

BOARD OF ADJUSTMENT MINUTES

August 27, 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; Brandon Berry, Senior Planner; Ralf Brookes, City Attorney; 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: The Board approved the August 27, 2025 agenda unanimously by a voice vote.

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

2. Audience Comments – No one came forward for comment.

3. Approval of Minutes – July 30, 2025 Meeting

Motion: Member Core moved, Member Causey seconded, and the motion carried 5-0 to approve the July 30, 2025 meeting minutes as presented.

4. Action Items

a. Case No. 25052 – 100 Pass-a-Grille Way

To provide sufficient time to correct a noticing error, and at the request of the applicant, this case will be noticed for and heard at the September 24, 2025 Board of Adjustment meeting.

b. Case No. 25101 – 3400 Gulf Blvd. Case No. 25089

Liam Turnbull for Michael E. Lentz, VP of Don CeSar TRS LLC requests an unnecessary and undue hardship variance to increase fence height to eight feet along the property's north boundary west of El Centro St., and seven feet in height along the property's north boundary east of El Centro St., where four feet is the maximum permitted within the required front yard setback (LDC Sec. 6.15). The applicant further requests a modification to Development Order 21073 Condition (8) to allow for seven- and eight-foot fences in these locations where four feet is required.

Ex-parte communication was declared by the members for Case 25101: Vice Chair Garchow is a member of the Don CeSar Property Owners Corporation but was not a part of the board when the agreement was made, and there have been no board discussions on the matter during this case; Member Core is a Member of the Don CeSar and is there daily; Member Causey made a site visit.

Senior Planner Brandon Berry reviewed a presentation for this variance and modification to a Development Order. The presentation included photos, zoning, notice of posting, request detail, fencing layout, and the Technical Review Committee summary. Staff recommended conditions were 1) Affix warnings regarding pedestrian crossing and vehicles exiting the ballroom to the fence or freestanding signage to face toward the oncoming traffic direction of El Centro St. 2) Stripe and maintain a crossing from the service lot sidewalk to the beach walk, at the direction of the City's Public Services Department. In addition, staff requested a modification of Condition (8) of Development Order 21073 to coincide with this case's outcome, should approval be granted. The first two conditions have been discussed with the applicant. Mr. Berry's presentation is part of the meeting record.

Architect Jeff Connell of 3400 Gulf Blvd. testified on behalf of the Don CeSar; he is working on the ballroom renovation. He testified that when the ballroom was originally approved, an agreement was made with the adjacent Don CeSar Property Owners Corporation to provide these fences (at these heights) for additional screening. He described the fencing layout.

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

Motion: Vice Chair Garchow moved, Member Core seconded, and the motion carried 5-0 to approve the variance for Case No. 25101 with the staff recommended conditions as proposed including the modification of Condition 8 of Development Order 21073.

- c. Case No. 25095 – 2373 W. Vina Del Mar Blvd.
Danielle Micklitsch requests a practical difficulty variance for the installation of a 6 foot high fence within the secondary front yard with a proposed setback of 17.60 feet where 20 feet is required (LDC Sec. 6.15).

Senior Planner Gil Martinez reviewed a presentation for this variance request which included photos, a zoning, survey, the request detail, a table of what is required and what exists, and the notice of posting. Staff found no adverse change would be produced in the character of the neighborhood if the variance were approved. No permits could be located for the existing fence. The current fence is deteriorated and in need of replacement for security and safety. No letters were received for or against the request.

Applicant Danielle Micklitsch testified to owning the house for 13 years and that the fence was there when purchased. The hurricanes significantly damaged the fence, and she is not changing the color, height, or style, just replacing it.

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

Motion: Member Small moved, Member Causey seconded, to approve the variance for Case No. 25095 with the condition that the fence be installed at the existing 17.6" location and shall not exceed the height and style of the existing fence. The motion carried 5-0.

- d. Case No. 25097 – 6460 4th Palm Pt.

Daniel and Janice Bofinger request a practical difficulty variance for the construction of elevated open front entry staircase on a new single-family dwelling with a proposed front yard setback of 12 feet where 17 feet is required (LDC Sec. 6.22(b)).

Senior Planner Kristin Coman reviewed the variance for this property which included photos, zoning, posting of notice, and a survey. The current home meets the setback requirements. A demolition permit for the dwelling and pool has been obtained. She reviewed the proposed setbacks. Her presentation is part of the meeting record. A new pool will be installed in the future. Ms. Coman reviewed which neighboring homes chose to repair or demolish or were FEMA compliant. Staff suggested that the applicant provide testimony whether other alternatives were considered.

Applicant Dan Bofinger testified that the challenge is the pie shaped lot (on the north side) and that the home was damaged in Hurricane Helene; they have lived there 14 years. They chose to elevate the home to avoid future damage. He displayed an additional plan of the stairs with setbacks. The neighbors to the south have an elevated dwelling; he added a letter of support to the record. They tried shifting the house in various ways with the architect to be compliant, which he described.

Members had questions for the applicant regarding the necessity of the variance, whether the stairs could be moved in a different direction to avoid infringing on the setback, whether one of the staircases could be removed, if a curved staircase or other alternatives were considered. Ms. Coman mentioned that lessening the opening at covered front entry might help.

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

Staff explained that the rear porch is 12' deep and the front porch measures 7'10"; they questioned if adjustments could be made there or elsewhere to accommodate, as this is new construction. Discussion included that there will be significant new construction post-hurricanes, and city codes should be adhered to as much as possible. City Attorney Ralf Brookes explained options for the applicant including adjusting the plans and bringing them back to the board next month or the board granting a variance with conditions. Mr. Bofinger testified that the proposed house plan has a 25% smaller footprint, and they have done everything they can, given the extent that the dwelling must be elevated for the VE Flood Zone. He mentioned the costs of redesigning the plans; this is a practical difficulty, not a hardship.

Motion: Member Causey moved, Vice Chair Garchow seconded, and the motion carried 5-0 to deny the variance for Case No. 25097.

e. Case No. 25080 – 3108 Pass-a-Grille Way

Joshua Trosclair for Celeste and Jacon Klitenic, III requests a three-part practical difficulty variance for: 1. Relief to the side setback requirement to allow for a chimney to remain following elevation of the residence with a setback of 2.2 feet where three feet is required (LDC Sec. 3.10.(b)(3)C). 2. Relief to the rear (alleyway) setback requirement to allow for the detached accessory garage and cottage to remain at their current respective setbacks of 2.3 and 0.8 feet respectively following substantial improvement of the primary dwelling where 20 feet is required, and the existing one-story garage to remain with a southern side setback of 3.6 feet where 10 feet is required (LDC Sec. 3.10.(e)(1)); 3. Variance to the front setback requirement to allow for the construction of

an open deck and stairs at 9.4 feet where 17 feet is required (LDC Sec. 6.22.(b) & 12.7.(a)(1)).

Mr. Berry reviewed this three-part variance request; his presentation included photos, zoning, a request detail (the cottage and garage are not included in the request), and survey showing the requested variances. The city had estimated 34% damage from storms. The applicant is voluntarily raising the structure. This item was previously seen by the Historic Preservation Board which granted the 10' encroachment; the structure may lose that contributing historic structure status by being elevated more than 10 feet. Other variances on the home have existed for decades. Staff's recommended condition for approval was the preservation of the existing setbacks for the detached garage and cottage only in their existing footprints, heights, and elevations. Future additions or extensions would require compliance with setbacks based upon the zoning district or require a variance.

Applicant Celeste Klitenic testified to their desire to save the home from future storms; they have no plans for altering the detached garage or storage cottage in any way. She testified that multiple designs were reviewed for their front deck and stairs; the proposed plan is the closest to the 10' setback that was possible. Due to parking issues in PAG, the underneath parking would be desirable, and they worked to keep with character of the neighborhood. The garage door will be accessible from the alley.

Joe Kuklish of 3109 1st St. W. commented that he had no complaint with the variances but expressed concern with replacing the shell driveway with concrete. Ms. Klitenic testified that her preference is to keep the shell driveway if it is permitted. Two letters in support were received.

Following public comment, the Chair opened board discussion. This is a good example of a minimal variance request. Maintaining the historic property was appreciated.

Motion: Vice Chair Chase moved, Member Core seconded, and the motion carried 5-0 to approve the variance for Case No. 25080 with the staff recommended condition of preserving of the existing setbacks for the detached garage and cottage only in their existing footprints, heights, and elevations and any future additions or extensions shall require compliance with setbacks based upon the zoning district or require a variance.

f. Case No. 25090 – 535 80th Ave.

H. Toliver Payne for Joseph and Diana Scimeca request a practical difficulty variance for construction of front entry stairs for an elevated nonconforming single-family dwelling with a proposed front yard setback of 8'-4" where 17 feet is required (LDC Sec. 6.22.(b)).

Mr. Berry reviewed a presentation on this variance request with photos, zoning, and elevation details. Approval has been given to elevate the home; there is interior access to the living level with stairs and an elevator, but additional front stairs are proposed with an encroachment of 8'4". Staff suggested that the applicant describe alternatives that were considered and if there are additional reasons for needing a front staircase in addition to the interior access already provided, and whether the stairs could be offset to the East side with only one set of stairs for a lesser encroachment. One letter of objection was received.

The Applicant's Builder, Toliver Payne, 20314 Mid Ct., Lutz, FL, testified that he has been building in the area since 1985. He explained he built on top of the existing lower level with the addition of piers, allowing the owners to keep their pool and lanai and at significant cost savings. The doors and windows are being reused. The owner's desire is to keep the visitor's entrance on the exterior of the elevated living level, as it was previously.

Members asked questions including whether the stairs could be moved more inside of the recessed lower opening, however Mr. Payne explained that it would take away from the upper balcony.

There being no public comment, the Chair opened board deliberation. Members discussed the alternative interior access to the second floor; this is a substantial request at 8 feet and would appear substantially different from the other homes on the street.

Motion: Vice Chair Garchow moved, and Member Causey seconded, to deny the variance for Case No. 25090 based upon testimony heard today and that an additional outdoor staircase is not a necessity for this level of variance; the motion carried 4-1 with Member Core voting no.

Ms. Coman added that, as previously requested, staff could provide additional education at the next meeting regarding the differences in the types of variances as a jumping off point. Vice Chair Garchow suggested adding an educational piece on what minimal variances and alternatives look like and possibly information regarding line of sight, emergency vehicle access, and other broad-brush considerations for the board. Ms. Coman welcomed emails to staff for specific questions that they can research; she noted that staff will continue to include as many details as possible in the case summaries.

5. Adjournment – The next meeting is scheduled for September 24, 2025.

Chair Chase adjourned the meeting at 4:09 PM.

These minutes were approved at the September 24, 2025 Board of Adjustment meeting.