

BOARD OF ADJUSTMENT MINUTES
June 20, 2024 – 2:00 P.M.
Commission Chambers

PRESENT: Denise Chase, Vice Chair
Kathy Garchow, Member
Joe Moholland, Member
Dan Small, Member

ABSENT: Michael Bomar, Chair

STAFF PRESENT: Kristin Coman, Community Development Director; Matthew McConnell, Assistant City Attorney (via Zoom); Ginny Bodkin, Deputy City Clerk; Brandon Berry, Senior Planner

Vice Chair Chase called the meeting to order at 2:00 P.M.

1. Approval of the Agenda -

Ms. Coman reported that the Board Procedures item from the May meeting will be moved to the July or August agenda.

Motion: Member Moholland moved, and Member Small seconded the approval of the June 20, 2024 agenda as presented; the motion carried unanimously.

2. Audience Comments – There were no comments.

3. Approval of Minutes – May 15, 2024

Motion: Member Garchow moved, and Member Moholland seconded the approval of the May 15, 2024 meeting minutes as presented; the motion carried unanimously.

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

4. Action Items

a. Case No. 24026 - 104 21st Ave.

Unnecessary and Undue Hardship Variance: Michael Kan on behalf of Polar Foundation requests installation of new portion of driveway that would exceed the maximum 20' width permitted with 40' proposed (LDC Sec. 23.11(b)(2)).

The Board members individually declared their ex-parte communications and research, including walking or driving by the property. Member Moholland is familiar with the Applicant and had spoken to him regarding matters other than this request.

Community Development Director Kristin Coman reviewed a presentation of the request for this variance. Her presentation included photos, zoning, site plan, request details, existing conditions,

surveys, proof of noticing, variance criteria, and staff comments. Her presentation is part of the meeting record.

Staff found that the proposed variance does not advance the purposes of LDC Sec. 1.1 and granting variances from the applicable LDC section, Sec. 23.11(b)(2) would be of substantial detriment and impair the intent and purpose of the zoning code and recommended denial. Applicant submission of a sealed As-Built Survey noting the driveway width and ISR calculation to receive approval by Zoning prior to the issuance of a Final Inspection/COO is recommended, should the Board decide to approve. No letters were received for or against the application.

Applicant Michael Kan appeared with his own presentation and testified regarding the project, use, and application of City codes. His presentation is part of the meeting record. Some of his photos of similar, nearby double garaged homes were included in the meeting packet. Mr. Kan testified that the project would not be encroaching on setbacks.

The Board members asked questions of the Applicant and Ms. Coman.

Residents Robert Czystczon and Mark Cicarelli spoke in favor of the variance. There being no further comment, the Board deliberated.

Motion: Member Moholland moved, and Member Small seconded to approve the variance for Case No. 24026 with the modification that the driveway be no wider than the West corner of the Applicant's house; the motion died 2-2.

Member Garchow moved to approve the variance for Case 24026 as applied for; Vice Chair Chase seconded. The motion failed 1-3 with members Moholland, Garchow and Vice Chair Chase voting no.

Member Moholland moved to approve Case 24026 with the condition that the driveway be no wider than the West corner of the Applicant's small garage. There was no second; the motion died.

Member Garchow moved to deny the variance for Case 24026 as the required criteria has not been met. Vice Chair Chase seconded and the motion carried 4-0.

b. Case No. 24034 - 3601 Casablanca Ave.

Practical Difficulty Variance: Mike and Kimberly Clarke request to install a 12' diameter pool of 52 inches in height at a 4' setback from the rear property line where 20' is required (LDC Sec. 6.13.(c)(1)b.).

The Board members individually declared their ex-parte communications and research, which included walking and driving by the property.

Senior Planner Brandon Berry reviewed a presentation of the request, which is part of the meeting record. He reviewed photos, zoning, variance request details, survey, proof of required noticing, and staff comments.

Staff found the request will not have an adverse impact on the neighborhood and recommended approval with the following conditions: 1) Approval is granted for an above-ground pool of 12' diameter and 52 inches height to be located four feet from the rear property line. Any request to install a pool structure of greater area or height, or with additional features such as waterfalls or diving boards, at this location shall require a subsequent variance. 2) The Applicant shall maintain the three installed areca palms, or other landscaping of similar opacity, in the planted location for the life of the pool. A letter in favor of the variance was included in the meeting packet.

Applicant Mike Clarke appeared and testified regarding the request and the adjacent properties. He had no objection to complying with the requested conditions.

The Board asked questions of the Applicant regarding the palm tree screening. There was no comment for or against the variance. Comment was closed and the Board deliberated.

Motion: Member Moholland moved, and Member Small seconded to approve the variance for Case No. 24024 with the staff recommended conditions; the motion carried unanimously.

c. Case No. 24030 - 0 Gulf Blvd (Gulf Beach Water Booster Station)

Unnecessary and Undue Hardship Variances: Michael Hoffman of Wright-Pierce, Inc. for Pinellas County Utilities requests a four-part variance to: a) Exceed the 20-foot maximum front yard setback along 45th Ave, with 43 feet provided (LDC Sec. 38.9.); b) Reduce the buffer along the eastern property line from six feet to 4'-3" (LDC Sec. 22.7.(b)(1)); c) Eliminate the requirement that the street-level facade be at least 50% transparent, with 0% provided (LDC Sec. 39.7.); and, d) Reduce, along the western, southern and northern sides, the percentage of the facade that must be covered with architectural decoration or windows below the 60% minimum, with approximately 40% provided along the Gulf Boulevard (west) facade, and 0% provided along the southern and northern facades (LDC Sec. 39.8.(b)).

The Board members individually declared their ex-parte communications and research, which included walking the property.

Mr. Berry reviewed the staff presentation for this request, which is part of the meeting record. The presentation included zoning, a survey, proposed site plan, request details, proof of required noticing, photographs, and staff comments. The water tower will remain.

Staff found the request is reasonable and will not have an adverse impact on the neighborhood. The request results from the Applicant's attempt to mitigate challenges of the site posed by remaining existing development, and modern stormwater and utility requirements, as well as mitigate future wind and storm impacts that may result in additional hardships to the site or community. Staff recommended approval with two (2) conditions: 1) The portion of the eastern side buffer for which a variance is requested shall contain at least the density of landscaping shown on the landscaping plan dated 04/30/2024, along with a hedge of at least two feet in height at time of planting; 2) To mitigate visual impact along the western side of the structure compared with the present development, the Applicant shall prioritize landscaping as follows: a. Preservation of existing mature trees; b. Installation of canopy or understory trees that will not impact the sidewalk, building, or inhibit drainage facilities; c. Installation of palms, crepes myrtle or other landscaping.

Mr. Berry explained that if approved, the Applicant will move on to the building permit stage.

Michael Hoffman of Wright-Pierce Environmental Engineers (with Chris Baggett) appeared on behalf of the Applicant and reviewed the history of the property and testified to some of the needs for the operation of the water booster station and compliance. They estimated a timeline of 2 ½ years to complete.

The Board asked questions of the Applicant.

Resident Robert Czyszczonek spoke in favor of the project but against oak trees and cabbage palms in the landscaping. Mr. Berry confirmed that the Board could request a condition to landscaping. Mr. Hoffman testified that the Applicant would be willing to consider landscape changes, but attention must be paid to root systems. He showed the newest landscaping plan; they would try to balance concerns with the oak trees, but they would need to confer with the County. The new landscaping plan is part of the meeting record.

The Board deliberated.

Motion: Member Garchow moved, and Member Moholland seconded to approve the variance for Case No. 24030 based on the updated landscaping plan submitted today; the motion carried unanimously.

5. Adjournment – The next meeting is scheduled for July 31, 2024.

Ms. Coman reported that she is currently holding two incomplete applications, therefore the July meeting may be cancelled. She will keep the Board updated.

Member Moholland moved, and Member Small seconded adjournment at 4:00 PM.

These minutes were approved at the August 28, 2024 Board of Adjustment meeting.