

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

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

ABSENT: Denise Chase, Chair

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

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

1. Approval of the Agenda -

There were no changes to the agenda.

Motion: The agenda for October 29, 2025 was unanimously approved by 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 – September 24, 2025 Meeting

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

4. Action Items

a. Review and Approval of 2026 Meeting Dates

The members discussed the meeting dates and changes for holiday considerations.

Motion: Member Causey moved, Member Small seconded, and the motion carried 4-0 to approve the 2026 meeting dates presented with changes to November 18th and December 16th.

b. Case No. 25118 – 6655 Gulf Blvd.

Unnecessary and Undue Hardship Variance: Troy Willingham, Applicant, for Ryan Broder of 6655 Gulf Blvd. LLC, Owner, requests an unnecessary and undue hardship variance for relief from the installation of a required ten-foot sidewalk following the change of use of the property, maintaining the existing sidewalk (approximately five feet in depth) where the sidewalk cannot be reduced to less than six feet in depth administratively (LDC Sec. 39.10(a)).

The board members declared their ex-parte disclosures: Vice Chair Garchow and Member Core had made site visits.

Senior Planner Brandon Berry reviewed a presentation for this request, which included a zoning map, request detail, and photographs. His presentation is part of the meeting record. Staff reviewed the recommended conditions with the Applicant at the 10/22/25 Technical Review Committee meeting and obtained a supplemental letter that has been forwarded to the Board of Adjustment and included in the meeting record. No letters for or against the request were received.

The request asks to maintain the current 5-foot sidewalk. Code requires that any redevelopment or change of use trigger the sidewalk expansion to 10 feet, thus necessitating the hardship variance. The applicant had cited concerns about potential “curb hopping” and questioned the need for a wider sidewalk given the nature of their business. Staff found that the original permit demonstrated that the sidewalk could be expanded, so the request does not meet hardship criteria under the code. The project is a simple change of use of the interior only, with no exterior modifications or redevelopment. The proposed grocery store may generate some additional pedestrian activity, but primarily vehicular traffic, limiting the impact of sidewalk width. A similar development east of the jurisdiction has experienced minimal walk-up traffic.

Staff recommended that if approved, the variance should be limited in scope and treated as a temporary waiver, not a permanent property-level approval. Recommended conditions were that 1) the variance expire upon future development or redevelopment (including changes in use, additions, or major improvements), 2) the variance also expires if adjacent properties along Gulf Boulevard are redeveloped, triggering sidewalk improvements, and 3) the applicant must install low-growing landscaping in the front buffer area.

Board members received clarification on the proposed foliage and that the driveway curb cut is within the state right-of-way and not city responsibility.

Owner Ryan Broder (and owner of the Bayway Country Store and Butcher Shop) appeared and testified that his plan is for a shop at this location. He explained the issues and hardships that have occurred since he purchased the property (including hurricanes) last year, as explained in his letter. The expenditure to expand the sidewalk would prevent him from opening his store. He reiterated concerns with sidewalk expansion, including cars hopping the sidewalk if the landscaping and fence are removed, losing pole signage could negatively affect business viability, and the signage and light pole would be surrounded by concrete if expanded, diminishing the pedestrian benefit. He expressed willingness to revisit the sidewalk expansion in the future if the adjacent properties are redeveloped. Board members asked questions about the services that his business would provide.

Public Comment

William and JoLynn Lawson of Leilani Drive spoke in favor of the variance with the staff recommendations, and in support of this business for the city.

The Vice Chair closed public comment and opened board discussion. They acknowledged the community benefit of a grocery store. Discussion ensued on timing triggers for sidewalk expansion which is currently tied to redevelopment of either adjacent property or the subject property; it was suggested triggering that only when both adjacent properties redevelop, to provide additional time and avoid immediate impact on the applicant’s business. FDOT jurisdiction over Gulf Boulevard

was confirmed and related challenges for citywide pedestrian planning. Discussion followed on recording the variance in property records to ensure future owners are aware of the obligation to widen the sidewalk when adjacent properties are redeveloped.

Motion: **Member Causey moved and Member Small seconded, to grant the variance for Case 25052 at 6655 Gulf Blvd., with the three staff recommended conditions and discussed additions 1) the variance expires upon any future construction or change of use constituting “development” or “redevelopment” as defined in the Land Development Code, 2) the variance expires upon future development or redevelopment necessitating the same sidewalk improvement on either adjacent property along Gulf Boulevard, 3) the applicant shall plant appropriate low-growing landscaping in the front buffer and 4) the variance shall be recorded with official records for Pinellas County for any future buyer. The motion carried 4-0.**

c. Case No. 25125 – 1050 Boca Ciega Isle Dr.

Unnecessary and Undue Hardship Variance: Micah Thompson, Gulf & Bay Dock Works, LLC, Applicant, for Scott Brown, Owner, requests an unnecessary and undue hardship variance to construct a 2.5 foot x 20 foot extension of the lower landing on a nonconforming existing dock and relocation of the existing eastern boat lift to the end of the proposed lower landing of creating a length of 106 feet where 37.9 feet is permitted where 91.5 feet currently exists (LDC Sec. 6.23(d)(3)).

The members had no ex-parte disclosures:

Planning Manager Kristin Coman reviewed the request which included a zoning map, request detail, survey of current conditions, and hearing posting. The presentation is part of the meeting record. She noted that the requirements of LDC Sec. 6.23(d)(3)&(4) may be administratively varied provided that a signed statement of no objection from the abutting property owners is provided with the building permit application. In this case, the abutting property owners to the left (west) would sign a statement of no objection and right (east) would not sign a statement of no objection, requiring variance approval to be sought.

In St. Pete Beach, residential docks are permitted to extend up to one-half of the property's waterfront width. In this case, the allowable length is 37.9 feet, while the existing dock measures 91.5 feet and the proposed dock would extend to 106 feet. Staff found that the Applicant had addressed the criteria for the variance, but suggested additional testimony be provided.

Micah Thompson of Gulf & Bay Dock Works appeared and testified that the property owners recently purchased their home and discovered that their boat could not access the existing lift due to insufficient water depth. An application for dredging was submitted to the Florida Department of Environmental Protection (FDEP), but dredging was ultimately deemed infeasible because of the presence of protected seagrass. FDEP discouraged further pursuit of the permit. After extensive consultation with engineers and environmental specialists, the applicant proposed a minimal modification: extending the dock and lift 2.5 feet further out to reach water depths of approximately 4 feet at mean low tide. The proposed extension would allow boat use without disturbing seagrass or requiring dredging. Shannon Limas of Gulf and Bay Marine, 244 York St. N. St. Petersburg, appeared and added testimony regarding the water depths near the dock. A graphic of the depth

levels was entered into the record. The western neighbor (with pool) signed off in support. The applicants were unable to obtain consent from the neighbor to the east.

A discussion followed on the boating channel near the dock. Mr. Thompson produced an image to identify the channel location and discuss water depth and navigation impacts. It was noted that the area in question does not have official channel markers, and the “channel” is defined more by slightly deeper water between areas of seagrass. Mr. Thompson confirmed that the new lift extension would not impede boat access. City Attorney Brookes requested the applicant mark the channel location on the diagram for the official record.

There was no public comment, and the Vice Chair opened board discussion. The Board requested requested documentation of the FDEP dredging correspondence for the record. The members were in agreement that the modification was minor, environmentally responsible, and addressed safety through potential lighting conditions.

Motion: Member Core moved to grant the variance for Case No. 25125, 1050 Boca Ciega Isle Drive, with the condition of adding a light at the end of the dock; Member Small seconded the motion and the motion carried 4-0.

5. Items for Discussion

a. Board Duties and Variance Procedures

Reviewing the Board’s responsibilities, including the types of variances and the approval criteria outlined in the Land Development Code.

Ms. Coman introduced a presentation of an overview of the Board of Adjustment powers, types of variances, and application procedures. Her presentation is part of the meeting record. She explained that the Board’s powers and duties are defined in Article II, Section 2-237 of the City Code of Ordinances. The primary duties include reviewing subdivision plats, hearing and deciding variances to the Land Development Code (LDC), and other matters assigned by ordinance. The Code of Ordinances grants the Board its authority; the LDC provides the specific regulations from which variances may be requested. Board members and the public can access both documents via municode.com under “St. Pete Beach.”

Ms. Coman continued to a review of the types of Variances under the LDC:

1. Unnecessary and Undue Hardship Variance

- Applies to all properties and uses.
- Requires a full public hearing before the Board.
- Must satisfy eight criteria, demonstrating hardship unique to the property, not self-created, and not solely for financial gain.
- Variance must be the *minimum necessary* for reasonable use and remain consistent with the City’s Comprehensive Plan and LDC.
- Staff reviews applications for completeness, verifies property history, and provides recommendations in the staff report.

2. Practical Difficulty Variance

- Applies primarily to single-family residential properties within RU-1, RU-2, RLM-1, RLM-2, and RM zoning districts.

- Generally involves impervious surface ratios (ISR), setbacks, or landscaping requirements.
 - Maximum allowable reduction is 50%, and each property is eligible for such relief only once.
 - Must satisfy four criteria demonstrating that literal enforcement of the code would create a practical difficulty but not an undue hardship.
3. Administrative (De Minimis) Variance
- Reviewed and decided by the City Manager (not the Board).
 - Limited to setbacks or accessory structure heights with deviations of 12 inches or less.
 - Requires public notice and a staff report but follows an internal approval process.

Board discussion followed the presentation. The members used Case 25118 as an example of how hardship and minimal variance criteria apply. Members noted the inconsistency of requiring a 10-foot sidewalk where surrounding properties have smaller widths and emphasized the need for a comprehensive, coordinated approach with FDOT for pedestrian safety and accessibility along Gulf Boulevard, rather than addressing sidewalks on a property-by-property basis. Staff confirmed that administrative flexibility exists for six-foot sidewalks, but broader policy changes would require city-level or FDOT collaboration. Discussion also highlighted the importance of Complete Streets planning and potential state/federal grants to fund such efforts.

City Attorney Ralf Brookes mentioned that when recurring variance requests indicate a systemic issue, the City Commission may consider amending the code (requires two readings). A recent example was the stairway setback revisions prompted by post-hurricane elevation changes. The Planning Board often reviews and refines proposed code amendments before City Commission hearings. Staff added that they track all variance application approvals, denials, and conditions for annual reporting and trend analysis. Members were reminded that public comment at City Commission meetings is open to all residents, including Board members, to advocate for policy or code priorities.

Ms. Coman suggested that staff and the Director of Community Development discuss how to initiate conversations with FDOT and the City Commission regarding comprehensive sidewalk and safety planning on Gulf Boulevard.

The next Board meeting is scheduled for November 19th, with one case on the agenda. Board members were invited to suggest additional training or discussion topics for future meetings.

5. Adjournment - The next meeting is scheduled for November 19, 2025.

Member Core moved, Vice Chair Garchow seconded, and the meeting was adjourned at 3:35 PM.

These minutes were approved at the December 17, 2025 Board of Adjustment meeting.