

BOARD OF ADJUSTMENT MINUTES
November 29, 2023 – 2:00 P.M.
Commission Chambers

PRESENT: Paul Skipper, Chair
Michael Bomar, Vice Chair
Denise Chase, Member
BJ Lawson, Member
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 P.M.

1. Approval of the Agenda - Member Lawson asked to add a discussion item on being a resident advocate while also serving on a board.

Motion: Member Lawson moved, and Member Chase seconded the approval of the November 29, 2023 agenda with the change; the motion carried unanimously by a voice vote.

2. Audience Comments – There were no comments.

3. Approval of Minutes – October 25, 2023 Meeting

Motion: Member Chase moved, and Member Lawson seconded approval of the October 25, 2023 meeting minutes as presented; the motion carried unanimously.

4. Action Items

- a. Case No. 23060 - 2005 Gulf Way (continued from 10/25/23); *Practical Difficulty Variance*; Sam Angelides, Angelides Builders for Andrea Crowe requests to construct a 10' x 36' elevated rear addition that will not meet the required 20' rear yard setback with 9.9' proposed (LDC 11.7(a)(4))

Assistant City McConnell explained that this case was previously heard in its entirety on 10/25/23, including staff's complete application review and public comment. There was a split vote of 2/2 and the case was continued to allow some members time to do site visits and additional research. He advised the Board of their options to either resume the hearing back at the deliberation phase or reopen to review again and public comment again. Mr. McConnell asked the members to declare any ex-parte communication. Members Small, Chase and Lawson declared that they had visited the site and the alley; Chair Skipper declared that he had watched the entire recording of the previous hearing. By consensus the Board decided to resume the hearing at the deliberation point and forego the re-presentation and public comment.

The Chair opened Board deliberation. Member Lawson explained two hypothetical ideas that he had after visiting the site and navigating the alley without difficulty: 1 – would the applicant be willing to improve the setback by two feet, taking the expansion down by two feet (he referred to meeting packet page 23) and 2 – would the applicant be willing to put a perpetual restriction on

the deed that no further expansion up or out until the setbacks are brought back into compliance. Mr. McConnell commented that height is a permitted right.

Applicant Dan Crowe of 2005 Gulf Way appeared and asked questions regarding a deed restriction. Mr. McConnell explained that the property is already non-conforming, so it would need to be restored all the way back to its original conformity. Plans from the meeting packet were displayed with consideration of reducing the setback by 2 feet; the plans are part of the meeting record. Discussion continued on the current 3" non-conforming setback. Attorney McConnell expressed that he would be more comfortable with a condition to the variance than a perpetual restriction, particularly in the Pass-A-Grille Overlay. The owner would be comfortable with the restriction while he owns the property.

Ms. Coman pointed out that the house was built in 2001 and the surrounding homes are of varying ages. The Board further discussed deed restrictions.

Motion: Member Bomar moved, and Member Small seconded to approve the variance for Case No. 23060 as originally presented at the October meeting, to include the conditions that the addition be constructed as per the plan submitted and may not be later enclosed or lower level infill permitted without obtaining a subsequent variance, and include the installation and maintenance of an outdoor grade convex reflective safety mirror for the alleyway to allow for enhanced visibility and increased safety; the motion carried 4-1 with Member Chase voting no.

- b. Case No. 23075 - 8050 Coquina Way: Practical Difficulty Variance; Jonas Araujo, SmartPavers, Inc., for Steven Sewell requests installation of a circular driveway that exceeds the maximum impervious surface ratio (ISR) of .70 permitted with .82 proposed (LDC Sec. 8.12).

Senior Planner Kristin Coman presented the information for this Practical Difficulty Variance request. Her presentation included photographs, zoning, zoning table, survey, property description, hearing notices, variance criteria, staff analysis and staff comments; the presentation is part of the meeting record. Ms. Coman noted that the property is unique in that asphalt is under the rocks in the front. The zoning table increases current impervious surface ratio (ISR) for that reason. The applicant should provide testimony regarding the asphalt removal and ground cover, landscaping, and/or irrigation.

The staff recommendation was to approve the variance with the condition that the applicant will complete installation and landscaping in conformance with LDC Sec. 22.4 and 22.10 with landscape and zoning inspections completed prior to the issuance of a Final Inspection or Certificate of Occupancy (COP). One letter of support was received. No ex-parte communication was declared.

Applicant Steve Sewell of 8050 Coquina Way appeared and provided testimony about the property. He explained drainage issues and the need to remove the asphalt and the creation of plant beds and irrigation which will better conform with the other properties.

Josh Wilhelm 8051 Coquina Way spoke in favor of the project. No one was present in objection.

The Chair closed public comment and opened Board deliberation.

Motion: Member Chase moved and Member Small seconded to approve the variance for Case No. 23075 with the condition that the applicant will complete installation of landscaping in conformance with LDC Sec. 22.4 and 22.10 with landscape and zoning inspections completed and approved prior to the issuance of a Final Inspection or Certificate of Occupancy; the motion passed unanimously.

5. Items for Discussion –

a. Approved Meeting Dates for 2024

Ms. Coman discussed optional dates for May and June as two members expressed their unavailability. Following discussion, the dates chosen were Wednesday, May 15th at 2:00 PM and Thursday, June 20th at 2:00 PM, as all indicated that they were available.

Member Bomar moved and Member Chase seconded to approve the new May and June 2024 Board meeting dates as well as the rest of the year; the motion passed unanimously by a voice vote.

b. Added item – Resident Advocacy and Board Membership –

Member Lawson explained that although he has enjoyed serving on this Board, he has become less comfortable recently, and the City Attorney made a point at the last City Commission that he feels strongly that he prefers that residents not be advocates for issues while serving on community boards. Additionally, his wife is a registered lobbyist for and Executive Director of the Protect St. Pete Beach advocacy group. Member Lawson offered his resignation from the Board effective immediately. Attorney McConnell and the other members appreciated Member Lawson's transparency and understood his reasoning.

6. Adjournment – The next meeting is scheduled for December 20, 2023

Member Chase moved and Member Small seconded to adjourn the meeting at 2:52 PM.

These minutes were approved at the December 20, 2023 Board of Adjustment meeting.