

CITY OF ST. PETE BEACH
BOARD OF ADJUSTMENT MEETING MINUTES
September 27, 2023 2:00 P.M.

MEMBERS PRESENT: Michael Bomar, Vice Chair
Denise Chase, Member
BJ Lawson, Member
Dan Small, Member

MEMBERS ABSENT: Paul Skipper, Chair

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

Vice Chair Bomar 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 Matthew McConnell reported that the Applicant for Case No. 23014, Item 4a. (1 Alhambra St.), requested a continuance for an indefinite period to make amendments. He asked to add a discussion item 5b. regarding meeting dates.

Motion: Member Lawson moved, and Member Small seconded the approval of the agenda for September 27, 2023 as amended; the motion passed unanimously.

2. Audience Comments:

Betty Rzewnicki, Resident and President of the DonCesar Property Owners Corp. (DCPOC), spoke on behalf of multiple residents who asked that when application reports are made 'on behalf of the neighborhood', that DCPOC be contacted to verify. There are concerns about residential projects fitting 'the character' of the neighborhood. The neighborhood is currently undergoing a survey as part of a historic designation process.

Michael Welch of 3410 E. Debazan Ave. commented in agreement; the DCPOC is a cohesive group and would like better and wider notifications on projects and their designs prior to them being underway.

3. Approval of Minutes:

Motion: Member Lawson moved, and Member Small seconded the approval of the July 26, 2023 meeting minutes as presented. The motion passed unanimously.

4. Action Items:

a. Case No. 23014 - 1 Alhambra St.: *Practical Difficulty Variance*; Gary Trupp, Riva Construction for Douglas Blackmer request to renovate the existing single-family dwelling including construction of a two-story addition that does not meet the required 20' rear yard setback with 7'10" proposed (LDC Sec. 9.7(a)(4)).

This case was continued indefinitely.

b. **Case No. 23062 – 6490 Bay St.** - *Practical Difficulty Variance*; George Francis and Loretta McGrath request to construct a 16'8" x 16'8" (approx. 279 sq. ft.), 12' 11.5" high patio cover that does not meet the required minimum side yard setback of 7' with 6'2" proposed and the required minimum rear yard setback of 15' with 14'2" proposed (LDC Sec. 6.13(c)(3)(a)).

Senior Planner Kristin Coman presented the exhibits (including proof of posting) and required components of this variance request. Her presentation is part of the meeting record. The presentation included variance conditions, plans, a request detail, analysis, staff comments and suggested questions to discuss with the Applicant. A mailing of approximately 443 notices were sent to nearby residents and no letters in favor of or against the application were received.

Staff found that the proposed variance relief sought does not advance the purposes of Land Development Code Sec. 1.1 and that the benefit of granting the variance from the applicable sections of Sec. 6.13 of the LDC would impair the intent and purpose of the zoning code; other feasible methods exist that would not require a variance. Staff recommended denial of the proposed application.

Applicant George Francis appeared to testify and provided additional documents including a timeline of the permit and variance request, notes from the original administrative variance in 2014, plans he had prepared of the layout of the property and proposed structure, and email communications. The documents are part of the meeting record. He explained to the Board how the 16 x 16 cover was best suited from an engineering standpoint.

Vice Chair Bomar reported that he spoke to one of the applicant's next-door neighbors, the Donovans, who were in favor of the application. Board members reported no other ex-parte communications.

The Board directed questions to the Applicant and Planning Staff regarding setbacks near the slab, structure, and overhang, and the various options that the Applicant had explored.

Resident Daniel Rosenthal of 3115 Maritana Drive commented on the RU-1 Zone and setbacks.

After closing public comment, the Vice Chair opened Board member discussion.

Motion: Member Chase moved, and Member Lawson seconded to approve the Variance for Case No. 23062 based on the testimony received today establishing that the criteria had been met; the motion passed unanimously.

5. Items for Discussion:

a. **Variance Process and Decisions**

Mr. McConnell explained that at the July 26th meeting, Member Lawson requested a discussion on the variance process and the Board's decisions regarding variance requests so far for the year 2023.

Included in the packet was a one-page presentation detailing the distinct types of variances that the City has and a count of types that have been granted to date in 2023. Mr. McConnell explained

that the Code was amended 3 years ago to include Administrative Variances for de minimus matters (a sum of less than 12 inches) that could be approved by Staff.

Member Lawson expressed that matters such as replacing older air conditioning units with newer, more efficient mini split air conditioning units or similar scenarios might warrant consideration to come under an expanded scope of Administrative Variances to save property owners time and the expense of a full hearing. Ms. Coman detailed the requirements of an Administrative Variance; it is no quicker and the cost is \$250 plus the mailing fee, however they would not need to attend the hearing. Mr. McConnell explained that he drafted the Code with the intention of having residents anticipate what they need during the design and building process, eliminating the need for a variance later. Ms. Coman agreed; the Planning Department urges residents to consider the placement of generators and other equipment while in the planning process.

Notice requirements for variances were discussed, including mailings to residents within 300 feet as provided by the Pinellas County Property Appraiser.

Following the discussion item, the Board permitted Resident Daniel Rosenthal further time to ask some general questions regarding Administrative Variances.

b. Meeting Dates (added)

The Board meeting dates for the remainder of 2023 and the tentative 2024 dates were distributed. Mr. McConnell suggested that the members review them closely to check their availability; to date in 2023 there has only been one meeting with the full Board in attendance. This Board meets on the fourth Wednesday of every month, except holidays. This Board is quasi-judicial in nature and three votes are required to approve or deny requests, so attendance is important.

Vice Chair Bomar inquired whether having an alternate Board member would be an option. Mr. McConnell explained that no other Boards have that - he has only seen that once, per Statute for a Code Enforcement Board; the idea would need to go before the City Commission and require a Code change by Ordinance. The hope is that looking at the dates in advance will allow time to plan ahead. After looking at the dates for 2023, the members present indicated that they would be available. Member Chase suggested communicating anticipated absences early; dates might be changed to accommodate. The 2024 dates will be voted on in October.

Adjournment – Next meeting 10/25/23.

Member Chase moved and Member Lawson seconded adjournment at 2:53 PM.

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