



City of Gulfport Florida
Board of Adjustment Meeting Minutes
Wednesday, November 10, 2010

The Regular Meeting of the Board of Adjustment was held on Wednesday, November 10, 2010, in the City Hall, City Council Chambers, located at 2401 - 53rd Street South, Gulfport, Florida.

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

Roll Call:

Present: Board Members Courtland Yarborough, Susan Helms, Board Member Turner and Alternate Board Member Stephen Rye; Vice Chairperson Michael Arendall and Chairperson Mark Epstein.

Staff: Attorney Caitlin E. Sirico; Deputy City Clerk Ginger Stilton; and Planner Myra Schwartz.

1. Approval of Minutes – October 13, 2010.

Motion by Vice Chairperson Arendall and seconded by Board Member Helms to approve the Minutes.

UNANIMOUS APPROVAL BY ACCLAMATION.

Chairperson Epstein explained the Hearing procedures and limitations by the State of Florida to which the Board must adhere to.

2. Variance Request:

V10-14: Drew Dunham and Simone Frohne (Owners/Applicants). The subject property is located at 2502 Premier Drive South, Gulfport, FL 33707; legally described as Pasadena Golf Club Estates Subdivision, Section 1, Block 3, Lot 13, as recorded in Plat Book 36, Page 11, according to the Public Records of Pinellas County; Parcel # 32/31/16/67392/003/0130; To allow a privacy fence in the northwest corner of the front yard that exceeds the maximum allowed fence height in a front yard by 2 feet; from 4 feet to 6 feet, and to allow an existing curb cut that exceeds the maximum width by 15 feet; from 30 feet to 45 feet.

After reading the variance request aloud, Chairperson Epstein asked for the owner/applicant to come forward.

Deputy City Clerk Stilton swore in owner/applicant Simone Frohne; Joe Morris; City Staff and any and all witnesses in mass.

Owner Simone Frohne, 2502 Premier Drive, explained they were requesting a variance for the fence and indicated on the survey diagram a pie shaped lot and said it was not a standard size lot.

Chairperson Epstein asked if the fence would exceed past the front of the house as it now stands.

Ms. Frohne said no, just to the furthest most corner of the house. Chairperson Epstein asked if it would go farther out from the carport, and Ms. Frohne responded no. Referring to the diagram, Ms. Frohne showed where the fence used to be and also confirmed that an area of concrete was covered.

Vice Chairperson Arendall inquired about a fence that was removed. Ms. Frohne confirmed there was a fence, and she said they wanted to come out eight inches further, to install a sliding gate where there used to be two swinging gates. She explained the weight of the swinging gates was too much to bear, and they wanted the fence to secure the boat and to have privacy.

Chairperson Epstein asked what the request had to do with the curb cut. Board Member Helms said she believed the curb cut has always been there and they were just asking the Board to approve it.

Vice Chairperson Arendall asked if it had always been forty five feet and for how long. Ms. Frohne responded yes, since 1998.

Board Member Turner said that she was not asking to cut the curb, only to approve what was already there. Ms. Frohne confirmed yes, and said she had lived in her home since 1994.

Planner Schwartz explained the request for the variance. Chairperson Epstein asked that if the front part of the fence with the gate in it were to match up with the back part of the carport, would it bring it into conformance. Planner Schwartz said no, it would still require a variance, and indicated on the survey diagram and explained the specific areas affected which supported her statement.

Board Member Rye said if this were a normal rectangular lot, then the fence would be allowed. Planner Schwartz said that was correct.

Chairperson Epstein asked if there was anyone from the public who would like to speak.

Joe Morris, 2506 Premier Drive S., referenced a letter he had written regarding the variance and he described his frustration with the way his neighbors had kept their yard. Chairperson Epstein interjected and reminded Mr. Morris that the Board could only hear testimony related to the variance.

Mr. Morris stated he was not here to speak for or against the Dunhams. He said he was concerned about the neighbors to the north. He described the notice he received regarding the meeting tonight, and said it did not explain how far the fence was going to protrude from the existing fence line into the right-of-way, as well as the length of the fence line. He said the folks immediately to the north, are out of the state/country and thought it was only fair that they were provided a map of what was going to transpire, which he believed would greatly affect their view of the golf course. Mr. Morris asked the Board to table the discussion until everybody was provided a map letting them know exactly what was to transpire, as well as notified in a letter.

Chairperson Epstein deferred to the deputy city clerk. Deputy City Clerk Stilton explained that in

accordance with the city code, proper notice had been provided to all property owners within a radius of 300 feet. All property owners have been notified of this Hearing and have had the right to submit letters, or correspondence outlining their objections as well as provided the opportunity to testify in person. Deputy City Clerk Stilton explained that they did not send maps or other information with the legal notice, and all noticed property owners have an equal opportunity to provide evidence or objections to the contrary at the time of the Hearing.

Chairperson Epstein stated there is no possibility at this point of tabling since the law has been met.

In final comments, Mr. Morris pointed out on the diagram a particular property and asked the board to consider the view.

Neither hearing nor seeing anyone else wishing to speak Chairperson Epstein closed the public discussion.

Chairperson Epstein asked the owner if they would like to respond to Mr. Morris's testimony.

Ms. Frohne stated that Fred Jackson was her neighbor at 2414 and she had a letter from him approving her fence. Deputy City Clerk Stilton presented the board with the letter for their review and stated it would be entered into evidence.

Chairperson Epstein asked if he was her neighbor to the north. Ms. Frohne stated yes.

Board Member Turner asked if the letter was written today. Ms. Frohne answered yes, and explained that his legal representative, "Hal" submitted the letter on his behalf and she also had a signed petition from all of her neighbors.

Chairperson Epstein directed the petition be given to the clerk and to entered into evidence and was reviewed by each board member.

Board Member Helms asked Planner Schwartz to clarify how many feet beyond the 25 feet setback, would the fence actually extend.

Planner Schwartz referring to the diagram indicated that the fence would not go into the right-of-way, and said the fence is actually five feet back from the property line.

Board Member Helms asked if that distance did not require a variance. Planner Schwartz said yes, they are encroaching into the setback line and indicated on the diagram at 25 feet, saying it is a curvilinear setback line for that particular property, and confirmed the distance of the encroachment was 20 feet.

Chairperson Epstein stated that he sees the hardship is not of the property owner's creation, and in terms of a reasonable use of the property that it makes sense to allow the fence to continue along the building lot itself and said he saw no problem in doing so.

Board Member Turner said his main concern was the encroachment of the fence in the front yard of the neighbor to the north, but since they do not have a problem with it, it did not seem to be

the issue he thought it might be.

Vice Chairperson Arendall said Chairperson Epstein stated the position and the reality of the lot configuration very well, and he would agree with the variance.

Board Member Helms commented on the things that they were not considering which Mr. Morris brought up, and did not want him to feel that there was not an appropriate venue for his complaints, adding, other city departments could address those issues if there were violations going on.

Chairperson Epstein said that there was a letter to Code Enforcement Officer Bruce Earling from Mr. Morris included in the packet.

Motion by Board Member Turner and seconded by Vice Chairperson Arendall to approve the variance as written, with the stipulation that the applicant applies for all appropriate permits within one year of the Variance approval or it expires.

ROLL CALL:

VICE CHAIRPERSON ARENDALL	YES
BOARD MEMBER TURNER	YES
BOARD MEMBER HELMS	YES
BOARD MEMBER YARBOROUGH	YES
CHAIRPERSON EPSTEIN	YES

MOTION CARRIED.

3. Any other business. None.

4. Adjournment.

Vice Chairperson Arendall moved to adjourn and was seconded by Board Member Helms.

MOTION CARRIED UNANIMOUSLY.

Date Approved:

March 9, 2011



Ginger Stilton, CMC
Deputy City Clerk


Mark Epstein, Chairperson