



**PLANNING AND ZONING BOARD
HEARING MINUTES
April 26, 2017**

Members Present: John Creighton, Steve Suzanski, Randy Kontoupsis, John Mace (alternate) and Roland Arellano (alternate).

CALL TO ORDER

Chairman Creighton called the April 26, 2017 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.

PROOF OF NOTICE

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

ESTABLISH A QUORUM

A quorum of the Board was confirmed.

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

APPROVAL OF MINUTES

Chairman Creighton asked for any comments or corrections of the Minutes of November 9, 2016. With there being no comments or corrections, board member Steve Suzanski made a motion to approve the minutes, which was seconded by Randy Kontoupsis and approved by affirmation.

Chairman Creighton asked for any comments or corrections of the Minutes of April 12, 2017. With there being no comments or corrections, board member John Mace made a motion to approve the minutes, which was seconded by Steve Suzanski and approved by affirmation.

1. HEARING ON VARIANCE 16811 GULF BOULEVARD – SHERMEE LLC.

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. Mr. Creighton reviewed the five criteria from the Code of Ordinances.

Today the Board will be hearing a Variance Application for 16811 Gulf Boulevard. John Messmore is the principal owner. Chairman Creighton asked if any board members required an Ex Parte Communication form for visiting the property or communicating with the owner. None were requested.

Chairman Creighton asked Deputy Clerk Schmader to swear in the public wishing to speak at the hearing. The entire audience was sworn in.

Robert Pergolizzi from Gulf Coast Consulting, Inc. made the presentation. Mr. Pergolizzi stated that the property is .17 acres and that this variance request is for relief for lot area and lot depth. The North Redington Beach code states that the CL zoning district must have a minimum of 10,000 square feet of area and a depth of 100 feet. This property is 7,300 SF and has a depth of 60 feet.

Chairman Creighton asked for a motion to grant the variance to reduce the minimum lot area for the property to 7,360 square feet, and to reduce the required depth to 60 feet, in order to develop 16811 Gulf Boulevard for use within the CL District which would open the variance for discussion. The motion was made by Steve Suzanski and seconded by Randy Kontoupsis.

Chairman Creighton stated that the application is now open for discussion and asked for a legal interpretation. Town Attorney Daigneault suggested the applicant make the full presentation at this time.

Mr. Pergolizzi stated the property used to be a single family home – which is a non-conforming use in the CL district. However, the house was gone when Mr. Messmore purchased the property a few years back. The CL district allows for light commercial use. The owner seeks to build a business on the site – small retail bakery/deli. He intends to have outdoor seating for customers with landscaping, vehicle parking and a bike rack. However, for this to be built, he needs lot area and lot depth relief. Mr. Pergolizzi reviewed the five criteria from the ordinance.

Chairman Creighton asked about the height of the building as it was not on the concept plan. Mr. Pergolizzi stated that the height limit is 40 feet above base flood elevation in that district – but the building could possibly be 25 feet.

Town Attorney Daigneault gave his legal analysis of the application. He stated that he agrees that the five criteria have been met. However, he commented that with number 5 – the variance requested will be in harmony with the general intent and purpose of the zoning chapter and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare - the board should be aware that you are not making a site plan approval at this meeting. Because the applicant provided a concept plan with their application, you may wish to place a condition on the variance to a final site plan review. Town Attorney Daigneault commented that all terms have been met with this variance application, which is very rare but is the exact reason why this process exists.

Chairman Creighton asked for any public comments. Karen Pace of 21 Bath Club Circle lives right behind the Sweet Sage Restaurant. She is very concerned with the parking on her street. She commented that when the property was used as a parking lot before, the cars would use her driveway to turn around and many cars would park on the street – creating a lot of traffic. Chairman Creighton stated that the CL has guidelines for parking, the building regulations and outside dining rules. All that the board is doing is reviewing the application for variance regarding lot area and depth. The board is not authorizing the construction of any building – just allowing something to be built. Momiko and Paulina Pachowicz that owns The Billows next door to the property at 16813 Gulf Boulevard asked if this variance would be changing any of the CL regulations that may allow them to do something with their motel. Chairman Creighton stated that it would not affect them, only allow for something to be built on that lot. If they have questions or suggestions about the CL district they should come to town hall or speak to the Board of Commissioners. Changes would actually be a part of the Comprehensive Plan. Chairman Creighton said that he appreciated the comments from the audience.

Building Official Sprague Owings asked that if the board does not grant the variance what would it do to the property/lot? Chairman Creighton said that without the variance no one could build anything on the property. Town Attorney Daigneault stated that the circumstance with this lot is that it was probably platted 70 something years ago – this a classic reason for a variance. The lot size is peculiar and that does not come from the actions of the applicant. However, when the property was purchased a few years ago, all the CL regulations were in place and nothing has changed.

Board discussion ensued regarding the CL district. Chairman Creighton asked Deputy Clerk Schmader if there are any other small sized lots in CL similar to this one. Deputy Clerk answered that she and Town Clerk had checked and there are not. Town Attorney Daigneault stated that variances are always granted on a case by case basis and would not be setting precedence. Chairman Creighton felt that by granting this

variance it would be good for the town and that this is a unique property.

An Amended motion was made by Steve Suzanski to grant the variance to reduce the minimum lot area for the property to 7,360 square feet, and to reduce the required depth to 60 feet, in order to develop it for use within the CL District and the condition that the site plan submitted by the applicant be in substantial conformance with the concept plan submitted with the application. The motion was seconded by John Mace.

Roll Call was taken:

Roland Arellano	Yes
John Mace	Yes
Steve Suzanski	Yes
Randy Kontoupsis	Yes
John Creighton	Yes

The variance request is approved as amended.

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

Chairman Creighton welcomed new alternate member John Mace to the Planning and Zoning Board and thanked him for volunteering.

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

Meeting Adjourned at 9:06 a.m.

Respectfully submitted,



Renee Schmader
Deputy Town Clerk