

BOARD OF ADJUSTMENT MINUTES
December 17, 2025 – 2:00 P.M.
Commission Chambers

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

STAFF PRESENT: Kristin Coman, Planning Manager; Brandon Berry, Senior Planner; Nancy Stuparich, 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: Member Garchow moved and Member Core seconded to approve the agenda for the December 17, 2025 meeting; the motion carried 5-0.

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 – October 29, 2025 Meeting

Motion Member Core moved, Member Small seconded, and the motion carried 5-0 to approve the October 29 , 2025 meeting minutes as presented.

4. Action Items

a. Case No. 25136 – 3640 Belle Vista Dr. E.

Practical Difficulty Variance: Jason and Christina Schaengold, Owners, request practical difficulty variances to allow for an additional living floor to be constructed beneath an elevated living floor, with a 5.7 foot side setback to align with the existing and preserved home setback proposed where 6.5 feet is required, and for new rear open stairs proposed to encroach to 14’-5” from the rear property line where 17 feet is required (LDC Sec. 8.7.(a)(3) & 6.22.(b)).

The members made their ex-parte disclosures for this case: Chair Chase and Vice Chair Garchow drove by the property.

Senior Planner Brandon Berry presented the case for this practical difficulty variance which included an aerial photo, zoning map (RU-1), request detail, survey of the dwelling and site improvements, site plan, renderings, elevations, proposed floor plans, noticing, and photographs. His presentation is part of the meeting record.

Staff found that the request was generally reasonable. The stairs provide reasonable circulation for the residence and their design is open, which lessens visual impact on the neighboring property. The scale of the side encroachment is negligible, and the modification should be imperceptible. The structure will be elevated in place with its existing setback, and compliance would require a first living level tapering, which would look out of place and would not impact the overall massing of the structure given its design. Staff found that the stair encroachment into the rear yard could be accommodated at a three-foot width while still complying with the Florida Building Code, which would reduce the scope of the variance request. No letters were received for or against the request.

Staff recommended one condition – that the stairs constructed as a result of the variance within the required rear yard of the property have an open base and open-style railing with similar transparency as detailed in the plan set dated 5/13/25 and revised 9/15/25 and not be now or in the future independently roofed or enclosed. Staff responded to inquiries from the board members.

Applicants Christina and Jason Schaengold of 3640 Belle Vista Dr. E. appeared and testified as to the reasons for the wider stairs and expressed willingness to make changes or consider conditions that the board might suggest. They indicated that they had spoken with their neighbors and heard no opposition.

Vice Chair Garchow asked whether the exterior stairs could be relocated to the south side yard, which had more setback to avoid impacts but still allow wider stairs. The applicant explained that option was considered but did not meet their needs for safely managing young children, wet conditions, assisting a mobility-impaired family member, and maintaining clear visibility of the pool area. The rear staircase was chosen after consideration of safety research, household use, and neighborhood compatibility. Visual massing was also discussed.

Attorney John Hamilton representing Jean Wright, neighbor to the north of the property objected to the variance request, arguing that the stairwell placement would block his client's views, increase fire risk, harm the neighborhood, and fail to meet the standards for a practical difficulty variance, which he characterized as self-created. Board members questioned the basis for these claims and asked about evidence of view impacts. The applicants responded that they were unaware of specific neighbor concerns, had considered sightlines, and did not believe the stairs would materially affect views or roofline safety. City Attorney Nancy Stuparich clarified the correct legal criteria for practical difficulty and the evidentiary standards the board must apply.

The board discussed options to reduce the rear setback encroachment caused by the exterior stairs while still accommodating the home elevation. Members focused on whether narrowing the stairs from four feet to three feet—or otherwise adjusting their configuration—could lessen the variance request. Staff explained that reducing the stair width alone would not fully eliminate the encroachment unless related structural elements, such as the screen porch supports, were also modified, and that some level of variance would still be required regardless. The board generally agreed that the hardship was tied to elevating the home. Discussion centered on balancing neighbor view impacts with the applicant's safety and functional needs. Members noted the lack of clear visual evidence of view obstruction and that open stairs lessen massing impacts. There was consensus to support a compromise variance allowing a reduced rear setback of approximately 15 feet 5 inches (instead of 17 feet), with flexibility for the applicant to adjust stair widths (e.g., three to three-and-a-half feet) to minimize encroachment. The approval was conditioned on the stairs remaining open in design to reduce visual impact.

Motion: Member Garchow moved, and Member Small seconded, to approve Variance Case 25136 at 3640 Belle Vista Dr. E. for the side yard setback of 5'7" and rear setback of 15'5" with the staff recommended condition; the motion carried 5-0.

5. Adjournment - The next meeting is scheduled for January 28, 2026.

Ms. Coman approximated that there will be four cases to be heard in January.

Chair Chase adjourned the meeting at 2:45 PM.

These minutes were approved at the January 28, 2026 Board of Adjustment meeting.