

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

PRESENT: Denise Chase, Vice Chair
Al Causey, Member
Chris Core, Member
Kathy Garchow, Member
Dan Small, Member

STAFF PRESENT: Kristin Coman, Community Development Director; Matthew McConnell, Assistant City Attorney; 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 -

Assistant City Attorney McConnell explained that discussion item 5.a. will be removed for another time, and the Attorney for the Applicant for Case 4.e. asked for that case to be heard first, due to a scheduling conflict.

Motion: Member Causey moved, and Member Core seconded the approval of the August 28, 2024 agenda as amended; the motion carried unanimously.

2. Audience Comments – There were no comments.

3. Approval of Minutes – June 20, 2024

Motion: Vice Chair Chase moved, and Member Garchow seconded the approval of the June 20, 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. 24040 - 3112 Pass-a-Grille Way

Unnecessary and Undue Hardship Variance: Vivian Herald on behalf of PAGSUP LLC requests installation of a 34"x52" frame sign, with sign face of 8 SF, approximately 102" (8.5 feet) from grade, projecting/hanging sign under the eave of the existing building along the Pass-a-Grille Way frontage (LDC Sec. 26.19).

The Board members individually declared their ex-parte communications and research, including conversations and texts with residents, staff, and the owner/Applicant, and a conversation with a Historic Preservation Board member.

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, Technical Review Committee findings, and staff

comments. This is a Locally Designated Historic property. Her presentation is part of the meeting record.

Staff found that the request reasonable as the sign is not excessively sized and in character with the sign in place at the time of the structure's placement on the local registry. Ms. Coman reviewed the staff recommendations.

The Board members asked questions of Ms. Coman. She indicated that 14 letters of objection and 2 in support were received.

Vivian Hearld, representative for the Applicant, appeared and testified regarding the reasons for the request, their desire to not interfere with visibility, and to keep with the historic aesthetic. Ms. Hearld also spoke about the parking situation at the property and the challenges. She provided some visibility renderings, and historic and parking lot photos, which are made part of the meeting record. She answered Board questions. Ms. Hearld testified that the compliance issues have been corrected and that they would be amenable to stabilization at the bottom of the sign and had no objections to staff recommendations.

There was no public comment for or against the application. Board deliberation was opened. Variations to the sign were discussed.

Public comment was reopened. Resident James Miller, 3107 1st St. W., commented on commercial vehicles parked in front of cottages for days and that the sign should meet all hurricane standards. Resident Rob Czyszczon of 4506 Gulf Blvd. spoke in favor of the variance request. Applicant representative Vivian Hearld commented on the letters that were received by the Board and harassment at their business.

Motion: Member Garchow moved, and Member Causey seconded to approve the variance for Case No. 24040 with the staff recommended conditions 1) any installation of signage as part of this proposal or any future signage may not be internally illuminated, 2) removal of all signs that were installed without permits be removed which include the LED window and A frame signs, and 3) in the event of forecasted inclement weather which includes excessive or high winds, the sign is to be removed temporarily so as to not cause damage to the surrounding area or building, or to install a fixed sign with hurricane resistant engineered connection to the building; the motion carried 5-0.

b. Case No. 24046 - 6390 2nd Palm Point

Practical Difficulty Variance: Amy Rebecca and Nicholas Laffler request to construct an in-ground swimming pool of approximately 21'x17' with 9'x6' spa and 20'x9' sun shelf that is elevated less than two feet above grade and proposed to be installed 5' from the southeastern side property line where 7' is required (LDC Sec. 6.13.(c)(1)c.1.).

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

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 variance criteria.

Staff found the request will not have an adverse impact on the neighborhood but recommended seeking additional testimony from the Applicant. He reviewed staff's recommendations.

Mr. Berry answered Board questions. Applicant Nicholas Laffler testified regarding the hardship and adjustments that they have already made to the design. He testified that the neighbors have no objections and that he did have an alternate plan should the variance be denied.

Resident Rob Czystczon of 4506 Gulf Blvd. spoke in favor of the variance. The Vice Chair closed public comment and the Board deliberated.

Motion: Member Small moved, and Member Causey seconded to deny the variance for Case No. 24046 as the evidence presented has not met the practical difficulty hardship criteria; the motion carried unanimously.

c. Case No. 24047 - 402 39th Ave.

Practical Difficulty Variance: Sam Angelides, ASPBS LLC on behalf of SPBN LLC requests additional relief for the rear yard setback of the recently constructed 2-car detached garage (22' x 24'), which does not meet the previously approved 15' setback (BOA Case No. 22018), now measuring at 14.5' existing after construction (LDC Sec. 6.13(a)(2)).

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

Ms. Coman 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, previous variance approvals, and staff comments.

Staff find the request is reasonable given the existing conditions of the lot and will not have an adverse impact on the neighborhood. Staff recommended approval as proposed.

Applicant Sam Angelides testified to the irregular shape of the lot, the 3.5' encroachment into the setback, and his error in calculations. He estimated \$12,000 to redesign the garage if the variance is not approved.

Resident William Brown, 401 Belle Point Drive, commented that he had no objections to the garage. Resident Rob Czystczon of 4506 Gulf Blvd. spoke in favor of the variance.

Public comment was closed, and the Board deliberated.

Motion: Member Small moved, and Member Garchow seconded to approve the variance for Case No. 24047 based upon the evidence presented; the motion carried 5-0.

d. Case No. 24048 - 0 Gulf Blvd. [Parcel #07-32-16-51660-000-0011] Gulf Beach Water Booster Station

Unnecessary and Undue Hardship Variance: Christopher Baggett of Wright-Pierce for Pinellas County Utilities requests to construct a new building in the Community Redevelopment District without providing either of the two required energy and environmental design standards (LDC Sec. 39.9.).

The Board members individually declared their ex-parte communications and research, which included only driving by 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, previous variance requests, and staff comments. The site plan has been approved. One letter in opposition was received.

Staff found that that request is reasonable, and that the Applicant had adequately addressed the criteria as they pertain to the subject development. The limited scope of the redevelopment, heightened need for facility reliability, lack of public access or consistent staff use that would benefit from the quality of life-oriented LEED credit-granting improvements, and inclusion of some of the City's priorities such as an expanded sidewalk and pedestrian-scale lighting, all contribute to the recommendation. Staff recommended approval of the request as presented.

Applicant representative Chris Baggett of Wright-Pierce, 2502 Victoria Circle, Tampa, testified regarding plans for the property, flood design criteria, placement of a generator, the ventilation system which exceeds the requirements, and the expected completion date.

Resident Rob Czystczon of 4506 Gulf Blvd. spoke in favor of the variance. Board deliberation followed public comment.

Motion: Member Small moved, and Member Core seconded to approve the variance for Case No. 24048 as proposed, based upon evidence presented; the motion carried 5-0.

e. Case No. 24042 – 3700 Gulf Blvd. [Parcel #07-32-16-21852-028-0001]

Preliminary Plat: Ely Payne of Baysite Engineering LLC for SMILEYS SNACK SHACK-ST PETE BEACH INC requests preliminary plat approval to replat the subject property to four fee-simple parcels proposed for residential townhouses, with remaining land held in common homeowners' association ownership.

This case was heard first. The Board members individually declared their ex-parte communications and research. Member Garchow was included in a discussion of the property as part the DonCesar Property Owners Corporation, and Vice Chair Chase visited the site.

Mr. Berry reviewed the staff presentation for this request, which is part of the meeting record. The presentation included the request background and an aerial overlay of the proposed parcel splits.

This request was reviewed by the Technical Review Committee on July 17, 2024, where no substantial comments were shared. The lot is adequately sized to support the number of residences proposed. Other development standards (height, lot coverage, impervious surface) are met. This request received setback variances in February 2024, which are currently active.

Staff recommendation was to recommend approval of Preliminary Plat #24042 to the City Commission with the condition that the approval of the preliminary plat be contingent upon the final approval and adoption of the proposed language found in Land Development Code Text

Change Case #24041. Should the case be denied, the approval of this preliminary plat would be null and void.

The Applicant's Attorney Kate Cole appeared and testified regarding fee simple ownership of the proposed townhomes and was available for questions. She testified that the Don CeSar Property Homeowners Association was supportive of the project.

There was no public comment and the Board deliberated.

Motion: Member Small moved, and Member Core seconded to recommend approval of preliminary plot Case No. 24042 to the City Commission with the recommended staff condition that the approval of the preliminary plat be contingent upon the final approval and adoption of the proposed language found in Land Development Code Text Change Case #24041. Should the case be denied, the approval of this preliminary plat would be null and void; the motion carried 5-0.

5. Items for Discussion –

a. Board Procedures

This item was continued to a future date to be named.

Assistant City Attorney Matthew McConnell welcomed new Board members Causey and Core.

6. Adjournment – The next meeting is scheduled for September 25, 2024.

Member Core moved adjournment at 3:57 PM; all were in favor.

These minutes were approved approval at the October 30, 2024 Board of Adjustment meeting.