Member Lawson moved, and Member Chase seconded to approve the request for Variance No. 23026 with the staff recommended condition; the motion passed unanimously.

c. Case No. 23032 – 601 71st Ave. *Unnecessary and Undue Hardship Variance*; Dave Wonsick, St. Pete Beach Investments, LLC requests to install 12 elevated mini-split HVAC systems that do not meet the required 2 side and rear yard setbacks-7 HVAC units where a 7' setback is required on the side property line with 2'9" proposed and installation of 5 HVAC units where a 20' setback is required from the rear property line with 3'3" proposed, construction of a staircase that encroaches into the required 7' front yard setback with 6'6" proposed, and provide three additional lodging units at the property without providing additional required on-premise parking (LDC Sec. 36.8 & 23.5).

No ex parte communication regarding this application was disclosed by the members.

Senior Planner Brandon Berry presented the exhibits (including proof of posting) and details of this variance request. His presentation is part of the meeting record. The presentation included staff

comments for the Applicant to respond to. Five letters of opposition to the variance were received. Significant renovation is taking place at the property currently.

Staff found the request reasonable and recommended approval for the variances of the HVAC and parking requests, finding them to be in general alignment with the Land Development Code, providing for mitigation of potential hardship, and resulting from special conditions of the subject site. Staff proposes approval with four (4) conditions:

- The variance for the waiver of three required on-premise parking spaces shall expire should the complementary temporary lodging unit density pool case number 23040 be denied by the City Commission, or should the case not be heard within one (1) year of the date of the development order for this request, whichever occurs first.
- The variance for the parking spaces shall apply to the building in its current configuration only, except that doors may be installed internally to create eleven (11) lockout units should the request be approved by City Commission. Further expansion of the building beyond the existing renovation scope, whether or not rooms are configured to maintain the eleven lockout units, shall require the applicant to reobtain the variance, meet on-site parking requirements, or pursue an alternative approved arrangement such as a shared parking agreement.
- All existing, mature and healthy landscaping at the southern side of the building shall be retained.
- The applicant shall not install any signage that implies the right-of-way public parking spaces to the south or east of the parcel are private spaces for their guests, including but not limited to tow away signs, numbered parking signs, and so on.

Staff recommended denial of the request for the staircase encroachment, finding it to not be in general alignment with the Land Development Code and on the basis that the engineer for the corresponding renovation permit has demonstrated the stairs could be accommodated in the courtyard without significant hardship. Should the Board of Adjustment recommend approval, Staff recommended the following:

- Prior to removal of landscaping, the applicant shall provide the caliper at 4.5 feet above the ground, along with species, for all trees to be removed from the landscaping area at the southern side of the building. The applicant shall be required to plant additional landscaping, above that already approved under the renovation permit, elsewhere on the site that is equal in caliper to the removed landscaping. This condition may be waived by staff if it can be demonstrated that the remainder of the site cannot accommodate additional landscaping.

Applicant David Wonsick appeared to give testimony. He provided additional information on the AC units, parking spaces, and the staircase. He testified regarding what landscaping he would remove, if necessary, for the staircase. Mr. Berry added comment on the reduction in parking spaces, per the Transportation Department.

Jerry Nemeth of 600 71st Avenue, across the street from the property, gave comment against the proposed variance, particularly regarding parking. Mr. Wonsick gave rebuttal. The Board asked for clarification on the lockout doors relative to parking spaces.

The Chair opened Board discussion following public comment.

Motion: Member Lawson moved, and Member Chase seconded to approve the Air Conditioning request for Variance No. 23032 as presented; the motion passed unanimously.

Motion: Member Chase moved, and Chair Skipper seconded to deny the staircase setback encroachment for Variance No. 23032.

Discussion ensued on vegetation in the staircase area. Member Chase and Chair Skipper withdrew the motion and second.

Motion: Member Chase moved to approve the staircase setback encroachment with the condition that the current palms remain intact, seconded by Chair Skipper; the motion passed unanimously.

Discussion followed on parking requirements and existing parking as related to the Condition Use Permit. Further approvals will be required by the City Commission.

Motion: Member Lawson moved, and Member Chase seconded to approve the parking with the four staff conditions recommended on page 77 of the meeting packet; issuance of the parking variance will not entitle the creation of 3 additional lockout units unless the corresponding request (Case 23040) is approved by the City Commission. The motion passed unanimously.

The case will move on to the City Commission for further approvals.

d. Case No. 23039– 6502 Gulf Winds Dr. *Unnecessary and Undue Hardship Variance*; Kelly Strom for KAJE Properties, LLC requests to install a paver driveway 25' in width at property line where a maximum of 20' is permitted (LDC 23.11(b)(2)).

There were no member ex parte communications regarding this variance.

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. There is a current open Code Enforcement case on this property for construction without a permit. A TRC review was held on 6/7/23. No letters were received for or against the application.

Staff find the request is reasonable and will not have an adverse impact on the neighborhood. Staff recommends approval with the condition that the applicant provide at least a 2' setback from side yard property lines and installation of ground cover or landscaping to be approved by zoning at time of final inspection.

Applicant Kelly Strom of 500 Treasure Island Causeway, appeared and provided testimony regarding the reasons for the variance. She was amenable to the recommended condition and a condition to not rent short term.

There was no comment for or against the application. After public comment was closed, the Chair opened Board discussion.

Motion: Member Lawson moved, and Member Chase seconded to approve the variance request for Variance No. 23039 with the staff recommended condition and the condition of no short-term rentals; the motion passed unanimously.

The July 26th meeting will have one application.

5. Adjournment – Next meeting 7/26/23.

Member Chase moved Member Lawson seconded adjournment at 3:35 PM.

These minutes were approved at the July 26, 2023 Board of Adjustment meeting.