



City of Gulfport Florida
Board of Adjustment Meeting Minutes
Wednesday, June 9, 2010

The Regular Meeting of the Board of Adjustment was held on Wednesday, June 9, 2010, in the City Hall, City Council Chambers, 2401 - 53rd Street South, Gulfport, Florida.

Alternate Board Member Stephen Rye serving as the Chairperson, called the meeting to order at 6:30 p.m.

Roll Call:

Present were: Board Members Courtland Yarborough, Roger Turner and Susan Helms and Alternate Board Member Stephen Rye. Chairperson Mark Epstein and Vice Chairperson Michael Arendall were not present.

Staff: Attorney Caitlin E. Sirico representing City Attorney Andrew J. Salzman; City Clerk Lesley DeMuth; Community Development Director Fred Metcalf; Principal Planner Mike Taylor and Planner Myra Schwartz.

1. Approval of Minutes – May 12, 2010.

Board Member Helms asked that the motion on V10-04 be amended to include the condition that the applicant applies for permits within one year of the Variance request.

Motion by Board Member Turner and seconded by Board Member Yarborough to approve the May 12, 2010 Minutes as amended.

UNANIMOUS APPROVAL BY ACCLAMATION.

City Clerk DeMuth swore in Applicants Candy Williams, Chris Phillips, Harlan Heshelow, City Staff and any and all witnesses in mass.

2. Variance Request:

V10-06: Candy S. Williams (Owner/Applicant). The subject property is located at 1113 – 53rd Street S., Gulfport, FL 33707; legally described as Pasadena Heights Subdivision, Block 4, Lot 8 as recorded in Plat Book 9, Page 84, according to the Public Records of Pinellas County; Parcel # 28/31/16/67572/004/0080; To reduce the rear yard setback requirement by 4 feet from 15 feet to 11 feet, and reduce the north side yard setback requirement by 3.25 feet from 6 feet to 2 feet 9 inches for an existing accessory shed.

Board Member Rye read the Variance request, and invited the applicant to come forward and present her case.

Candy Williams, of 1113 53rd Street S., explained her request for the Variance and provided a

brief history of how the shed came to be in the northwest corner of the yard.

Board Member Helms asked if there had been any indication of other problems associated with the shed other than the setback issues. Ms. Williams said not that she was aware of.

In response to Board Member Turner's question about the shed, Ms. Williams stated it had a wood frame.

Board Member Yarborough asked what type of floor was in it, wood or concrete. Ms. Williams said she thought it was wood with plank on top.

Board Member Helms confirmed that the shed was located inside the owner's privacy fence.

Planner Schwartz added that the applicant would have to secure the appropriate application for building permits and have it inspected to ensure it was up to Code.

Board Member Rye asked if there was anyone from the public who would like to comment.

There being no one from the public who wished to speak regarding the Variance, Board Member Rye closed the Public Hearing.

Motion by Board Member Helms and seconded by Board Member Yarborough to approve Variance V10-06, with the condition that the applicant apply for permits and that it would be found to meet Code for safety issues.

Board Member Turner referenced a note in the file that a pool was removed, and asked if the yard was empty. Ms. Williams said she did have some decking, and her yard is not that big.

Planner Schwartz said that the standard conditions which staff required of the applicant should cover all of the concerns.

Motion by Board Member Helms to amend her prior motion and seconded by Board Member Yarborough to approve Variance V10-06, with the condition that the applicant apply for permits within one year of the Variance request and that it would be found to meet Code for safety issues.

ROLL CALL:

BOARD MEMBER YARBOROUGH	YES
BOARD MEMBER TURNER	YES
BOARD MEMBER HELMS	YES
BOARD MEMBER RYE	NO

MOTION CARRIED 3-1.

3. Variance Request:

V10-07: Chester W. and Deborah L. Ingalls (Owner/Applicants) and Christopher Phillips;

Phillips Pools and Landscape, LLC (Agent/Applicant). The subject property is located at 5914 Skimmer Point Blvd S., Gulfport, FL 33707; legally described as Skimmer Point Phase II at Pasadena Yacht and Country Club, Lot 36, as recorded in Plat Book 82, Page 21, according to the Public Records of Pinellas County; Parcel # 32/31/16/82275/000/0360; To reduce the required distance from a seawall to water's edge of a proposed pool by 2.5 feet from 15 feet to 12.5 feet, and to reduce the required distance from a seawall to water's edge of an existing pool by 1.25 feet from 15 feet to 13 feet 9 inches.

Board Member Rye read the Variance request, and invited the applicant to come forward to present their case.

Applicant Chris Phillips came forward on behalf of the Ingalls and explained the issues associated with the request.

Board Member Turner asked for clarification regarding the existing retaining wall and asked if they were planning on extending it. Mr. Phillips said that was correct.

Board Member Rye said the extension would be to the rest of the property width.

Board Member Turner asked if it was going to be at the same level as the other side.

Mr. Phillips said it would be twelve inches higher from the existing lower level, and added that everything had already been permitted; they just wanted to add the spa.

Planner Schwartz described the request, and said this was for the recognition of the existing non-conformity and the new spa, which would be considered a new pool.

Board Member Rye asked if other locations were explored. Mr. Phillips said the only other alternate location would be between the pool and the existing structure.

Board Member Rye asked if there was anyone from the public who would like to comment.

Neither hearing nor seeing anyone from the public who wished to be acknowledged regarding the Variance Board Member Rye closed the Public Hearing.

Motion by Board Member Yarborough and seconded by Board Member Helms to approve Variance V10-07 to reduce the required distance from a seawall to water's edge of a proposed pool by 2.5 feet from 15 feet to 12.5 feet, and to reduce the required distance from a seawall to water's edge of an existing pool by 1.25 feet from 15 feet to 13 feet 9 inches, with the condition that the applicant apply for permits within one year of the Variance approval or it shall expire.

ROLL CALL:

BOARD MEMBER YARBOROUGH	YES
BOARD MEMBER TURNER	YES
BOARD MEMBER HELMS	YES
BOARD MEMBER RYE	YES

MOTION CARRIED.

4. Variance Request:

V10-08: Iqbal and Janet Paroo (Owner/Applicants) and Harlan Heshelow; Legacy Design Group (Agent/Applicant). The subject property is located at 6126 Kipps Colony Drive West, Gulfport, FL 33707; legally described as Kipp's Colony Estates at Pasadena Yacht and Country Club, Lots 24 and 24A, as recorded in Plat Book 100, Page 72, according to the Public Records of Pinellas County; Parcel # 32/31/16/46871/000/0240; To reduce the required distance from a seawall to water's edge of a proposed pool by 5 feet from 15 feet to 10 feet, and to reduce the required distance from a seawall to water's edge of a proposed patio by 2 feet from 7 feet to 5 feet.

Board Member Rye read the Variance request, and invited the Applicant to come forward to present their case.

Applicant Harlan Heshelow, 5550 Bates Street, Seminole, FL identified himself as the contractor who designed the house and pool. Mr. Heshelow explained that as the construction and changes to the property progressed; they realized that when they got to the pool that the setback requirements of the City of Gulfport were different than what Kipp's Colony required.

Board Member Turner referred to the pictures of the back of the house, and asked if the pool was going to be located within that area, adding it looked as though the pool was designed for lap swimming.

Mr. Heshelow said the pool was going to be five feet from the edge of the property line, so there was room to completely walk around the pool, and it was designed for the purpose of a lap pool located just off the lanai.

Board Member Yarborough asked if it had been approved by Kipp's Colony Architectural Review, because he questioned the letter submitted by the applicant on unsigned, plain paper from the President of the Architectural Review.

Mr. Heshelow said it had been, and they had subsequently resubmitted documentation that showed approval.

Board Member Rye confirmed that Staff had received the proper documentation.

Planner Schwartz provided a brief overview of the Variance and the City's Code Requirements. She advised the Board that there was no need for requirement 2. b or 2. c , as listed under the Conditions in her report, because she now had the necessary documentation.

With regard to the ten feet setbacks, Mr. Heshelow said they just wanted to match what the majority of Kipp's Colony already had.

Board Member Rye asked if there was anyone from the public who would like to comment.

Neither hearing nor seeing anyone from the public who wished to be acknowledged regarding

the Variance Board Member Rye closed the Public Hearing.

Motion by Board Member Turner and seconded by Board Member Helms to approve Variance V10-08 to reduce the required distance from a seawall to water's edge of a proposed pool by 5 feet from 15 feet to 10 feet, and to reduce the required distance from a seawall to water's edge of a proposed patio by 2 feet from 7 feet to 5 feet, with the condition that the applicant apply for all permits within one year of the Variance approval.

Board Member Helms asked if that community had come into the City after it was already developed.

Director Metcalf said was annexed a number of years ago and came in with a blank slate.

Board Member Rye asked if he thought the guidelines were in place before.

Director Metcalf explained that this area was a Planned Unit Development (PUD) in the Zoning District and it specifically says when our Codes were more restrictive, we use the City's Codes.

ROLL CALL:

BOARD MEMBER YARBOROUGH	YES
BOARD MEMBER TURNER	YES
BOARD MEMBER HELMS	YES
BOARD MEMBER RYE	YES

MOTION CARRIED.

5. Associate City Attorney: Overview on Florida's Government-in-the-Sunshine Laws and Public Records.

Attorney Sirico presented a brief overview of the Government in the Sunshine Laws and Public Records.

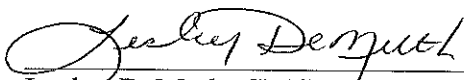
6. Any other business. None.

7. Adjournment.

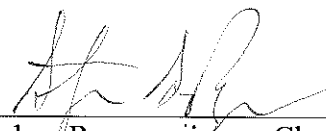
Motion by Board Member Turner and seconded by Board Member Helms to adjourn.

UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved: July 14, 2010



 Lesley DeMuth, CMC
 City Clerk



 Stephen Rye, serving as Chairperson