

**CITY OF TREASURE ISLAND, FLORIDA
PLANNING AND ZONING BOARD
March 19, 2009**

1. ROLL CALL:

Lynn Dayvault	Present
Steve Ferguson	Present
Susan Givens	Present
Daniel Helton	Present
Heidi Horak (Chair)	Present
Kevin Johnson	Present
Pam MacIntyre	Present
Bill McAlduff	Present
Frank McConnell	Present
Kathy McCreary	Present
Susan Reiter	Present
Joe Roberts	Present
Robert Shogren	Present
Christopher Sierra (Vice-Chair)	Absent

Chair Heidi Horak called the meeting to order at 2:03 pm and noted that the City Attorney, Maura Kiefer, the City Planner, Lynn Rosetti and the Planning Associate Steve DeMerritt were present.

It was noted that Mr. Sierra phoned to report his absence.

The Chair has appointed Mr. McConnell as vice-Chair for today.

2. APPROVAL OF MINUTES:

The Board approved by ***unanimous consent** the minutes of the meeting of November 20, 2009 as printed.

3. EX-PARTE COMMUNICATION:

Ex-Parte Communication was reported by Mr. Johnson in regard to PZ-2009-01-VR. He stated that he had occasion to speak with a neighbor who is a contractor and who inquired after the property. Mr. Johnson stated that he referred that person to today's meeting if he had questions.

4. ADMINISTRATION OF OATH:

- . All applicants, witnesses, members of staff and other persons wishing to address any item before the Board of a quasi-judicial nature were duly sworn at this time.

5. ITEMS OF BUSINESS:

[PZ-2009-01-VR –Variance] – Ronald DeBiase, 7700 Bayshore Drive is requesting a variance to allow an existing single-family structure, which encroaches into 77th Avenue and Bayshore Drive, to be elevated in accordance with FEMA requirements. *Residential Medium (RM-15)*

The Planning Associate informed the Board that he distributed a revised staff report which has an added condition of approval (Removal of the existing decorative wall located within the Bayshore Drive right-of-way).

The Planning Associate offered a verbal and video presentation and answered questions of the Board.

The City Planner stated that the City has been very involved with this project for several years because it is a repetitive loss property and being in the flood plain FEMA encourages cities to remove any property that is repetitive loss property. Ms. Rosetti noted that the City must abide by FEMA regulations when they receive grants and also that the applicant has been awarded a grant to elevate the property.

The City Building Official, Neal Schwartz, addressed the Board. Mr. Schwartz explained that the elevated garage can become living space because the blueprint of the house as shown will become living space. Mr. Schwartz explained the FEMA grant process beginning with the CRS. Mr. Schwartz explained the CRS gives points that reflect on to the rating system which in turn determines the rates for our Federal Flood Insurance. Mr. Schwartz explained that one of the biggest requirements of the NFIP is to take repetitive properties, advertise for the grants, and facilitate the owner to pursue the grants. Mr. Schwartz noted that if the

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process is stopped the City could be thrown out of the NFIP. Mr. Schwartz stated that the City gets bonus points every time a property is taken out of the flood plain.

Mr. Schwartz also explained that in regard to the wall; it is an existing wall and as long as it is in the buildable area or in the allowable setbacks an owner cannot be forced to tear it down but when it is in the right-of-way the owner could be requested to have the wall removed. Mr. Schwartz answered questions of the Board.

The City Planner referred the Board to the City Non-Conforming Regulations, Section 68-512 (6 -c) which deals with repair and reconstruction of existing properties and which states that the City shall grant the owners relief from such code provisions to permit the grandfathered units to be restored without creating a greater non-conformity than existed.

The Applicant, Ron DeBiase, addressed the Board. Mr. DeBiase requested consideration from the Board to allow him to maintain the wall and he then thanked staff for their many hours of assistance.

The City Planner explained that when a project is being done and the properties encroach into the public right-of-way the owners are told they need to remove things off the right-of-way. Ms. Rosetti stated that it may take an act of the City Commission to allow the wall to stay in some form or another and she did not think that authority falls into the Boards purview.

Mr. Paige Wurts, a neighbor, addressed the Board and noted the many times he has seen the property flooded and noted that he is very much in favor of the elevation of this property.

The City Attorney referred the Board to Section 68-512 (6-c) and again reiterated what the City Planner previously stated which was that the Board must allow the property owner relief from code provisions without creating a greater non-conformity.

Upon a clarification requested by Board members related to the interpretation of Section 68-512 (6-c) and its application to this case, the City Building Official stated that this plan has been approved by the state, the Federal Government and then back to the state and that it is applicable to this section.

ACTION:

Motion was made by Ms. Givens and seconded by Mr. Shogren to approve both variances as requested with staff recommendations.

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Upon roll call the vote to approve was 12 ayes and 1 nay as follows:

Lynn Dayvault	aye	Frank McConnell	aye
Steve Ferguson	aye	Kathy McCreary	aye
Susan Givens	aye	Susan Reiter	aye
Dan Helton	aye	Joe Roberts	aye
Heidi Horak	aye	Robert Shogren	aye
Kevin Johnson	aye		
Pam MacIntyrenay			
Bill McAlduff	aye		

[PZ-2009-02-VR – Variance] –David P. Sferrazza, Trustee of the David P Sferrazza Revocable Trust, 9548 West Gulf Boulevard is requesting multiple variances for 1)in-ground swimming pool to encroach into the pool side yard setback area; 2) pool structure exceeding maximum allowable height above finished grade; and 3) to allow a bay window and chimney to encroach into alternative side yard setback area. *Commercial General (CG)*

The Planning Associate informed the Board of a revised staff report in which a change in variance request #3 was noted (conversion of inches to .76 feet for consistency).

The Chair requested that the Planning Associate not read the entire staff report in an effort to save time.

The Planning Associate offered a brief verbal synopsis of the case and noted that attached to the original staff report was a Declaration of Covenants, Conditions and Restrictions that were brought to staff by Mr. Tom Rogers who was the applicant when the special exception was granted in 2004. The Planning Associate noted that Mr. Rogers is not the applicant at this time and referred the Board to Section 3.7 (Use Restrictions) of the Declaration of Covenants regarding setbacks and informed the Board that a previous motion to prevent any variance requests did not carry. The Planning Associate reviewed the staff recommendations and provided a video presentation and then answered questions of the Board.

The applicant's general contractor, Mr. Tom Lehrman of Chantilly Home and Development addressed the Board and clarified the encroachment of the bay window and chimney to be only 4 inches and noted that similar homes in the area do encroach.

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Mr. Tom Rogers addressed the Board and stated that he sold the property and was the builder of two other properties in the area. Mr. Rogers noted that the homes he built were built exactly to specifications as approved by the Board. Mr. Rogers noted that two abutting neighbors have requested he speak for them and relate to the Board that they have no problems with the plan for this new home.

The City Building Official, Neal Schwartz addressed the Board and wished to discuss the comments made by Mr. Roberts regarding the three other homes at this site. Mr. Schwartz explained that the ordinance is subject to interpretation and related the fact that what has been approved by our previous Building Official does not mean it was wrong and then explained the reasoning of the City Planner and his interpretation.

The Applicant's general contractor, Mr. Tom Lehrman, again addressed the Board regarding the wind friction comment.

ACTION:

Motion was made by Mr. Helton and seconded by Mr. Roberts to comply with staff recommendation to deny Variance #1. Upon roll call the vote to deny was unanimous.

Motion was made by Mr. Ferguson and seconded by Ms. Reiter to comply with staff recommendation to deny Variance #2.

Upon roll call the vote to deny was 12 ayes and 1 nay as follows:

Lynn Dayvault	nay	Frank McConnell	aye
Steve Ferguson	aye	Kathy McCreary	aye
Susan Givens	aye	Susan Reiter	aye
Dan Helton	aye	Joe Roberts	aye
Heidi Horak	aye	Robert Shogren	aye
Kevin Johnson	aye		
Pam MacIntyre	aye		
Bill McAlduff	aye		

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Motion was made by Ms. Givens and seconded by Mr. McAlduff to approve Variance #3 as requested.

Upon roll call the vote to approve was 6 ayes and 7 nays as follows:

Lynn Dayvault	aye	Frank McConnell	aye
Steve Ferguson	nay	Kathy McCreary	nay
Susan Givens	aye	Susan Reiter	nay
Dan Helton	aye	Joe Roberts	nay
Heidi Horak	nay	Robert Shogren	aye
Kevin Johnson	nay		
Pam MacIntyre	nay		
Bill McAlduff	aye		

Motion was made by Mr. Ferguson and seconded by Ms. Reiter to comply with staff recommendation to deny Variance #3.

Upon roll call the vote to deny was 9 ayes and 4 nays as follows:

Lynn Dayvault	nay	Frank McConnell	aye
Steve Ferguson	aye	Kathy McCreary	aye
Susan Givens	nay	Susan Reiter	aye
Dan Helton	nay	Joe Roberts	aye
Heidi Horak	aye	Robert Shogren	aye
Kevin Johnson	aye		
Pam MacIntyre	aye		
Bill McAlduff	nay		

The Board recessed at 3:35 pm.

Ms. Givens left the meeting at 3:45 pm due to illness.

The Board reconvened at 3:51 pm.

The City Attorney left the meeting at 3:51 pm after ascertaining she was not needed for the LPA meeting.

6. CITY PLANNER/CITY ATTORNEY REPORT/COMMENTS:

There were no comments.

***The Chair corrected the approval of the minutes to reflect that they were approved by unanimous consent.**

7. OLD BUSINESS:

Ms. MacIntyre referred to the minutes of November 20th regarding some items that were never concluded. Ms. MacIntyre named a fee for extensions of applications as one of the items.

Mr. Roberts suggested that all fees be reviewed by the City Commission.

The City Planner stated that City fees are reviewed every year through the budget process and that the last two years she has done the analysis which is then taken to the City Commission with adjusted fee schedule recommendations. Ms. Rosetti noted that when the fee for extensions review was initiated she intended to include it with her yearly analysis.

Ms. MacIntyre continued with another item that was not concluded which was a suggestion by Mr. Sierra to have the minutes relating to a site plan modification included with the staff report. Another item was a request by Mr. Roberts for a clarification of the City Attorney attendance requirements.

ACTION:

Motion was made by Mr. Roberts and seconded by Ms. MacIntyre to request from the City Manager a determination of the City Attorney's required attendance at Board meetings. Motion was passed by unanimous consent.

8. NEW BUSINESS:

Ms. MacIntyre raised a question regarding Board members liability which had been discussed at a previous meeting and she was informed by the Chair that this could be another item included in the request from the City Manager.

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9. ADJOURNMENT:

Motion was made by Mr. McConnell and seconded by Ms. MacIntyre to adjourn. The meeting was adjourned at 4:05 pm.

The next meeting of the P & Z Board will be April 16, 2009 at 2:00 pm.

There will be an LPA meeting immediately following the P & Z meeting.

Ms. McCreary noted that she will be unable to attend the April 16th meeting.

A J. Sarko
Recording Secretary

Heidi Horak
Chair