



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

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

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

Roll Call:

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

Staff: Attorney Caitlin E. Sirico representing Interim City Attorney Andrew J. Salzman; Deputy City Clerk Ginger Stilton; Community Development Director Fred Metcalf; Principal Planner Michael Taylor and Planner Myra Schwarz.

Chairperson Epstein made some opening statements regarding the recent election, and thanked the people who ran for office and their interest in the City of Gulfport.

Chairperson Epstein read a recent opinion rendered by Interim City Attorney Andrew Salzman which explained the requirement for Staff and any witnesses to be sworn in prior to presenting testimony in Quasi-Judicial Hearing procedures. Chairperson Epstein explained the Board of Adjustment was required to follow those procedures.

Chairperson Epstein explained how the meeting would be conducted.

1. Approval of Minutes – January 13, 2010.

Motion by Board Member Turner, second by Board Member Arendall to approve the meeting minutes of January 13, 2010.

UNANIMOUS APPROVAL BY ACCLAMATION.

2. Variance:

V10-01: Tony Dodson and Peg Wesselink, Owners/Applicants; Location: 3038 Beach Boulevard South; Legal Description: The West 99 feet of Lots 6 and 7, Block B, Plat of Boca Ciega Park Subdivision, as recorded in Plat Book 3, Page 24 of the Public Records of Pinellas County, Florida; Parcel #: 33/31/16/09612/002/0060; Variance Request: To reduce the rear yard setback requirement by 14' from 15' to 1' for an accessory storage shed and an accessory cooler, reduce the north side yard setback requirement by 5' from 6' to 1' for an accessory cooler, and reduce the separation between accessory structures by 2' from 6' to 4'.

Chairperson Epstein acknowledged Applicant Tony Dodson and requested he come forward to

explain his request.

At this time, Attorney Sirico swore in Applicant Tony Dodson.

Applicant Tony Dodson, 3012 – 51st Street S., explained that their restaurant Peg's Cantina and Brew Pub has experienced growth and done very well, including making their own beer, which did very well the past weekend; they won two gold medals (out of 27) and a bronze medal in the Florida Beer Championships, which was the reason for their request to install a walk-in cooler and a storage shed in the back northeast side of the property to grow their business and streamline their operation.

Upon confirmation from Mr. Dodson that the cooler was already in place Board Member Yarborough asked how that came to be.

Mr. Dodson explained Staff issued a temporary permit, with the caveat if they did not win approval from the Planning and Zoning or Board of Adjustment it would have to be removed.

Since the cooler has a flat roof, Chairperson Epstein asked what happens to the rain run-off and the noise generated by the compressor.

Mr. Dodson explained that the pad they poured for the cooler allows for flow in two different directions; west and south, and it would only flow onto their property. He mentioned the buffering by the 6 foot fence and confirmed that it would not be any louder than a typical heat pump/HVAC.

Board Member Turner inquired about the fence to the north side, and if the path between the house and that fence would be open to the public. Mr. Dodson explained it would be open for tours; however they would prefer that people not utilize it at all.

Board Member Yarborough asked if the brew tree would omit any odors that could be construed as a nuisance and if the one foot distance from the fence was enough should firefighters have to access the area in an emergency situation.

Mr. Dodson said he did not think that would pose a problem because the firefighters would probably be able to get around it and said the brew tree would omit the smell of beer; hops, barley, oats etc. He said they brewed about once a week.

Board Member Yarborough asked how close the neighbors were, who would have to smell that. Mr. Dodson said the property behind it was a rental and was probably six feet from the fence.

Chairperson Epstein interjected by saying the brew tree and the brewery operation itself was not the subject of this request, and asked they stay on track by discussing the cooler and the storage area.

After a brief discussion regarding swearing in procedures, Attorney Sirico swore in the Staff who would be testifying.

Planner Schwartz stated that Staff has no objections to the request, and recognized there was a

hardship with the corner property in that they had limited storage and provided a brief overview of the request.

Board Member Arendall asked if the neighbors had all been noticed, and it was confirmed that the proper notice requirements were met.

Chairperson Epstein 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 Chairperson Epstein closed the Public Hearing.

Chairperson Epstein stated he felt this was a reasonable request, his two concerns were the noise, and the possible run-off from the pad, and it seemed to have been well thought out in advance.

Board Member Arendall agreed and thought if they were to make this a redevelopment area and allow people to buy houses to turn into restaurants they were going to have to be flexible with some of the rules.

Board Member Arendall said he had concerns with the reactions of the neighbors to the north and the east, but without anyone present they did not have the benefit of their approval or disapproval and secondly, he had the same safety concerns as Board Member Yarborough and felt they have been addressed.

Motion by Board Member Arendall second by Board Member Turner to approve Variance V10-01 with the condition that the Applicant must apply for appropriate permits within one year of Variance approval, otherwise the Variance shall expire.

ROLL CALL:

BOARD MEMBER ARENDALL	YES
BOARD MEMBER TURNER	YES
ALTERNATE BOARD MEMBER RYE	YES
BOARD MEMBER YARBOROUGH	YES
CHAIRPERSON EPSTEIN	YES

MOTION CARRIED.

3. Any other business.

Board Member Turner asked if the swearing in procedure would happen at the City Council and the Planning and Zoning Board Meetings.

Deputy City Clerk Stilton explained that sworn testimony was required for Quasi Judicial Hearings that came before the City Council, and that it was not necessary for the Planning and Zoning Board Meetings, as they were considered an advisory board and only made recommendations.

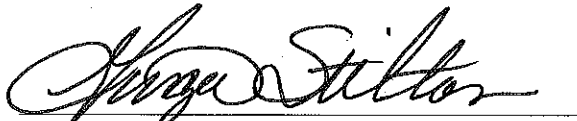
Attorney Sirico confirmed that the Board of Adjustment Meeting is a Quasi Judicial Hearing.

4. Adjournment.

Motion by Board Member Turner, second by Board Member Arendall to adjourn.

UNANIMOUS APPROVAL BY ACCLAMATION.

Date Approved: 4/14/2010



Ginger Stilton, CMC
Deputy City Clerk


Mark Epstein, Chairperson