



PLANNING AND ZONING BOARD
HEARING MINUTES
November 9, 2016

Members Present: John Creighton, Steve Suzanski, Bob Decker, Randy Kontoupsis, Doug Taylor and Roland Arellano (alternate).

CALL TO ORDER

Chairman Creighton called the November 9, 2016 meeting of the Planning and Zoning Board to order at 8:30 a.m. The meeting was held at the Town Hall building at 190 - 173rd Avenue East, North Redington Beach, Florida.

ESTABLISH A QUORUM

A quorum of the Board was confirmed.

PROOF OF NOTICE

The Deputy Town Clerk substantiated that the meeting was posted as required.

APPROVAL OF MINUTES

Chairman Creighton asked for any comments or corrections of the Minutes of October 12, 2016. A correction was proposed by Chairman Creighton in ninth paragraph where Mr. Juneau made his presentation. Please change the sentence that says, "The building department told them that the dock repair exceeds 50% and would require a variance since the dock exceeds the allowable length of 36 feet" to "The building department told them that since it's a non-conforming dock a permit could not be issued and it would require a variance." Board member Bob Decker made a motion to approve the minutes as amended, which was seconded by Steve Suzanski and approved by affirmation.

I. APPEAL FROM ADMINISTRATIVE RULING REQUESTED BY 232 Bath Club Boulevard North.

Chairman Creighton stated that the Planning and Zoning Board are volunteers made up of five members and up to three alternates which are residents of the community. The Board is appointed by the Board of Commissioners to serve a three-year term. The Board members must abide by the rules as outlined in the Code of Ordinances and The Sunshine Law. An Appeal to the decision of the Board would be made to the Town Clerk within 30 days of the hearing.

Chairman Creighton introduced Town Attorney Jay Daigneault and Florida Municipal Services, Inc., Building Official, Sprague Owings. The Planning and Board Members introduced themselves.

Chairman Creighton explained that the appeal hearing process is different than a variance. Chairman Creighton read the Shipley's application requesting a hearing to consider an appeal of Administrative Ruling to repair existing dock in exact same footprint by removing decking, framing and replacing any old and deteriorated piles that are discovered after removing framing and decking. The building department has said that the dock exceeds the allowable length of 36 feet. They are making the request since this is a repair permit and there is no provision in the municipal code for repairs to existing docks.

Town Attorney Daigneault recapped the hearing from October when the board heard the variance request to repair the existing dock of 43 feet. Mr. Owings said a variance was required because of the non-conforming length. Then there was a question raised if a variance was required at all. Town Attorney Daigneault said that by Ordinance 98-64 (1) of the town code, the board is to review if the building official was correct that a variance is required for the repair. If you feel that the building official was correct then they can move to the

second item on agenda which is the continuation of the variance.

Deputy Clerk Schmader swore in the persons wishing to speak.

Town Attorney Daigneault introduced Patrick Perez who was hired in his office.

Building Official Sprague Owings reviewed his determination. The town ordinance does not give any provisions on working on a non-conforming dock. The previous permits were made for modifications to the dock, not to build the dock to 43 feet. If the dock wasn't permitted for 43 feet, then it is an illegal non-conforming dock. Chairman Creighton asked for counsel's opinion about non-conforming or conforming. Town Attorney Daigneault stated that there are three terms non-confirming, conforming and illegal. Conforming means compliant with all the town's ordinances, and in this case since the inception of the dock length code in 1954 of 36 feet dock. Non-conforming means that it was built before the governing code, prior to 1954. And then that would be a non-conforming, grandfathered structure. An illegal structure is exactly that, built without a permit and not within ordinance allowances. Town Attorney Daigneault stated that he reviewed the application evidence documentation and didn't see anything that suggested that this dock was ever permitted at 43 feet. Unless there is evidence to show that, no dock or pier may extend past 36 feet.

Charles Juneau of Tampa Docks said that the permits that were attached to the variance application were all approved by Pinellas County and the municipal government. Town Attorney Daigneault commented on the dock permitting process at Pinellas County. The permit goes to the Department of Water and Navigation. They are supposed to get municipal approval before permitting a dock, but do a poor job. Town Attorney Daigneault continued that the dock was permitted by the county at 43' without a municipal variance, which means it's still an illegal structure and any work to it would require a variance. Variances are not granted due to permits issued in error, such as the building department making a mistake. Charles Juneau asked if a permit is really required for the repairs? Town Attorney Daigneault stated that no dock can be beyond 36 feet. Building Official Owings spoke of the town's provision about 50% repair. 50% or less can be done to a non-conforming structure by permit, but more will make the structure have to come into full compliance. Town Attorney Daigneault does not find that the 50% provision is applicable in this appeal. Chairman Creighton read the appeal again. Mr. Owings feels for the residents but stated there are no ordinances that allow for the dock to be repaired.

Chairman Creighton asked the board if Mr. Owings was correct in his determination? Randy Kontoupsis made a motion to affirm the decision of the building official and require a variance. The motion was seconded by Bob Decker and approved by affirmation.

With no further discussion, Chairman Creighton asked for a roll call to be taken on the appeal.

Randy Kontoupsis	Yes
Doug Taylor	Yes
Steve Suzanski	No
Bob Decker	No
John Creighton	Yes

The ruling of the building official has been upheld.

2. CONTINUED FROM OCTOBER 12, 2016 - HEARING ON VARIANCE REQUEST BY 232 Bath Club Boulevard North. Town Attorney Daigneault asked if there was any additional evidence to be presented by resident to the board, which there was not. He then stated that by passing this variance, the board would be authorizing the dock to be legally at 43 feet and then a permit to be issued for repairs. Town Attorney Daigneault reminded the board that at the October hearing they reviewed criteria and is not necessary to repeat now. Town Attorney Daigneault stands by his prior comments at that meeting on criteria.

With no further discussion, Chairman Creighton asked for a roll call to be taken on the variance request.

Randy Kontoupsis	Yes
Doug Taylor	Yes
Steve Suzanski	Yes
Bob Decker	Yes
John Creighton	Yes

The Variance request is approved.

ANY OTHER ITEM(S) TO COME BEFORE THE BOARD/MISCELLANEOUS

No discussion.

A motion was made to close the meeting by Steve Suzanski, and was seconded by Randy Kontoupsis and approved by affirmation.

Meeting Adjourned at 9:31 a.m.

Respectfully submitted,



Renee Schmader
Deputy Town Clerk