

MINUTES OF MEETING OF THE PLANNING AND ZONING BOARD HELD AT TOWN HALL, BELLEAIR, FLORIDA ON JANUARY 13, 2014 AT 5:30 PM

MEMBERS PRESENT: Gloria Burton, Vice Chairman
Rogers Haydon
Jim Millspaugh
Peter Marich
Randy Ware

MEMBERS ABSENT: Bonnie Sue Brandvik, Chairman
Allen Acken

OTHERS PRESENT: JP Murphy, Assistant Town Manager
Stephen R. Fowler, Commission Advisor

Quorum present with Mrs. Burton presiding; the meeting was called to order at 5:30 pm.

APPROVAL OF MINUTES – DECEMBER 16, 2013

Mr. Ware moved approval of the minutes for the December 16, 2013 meeting as submitted. Motion was seconded by Mr. Haydon and approved unanimously.

CITIZENS COMMENTS

There were no citizens' comments.

REQUEST FOR VARANCE – 1357 PINELLAS RD. – BRAND SHANK

Mrs. Burton advised that persons with standing who were planning to speak at the meeting must sign in and be sworn in by the town clerk.

Mrs. Burton further asked if there had been any ex parte communications between any board member and the applicant.

There were no ex parte communications.

Those planning to speak regarding the request were sworn in by the deputy town clerk.

Mr. Murphy provided background on the property located at 0 Pinellas Rd. (1357 Pinellas Rd.); stated that the applicant was requesting a variance that would allow for a non-conforming building lot; that the building lot would be 75 ft in width which was 5ft. less than the minimum 80 ft. lot frontage width requirement for R-1 single family residential zoning; that the proposed new building lot would be 9,375 sq. ft. in area, which was 625 sq. ft. less than the minimum 10,000 sq. ft. lot area requirement for R-1 zoning; stated that the board and commission previously approved the same variance request in 2008 though no action was taken on the permit.

REQUEST FOR VARNANCE – 1357 PINELLAS RD. – BRAND SHANK, cont.

Brand Shank, 505 Rebstock Blvd., Palm Harbor, stated that he was not aware that the variance could expire; that he had plans drawn for the house, however the market went south and he held off on the building of the home; that he was now ready to begin the construction of the new home.

Mr. March stated that he was in favor of the request.

Mr. Haydon and Mr. Millspaugh concurred with Mr. March and stated that they were both in favor of the variance request.

Mr. Millspaugh stated that the request was a minor exception; that to him, it was a classic example of a hardship; that the lot was smaller than the typical lot in the area; that there were a few homes located on the street that appeared to be on small lots; that he was impressed that the proposed structure sat within the setbacks that were required; that unless there was a major objection from a neighbor, that he was in favor of the request.

Mr. Ware inquired as to the lot size and the time frame of when the R-1 designation was created.

Mrs. Burton provided information regarding the history of the property; stated that the neighbors next to the property in question, that was owned by the Nodines, was not the correct size; that she was on the commission when the lots were divided; that she felt that the town should look at this with some favor because the town allowed the lot sizes; stated that she agreed with the proposed variance because the structure would be within the required setbacks; that in her opinion that was favorable; that the zoning of that property had not changed since the beginning in the 70's.

Donna Carlen, town clerk stated that the districts were created back in the early 70's or before; that when the codes were amended, they did not change any zoning designations or lot sizes; that there were very few substandard lot sizes in Belleair.

Mrs. Burton asked if there was anyone with standing that was present who wished to speak in favor or against the request.

Mr. David Wieteska stated that he did not wish to speak against the variance request; stated that he wished to express some concerns; stated that his property abutted the property on the south; stated that the proposed building would be very close to the setbacks; spoke about two trees that had been removed from the property; expressed his concerns with the 20 inch eave overhang located on the south side of the proposed structure and the rain runoff coming from the second storey roof; that he thought that the original request was for a single storey home.

Mr. Murphy stated that all property structures being built should contain all water and runoff from the property on site, either through the gutter system as well as any onsite drainage; that this was a matter of code; that Mr. Shank did receive tree permits to remove the two trees.

REQUEST FOR VARANCE – 1357 PINELLAS RD. – BRAND SHANK, cont.

Discussion ensued regarding the minimum required setbacks; regarding the footprint and overhang of the proposed new structure.

Mr. Millspaugh read into the record a letter from Christine R. Nodine.

Mr. Shank stated that the oak tree was diseased and had holes in the middle of the trunk; that with a strong wind, it could have fallen over and was within reach of two houses; that the tree that was removed in the back was an evasive species; stated that the Nodines spoke in favor of his variance request originally; that he had not done a full set of plans for the first variance request because it was contingent upon the purchase of the lot.

Mrs. Burton closed the floor for comments.

Mr. Ware stated that he thought that some of the concern from Mr. Wietska would be a building department issue regarding the drainage and to mitigate the water into different directions on the property.

Mr. Murphy stated that property and structure was required to have water and runoff mitigated and kept on the property site.

Mr. Haydon moved to approve the variance request as written. Motion was seconded by Mr. Marich.

Discussion:

Mr. Haydon stated that the structure was within the required setbacks according the town codes; stated that the site plan submitted was not a survey and did not include the easement, however the easement was there; stated that the tree removal was permitted; spoke about the gutter systems and requirements for drainage and water runoff; spoke about the design of the structure and site plan elevations; stated that any privacy issues looked to have been addressed.

Discussion ensued regarding water runoff and drainage.

Vote on the motion was taken and carried unanimously.

Mrs. Burton stated that the planning and zoning board was sending a recommendation for approval to the commission; that the applicant should attend the commission meeting next week and to keep in touch with staff at Town Hall.

COMMISSION ADVISOR'S REPORT

Commissioner Fowler stated that the commission had received a request for a study regarding the town becoming golf cart friendly; asked the board to give the issue some thought; stated that it may come before them in the near future.

COMMISSION ADVISOR’S REPORT, cont.

Discussion ensued regarding street legal golf carts; regarding the requirements needed for the carts to become street legal; regarding other communities allowing golf carts.

Mr. Murphy stated that because the golf carts were slow-moving vehicles, they have to be specifically allowed by the governing jurisdiction; that they were specifically disallowed by any State road; stated that he thought that Indian Rocks Beach allowed golf carts; stated that none of the neighboring communities allow them.

Mr. Marich expressed his concerns regarding the golf carts.

Mr. Fowler stated that the only areas where the residents might drive carts to would be to the recreation center, Town Hall or to the golf clubs.

Mr. Murphy stated that a golf cart friendly zone could be created or a golf cart corridor; stated that those carts that are currently converted to street legal, can operate on the road; that you cannot operate a regular golf cart on the road; spoke about the town’s trash vehicles.

Commissioner Fowler spoke about the award of contract for the Indian Rocks Rd. and Ponce de Leon intersection improvements; stated that construction would start in the next 3-4 weeks.

Discussion ensued regarding the Indian Rocks Rd. and Ponce de Leon intersection improvements.

ADJOURNMENT

There being no further business to come before the board the meeting was adjourned in due form at 6:15 p.m.

APPROVED:

Chairman

Approved: 2/10/2014