

**BOARD OF ADJUSTMENT MINUTES**  
**September 24, 2025 – 2:00 P.M.**  
**Commission Chambers**

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

**ABSENT:** Al Causey, Member

**STAFF PRESENT:** Kristin Coman, Planning Manager; 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. The Chair informed the applicants that with only four board members present, they had the option to postpone their hearing for a full board, if requested.

**1. Approval of the Agenda -**

There were no changes to the agenda.

**Motion: Vice Chair Garchow moved, and Member Core seconded to approve the September 24, 2025 as presented; the motion carried 4-0.**

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 – August 27, 2025 Meeting**

Vice Chair Garchow asked to add to her ex-parte declaration that the DCPOC had no discussions on Case# 25101 while it was under this board's consideration.

**Motion: Vice Chair Garchow moved, Member Small seconded, and the motion carried 4-0 to approve the August 27, 2025 meeting minutes as amended.**

**4. Action Items**

Members declared their ex-parte communications: Vice Chair Garchow had conversations with staff and the community; Member Core made a site visit.

- a. Case No. 25052 – 100 Pass-a-Grille Way  
*Brian J. Aungst, Jr. and Clay Gilman of Macfarlane, Ferguson & McMullen, P.A. for BARRACKS BY THE SEA, LLC request a three-part unnecessary and undue hardship variance associated with a courtyard apartment redevelopment of the property.*

Senior Planner Brandon Berry explained that this a rehearing from a few months ago; it was duly readvertised. Mr. Berry reviewed a detailed presentation on the request, including zoning, the parts of the proposed project, setbacks, elevations, photographs (three one story buildings will be

removed to accommodate the development), and the summary of staff findings; the presentation is part of the meeting record. The project has been scaled back from the original request. The applicant is now requesting to:

1. Develop three-story structures on the subject property containing 1,290 developed square feet for each of the redeveloped eight residential units, comprised of 450 square feet of ground-floor area and 840 square feet of living space, where units cannot be redeveloped at current density with greater than the 475 existing developed square feet (LDC Sec. 20.07.(b));
2. Permit the encroachment of a redeveloped three-story 'Units 5 & 6' building to encroach to 5'-5" from the rear property line where 20' is required (LDC Sec. 20.15 - Courtyard Apartment);
3. Permit encroachment of open stairs to 8'-1" from the rear alleyway property line where 17' is required (LDC Sec. 6.22.(b)).

Staff found that the applicant supplied adequate justification for the alleyway setback encroachments for stairs and reconstructed Units 5 & 6 building (Variances 2 & 3) and the exclusion of the 450 square feet of ground-floor, non-habitable parking, storage, and access. They found that partial justification for the increase in the living square footage from 475 square feet to 840 square feet (Variance 1 – partial).

Staff suggested that the applicant provide testimony to reiterate the justification for how redeveloping the units as single-floor stacked units would not reduce the overall square footage demands based on current FHA and Florida Building Code requirements and why the additional square footage (~195 sq. ft.) per unit is necessary over and above the already-justified additional square footage for the powder room, vertical circulation, mechanical, and electrical space.

Attorney Brian Aungst, of 625 Court St., Clearwater, testified for the applicant and provided a presentation, which is part of the meeting record. He specified that this is a hurricane relief hardship to reach compliance with modern codes. He reviewed their three requests. They are only redeveloping the 3 units that were substantially damaged by the hurricanes and adding a pool in the courtyard. He reviewed the proposed site conditions vs. the existing. He reviewed why this is the minimal variance required for the units, as requested by staff. A slide is included in the presentation. There is no request for a height variance; he provided a building heights study. The option for this lot would be three three-story dwellings that would exceed the square footage of what is being presented.

Architect Istvan Peteranecz, of 2142 Burlington Ave. N., St. Petersburg, testified to the applicant's desire to maintain the historic nature and minimal size for the redevelopment while maintaining ADA and Fair Housing requirements. He testified that the project meets the city's eight criteria, which were included in the presentation. The City's design consultant has reviewed the plans and found them to meet the design criteria and compliance requirements.

The Board members asked questions. Mr. Peteranecz testified to designing the project to keep with the historic aesthetic of Pass-A-Grille. Owner Eric Abel of 102 8<sup>th</sup> Avenue testified that these may be condominiums or rental properties, but that has not yet been determined; the goal was to create something the city could be proud of.

#### Public Comment –

Bill Loughery commented as the Historic Preservation Board Chair that the board did not have the

option to deny this project. He opined that the project could be rebuilt the same as it was. He spoke about the project height and that a different design could have been used. He felt the design looked urban.

Cathy Cann of 203 Gulf Way spoke about FEMA flood codes including breakaway walls, given threats to the area. She commented that the alleyways are heavily utilized and the potential danger of stairs coming down into that area.

Jay Anderson of 202 Pass-A-Grille Way thanked the applicant for scaling the project back. He inquired about the use of the rooftops.

Amy Loughery commented that an empty lot does not create a hardship.

Brandon Tecklenburg of 3112 Pass-A-Grille Way spoke about other successful restorations to the area and expressed disappointment in people in power in the city not wanting to allow others to build their dream homes when they have already done so. These are neighbors building back. Start becoming a city of yes, not no.

Attorney Aungst briefly rebutted comments; substantially damaged properties must be brought up to modern codes to mitigate damage. The alternative would be more intense, higher homes that do not require a variance. There will be no commercial activity on the site or on the roof, just chairs and umbrellas. Mr. Peteranecz concurred. The stairs do not come down into the alleyway; they come down into the setback. Access to the roof is allowed by code; removing it could be a fire safety hazard for the 2<sup>nd</sup> floor residents. Option 3 in the meeting packet depicted what the setbacks would have looked like if they had maintained a single floor design.

The Chair closed public comment and opened board discussion. Significant work has gone into decreasing the project to fit and to give back to the community. The community has had negative comments. The board needs to be consistent among single family and multi-family development. The new asks are minimal. Mr. Berry testified that an encroachment will be necessary in any case for the stairs. The members asked further questions from staff.

**Motion: Vice Chair Garchow moved and Member Small seconded, to approve the variance for Case No. 25052 with staff conditions as outlined for the 840 square foot living space and rear alleyway setback and denial of the encroachment of the rear alleyway stairs to 8'1". The motion carried 3-1 with Member Core voting no.**

b. Case No. 25096 – 103 24th Avenue

*Practical Difficulty Variance: Michael J. and Gina M. Pezza, Owners, request a practical difficulty variance to allow for the retention of a 12.2' x 20' residential storage building formerly developed as a garage that is nonconforming to required setbacks, with a side setback of three feet proposed where twenty-five feet is required, following redevelopment of the primary dwelling (LDC Sec. 3.10.(e)(1) & 20.15. – House Large – Accessory Structure Envelope)*

Planning Manager Kristin Coman reviewed the request. Her presentation included zoning, a request detail, survey, zoning review, proposed site plan, and photos; the presentation is part of the meeting record. No letters in opposition were received.

Staff found that the applicant had addressed the criteria but suggested that the Board may wish to consider the conditions that the applicant shall obtain a building permit for the removal of the previously completed, non-permitted improvements to the satisfaction of the Building Official and that the structure be used solely for storage in accordance with the LDC.

Applicant Gina Pezza testified as to plans prior to the hurricanes and other difficulties. They would like to keep the structure because access to the under the home storage is only in the front and this structure could store pool equipment when storms are approaching.

Bill Loughery commented that the house could be saved and not demolished or moved, but he was in favor of the variance as it keeps with the historic aesthetic of Pass-A-Grille.

The Chair closed public comment and opened board discussion. The shed is not causing any harm and the non-compliant aspects have been removed.

**Motion:**        **Member Core moved to approve the variance for Case No. 25096; Vice Chair Garchow amended the motion to add the staff recommended conditions to obtain a building permit for the removal of the previously completed, non-permitted improvements to the satisfaction of the Building Official and that the structure be used solely for storage in accordance of LDC 6.13, with the approval of Member Core. Member Small seconded the motion and it carried 4-0.**

c. Case No. 25107 – 106 20th Avenue

*Practical Difficulty Variance: Cassandra E Guess, Trustee, for Iliana Guess, Owner, requests a practical difficulty variance to install exterior access stairs, associated with a new residence to be constructed to the House-Medium standards of the Pass-A-Grille Overlay District, with a front setback of 5'-1" proposed where seven feet is required (LDC Sec. 6.22.(b)).*

Mr. Berry reviewed a presentation for this variance which included photos, zoning, survey, request detail, site plan layout, proposed floor plan, proposed front elevation. The presentation is part of the meeting record. The property to the west will also be redeveloped into a two-story dwelling.

Staff found that the applicant addressed the criteria and designed a structure that is in keeping with the overall compatibility standards of the Pass-A-Grille Overlay District. The winder stairs are in keeping with the design of the structure and represent a lesser overall volume encroachment into the front yard than a standard stair type would provide. However, staff asked that the applicant address whether shortening the front porch would allow for reduction or elimination of the need for the subject variance.

Applicant Cassandra Guess appeared and testified to their efforts to keep their design compatible with the neighborhood and like the previous duplex. She had a presentation of photos that depicted the request; she expressed that it is of minimal impact. Compact yet accessible stairs are a challenge with an elevated home. The new home must be wheelchair accessible for disabled family members.

Their neighbors expressed only minimal concerns when she showed them her presentation. They are installing a lift at the rear of the house for wheelchair access. She showed an aerial photo of the alleyway parking access and mentioned their desire to increase their greenspace.

Board members asked questions of the applicant regarding what other designs they had considered to avoid a variance. Ms. Guess showed photos and provided testimony on alternatives they had explored.

There being no public comment, the Chair opened board deliberation. They felt that the applicant had presented their case well.

**Motion: Member Small moved, Member Core, and the motion carried 4-0 to approve the variance for Case No. 25107.**

d. Case No. 25109 – 419 59th Avenue

*Practical Difficulty Variance: Frances Stites, Owner, requests a practical difficulty variance to elevate an existing 12' x 31.9' concrete slab to create a rear elevated seating deck balcony and ground floor deck cover, with a proposed rear setback of 10.9 feet where 17 feet is required for the balcony and 15 feet is required for the deck cover, following elevation of the primary dwelling (LDC Sec. 3.10.(e)(1), 6.13.(c)(3)a., & 6.22.(b)).*

Mr. Berry reviewed a presentation for this variance request including photos, zoning, noticing, request detail, survey, elevation of the variance request and what is allowed by right. Only the slab is being elevated.

Staff found that the applicant had adequately addressed the required criteria and recommended one condition – that the living-floor balcony walkout be enclosed by an open railing or balustrade that would not require supports or be walled. The ground-level deck cover may be inset with insect screening or screen panels but not walled. Neither space should be enclosed in a way that would constitute floor area as defined in the LDC.

Applicants Frances and Ryan Stites appeared and showed a brief presentation on their current home, their desire to elevate it after the hurricanes, and how the patio slab would be affected.

The board members asked questions of the applicants. Mr. Berry clarified that a balcony or second-floor walkout requires a 17-foot rear setback. A ground-floor deck cover requires a 15-foot rear setback. The existing patio would not meet those requirements, as its setback is 10.9 feet. Portions of the primary home can be elevated in place, even if within a setback. Accessory structures, however, must be brought into compliance. If the elevation project does not count as a substantial improvement, then compliance is not triggered. In practice, most elevation or reconstruction projects exceed the 50% substantial improvement threshold, which then requires compliance.

There being no public comment, the Chair opened board deliberation. Outdoor space is living space in Florida; do not want to penalize for elevating. Encroachment on the water is still an encroachment.

**Motion:** Vice Chair Garchow moved and Member Small seconded, to approve the variance for Case No. 25109 with the condition as outlined that the living-floor balcony walkout be enclosed by an open railing or balustrade that would not require supports or be walled. The ground-level deck cover may be inset with insect screening or screen panels but not walled. Neither space should be enclosed in a way that would constitute floor area as defined in the Land Development Code. The motion carried 4-0.

5. Items for Discussion

a. Board Duties and Variance Procedures

This discussion was continued to a future meeting due to time constraints.

5. Adjournment - The next meeting is scheduled for October 29, 2025.

**Chair Chase adjourned the meeting at 4:45 PM.**

*These minutes were approved at the October 29, 2025 Board of Adjustment meeting.*