

INDIAN SHORES

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



Board of Adjustment & Appeals Tuesday, September 26, 2017, 1:00 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 14, 2017. (Ref.: Pgs. 1-4)
4. Robert's Rules "Cheat Sheet". (Ref.: Pgs. 5-9)
5. **PUBLIC HEARING: Quasi-Judicial**

Consideration of a request from Pier House One, located at 20019 Gulf Blvd, Indian Shores, FL 33785, for a variance relative to relocation of an exterior stairwell with impact on minimum building set-backs. (Ref.: Pgs. 10-16)

6. Open discussion
7. Set time and date for next meeting.

Stephanie V. Waters

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 Scheer
Vice Mayor

Mike Hackerson
Councilor

Michael (Mike) Petrucelli
Councilor

William F. (Bill) Smith
Councilor

Bonnie Dhonau
Town Administrator

Terry E. Hughes
Chief of Police

Susan L. Scrogam
Director of Finance
and Personnel

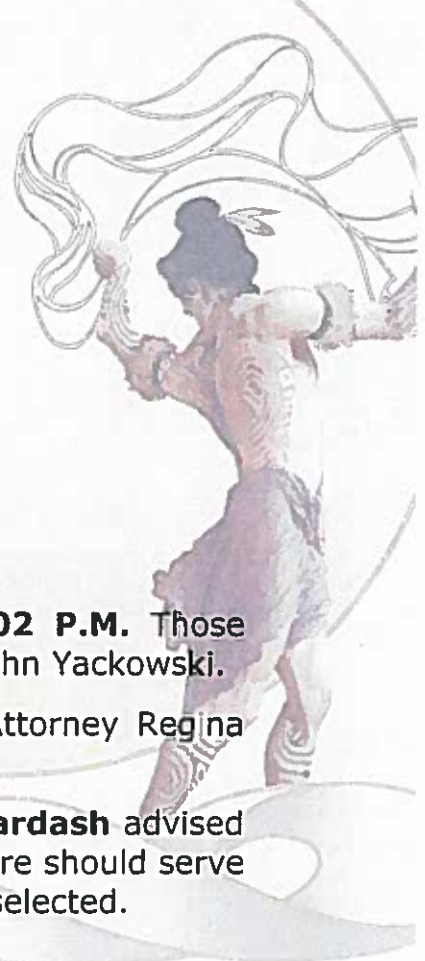
Stephanie V. Waters, CMC
Town Clerk

Gregory Yantorno
Building Official

Regina Kardash, Esq.
Town Attorney

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Board of Adjustment & Appeals

Minutes - Friday, July 14, 2017

The Arts Council Ad Hoc Committee convened at 2:02 P.M. Those present were: Karl Olander; Lindsey Noble; Joe Tawil; and John Yackowski.

Also Present: Town Administrator Bonnie Dhonau; Town Attorney Regina Kardash; Georgia Tawil; and Town Clerk Stephanie Waters.

The Board has not met since July 2015. **Town Attorney Kardash** advised that Karl Olander was the Vice-Chair at that time, and therefore should serve as Chair of the meeting until after item #4 when officers are selected.

1. Approval of Agenda

Motion by **John Yackowski** – seconded by **Lindsey Noble**, to approve the Agenda for July 14, 2017. **Motion carried 4-0.**

2. Public Comments on any Agenda item

There were no comments.

3. Approval of Minutes of July 20, 2015.

Motion by **Lindsey Noble** – seconded by **Joe Tawil**, to approve the Minutes of June 20, 2015. **Motion carried 4-0.**

4. Organization of Officers

- **Nomination of Chairperson**

Motion by **Lindsey Noble** – seconded by **Joe Tawil**, to select Karl Olander as Chair of the Board. **Motion carried 4-0.**

Patrick C. Soranno
Mayor

Diantha Schear
Vice Mayor

Mike Hackerson
Councilor

Michael (Mike) Petrucci
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Gregory Yantorno
Building Official

Regina Kardash, Esq.
Town Attorney

Motion by **Joe Tawil** - seconded by **Lindsey Noble**, to select Lindsey Noble as Vice-Chair of the Board. **Motion carried 4-0.**

5. Discussion of Sunshine Law and Public Records.

Town Attorney Kardash explained that the Sunshine Law applied to the members of the Board, as did the Public Records Laws, and that the meetings are also recorded because appeals of the decisions of the Board would go to Circuit Court.

Town Clerk Waters advised the Board to not reply all to emails due to these requirements, and to please reply directly to her.

Karl Olander asked about site visits by members of the Board to a property which is scheduled to be discussed at a meeting.

Town Attorney Kardash said a site visit is allowed if it is disclosed at the meeting and on the record.

Town Attorney Kardash explained that the Board conducts quasi-judicial hearings and so sits as judge essentially. She said they Board can only consider what is discussed and disclosed at the meeting, and any ex-parte communications must be disclosed on the record. She said it is important to tell the Board at the beginning of a meeting about any communications you have had regarding the case.

Town Attorney Kardash explained the requirements of an open, public meeting including notice of the meeting and the public's right to be heard. She also advised the Board of the Public Records requirements and recommended any email communications received about Board business be forwarded to the Town Clerk.

Joe Tawil asked how a meeting could be called if the Board is not allowed to communicate with each other.

Town Attorney Kardash said the Board members can contact the Town Clerk to coordinate a meeting, otherwise she would schedule them as applications are received.

Mr. Tawil asked what the consequences would be if the Board disagrees with the Building Official, and if they would be liable for making a decision that is overturned by the Circuit Court.

Town Attorney Kardash explained the Board has immunity if they are acting within their purview. She also explained the difference between this Board, and the Planning, Zoning and Building Committee's responsibilities.

6. Discussion regarding Rules of Procedure, including Quasi-judicial proceedings

Town Attorney Kardash began to review the draft procedures for the Board she had developed and the Resolution process. She discussed the amount of time the Board could allow for arguments.

Mr. Noble recommended the Town Clerk keep time during the meetings and that she track the time used by each party.

Town Attorney Kardash explained the oath given to those who will speak. She also explained that she serves as the Attorney for the Board, but that sometimes there may be a separate Attorney for the Building Official, since decisions may be appealed to the Circuit Court.

Mr. Tawil asked about the Sunshine Law and communications with the attorney.

Town Attorney Kardash explained she is their attorney, and communications with her are not subject to Sunshine. She further explained the proposed rules to disclosing ex-parte communications, as well as how hearsay applies in these proceedings.

Town Attorney Kardash advised the Board they can ask whatever questions they would like, that the public can speak even if not a party to the matter, and that the Board can suspend the rules if they feel more time is needed to get the information they want to decide.

Mr. Olander asked about Robert's Rules.

Town Attorney Kardash reviewed the basic procedures of a meeting and said she would provide the Board with a Robert's Rules cheat sheet.

The Board discussed the proposed rules, and agreed the rules would make the process clearer and that they found it helpful to them as the people running the meetings.

Motion by **Joe Tawil** – seconded by **John Yackowski**, to approve Resolution BAA-01-2017. **Motion carried 4-0.**

7. Open discussion

Mr. Olander commented that the Board did not have much leeway due to the nature of the hearings.

Mr. Tawil said he felt it important to stick close to the law.

Mr. Noble said he can remember only one hardship case, and there would have to be a very, very good reason to grant a hardship.

Town Attorney Kardash said that one decision does not necessarily create a precedent, but continued decisions of the same nature could.

Georgia Tawil said she hopes the Board will listen to what is said but also remember the rules are written for a reason. She said as a member of the public she supports the Board not deciding to deviate from the rules.

8. Set time and date for next meeting.

Town Clerk Waters advised the Board that an application for an Administrative Review had been received, and the hearing would be scheduled for August 16th at 1 p.m.

Motion by **Lindsey Noble** – seconded by **John Yackowski**, to adjourn the meeting. **Motion carried 4-0.**

The meeting adjourned at 3:08 p.m.


Stephanie V. Waters, CMC
Town Clerk

ROBERTS RULES CHEAT SHEET

| To: | You say: | Interrupt Speaker | Second Needed | Debatable | Amendable | Vote Needed |
|--|--|-------------------|---------------|-----------|-----------|---------------|
| Adjourn | "I move that we adjourn" | No | Yes | No | No | Majority |
| Recess | "I move that we recess until..." | No | Yes | No | Yes | Majority |
| Complain about noise, room temp., etc. | "Point of privilege" | Yes | No | No | No | Chair Decides |
| Suspend further consideration of something | "I move that we table it" | No | Yes | No | No | Majority |
| End debate | "I move the previous question" | No | Yes | No | No | 2/3 |
| Postpone consideration of something | "I move we postpone this matter until..." | No | Yes | Yes | Yes | Majority |
| Amend a motion | "I move that this motion be amended by..." | No | Yes | Yes | Yes | Majority |
| Introduce business (a primary motion) | "I move that..." | No | Yes | Yes | Yes | Majority |

The above listed motions and points are listed in established order of precedence. When any one of them is pending, you may not introduce another that is listed below, but you may introduce another that is listed above it.

| To: | You say: | Interrupt Speaker | Second Needed | Debatable | Amendable | Vote Needed |
|--|---|--------------------------------|---------------|---------------------------------------|-----------|-----------------------------|
| Object to procedure or personal affront | "Point of order" | Yes | No | No | No | Chair decides |
| Request information | "Point of information" | Yes | No | No | No | None |
| Ask for vote by actual count to verify voice vote | "I call for a division of the house" | Must be done before new motion | No | No | No | None unless someone objects |
| Object to considering some undiplomatic or improper matter | "I object to consideration of this question" | Yes | No | No | No | 2/3 |
| Take up matter previously tabled | "I move we take from the table..." | Yes | Yes | No | No | Majority |
| Reconsider something already disposed of | "I move we now (or later) reconsider our action relative to..." | Yes | Yes | Only if original motion was debatable | No | Majority |
| Consider something out of its scheduled order | "I move we suspend the rules and consider..." | No | Yes | No | No | 2/3 |
| Vote on a ruling by the Chair | "I appeal the Chair's decision" | Yes | Yes | Yes | No | Majority |

The motions, points and proposals listed above have no established order of preference; any of them may be introduced at any time except when meeting is considering one of the top three matters listed from the first chart (Motion to Adjourn, Recess or Point of Privilege).

PROCEDURE FOR HANDLING A MAIN MOTION

NOTE: Nothing goes to discussion without a motion being on the floor.

Obtaining and assigning the floor

A member raises hand when no one else has the floor

- The chair recognizes the member by name

How the Motion is Brought Before the Assembly

- The member makes the motion: *I move that (or "to") ...* and resumes his seat.
- Another member seconds the motion: *I second the motion* or *I second it* or *second*.
- The chair states the motion: *It is moved and seconded that ... Are you ready for the question?*

Consideration of the Motion

1. Members can debate the motion.
2. Before speaking in debate, members obtain the floor.
3. The maker of the motion has first right to the floor if he claims it properly
4. Debate must be confined to the merits of the motion.
5. Debate can be closed only by order of the assembly (2/3 vote) or by the chair if no one seeks the floor for further debate.

The chair puts the motion to a vote

1. The chair asks: *Are you ready for the question?* If no one rises to claim the floor, the chair proceeds to take the vote.
2. The chair says: *The question is on the adoption of the motion that ... As many as are in favor, say 'Aye'. (Pause for response.) Those opposed, say 'Nay'. (Pause for response.) Those abstained please say 'Aye'.*

The chair announces the result of the vote.

1. *The ayes have it, the motion carries, and ...* (indicating the effect of the vote) or
2. *The nays have it and the motion fails*

WHEN DEBATING YOUR MOTIONS

1. Listen to the other side
2. Focus on issues, not personalities
3. Avoid questioning motives
4. Be polite

HOW TO ACCOMPLISH WHAT YOU WANT TO DO IN MEETINGS

MAIN MOTION

You want to propose a new idea or action for the group.

- After recognition, make a main motion.
- Member: "Madame Chairman, I move that _____."

AMENDING A MOTION

You want to change some of the wording that is being discussed.

- After recognition, "Madame Chairman, I move that the motion be amended by adding the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words _____."
- After recognition, "Madame Chairman, I move that the motion be amended by striking out the following words, _____, and adding in their place the following words _____."

REFER TO A COMMITTEE

You feel that an idea or proposal being discussed needs more study and investigation.

- After recognition, "Madame Chairman, I move that the question be referred to a committee made up of members Smith, Jones and Brown."

POSTPONE DEFINITELY

You want the membership to have more time to consider the question under discussion and you want to postpone it to a definite time or day, and have it come up for further consideration.

- After recognition, "Madame Chairman, I move to postpone the question until _____."

PREVIOUS QUESTION

You think discussion has gone on for too long and you want to stop discussion and vote.

- After recognition, "Madam President, I move the previous question."

LIMIT DEBATE

You think discussion is getting long, but you want to give a reasonable length of time for consideration of the question.

- After recognition, "Madam President, I move to limit discussion to two minutes per speaker."

POSTPONE INDEFINITELY

You want to kill a motion that is being discussed.

- After recognition, "Madam Moderator, I move to postpone the question indefinitely."

POSTPONE INDEFINITELY

You are against a motion just proposed and want to learn who is for and who is against the motion.

- After recognition, "Madame President, I move to postpone the motion indefinitely."

RECESS

You want to take a break for a while.

- After recognition, "Madame Moderator, I move to recess for ten minutes."

ADJOURNMENT

You want the meeting to end.

- After recognition, "Madame Chairman, I move to adjourn."

PERMISSION TO WITHDRAW A MOTION

You have made a motion and after discussion, are sorry you made it.

- After recognition, "Madam President, I ask permission to withdraw my motion."

CALL FOR ORDERS OF THE DAY

At the beginning of the meeting, the agenda was adopted. The chairman is not following the order of the approved agenda.

- Without recognition, "Call for orders of the day."

SUSPENDING THE RULES

The agenda has been approved and as the meeting progressed, it became obvious that an item you are interested in will not come up before adjournment.

- After recognition, "Madam Chairman, I move to suspend the rules and move item 5 to position 2."

POINT OF PERSONAL PRIVILEGE

The noise outside the meeting has become so great that you are having trouble hearing.

- Without recognition, "Point of personal privilege."
- Chairman: "State your point."
- Member: "There is too much noise, I can't hear."

COMMITTEE OF THE WHOLE

You are going to propose a question that is likely to be controversial and you feel that some of the members will try to kill it by various maneuvers. Also you want to keep out visitors and the press.

- After recognition, "Madame Chairman, I move that we go into a committee of the whole."

POINT OF ORDER

It is obvious that the meeting is not following proper rules.

- Without recognition, "I rise to a point of order," or "Point of order."

POINT OF INFORMATION

You are wondering about some of the facts under discussion, such as the balance in the treasury when expenditures are being discussed.

- Without recognition, "Point of information."

POINT OF PARLIAMENTARY INQUIRY

You are confused about some of the parliamentary rules.

- Without recognition, "Point of parliamentary inquiry."

APPEAL FROM THE DECISION OF THE CHAIR

Without recognition, "I appeal from the decision of the chair."

Rule Classification and Requirements

| Class of Rule | Requirements to Adopt | Requirements to Suspend |
|---------------------------------|---|--|
| Charter | Adopted by majority vote or as proved by law or governing authority | Cannot be suspended |
| Bylaws | Adopted by membership | Cannot be suspended |
| Special Rules of Order | Previous notice & 2/3 vote, or a majority of entire membership | 2/3 Vote |
| Standing Rules | Majority vote | Can be suspended for session by majority vote during a meeting |
| Modified Roberts Rules of Order | Adopted in bylaws | 2/3 vote |

TOWN OF INDIAN SHORES, FLORIDA

BOARD OF ADJUSTMENT AND APPEALS

1. Application for: Application No.: BAA-_____

Administrative Review (Sec. 110-63, Indian shores Code)
It is alleged that there is error in any order, requirement, decision of determination made by an administrative official in the enforcement of Chapter 110 or any applicable building ordinance, code or regulation as provided in Sec. 110-63.

Special Exception (Sect. 110-81, Indian Shores Code)
A zoning use that would not be appropriate generally or without restriction throughout the particular zoning district or classification, but which, if controlled as to number, area, location or relation to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals and the general welfare.

X Variance (Sec. 110-84, 110-87 to 110-88, Indian Shores Code)
Request for variance from the terms of Chapter 110 or the applicable building ordinances, codes and regulations as will not be contrary to the public interest when, owing to special conditions, a literal enforcement of the provisions of Chapter 110 or such ordinances, codes and regulations would result in unnecessary and undue hardship as provided in Sec. 110-84.

2. Name (if any), Address, and Legal Description of Real Property involved in Appeal:

Property Name: Pier House One

Property Address: 20019 Gulf Blvd

Legal Description: 10 unit condo

Building Permit Application No. _____

3. Owner of Property

Name: Bob Honchy

Mailing Address: 20019 Gulf Blvd

City Indian Shores State FL Zip 33785

Bus. Telephone (813) 270-9356 Res. Telephone()

4. Applicant (If not the owner of property involved in appeal)

Name D.W. Quick Construction Service LLC

Mailing Address 6800 Gulfport Blvd

City Indian Shores State FLA. Zip 33707

Bus. Telephone (727) 231-6400 Res. Telephone _____

Acting as Agent for Owner: ** (yes) or (No)

**Copy of letter designating applicant as agent must be submitted with this application.

5. Specific provisions of Indian Shores Code involved in appeal:

110-84

6. Appeal: (Concise and specific statement of issues(s) on which Board is requested to give a favorable decision.)

See attached
Need 4'4" variance to make stairs safe
This has no visible impact on public

7. Names and Mailing Addresses of All Affected.

Property Owners and Residents:

Pub Restaurant 20025 Gulf Blvd Indian Shores
Ms Bonley 20019 Gulf Blvd " "
Mr & Mrs Robert Hensley 20019 Gulf Blvd Indian Shores

8. Names of members of Town's Staff who are requested to be present at the Board's public hearing:

9. **Certification:**

I certify that, to the best of my knowledge, the information provided above is complete and accurate.

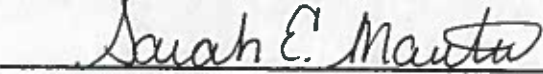


Signature of Applicant

08/19/17

Date of Application

Check for application fee of \$250.00 received: (Yes) (No)



Signature of person receiving fee and date received.

6/19/2017

Attn: Indian Shores Building Department
Re: Pier House One Condominium Complex
20019 Gulf Blvd.
Indian Shores, FL 33785

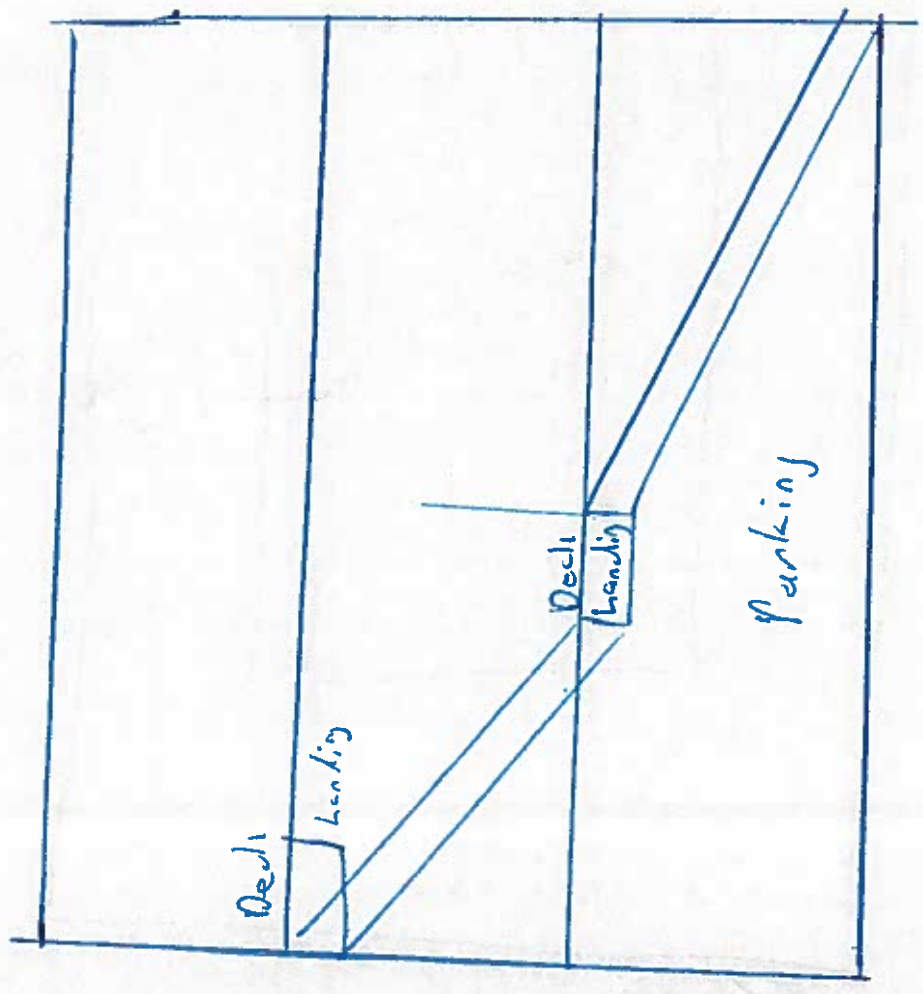
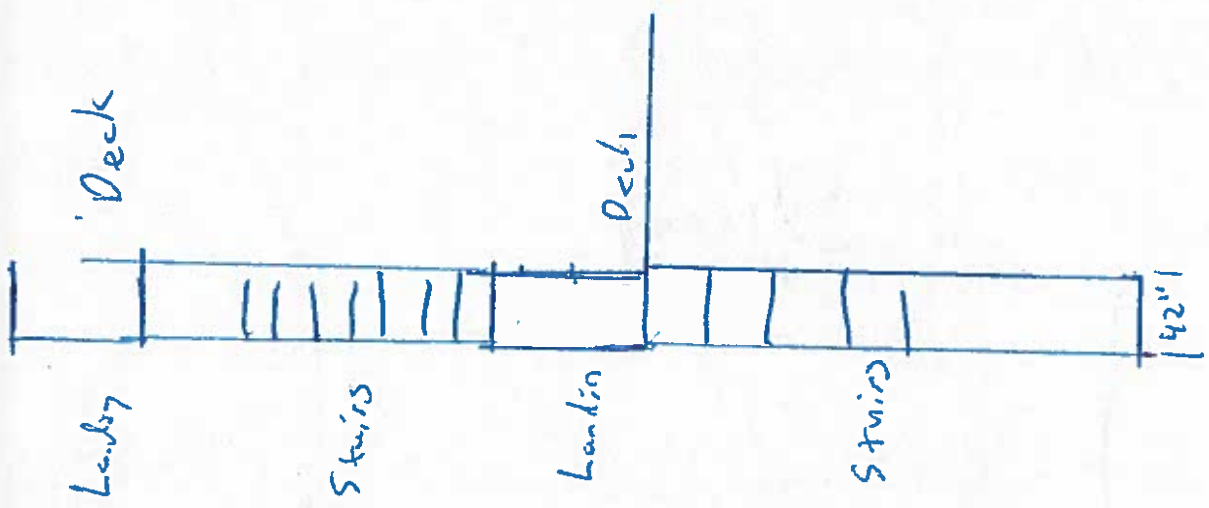
To All Parties involved:

Pier House One is asking for a variance to the use within the property line on the north end of the complex. Unit #9 and #10 have a set of stairs on the intercostal side of the complex which are unsafe due to the pitch of the stairs and the landing spaces are very tight (small). The space is very limited and difficult to maneuver. There have been guests of the complex as well as owners that have had difficulty navigating the pitch from level one to level two resulting in falls without injury. To avoid potential future injuries, we are asking for a variance permitting the complex to eliminate these stairs and build their replacement on the north end of the complex still within our property line.

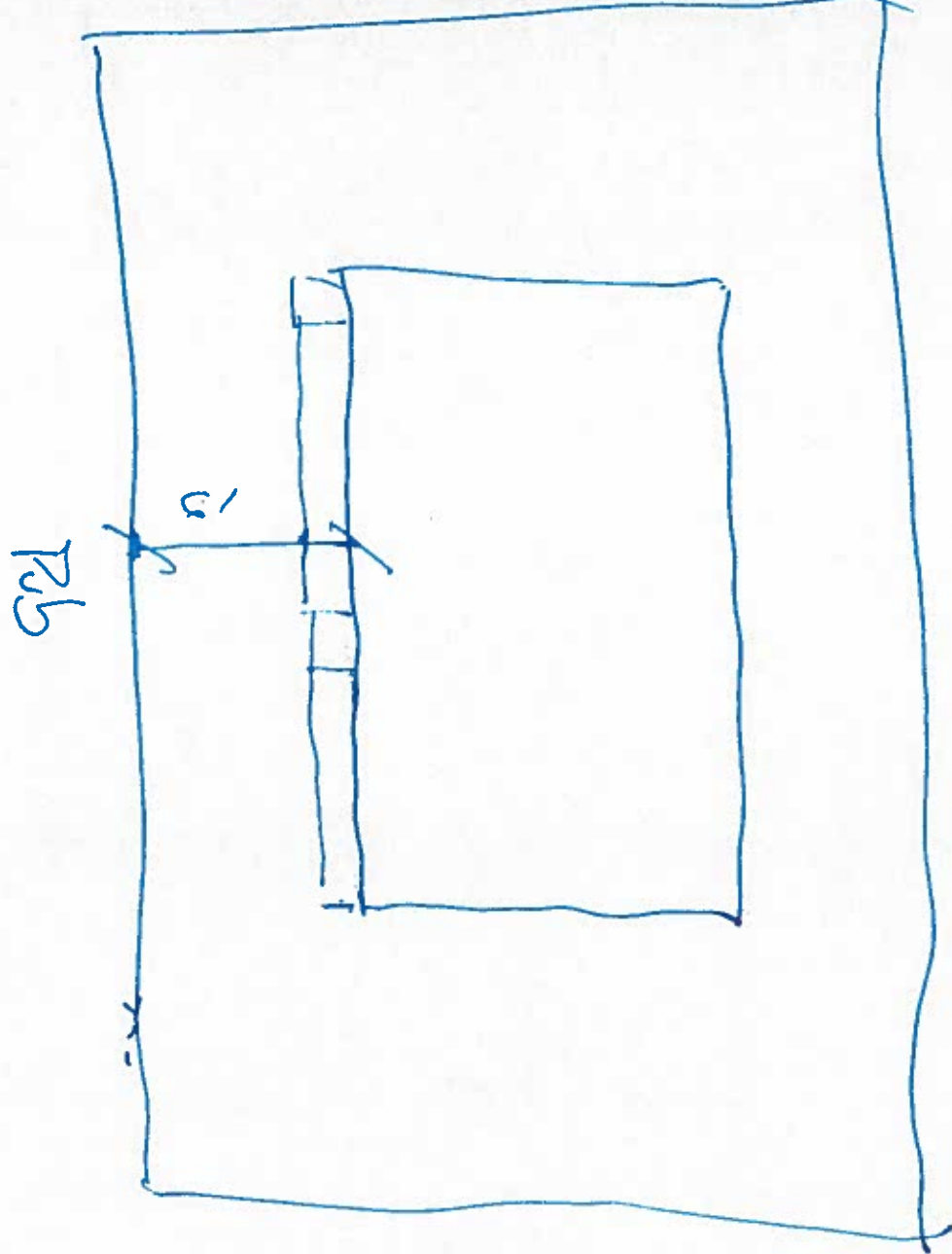
Thank you for the consideration and we look forward to your reply.

Robert Henchey

President of Pier House One HOA

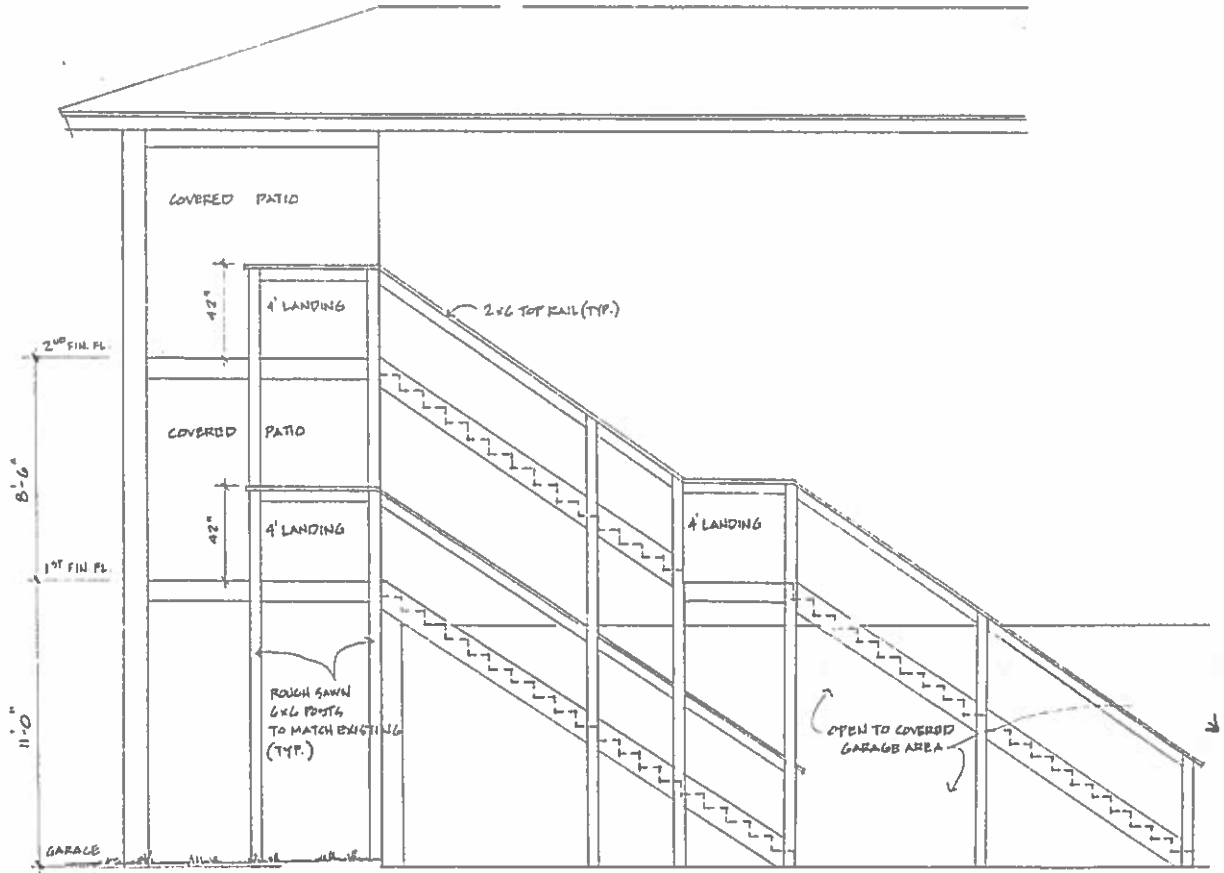


Inter Coastal



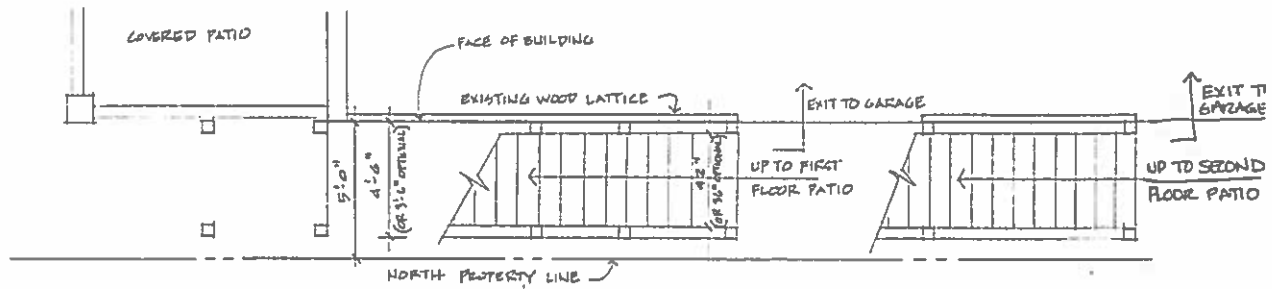
Gulf

AUG 15 2017



NORTH SIDE ELEVATION

1/4" = 1'-0"



SITE PLAN

1/4" = 1'-0"

