

BOARD OF ADJUSTMENT MINUTES
January 29, 2025 – 2:00 P.M.
Commission Chambers

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

STAFF PRESENT: Kristin Coman, Senior Planner; Becky Vose, Interim City Attorney, Vose Law; Ginny Bodkin, Deputy City Clerk; Brandon Berry, Senior Planner; Kristin Coman, Senior Planner

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

1. Approval of the Agenda -

Motion: Chair Chase moved, and Member Core seconded the approval of the January 29, 2025 agenda as presented; the motion carried unanimously.

2. Audience Comments – There were no comments.

3. Approval of Minutes – November 20, 2024

Motion: Member Causey moved, and Member Small seconded the approval of the November 20, 2024 meeting minutes as presented; the motion carried unanimously.

The Deputy Clerk swore in all those who would be testifying before the Board.

4. Action Items

- a. Preliminary Plat No. 24098: 3511 Gulf Boulevard
Julio C. Rodriguez of Global Projects Surveying, LLC and James Devito of Devito's Contracting LLC for Jimmy Jerge of 3511 Gulf Blvd LLC request recommendation of a preliminary plat for the replatting of 3511 Gulf Boulevard to three fee-simple townhouse parcels.

Senior Planner Brandon Berry reviewed a presentation on the request, which is part of the meeting record. He explained that staff found the proposed preliminary plat meets the minimum standards and is in general compliance with the Land Development Code as proposed, and meets general administrative procedures for preliminary plats with the exception that the preliminary plat does not depict all platted property lines and streets on adjoining land within 150 feet, as stated in the City's administrative requirements for preliminary plats. The applicant is aware that they will need to retain the services of a surveyor to prepare the final plat, if the preliminary plat is approved, in compliance with Chapter 177 of Florida Statutes. Staff recommendation was for approval.

Applicant Jimmy Jerge of 2103 Bayshore Blvd., Tampa appeared and testified to his eagerness to begin the project and added some details; there is no seawall on the property.

The Board had no ex-parte communications to declare.

There was no public comment; the Board deliberated.

Motion: Vice Chair Garchow moved, and Member Core seconded to recommend approval of Preliminary Plat No. 24098 to the City Commission; motion carried 5-0.

b. Case No. 24104 - Blind Pass Rd., Parcel: 25-31-15-09234-000-0001

Unnecessary and Undue Hardship Variance: Dan Nelson, St. Pete Beach Yacht and Tennis Club (YTC) for The Weatherly Condo Assn, Inc., requests a variance for replacement/installation of two (2) 160 sq. ft, 10'x16', 10'h storage structures where one (1) structure with a maximum area of 80 sq. ft. and maximum height of 8' is permitted. (LDC Sec. 6.13(b)(5ab).

Ms. Coman reviewed the details of the variance request; her presentation is part of the meeting record. The request is for two variances. She went on to review the staff findings from the 1/21/25 Technical Review Committee meeting:

Staff finds that the applicant has addressed some of the hardship criteria but does request additional testimony be provided to demonstrate that denial would result in deprivation of an integral and necessary aspect of the use of the property in a manner that creates a hardship.

1. The applicant has indicated that these specific sheds serve as an amenity for residents and could better articulate to the board how they are an integral and necessary feature of the site, contributing to a hardship if removed. The applicant should provide further testimony as to the hardship faced in terms of necessity for the storage structures and what is to be stored within. In addition, should provide testimony if the proposed structures are adequate to store all materials within proposed building eliminating any goods or materials to be stored outside.

2. Details should be provided regarding any existing exterior lighting in the area, whether building-mounted or pole-mounted, as well as any lighting proposed as part of this request.

3. Prior to Hurricanes Helene and Milton, there was fencing and established vegetation which provided substantial screening from the adjacent southern development, Captiva Cay, and demonstrated in the photo below. The applicant should provide testimony on any plans for landscaping and details to replace any areas that were damaged or destroyed by the weather events.

Applicant Dan Nelson, 9425 Blind Pass Rd., homeowner and Vice President of the Yacht and Tennis Club Board (YTC) of Directors, appeared and testified to the size of the property, number of buildings, and number of homeowners that share these amenities. He testified that the hobby shed is for homeowner use and maintenance; he explained there are no plans for outside lighting, no change in size, and other details. The plan is for fencing to shield any ladders or such from view. He also testified that unsightly, hanging tree branches were removed when new fencing was put in.

Board members asked questions of the Applicant. Storage of items outside of the sheds and fencing height were discussed. Per Ms. Coman, eight feet is the maximum per City Code.

The Board members disclosed their ex parte reporting which included driving through and past the property.

Chair Chase opened public comment.

Jane McCroary – 9415 Blind Pass Rd., new President YTC Association, spoke about their challenges during the past year with replacing their landscaping company, seawall project, loss of property manager, hurricanes, and related debris cleanup and storage. She admitted YTC has been less than a good neighbor in the past, but efforts have been made to communicate with Captiva Cay recently. A new landscape plan is in the works.

The following individuals spoke in favor of the variance:

Aron Zions - 9525 Blind Pass Rd., President of Courageous Condo Assoc.

Gary Starr - 9525 Blind Pass Rd., Treasurer of Courageous Association and YTC

John Wild - 9415 Blind Pass Rd.

Bob Sherriff - 9495 Blind Pass Rd.

Will Webster - 9525 Blind Pass Rd.

David Reingold – 9415 Blind Pass Rd.

The following individuals spoke in opposition to the variance's requested location of the shed:

Al Johnson – 9375 Blind Pass Rd. – submitted aerial photo

Anne Jongleux – 9359 Blind Pass Rd., resident and President of Captiva Cay Condo Assoc.- also mentioned debris and property values

Sue Rea – 9373 Blind Pass Rd.

Lisa Cook – 9459 Blind Pass Rd. – also mentioned charging electric battery charging in shed

Yvette Gaugh – 9373 Blind Pass Rd.- also mentioned property values

Nicole Myer – 9357 Blind Pass Rd., resident and Secretary Captiva Cay Condo Assoc.

Dena Michaelson – 9339 Blind Pass Rd.

Public comment was closed, and Board deliberation opened. The location of the shed seems to be the primary issue.

Jane McCroary was called back by the Board; she testified regarding the difficulty of relocating the sheds. Moving to either end of the shuffleboard court or using parking spaces was discussed. Setback requirements were discussed.

Board deliberation continued. Potential conditions to the variance were discussed. A continuation to allow the parties to work out solutions was discussed.

The Chair expressed to the Applicant that the Board would like this variance to be worked out and asked if they would be amendable to the continuation to next month to allow the leadership of the parties to work on a mutual solution for fencing and location. Applicant Dan Nelson and Captiva Cay representatives Anne Jongleux and Nicole Myers agreed to the continuation.

Motion: Vice Chair Garchow moved, and Member Causey seconded to continue Variance Case No. 24104 to the February 26, 2025 meeting; the motion carried 5-0.

c. Case No. 24105 - Blind Pass Rd., Parcel: 25-31-15-95319-000-0001

Unnecessary and Undue Hardship Variance: Dan Nelson, St. Pete Beach Yacht and Tennis Club for The Weatherly Condo Assn, Inc., The Constellation Condo Assn., Inc., The Intrepid Condo Assn., Inc., The Courageous Condo Assn., Inc., and The Heritage Condo Assn., Inc. requests a variance for replacement/installation of a 160 sq. ft, 10'x16', 10'h storage structure utilized for tennis/recreational storage

where a maximum area of 80 sq. ft. and maximum height of 8' is permitted. (LDC Sec. 6.13(b)(5a-b).

Ms. Coman reviewed a presentation on the details of the variance request, which is part of the meeting record.

The Technical Review Committee comments from 1/21/25 were that Staff found that the applicant has addressed some of the hardship criteria but does request additional testimony be provided to demonstrate that denial would result in deprivation of an integral and necessary aspect of the use of the property in a manner that creates a hardship. The applicant should provide further testimony as to the hardship faced in terms of necessity for the storage structure and what is to be stored within. In addition, should provide testimony if the proposed structures are adequate to store all materials within proposed building eliminating any goods or materials to be stored outside.

Applicant Dan Nelson appeared and testified as to items required to maintain the tennis courts and damage sustained by the storms. He provided a closing statement.

David Reingold of 9415 Blind Pass Rd. commented on the cost of clay to maintain the tennis courts and using the shed for the clay and repairs.

Public comment was closed and Board deliberation opened.

Motion: Member Core moved, and Member Causey seconded to approve Variance Case 24105 as presented; the motion carried 5-0.

5. Items for Discussion – There were none.

6. Adjournment – The next meeting is scheduled for February 26, 2025.

Member Core moved to adjourn at 3:42 PM; all were in favor.

These minutes were approved at the February 26, 2025 Board of Adjustment meeting.