

BOARD OF ADJUSTMENT MINUTES

June 29, 2026 – 2:00 P.M.

Commission Chambers

PRESENT: Denise Chase, Chair
Jim Schmidt, Member
Chris Core, Member
Joe Kunzer, Member
Dan Small, Member

STAFF PRESENT: Kristin Coman, Planning Manager; Brandon Berry, Senior Planner;
Nancy Stuparich, City Attorney; Ginny Bodkin, Deputy City Clerk

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

1. Approval of the Agenda -

Motion: Member Small moved, Member Schmidt seconded and the motion carried unanimously by voice vote to approve the June 29, 2026 agenda as presented.

Chair Chase welcomed new Board member Dr. Joe Kunzer and thanked him for serving. The Clerk swore in all those who would be testifying.

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

3. Approval of Minutes – May 27, 2026 Meeting

Motion: Member Core moved, Member Small seconded, and the motion carried unanimously to approve the May 27, 2026 meeting minutes as presented.

4. Action Items

a. Election of Board Officers 2026-27

Motion: Member Core moved, Member Small seconded and the motion carried 5-0 to reappoint Denise Chase as Board Chair for 2026-27.

Motion: Member Core moved, Member Small seconded and the motion carried 5-0 to appoint Chris Core as Board Vice Chair for 2026-27.

b. Case No. 26059 - 2909 Sunset Way Practical Difficulty Variance:

Brian J. Aungst, Jr. for Olin and Elise Lippincott requests an amendment to authorized variance case 24002 to allow to remain an elevated pool deck that was constructed with a southern side yard setback of one foot, where a setback of two feet was authorized under the variance and a setback of five feet is required by the Land Development Code (LDC Sec. 6.13.(c)(2)b.). RU-2/PAG zoning.

Senior Planner Brandon Berry presented the case for this variance request, which is part of the meeting record. The presentation included an aerial photo, detailed statement of request, surveys, and photos. Staff recommended three conditions 1) the original conditions 1, 2 and 3 of authorized

Variance #24002 remain in effect (any elevated deck railing used for the rooftop seating area shall be open in design to the extent possible under the Florida Building Code, the 3rd floor terrace and lower patio levels shall not be enclosed or roofed by any means to be construed as living space, fencing to secure the pool cannot exceed a height of 4'), 2) Any portion of the patio within the required five-foot southern side setback must remain as open wood decking or another permeable system that directs all runoff away from the neighboring property, and 3) Should the subject property or deck redevelop subsequent to the southern wall's removal, the owners must grade or use other mechanisms such as retaining walls to ensure swaled stormwater is not deflected to the neighbor's property. A letter of support was received from the neighbor to the south.

Ex-parte disclosures: Vice Chair Core had made a site visit.

Attorney Brian Aungst of 624 Court St., Clearwater appeared on behalf of the applicants and testified that the additional foot of encroachment was necessary to accommodate an existing stairwell and planter system; the new stairwell is in the same footprint, and the encroachment has always been there at just that portion of the setback. The neighbors have no setback for their deck due to the platting of the lots in the 1920s. Permeability, percolation and irrigation have been maintained to address staff concerns. His presentation is part of the meeting record.

Chair Chase commented that it is best practice to come to the City for the variance before rather than after the fact. There was no public comment. Board discussion was opened. The members expressed satisfaction that the property restraints and reason for the variance were adequately demonstrated, staff requirements were met, and there was no opposition from the neighbor.

Motion: Member Kunzer moved and Member Schmidt seconded to approve Variance Case 26059 with the three staff recommended conditions and found that the applicant adequately justified criteria 3 of the variance standards at 2909 Sunset Way. The motion carried 5-0.

c. Case No. 26071 – 2702 Pass A Grille Way Practical Difficulty Variance:

Sharon & Gerard Iacangelo request to reconstruct an existing wood deck of approximately 16'x22' that encroaches to the southern side property line where a setback of five feet is required (LDC Sec. 6.13.(c)(2)c.). RU-2/PAG zoning.

Mr. Berry presented the case for this variance request; his presentation is part of the meeting record and included details, survey, photographs and variance standards. Staff recommended the following conditions: 1) Deck boards should be spaced to maintain at least a 1/8" gap when accounting for thermal expansion and outer trim boards oriented to direct rainwater inward or away from the neighboring property. The surface below the deck should be permeable or graded to allow water to percolate into the subject property. 2) The applicant should submit a final as-built survey demonstrating the deck to be replaced in the same footprint as the survey submitted for this variance request. One letter of support was received and no comments in opposition.

Ex parte disclosures: Vice Chair Core site visit, Chair Chase drove by the property.

Sharon & Gerard Iacangelo appeared and testified to their need to only replace what was there prior to the hurricanes. The only condition they questioned was the need for (and expense of) another survey when they are replacing the deck as it was with no changes. Staff explained that an as-built

survey is required to confirm that construction matches the approved plans and noted that, because a recent survey already exists, the surveyor may only need to verify the setbacks rather than complete a new survey. Only a licensed surveyor can formally certify compliance.

There was no public comment, and the Chair opened board discussion, which was in favor of the variance as a straight replacement of what was lost in the hurricanes and the applicants were accepting of the recommended conditions.

Motion: Vice Chair Core moved and Member Small seconded to approve Variance Case 26071 at 2702 Pass-A-Grille Way with the two staff recommended conditions. The motion carried unanimously.

d. Case No. 25147 – 3535 Belle Vista Dr. E Unnecessary & Undue Hardship Variance:

Martha D. Bolton, Esq., for Mark and Lynn Broderick, Owners, request to allow an existing unpermitted roofed accessory structure, approximately 341 square feet in area, to remain and be reconfigured to include an enclosed storage area and an open outdoor living area with bar. The structure is proposed to remain with a rear yard setback of 11 feet where 20 feet is required and a side yard setback of 3 feet 3 inches where 6.7 feet is required (LDC Sec.8.7 (b) (3) and (4)). RU-1 zoning.

Senior Planner Gil Martinez presented the case for this request. The presentation included request details, photographs of the current and proposed structure. Staff noted that the variance request is directly related to the ongoing code enforcement matter and is necessary for the applicant to continue the after-the-fact permitting process associated with the existing unpermitted accessory structure. No letters were received for or against the variance. Staff recommended at least the following conditions: 1) The enclosed area should be constructed and maintained as non-habitable storage space and not converted to living area. 2) Air conditioning or other permanent climate control systems cannot be installed within the storage area. 3) The proposed wall enclosing the outdoor living area should be modified to a knee wall consistent with the front elevation, as depicted in Figure 6 of the Staff Report. 4) The applicant should obtain all required building permits consistent with the approved plans and conditions. 5) Prior to issuance of a final inspection approval, Planning and Zoning staff will conduct a site inspection.

Ex parte disclosures: Member Small drove by the property.

Attorney Martha Bolton of 4055 Central Ave., St. Petersburg, testified on behalf of the Brodericks. The home is small and storage is at a premium. Regarding the Code Enforcement matter, her client ceased construction upon receiving the stop-work order and made ongoing efforts to obtain the necessary permits, which were delayed by the 2024 hurricanes and subsequent repairs to the property. The requested setbacks represent the minimum variance necessary due to the existing pool and retaining wall. Attorney Bolton noted the applicant's agreement with all staff-recommended conditions and presented neighboring property owners' letters of support in favor of approving the variance.

Public comment: John Wilson of 351 Belle Vista Drive E. spoke in support of the variance.

The Board discussed the unique circumstances surrounding the unpermitted structure, acknowledging the applicant's hardships while emphasizing that each variance request must be

evaluated on its own merits. Members concluded that the requested setbacks met the hardship criteria, expressed support for the variance subject to the staff-recommended conditions, and clarified that the applicant must obtain all required after-the-fact permits within one year. The Board also agreed that final decisions regarding plumbing, electrical, and other code compliance should be addressed through the permitting and inspection process rather than by the Board.

Motion: Member Small moved to approve Variance Case No. 25147 for 3535 Belle Vista Drive East, based on the competent, substantial evidence and testimony presented, subject to the five staff-recommended conditions, as amended to require that all necessary permits be obtained within one year. Member Schmidt seconded and the motion carried 5-0.

e. Case No. 26086 – 8351 Blind Pass Rd. Unnecessary & Undue Hardship Variance:

Trey Ware of Ware & Sliker Construction for Jonathan Rinkinen and Brittany Pierpont of 8351 Blind Pass LLC requests to repave and expand an existing concrete and turfblock parking lot with asphalt, resulting in a parking lot with a greater number of parking spaces than required by the Land Development Code, where such excess surface parking spaces are required to be constructed with turf block or as grass parking surface (LDC Sec. 23.5.(b)). ROR zoning.

Mr. Berry presented the case for this request including a survey, photo of existing conditions, plans, impervious surface ratio, and explanation of the hardship. The ROR zoning district Code effectively renders a substantial portion of the otherwise permitted impervious area (44%) unusable for any practical site development), and a review of the aspects of the request that are aligned with the intent & purpose of the LDC. The applicants are requesting to asphalt all 13 parking spaces. The Board must make positive findings on all eight variance criteria to justify granting of a variance. Some additional applicant testimony was requested. The Board could consider any conditions it finds are necessary to protect the public interest, including the following: 1) The applicant should submit and have approved a final as-built survey prior to close out of the companion permit. 2) The applicant should demonstrate prior to permit issuance that the asphalt will not create any adverse impacts on the eastern residential property. 3) Four of the parking spaces located within the center parking aisle should be installed at eight feet in width and the remaining four feet added to the buffer along the frontage within the property boundaries, with landscaping installed to be in greater compliance with LDC Sec. 22.7. One letter of support from the 84th Avenue side was received.

Ex parte disclosures: Member Small visited the site and Vice Chair Core drove by the property

Tray Ware of Ware & Sliker Construction testified as agent for Jonathan Rinkinen and Brittany Pierpont that the applicants are not seeking additional impervious area or developmental rights, only modifying the surface area for parking already permitted to them as part of the ROR zoning district. His presentation showed the current a mix of paving materials including cracked pavement and turfblock, which can be a challenge for some individuals. The request complies with ISRs for the lot. He testified that the paving would be more visually appealing; safer from trip hazards, better for storm control with curbs, and property value retention. Applicant Brittany Pierpont, owner of Pure Dental, explained that the request was driven primarily by patient safety; many of her elderly patients use wheelchairs and walkers and have difficulty navigating the existing surface. She cited a recent incident in which a patient fell, reinforcing the need for improved accessibility. Additional parking was needed to accommodate her staff and tenants while limiting each leased office to one

parking space. The applicant expressed no objection to the staff recommendation to designate four of the new parking spaces as compact to allow for additional landscaping.

There was no public comment, and the Chair opened board discussion, which found that the applicant had demonstrated the required hardship criteria based on the safety concerns for elderly and mobility-impaired patients and the operational need for additional parking. Members discussed stormwater management, agreeing that standard parking lot curbs should be included to direct runoff away from neighboring properties. The applicant's testimony, regarding accessibility and patient safety, addressed their initial concerns and led them to support the request. They felt the eight criteria necessary to demonstrate an unnecessary and undue hardship had been met, including criteria 1 and 7.

Motion: Member Schmidt moved and Member Kunzer seconded to approve Variance Case 26086 at 8351 Blind Pass Rd. with staff recommended conditions and reliable testimony satisfying the variance criteria. The motion carried 5-0.

Chair called recess at 3:42 PM and reconvened at 3:48 PM.

f. Case No. 26094 – 8350 Boca Ciega Dr. Practical Difficulty Variance:

Meghan and Joseph Grant request to construct an unroofed, elevated deck that encroaches to 11.08 feet from the front property line where 20 feet is required for decks elevated more than two feet above grade (LDC Sec. 6.13.(c)(2)b.). RU-2 zoning.

Mr. Berry presented the case for this variance request. The presentation included photographs and is part of the meeting record. Staff requested testimony as to why the deck cannot be accommodated on the east side of the structure, where it could be constructed at the same depth without need for a variance. Staff recommended the following three conditions intended to protect the public welfare: 1) The western portion of the deck within the required side yard setback should be developed and maintained with stairs and landing and not be renovated or redeveloped to maintain this space as solely a deck extension in the future. 2) The deck cannot be roofed or enclosed. 3) A final as-built survey shall be submitted and approved prior to close out of the associated building permit. Two letters of support were received.

Applicants Meghan and Joseph Grant of 8350 Boca Ciega Drive testified that the request was due to the configuration of their corner lot. Building the deck on the east side would place it along a busy street and school traffic area, making it less suitable for family use and access to the backyard. The west-side location provided better circulation from the home to the yard and was chosen after discussing options with neighboring property owners. Placing the deck directly to the rear could affect a neighbor's pool area, and they wanted to be compatible with surrounding properties. They submitted an additional letter of support from the adjacent west-side neighbor and confirmed that the deck would be constructed with composite decking material.

There were no ex-parte disclosures.

There was no public comment, and the Chair opened board discussion. The members agreed that the request represented a typical hardship associated with a corner lot, where the property is subject to two front-yard setbacks that do not align well with the home's layout. Members found the applicant's explanation for the proposed deck location reasonable, noted the effort to minimize

impacts on neighboring properties, and observed that similar deck placements were common in the neighborhood. The Board also recognized the neighboring property owners' support for the request.

Motion: Member Kunzer moved, Member Schmidt seconded and the motion carried 5-0 to approve Variance Case 26094 at 8350 Boca Ciega Dr. with the staff recommended conditions.

5. Adjournment - The next meeting is scheduled for July 29, 2026.

Chair Chase adjourned the meeting at 4:00 PM.

These minutes were approved at the July 29, 2026 Board of Adjustment meeting.