

**BOARD OF ADJUSTMENT MINUTES**  
**July 30, 2025 – 2:00 P.M.**  
**Commission Chambers**

**PRESENT:** Denise Chase, Chair  
Al Causey, Member  
Chris Core, Member  
Dan Small, Member

**EXCUSED:** Kathy Garchow, Vice Chair

**STAFF PRESENT:** Kristin Coman, Senior Planner; Ralf Brookes, City Attorney; Brandon Berry, Senior Planner; Ginny Keeter-Bodkin, Deputy City Clerk

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

**1. Approval of the Agenda -**

There were no changes to the agenda.

**Motion: Member Causey moved and Member Core seconded approval of the July 30, 2025 agenda; the motion carried unanimously by a voice vote.**

The Deputy Clerk swore in all those who would be speaking or presenting to the Board.

**2. Audience Comments –** There were no comments.

**3. Approval of Minutes –** June 25, 2025 Meeting

**Motion: Member Core moved, Member Small seconded, and the motion carried 4-0 to approve the June 25, 2025 meeting minutes as presented.**

**4. Action Items**

Ex-parte disclosures were made for Case 25060; Member Causey had done a site review.

a. Case No. 25060 - 4107 Miller Dr.

*Unnecessary and Undue Hardship Variance: Micah Thompson, Gulf & Bay Dock Works, LLC for Marilyn Orbach-Rosenberg requests demolition of an existing 10' x 25.5' dock to construct a new 6' x 20' long dock which exceeds the maximum length allowed, with 20 feet proposed where 19.5 feet is permitted, and a proposed southeastern riparian line setback of 0.6 feet where 9.75 feet is required (LDC Sec. 6.23.(d)(3-4)).*

Senior Planner Brandon Berry reviewed a presentation for the variance request that included photos, a zoning map, survey, application, posted notices, variance conditions, plans, and staff findings. The presentation is part of the meeting record. A comparison slide of the plans for the proposed vs. existing docks was presented and reviewed. No letters for or against the variance had been received. The neighbor to north has signed off for the ½ foot extension with a letter of no objection.

The proposed dock is oriented to encroach entirely into the southern neighbor's side waterfront setback, and the owner has been unable to contact the affected neighbor for signature. Despite the administrative relief option, the owner can still choose to proceed with a standard noticed variance request such as this. Mr. Berry reviewed the variance request details. There is an active permit at the property for storm damage. There is some minor erosion behind the seawall. The application narrative indicated potentially adding a boat lift on the northern side of the dock; Mr. Berry suggested a high likelihood that option would require a sign off from the northern neighbor should that be considered.

Staff found the request reasonable and did not suggest any conditions; the dock is of a similar or smaller scale, footprint, and location as others constructed within similar lengths and chords in the curve of a seawall.

The members asked Mr. Berry questions regarding the position of the existing and proposed docks. He explained that the proposed dock would now be in the southeastern neighbor's setback.

Contractor Micah Thompson of Gulf & Bay Dock Works, 1510 51<sup>st</sup> St. S., Gulfport, appeared on behalf of the owner and testified that the dock was heavily damaged by a boat going under it during the hurricanes. Given the pie shape of the lot, in his experience, it is impossible to build something without an overlap of some kind. The proposed dock is ½ the size of the existing. The long-term goal is to add a small boat lift on the dock; he displayed a plan, which is part of the meeting record. Should that become a reality, that application would come before the board in the future. Mr. Thompson noted that care was taken in the plan to avoid crossing in front of the neighbors when the boat is in the water. The neighbor to the south has not objected, but the applicant has been unable to get a response despite numerous emails and mailings to owner NXT Acquisitions in Coral Gables over a six-month period. City Attorney Brookes testified that posting and noticing for the application was legally sufficient to proceed with a vote. Senior Planner Coman located a recent email address from the owner on a permit application and will provide it to the applicant.

There was no public comment and Chair Chase opened board deliberation.

**Motion: Member Small moved, Chair Chase seconded, and the motion carried 4-0 to approve the variance for Case No. 25060 based upon the testimony heard today.**

b. Case No. 25089 - 3214 W. De Bazan Ave.

*Unnecessary and Undue Hardship Variance: Kristen Hansen of George F Young, Inc. for Jeffrey, John, and Scott Trull requests to split a zoning lot to create two lots each capable of supporting one single-family residence, with both created lots averaging 59.91 feet in width where 60 feet is required (LDC Sec. 9.6.(a)(2)).*

No ex-parte communication was declared by the members for this case.

Mr. Berry reviewed a presentation for the variance request that included photos, a zoning map, survey, application, posted notices, variance conditions, plans, and staff findings. The presentation is part of the meeting record. The applicant should acknowledge that all structures on the property must be demolished before staff would provide approval for this lot separation, should this variance be granted. The applicant remains responsible for submitting a lot split request application through the City, which may carry additional administrative requirements prior to the split. The lots would

be identical in size if split. Staff found that the request is minimal and did not suggest any conditions.

Kristen Hansen of George F. Young, Inc., 299 MLK St N. St. Petersburg testified as the owner's agent that all structures on the lot will be demolished prior to any split. She knew of no future variances that might be needed. The owner will submit the proper lot split application through the city. She testified that there were no foreseen effects to the neighboring properties.

There being no public comment, the Chair opened board deliberation.

**Motion: Member Small moved, Member Core seconded, and the motion carried 4-0 to approve the variance for Case No. 25089 as proposed, based upon the testimony provided today.**

c. Case No. 25087 - 565 Belle Point Dr.

*Practical Difficulty Variance: James Kearney requests to construct a 22'10" x 15' addition for expansion of existing attached garage with the proposed front yard setback of 13.6 feet where 20 feet is required (LDC Sec. 8.7(a)(1)).*

Ex parte communication by the members was declared; Member Causey had driven by the property.

Senior Planner Kristin Coman reviewed a presentation for the variance request that included photos, a zoning map, survey, application, posted notices, variance conditions, plans, and staff findings. The presentation is part of the meeting record. No letters were received for or against the variance. Staff would like the applicant to provide an overview of the renovation as a whole and the exterior style plan. This front entry is to be maintained with the proposal and staff had some concerns that the expansion may cause conflicts with the circular portion of the newly installed paver driveway. The current structure surpasses the required setback of 27 feet. If approved, the board may consider a condition that the applicant submit an As-Built survey noting all dimensions, setbacks and ISR calculation and approved by Zoning prior to the final Inspection or Certificate of Occupancy.

Applicant James Kearney testified to the reasons that he would like to add a bedroom and bathroom. He added that the entry would remain in the current style, and he had measured the driveway at 11' 6" which would allow enough room for a car to pass after the addition. He testified that he had considered lifting and a second story but preferred a one-story dwelling for navigability. There is not enough room to expand in the back. None of his neighbors had given him negative feedback.

There was no public comment, and the Chair opened board discussion. The percentage of encroachment in the front yard setback is significant compared to the rest of the neighborhood. There are other options for an addition.

**Motion: Member Small moved, Chair Chase seconded, to approve the variance for Case No. 25087 with the condition proposed by staff of an as built survey before final inspection and certificate of occupancy. The motion failed 3-1, with the Chair and Members Causey and Core voting no.**

Attorney Brookes requested a motion to deny for the record.

**Motion:** Chair Chase moved, Member Core seconded, and the motion carried 3-1 to deny the variance for Case 25087 based upon the testimony heard today, with Member Small voting no.

- d. Case No. 25084 - 3314 E. Maritana Dr.  
*Unnecessary and Undue Hardship Variance: Joshua Trosclair for Charlotte and Allen Schmitt requests to retain the existing residential storage building of 99 sq. ft. that exceeds the maximum of 80 sq. ft. permitted (LDC Sec. 6.13(b)(5)).*

Chair Chase declared that she had driven by the property; the other members had nothing ex-parte.

Ms. Coman reviewed a presentation for the variance request that included photos, a zoning map, survey, application, posted notices, variance conditions, plans, and staff findings. The presentation is part of the meeting record. One letter in support of the variance was received.

A nonconforming structure exists on the property, with no record of any prior variance or formal approval having been obtained. The applicant submitted a building permit application to elevate the existing dwelling, and during the zoning review, it was identified that the existing shed exceeds the currently allowed maximum size of 80 square feet. Per LDC Sec. 3.10(e), nonconforming accessory structures must be brought into compliance when the primary structure undergoes substantial improvement. Therefore, the shed must either be reduced to 80 square feet, removed entirely, or a variance must be obtained to retain it. The applicant has chosen to pursue a variance. The applicant should obtain a building permit as required for the accessory structure and include details of any proposed measures to comply with LDC Sec. 6.13(b)(3) related to stormwater runoff.

Applicant Allen Schmidt testified that at the time he built this residential storage building/shed, he believed that only structure over 100 sf required a permit, which is why he built to 99 sf. He showed a photo of the previous shed. He designed the current shed to match the main house with a hip roof and showed photos. The main dwelling will be lifted approximately 13 feet.

He testified that he has not received any negative feedback from the neighbors, and the neighbor that can see the structure has complimented him on it.

There was no public comment, and the Chair opened board deliberation. The current shed is only slightly larger than the previous one. The neighbors have not had any issues in the three years that the structure has been there, and the owners are investing in the neighborhood.

**Motion:** Member Causey moved, Member Small seconded, and the motion carried 4-0 to approve the variance for Case No. 25084 with the staff recommended condition of obtaining a building permit to include a detailed proposal for stormwater runoff.

5. Adjournment – The next meeting is scheduled for August 27, 2025.

**Chair Chase adjourned the meeting at 3:12 PM.**

*These minutes were approved at the August 27, 2025 Board of Adjustment meeting.*