

INDIAN SHORES

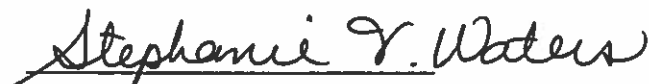
Ph 727.595.4020 Fax 727.596.0050
19305 Gulf Boulevard, Indian Shores, FL 33785
www.myindianshores.com

Board of Adjustment & Appeals

Friday, July 14, 2017, 2:00 P.M.

Indian Shores Municipal Center, Fourth Floor

1. Approval of Agenda
2. Public Comments on any Agenda item
3. Approval of Minutes of July 20, 2015. (Ref.: Pgs. 1-2)
4. Organization of Officers
 - Nomination of Chairperson
5. Discussion of Sunshine Law and Public Records. (Ref.: Pgs. 3-6)
6. Discussion regarding Rules of Procedure, including Quasi-judicial proceedings
7. Open discussion
8. Set time and date for next meeting.



Stephanie V. Waters, CMC
Town Clerk

Any person who decided to appeal any decision of the Board of Adjustment and Appeals with respect to any matter considered at any such meeting will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes that testimony and evidence upon which the appeal is to be based.

Any person with a disability requiring reasonable accommodation in order to participate in this meeting should contact the Town Clerk's office with your request. Phone 727.595.4020, Fax 727.596.0050.

Patrick C. Soranno
Mayor

Diantha Schear
Vice Mayor

Mike Hackerson
Councilor

Michael (Mike) Petruccelli
Councilor

William F. (Bill) Smith
Councilor

Bonnie Dhonau
Town Administrator

Terry E. Hughes
Chief of Police

Susan L. Scrogam
Director of Finance
and Personnel

Stephanie V. Waters
Town Clerk

Gregory Yantorno
Building Official

Regina Kardash, Esq.
Town Attorney

Town of Indian Shores



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BOARD OF ADJUSTMENT

MINUTES – 20 JULY 2015

The Indian Shores Board of Adjustment convened at 3:00 P.M. Those present were: Lindsey Noble, Mike Hackerson, Joe Tawil, Gene Thompson and Karl Olander.

Also Present: Mayor Lawrence; Councilor Schear; Councilor Smith; Elaine Jackson, Town Clerk; Malcolm Green, Building Official; Attorney Regina Kardash; Michelle Tidwell, Permit Clerk; Georgia Tawil; Fred Strahlendorf; Janet McKee; Mark McKee; Art Newsome; Evelyn Page and Robert Lyons.

Item No.

1.0 Organization of Officers: Nomination of Chairperson

Lindsey Noble nominated Mike Hackerson as Chairperson. Karl Olander seconded. Vote passed 5-0.

Lindsey Noble nominated Joe Tawil as Vice Chairperson. Karl Olander seconded. Vote passed 5-0.

2.0 PUBLIC HEARING: Consideration of a request from CMLTG LLC, located at 19519 Gulf Blvd., Indian Shores, Florida 33785 (Dolphin Key), for a variance from Section 110-442 (d)(3) – Location of parking spaces.

Attorney Kardash stated the hearing was a quasi-judicial proceeding. The Board may only consider evidence that is presented. All evidence and testimony will be under oath and the board is bound by the considerations that are laid out in the Code of Ordinances: (1) whether or not this request qualifies for a variance or whether special conditions or circumstances exist which are peculiar to the land, structure, building or occupancy involved which are not generally applicable to others in the same zoning district; (2) whether or not such special conditions or circumstances result from the actions of the applicant, and (3) whether or not granting the variance requested will be contrary to the public interest or have a detrimental effect upon adjoining properties or the neighborhood (4) whether or not a literal interpretation or enforcement of Chapter 10 would deprive the applicant of rights commonly enjoyed by owners of other properties in the same zoning district or would result in unnecessary or undue hardship to the applicant, (5) whether or not the variance requested or granted by the board is the minimum variance necessary to alleviate the hardship and whether or not granting the variance will be in harmony with the general intent of Chapter 10, The Comprehensive Plan and the Land Development Regulations of the Town of Indian Shores.

The Town Clerk administered the oath to those testifying.

James J. Lawrence
Mayor

Patrick C. Soranno
Vice Mayor

Michael "Mike" Petruccelli
Councilor

Diantha Schear
Councilor

William F. Smith
Councilor

Bonnie Dhonau
Town Administrator

Terry E. Hughes
Chief of Police

Walter H. Pierce, III
Director of Finance
and Personnel

Elaine N. Jackson, MMC
Town Clerk

Robert J. Metz, Jr.
Town Attorney

Malcolm Green
Building Official

Minutes – Page 2

Building Official, Malcolm Green, read a statement explaining CMLTG LLC is requesting the variance from section 110-422(d)(3), which requires all parking lots be located behind or to the side of the building. Their request is to allow for a front parking lot, as most existing building fronting Gulf Blvd. have their parking in front.

Mr. Green stated it was his belief that this section was adopted to prevent covered parking along Gulf Blvd. He further stated in the near future, he will ask Council for a revision of this code, since almost every other condominium complex in Town has parking in the front. He recommended the Board approve the request for variance.

Mr. Robert Lyons, 20001 Gulf Blvd., stated criteria #4 should be applied to this request, stating other properties have been built with front parking since the adoption of this Ordinance, which is most likely inactive. Most Bay-front and Gulf-front properties have parking behind the building, adjacent to Gulf Blvd. The project allows for 72 parking spaces, 8 more that required for the project. There will be a swimming pool and lighted walkways in the back of the building. There will be only one entrance and one exit onto Gulf Blvd. Mr. Brotherton and Mr. Green have reviewed the site plan and approved. An existing design and permit in on file that allows for 8 boat slips to be constructed.

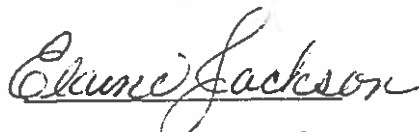
Mr. Green reported the site plan has been submitted for approval and will go to the Planning, Zoning and Building Committee at August 4, 2015. The building set-back requirements have been exceeded on the site plan. The site plan is available for review is the Board wishes.

No proponents spoke in favor of the project.

No opponents spoke in opposition to the project.

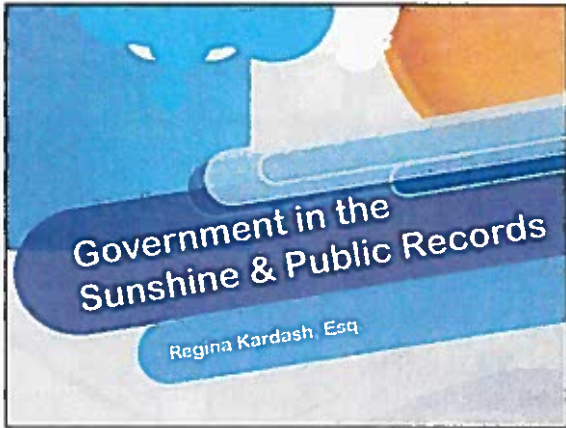
Motion by **Lindsey Noble** – seconded by **Karl Olander**, to grant the request from CMLTG LLC, located at 19519 Gulf Blvd., Indian Shores, Florida 33785 (Dolphin Key), for a variance from Section 110-442 (d)(3) – Location of parking spaces. **Motion carried 5-0.**

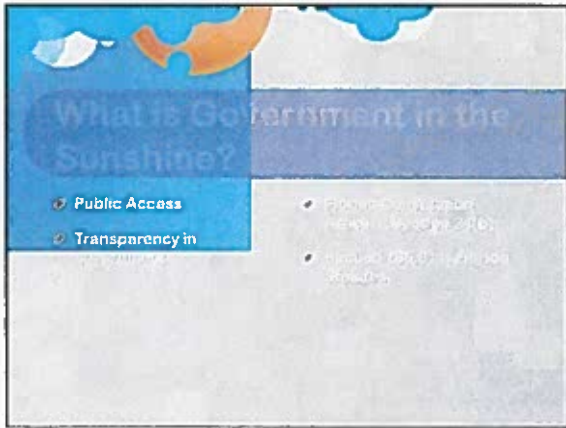
The Board of Adjustment meeting adjourned at 3:20 P.M.



Elaine Jackson, MMC

Town Clerk











What agencies are covered?

- State/County/Municipal Corporation/Political Subdivision
- Advisory Boards created by public agencies
- Not for:
 - Private Organizations
 - Federal Agencies



What is a meeting?

- Formal or informal gathering of two or more people
- Includes conversations
- Any communication, regardless of the form or medium
- Includes any communication that is intended to be heard by the public
- Includes any communication that is intended to be heard by the public



What is "open to the public"?

- Facilities: accessible and adequate
- No inaudible discussions
- The public has a right to present and to be heard

Exceptions

- Labor negotiations and collective bargaining
- Vendor solicitations
- Trade Meetings
- Emergency and public safety
- Security of the state

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1. meeting.
2. Subject matter confined to litigation.
3. Entire session recorded by court reporter.
4. Reasonable public notice date, time, those attending.
5. Transcript becomes public at the conclusion of the litigation.

Public Records Law

- Florida Constitution Article I, Section 24(a)
- Chapter 119, Florida Statutes

