

Town of Indian Shores

19305 Gulf Boulevard, Indian Shores, FL 33785
ph 727.595.4020 fax 727.596.0050

www.myindianshores.com



BOARD OF ADJUSTMENT MINUTES – JANUARY 27, 2010

THE BOARD OF ADJUSTMENT convened at 6 p.m., and was called to order by Attorney James L. Yacavone III.

Those present were Mr. James Sanderbeck, Chairperson; David Jolly, Karl Olander, Lindsey Noble, and Joe Canetta.

Also present: Councilor Smith, Lawrence G. Nayman, Building Official; Joyce Ciccarello, Administrative Assistant; Anne Miller, Jason Early, Alan Early, Connie Early, Jared Early, Gail Crosby, Jim Crosby, Robert Stone, and Robert Boyce.

Attorney Yacavone asked all witnesses who planned on submitting testimony to identify themselves for the record. Lawrence G. Nayman, Building Official; Jason Early, Gail Crosby, and Jim Crosby stood and took the oath.

ITEM NO.

PUBLIC HEARING

1.0

Appointment of Vice Chairperson.
Mr. Sanderbeck nominated Mr. Jolly as Vice Chairperson.

MOTION by Chairperson Sanderbeck seconded by Mr. Canetta to elect Mr. Jolly as Vice Chairperson of the Board of Adjustment.
Motion carried 5-0.

2.0

Consideration of a request from Mr. Jason Early, for a variance from Town Code Section 110-327 Setbacks. A variance is requested for property located within the Town Square at 19103 Whispering Pines Drive, Indian Shores, FL.

James J. Lawrence
Mayor

Joan G. Herndon
Vice Mayor

Carole Irelan
Councilor

Steve Sutch
Councilor

William F. Smith
Councilor

E.D. Williams
Town Administrator
Chief of Police

Mary Karayianes
Director of Finance
and Personnel

Marcia Grantham
Town Clerk

James Yacavone
Town Attorney

Lawrence G. Nayman
Building Code
Administrator

Mr. Nayman, Building Official, stated that the grandfathered screened porch, located at the above address, is only twenty-four inches off of the property line along Whispering Pines Drive, instead of the required five feet. Work to enclose the screened porch commenced prior to issuance of a permit, which Mr. Nayman said that he would not have approved a permit to enclose the screened porch since it is a legal non-conformity. Mr. Nayman does not recommend issuance of a variance due to the fact that granting a Variance will make the structure even more non-compliant.

A lengthy discussion ensued regarding the number of doors required, the existing screen porch being in existence since 1975, to the possibility of a conditional variance being issued.

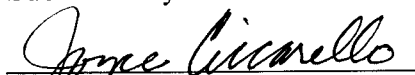
MOTION BY Mr. Sanderbeck and seconded by Mr. Olander to find that the Applicant has met the criteria for a variance contained in section 110-84 of the Code of Ordinances of the Town of Indian Shores and to grant the variance subject to the following conditions:

1. The improvement that the Applicant is constructing within the setback area on the property may be completed in a manner consistent with the construction that has already occurred.
2. The improvement that the Applicant is constructing within the setback area on the property may not extend beyond the footprint of the portion of the previous porch that was located within the setback area.
3. Once constructed, the improvement within the setback area on the property may not be extended or enlarged.
4. The improvement within the setback area on the property shall be permitted to remain for its natural life and no longer.
5. If the improvement within the setback area on the property should be destroyed or substantially damaged, the Applicant may not rebuild within the setback area and subsequent improvements or construction must conform to the requirements of all applicable codes, ordinances, laws, and statutes.
6. If there is any substantial reconstruction or improvement of the property or the improvement within the setback area, the Applicant may not rebuild within the setback area and all subsequent improvements or construction must conform to the requirements of all applicable codes, ordinances, laws, and statutes.
7. These conditions shall apply to all successors in interest and assigns of the Applicant.

MOTION carried 3-2 Mr. Noble and Mr. Jolly voted in opposition to the Motion.

The Board of Adjustment adjourned at 7:00 p.m.

Submitted by



JOYCE CICCARELLO
Administrative Assistant
Building/Planning Dept.