

**BOARD OF ADJUSTMENT MINUTES**  
**January 28, 2026 – 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 Core moved and Vice Chair Garchow seconded to approve the agenda for the January 28, 2026 meeting; the motion carried 5-0.**

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

**3. Approval of Minutes – December 17, 2025 Meeting**

**Motion Member Core moved, Member Small seconded, and the motion carried 5-0 to approve the December 17, 2025 meeting minutes as presented.**

City Attorney Nancy Stuparich explained that the agenda includes three variance requests and that variance hearings are quasi-judicial under Florida law. The Board must follow due process procedures and base its decisions solely on competent, substantial evidence in the record, not speculation. The Board's role is to evaluate the evidence and determine whether the code criteria are met, clearly stating reasons for any denial. She also confirmed proper notice, no conflicts of interest, a quorum, and required all speakers to be sworn in, noting that qualified expert testimony and fact-based public testimony are admissible evidence. The Deputy Clerk swore in all those who would be testifying.

**4. Action Items**

a. Case No. 25142 – 702 Pass A Grille Way

*Unnecessary & Undue Hardship Variance:* Brandon Tecklenburg of 702 PAG WAY LLC requests a variance to allow the retention and expansion of a driveway access from Pass A Grille Way following redevelopment of 702 Pass A Grille Way (LDC Sec. 40.11.).

The members made their ex-parte disclosures for this case: Member Small visited the site; Chair Chase and Vice Chair Garchow visited the site and watched the Historic Preservation Board meeting yesterday; Member Core visited the site and spoke to an abutting neighbor; Member Schmidt visited the site, and walked the alley with the owner; all members received an email from Protect St. Pete Beach.

Planning Manager Coman noted that staff received 53 emails or letters regarding the property (not all regarding the driveway variance), 36 in support, 9 in objection, and 8 with questions or unrelated comments.

Senior Planner Brandon Berry presented the case for this variance. The presentation included aerial photos, zoning map, request detail, and existing conditions. He explained that the variance is needed because the property abuts a dead-end, 10-foot platted alley that provides only about 9 feet of usable width for vehicles; the request is tied to a related site plan review for potential property development. The existing driveway is about 16.5–17 feet wide, and the proposal would expand it to roughly 20 feet at the property line, with an apron flare extending beyond that. An aerial showed the alley connections at the rear of the property, including a platted alley and another access point, both of which provide unimpeded access to 8th Avenue. Technical Review Committee comments, and Historic Preservation Board recommendations were reviewed. The HPB found the request did not meet Hardship Variance Criteria #2 or #6, but found the request was sufficient to recommend for approval with five conditions. Staff comments included that the rezoning of the subject property to CRD-EA was undertaken by a former owner when alleyway access was required (2018), providing only limited support for Criteria #2, however use of the alleyway for primary ingress and egress provides an unsafe condition. If a pending lodging facility redevelopment is undertaken, allowing a new low-turnover use to account for significant amounts of on-street parking is contrary to the District Purpose and Intent, which supports preservation of the existing high-turnover mixed-use development pattern (Criteria #7 & 8).

Mr. Berry reviewed the Historic Preservation Board's five proposed conditions, which were included in the meeting packet. First, the variance would become null and void if the property is expanded or used for purposes other than the approved request, with staff's explanatory justification language removed. Second, the Board supported retaining the right-turn-only signage requirement at the driveway egress to Pass-a-Grille Way as originally written, without later staff amendments tied to future traffic analysis. Third, they agreed with the requirement for a three-foot-wide landscaped buffer with a minimum five-foot-high fence or wall along the southern property line adjacent to the neighboring property. Fourth, the Board recommended a stricter parking mitigation measure than staff, requiring forfeiture of all on-street hang tags upon redevelopment rather than just two. Fifth, the Board added a new condition requiring architectural renderings of any future development to be submitted to the Historic Preservation Board for design review prior to site plan approval.

Staff clarified that the property is not currently required to remove the driveway because no redevelopment is underway and no site plan has been approved. The code requirement to use the alley and eliminate the driveway applies only upon redevelopment. If the variance is denied, the driveway may remain as-is until redevelopment occurs. If approved, the variance conditions would take effect only at redevelopment and must be incorporated into the site plan and completed before a certificate of occupancy is issued.

Attorney Angela Covington appeared on behalf of the applicant and explained that the request is for an unnecessary and undue hardship variance to allow retention and modest expansion of an existing driveway. She emphasized that the request does not seek increased density, a new use, or special treatment, noting that the proposed lodging use is permitted by right and that the variance is limited to vehicular access issues caused by physical constraints unique to the property. She stated that staff found the request meets hardship criteria, does not harm the neighborhood or property

values, and may reduce pressure on public parking. While the applicant appreciates staff and board input, they have concerns about some recently proposed conditions.

Owner Brandon Tecklenberg testified that when he purchased the property in 2022, he was never informed that the long-existing driveway would have to be eliminated in favor of alley access upon redevelopment, learning of this requirement only in late 2025. He emphasized that the request is solely to retain the historic driveway as the primary access, noting strong support from nearby residents and local business owners. He showed a video, which is part of the meeting record. Mr. Tecklenberg objected to several Historic Preservation Board recommendations, arguing they would significantly reduce property value, including restrictions related to right-turn-only signage, landscaping (which he said already exists with a six-foot fence), forfeiture of parking passes, and design review requirements. He stated he is unwilling to forfeit parking passes and questioned the authority and lack of codified design guidelines of the Historic Preservation Board. He clarified that he is not currently redeveloping the property and is seeking certainty for future use or sale, focusing only on preserving the existing driveway (or modestly widening it northward) rather than relying on the narrow, impractical alley.

#### Public Comment:

The following individuals spoke in favor of the variance:

Aric Abel, La Tortuga, 102 8th Avenue

Dave Feinberg, 1407 Pass-A-Grille Way

The following individuals spoke against the variance:

Jay Anderson, 202 Pass-A-Grille Way

Eileen Guenther, 111 10<sup>th</sup> Avenue

Mary Jo Micklitsch, 801 Gulf Way

Theresa Schefstad, 555 Gulf Way

Danielle Dashiell, 111 8<sup>th</sup> Avenue

Bob Douglass, 2811 PAG Way commented that no action be taken until a site plan is submitted.

Jeff Catanzarita, 109 7<sup>th</sup> Ave. commented there should be no variance until a site plan is submitted.

Marty Nora, 555 Gulf Way commented there should be no variance until a site plan is submitted.

Bill Loughery, Chair of the Historic Preservation Board, contended that the property is unique and was intentionally excluded from the original CRD due to alley access issues. He noted that when the property was later rezoned from ROR to CRD, the code already required alley access for properties abutting an alley, and the rezoning was sought to allow greater lodging intensity. He argued that the driveway is currently a lawful nonconforming condition that can remain unless redevelopment occurs, and that the variance would primarily benefit future redevelopment. Loughery said the Historic Preservation Board's conditions were intended as a balanced solution to allow the request while preserving oversight, public input, and compatibility with the historic district.

Applicant Brandon Tecklenberg briefly rebutted the comments. The Chair closed public comment and opened board deliberation.

Board deliberation focused on the narrow issue of the driveway, noting there is no approved redevelopment project and much of the discussion about future use is speculative. Members expressed concern that the variance request may be premature without a defined project, suggesting the existing nonconforming driveway can remain until redevelopment occurs. Staff explained the

request is tied to a pending development application and statutory review timelines, and that any redevelopment would require resolving driveway access. Several board members agreed most proposed conditions relate to future development and should be addressed later, favoring limiting the decision to whether the existing driveway should be allowed to remain in conformity.

**Motion: Vice Chair Garchow moved, and Member Small seconded, to approve Variance Case 25142 at 702 Pass-A-Grille Way maintaining the current driveway as the primary access to the property, in lieu of required alley access, with no expansion of the driveway, and with the condition that there will be a buffer of either landscaping, a fence, or a wall maintained and installed on the south border of the driveway at all times; the motion carried 5-0.**

b. Case No. 25145 – 2814 Pass A Grille Way

*Practical Difficulty Variance:* Todd Pressman of Pressman & Associates, Inc. for Matt Foster requests a variance to construct a six-foot fence wall within the ten-foot required front setback along the Sunset Way frontage of the double frontage property, where fences and walls may not exceed four feet in height (LDC Secs. 6.15. & 20.20.)

Senior Planner Brandon Berry presented the case for this variance including photos, zoning map, site detail and background (“through lots” with opposite sides of the lot each containing street frontage), variance request detail, survey, staff findings, and past reviews.

Staff found the request unlikely to cause significant adverse aesthetic or visibility impacts relative to existing conditions. The fence wall matches the design of the residence. Staff found that compliant landscaping could be effectively used for privacy rather than a fence wall approved by the subject variance. The current layout of the site provides limited opportunity to design the site to mitigate the impact of the request. If the request had been made earlier in the design process, it may have been better comprehensively planned with the layout of the home. A fence of at least 4 feet is required with a pool.

Staff recommended conditions: 1) Unless an alternative design is approved by the Historic Preservation Board through design review, the fence wall shall be of a complementary cladded masonry to the primary residence, and the fence screening panels shall be a composite or aluminum with color and design compatible with the primary residence. 2) Any future driveway access provided to the subject property from Sunset Way shall be subject to the visibility requirements of Land Development Code Section 6.21., as amended, which may include required modification of the subject fence wall or a future variance.

Attorney Todd Pressman testified for applicant Matt Foster regarding the variance to increase a fence/wall from 4 ft to 6 ft around their backyard/pool for privacy, safety, and security. He showed a presentation, which is part of the meeting record. He emphasized the lot’s uniqueness as a “through lot” with two front yards, creating practical difficulties for maintaining privacy. He argued the request aligns with staff findings that the variance would not adversely affect the neighborhood, is aesthetically compatible, and addresses safety and privacy concerns similar to other homes in the city. Mr. Foster also testified regarding the reasons for the variance.

Board discussion highlighted concerns about granting a variance on a new build at an advanced construction stage, potential impacts on neighborhood aesthetics, with neighbors noting the 6 ft

wall would be uncharacteristic and block sightlines, the possibility of a compromise: maintaining a 4 ft fence along the property line with landscaping/hedges to achieve privacy, uncertainty about hedge height restrictions (which staff clarified), and consideration of a continuance to allow for as-built measurements and alternative fence/hedge placement to meet privacy while respecting setbacks.

Public Comment:

Tina Douglass, 2811 Pass-A-Grille Way, commented on multiple requests on this property and suggested that a fence and hedge would soften the appearance without a variance.

Bob Douglass, 2811 Pass-A-Grille Way spoke in opposition to variance.

Jack Slosberg, 106 2<sup>nd</sup> Ave spoke in opposition to the variance.

Attorney Pressman had a brief rebuttal, commenting that the lot is not overbuilt, with no variances granted for open space or ISR and only one denied height request. Neighbors' landscaping concerns were acknowledged with a proposed 2-foot setback with hedging to address them. Emphasizing practical difficulty, he stressed that the request is reasonable, unique, and aimed at providing safety, security, and privacy. He countered concerns about a 10-foot fence near the pool, saying it would limit normal use of the backyard.

Chair Chase called a recess at 4:23 PM and reconvened at 4:30 PM.

**Motion: Vice Chair Garchow moved to deny Variance Case 25145 at 2814 Pass-A-Grille Way due to lack of a demonstrated practical difficulty, Criteria #3, with feasible alternatives to the variance; the motion died for lack of a second.**

Board discussion continued, clarifying the variance request for privacy and screening along Sunset Way, including maximum heights, variance options, setbacks and placement, construction timing, and compromise solutions.

**Motion: Chair Chase moved, and Vice Chair Garchow seconded, to deny Variance Case 25145 at 2814 Pass-A-Grille Way based on the lack of evidence for lack of evidence to indicate a practical difficulty variance - Criteria #3; the motion carried 5-0.**

c. Case No. 25141 – 1982 W Vina Del Mar Blvd.

*Unnecessary & Undue Hardship Variance:* Scott Edward and Kathleen D Sullivan request a variance to install two tie poles with a 10.5-foot northeastern riparian line setback where 17.8 feet is required and with the outer pole installed at 40.5 feet from the seawall where 35.6 feet is the maximum distance permitted (LDC Secs. 6.23.(d)(3)&(4))

Senior Planner Brandon Berry presented the case for this variance with a zoning map, aerial view, request detail, survey, depiction of request and photographs. It should be noted that the requirements of LDC Sec. 6.23(d)(3)&(4) may be varied administratively provided that a signed statement of no objection from the abutting property owners is provided with the building permit application. The abutting property owners to the left (southwest) signed a statement of no objection and right (northeast) has not signed a statement of no objection, requiring variance approval to be sought.

Staff finds the request is not out of character with other, similar dock conditions in the vicinity that were approved by administrative waiver (Criteria #8), and would resolve wake issues advanced by the applicant as the basis for this request. This property, with its neighbors, faces potential commercial wake issues that are not experienced in significant proportion among properties in the same zoning district (Criteria #1).

However, the applicant needs to provide testimony as to how this request stems from a condition of the land or structure rather than purchase of a new vessel (Condition #2), and whether the request is the minimum necessary, or whether the slip can be relocated or reduced in width to provide a lesser impact on the abutting neighbor (Condition #7).

Staff recommended conditions: 1) Authorization is granted for a wet slip as depicted on the dock plans submitted for the subject request, only. Future installation of a boat lift must meet all required setbacks and length limitations, must receive approval from affected neighbor(s), or requires a subsequent variance subject to the standards in place at time of application. 2) A final as-built survey shall be required which shall provide the length of the tie poles from the seawall and riparian line, to ensure the slip has been installed in accordance with the dimensions shown in the request.

Applicant Scott Sullivan testified to having the property since 2019 and renovating. Marine contractor Bryan Burke was also in attendance. He wants to safely moor a 30-foot sailboat. The dock is already there but they need the additional tie poles for safety and security from their sailboat banging into the dock from boat wakes. They received a letter of no objection from the neighbor to the right.

Bryan Burge, 4790 95<sup>th</sup> S., St. Pete, testified that the design uses two single tie-poles—one at each corner—to minimize visual impact, reduce alterations, and maintain safety by keeping the boat oriented perpendicular to the seawall. The proposed slip would be approximately 15 feet wide to safely accommodate an 11-foot-beam boat, with adequate clearance on each side. The design would not adversely affect neighboring properties; the nearest neighboring structure is over 30 feet away and that adjacent properties already have larger docks, multiple slips, and similar or greater variances. Alternative designs were discussed, including orienting the boat parallel to the seawall or removing dock walk-out space, but these options were described as either unsafe, requiring additional variances, or more costly with loss of dock area. Mr. Burge thought the footprint and setback were consistent with surrounding properties and smaller in overall reach than many neighboring docks.

Dan Kearney of Vina Del Mar Blvd., the neighbor to the left, testified that he had not signed any documents and he spoke in objection because there are other alternatives to the additional tie poles, such as moving the boat to the end of the dock; he submitted such plans to staff.

An aerial photo of neighboring docks was displayed by the applicant, showing what he considered similar configurations to his request.

There were no public comments, and the Chair opened Board deliberation. They discussed whether the request demonstrated a true hardship and focused on navigational safety and dock design alternatives. Concerns were raised about heavy vessel traffic in the area and how larger boats, not jet skis, could affect safe maneuvering and create wakes that make sailboat mooring unstable.

Some members felt there were feasible alternatives within the existing property lines and questioned whether a hardship existed. Others acknowledged that while alternatives exist, requiring major reconstruction could impose an unnecessary burden on the owner, especially given testimony that the proposal would not negatively impact neighboring properties. Some members viewed the dock as modest in size compared to others in the area and found it reasonable to allow the additional tie poles to safely moor the sailboat without expanding the dock's overall footprint.

**Motion: Chair Chase moved, and Member Schmidt seconded, to approve Variance Case 25141 at 1982 W. Vina del Mar Blvd. based upon testimony heard today and the validated unnecessary and undue hardship; the motion carried 4-1 with Vice Chair Garchow voting no.**

5. Adjournment - The next meeting is scheduled for February 25, 2026.

**Chair Chase adjourned the meeting at 5:35 PM.**

*These minutes were approved at the March 25, 2026 Board of Adjustment meeting.*