



City of Gulfport, Florida
Board of Adjustment Meeting
Wednesday, January 14, 2009

City Hall

6:30 p.m.

Minutes

Chairperson Mark Epstein called the meeting to order at 6:30 p.m.

Roll Call: Present were Boardmembers, Ms. Irene Cornelius, Mr. Michael Arendall, Mr. Courtland Yarborough, Mr. Steven Rye, and Chairperson Mark Epstein. Mr. Richard Glueck was absent.

Staff: Present were Fred Metcalf, Community Development Director; Mike Taylor, Principal Planner and Myra Schwarz, Planner.

1. Approval of Minutes of November 12, 2008.

A motion was made by Ms. Cornelius and seconded by Mr. Yarborough to approve the minutes of November 12, 2008, as presented.

UNANIMOUSLY APPROVED BY ACCLAIMATION

VARIANCES:

- 2. Consider Variance Application #V08-18 for Gerard O'Regan, owner, requesting a variance to reduce the rear yard setback requirement 8 feet to 17 feet for the construction of a second story deck and to recognize a previous variance reducing the rear yard setback by 8 feet to 17 feet for the existing ground floor sunroom that is proposed to be reconstructed as the result of a house fire and to reduce the north side yard setback from 6 feet to 3 feet for a stairway to access building utilities and equipment at 2800 and 2802 45th Street South, Gulfport, FL. 33711, legally described as that part of Lots 9 and 10 of GULFPORT HARBOR SUBDIVISION SECOND ADDITION, from the southeast corner of said Lot 9, run North 0°07'01" West, 41.00 feet along the East line of said Lot 9, for a Point of Beginning; thence run North 60°43'21" West, 130.59 feet, to a Point on the Northwesternly line of said Lot 9, said line having a Radius of 50.00 feet, and being a part of The Cul-De-Sac of 28th Avenue South; thence run by a curve**

to the left, Radius 50.00 feet along the Cul-De-Sac boundary of said Lots 9 and 10, Arc 34.50 feet, Chord North 23°04'36" East, 33.82 feet; thence North 85°16'13" East, 100.78 feet to a Point on the East line of said Lot 10; thence South 0°07'01" East, 103.29 feet along said East line of Lots 9 and 10 to the Point of Beginning, according to the map or plat thereof, as Recorded in the Plat Book 52, Page 47, of the Public Records of Pinellas County, Florida.

Chairperson Epstein explained the first variance application #V08-18 has been removed from the agenda at the applicant's request. The applicant has a new set of plans and the board will see it at a later date.

Chairperson Epstein explained the meeting procedures.

3. **Consider Variance Application #V09-01 for Robert P. Curry, trustee for Patrick J. Pagnozzi Revocable Trust, Agent Janis Curry, requesting a variance to reduce the rear yard setback by 3 feet to 22 feet for the proposed addition of an attached storage shed at 6250 13th Avenue South, Gulfport, FL 33707, legally described as Pasadena Estates Subdivision, Section F, Block 84, Lot 8, as Recorded in Plat Book 8, Page 41, of the Public Records of Pinellas County, Florida.**

Chairperson Epstein read the variance request.

The agent, Ms. Janis Curry explained that she now owns the property. The home was built in the 1950's with only one small closet in each bedroom. She needs more room for storage. This is the reason for the request to add a new shed. She feels the affect on the neighborhood would be minimal to none. Other neighbors have similar types of structures built closer than the required setback.

Mr. Arendall asked what would be stored in the shed. Ms. Curry replied that no flammables would be stored. It was for books, linens, Christmas decorations, and things of that nature. Mr. Arendall also asked about ingress and egress to the shed. The applicant confirmed that there would be a doorway both to the primary structure where the shed is attached and to the outside at the south side of the shed.

Mr. Yarborough asked about the roofline. Ms. Curry stated the shed would be under the existing roofline.

Chairman Epstein stated there would be no running water or living space. Ms. Curry verified the structure was not for habitation.

Chairman Epstein asked for staff to present. Staff representative, Myra Schwarz stated that staff had no concerns about the proposal.

Mr. Arendall asked about the application form stating that it had not been filled out and wanted to continue discussion of this item. Chairperson Epstein suggested they take the discussion up under other business.

Chairperson Epstein asked for public comment. There was none.

Chairperson Epstein asked for a motion.

A motion was made by Irene Cornelius and seconded by Courtland Yarborough to approve variance application #V09-01 for Robert P. Curry, trustee for Patrick J. Pagnozzi Revocable Trust, Agent Janis Curry, requesting a variance to reduce the rear yard setback by 3 feet to 22 feet for the proposed addition of an attached storage shed at 6250 13th Avenue South, Gulfport, Fl 33707, legally described in plat book 8, page 41, of the Public Records of Pinellas County, Florida, with the condition that the applicant must apply for all appropriate permits within one year of the variance approval, or it will expire.

VOTE:	Michael Arendall	YES
	Courtland Yarborough	YES
	Irene Cornelius	YES
	Stephen Rye	YES
	Mark Epstein	YES

UNANIMOUSLY APPROVED.

Chairperson Mark Epstein announced the variance was granted.

Ms. Curry asked if she could make a brief statement about the Building Division. She said everyone in the Community Development Department had been helpful. She especially appreciated the Building Division as she had worked with them on numerous occasions throughout the years. She said they have always been fair and helped her even to find alternate ways to solve her issues even if they had to say no to her initial inquires. She felt the City should not do away with the Building Division.

4. **Any other business.**

Mr. Arendall continued the discussion regarding the application. Applicants often only answer "yes" or "no" to the questions in the application. This makes it difficult for board members to follow the application. Chairperson Epstein suggested the Board make a motion for the Clerk to ask if the application could be changed. Staff representative, Fred Metcalf explained the language found in the application was fairly standard language used in variance case law. It came from a time when the Florida Statutes required cities to have a Board of Adjustment.

That law has since been repealed; however the questions have continued to be used as they were based on past case law involving variances.

Mr. Metcalf agreed the language was difficult to understand for most applicants and suggested that staff look at spending more time with the applicants to help them understand the questions. This can include putting the language into a more user friendly format. What staff does not want to do is either put words into applicant's mouths or not accept applications because the questions are not completed. Some larger cities do not accept incomplete applications; however Gulfport's community standard has been to help applicants through the process.

The Board agreed with staff's ideas.

5.

Adjournment.

A motion was made to adjourn at 6:46 p.m.

UNANIMOUSLY APPROVED BY ACCLAMATION.

3-11-09
Date Approved

Mark Epstein
Mark Epstein, Chairperson

Lesley DeMuth
Lesley DeMuth, City Clerk