

BOARD OF ADJUSTMENT MINUTES
February 28, 2024 – 2:00 P.M.
Commission Chambers

PRESENT: Paul Skipper, Chair
Michael Bomar, Vice Chair
Denise Chase, Member
Joe Moholland, Member
Dan Small, Member

STAFF PRESENT: Kristin Coman, Senior Planner; Andrew Dickman, City Attorney; Ginny Bodkin, Deputy City Clerk

Chair Skipper called the meeting to order at 2:12 P.M.

1. Approval of the Agenda -

Motion: Vice Chair Bomar moved, and Member Small seconded the approval of the February 28, 2024 agenda as presented; the motion carried unanimously by a voice vote.

2. Audience Comments – There were no comments.

3. Approval of Minutes – December 20, 2023 Meeting

Motion: Member Chase moved, and Member Small seconded approval of the December 20, 2023 meeting minutes as presented; the motion carried unanimously.

The Deputy Clerk duly swore in all those present who would be testifying.

City Attorney Andrew Dickman reminded the board members to disclose any ex-parte communications they may have had prior to each agenda item.

Member Moholland disclosed that he received one resident email prior to the meeting and received printed emails from staff when he arrived for the meeting today. He visited the sites of all four cases being heard today but had no communications while there.

4. Action Items

- a. Case No. 23093 – 7501 Gulf Blvd.
Unnecessary and Undue Hardship Variance: Grant McLaughlin of PJ Callaghan Construction for Boylenpoint Enterprises LLC requests to reduce the number of green building standards required for the development of a new office building from two to one (LDC Sec. 39.9).

Senior Planner Brandon Berry presented a thorough review of the application for this Variance application. His presentation is part of the meeting record and included site photographs, zoning,

zoning table, survey, property description, site plans, hearing notices, variance criteria, variance request detail, staff analysis and staff comments. No letters of support or opposition were received.

Staff found that the applicant had provided partial support for a hardship with regard to points required for LEED certification and would like additional testimony from the applicant pertaining to the hardship faced. Staff recommendation was for the applicants to obtain FGBC Bronze or greater certification and Florida Water Star certification for the development.

Applicant Steven Boyle of 3672 Belle Vista Dr. introduced Contractor Grant McLaughlin of PJ Callaghan Construction, 3251 Moore St. N., St. Petersburg. Mr. McLaughlin testified regarding his communications with SWFWMD and Florida Water Star. Engineer Daniel Bergen of Civil on Demand, 3876 Belle Vista Dr. E., testified that the unique characteristics of the site make it at odds with LEED, and that there are no objections to the proposed conditions.

There was no comment in favor of or against the application and the Chair closed public comment.

Motion: Member Chase moved and Member Small seconded to approve the variance for Case No. 23093 with the recommended conditions; the motion passed 5-0.

b. Case No. 23091 – 2814 Pass-a-Grille Way

Unnecessary and Undue Hardship Variance: Ron Wilson, Peregrine Construction Group for Matthew Foster requests to construct a new single-family dwelling that exceeds the permitted height of 32' (40 feet from grade) with 32'11" (41.08 feet from grade) proposed for the elevator shaft to provide access to proposed rooftop area (LDC Sec. 20.17).

Senior Planner Kristin Coman presented a thorough review of the application for this Variance application. Her presentation is part of the meeting record and included photographs, zoning, zoning table, site plan, survey, elevation renderings, property description, plans, hearing notices, and variance criteria. The property is in the Pass-A-Grille Overlay. The Historic Preservation Board previously reviewed the request and found that the hardship was self-created. They recommended denial of the request. Staff would like the applicant to provide additional testimony, and their recommendation was for denial as the request does not advance the purposes of LDC Secs. 1.1 and 3.12 would be of substantial detriment and impair the intent and purpose of the zoning code. .

Ron Wilson Peregrine of Construction Group testified that they are only seeking an elevator in the center of the building; it cannot be seen from Pass-A-Grille Way. ADA requirements are met throughout the dwelling. If the variance is not granted, they will remove this elevator. The Board members asked questions.

Scott Schaming, the neighbor across Pass-A-Grill Way spoke in opposition to the request as it affects their views.

Tina Douglas of 2811 Pass-A-Grille Way spoke in opposition to the request and in support of the Historic Preservation Board's recommendation.

The Chair closed public comment and the Board deliberated.

Motion: Vice Chair Bomar moved, and Member Chase seconded to deny the variance for Case No. 23091 as there was no hardship had the applicant not created one; the motion passed 5-0.

c. Case No. 23076 – 4999 Gulf Blvd.

Unnecessary and Undue Hardship Variance: Anthony Sparacino, Extreme Signage for Renate Ostrovskis Living Trust requests installation of 8'9" x 4', (35 sq. ft.), monument sign with overall height of 8' that does not meet 10' required front yard setbacks with 4' (Gulf Blvd.) and 3' (50th Ave.) proposed (LDC 26.38(a)).

Senior Planner Kristin Coman presented a thorough review of the application for this Variance application. Her presentation is part of the meeting record and included photographs, zoning, zoning table, survey of sign location, sign rendering, adjacent properties, plans, hearing notices, variance criteria, staff analysis and staff comments. There has been no freestanding sign since Hurricane Ian damaged the original. The sign is conforming, it just does not meet setback criteria.

Staff asked that the applicant provide additional testimony on prior signage comparison and landscaping. Staff found the request reasonable and recommended a condition that the sign layout be modified so that the street address numbers are clearly legible and approved by staff at permitting.

Anthony Sparacino of Extreme Signage, 5050 Seminole Blvd. appeared with applicant Ralph Ostrovski of 6243 7th Avenue S. and testified as to his client's intent for the signage; the sign cannot meet the setback without infringing on the golf course. The original sign was on the property line with no setback. Mr. Sparacino agreed to place the street number on the edge of the sign. The Board asked questions. Mr. Ostrovski. agreed to improved landscaping as a condition.

There was no public comment for or against the variance. The Chair closed public comment and the Board deliberated.

Ms. Coman will confer with the Fire Marshall on the best placement of the street address numbers.

Motion: Member Chase moved and Member Small seconded to approve the variance for Case No. 23076 with the conditions that the applicant work with staff to improve the visibility of the address numbers and provide a landscaping plan; the motion passed 5-0.

d. Case No. 24003 – 3700 Gulf Blvd.

Unnecessary and Undue Hardship Variance: Casey Sanders for Albert Paul Nicklaus Jr. of Smileys Snack Shack-St Pete Beach Inc requests variances to reduce the required front yard setback facing 37th Ave to 43' where 50' is required and reduce the required northern rear yard setback to 16.8' where 20' is required (LDC Sec. 14.7.(b)(1) & (4)).

Senior Planner Brandon Berry presented a thorough review of the application for this Variance application. His presentation is part of the meeting record and included photographs, zoning, zoning table, survey, property description, plans, hearing notices, variance request detail and criteria, staff analysis and staff comments. Mr. Berry reported that the applicant supplied an updated rendering with a rooftop area for the development, which is not visible from Gulf Blvd.

Staff found the request to be reasonable with no adverse impact on the neighborhood. The applicant had substantially revised the submittal to reduce the impact on abutting properties. Staff recommended approval with the condition that the design features, colors, height and setbacks be as shown in the attachments at the time of site planning. Should any alterations be deemed significant by the City Manager or designee, the approval would be void and the applicant would return to the Board for reconsideration. Parking requirements could be added as a condition.

Attorney Katie Cole of Hill Ward Henderson appeared for the applicant. She presented a Powerpoint presentation to highlight some of the reasons why it is a difficult lot and the hardship exists. Her presentation is part of the meeting record. She requested to modify the condition of approval to say the design features, colors, setbacks shall be as generally shown in the attachments and the height may be varied within the district's permitted height.

Casey Sanders of 520 Bay Laurel Ct. St. Petersburg thanked the board for opportunity and improvement to the neighborhood.

No letters of opposition were received and there were no comments; the Chair closed public comment and opened Board deliberation.

The garages on the property were discussed and Ms. Cole asked for clarification.

Motion: Member Chase moved and Member Small seconded to approve the variance for Case No. 24003 with the adjustment to the condition as requested by the applicant and an agreement to maintain a two-car garage per unit; the motion passed unanimously.

6. Adjournment – The next meeting is scheduled for March 27, 2024.

Vice Chair Bomar moved, and Member Chase seconded to adjourn the meeting at 3:40 PM.

These minutes were approved at the March 27, 2024 Board of Adjustment meeting.